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Rules of
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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2025

Issue#	Rules Due Date	Date of Issue
1	December 23, 2024	January 3, 2025
2	December 30, 2024	January 10, 2025
3	January 6, 2025	January 17, 2025
4	January 13, 2025	January 24, 2025
5	January 21, 2025	January 31, 2025
6	January 27, 2025	February 7, 2025
7	February 3, 2025	February 14, 2025
8	February 10, 2025	February 21, 2025
9	February 18, 2025	February 28, 2025
10	February 24, 2025	March 7, 2025
11	March 3, 2025	March 14, 2025
12	March 10, 2025	March 21, 2025
13	March 17, 2025	March 28, 2025
14	March 24, 2025	April 4, 2025
15	March 31, 2025	April 11, 2025
16	April 7, 2025	April 18, 2025
17	April 14, 2025	April 25, 2025
18	April 21, 2025	May 2, 2025
19	April 28, 2025	May 9, 2025
20	May 5, 2025	May 16, 2025
21	May 12, 2025	May 23, 2025

22	May 19, 2025	May 30, 2025
23	May 27, 2025	June 6, 2025
24	June 2, 2025	June 13, 2025
25	June 9, 2025	June 20, 2025
26	June 16, 2025	June 27, 2025
27	June 23, 2025	July 7, 2025
28	June 30, 2025	July 11, 2025
29	July 7, 2025	July 18, 2025
30	July 14, 2025	July 25, 2025
31	July 21, 2025	August 1, 2025
32	July 28, 2025	August 8, 2025
33	August 4, 2025	August 15, 2025
34	August 11, 2025	August 22, 2025
35	August 18, 2025	August 29, 2025
36	August 25, 2025	September 5, 2025
37	September 2, 2025	September 12, 2025
38	September 8 2025	September 19, 2025
39	September 15, 2025	September 26, 2025
40	September 22, 2025	October 3, 2025
41	September 29, 2025	October 10, 2025
42	October 6, 2025	October 17, 2025
43	October 14, 2025	October 24, 2025
44	October 20, 2025	October 31, 2025
45	October 27, 2025	November 7, 2025
46	November 3, 2025	November 14, 2025
47	November 10, 2025	November 21, 2025
48	November 17, 2025	December 1, 2025
49	November 24, 2025	December 5, 2025
50	December 1, 2025	December 12, 2025
51	December 8 2025	December 19, 2025
52	December 15, 2025	December 26, 2025

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Financial Assistance under the Fair Patient Billing Act
- 2) Code Citation: 77 Ill. Adm. Code 4500
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
4500.30	Amendment
4500.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 27 of the Fair Patient Billing Act [210 ILCS 88/27].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the length of time allotted for patients to complete hospital financial assistance applications to conform with changes made to Section 30 of the Fair Patient Billing Act [210 ILCS 88/30] by Public Act 103-323, effective January 1, 2024. The length of time allotted is also consistent with Section 15(b) of the Hospital Uninsured Patient Discount Act [210 ILCS 89/15(b)]. This rulemaking also updates the contact information that hospitals use to submit records and certifications filed under this Part.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No studies or reports were used to compose this rulemaking.
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rule contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 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 the publication of this Notice. All written comments filed within 45 days after the date of publication of this Notice will be considered. Comments should be submitted to:

OFFICE OF THE ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENTS

Lee Ann Schoeffel or
Rules Coordinator
Office of the Attorney General
500 South Second Street
Springfield IL 62701

(217) 782-9070
lee.schoeffel@ilag.gov

Judith Parker
Chief, Health Care Bureau
Office of the Attorney General
115 South LaSalle Street, 25th Floor
Chicago IL 60603

(312) 814-3717
judith.parker@ilag.gov

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will not affect small businesses and will not affect small municipalities or not-for-profit corporations that operate hospitals in Illinois beyond what is already required by statute.
- B) Reporting, bookkeeping or other procedures required for compliance: None beyond those already required of hospitals.
- C) Types of professional skills necessary for compliance: None beyond those already required for personnel engaged in hospital billing operations.

14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.15) Regulatory Agenda on which this rulemaking was summarized: July 2025

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER XVIII: OFFICE OF THE ATTORNEY GENERAL

PART 4500

HOSPITAL FINANCIAL ASSISTANCE
UNDER THE FAIR PATIENT BILLING ACT

Section

4500.10	Definitions
4500.20	Referenced Materials
4500.30	Hospital Financial Assistance Application Requirements
4500.40	Presumptive Eligibility Criteria
4500.50	Hospital Financial Assistance Electronic and Information Technology
4500.60	Hospital Financial Assistance Reporting Requirements

4500.APPENDIX A 2022 Poverty Income Guidelines (Repealed)

AUTHORITY: Implementing and authorized by Section 27 of the Fair Patient Billing Act [210 ILCS 88/27].

SOURCE: Adopted at 37 Ill. Reg. 12536, effective July 22, 2013; amended at 38 Ill. Reg. 20263, effective October 10, 2014; amended at 39 Ill. Reg. 10751, effective July 27, 2015; amended at 40 Ill. Reg. 7900, effective May 18, 2016; amended at 41 Ill. Reg. 10653, effective August 4, 2017; amended at 42 Ill. Reg. 13615, effective June 29, 2018; amended at 43 Ill. Reg. 7628, effective June 28, 2019; amended at 44 Ill. Reg. 10869, effective June 12, 2020; amended at 45 Ill. Reg. 10281, effective July 29, 2021; amended at 46 Ill. Reg. 11502, effective June 23, 2022; amended at 47 Ill. Reg. 1305, effective January 11, 2023; amended at 49 Ill. Reg. _____, effective _____.

Section 4500.30 Hospital Financial Assistance Application Requirements

Hospital financial assistance applications shall be provided to patients on forms that are submitted annually, in conjunction with a hospital's filing of its Community Benefits Report as required by the Community Benefits Act or filing of Worksheet C as required by the Hospital Uninsured Patient Discount Act, to the Office of the Attorney General for review of compliance with this Part. Hospital Financial Assistance Applications for each hospital shall be in English and in any other language that is the primary language of at least 5% of the patients served by the hospital annually as identified for purposes of Section 15(c) of the Act. Information requested on the application shall include:

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- a) Opening Statement, which shall contain the following paragraphs:

Important: YOU MAY BE ABLE TO RECEIVE FREE OR DISCOUNTED CARE: Completing this application will help ____ Hospital determine if you can receive free or discounted services or other public programs that can help pay for your healthcare. Please submit this application to the hospital.

IF YOU ARE UNINSURED, A SOCIAL SECURITY NUMBER IS NOT REQUIRED TO QUALIFY FOR FREE OR DISCOUNTED CARE. However, a Social Security Number is required for some public programs, including Medicaid. Providing a Social Security Number is not required but will help the hospital determine whether you qualify for any public programs.

Please complete this form and submit it to the hospital in person, by mail, by electronic mail, or by fax to apply for free or discounted care within 90~~60~~ days following the date of discharge or receipt of outpatient care.

Patient acknowledges that he or she has made a good faith effort to provide all information requested in the application to assist the hospital in determining whether the patient is eligible for financial assistance.

NOTE: The requirement to complete and submit this form within 90~~60~~ days following the date of discharge or receipt of outpatient care referenced in the Opening Statement may be increased by the hospital, but may not be decreased.

- b) Patient information, which shall be limited to the following:

- 1) Patient name;
- 2) Patient date of birth;
- 3) Patient address;
- 4) Whether patient was an Illinois resident when care was rendered by the hospital;

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- 5) Whether patient was involved in an alleged accident;
- 6) Whether patient was a victim of an alleged crime;
- 7) Patient Social Security Number (not required if you are uninsured);
- 8) Patient telephone number or cell phone number;
- 9) Patient e-mail address;
- 10) In cases in which a spouse or partner is guarantor for the patient or in which a parent or guardian is guarantor for a minor, the name, address and telephone number of the guarantor.

NOTE: The hospital may choose to not include the information in this subsection (b)(10).

- c) Family/household information, which shall be limited to the following:
 - 1) Number of persons in the patient's family/household;
 - 2) Number of persons who are dependents of the patient;
 - 3) Ages of patient's dependents.
- d) Patient's family income and employment information, which shall be limited to the following:
 - 1) Whether patient or patient's spouse or partner is currently employed;
 - 2) If patient is a minor, whether patient's parents or guardians are currently employed;
 - 3) If patient or patient's spouse or partner is employed, name, address and telephone number of all employers;
 - 4) If a minor patient's parents or guardians are employed, name, address and telephone number of all employers;

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- 5) If patient is divorced or separated or was a party to a dissolution proceeding, whether the former spouse or partner is financially responsible for patient's medical care per the dissolution or separation agreement;
 - 6) Gross monthly family income, including cases in which a spouse or partner is guarantor for the patient or in which a parent or guardian is guarantor for a minor, from sources such as:
 - A) Wages;
 - B) Self-employment;
 - C) Unemployment compensation;
 - D) Social Security;
 - E) Social Security Disability;
 - F) Veterans' pension;
 - G) Veterans' disability;
 - H) Private disability;
 - I) Workers' compensation;
 - J) Temporary Assistance for Needy Families;
 - K) Retirement income;
 - L) Child support, alimony or other spousal support;
 - M) Other income;
 - 7) Documentation of family income from paycheck stubs, benefit statements, award letters, court orders, federal tax returns, or other documentation provided by the patient.
- e) Insurance/benefit information, including but not limited to:

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- 1) Health insurance;
 - 2) Medicare;
 - 3) Medicare Part D;
 - 4) Medicare Supplement;
 - 5) Medicaid;
 - 6) Veterans' benefits.
- f) Asset and estimated asset value information, which shall be limited to the following:
- 1) Checking;
 - 2) Savings;
 - 3) Stocks;
 - 4) Certificates of deposit;
 - 5) Mutual funds;
 - 6) Automobiles or other vehicles;
 - 7) Real property;
 - 8) Health savings/Flexible Spending Account.
- g) Monthly expense information and estimated expense figures, which shall be limited to the following:
- 1) Housing;
 - 2) Utilities;

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- 3) Food;
 - 4) Transportation;
 - 5) Child care;
 - 6) Loans;
 - 7) Medical expenses;
 - 8) Other expenses.
- h) Certification, which shall contain only the following paragraph:
- I certify that the information in this application is true and correct to the best of my knowledge. I will apply for any state, federal or local assistance for which I may be eligible to help pay for this hospital bill. I understand that the information provided may be verified by the hospital, and I authorize the hospital to contact third parties to verify the accuracy of the information provided in this application. I understand that if I knowingly provide untrue information in this application, I will be ineligible for financial assistance, any financial assistance granted to me may be reversed, and I will be responsible for the payment of the hospital bill.
- Patient or Applicant Signature and Date.
- i) The application shall contain a notation that, if a patient meets the presumptive eligibility criteria established in Section 4500.40 or is otherwise presumptively eligible by virtue of the patient's family income, the patient shall not be required to complete the portions of the application addressing the monthly expense information and estimated expense figures set out in subsection (g).

(Source: Amended at 49 Ill. Reg. _____, effective _____)

Section 4500.60 Hospital Financial Assistance Reporting Requirements

- a) Each hospital shall annually provide, in conjunction with the filing of its Community Benefits Report required by the Community Benefits Act or its

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Worksheet C Part I required by the Hospital Uninsured Patient Discount Act, a Hospital Financial Assistance Report to the Office of the Attorney General, which shall include the following:

- 1) A copy of the Hospital Financial Assistance Application;
- 2) A copy of the hospital's Presumptive Eligibility Policy, which shall identify each of the criteria used by the hospital to determine whether a patient is presumptively eligible for hospital financial assistance;
- 3) Hospital financial assistance statistics, which shall include:
 - A) The number of Hospital Financial Assistance Applications submitted to the hospital, both complete and incomplete, during the most recent fiscal year;
 - B) The number of Hospital Financial Assistance Applications the hospital approved under its Presumptive Eligibility Policy during the most recent fiscal year;
 - C) The number of Hospital Financial Assistance Applications the hospital approved outside its Presumptive Eligibility Policy during the most recent fiscal year;
 - D) The number of Hospital Financial Assistance Applications denied by the hospital during the most recent fiscal year; and
 - E) The total dollar amount of financial assistance provided by the hospital during the most recent fiscal year, based on actual cost of care.
- b) The Office of the Attorney General shall develop a Hospital Financial Assistance Report form and make it available to hospitals by October 1, 2013.
- c) Each hospital that annually files a Community Benefits Report with the Office of the Attorney General pursuant to the Community Benefits Act shall, at the same time, file its annual Hospital Financial Assistance Report jointly with its Community Benefits Report.

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- d) Each hospital that is not required to annually file a Community Benefits Report with the Office of the Attorney General shall file its annual Hospital Financial Assistance Report jointly with the Worksheet C Part I from its Medicare Cost Report most recently filed pursuant to the Hospital Uninsured Patient Discount Act.
- e) Each hospital utilizing electronic and information technology in the implementation of the Hospital Financial Assistance Application requirements shall annually describe the EIT used and the source of the EIT to the Office of the Attorney General at the time of filing its Hospital Financial Assistance Report. The hospital shall certify annually that each of the Hospital Financial Assistance Application requirements set forth in this Part are included in applications processed by EIT.
- f) Each hospital utilizing EIT in the implementation of the presumptive eligibility criteria shall annually describe the EIT used and the source of the EIT to the Office of the Attorney General at the time of filing its Hospital Financial Assistance Report. The hospital shall certify annually that each of the presumptive eligibility criteria requirements set forth in this Part are included in applications processed by EIT.
- g) All records and certifications required to be filed under this Part in conjunction with the filing of a Community Benefits Report required by the Community Benefits Act shall be submitted to:

Charitable Trusts Bureau
Office of the Illinois Attorney General
115 South LaSalle Street, 24th Floor~~100 West Randolph Street, 11th Floor~~
Chicago, Illinois 60603~~60601~~

- h) All records and certifications required to be filed under this Part in conjunction with the filing of a Worksheet C required by the Hospital Uninsured Patient Discount Act shall be submitted to:

Health Care Bureau
Office of the Illinois Attorney General
115 South LaSalle Street, 25th Floor~~100 West Randolph Street, 10th Floor~~
Chicago, Illinois 60603~~60601~~

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NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 49 Ill. Reg. _____, effective _____)

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Code of Regulations
- 2) Code Citation: 74 Ill. Adm. Code 420
- 3) Section Number: 420.320 Proposed Action: Amendment
- 4) Statutory Authority: Sections 3-7 and 2-15 of the Illinois State Auditing Act [30 ILCS 5/3-7] and [30 ILCS 5/2-15].
- 5) A Complete Description of the Subjects and Issues Involved: To update the reference to Government Auditing Standards (GAS), also known as the "Yellow Book" in Section 420.320 of our Code of Regulations to incorporate the 2024 Revision of the generally accepted government auditing standards, as embodied in Government Auditing Standards (GAS) issued by the Comptroller General of the United States and update the website for the American Institute of Certified Public Accountants (AICPA) standards.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The 2024 Revision of the generally accepted government auditing standards, as embodied in Government Auditing Standards (GAS) issued by the Comptroller General of the United States.
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules will not require a local government to establish, expend, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment to:

Margaret Livingston
Chief Legal Counsel

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENT

Auditor General's Office
400 West Monroe, Suite 306
Springfield IL 62704

(217) 782-6046
mlivingston@auditor.illinois.gov

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) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule: None
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. Regulatory requirements

15) Regulatory Agenda on which this rulemaking was summarized: July 2025

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

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENT

TITLE 74: PUBLIC FINANCE
CHAPTER III: AUDITOR GENERALPART 420
CODE OF REGULATIONS

SUBPART A: STANDARDS OF CONSTRUCTION FOR REGULATIONS

Section	
420.10	Introduction
420.20	General Provisions

SUBPART B: DEFINITIONS

Section	
420.110	Introduction
420.120	General Provisions
420.130	Abbreviations
420.140	Specific Definitions

SUBPART C: INVESTIGATIONS

Section	
420.210	Introduction
420.220	General Particulars
420.230	Right to Information
420.240	Investigative Personnel
420.250	Investigation Procedures and Reports

SUBPART D: STANDARDS APPLICABLE TO AUDITS AND ATTESTATION
ENGAGEMENTS OF ILLINOIS STATE GOVERNMENTAL ORGANIZATIONS
AND PROGRAMS AND TO AUDITS AND ATTESTATION ENGAGEMENTS
CONDUCTED BY STATE AGENCIES OF LOCAL AND PRIVATE AGENCIES

Section	
420.310	Introduction
420.320	General Provisions
420.330	Examination and Evaluation Standards (Repealed)
420.340	Reporting Standards (Repealed)

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SUBPART E: FREQUENCY OF MANDATORY FINANCIAL AUDITS,
COMPLIANCE AUDITS OR OTHER ATTESTATION ENGAGEMENTS

Section	
420.410	Introduction
420.420	General Provisions
420.430	Miscellaneous Provisions

SUBPART F: REVIEW OF RECEIPT OR COLLECTION
OF STATE REVENUE BY STATE AGENCIES

Section	
420.510	Introduction (Repealed)
420.520	Review of Receipt or Collection of State Revenues by State Agencies (Repealed)
420.530	Miscellaneous Provisions (Repealed)

SUBPART G: MAINTENANCE OF INFORMATION

Section	
420.610	Introduction
420.620	General Provisions
420.630	Confidential Information
420.640	Disclosure and Dissemination of Information

SUBPART H: CONSULTATIONS AND RESPONSES TO FINDINGS

Section	
420.710	Introduction
420.720	Consultations with Heads of Agencies and Individuals

AUTHORITY: Sections 3-7 and 2-15 of the Illinois State Auditing Act [30 ILCS 5/3-7] and [30 ILCS 5/2-15].

SOURCE: Rules and Regulations of the Auditor General filed March 8, 1976, effective March 18, 1976, and amended: effective April 15, 1976; effective September 1, 1976; amended at 3 Ill. Reg. 5, p. 865, effective January 27, 1979; amended at 3 Ill. Reg. 5, p. 868, effective January 27, 1979; amended at 3 Ill. Reg. 15, p. 107, effective April 12, 1979; amended at 3 Ill. Reg. 34, p. 99, effective August 20, 1979; amended at 3 Ill. Reg. 48, p. 138, effective November 29, 1979;

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amended at 4 Ill. Reg. 40, p. 49, effective September 19, 1980; codified at 5 Ill. Reg. 10575; amended at 6 Ill. Reg. 2587, effective March 10, 1982; amended at 7 Ill. Reg. 1216, effective February 5, 1983; amended at 7 Ill. Reg. 6475, effective May 15, 1983; amended at 7 Ill. Reg. 6481, effective May 15, 1983; amended at 8 Ill. Reg. 7214, effective May 25, 1984; amended at 8 Ill. Reg. 17244, effective September 15, 1984; amended at 14 Ill. Reg. 15327, effective September 10, 1990; amended at 15 Ill. Reg. 3429, effective March 1, 1991; amended at 20 Ill. Reg. 701, effective January 31, 1996; amended at 30 Ill. Reg. 2260, effective February 20, 2006; amended at 32 Ill. Reg. 16372, effective October 10, 2008; amended at 43 Ill. Reg. 6361, effective May 31, 2019; amended at 46 Ill. Reg. 1619, effective January 4, 2022; amended at 49 Ill. Reg. _____, effective _____.

SUBPART D: STANDARDS APPLICABLE TO AUDITS AND ATTESTATION
ENGAGEMENTS OF ILLINOIS STATE GOVERNMENTAL ORGANIZATIONS AND
PROGRAMS AND TO AUDITS AND ATTESTATION ENGAGEMENTS CONDUCTED BY
STATE AGENCIES OF LOCAL AND PRIVATE AGENCIES

Section 420.320 General Provisions

General Standards

- a) Scope
 - 1) The full scope of an audit and/or attestation engagement conducted by the Auditor General may encompass:
 - A) An examination of financial transactions, accounts and reports;
 - B) An examination of compliance with applicable laws and regulations and conformity with applicable fiscal and business practices;
 - C) A review of efficiency and economy in the use of resources and soundness of managerial and other operational aspects;
 - D) A review to determine whether intended program results are effectively achieved; and
 - E) A review of the controls and integrity associated with computerized information systems.

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENT

- 2) The scope for a particular audit and/or attestation engagement conducted by the Auditor General shall include:
 - A) That prescribed by Section 1-13 of the ISAA for compliance audits and other attestation engagements conducted pursuant to the provisions of Sections 3-1 and 3-2 of the ISAA;
 - B) That prescribed by Section 1-13.5 of the ISAA for financial audits conducted pursuant to the provisions of Sections 3-1 and 3-2 of the ISAA;
 - C) That specified by an authorizing resolution approved by the Legislative Audit Commission or by either house of the General Assembly for engagements conducted pursuant to the provisions of Sections 3-2 and 3-4 of the ISAA;
 - D) That specified by the terms of the agreement for reimbursable federal audits conducted pursuant to the provisions of Section 3-3A of the ISAA;
 - E) That specified by the Auditor General in a notice provided to the Legislative Audit Commission for engagements conducted pursuant to Section 3-3 of the ISAA;
 - F) That prescribed by Section 1-13.5 of the ISAA for engagements conducted pursuant to Section 2-3.17a of the School Code [105 ILCS 5/2-3.17a]; and
 - G) That specified by the terms of the engagement for change-over engagements conducted pursuant to Section 3-2.1 of the ISAA.
 - 3) The scope for a particular audit or attestation engagement conducted by a State agency (other than the Office of the Auditor General) of a local or private agency shall be that specified by the terms of the agreement making the grant or award of funds to the local or private recipient agency.
- b) General, Fieldwork and Reporting Standards. All audits and attestation engagements subject to the provisions of the ISAA and regulations issued under

AUDITOR GENERAL

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that Act shall be conducted in accordance with current standards applicable to the engagement, which may include: generally accepted auditing standards (GAAS) issued by the American Institute of Certified Public Accountants, Inc. (AICPA) and other relevant clarified Statements on Auditing Standards (SAS) and Statements on Standards for Attestation Engagements (SSAE) promulgated by the Auditing Standards Board; generally accepted government auditing standards, as embodied in Government Auditing Standards (~~2024~~~~2018~~ Revision for financial audits, attestation engagements, and reviews of financial statements for periods ~~beginning~~~~ending~~ on or after ~~December 15, 2025~~~~June 30, 2020~~, and for performance audits beginning on or after ~~December 15, 2025~~~~July 1, 2019~~; for all others, the ~~2018~~~~2011~~ Revision) (GAS) issued by the Comptroller General of the United States; and 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) (commonly referred to as the Uniform Guidance) issued pursuant to the Single Audit Act Amendments of 1996 (31 ~~U.S.C.~~~~USC~~ 7501 through 7507) by the Office of Management and Budget (OMB). Copies of GAAS, SSAE and SAS may be ordered on the internet at <https://www.aicpa-cima.com/resources/landing/audit-attest-and-quality-control-standards> ~~www.aicpa.org/research/standards~~. Copies of GAS may be downloaded from the internet at <https://www.gao.gov/yellowbook/overview>. Print copies may be obtained by contacting the U.S. Government Publishing Office (GPO) online or by calling 202-512-1800 or 1-866-512-1800. Copies of the Uniform Guidance may be obtained from the Office of Federal Financial Management, Office of Management and Budget, Washington, D.C. 20503 or downloaded from the internet at www.grants.gov/web/grants/learn-grants/grant-policies/omb-uniform-guidance-2014.html. These incorporations by reference do not include any later amendments or editions.

- c) Specific standards for audits of regional offices of education and educational service centers conducted pursuant to Section 2-3.17a of the School Code [105 ILCS 5/2-3.17a]. By statute, this Section does not apply to an educational service center serving a school district in a city having a population exceeding 500,000.
 - 1) "Books and records" as used in this subsection (c) means all financial statements, fiscal documents, vouchers for distributions, records of cash receipts, records of obligation and expenditure of funds, records of accounts and funds, journals, ledgers and subsidiary records of the ledgers, computer programs and data files integral to records of funds and accounts in the care, custody or control of the regional superintendent of schools or educational service center, and required for the purpose of enabling the

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Auditor General to perform the audits required by Section 2-3.17a of the School Code. The regional office of education and educational service center shall maintain records in accordance with this subsection (c), as applicable. Financial records shall be maintained on either a cash or accrual basis of accounting. However, supporting information must be maintained to allow preparation of an accrual statement as required by this subsection (c)(2).

- 2) For audit purposes, each regional office of education and educational service center subject to audit by the Auditor General shall make available to the Auditor General or its designee all books and records during regular business hours on such days in each fiscal year as the Auditor General or its designee shall deem necessary to make and complete the required audits. The records shall be completed in auditable form by August 15 of the succeeding fiscal year. Financial reports are to be available no later than August 31 in order that the annual audit may be done by an independent auditor selected by the Auditor General.
- 3) Each regional office of education and educational service center subject to audit by the Auditor General shall make available the books and records necessary to make the required audit by providing to the Auditor General or its designee full, complete and unrestricted access to those books and records and to those persons who may have prepared, reviewed, reported on or otherwise have knowledge of them.
- 4) Each regional office of education and educational service center subject to audit by the Auditor General shall retain all books and records for a period of five years or until each required audit is resolved. This provision shall not be construed to shorten any record retention requirement otherwise applicable to the records.

(Source: Amended at 49 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Code of Rules
- 2) Code Citation: 74 Ill. Adm. Code 440
- 3) Section Number: 440.910 Proposed Action: Amendment
- 4) Statutory Authority: Sections 3-7 and 2-15 of the Illinois State Auditing Act [30 ILCS 5/3-7] and [30 ILCS 5/2-15].
- 5) A Complete Description of the Subjects and Issues Involved: Update mailing address for the Fraud hotline in Section 440.910 of our Code of Rules to our current address.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules will not require a local government to establish, expend, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment to:

Margaret Livingston
Chief Legal Counsel
Auditor General's Office
400 West Monroe, Suite 306
Springfield IL 62704

217-782-6046
mlivingston@auditor.illinois.gov

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2025

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 74: PUBLIC FINANCE
CHAPTER III: AUDITOR GENERALPART 440
CODE OF RULES

SUBPART A: STANDARDS OF CONSTRUCTION FOR RULES

Section	
440.10	Introduction
440.20	General Provisions

SUBPART B: DEFINITIONS

Section	
440.110	Introduction
440.120	General Provisions
440.130	Abbreviations
440.140	Specific Definitions

SUBPART C: CLARIFICATIONS CONCERNING THE DEFINITION OF
FINANCIAL AUDIT OR COMPLIANCE AUDIT

Section	
440.210	Introduction
440.220	Clarification

SUBPART D: PUBLIC PETITIONS REQUESTING RULEMAKING ACTIONS
BY THE OFFICE OF THE AUDITOR GENERAL

Section	
440.310	Introduction
440.320	General Provisions
440.330	Procedures

SUBPART E: CONTRACTUAL PERSONAL SERVICES

Section	
440.410	Introduction

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440.420 General Provisions

SUBPART F: OATHS

Section

440.510 Introduction

440.520 General Provisions

SUBPART G: SUBPOENAS

Section

440.610 Introduction

440.620 General Provisions

SUBPART H: DEPOSITIONS

Section

440.710 Introduction

440.720 General Provisions

440.730 Procedure

SUBPART I: FINANCIAL ADMINISTRATION OF THE
STATE AUDIT ADVISORY BOARD

Section

440.810 Introduction (Repealed)

440.820 Financial Provisions (Repealed)

SUBPART J: FRAUD REPORTING

Section

440.910 Methods of Receiving Fraud Allegations

440.920 Definition of Fraud

440.930 Review of Allegations

440.940 Availability of Information

AUTHORITY: Sections 3-6 and 2-15 of the Illinois State Auditing Act [30 ILCS 5/3-6] and [30 ILCS 5/2-15].

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SOURCE: Rules and Regulations of the Auditor General filed and effective February 1, 1976; amended at 2 Ill. Reg. 46, p. 17, effective November 17, 1978; amended at 3 Ill. Reg. 5, p. 860, effective February 2, 1979; amended at 3 Ill. Reg. 50, p. 195, effective December 13, 1979; amended at 4 Ill. Reg. 49, p. 91, effective November 21, 1980; codified at 5 Ill. Reg. 10584; amended at 6 Ill. Reg. 12253, effective September 24, 1982; amended at 20 Ill. Reg. 730, effective January 31, 1996; amended at 24 Ill. Reg. 2321, effective February 7, 2000; amended at 30 Ill. Reg. 2280, effective February 20, 2006; amended at 36 Ill. Reg. 8246, effective May 18, 2012; amended at 49 Ill. Reg. _____, effective _____.

SUBPART J: FRAUD REPORTING

Section 440.910 Methods of Receiving Fraud Allegations

- a) *The Office of the Auditor General shall operate a toll-free telephone hot line for the public to report allegations of fraud in the executive branch of State government [30 ILCS 5/2-15].*
- b) Fraud allegations should be reported:
 - 1) by toll free telephone to the Auditor General's Hotline at 855-217-1895 or (TTY) at 888-261-2887; or
 - 2) by submitting the on-line form on the Auditor General's website at www.auditor.illinois.gov.
- c) Fraud allegations may also be reported by U.S. Mail to Fraud Hotline, Auditor General's Office, [400 West Monroe Street, Suite 306, Springfield, IL 62704](#)~~740 E. Ash St., Springfield, Illinois 62703.~~

(Source: Amended at 49 Ill. Reg. _____, effective _____)

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
350.375	Amendment
350.700	Amendment
- 4) Statutory Authority: Implementing and authorized by the Occupational Health and Safety Act [820 ILCS 219].
- 5) Complete Description of the Subjects and Issues Involved: This rulemaking clarifies that Illinois OSHA's existing enhanced requirement that covered employers report injuries and illnesses is in lieu of, and not in addition to, the similar federal OSHA reporting requirement.
- 6) Published studies and reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes, this rulemaking contains incorporations of federal OSHA standards by reference in Section 375 and 700.
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a State mandate as described in Section 3(b) of the State Mandates Act.
- 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:

Anna Koepfel
Illinois Department of Labor
Lincoln Tower Plaza

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524 S. 2nd Street
Suite 400
Springfield, IL 62701

217-558-1270
Anna.Koeppel@illinois.gov

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking affects all state and local government employers.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking clarifies an existing requirement, so no new procedures are required.
- C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule:
 - 92 Public Administration
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - viii. record keeping

15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time of the Department's most recent Regulatory Agenda.

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

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER I: DEPARTMENT OF LABOR

SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350

HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section

350.10	Definitions
350.20	Purpose and Scope
350.30	Posting of Notice; Availability of the Acts, Regulations and Applicable Standards
350.40	Authority for Inspection
350.50	Objection to Inspection
350.60	Entry Not a Waiver
350.70	Advance Notice of Inspections
350.80	Conduct of Inspections
350.90	Representatives of Employers and Employees
350.100	Trade Secrets
350.110	Consultation with Employees
350.120	Complaints by Employees
350.125	Discrimination Prohibited Against Employees
350.130	Inspection not Warranted; Informal Review
350.140	Imminent Danger
350.150	Citations; Policy Regarding Employee Rescue Activities
350.160	Petitions for Modification of Abatement Date
350.170	Proposed Penalties
350.180	Posting of Citations
350.190	Employer and Employee Contests before the Administrative Law Judges of the Hearings Division
350.200	Failure to Correct a Violation for which a Citation has been Issued
350.210	Abatement Verification
350.220	Informal Conferences

SUBPART B: INJURY/ILLNESS RECORDKEEPING REQUIREMENTS

Section

350.250	Purpose, Scope and Definitions
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350.260	Recording Criteria
350.270	Determination of Work-Relatedness
350.280	Determination of New Cases
350.290	General Recording Criteria
350.300	Recording Criteria for Needlestick and Sharps Injuries
350.310	Recording Criteria for Cases Involving Medical Removal under IDOL-Adopted OSHA Standards
350.320	Recording Criteria for Cases Involving Occupational Hearing Loss
350.330	Recording Criteria for Work-Related Tuberculosis Cases
350.340	Forms
350.350	Multiple Establishments
350.360	Covered Employees
350.370	Annual Summary
350.375	Electronic Submission of OSHA Form 300A
350.380	Retention and Updating
350.390	Employee Involvement
350.400	Prohibition Against Discrimination
350.405	Variance from Recordkeeping Requirements
350.410	Reporting Fatalities, Hospitalizations, Amputations and Loss of Eye Incidents to the Illinois Department of Labor
350.420	Providing Records to Government Representatives
350.430	Requests from the Illinois Department of Public Health/Bureau of Labor Statistics for Data

SUBPART C: VARIANCES FROM STANDARDS

Section	
350.500	Petition for Variance from Standards

SUBPART D: CONSULTATION PROGRAM

Section	
350.600	Purpose

SUBPART E: ADOPTION OF FEDERAL STANDARDS

Section	
350.700	Adoption of Federal Standards

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350.APPENDIX A Decision Tree

350.APPENDIX B Sample Abatement Plan or Progress Report (Non-mandatory)

AUTHORITY: Implementing and authorized by the Occupational Health and Safety Act [820 ILCS 219].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12850, effective September 4, 1997; amended at 23 Ill. Reg. 3993, effective October 1, 1999; amended at 23 Ill. Reg. 12447, effective October 2, 1999; amended at 24 Ill. Reg. 13693, effective August 23, 2000; amended at 25 Ill. Reg. 860, effective January 5, 2001; amended at 25 Ill. Reg. 10196, effective July 30, 2001; old Part repealed at 30 Ill. Reg. 5531 and new Part adopted at 30 Ill. Reg. 4777, effective March 13, 2006; amended at 34 Ill. Reg. 4793, effective March 16, 2010; old Part repealed at 38 Ill. Reg. 11570, and new Part adopted at 38 Ill. Reg. 11572, effective May 16, 2014; amended at 38 Ill. Reg. 20781, effective October 20, 2014; amended at 39 Ill. Reg. 14176, effective October 19, 2015; peremptory amendment at 46 Ill. Reg. 1668, effective January 7, 2022; recodified at 46 Ill. Reg. 3465; emergency amendment at 46 Ill. Reg. 3598, effective February 15, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 3518, effective February 15, 2022; amended at 46 Ill. Reg. 9890, effective May 26, 2022; amended at 48 Ill. Reg. 14714, effective September 28, 2024; amended at 49 Ill. Reg. _____, effective _____.

SUBPART B: INJURY/ILLNESS RECORDKEEPING AND REPORTING REQUIREMENTS

Section 350.375 Electronic Submission of OSHA Form 300A

a) Basic Requirement

- 1) Annual electronic submission of [information from OSHA injury and illness forms](#)~~Form 300A~~ (Summary of Work-Related Injuries and Illnesses).

- A) If the establishment had 250 or more employees at any time during the previous calendar year, then the establishment must

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electronically submit information from OSHA Form 300A (Summary of Work-Related Injuries and Illnesses) to Illinois OSHA or Illinois OSHA's designee. The establishment must submit the information once a year, no later than March 2nd of the year after the calendar year covered by the form (e.g., 2020 for the 2019 form).

- B) If the establishment had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and the establishment is classified in an industry listed in Appendix B, then the establishment must electronically submit information from OSHA Form 300A (Summary of Work-Related Injuries and Illnesses) to Illinois OSHA or Illinois OSHA's designee. The establishment must submit the information once a year, no later than March 2nd of the year after the calendar year covered by the form.

- C) If the establishment had 100 or more employees at any time during the previous calendar year, and the establishment is classified in an industry listed in Appendix B, then the establishment must electronically submit information from OSHA Forms 300 and 301 to Illinois OSHA or Illinois OSHA's designee. The establishment must submit the information once a year, no later than March 2nd of the year after the calendar year covered by the forms.

- DE) Upon notification by Illinois OSHA, additional establishments and/or industries may be subject to these reporting requirements and must electronically submit information to Illinois OSHA or Illinois OSHA's designee.

- ED) Establishments subject to these reporting requirements must provide the Employer Identification Number (EIN) used by the establishment.

b) Implementation

- 1) Each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal, and temporary workers.

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- 2) Establishments required to submit information will notified by email. Illinois OSHA will also announce individual data collections through press releases and announcements on the IDOL website.
- 3) Establishments required to submit information must submit the information once a year by March 2nd.
- 4) Illinois OSHA shall provide a secure website for the electronic submission of information.

(Source: Amended at 49 Ill. Reg. _____, effective _____)

SUBPART E: ADOPTION OF FEDERAL STANDARDS

Section 350.700 Adoption of Federal Standards

- a) State Standards and Rulemaking. Section 25 of the Act outlines the Director's authority to promulgate, amend and revoke State standards. Any promulgation, amendment or revocation of State standards will be done in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].
- b) Incorporation of Federal Regulations
 - 1) Pursuant to Section 25 of the Act, the Department hereby incorporates by reference designated federal occupational safety and health standards which the United States Secretary of Labor has promulgated or modified in accordance with the federal Occupational Safety and Health Act of 1970 (29 U.S.C. 651) and that are in effect on January 1, 2015, unless an alternate State standard has been adopted and is listed in subsection (c). These designated standards are located at 29 CFR ~~1904~~, 1908, 1910, 1915, 1926 and 1977. All materials incorporated by this Section are incorporated as of the date specified and do not include any later amendments or editions.
 - 2) Pursuant to Section 25 of the Act, all amendments, after January 1, 2015, to the federal occupational safety and health standards in subsection (1) *shall become rules of the Department within 6 months after their federal promulgation date*, unless:

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- A) There is a current alternate State standard in effect; or
- B) Within 45 calendar days of the federal promulgation date, the State files first notice with the Secretary of State to amend section (c) with an alternate State standard. (Sec. 25(b) of the Act)
- c) Incorporation of Interpretations of Federal Regulations
- 1) The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998) are incorporated into this Part. Copies of the federal Occupational Safety and Health Administration material may also be obtained at <https://www.osha.gov/respiratory-protection> ~~<http://www.osha-slc.gov/SLTC/respiratoryprotection/index.html>~~.
- Preamble: Respiratory Protection; Final Rule, 63 Fed. Reg. 1152 (Jan. 8, 1998)
- Questions & Answers on the Respiratory Protection Standard, OSHA Memorandum (Aug. 17, 1998)
- Inspection Procedure for the Respiratory Protection Standard, CPL 2-0.120 (Sept. 18, 1998)
- Small Entity Compliance Guide for the Revised Respiratory Protection Standard, OSHA Directorate of Health Standards Programs (Sept. 30, 1998)
- 2) The following interpretation of 29 CFR 1910 and 1926, Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic (1998); 29 CFR 1915 and 1926, Occupational Exposure to Asbestos (1998); 29 CFR 1910, Methylene Chloride (1998); 29 CFR 1910, Permit-Required Confined Spaces (1998); and 29 CFR 1910, 1915, 1917, 1918 and 1926, Powered Industrial Truck Operator Training (1999) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <https://www.osha.gov/laws-regs/federalregister/publicationdate> ~~<http://www.osha.gov/comp-links.html>~~.

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Preamble: Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule, 63 Fed. Reg. 33450 (June 18, 1998)

Preamble: Occupational Exposure to Asbestos; 63 Fed. Reg. 35137 (June 29, 1998)

Preamble: Methylene Chloride; Final Rule, 63 Fed. Reg. 50711 (Sept. 22, 1998)

Preamble: Permit-Required Confined Spaces; Final Rule, 63 Fed. Reg. 66018 (Dec. 1, 1998)

Preamble: Powered Industrial Truck Operator Training; Final Rule, 63 Fed. Reg. 66238 (Dec. 1, 1998)

- 3) The following interpretation of 29 CFR 1910, Dipping and Coating Operations (1999) is incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <https://www.osha.gov/laws-regs/federalregister/publicationdate> <http://www.osha.gov/comp-links.html>.

Preamble: Dipping and Coating Operations; Final Rule, 64 Fed. Reg. 13897 (Mar. 23, 1999)

- 4) The following interpretation of 29 CFR 1926, Safety Standards for Steel Erection (2001), and 29 CFR 1910, Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries (2001), are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <https://www.osha.gov/laws-regs/federalregister/publicationdate> <http://www.osha.gov/comp-links.html>.

Preamble: Safety Standards for Steel Erection; Final Rule, 66 Fed. Reg. 5196 (Jan. 18, 2001)

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Preamble: Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries; Final Rule, 66 Fed. Reg. 5318 (Jan. 18, 2001)

- 5) The following interpretation of 29 CFR 1910.36, 1910.37, 1910.38 and 1910.39, Exit Routes, Emergency Action Plans and Fire Prevention Plans, Final Rule (Nov. 11, 2002); ~~29 CFR 1904, Occupational Injury and Illness Recording and Reporting, Final Rule (July 1, 2002 and Dec. 17, 2002 update)~~; 29 CFR 1910.139, Termination of Rulemaking Respiratory Protection for M. Tuberculosis, Final Rule (Dec. 31, 2003); 29 CFR 1915.52, Fire Protection in Shipyard Employment, Final Rule (Sept. 15, 2004); and 29 CFR 1910 et al., Standards Improvement Project – Phase II (Jan. 5, 2005) are incorporated into this Part. Copies are available at any of the Department's offices. Copies may also be obtained at <http://www.osha.gov>.
- 6) The following interpretations of 29 CFR 1910, 1915 and 1926, Assigned Protection Factors, Final Rule (Aug. 24, 2006); 29 CFR 1926, Roll-Over Protective Structure, Final Rule (Dec. 29, 2005, corrected July 20, 2006); 29 CFR 1910.1026, Occupational Exposure to Hexavalent Chromium, Final Rule (Feb. 28, 2006, corrected June 23, 2006); 29 CFR 1926, Steel Erection: Slip Resistance of Skeletal Structural Steel, Final Rule (Jan. 18, 2006); 29 CFR 1910, 1915 and 1926, Electrical Installation Requirements, subpart S, Final Rule (Feb. 14, 2007, corrected Oct. 29, 2008); 29 CFR 1915, Updating National Consensus Standards in OSHA Standard for Fire Protection in Shipyard Employment, Final Rule (Jan. 3, 2007); 29 CFR 1910, Employer Payment for Personal Protective Equipment, Final Rule (Nov. 15, 2007, clarified Dec. 12, 2008); and 29 CFR 1910, Updating OSHA Standards Based on National Consensus Standards, Final Rule (Mar. 14, 2008, Dec. 14, 2007, Sept. 9, 2009) are incorporated into this Part. Copies are available at any of the Department's offices, on the Department website at www.state.il.us/agency/idol or the OSHA website at <http://www.osha.gov>.
- 7) The following interpretations of 29 CFR 1910, 1915 and 1926 as appropriate, Standards Improvement Project, Phase III (June 8, 2011); Cranes and Derricks in Construction (Aug. 9, 2010); Technical Amendment concerning Safety Standards for Steel Erection (May 17, 2010); 29 CFR Revising the Notification Requirements in the Exposure

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Determination Provisions of the Hexavalent Chromium Standards (May 14, 2010); Revising Standards Referenced in the Acetylene Standard (Nov. 10, 2009);

- d) Clarification of Effective Dates
The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are 1, 2, 3 and 4 years, respectively, after August 1, 1994.
- e) Conformity with Federal Regulations
The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Those amendments will be incorporated by reference or substitute provisions that provide equivalent protection will be adopted. Amendments will be adopted in accordance with the Illinois Administrative Procedure Act.

(Source: Amended at 49 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
350.340	Amendment
350.625	Amendment
350.765	New Section
- 4) Statutory Authority: Implementing and authorized by the ID/DD Community Care Act [210 ILCS 47].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 103-0261, which created the Essential Support Person Act, and requires facilities to comply with the Essential support Person Act and Essential Support Person Code (77 Ill. Adm. Code 50). This rulemaking also adds a requirement for facilities to check the National Sex Offender Public Website to determine if individuals are listed on the national registry as a sex offender. The rulemaking also makes minor statutory updates to align the Code with Section 2-201.5 of the Act and other technical updates.

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
350.770	New Section	49 Ill Reg. 11035; September 5, 2025

DEPARTMENT OF PUBLIC HEALTH

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- 11) Statement of Statewide Policy Objectives: This rulemaking is not expected to create a State mandate.

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. Written comments suggesting amendments to the rulemaking must provide the reason for the suggested amendment. An edited version of the rulemaking is acceptable if submitted with the written comments and supporting reasons. Send written comments to:

Department of Public Health
Attention: Tracey Trigillo, Rules Coordinator
Lincoln Plaza
524 South 2nd Street, 6th Floor
Springfield, IL 62701

(217) 782-1159
dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Facilities licensed under the ID/DD Community Care Act

Most of the businesses that are affected by the Department's rules fall under the definition of small businesses, small municipalities, and not for profit corporations. The Department's policy is to adopt only minimum standards and thus not cause undue hardship on these small businesses, small municipalities, and not for profit corporations. The proposed rules were written with small businesses, small municipalities, and not for profit corporations in mind and the requirements are the bare minimum requirements needed to assure the public health, safety, and welfare of the citizens of the State of Illinois.

- B) Reporting, bookkeeping or other procedures required for compliance: Policy development, infection control/safety protocols, bookkeeping and assessments

- C) Types of professional skills necessary for compliance: Administrative, infection prevention, and mental health professionals

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14) Small Business Impact Analysis:A) Types of businesses subject to the proposed rule:

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B) Categories that the agency reasonably believes the rulemaking will impact, including:

- ii. regulatory requirements;
- iii. purchasing;
- vi. equipment and material needs;
- vii. training requirements;
- viii. record keeping.

15) Regulatory Agenda on which this rulemaking was summarized: July 2025

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

DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER d: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

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350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
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350.160	Issuance of a Renewal License
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350.250	Ownership Disclosure
350.260	Issuance of Conditional License
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350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Type of a Violation
350.276	Notice of Violation
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350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties (Repealed)

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350.286	Notice of Penalty Assessment: Response by Facility
350.287	Consideration of Factors for Assessing Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs in Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration (Repealed)
350.320	Waivers
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350.340	Incorporated and Referenced Materials

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SUBPART C: POLICIES

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350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening and Request for Resident Criminal History Record Information
350.630	Admission, Retention and Discharge Policies
350.634	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
350.635	Identified Offenders
350.636	Discharge Planning for Identified Offenders
350.637	Transfer of an Identified Offender
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.671	Whistleblower Protection
350.675	Initial Health Evaluation for Employees
350.680	Direct Support Persons (DSP)
350.681	Health Care Worker Background Check
350.682	Resident Attendants
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350.684	Certified Nursing Assistant Interns
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350.690	Disaster Preparedness
350.691	Electronic Monitoring
350.700	Incidents and Accidents
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350.760	Infection Control
<u>350.765</u>	<u>Essential Support Persons</u>

SUBPART D: PERSONNEL

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350.810	Personnel
350.820	Consultation Services
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350.1050	Recreational and Activities Services
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350.1060	Training and Habilitation Services
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350.1210	Health Services
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350.1223	Communicable Disease Policies
350.1225	Tuberculin Skin Test Procedures
350.1230	Nursing Services
350.1235	Life-Sustaining Treatments
350.1236	Care and Treatment of Sexual Assault Survivors
350.1240	Dental Services
350.1250	Physical and Occupational Therapy Services
350.1260	Vaccinations

SUBPART G: MEDICATIONS

Section	
350.1410	Medication Policies and Procedures
350.1420	Compliance with Licensed Prescriber's Orders
350.1430	Administration of Medication
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SUBPART H: RESIDENT AND FACILITY RECORDS

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350.1610	Resident Record Requirements
350.1620	Content of Medical Records
350.1630	Confidentiality of Resident's Records
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350.1650	Retention and Transfer of Resident Records
350.1660	Other Resident Record Requirements
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350.1810	Director of Food Services
350.1820	Dietary Staff in Addition to Director of Food Services
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350.1860	Therapeutic Diets (Repealed)
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350.1890	Food Preparation and Service
350.1900	Food Handling Sanitation
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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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350.2210	Furnishings
350.2220	Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section	
350.2410	Codes
350.2420	Water Supply
350.2430	Sewage Disposal
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SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE
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350.2610	Applicability of These Standards
350.2620	Codes and Standards
350.2630	Preparation of Drawings and Specifications
350.2640	Site
350.2650	Administration and Public Areas
350.2660	Nursing Unit
350.2670	Dining, Living, Activities Rooms

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350.2680	Therapy and Personal Care
350.2690	Service Departments
350.2700	General Building Requirements
350.2710	Structural
350.2720	Mechanical Systems
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SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE
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350.2930	Preparation of Drawings and Specifications
350.2940	Site
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350.2980	Treatment and Personal Care
350.2990	Service Department
350.3000	General Building Requirements
350.3010	Structural
350.3020	Mechanical Systems
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350.3040	Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section	
350.3210	General
350.3220	Medical and Personal Care Program
350.3230	Restraints (Repealed)
350.3240	Abuse and Neglect
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350.3270	Residents' Advisory Council
350.3280	Contract With Facility
350.3290	Private Right of Action

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350.3300	Transfer or Discharge
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SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR
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350.3710	Applicability of Other Provisions of this Part
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350.3730	Admission and Discharge Policies
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350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
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350.3960	Plumbing Systems
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350.3990	Emergency Electrical System
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350.4010	Construction Types
350.4020	Equivalencies
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SUBPART Q: DAY CARE PROGRAMS

Section

350.4210 Day Care in Long-Term Care Facilities

350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map (Repealed)
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs
350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D	Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of 16 Beds or Less
350.TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the ID/DD Community Care Act [210 ILCS 47].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and

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1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment

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at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill. Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; emergency expired December 8, 2005; amended at 29 Ill. Reg. 12954, effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006; amended at 30 Ill. Reg. 5338, effective March 2, 2006; amended at 30 Ill. Reg. 13876, effective August 7, 2006; amended at 31 Ill. Reg. 6119, effective April 3, 2007; amended at 31 Ill. Reg. 8850, effective June 6, 2007; amended at 33 Ill. Reg. 9393, effective June 17, 2009; amended at 34 Ill. Reg. 19224, effective November 23, 2010; amended at 35 Ill. Reg. 3461, effective February 14, 2011; amended at 39 Ill. Reg. 5490, effective March 25, 2015; amended at 42 Ill. Reg. 7950, effective April 30, 2018; emergency amendment at 44 Ill. Reg. 8555, effective May 5, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16298, effective September 15, 2020, for the remainder of the 150 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill. Reg. 16908, effective October 2, 2020, for a maximum of 150 days; emergency expired February 28, 2021; emergency amendment at 44 Ill. Reg. 19012, effective November 19, 2020, for a maximum of 150 days; emergency expired April 17, 2021; emergency amendment at 45 Ill. Reg. 435, effective December 18, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 2108, effective January 27, 2021, for the remainder of the 150 days; emergency rule as amended expired May 16, 2021; emergency amendment at 45 Ill. Reg. 3060, effective March 1, 2021, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 45 Ill. Reg. 10102, effective July 25, 2021; emergency amendment at 45 Ill. Reg. 5594, effective April 18, 2021, for a maximum of 150 days; emergency rule expired September 14, 2021; emergency amendment at 45 Ill. Reg. 6729, effective May 17, 2021, for a maximum of 150 days; emergency expired October 13, 2021; emergency amendment at 45 Ill. Reg. 12012, effective September 15, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14616, effective November 5, 2021, for the remainder of the 150 days; emergency expired February 11, 2022; emergency amendment at 45 Ill. Reg. 13735, effective October 14, 2021, for a maximum of 150 days; emergency expired March 12, 2022; emergency amendment at 46 Ill. Reg. 3315, effective February 12, 2022, for a maximum of 150 days; emergency expired July 11, 2022; emergency amendment at 46 Ill. Reg. 5367, effective March 13, 2022, for a maximum of 150 days; emergency expired August 9, 2022; amended at 46 Ill. Reg. 10519, effective June 2, 2022; emergency amendment at 46 Ill. Reg. 13451, effective July 15, 2022, for a maximum of 150 days; emergency expired December 11, 2022; emergency amendment to emergency rule at 46 Ill. Reg. 16467, effective September 19, 2022, for the remainder of the 150 days; emergency

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expired December 11, 2022; emergency amendment to emergency rule at 46 Ill. Reg. 18279, effective October 31, 2022, for the remainder of the 150 days; emergency expired December 11, 2022; emergency amendment at 46 Ill. Reg. 20313, effective December 12, 2022, for a maximum of 150 days; emergency expired May 10, 2023; amended at 47 Ill. Reg. 14492, effective September 26, 2023; amended at 48 Ill. Reg. 2546, effective January 30, 2024; amended at 48 Ill. Reg. 14720, effective September 25, 2024; Subchapter c recodified at 49 Ill. Reg. 2552; amended at 49 Ill. Reg. 7038, effective April 30, 2025; amended at 49 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 350.340 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
 - 1) Private and professional association standards:
 - A) ANSI/ASME Standard A17.1 – 2007, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, NJ 07007-2900.
 - B) ANSI/ASHRAE/ASHE Standard 170-2008, Ventilation of Health Care Facilities, which may be accessed at:
https://www.ashrae.org/File%20Library/Technical%20Resources/Standards%20and%20Guidelines/Standards%20Addenda/170-2008/ad170_2008_d.pdf.
 - C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2009), and Handbook of Applications (2007), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329.
 - D) American Society for Testing and Materials (ASTM), Standard E90-09 (2009): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, and Standard No. E84-08a, Standard Test Method for Surface Burning Characteristics of Building Materials

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(2010), which may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959.

- E) International Building Code (IBC) (2012), which may be obtained from the International Code Council (ICC), 4051 W. Flossmoor Road, Country Club Hills, IL 60478-5795.
- F) For existing facilities (see Subpart N), National Fire Protection Association (NFPA) 101: Life Safety Code (2012), and the following standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169:
 - i) NFPA 10 (2010): Standard for Portable Fire Extinguishers
 - ii) NFPA 13 (2010): Standards for the Installation of Sprinkler Systems
 - iii) NFPA 54 (2012): National Fuel Gas Code
 - iv) NFPA 70 (2011): National Electrical Code
 - v) NFPA 90A (2012): Standards for the Installation of Air Conditioning and Ventilating Systems
 - vi) NFPA 96 (2011): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
 - vii) NFPA 99 (2012): Health Care Facilities Code
 - viii) NFPA 101A (2013): Guide on Alternative Approaches to Life Safety
 - ix) NFPA 220 (2012): Standard on Types of Building Construction
 - x) NFPA 253 (2011): Standard Method of Test for Critical Radiant Flux of Floor Covering Systems using a Radiant Heat Energy Source

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- G) For new facilities (see Subpart M), the following standards of the NFPA 101 (2012) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169:
- i) NFPA 10 (2010): Standard for Portable Fire Extinguishers
 - ii) NFPA 13 (2010): Standard for the Installation of Sprinkler Systems
 - iii) NFPA 54 (2010): National Fuel Gas Code
 - iv) NFPA 70 (2011): National Electrical Code
 - v) NFPA 90A (2012): Standard for the Installation of Air Conditioning and Ventilating Systems
 - vi) NFPA 96 (2011): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
 - vii) NFPA 99 (2011): Health Care Facilities Code
 - viii) NFPA 220 (2012): Standard on Types of Building Construction
 - ix) NFPA 253 (2011): Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
- H) Underwriters Laboratories, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, IL 60062:
- i) Fire Resistance Directory (2014 Edition)
 - ii) Building Material Directory (2014 Edition)

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- I) American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Fourth Edition (2014), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, GA 31193-3104 (800-762-2264). (See Section 350.3220.)
- 2) Federal regulations and guidelines:
 - A) 21 CFR 1306, Prescriptions (April 1, 2024)
 - B) 42 CFR 483.440(c), Conditions of Participation: Active Treatment Services (October 1, 2024)
 - C) 45 CFR 46, Protection of Human Subjects (October 1, 2024)
 - D) The following guidelines and toolkits of the Centers for Disease Control and Prevention, United States Public Health Service, and Department of Health and Human Services:
 - i) Guideline for Prevention of Catheter-Associated Urinary Tract Infections, 2009 (June 6, 2019), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-CAUTI-H.pdf>
 - ii) Guideline for Hand Hygiene in Health-Care Settings (October 25, 2002), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-Hand-Hygiene-P.pdf>
 - iii) Guidelines for Prevention of Intravascular Catheter-Related Infections, 2011 (October 2017), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-BSI-H.pdf>
 - iv) Guideline for Prevention of Surgical Site Infection (August 2017), available at: <https://jamanetwork.com/journals/jamasurgery/fullarticle/2623725>

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- v) Guidelines for Prevention of Healthcare Associated Pneumonia, 2003 (April 12, 2004), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-Healthcare-Associated-Pneumonia-H.pdf>
 - vi) 2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings (September, 2024), available at: <https://www.cdc.gov/infection-control/media/pdfs/guideline-isolation-h.pdf?CDC%20%20AAref%20%20Val=>
~~<https://www.cdc.gov/infection-control/media/pdfs/guideline-isolation-h.pdf?CDC-AArefVal=>~~
 - vii) Infection Control in Healthcare Personnel: Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services (October 25, 2019), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-Infection-Control-HCP-H.pdf> ~~<https://www.cdc.gov/infection-control/media/pdfs/guideline-infection-control-hep-h.pdf?CDC-AAref-Val=>~~
 - viii) Infection Control in Healthcare Personnel: Epidemiology and Control of Selected Infections Transmitted Among Healthcare Personnel and Patients (October 22, 2024), available at: <https://www.cdc.gov/infection-control/media/pdfs/Guideline-IC-HCP-H.pdf>
- b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.
 - c) The following statutes and State regulations are referenced in this Part:
 - 1) Federal statutes:

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- A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
 - B) Social Security Act (42 U.S.C. 301 et seq., 1935 et seq. and 1936 et seq.)
 - C) Controlled Substances Act (21 U.S.C. 802)
- 2) State of Illinois statutes:
- A) Substance Use Disorder Act [20 ILCS 301]
 - B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
 - C) Child Care Act of 1969 [225 ILCS 10]
 - D) Court of Claims Act [705 ILCS 505]
 - E) Illinois Dental Practice Act [225 ILCS 25]
 - F) Election Code [10 ILCS 5]
 - G) Freedom of Information Act [5 ILCS 140]
 - H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]
 - I) Illinois Health Facilities Planning Act [20 ILCS 3960]
 - J) Hospital Licensing Act [210 ILCS 85]
 - K) Illinois Municipal Code [65 ILCS 5]
 - L) Illinois Controlled Substances Act [720 ILCS 570]
 - M) Life Care Facilities Act [210 ILCS 40]
 - N) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]

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- O) Medical Practice Act of 1987 [225 ILCS 60]
- P) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- Q) Nurse Practice Act [225 ILCS 65]
- R) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- S) ID/DD Community Care Act [210 ILCS 47]
- T) Illinois Occupational Therapy Practice Act [225 ILCS 75]
- U) Pharmacy Practice Act [225 ILCS 85]
- V) Illinois Physical Therapy Act [225 ILCS 90]
- W) Private Sewage Disposal Licensing Act [225 ILCS 225]
- X) Probate Act of 1975 [755 ILCS 5]
- Y) Illinois Public Aid Code [305 ILCS 5]
- Z) Safety Glazing Materials Act [430 ILCS 60]
- AA) Illinois Administrative Procedure Act [5 ILCS 100]
- BB) Clinical Psychologist Licensing Act [225 ILCS 15]
- CC) Dietitian Nutritionist Practice Act [225 ILCS 30]
- DD) Health Care Worker Background Check Act [225 ILCS 46]
- EE) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- FF) Illinois Living Will Act [755 ILCS 35]
- GG) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]

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- HH) Health Care Surrogate Act [755 ILCS 40]
- II) Health Care Right of Conscience Act [745 ILCS 70]
- JJ) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
- KK) Supportive Residences Licensing Act [210 ILCS 65]
- LL) Community Living Facilities Licensing Act [210 ILCS 35]
- MM) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- NN) Counties Code [55 ILCS 5]
- OO) Illinois Act on the Aging [20 ILCS 105]
- PP) Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
- QQ) Assisted Living and Shared Housing Act [210 ILCS 9]
- RR) Alternative Health Care Delivery Act [210 ILCS 3]
- SS) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
- TT) Physician Assistant Practice Act of 1987 [225 ILCS 95]
- UU) Language Assistance Services Act [210 ILCS 87]
- VV) MC/DD Act [210 ILCS 46]
- WW) Authorized Electronic Monitoring in Long-Term Care Facilities Act [210 ILCS 32]
- XX) Illinois Emergency Management Agency Act [20 ILCS 3305]
- YY) Latex Glove Ban Act [410 ILCS 180]

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ZZ) Essential Support Person Act [210 ILCS 175]

- 3) State of Illinois rules:
- A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
 - B) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 - C) Department of Public Health:
 - i) Control of Notifiable Diseases and Conditions Code (77 Ill. Adm. Code 690)
 - ii) Control of Sexually Transmissible Infections Code (77 Ill. Adm. Code 693)
 - iii) Food Code (77 Ill. Adm. Code 750)
 - iv) Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
 - vi) Drinking Water Systems Code (77 Ill. Adm. Code 900)
 - vii) Water Well Construction Code (77 Ill. Adm. Code 920)
 - viii) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
 - ix) Access to Records of the Department of Public Health (2 Ill. Adm. Code 1127)
 - x) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
 - xi) Medically Complex for the Developmentally Disabled

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Facilities Code (77 Ill. Adm. Code 390)

- xii) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
- xiii) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
- xiv) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
- xv) Language Assistance Services Code (77 Ill. Adm. Code 940)
- xvi) Collection, Disclosure and Confidentiality of Health Statistics; Institutional Review Board (77 Ill. Adm. Code 1005)
- xvii) Authorized Electronic Monitoring in Long Term Care Facilities Code (77 Ill. Adm. Code 389)

[xviii\) Essential Support Person Code \(77 Ill. Adm. Code 50\)](#)

D) Department of Financial and Professional Regulation:

- i) Illinois Controlled Substances Act (77 Ill. Adm. Code 3100)
- ii) Pharmacy Practice Act (68 Ill. Adm. Code 1330)

E) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)

F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 3706)

G) Department of Healthcare and Family Services:

- i) Medical Payment (89 Ill. Adm. Code 140)

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- ii) Crisis Assistance (89 Ill. Adm. Code 116)
- iii) Developmental Disabilities Services (89 Ill. Adm. Code 144)

(Source: Amended at 49 Ill. Reg. _____, effective _____)

SUBPART C: POLICIES

Section 350.625 Determination of Need Screening and Request for Resident Criminal History Record Information

- a) For the purpose of this Section only, a facility is any location certified to participate in the Medicare program under Title XVIII of the Social Security Act or Medicaid program under Title XIX of the Social Security Act.
- b) *All persons 18 or older seeking admission to a facility must be screened to determine the need for facility services prior to being admitted, regardless of income, assets, or funding source.* (Section 2-201.5(a) of the Act) A screening assessment is not required provided one of the conditions in Section 140.642(c) of the rules of the Department of Healthcare and Family Services titled Medical Payment is met.
- c) *Any person who seeks to become eligible for medical assistance from the Medical Assistance program under the Illinois Public Aid Code to pay for active treatment services while residing in a facility shall be screened in accordance with 89 Ill. Adm. Code 140.642(b)(4).* (Section 2-201.5(a) of the Act)
- d) *Screening for facility services shall be administered through procedures established by administrative rule by the agency responsible for screening.* (Section 2-201.5(a) of the Act) The Illinois Department of Human Services is responsible for the screening required in subsection (b) for all individuals 18 through 59 years of age and for individuals 60 years of age or older who are developmentally disabled or have a severe mental illness. The Illinois Department of Healthcare and Family Services or its designee is responsible for the screening required in subsection (c).
- e) *In addition to the screening required by Section 2-201.5(a) of the Act and this Section, a facility shall, within 24 hours after admission of a resident, request a*

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criminal history background check pursuant to the Uniform Conviction Information Act for all persons age 18 or older seeking admission to the facility. Background checks shall be based on the resident's name, date of birth, and other identifiers as required by the Illinois~~Department of~~ State Police. (Section 2-201.5(b) of the Act)

- f) The facility shall check for the individual's name on the Illinois Sex Offender Registration website at www.isp.state.il.us and the Illinois Department of Corrections sex registrant search page at www.illinois.gov/idoc/Pages/default.aspx to determine if the individual is listed as a registered sex offender. In addition, the facility shall check the National Sex Offender Public Website at NSOPW.Gov to determine if the individual is listed on the national registry as a sex offender.
- g) *If the results of the background check are inconclusive, the facility shall initiate a fingerprint-based check, unless the fingerprint check is waived by the Director of Public Health based on verification by the facility that the resident is completely immobile or that the resident meets other criteria related to the resident's health or lack of potential risk, such as the existence of a severe, debilitating physical, medical, or mental condition that nullifies any potential risk presented by the resident. (Section 2-201.5(b) of the Act) The facility shall arrange for a fingerprint-based check or request a waiver from the Department within 5 days after receiving inconclusive results of a name-based background check. The fingerprint-based background check shall be conducted within 25 days after receiving the inconclusive results of the name-based check.*
- h) *A waiver issued pursuant to Section 2-201.5(b) of the Act shall be valid only while the resident is immobile or while the criteria supporting the waiver exist. (Section 2-201.5(b) of the Act)*
- i) *The facility shall provide for or arrange for any required fingerprint-based checks. If a fingerprint-based check is required, the facility shall arrange for it to be conducted in a manner that is respectful of the resident's dignity and that minimizes any emotional or physical hardship to the resident. (Section 2-201.5(b) of the Act) If a facility is unable to conduct a fingerprint-based background check in compliance with this Section, then it shall provide conclusive evidence of the resident's immobility or risk nullification of the waiver issued pursuant to Section 2-201.5(b) of the Act.*

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- j) The facility shall be responsible for taking all steps necessary to ensure the safety of residents while the results of a name-based background check or a fingerprint-based background check are pending; while the results of a request for waiver of a fingerprint-based check are pending; and/or while the Identified Offender Report and Recommendation is pending.

(Source: Amended at 49 Ill. Reg. _____, effective _____)

Section 350.765 Essential Support Persons

A facility shall comply with the Essential Support Person Act and with the Essential Support Person Code.

(Source: Added at 49 Ill. Reg. _____, effective _____)

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- 1) Heading of Part: Automatic Voter Registration
- 2) Code Citation: 26 Ill. Adm. Code 300
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
300.10	New Section
300.20	New Section
300.30	New Section
300.40	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1A-16.1, 1A-16.2, 1A-16.5, and 1A-16.7 of the Election Code [10 ILCS 5].
- 5) Effective Date of Rule: August 26, 2025
- 6) Does the rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 49 Ill. Reg. 3834; April 4, 2025
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

Section 300.10 (c) was changed so that it now provides that "this Part" (instead of "these administrative rules") implements (instead of "implement") the requirements of the Election Code, establishes (instead of "establish") the framework for voter registration, and maintains (instead of "maintain") administrative efficiency.

The definition of "election authority" in Section 300.20 was edited to read as follows: "Election Authority" means a county clerk or a Board of Election Commissioners. [10 ILCS 5/1-3(8)].

In the definition of "pending status" in Section 300.20, "defined" was replaced with "described."

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In Section 300.30(a)(5), "valid" was replaced with "complete."

Section 300.30(b)(3) was edited to read as follows: "If the SBE is unable to provide a signature image to the election authority as part of the application, the following procedures, implementing the requirements outlined in Code Section 1A-16.7(e), will apply."

In Section 300.30(b)(3)(B), carriage returns and indentation were added and "1)" and "2)" were changed to "i)" and "ii)."

In Section 300.30(b)(3)(B)(ii), "state" was capitalized.

In Section 300.40(b)(2), "Opt-In Automatic Voter Registration or Opt-Out Automatic Voter Registration" was lower-cased.

The word "and" was added to the end of Section 300.40(b)(2)(F).

In Section 300.40(b)(2)(G), "ID" was replaced with "identification card."

A typographical error in Section 300.40(c) was corrected so that items (1) through (8) are listed in proper numerical order.

The phrase "in jointly adopted rules" was deleted from Section 300.40(c)(8).

A citation to 10 ILCS 5/1A-16.2 was added to the end of Section 300.40(d)(5).

In Section 300.40(d)(6), after "program,", the phrase "if additional rulemaking is required" was added.

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace an emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking establishes the automatic voter registration program for the State of Illinois as required by Sections 1A-16.1, 1A-16.2,

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1A-16.5, and 1A-16.7 of the Election Code [10 ILCS 5/1A-16.1, 1A-16.2, 1A-16.5, and 1A-16.7]. The rules implement the requirements of the Election Code, establish the framework for electronic voter registration, and maintain administrative efficiency while also protecting the integrity of the voter registration system and the legitimate privacy interests of the State Board, local election authorities, and the citizens of the State of Illinois.

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

H. Poyer
Office of General Counsel
Illinois State Board of Elections
2329 S. MacArthur Blvd.
Springfield, Illinois 62704

(217) 782-4141
GeneralCounsel@elections.il.gov

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

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TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 300

AUTOMATIC VOTER REGISTRATION

Section

300.10	General Provisions
300.20	Definitions
300.30	State Board of Elections and Local Election Authority Requirements
300.40	Designated Automatic Voter Registration Agencies

AUTHORITY: Implementing and authorized by Sections 1A-16.1, 1A-16.2, 1A-16.5, and 1A-16.7 of the Election Code [10 ILCS 5].

SOURCE: Adopted at 49 Ill. Reg. 11259, effective August 26, 2025.

Section 300.10 General Provisions

- a) Sections 1A-16.1, 1A-16.2, 1A-16.5, and 1A-16.7 of the Election Code [10 ILCS 5/1A-16.1, 1A-16.2, 1A-16.5, and 1A-16.7] require the State Board of Elections to establish an automatic voter registration program.
- b) This Part, pursuant to the Code, establishes the automatic voter registration program for the State of Illinois. This Part applies equally to any in-person or online transaction involving voter registration.
- c) This Part implements the requirements of Code Sections 1A-16.1, 16.2, 16.5, and 16.7, establishes the framework for electronic voter registration, and maintains administrative efficiency while also protecting the integrity of the voter registration system and the legitimate privacy interests of the State Board, local election authorities, and the citizens of the State of Illinois.

Section 300.20 Definitions

As used in this Part:

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"Attestation" means a provision included on the voter registration application that meets the requirements of Code Section 1A-16.2, is affirmed by the applicant, and is made under penalty of perjury.

"Board", "State Board", or "SBE" means the Illinois State Board of Elections.

"Code" means the Election Code [10 ILCS 5].

"Duplicate Application" means any application received by the SBE from a designated voter registration agency in which the following data fields are an exact match to a registered voter's information already in the Statewide voter registration database: voter's name, voter's date of birth, voter's driver's license or state identification card number or the last four digits of the voter's social security number, as the case may be, and voter's residence address.

"Election Authority" *means a county clerk or a Board of Election Commissioners.* [10 ILCS 5/1-3(8)]

"Individual" means a natural person. "Individual" does not include a corporation, association, organization, partnership, or any other non-natural person.

"Mailing Address" means an address, distinct from an individual's residence address, at which the individual receives mail.

"Pending Status" means the designation given to a voter registration application that does not contain a signature image as described by Code Section 1A-16.7(e).

"Residence Address" means the combination of street number, street, city, state, zip code, and other information that identifies an individual's permanent abode.

Section 300.30 State Board of Elections and Local Election Authority Requirements

The State Board and election authorities will implement the following procedures in the administration of automatic voter registration:

- a) State Board

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- 1) The SBE will not accept, store, or maintain any voter documents unrelated to voter registration, such as birth certificates, passports, or other citizenship documents.
 - 2) Driver's license or state identification numbers, as well as the issue dates thereof, and last four digits of social security numbers will be stored to verify voter eligibility and may be used to obtain signature images.
 - 3) The SBE will not transfer a duplicate application to an election authority if the application is deemed to have been submitted within 30 days after the first application.
 - 4) The SBE will notify any designated voter registration agency of any statutory changes governing the administration of voter registration which impacts the agency's administration of its voter registration program or requires an amendment to the interagency agreement.
 - 5) The SBE will continue to transmit to election authorities all complete voter registration applications received from designated automatic voter registration agencies after the period or periods for voter registration close under Articles 4, 5, and 6 of the Code.
- b) Election Authorities
- 1) Election authorities will maintain a voter registration system capable of interfacing with the Statewide voter registration system for the purpose of receiving electronic voter registration applications.
 - 2) Any written notice required by Code Section 1A-16.7(g) will be sent to the applicant within five days after the disposition of the voter registration application.
 - 3) If the SBE is unable to provide a signature image to the election authority as part of the application, the following procedures, implementing the requirements outlined in Code Section 1A-16.7(e), will apply:
 - A) election authorities will not reject a voter registration application on the sole basis of a missing signature;

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- B) if an applicant's signature image cannot be otherwise obtained, an election authority will:
 - i) maintain the application in a pending status; and
 - ii) mail the applicant a paper-based voter registration form with a request to sign the application and provide a confirmation of the applicant's driver's license or State identification card number or the last four digits of the applicant's social security number;
 - C) individuals with an application in a pending status will not be afforded the opportunity to vote until the applicant provides the election authority a signature and identification that complies with Section 303 of the federal Help America Vote Act of 2002 (52 U.S.C. 21083); and
 - D) election authorities will not remove voters in pending status due to lack of signature from their voter rolls, except according to the procedures enumerated in Section 8(d) of the National Voter Registration Act (52 U.S.C. 20507(d)).
- 4) Election authorities will set the application date as the applicant's date of registration, and any voter registration application with an application date before the 16th day prior to an election day will be deemed timely received.

Section 300.40 Designated Automatic Voter Registration Agencies

- a) When identified in Code Section 1A-16.2(g), an agency is a designated automatic voter registration agency. The agency will implement automatic voter registration in accordance with the applicable section of the jointly adopted rules of the agency and the Board.
- b) Pursuant to Code Section 1A-16.2(g), the State Board will enter into an interagency agreement with a governmental agency other than an agency identified therein, allowing the agency to operate as a designated automatic voter registration agency for individuals in the State of Illinois, only if the agency complies with the following requirements:

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- 1) As part of its usual course of business, the agency must provide applications, applications for renewal, change of address forms, or recertification forms to individuals for licenses, permits, or services. The State Board will not enter into an interagency agreement with an agency that offers licenses, permits, or services solely to non-individual applicants (e.g., groups or multi-individual business entities).
 - 2) If the agency offers opt-in automatic voter registration or opt-out automatic voter registration, the applications collected or processed by the agency must contain the individual's:
 - A) full legal name (first name, last name);
 - B) residence address;
 - C) mailing address, if different from residence address;
 - D) date of birth;
 - E) sex;
 - F) Illinois driver's license number, state identification card number, or last 4 digits of the applicant's social security number; and
 - G) issue date of the individual's Illinois driver's license number or State identification card number, if applicable.
 - 3) Upon implementation of a system for transmitting voter registration applications electronically to the State Board, the designated automatic voter registration agency may not require the applicant to use a paper registration form to complete a voter registration application if the voter can access the electronic voter registration method.
- c) Types of Automatic Voter Registration Programs
- 1) In consideration of the technological capabilities of a designated automatic voter registration agency, the State Board will offer the following types of automatic voter registration programs:

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- A) Opt-In Automatic Voter Registration, which is an automatic voter registration program wherein an applicant affirmatively elects to register to vote or change an already registered voter's name, residence address, or both, through simultaneous application with a designated voter registration agency.
 - B) Opt-Out Automatic Voter Registration, which is an automatic voter registration program wherein an applicant's application with a designated automatic voter registration agency serves as simultaneous application to register to vote or to change an already registered voter's name, residence address, or both, unless the applicant affirmatively declines.
 - C) Website Transfer, which is an automatic voter registration program wherein an applicant affirmatively elects to register to vote or change an already registered voter's name, residence address, or both, by being given the opportunity to complete a website-based application to register or update registration information that has been prefilled with data provided to the designated automatic voter registration agency.
- 2) Whether an agency collects or cross-references reliable personal information indicating citizenship in the regular course of its application process will determine the type of automatic voter registration program the agency may implement.
- 3) As used in this Section, "reliable personal information indicating citizenship" means a government-issued source verifying that an individual is a citizen of the United States, and includes the following:
- A) a valid, unexpired United States passport or United States passport card;
 - B) an original or certified copy of a birth certificate filed with the Division of Vital Records or equivalent agency in the applicant's state of birth;
 - C) a Consular Report of Birth Abroad issued by the United States Department of State, Form FS-240, DS-1350, or FS-545;

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- D) a Certificate of Naturalization issued by the United States Department of Homeland Security, Form N-550 or Form N-570; and
 - E) a Certificate of Citizenship issued by the United States Department of Homeland Security, Form N-560 or form N-561.
- 4) If an agency collects or cross-references reliable personal information indicating citizenship in the regular course of its application process, the agency may implement opt-in, opt-out, or website transfer automatic voter registration.
 - 5) If an agency does not collect or cross-reference reliable personal information indicating citizenship in the regular course of its application process, it may implement opt-in or website transfer automatic voter registration, but the agency may not implement opt-out automatic voter registration.
 - 6) Under no circumstances will a designated voter registration agency that collects reliable personal information indicating citizenship forward to the SBE original or copies of any documents collected.
 - 7) An agency designated as an automatic voter registration agency under Code Section 1A-16.2 must identify the type of automatic voter registration program in its interagency contract with the State Board.
 - 8) An agency designated as an automatic voter registration agency under Code Section 1A-16.2 must identify specific implementation requirements as required by Code Section 1A-16.2.
- d) Every type of automatic voter registration program identified in subsection (b) is subject to the following requirements:
- 1) The program may not require the applicant to provide duplicate information.
 - 2) The program must incorporate the appropriate attestation under Code Sections 1A-16.2 and 1A-16.5(f) for the type of program implemented and

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as set forth in the agency's administrative rules jointly adopted with the State Board.

- 3) Pursuant to Code Section 1A-16.2, the agency must execute a data sharing agreement with the SBE prior to initiating an automatic voter registration program establishing minimum standards for data confidentiality, security, and retention.
- 4) The agency will produce and provide training to its employees on the requirements to register to vote in Illinois and the processing of voter registration applications.
- 5) The agency will conspicuously publish requirements to register to vote in Illinois in the location where an individual could complete a dual-purpose application. (See 10 ILCS 5/1A-16.2.)
- 6) Within 90 days of executing a data sharing agreement to initiate an automatic voter registration program, if additional rulemaking is required, the agency and SBE must initiate the adoption of jointly adopted rules to implement the automatic voter registration program.

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- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1285.92	New Section
1285.93	New Section
- 4) Statutory Authority: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and the Patients' Right to Know Act [225 ILCS 61] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois (Department of Professional Regulation Law) [20 ILCS 2105/2105-15(7)].
- 5) Effective Date of Rule: August 29, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 49 Ill. Reg. 278; January 10, 2025
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version: There were several changes per the public comments that were made by the Department and any changes made by JCAR were either technical/grammatical or for clarification purposes. Those changes are as follows:

In the Table of Contents, the following was deleted from the proposed version:,

"1285.345	International Medical Graduate Physician Limited License
1285.350	International Medical Graduate Physician Pathway to Full Unrestricted Licensure"

and is replaced in this adopted version with the following:

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"1285.92 International Medical Graduate Physician Limited License
1285.93 International Medical Graduate Physician Pathway to Full
Unrestricted Licensure".

In the very beginning of the text, "SUBPART C: GENERAL INFORMATION" was removed from the proposed version and is replaced with "SUBPART A: MEDICAL LICENSING, RENEWAL AND RESTORATION PROCEDURE" in this adopted version. Also, in the Section title, "345" is deleted from the proposed version and is replaced with "92" in this adopted version.

Section 1285.92 ("345" in the proposed version) a) is rearranged from one single paragraph in the proposed version to subsections a) 1) – 5) with the exact same language in this proposed version, however, subsections a) 1) – 5) are also italicized with a citation to the Act ("[225 ILCS 60/2]") added at the end of subsection a) 5).

In Section 1285.92 ("345" in the proposed version) b), after "Division", "in it's discretion may", was deleted from the proposed version and is replaced with "will" in this adopted version.

In Section 1285.92 ("345" in the proposed version) b) 2), after "Division", "may" was deleted from the proposed version and is replaced with "will" in this adopted version. Also, in this same subsection, after "waive", "this requirement at its discretion where the applicant is unable to obtain the required documentation from a non-cooperating country" was deleted from the proposed version and is replaced with "the official transcript and diploma/certification of graduation requirement if the applicant demonstrates, to the Division's satisfaction, that the applicant is unable to obtain the required documentation from a non-cooperating country or educational institution" in this adopted version.

A new subsection b) 4), is added to Section 1285.92 ("345" in the proposed version) b) in this adopted version which states the following:

"Provides proof of current, unencumbered physician licensure in another country as verified by ECFMG's international credential verification services, currently named EPIC;"

Section 1285.92 ("345" in the proposed version) b) 4) and 5) were deleted from the proposed version and are replaced with the following in this adopted version:

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- "5) Submits evidence the applicant has at least three years of post-graduate training in another country verified by ECFMG or submits evidence that the applicant has been engaged in the active practice of medicine in the country where the applicant is licensed for at least two of the last five years. If the active practice of medicine predates the two years immediately preceding the date of application, the applicant must show evidence of a United States clinical experience, including one of the following:
- A) A Clinical Rotation. A structured rotation in a specific medical department, often within a hospital or university setting to gain practical experience in patient care.
 - B) An Observership. An opportunity to shadow a United States licensed physician without a prior disciplinary history and observe the physician's daily routines and patient care, providing valuable insights into US medical practice.
 - C) An Externship. A hands-on experience where the individual is actively involved in patient care under the guidance of a physician preceptor.
 - D) Electives. An opportunity to complete clinical rotations in specific areas of medicine, often chosen by the individual to align with their career interests.
 - E) Holds an active Illinois physician assistant or advanced practice registered nurse license without prior disciplinary action.
- 6) Has entered into an agreement with a sponsoring entity which must be one of the following: a hospital, a Federally Qualified Health Center, a State-operated mental health facility or developmental center or a correctional center operated by the Department of Corrections, a community health center as defined in 77 Ill. Adm. Code 591.20, a multispecialty medical practice or clinic with two or more active physicians who hold unrestricted licenses to practice in the State of Illinois and which participates in graduate medical education, or another facility approved by the Division that provides an annual supervisor assessment and summative evaluation designed to develop, assess, and evaluate the individual's nonclinical and

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clinical skills and familiarity with standards appropriate for medical practice in the State of Illinois; and".

Section 1285.92 ("345" in the proposed version) b) 6), "6) Submits to a background check process required of applicants generally" is rewritten from the proposed version as subsection b) 7) in this adopted version as, "7) Submits to and passes the background check required of physician license applicants under Sections 1285.70 and 1285.80".

In Section 1285.92 ("345" in the proposed version) c) 1), after "Within", "an approved" is deleted from the proposed version and is replaced with "the" in this adopted version and after "entity", "which must be either a hospital, a critical access teaching hospital, a Federally Qualified Health Center, a State facility, a community health center, or another facility approved by the Division" was deleted from the proposed version.

In Section 1285.92 ("345" in the proposed version) c) 2), before "sponsoring", "an approved" was deleted from the proposed version and is replaced with "the" in this adopted version and before "supervisor", "faculty" was deleted from the proposed version. Also, in this same subsection after "unrestricted", "physician" was deleted from the proposed version and is replaced with "Illinois" in this adopted version and after "license", "to practice medicine in all of its branches" is added to this adopted version.

In Section 1285.92 ("345" in the proposed version) d), after "license must", "file with the Division" was deleted from the proposed version and is replaced with "maintain" in this adopted version and after "agreement", "made available to the Department upon Department request," is added to this adopted version and before "sponsoring", "approved" was deleted from the proposed version. Also, in that same subsection, before "assessment", "annual supervisor" is added and before "evaluation", "summative" is added to this adopted version. After "evaluation", the rest of that subsection was deleted from the proposed version.

Subsection 1285.92 ("345" in the proposed version) e) was deleted from the proposed version and is completely rewritten in this adopted version as:

"The sponsoring entity must ensure that the supervisor has sufficient support and dedicated time to effectively carry out educational, administrative, and professional responsibilities. The supervising physician shall maintain the final responsibility for the care of the patient and the performance of the limited license holder. All procedures and tasks performed by the limited license holder shall be

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within the current scope of practice of the supervising physician. It is the responsibility of the supervising physician to direct and review the practice of the limited license holder to ensure that appropriate directions are given and understood and that appropriate treatment is being rendered. Failure of the supervising physician to properly supervise a limited license holder may result in discipline under Section 1285.240."

At the end of Section 1285.92 ("345" in the proposed version) f), "345" is deleted from the proposed version and is replaced with "92" in this proposed version.

In Section 1285.92 ("345" in the proposed version) g), after "every two years", "in accordance with 68 IAC" was deleted from the proposed version and is replaced with "if the applicant meets the requirements of Section" in this adopted version.

In Section 1285.92 ("345" in the proposed version) h), the first sentence was deleted from the proposed version and is rewritten in this adopted version as, "A limited license holder shall be entitled to perform only those actions that are within the scope of practice of the supervising physician, as may be prescribed by and incidental to the limited license holder's practice agreement with the sponsoring entity while under supervision".

In Section 1285.92 ("345" in the proposed version) i), after "licensed under this", "subsection was deleted from the proposed version and is replaced with "Section" in this adopted version.

In the Section title, "350" is deleted from the proposed version and is replaced with "93" in this adopted version.

In Section 1285.93 ("350" in the proposed version) a), "Section" is added before "1285.92" in this adopted version and after, "practice medicine in a", "designated Illinois Health Professional Shortage Area in Illinois as approved by the Division" was deleted from the proposed version and is replaced with "location within Illinois designated by the federal Health Resources and Services Administration (HRSA) as a Health Professional Shortage Area, Medically Underserved Area or Medically Underserved Population" in this adopted version. In this same subsection, in the second sentence, after "restricted in", "practice location" was deleted from the proposed version and is replaced with "designation" in this adopted version and after "independently", "within a designated", was deleted from the proposed version and is replaced with "in" and after "Illinois", "in a" is added to this adopted version. Also, after "Area", "Medically Underserved Area or

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by serving Medically Underserved Populations" is added to this proposed version and the final sentence in that subsection was deleted from the proposed version.

A new Section 1285.93 ("350" in the proposed version) b) is added to this adopted version which reads as follows:

"For purposes of determining approved practice locations for a restricted license applicant, the Department will recognize the Health Professional Shortage Areas, Medically Underserved Areas and Medically Underserved Populations that are designated by HRSA as of the date the application for restricted licensure was filed. If HRSA should cease to designate or keep data on Health Professional Shortage Areas, Medically Underserved Areas or Medically Underserved Populations, the Department will use the HRSA designations and data that were in effect on October 1, 2025."

The language of Section 1285.93 ("350" in the proposed version) b) of the proposed version is now c) in this adopted version and after "Division", "in its discretion" was deleted from the proposed version and before "Health", "designated Illinois" was deleted from the proposed version and after "Area", "Medically Underserved Area or Medically Underserved Population" is added to this adopted version. Also, in this same subsection, "185.345" was deleted from the proposed version and is replaced with "Section 1285.92" in this adopted version.

In Section 1285.93 ("350" in the proposed version) c) 2) (subsection b) 2) in the proposed version), "under supervision" was deleted from the proposed version and before "assessment", "sponsoring entity's" was deleted from the proposed version and is replaced with "annual supervisor's" in this adopted version and before "evaluation", "summative" is added to this adopted version and after "evaluation", "program" was deleted from the proposed version.

In Section 1285.93 ("350" in the proposed version) c) 3) (subsection b) 3) in the proposed version), after "employment", the rest of the subsection is rewritten as "approved by the Division in a location within Illinois designated by HRSA as a Health Professional Shortage Area, Medically Underserved Area or Medically Underserved Population; and".

In Section 1285.93 ("350" in the proposed version) d) (subsection c) in the proposed version), before "obtains", "successfully" was deleted from the proposed version and the rest of the subsection after "Section", was deleted from the proposed version and is

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replaced with "shall not practice medicine", along with new subsections d) 1) and d) 2) in this adopted version as follows:

- "1) In a solo private practice setting; or
- 2) In the form of telemedicine. All patient interactions must be face to face."

A new Section 1285.93 ("350" in the proposed version) e) is added to this adopted version and states the following:

- "e) An individual who obtains a restricted license pursuant to this Section and practices under such restricted license until its expiration shall be eligible to apply for a full unrestricted license to practice medicine."

In Section 1285.93 ("350" in the proposed version) f) (subsection d) in the proposed version), before "issue" and after "Division", "in its discretion, may" was deleted from the proposed version and is replaced with "will" in this adopted version and after "unrestricted", "physician and surgeon" was deleted from the proposed version and after "license to", "practice medicine in all of its branches" is added to this adopted version.

In Section 1285.93 ("350" in the proposed version) f) 2) (subsection d) 2) in the proposed version), after "within a", the rest of the subsection was deleted from the proposed version and is replaced with "location within Illinois designated by HRSA as a Health Professional Shortage Area, a Medically Underserved Area or Medically Underserved Population." in this adopted version.

Subsections e) and f) of Section 1285.350 ("93" in the adopted version) from the proposed version were deleted.

In Section 1285.93 ("350" in the proposed version) g), before "license", "the" was deleted from the proposed version and is replaced with "a restricted" in this adopted version.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an Emergency Rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: These adopted amendments are needed in order to allow for the Department to comport with legislative changes. Current rules do not permit a pathway for International Medical Graduates to get a license in the State of Illinois.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 2nd Floor
Springfield, Illinois 62786

(217) 785-0810
Fax: (217) 557-4451
Craig.cellini@illinois.gov

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1285

MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL
AND RESTORATION PROCEDURE

Section

1285.20	Six Year Post-Secondary Programs of Medical Education
1285.30	Programs of Chiropractic Education
1285.40	Approved Postgraduate Clinical Training Programs
1285.50	Application for Examination (Repealed)
1285.60	Examinations
1285.70	Application for a License on the Basis of Examination
1285.80	Licensure by Endorsement
1285.90	Temporary Licenses
1285.91	Visiting Resident Permits
<u>1285.92</u>	<u>International Medical Graduate Physician Limited License</u>
<u>1285.93</u>	<u>International Medical Graduate Physician Pathway to Full Unrestricted Licensure</u>
1285.95	Professional Capacity Standards for Licensure Applicants
1285.100	Visiting Professor Permits
1285.101	Visiting Physician Permits
1285.105	Chiropractic Physician Preceptorship (Repealed)
1285.110	Continuing Medical Education (CME)
1285.120	Renewals
1285.130	Reinstatement from Expired, Inactive, or Not Renewed Status
1285.135	Restoration from Disciplinary Status
1285.140	Granting Variances

SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section

1285.200	Illinois State Medical Board
1285.205	Complaint Committee
1285.210	The Medical Coordinator
1285.215	Complaint Handling Procedure

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1285.220	Informal Conferences (Repealed)
1285.225	Consent Orders
1285.230	Emergency and/or Temporary Suspension
1285.235	Mandatory Reporting of Impaired Physicians by Health Care Institutions
1285.240	Standards
1285.245	Advertising
1285.250	Monitoring of Probation and Other Discipline and Notification
1285.255	Rehabilitation
1285.260	Fines
1285.265	Subpoena Process of Medical and Hospital Records
1285.270	Inspection of Physical Premises
1285.275	Failing to Furnish Information
1285.280	Mandatory Reporting of Persons Engaged in Post-Graduate Clinical Training Programs

SUBPART C: GENERAL INFORMATION

Section

1285.305	Physician Profiles
1285.310	Public Access to Records and Meetings (Repealed)
1285.320	Response to Hospital Inquiries
1285.330	Rules of Evidence (Repealed)
1285.335	Physician Delegation of Authority
1285.336	Use of Lasers and Related Technology
1285.340	Anesthesia Services in an Office Setting

AUTHORITY: Implementing the Medical Practice Act of 1987 [225 ILCS 60] and the Patients' Right to Know Act [225 ILCS 61] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois (Department of Professional Regulation Law) [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. 6985, effective

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April 6, 1998; amended at 22 Ill. Reg. 10580, effective June 1, 1998; amended at 24 Ill. Reg. 3620, effective February 15, 2000; amended at 24 Ill. Reg. 8348, effective June 5, 2000; amended at 26 Ill. Reg. 7243, effective April 26, 2002; amended at 28 Ill. Reg. 5857, effective March 29, 2004; amended at 29 Ill. Reg. 18823, effective November 4, 2005; amended at 31 Ill. Reg. 14069, effective September 24, 2007; amended at 33 Ill. Reg. 4971, effective March 19, 2009; emergency amendment at 35 Ill. Reg. 14564, effective August 12, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 19500, effective November 17, 2011; amended at 38 Ill. Reg. 15972, effective August 1, 2014; amended at 40 Ill. Reg. 3503, effective March 4, 2016; amended at 42 Ill. Reg. 12978, effective July 6, 2018; amended at 48 Ill. Reg. 18129, effective December 13, 2024; amended at 49 Ill. Reg. 11270, effective August 29, 2025.

Section 1285.92 International Medical Graduate Physician Limited License

- a) "International medical graduate" is defined under Section 2 of the Act as a medical graduate:
 - 1) *who has been trained in a country other than the United States;*
 - 2) *whose education has been certified by the Educational Commission for Foreign Medical Graduates;*
 - 3) *who has passed Step 1, Step 2 Clinical Knowledge, and Step 3 of the United States Medical Licensing Examination;*
 - 4) *who maintains an unencumbered license from another country; and*
 - 5) *who is not licensed to practice medicine in any state or territory of the United States. [225 ILCS 60/2]*
- b) An international medical graduate shall be eligible to apply for a limited license to practice medicine in the State of Illinois. Upon determination of fitness, the Division will issue a two-year limited license to an international medical graduate in accordance with Section 15.5 of the Act to an applicant who satisfies all of the following criteria:
 - 1) Submits a fully completed application on forms provided by the Division which includes the payment of a \$100 fee;

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- 2) Provides an official transcript and diploma or official transcript and certification of graduation from the medical education program granting the degree and proof of Educational Commission for Foreign Medical Graduates (ECFMG) certification; provided, however, that the Division will waive the official transcript and diploma/certification of graduation requirement if the applicant demonstrates, to the Division's satisfaction, that the applicant is unable to obtain the required documentation from a non-cooperating country or educational institution;
- 3) Provides proof of successful completion of the United States Medical Licensing Examination (USMLE) Steps 1, 2, and 3. Examination scores shall be submitted directly to the Division from the testing entity;
- 4) Provides proof of current, unencumbered physician licensure in another country as verified by ECFMG's international credential verification services, currently named EPIC;
- 5) Submits evidence the applicant has at least three years of post-graduate training in another country verified by ECFMG or submits evidence that the applicant has been engaged in the active practice of medicine in the country where the applicant is licensed for at least two of the last five years. If the active practice of medicine predates the two years immediately preceding the date of application, the applicant must show evidence of a United States clinical experience, including one of the following:
 - A) A Clinical Rotation. A structured rotation in a specific medical department, often within a hospital or university setting to gain practical experience in patient care.
 - B) An Observership. An opportunity to shadow a United States licensed physician without a prior disciplinary history and observe the physician's daily routines and patient care, providing valuable insights into US medical practice.
 - C) An Externship. A hands-on experience where the individual is actively involved in patient care under the guidance of a physician preceptor.

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- D) Electives. An opportunity to complete clinical rotations in specific areas of medicine, often chosen by the individual to align with their career interests.
 - E) Holds an active Illinois physician assistant or advanced practice registered nurse license without prior disciplinary action.
 - 6) Has entered into an agreement with a sponsoring entity which must be one of the following: a hospital, a Federally Qualified Health Center, a State-operated mental health facility or developmental center or a correctional center operated by the Department of Corrections, a community health center as defined in 77 Ill. Adm. Code 591.20, a multispecialty medical practice or clinic with two or more active physicians who hold unrestricted licenses to practice in the State of Illinois and which participates in graduate medical education, or another facility approved by the Division that provides an annual supervisor assessment and summative evaluation designed to develop, assess, and evaluate the individual's nonclinical and clinical skills and familiarity with standards appropriate for medical practice in the State of Illinois; and
 - 7) Submits to and passes the background check required of physician license applicants under Sections 1285.70 and 1285.80.
- c) Upon the issuance of the limited license, an individual may only practice:
 - 1) Within the sponsoring entity; and
 - 2) Under the supervision and control of the sponsoring entity who designates a supervisor who possesses a full and unrestricted Illinois license to practice medicine in all of its branches that has never been disciplined in the State of Illinois. The supervisor must be either board certified or actively participating in their maintenance of certification in the specialty or completed a residency or fellowship in a similar specialty to the one the applicant is pursuing.
- d) An applicant for limited license must maintain a practice agreement, made available to the Department upon Department request, between the applicant and the sponsoring entity that provides an annual supervisor assessment and summative evaluation.

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- e) The sponsoring entity must ensure that the supervisor has sufficient support and dedicated time to effectively carry out educational, administrative, and professional responsibilities. The supervising physician shall maintain the final responsibility for the care of the patient and the performance of the limited license holder. All procedures and tasks performed by the limited license holder shall be within the current scope of practice of the supervising physician. It is the responsibility of the supervising physician to direct and review the practice of the limited license holder to ensure that appropriate directions are given and understood and that appropriate treatment is being rendered. Failure of the supervising physician to properly supervise a limited license holder may result in discipline under Section 1285.240.
- f) Should either party terminate the practice agreement, it shall be the responsibility of both the limited license holder and the sponsoring entity to notify the Division immediately and submit a written explanation to the Division indicating why the practice agreement was terminated. A limited license holder may only practice within the sponsoring entity and under the supervision of a licensed physician in accordance with Section 1285.92(c).
- g) A limited license issued under this Section is valid for two years and may be renewed every two years if the applicant meets the requirements of Section 1285.120, with the exception of the continuing medical education requirement for the first renewal.
- h) A limited license holder shall be entitled to perform only those actions that are within the scope of practice of the supervising physician, as may be prescribed by and incidental to the limited license holder's practice agreement with the sponsoring entity while under supervision. A limited license holder shall not be entitled to otherwise engage in the practice of medicine in this State unless fully licensed in this State.
- i) All persons licensed under this Section are subject to the jurisdiction of the Division to the same extent as all other licensees under the Medical Practice Act of 1987.

(Source: Added at 49 Ill. Reg. 11270, effective August 29, 2025)

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Section 1285.93 International Medical Graduate Physician Pathway to Full Unrestricted Licensure

- a) An individual who successfully obtains a limited license pursuant to Section 1285.92 and practices under such limited license continuously until its expiration shall be eligible to apply for a two-year restricted license to practice medicine, in a location within Illinois designated by the federal Health Resources and Services Administration (HRSA) as a Health Professional Shortage Area, Medically Underserved Area or Medically Underserved Population. This license is restricted in designation only, and a restricted license holder shall be entitled to practice independently in Illinois in a Health Professional Shortage Area, Medically Underserved Area or by serving Medically Underserved Populations.
- b) For purposes of determining approved practice locations for a restricted license applicant, the Department will recognize the Health Professional Shortage Areas, Medically Underserved Areas and Medically Underserved Populations that are designated by HRSA as of the date the application for restricted licensure was filed. If HRSA should cease to designate or keep data on Health Professional Shortage Areas, Medically Underserved Areas or Medically Underserved Populations, the Department will use the HRSA designations and data that were in effect on October 1, 2025.
- c) The Division may issue a two-year restricted license to practice medicine in a Health Professional Shortage Area, Medically Underserved Area or Medically Underserved Population, so long as the individual maintained a limited license in accordance with Section 1285.92 and provides the Division with:
 - 1) A fully completed application on forms provided by the Division;
 - 2) Proof of successful completion of a two-year supervised work experience at a sponsoring entity for which the limited license was issued, including, but not limited to, certification of the completion of the annual supervisor's assessment and summative evaluation;
 - 3) Proof of anticipated employment approved by the Division in a location within Illinois designated by HRSA as a Health Professional Shortage Area, Medically Underserved Area or Medically Underserved Population; and

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- 4) Payment of a \$230 fee.
- d) An individual who obtains a restricted license pursuant to this Section shall not practice medicine:
 - 1) In a solo private practice setting; or
 - 2) In the form of telemedicine. All patient interactions must be face to face.
- e) An individual who obtains a restricted license pursuant to this Section and practices under such restricted license until its expiration shall be eligible to apply for a full unrestricted license to practice medicine.
- f) The Division will issue a full unrestricted license to practice medicine in all of its branches to an individual in accordance with Section 15.5 of the Act who has maintained a restricted license and provides the Division with:
 - 1) A fully completed application on forms provided by the Division; and
 - 2) Proof of two-years' worth of work experience within a location within Illinois designated by HRSA as a Health Professional Shortage Area, a Medically Underserved Area or Medically Underserved Population.
- g) Within 60 days after issuance of a restricted license, the licensee shall complete a physician profile in accordance with Section 1285.305.

(Source: Added at 49 Ill. Reg. 11270, effective August 29, 2025)

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- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
113.253	Amendment
113.260	Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].
- 5) Effective Date of Rule: August 29, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the *Illinois Register*: 49 Ill. Reg. 2411; March 7, 2025
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: Federal regulations require the State to pass along an increase in SSI benefits to clients who receive AABD cash (State Supplemental payments). This rulemaking increases the AABD Grant Adjustment Allowance and Sheltered Care/Personal or Nursing Care rates by \$24, the amount of the January 2025 SSI benefit increase.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

(217) 785-9772
DHS.AdministrativeRules@illinois.gov

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

- 113.1 Description of the Assistance Program
- 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income on Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income (Repealed)

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113.109	Earned Income (Repealed)
113.110	Budgeting Earned Income (Repealed)
113.111	Protected Income
113.112	Earned Income
113.113	Exempt Unearned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment
113.116	Budgeting Earned Income For Contractual Employees
113.117	Budgeting Earned Income For Non-contractual School Employees
113.118	Termination of Employment
113.120	Exempt Earned Income
113.125	Recognized Employment Expenses
113.130	Income From Work/Study/Training Programs
113.131	Earned Income From Self-Employment
113.132	Earned Income From Roomer and Boarder
113.133	Earned Income From Rental Property
113.134	Earned Income In-Kind
113.139	Payments from the Illinois Department of Children and Family Services
113.140	Assets
113.141	Exempt Assets
113.142	Asset Disregard
113.143	Deferral of Consideration of Assets
113.154	Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
113.155	Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
113.156	Court Ordered Child Support Payments of Parent/Step-Parent
113.157	Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96
113.158	Responsibility of Sponsors of Non-citizens Entering the Country On or After 08/22/96
113.160	Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section	
113.245	Payment Levels for AABD
113.246	Personal Allowance
113.247	Personal Allowance Amounts
113.248	Shelter

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113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care/Personal or Nursing Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care, Personal Care, or Nursing Care Rates
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262	Meeting the Needs of an Ineligible Dependent with Client's Income
113.263	Service Animals
113.264	Refugees Ineligible for SSI

SUBPART E: OTHER PROVISIONS

Section	
113.300	Persons Who May Be Included In the Assistance Unit
113.301	Grandfathered Cases
113.302	Interim Assistance (Repealed)
113.303	Special Needs Authorizations
113.304	Retrospective Budgeting
113.305	Budgeting Schedule
113.306	Purchase and Repair of Household Furniture (Repealed)
113.307	Property Repairs and Maintenance
113.308	Excess Shelter Allowance
113.309	Limitation on Amount of AABD Assistance to Recipients from Other States (Repealed)
113.320	Redetermination of Eligibility
113.330	Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section	
113.400	Description of the Interim Assistance Program

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113.405	Pending SSI Application (Repealed)
113.410	More Likely Than Not Eligible for SSI (Repealed)
113.415	Non-Financial Factors of Eligibility (Repealed)
113.420	Financial Factors of Eligibility (Repealed)
113.425	Payment Levels for Chicago Interim Assistance Cases (Repealed)
113.430	Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
113.435	Medical Eligibility (Repealed)
113.440	Attorney's Fees for SSI Applicants (Repealed)
113.445	Advocacy Program for Persons Receiving Interim Assistance (Repealed)
113.450	Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
113.500	Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective

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October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867,

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effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995;

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emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective November 19, 1999; amended at 24 Ill. Reg. 2328, effective February 1, 2000; amended at 24 Ill. Reg. 11622, effective July 18, 2000; amended at 24 Ill. Reg. 13394, effective August 18, 2000; amended at 25 Ill. Reg. 5326, effective March 30, 2001; amended at 26 Ill. Reg. 179, effective January 1, 2002; amended at 26 Ill. Reg. 8532, effective May 31, 2002; amended at 26 Ill. Reg. 13521, effective September 3, 2002; amended at 27 Ill. Reg. 7252, effective April 7, 2003; amended at 28 Ill. Reg. 11139, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 11366, effective July 21, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12469, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 648, effective December 16, 2004; amended at 29 Ill. Reg. 5703, effective April 11, 2005; amended at 29 Ill. Reg. 10176, effective July 5, 2005; amended at 30 Ill. Reg. 16065, effective September 21, 2006; amended at 31 Ill. Reg. 6981, effective April 30, 2007; amended at 31 Ill. Reg. 11306, effective July 19, 2007; amended at 32 Ill. Reg. 17187, effective October 16, 2008; peremptory amendment at 32 Ill. Reg. 18065, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4993, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7337, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12775, effective September 8, 2009; emergency amendment at 33 Ill. Reg. 12850, effective September 4, 2009, for a maximum of 150 days; emergency expired January 31, 2010; amended at 33 Ill. Reg. 13846, effective September 17, 2009; amended at 33 Ill. Reg. 15033, effective October 22, 2009; amended at 33 Ill. Reg. 16845, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6944, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7255, effective May 10, 2010; amended at 35 Ill. Reg. 1012, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6951, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17096, effective October 5, 2011; amended at 35 Ill. Reg. 18756, effective October 28, 2011; amended at 36 Ill. Reg. 15195, effective October 5, 2012; emergency

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amendment at 36 Ill. Reg. 17567, effective December 1, 2012 through June 30, 2013; amended at 37 Ill. Reg. 8728, effective June 11, 2013; amended at 37 Ill. Reg. 14876, effective August 27, 2013; amended at 38 Ill. Reg. 16229, effective July 18, 2014; emergency amendment at 38 Ill. Reg. 17470, effective July 30, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 22654, effective November 20, 2014; amended at 39 Ill. Reg. 13260, effective September 21, 2015; amended at 41 Ill. Reg. 10331, effective July 21, 2017; amended at 42 Ill. Reg. 16195, effective August 7, 2018; amended at 43 Ill. Reg. 343, effective December 20, 2018; emergency amendment at 43 Ill. Reg. 4346, effective March 20, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. 6992, effective May 31, 2019; amended at 43 Ill. Reg. 9122, effective August 9, 2019; emergency amendment at 43 Ill. Reg. 14438, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 6973, effective April 16, 2020; amended at 44 Ill. Reg. 14710, effective August 25, 2020; amended at 45 Ill. Reg. 9000, effective June 30, 2021; amended at 45 Ill. Reg. 10022, effective July 26, 2021; amended at 45 Ill. Reg. 11667, effective September 8, 2021; amended at 46 Ill. Reg. 7743, effective April 26, 2022; amended at 46 Ill. Reg. 15572, effective September 1, 2022; amended at 47 Ill. Reg. 8875, effective June 9, 2023; amended at 47 Ill. Reg. 12384, effective August 1, 2023; amended at 48 Ill. Reg. 10618, effective July 3, 2024; amended at 48 Ill. Reg. 14027, effective September 6, 2024; amended at 49 Ill. Reg. 11286, effective August 29, 2025.

SUBPART D: PAYMENT AMOUNTS

Section 113.253 Allowances for Increase in SSI Benefits

- a) A monthly allowance for ~~\$788.90~~~~764.90~~ is authorized for all AABD cases as a "grant adjustment". A grant adjustment is an allowance that ensures that the amount of the SSI increase from July 1977 and later will be available to clients.
- b) EXCEPTIONS: For clients whose assistance payments include an allowance for Sheltered Care or Care Not Subject to Licensing a "grant adjustment" of \$10 is authorized. Individuals residing in long term group care facilities do not receive any "grant adjustment".

(Source: Amended at 49 Ill. Reg. 11286, effective August 29, 2025)

Section 113.260 Sheltered Care, Personal Care, or Nursing Care Rates

Group A	Needs	Group B
Counties	Assessment	Counties

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

\$ <u>1601</u> 1577	0-7	\$ <u>1618</u> 1594
\$ <u>1608</u> 1584	8	\$ <u>1625</u> 1601
\$ <u>1615</u> 1591	9	\$ <u>1633</u> 1609
\$ <u>1621</u> 1597	10	\$ <u>1642</u> 1618
\$ <u>1629</u> 1605	11	\$ <u>1650</u> 1626
\$ <u>1634</u> 1610	12	\$ <u>1657</u> 1633
\$ <u>1642</u> 1618	13	\$ <u>1666</u> 1642
\$ <u>1647</u> 1623	14	\$ <u>1673</u> 1649
\$ <u>1655</u> 1631	15	\$ <u>1681</u> 1657
\$ <u>1661</u> 1637	16	\$ <u>1690</u> 1666
\$ <u>1668</u> 1644	17	\$ <u>1697</u> 1673
\$ <u>1674</u> 1650	18	\$ <u>1706</u> 1682
\$ <u>1681</u> 1657	19	\$ <u>1713</u> 1689
\$ <u>1688</u> 1654	20	\$ <u>1721</u> 1697
\$ <u>1695</u> 1671	21	\$ <u>1730</u> 1706
\$ <u>1701</u> 1677	22	\$ <u>1738</u> 1714
\$ <u>1708</u> 1684	23	\$ <u>1745</u> 1721
\$ <u>1714</u> 1690	24	\$ <u>1753</u> 1729

a) Group A Counties are counties other than Cook, DuPage, Kane, Lake, and Will.

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NOTICE OF ADOPTED AMENDMENTS

- b) Group B Counties are Cook, DuPage, Kane, Lake, and Will.
- c) Rate includes shelter factor and approved activity and social rehabilitation programs.

(Source: Amended at 49 Ill. Reg. 11286, effective August 29, 2025)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Role of Residential Educational Facilities Operated by the Illinois Department of Human Services
- 2) Code Citation: 89 Ill. Adm. Code 750
- 3) Section Number: 750.20 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Rehabilitation of Persons with Disabilities Act [20 ILCS 2405/10 and 11].
- 5) Effective Date of Rule: August 29, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the *Illinois Register*: 49 Ill. Reg. 5636; April 25, 2025
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: 89 Ill. Adm. Code 750 provides requirements concerning Schools operated by the Illinois Department of Human Services-Division of Rehabilitation Services (DHS-DRS) including the Illinois School for the Deaf, the Illinois School for the Visually Impaired, and the Illinois Center for Rehabilitation Education-Roosevelt. This rulemaking increases eligibility to include students through the age of 22

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

and also extends eligibility to the end of the regular school year for students whose 22nd birthday occurs during a regular school term.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

(217) 785-9772
DHS.AdministrativeRules@illinois.gov

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 750

ROLE OF RESIDENTIAL EDUCATIONAL FACILITIES OPERATED BY THE
ILLINOIS DEPARTMENT OF HUMAN SERVICES

SUBPART A: EDUCATIONAL PROGRAM

Section

750.5	Definitions
750.10	Legislative Mandate
750.20	Special Education and Related Services
750.30	Demonstration Projects and Research Programs
750.40	Responsibility of State Schools
750.45	Policy and Procedures
750.50	Comprehensive Program
750.60	Rights and Privileges of Students

SUBPART B: LIMITATION OF SERVICES

Section

750.100	Legal Authority to Place Students
750.110	Referral of a Student by DHS-DRS
750.120	Home and Hospital Programs

SUBPART C: EVALUATION AND COORDINATION OF SPECIAL EDUCATION

Section

750.200	Extent of Fulfilling Responsibilities
750.210	Evaluation Focus
750.220	Evaluation
750.230	Written Reports
750.240	Recognition Status
750.250	Coordination

SUBPART D: SURROGATE PARENTS OR GUARDIANS

DEPARTMENT OF HUMAN SERVICES

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Section

750.300	Need for Surrogate Parents or Guardians
750.310	Withdrawal of Surrogate Parent (Repealed)
750.320	Expenses of Surrogate Parents
750.330	Notification When Surrogate Parent Not Needed (Repealed)

SUBPART E: ADVISORY COUNCILS

Section

750.400	DHS-DRS Residential School Advisory Councils
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AUTHORITY: Implementing and authorized by Sections 10 and 11 of the Rehabilitation of Persons with Disabilities Act [20 ILCS 2405/10 and 11].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 12, 1982; codified at 6 Ill. Reg. 13792; amended at 12 Ill. Reg. 5450, effective March 8, 1988; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10240, effective August 10, 1999; amended at 31 Ill. Reg. 5829, effective March 28, 2007; amended at 37 Ill. Reg. 17091, effective October 8, 2013; emergency amendment at 45 Ill. Reg. 11902, effective September 16, 2021, for a maximum of 150 days; amended at 46 Ill. Reg. 2962, effective February 4, 2022; amended at 48 Ill. Reg. 943, effective December 29, 2023; amended at 49 Ill. Reg. 11298, effective August 29, 2025.

SUBPART A: EDUCATIONAL PROGRAM

Section 750.20 Special Education and Related Services

- a) The Schools enroll students from all areas of the State and provide services to eligible students through their 22nd birthday. Students whose 22nd birthday occurs during a regular school term may continue to receive services until the end of that school year~~age 21, inclusive (i.e., through the day before the student's 22nd birthday).~~
- 1) Illinois School for the Deaf (ISD) and Illinois School for the Visually Impaired (ISVI) provide special education and related services for students from birth to age five~~three~~, preschool, and from kindergarten through the 12th grade.

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- 2) [Illinois Center for Rehabilitation Education-Roosevelt \(ICRE-R\)](#) provides transition, independent living and related services to transition-aged students beginning at age 14½ through [22](#)~~21. A student who becomes 22 during the school year may be allowed to complete the semester.~~ Younger students may be accepted if it has been determined they can benefit from the ICRE-R program.
- b) Since these Schools do not provide special education programs for all students in the State with auditory processing impairments, or for all students in the State who are deaf or hard of hearing, blind or visually impaired, or severely physically disabled, they should be considered as options in a continuum of special education programs available for those students in Illinois.

(Source: Amended at 49 Ill. Reg. 11298, effective August 29, 2025)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Admission Procedures
- 2) Code Citation: 89 Ill. Adm. Code 755
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
755.30	Amendment
755.40	Amendment
755.50	Amendment
- 4) Statutory Authority: Implementing Sections 3, 10, 11, and 13 and authorized by Section 3 of the Rehabilitation of Persons with Disabilities Act [20 ILCS 2405/3, 10, 11, and 13].
- 5) Effective Date of Rule: August 29, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rulemaking, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the *Illinois Register*: 49 Ill. Reg. 5641; April 25, 2025
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: 89 Ill. Adm. Code 755 provides admission requirements concerning Schools operated by the Illinois Department of Human Services-Division of Rehabilitation Services (DHS-DRS) including the Illinois School for the Deaf, the Illinois School for the Visually Impaired, and the Illinois Center for Rehabilitation Education-Roosevelt. This rulemaking increases eligibility to include

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NOTICE OF ADOPTED AMENDMENTS

students through the age of 22 and also extends eligibility to the end of the regular school year for students whose 22nd birthday occurs during a regular school term.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

(217) 785-9772
DHS.AdministrativeRules@illinois.gov

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 755

ADMISSION PROCEDURES

Section

755.2	Definitions
755.5	Determination of Capacity
755.10	Eligibility for Specialized Services
755.15	Residential Placement
755.20	Application for Admission
755.22	Wards of the Department of Children and Family Services
755.25	The Application Process
755.27	The Admissions Process
755.30	Admission of Students <u>Who are Deaf and Hard of Hearing</u> with Hearing Impairments
755.40	Admission of <u>Students Who are Blind or Visually Impaired</u> Blind, Visually Impaired or Deaf-Blind Students
755.50	Admission of Students with Severe Physical Disabilities
755.60	Admissions Review Committee (Repealed)
755.70	Meetings of the Admissions Review Committee (Repealed)
755.80	Representatives to be Present (Repealed)
755.90	Outcome of Application for Admission (Repealed)
755.100	Development of the IEP
755.110	Wards of the Department of Children and Family Services (Repealed)
755.120	Components of an Application (Repealed)
755.130	Submission of Applications (Repealed)
755.140	Admissions Review Committee (Repealed)
755.150	Meetings of the Admissions Review Committee (Repealed)
755.160	Representatives to be Present (Repealed)
755.170	Outcome of Application for Admission (Repealed)
755.180	Multidisciplinary Staffing (Repealed)
755.190	Parent Participation in IEP (Repealed)
755.200	IEP (Repealed)
755.210	Diagnostic Period (Repealed)
755.220	Outcome of the Evaluation (Repealed)
755.230	Discharge (Repealed)

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- 755.240 Case Study Evaluation to Determine Whether a Student is Inappropriately Placed (Repealed)
- 755.250 Interim Services (Repealed)
- 755.260 Suspensions, Changes in Placements, and Discharges of Students who are Dangerous to Themselves or Others (Repealed)

AUTHORITY: Implementing Sections 3, 10, 11, and 13 and authorized by Section 3 of the Rehabilitation of Persons with Disabilities Act [20 ILCS 2405/3, 10, 11, and 13].

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 18, 1982; codified at 6 Ill. Reg. 14370; amended at 12 Ill. Reg. 13971, effective August 19, 1988; amended at 15 Ill. Reg. 18243, effective December 10, 1991; amended at 20 Ill. Reg. 15321, effective November 14, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 10146, effective August 10, 1999; amended at 37 Ill. Reg. 17109, effective October 8, 2013; amended at 49 Ill. Reg. 11303, effective August 29, 2025.

Section 755.30 Admission of Students Who are Deaf and Hard of Hearing

- a) The Superintendent of ISD shall admit students between the ages of three and ~~2221~~ whose primary disability is deafness or hard of hearing, if space is available, when it has been determined through an application and evaluation process that ISD can provide an appropriate program and the student is an Illinois resident who can meet the following criteria:
- 1a) has been diagnosed by a qualified otologist licensed pursuant to the Medical Practice Act of 1987 [225 ILCS 60], or
- 2b) has been diagnosed, by a qualified audiologist licensed pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act of 1987 [225 ILCS 110], as being deaf or hard of hearing, including those with secondary disabilities listed in 89 Ill. Adm. Code 765.10(d).
- b) Students whose 22nd birthday occurs during a regular school term may continue to receive services until the end of that school year.
- c) The~~In addition, the~~ Superintendent may make both outreach and center-based services available to infants who are deaf and hard of hearing between the ages of birth to three.

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(Source: Amended at 49 Ill. Reg. 11303, effective August 29, 2025)

Section 755.40 Admission of Students ~~Who~~ are Blind or Visually Impaired

- a) The Superintendent of the Illinois School for the Visually Impaired (ISVI) shall admit students whose primary disability is blindness or visual impairment between the ages of ~~three~~^{five} and ~~22~~²¹, if space is available, when it has been determined through an application and evaluation process that ISVI can provide an appropriate program, and the student is an Illinois resident who can meet the following criteria:
- 1a) has been diagnosed by an ophthalmologist licensed pursuant to the Medical Practice Act of 1989 [225 ILCS 60], or
- 2b) has been diagnosed by an optometrist licensed pursuant to the Illinois Optometric Practice Act [225 ILCS 80] as blind or visually impaired including those with secondary disabilities, listed in 89 Ill. Adm. Code 765.10(d).
- b) Students whose 22nd birthday occurs during a regular school term may continue to receive services until the end of that school year.
- c) The~~In addition, the~~ Superintendent may make both outreach and center-based services available to infants with visual impairments between the ages of birth and five.

(Source: Amended at 49 Ill. Reg. 11303, effective August 29, 2025)

Section 755.50 Admission of Students with Severe Physical Disabilities

- a) The Superintendent of ICRE-R shall admit students with severe physical disabilities if space is available. These students shall have been diagnosed, by a physician licensed pursuant to the Medical Practice Act of 1989 [225 ILCS 60], as severely disabled by cerebral palsy, muscular dystrophy, or spina bifida, or as having other severe physical disabilities, e.g., traumatic brain injury or a progressive neurological disorder, including those with secondary disabilities listed in 89 Ill. Adm. Code 765.10(d). The child must be 14½ through ~~22~~²¹, inclusive ~~(i.e., through the day before the student's 22nd birthday)~~ and must reside

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in Illinois. Students whose 22nd birthday occurs during a regular school term may continue to receive services until the end of that school year~~A student who becomes 22 during the school year may be allowed to complete the semester.~~ It shall have been determined through an application and evaluation process that ICRE-R can provide an appropriate transition-based program. Younger students may be accepted at ICRE-R if it has been determined they can benefit from the ICRE-R program.

- b) Students who have completed academic requirements at their local high school, but are in need of further IEP-related transition services (such as independent living and daily living skills, medical management, orientation and mobility, personal assistant management, etc.) may apply for admission to ICRE-R's transition program. Students found eligible for the transition program may remain at ICRE-R until they are 22 years old. Students whose 22nd birthday occurs during a regular school term may continue to receive services until the end of that school year~~A student who becomes 22 during the school year may be allowed to complete the semester.~~

(Source: Amended at 49 Ill. Reg. 11303, effective August 29, 2025)

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- 1) Heading of the Part: Health Insurance Rate Review
- 2) Code Citation: 50 Ill. Adm. Code 2026
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2026.10	Amendment
2026.30	Amendment
2026.40	Amendment
2026.50	Amendment
2026.60	Amendment
2026.70	Amendment
2026.80	Amendment
2026.90	Amendment
2026.100	Amendment
- 4) Statutory Authority: Implementing Section 355 of the Illinois Insurance Code [215 ILCS 5], Section 28 of the Dental Service Plan Act [215 ILCS 110], Section 4-12 of the Health Maintenance Organization Act [215 ILCS 125], Section 3006 of the Limited Health Service Organization Act [215 ILCS 130], and Section 13 of the Voluntary Health Services Plans Act [215 ILCS 165], and authorized by Section 401 of the Illinois Insurance Code; 42 U.S.C. 300gg-22; and 45 CFR 150.101(b)(2) and 150.201.
- 5) Effective Date of Rule: August 28, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: 49 Ill. Reg. 7427; May 30, 2025
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version:

In 2026.30(e)(1), third and eighth lines, after "this subsection" add "(e)(1)".

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In 2026.30(e)(2), fourth line, after "this subsection" add "(e)(2)".

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 103-0650 (eff. Jan. 1, 2025) grants the Department prior approval authority over health insurance premium rates for non-grandfathered large group plans, other than excepted benefits, beginning for policies amended, delivered, issued, or renewed on or after January 1, 2026. Health insurance issuers offering such plans must annually file their rates for this market at least 120 days before the rates would take effect. The Director must approve, modify, or disapprove non-grandfathered large group rates within 60 days of receiving the filing, or else the filing will be deemed approved by operation of law. A rate filing shall be modified or disapproved if the premiums would be unreasonable in relation to the benefits because the rates were not calculated in accordance with sound actuarial principles. The issuer is not required to file the final premium rates if it negotiates them with the plan sponsor or its administrator in accordance with the rate manual and rules from the currently approved rate filing for the policy.

The amendments implement this statute by specifying in Section 2026.100(b) the types of information that the Director needs to evaluate the non-grandfathered, large group market rate filing. Similar to other rate filings, this information includes, but is not limited to, the rate manual, a full description of how the issuer determines the final premium rates, medical trend, prescription drug trend, commission schedules, administrative expense ratios, profit assumptions, medical loss ratio, and the product or products' actual premium rates that went into effect since the prior rate filing.

The amendments to Section 2026.100(a) also clarify the actuarial documentation required for rates pertaining to grandfathered health plans, excepted benefits, or student health insurance coverage. Derived from existing Department rules at 50 Ill. Adm. Code 4521.60, this documentation includes, but is not limited to, major cost components, experience, assumptions, and procedures to develop the submitted rates, classifications, or rate-setting methodologies.

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The amendments clarify at Section 2026.100(c) that rates or classifications that create differences between applicants or covered individuals within similar risk categories that do not reasonably correspond to differences in expected costs are actuarially unsound discrimination. The rule further clarifies that the Director may enforce other prohibitions on discrimination in rates or classifications of risk as provided by law or regulation applicable to the type of policy.

The amendments clarify at Section 2026.100(d) the procedure for health insurance issuers to ensure their rate filings receive confidential treatment. The procedure is derived from existing rule at Section 2026.50(c), which implemented Section 7(1)(g) of the Freedom of Information Act [5 ILCS 140]. The proposed amendments to this rule also specify the information not eligible for confidential treatment, which is similar to what is provided for non-grandfathered individual and small group major medical or HMO coverage.

However, the Department recognizes that policies outside of non-grandfathered individual and small group major medical or HMO coverage have a different dynamic in the market. Issuers usually negotiate final premium rates with employers and employee organizations, so the future premium rates would not be final at the time of the Department's approval. For premium rates that previously went into effect, though, the federal Employee Retirement Income Security Act of 1974 requires insurers to furnish information for an annual report with the U.S. Department of Labor, which includes, but is not limited to, for each employee benefit plan: "the premium rate or subscription charge and the total premium or subscription charges paid to each such carrier, insurance service, or other similar organization and the approximate number of persons covered by each class of such benefits..." 29 U.S.C. § 1023(e). Federal law requires the U.S. Department of Labor to make each employee benefit plan's report of this information public. The annual report must be filed within 210 days of the close of each plan year. 29 U.S.C. § 1024(a)(1). As a result, the information is no longer secret as of that date. Therefore, even for rate filings that an issuer properly asserts confidentiality protections applicable at the time of filing with the Department, portions of those filings that provide information described in 29 U.S.C. § 1023(e) will cease to be confidential for purposes of Freedom of Information Act requests beginning 210 days after the close of the plan year for the employee benefit plan to which the filing pertains.

Pursuant to Pub. Act 103-0649, short-term, limited-duration insurance has been banned in this State beginning January 1, 2025. The amendments remove references to that type of insurance throughout Part 2026.

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Finally, the amendments add relevant definitions and clarify throughout Part 2026 which Sections apply only to individual and small group rates or also to large group rates.

Please note that, because the existing provisions of 50 Ill. Adm. Code 2026 combined with the amendments discussed above address the filing requirements for all rates that a health maintenance organization may use, the Department has proposed to repeal 50 Ill. Adm. Code 4521.60 as superfluous under a separate rulemaking at the same time as the amendments proposed for this Part.

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

Christina Roy, Health Actuary
Department of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

(217) 785-0598
Christina.Roy2@Illinois.gov

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

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCE

PART 2026

HEALTH INSURANCE RATE REVIEW

Section

2026.5	Purpose
2026.10	Definitions
2026.20	Applicability
2026.30	Rates Subject to Review or Prior Approval
2026.40	Unreasonable Rate Increases
2026.50	Submission of Rate Filing Justification
2026.60	Determination of an Unreasonable Rate Increase or Inadequate Rate
2026.70	Public Comment
2026.80	Prior Approval, Disapproval, or Modification of Rates
2026.90	Material Changes to the Director's Decision After Approving Rates
2026.100	Review of Rates Not Subject to the Effective Rate Review Program

AUTHORITY: Implementing Section 355 of the Illinois Insurance Code [215 ILCS 5], Section 28 of the Dental Service Plan Act [215 ILCS 110], Section 4-12 of the Health Maintenance Organization Act [215 ILCS 125], Section 3006 of the Limited Health Service Organization Act [215 ILCS 130], and Section 13 of the Voluntary Health Services Plans Act [215 ILCS 165], and authorized by Section 401 of the Illinois Insurance Code; 42 U.S.C. 300gg-22; and 45 CFR 150.101(b)(2) and 150.201.

SOURCE: Adopted at 38 Ill. Reg. 2213, effective January 2, 2014; amended at 48 Ill. Reg. 7239, effective April 30, 2024; amended at 49 Ill. Reg. 11309, effective August 28, 2025.

Section 2026.10 Definitions

"Administrator" has the meaning ascribed in 29 U.S.C. 1002(16).

"Affordable Care Act" or "ACA" means the Patient Protection and Affordable Care Act (42 U.S.C. 18001 et seq.).

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

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"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Department.

"CMMS" means the Centers for Medicare and Medicaid Services.

"Employee benefit plan" has the meaning ascribed in 29 U.S.C. 1002(3).

"Excepted benefits" has the meaning ascribed in 42 U.S.C. 300gg-91(c).

"Federal medical loss ratio standard" means the applicable medical loss ratio standard for the State and market segment involved, determined under subpart B of 45 CFR 158.

"Grandfathered health plan" has the meaning ascribed in 45 CFR 147.140 (Dec. 15, 2020) (no later editions or amendments).

"Health insurance coverage" has the meaning ascribed in 42 U.S.C. 300gg-91(b)(1).

"Health insurance issuer" has the meaning ascribed in 42 U.S.C. 300gg-91(b)(2).

"Inadequate rate" means a rate:

that is insufficient to sustain projected losses and expenses to which the rate applies; and

the continued use of which endangers the solvency of a health insurance issuer using that rate. (Section 355(a) of the Code)

"Individual market" has the meaning ascribed in 42 U.S.C. 300gg-91(e)(1)(A). Coverage that would be regulated as individual market coverage under that definition, if it were not sold through an association, is subject to rate review as individual market coverage.

"Large group market" has the meaning ascribed in Section 5 of the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97].

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"Plain language" or "plain writing" has the meaning provided for "plain writing" in the federal Plain Writing Act of 2010 (Pub. Law 111-274) and subsequent guidance documents, including the "Federal Plain Language Guidelines" published by the Plain Language Action and Information Network with support from the United States General Services Administration, 1800 F Street, NW, Washington, DC 20405 (rev. 1, May 2011) (no later editions or amendments), available online at: <https://www.plainlanguage.gov/media/FederalPLGuidelines.pdf>. (Section 355(a) of the Code)

"Plan sponsor" has the meaning ascribed in 29 U.S.C. 1002(16).

"Product" has the meaning ascribed in 45 CFR 144.103 (May 6, 2022) (no later editions or amendments).

"Rate increase" means any increase of the premium rates for a specific product.

"Secretary" means the Secretary of the United States Department of Health and Human Services.

~~"Short-term, limited-duration health insurance coverage" has the meaning ascribed in Section 5 of the Short-Term, Limited-Duration Health Insurance Coverage Act [215 ILCS 190].~~

"Small group market" has the meaning ascribed in 42 U.S.C. 300gg-91(e)(5). Coverage that would be regulated as small group market coverage under that definition, if it were not sold through an association, is subject to rate review as small group market coverage.

"Student health insurance coverage" has the meaning ascribed in 45 CFR 147.145 (March 8, 2016) (no later editions or amendments).

"Unreasonable rate increase" means a rate increase that the Director determines to be excessive, unjustified, or unfairly discriminatory in accordance with 45 CFR 154.205 (May 23, 2011) (no later editions or amendments). (Section 355(a) of the Code)

(Source: Amended at 49 Ill. Reg. 11309, effective August 28, 2025)

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Section 2026.30 Rates Subject to Review or Prior Approval

- a) All rates and classifications of risks in the individual or small group market, other than for grandfathered health plans, excepted benefits, or student health insurance coverage, ~~or short-term, limited-duration health insurance coverage~~, on or after January 1, 2014, or effective on or after January 1, 2014 and taking effect no later than December 31, 2025, are subject to review under applicable law and Department rules, including, but not limited to, 50 Ill. Adm. Code 916, as well as:
- 1) the public posting and public comment period described in Section 355(d) and (e) of the Code; and
 - 2) review for unreasonable rate increases through the implementation under Section 355 of the Code of an Effective Rate Review Program described in 45 CFR 154.301 (April 17, 2018) (no later editions or amendments) if:
 - A) the rate represents a rate increase of 10 percent or more and applies to a 12-month period as calculated under subsection (a)(2)(B).
 - B) a rate increase meets or exceeds the applicable threshold set forth in subsection (a)(2)(A) if the average increase for all enrollees weighted by premium volume meets or exceeds the applicable threshold.
 - C) if a rate increase that does not otherwise meet or exceed the threshold under subsection (a)(2)(B) meets or exceeds the threshold when combined with a previous increase or increases during the 12-month period preceding the date on which the rate increase would become effective, then the rate increase must be considered to meet or exceed the threshold and is subject to review. The review shall include a review of the aggregate rate increases during the applicable 12-month period.
- b) All rates and classifications of risks effective on or after January 1, 2026 in the individual and small group markets, other than for grandfathered health plans, excepted benefits, or student health insurance coverage, ~~or short-term, limited-duration health insurance coverage~~, are subject to the Director's prior approval under the State's implementation of an Effective Rate Review Program described in 45 CFR 154.301 and State standards for inadequate rates in accordance with

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Section 355 of the Code. A health insurance issuer must submit the rates and all supporting documentation required under this Part by the rate filing deadline set by the Department in annual guidance as described in Section 355(d) of the Code.

- c) For large group market policies issued, delivered, amended, or renewed on or after January 1, 2026, other than for grandfathered health plans or excepted benefits, the premium rates and risk classifications, including any rate manuals and rules used to arrive at the rates, must be filed with the Department annually for prior approval at least 120 days before the rates are intended to take effect. (Section 355(j) of the Code) Nothing in this subsection requires a health insurance issuer to file a large group policy's final premium rates for prior approval if the health insurance issuer negotiates the final rates or rate adjustments with the plan sponsor or its administrator in accordance with the rate manual and rules of the currently approved rate filing for the policy. (Section 355(j)(4) of the Code)
- d) All rates, ~~and~~ classifications of risks, and rate-setting methodologies not described in subsections (a) through (c) ~~or (b)~~ must be filed prior to use for the Director's review under applicable law and Department rules, including, but not limited to, 50 Ill. Adm. Code 916. The rates and classifications of risks are not subject to the Director's prior approval unless specifically provided by applicable law.
- ~~e~~d) For all rates described in subsection (a) or (b), and to the extent applicable to rate filings described in subsection (c) or (d):
- 1) a rate sheet must be filed as a separate document and marked for public access in the System for Electronic Rates and Forms Filing (SERFF). For a rate filing described in subsection (c) or (d), this subsection (e)(1) applies if, and only if, the issuer does not intend the final rate for the product, policy, or contract to be subject to negotiation with a group or blanket policyholder, and public access need not be marked in SERFF unless provided otherwise under law or regulation applicable to the specific product. A rate sheet filed under this subsection (e)(1) must include~~that includes~~ either:
- A) all finally proposed rates; or

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B) all finally proposed base rates and all factors used to calculate the final rates, ~~which must be marked for public access in the System for Electronic Rates and Forms Filing (SERFF); and~~

- 2) the maximum, overall, and minimum rate changes, overall rate impact, written premium for the program, written premium change for the program, and number of affected policyholders must be specified in SERFF and marked for public access. This subsection (e)(2) applies to all rate filings.

(Source: Amended at 49 Ill. Reg. 11309, effective August 28, 2025)

Section 2026.40 Unreasonable Rate Increases

- a) When the Director reviews a rate increase for any individual or small group market rate described in Section 2026.30(a)(2) or (b), the Director will determine that the rate increase is an unreasonable rate increase if the increase is an excessive rate increase, an unjustified rate increase, or an unfairly discriminatory rate increase, as required and defined by 45 CFR 154.205.
- b) The rate increase is an excessive rate increase if the increase causes the premium charged for the health insurance coverage to be unreasonably high in relation to the benefits provided under the coverage (see 45 CFR 154.205(b)). In determining whether the rate increase causes the premium charged to be unreasonably high in relationship to the benefits provided, the Director will consider:
- 1) Whether the rate increase results in a projected medical loss ratio below the federal medical loss ratio standard in the applicable market to which the rate increase applies, after accounting for any adjustments allowable under federal law;
 - 2) Whether one or more of the assumptions on which the rate increase is based is not supported by substantial evidence; and
 - 3) Whether the choice of assumptions or combination of assumptions on which the rate increase is based is unreasonable.
- c) The rate increase is an unjustified rate increase (as defined in 45 CFR 154.205(c)) if the health insurance issuer provides data or documentation to the Director in

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connection with the increase that is incomplete, inadequate or otherwise does not provide a basis upon which the reasonableness of an increase may be determined.

- d) The rate increase is an unfairly discriminatory rate increase (as defined in 45 CFR 154.205(d)) if the increase results in premium differences between insureds within similar risk categories that do not reasonably correspond to differences in expected costs or otherwise are not permissible under applicable State law.

(Source: Amended at 49 Ill. Reg. 11309, effective August 28, 2025)

Section 2026.50 Submission of Rate Filing Justification

- a) For all [individual and small group market](#) rates described in Section 2026.30(a) and (b), a health insurance issuer must submit a Rate Filing Justification for all products in the single risk pool, including new or discontinuing products, to the Director on a form and in a manner prescribed by the Secretary in 45 CFR 154.215(a) (April 17, 2018) (no later editions or amendments) and as further provided in this Section.
- b) The Rate Filing Justification must consist of the following Parts (as required in 45 CFR 154.205(b) and pursuant to Section 355 of the Code):
 - 1) Unified rate review template (Part I), as described in subsection (d).
 - 2) Written description justifying the rate increase (Part II), as described in subsection (e).
 - 3) Rating filing documentation (Part III), as described in subsection (f).
- c) Circumstances for Required Parts
 - 1) For all rate increases regardless of the amount, a health insurance issuer must complete and submit Parts I and III of the Rate Filing Justification described in subsections (b)(1) and (b)(3) to the Director as required by 45 CFR 154.215(c). If the health insurance issuer deems any information contained in either Part I or III to be proprietary, privileged, or confidential such that disclosure of the information would cause competitive harm to the issuer, the health insurance issuer must file both an unredacted version and a version with the deemed confidential

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information redacted that is separately marked for public access in SERFF. Additionally, to qualify for ongoing exemption from production under Section 7(1)(g) of the Freedom of Information Act [5 ILCS 140], proprietary, privileged, or confidential information must be furnished to the Department with the explicit claim that the disclosure of the information would cause competitive harm to the health insurance issuer. The health insurance issuer must furnish that claim in a letter separate from but contemporaneously with the Part I and III documents. ~~This subsection supersedes any conflicting provisions of 50 Ill. Adm. Code 4521.60.~~

- 2) For all rates regardless of any increase, decrease, or continuation, the health insurance issuer must complete and submit to the Director Part II of the Rate Filing Justification described in subsection (b)(2) that is marked for public access in SERFF. ~~This subsection supersedes any conflicting provisions of 50 Ill. Adm. Code 4521.60.~~
- 3) Without expanding the scope of information for which a health insurance issuer may obtain protection under Section 7(1)(g) of the Freedom of Information Act, the following information must not be redacted and will not be deemed confidential, proprietary, or privileged by the Department:
 - A) any portion of Part II of the Rate Filing Justification described in subsection (e);
 - B) the rate sheets and other rate, premium, and policyholder information described in Section 2026.30(e)~~2026.30(d)~~; and
 - C) any information described in subsections (c)(3)(A) or (c)(3)(B) that appears elsewhere in the rate filing.
- d) Content of unified rate review template (Part I): The unified rate review template must include the following, as determined appropriate by the Director and in accordance with 45 CFR 154.215(d):
 - 1) Historical and projected claims experience.
 - 2) Trend projections related to utilization, and service or unit cost.

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- 3) Any claims assumptions related to benefit changes.
 - 4) Allocation of the overall rate increase to claims and non-claims costs.
 - 5) Per enrollee per month allocation of current and projected premium.
 - 6) Three year history of rate increases for the product associated with the rate increase.
- e) Content of written description justifying the rate increase (Part II): The written description of the rate increase must include a simple and brief narrative in plain writing describing the data and assumptions that were used to develop the rate increase and must include the following as required by 45 CFR 154.215(e) and Section 355(d) of the Code. The entirety of this document will be included in the posting of the rate filing to the Department's public website under Section 355(d):
- 1) Explanation of the most significant factors causing the rate increase, including a brief description of the relevant claims and non-claims expense increases reported in the rate increase summary;
 - 2) Brief description of the overall experience of the policy, including historical and projected claim and administrative expenses, loss ratios, number of historical and projected covered lives, and assumed medical trends. In addition to general medical trends and other trend information the issuer deems relevant for the justification, the description of assumed medical trends must address the impact of hospital and generic, brand, and specialty drug cost trends on the proposed premium rates; and
 - 3) Notification of the public comment period described in Section 355(e) of the Code.
- f) Content of rate filing documentation (Part III) as required by 45 CFR 154.215(f): The rate filing documentation must include an actuarial memorandum that contains the reasoning and assumptions supporting the data contained in Part I of the Rate Filing Justification. Parts I and III must be sufficient to conduct an examination satisfying the requirements of 45 CFR 154.301(a)(3) and (4) and to determine whether the rate increase is an unreasonable increase.
- g) If the level of detail provided by the issuer for the information under subsections

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(d) and (f) does not provide sufficient basis for the Director to determine whether the rate increase is an unreasonable rate increase, the Director will request the additional information necessary to make a determination, as allowed by 45 CFR 154.215(g).

(Source: Amended at 49 Ill. Reg. 11309, effective August 28, 2025)

Section 2026.60 Determination of an Unreasonable Rate Increase or Inadequate Rate

- a) When the Director receives a Rate Filing Justification for an individual or small group market rate subject to review under Section 2026.30(a)(2) or (b) and the Director reviews the rate, the Director will make a timely determination whether:
 - 1) for any rate increase subject to review under Section 2026.30(a)(2) or prior approval under Section 2026.30(b), the rate increase is an unreasonable rate increase in accordance with Section 2026.40, and submit that decision to CMMS within 5 business days following the final determination as required by 45 CFR 154.210(b)(2) (May 23, 2011) (no later editions or amendments); and
 - 2) for rates described in Section 2026.30(b), the rate is an inadequate rate as defined in Section 2026.20.
- b) If the Director determines that the rate increase is unreasonable or the rate is inadequate, then:
 - 1) For rate increases described in Section 2026.30(a)(2) that the Director determines to be unreasonable, CMMS will provide the Director's final determination and brief explanation to the health insurance issuer within 5 business days following CMMS' receipt of the final determination as described in 45 CFR 154.225(c) (February 27, 2013) (no later editions or amendments).
 - 2) For rates described in Section 2026.30(b), the Director will notify the health insurance issuer of the decision to disapprove or modify the rate as an unreasonable rate increase or inadequate rate within 60 days after the close of the public comment period described in Section 355(e) of the Code. If the Director does not notify the health insurance issuer within this 60-day period, the rates will automatically be deemed approved.

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- c) The Director's rate review process for unreasonable rate increases and inadequate rates includes an examination of the following as required by 45 CFR 154.301(a)(3):
- 1) The reasonableness of the assumptions used by the health insurance issuer to develop the proposed rate increase and the validity of the historical data underlying the assumptions;
 - 2) The health insurance issuer's data related to past projections and actual experience;
 - 3) The reasonableness of assumptions used by the health insurance issuer to estimate the rate impact of the reinsurance and risk adjustment programs under sections 1341 and 1343 of the Affordable Care Act (42 U.S.C. 18061 and 18063); and
 - 4) The health insurance issuer's data related to implementation and ongoing utilization of a market-wide single risk pool, essential health benefits, actuarial values and other market reform rules as required by the ACA.
- d) As required by 45 CFR 154.301(a)(4) for unreasonable rate increases, the examination must take into consideration the following factors, to the extent applicable to the filing under review, which the Director also will apply to the review for inadequate rates:
- 1) The impact of medical trend changes by major service categories;
 - 2) The impact of utilization changes by major service categories;
 - 3) The impact of cost-sharing changes by major service categories, including actuarial values;
 - 4) The impact of benefit changes, including essential health benefits and non-essential health benefits;
 - 5) The impact of changes in enrollee risk profile and pricing, including rating limitations for age and tobacco use under 42 U.S.C. 300gg;

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- 6) The impact of any overestimate or underestimate of medical trends for prior year periods related to the rate increase;
 - 7) The impact of changes in reserve needs;
 - 8) The impact of changes in administrative costs related to programs that improve health care quality;
 - 9) The impact of changes in other administrative costs;
 - 10) The impact of changes in applicable taxes, licensing or regulatory fees;
 - 11) Medical loss ratio;
 - 12) The health insurance issuer's capital and surplus;
 - 13) The impacts of geographic factors and variations;
 - 14) The impact of changes within a single risk pool to all products or plans within the risk pool; and
 - 15) The impact of reinsurance and risk adjustment payments and charges under sections 1341 and 1343 of the ACA (42 U.S.C. 18061 and 18063).
- e) For rates described in Section 2026.30(a)(2) and (b), the Director will take into account information contained in public comments submitted under Section 355(e) of the Code, along with the actuarial justifications submitted by the health insurance issuer, for the purpose of determining whether the rate is an unreasonable rate increase or an inadequate rate as defined in this Part, including the examination described in subsections (c) and (d) of this Section.

(Source: Amended at 49 Ill. Reg. 11309, effective August 28, 2025)

Section 2026.70 Public Comment

All rate filings and summaries in the individual or small group markets that will be effective on or after January 1, 2025, other than grandfathered health plans, excepted benefits, or student health insurance coverage, ~~or short term, limited duration health insurance coverage,~~ will be posted to the Department's website within 5 business days after the rate filing deadline set by the

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Department in annual guidance as described in Section 355(d) of the Code, which will be in the form of a company bulletin posted to the Department's website. The rate filings and summaries will be open to a 30-day public comment period under Section 355(e) of the Code even if the rates are not subject to review for an unreasonable rate increase or inadequate rates. Information not subject to public disclosure when the health insurance issuer meets the criteria in Section 7(1)(g) of the Freedom of Information Act [5 ILCS 140], and health insurance issuer information deemed confidential under any other applicable law or regulation, will not be posted to the Department's public website. *The Department will post all of the comments received to the Department's website within 5 business days after the comment period ends.* (Section 355(e) of the Code)

(Source: Amended at 49 Ill. Reg. 11309, effective August 28, 2025)

Section 2026.80 Prior Approval, Disapproval, or Modification of Rates

- a) When the Director approves, disapproves, or modifies an individual or small group market rate described in Section 2026.30(b), the Director, within 60 days after the close of the public comment period, will *notify the health insurance issuer of the decision, make the decision available to the public by posting it on the Department's website, and include an explanation of the findings, actuarial justifications, and rationale that are the basis for the decision.* Any notice of modification or disapproval will state that the *health insurance issuer whose rate has been modified or disapproved may request a hearing within 10 days after the Department issues the notice to the health insurance issuer.* (Section 355(f) of the Code)
- b) Within 60 days of receipt of a large group market rate filing described in Section 2026.30(c), the Director will issue a decision to approve, disapprove, or modify the filing along with the reasons and actuarial justification for the decision. Any rate filing or rates within a filing on which the Director does not issue a decision within 60 days will be automatically deemed approved. (Section 355(j)(2) of the Code) Any notice of modification or disapproval will state that the health insurance issuer whose rate or rate filing has been modified or disapproved may request a hearing within 10 days after the Department issues the notice to the health insurance issuer.
- c) Hearings will be conducted in accordance with 50 Ill. Adm. Code 2402, and costs of the hearing may be assessed against the health insurance issuer in accordance with Section 408(5) of the Code and 50 Ill. Adm. Code 2402.270.

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(Source: Amended at 49 Ill. Reg. 11309, effective August 28, 2025)

Section 2026.90 Material Changes to the Director's Decision After Approving Rates

If, following the issuance of a decision but before the effective date of the premium rates approved by the decision, an event occurs that materially affects the Director's decision to approve, deny, or modify the individual or small group market rates described in Section 2026.30(b), the Director may consider supplemental facts or data reasonably related to the event. (Section 355(g) of the Code) The Director will issue a new decision rescinding the prior decision and notifying the health insurance issuer of the disapproval or modification of rates in accordance with Section 2026.80. After approval has been expressly given or automatically deemed by law, the Director will not disapprove or modify rates based solely on analysis or reconsideration of information already submitted to the Director by the health insurance issuer or in public comments before the approval decision was finalized.

(Source: Amended at 49 Ill. Reg. 11309, effective August 28, 2025)

Section 2026.100 Review of Rates Not Subject to the Effective Rate Review Program

- a) The Director's review of any rate, ~~or~~ classification of risks, or rate-setting methodology described in Section 2026.30(d)~~2026.30(e)~~ is subject to Section 355(i) of the Code in addition to any other law or rule applicable to the type of coverage. Upon the request of the Director, the health insurance issuer must submit actuarial documentation for any submitted rates, classifications of risks, or rate-setting methodologies, including, but not limited to, major cost components, experience, assumptions, and procedures used to develop the submitted rates, classifications, or methodologies.
- b) A large group market rate filing described in Section 2026.30(c) must include enough information for the Director to determine whether the rates are or will be reasonable in relation to the benefits and are or will be calculated in accordance with sound actuarial principles. In addition to the applicable information in Section 2026.30(e), the required information includes, but is not limited to:
 - 1) the rate manual;

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- 2) a full description of how final premium rates are determined, including the experience, assumptions, and procedures upon which the health insurance issuer relies;
 - 3) historical and future expected medical trend rates;
 - 4) historical and future expected prescription drug trend rates;
 - 5) commission schedules;
 - 6) administrative expense ratios;
 - 7) profit assumptions;
 - 8) historical and future expected medical loss ratio, as calculated under 45 CFR Part 158; and
 - 9) the product or products' actual premium rates that went into effect since the prior rate filing. For each product, this information must identify the group or master policyholders, the approximate number of covered lives under each policyholder for each class of benefits, the rate tiers with the premium rates under each policyholder for each class of benefits, and the date the premium rates went into effect for the policyholder.
- c) Discrimination prohibited. If a policy's rates or classifications create differences between applicants or covered individuals within similar risk categories that do not reasonably correspond to differences in expected costs, the Director will deem the rates or classifications not to have been calculated in accordance with sound actuarial principles. Nothing in this subsection prevents the Director from enforcing other prohibitions on discrimination in rates or classifications of risk as provided by the law or regulation applicable to the type of policy, including, but not limited to, Sections 364 and 424(3) of the Code, Section 25(B) of the Illinois Health Insurance Portability and Accountability Act, and 50 Ill. Adm. Code 2603.
- d) Confidentiality requirements.
- 1) If a health insurance issuer deems any information contained in its rate filing proprietary, privileged, or confidential such that disclosure of the information would cause competitive harm to the issuer, the health

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insurance issuer must file both an unredacted version and a version with the deemed confidential information redacted that is separately marked for public access in SERFF. Additionally, to qualify for ongoing exemption from production under Section 7(1)(g) of the Freedom of Information Act [5 ILCS 140], proprietary, privileged, or confidential information must be furnished to the Department with the explicit claim that the disclosure of the information would cause competitive harm to the health insurance issuer. The health insurance issuer must furnish that claim in a separate letter within the SERFF filing to which it pertains.

- 2) Without expanding the scope of information for which a health insurance issuer may obtain protection under Section 7(1)(g) of the Freedom of Information Act, the rate, premium, and policyholder information described in Section 2026.30(e)(2) must not be redacted and will not be deemed confidential, proprietary, or privileged by the Department.
- 3) Notwithstanding any provision of this Part other than subsection (e)(4), for any policy that is issued in connection with an employee benefit plan, the Department will allow public inspection or copying of information described in 29 U.S.C. 1023(e) starting 210 days after the close of the plan year or policy period.
- 4) Notwithstanding any other provision of this subsection, the Department will hold the entirety of a rate filing described in Section 2026.30(c) or (d) confidential while it remains pending the Department's review.

(Source: Amended at 49 Ill. Reg. 11309, effective August 28, 2025)

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- 1) Heading of the Part: RCRA Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 703
- 3) Section Number: 703.123 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
- 5) Effective Date of Rule: August 27, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendment is available on the Board's website (<https://pcb.illinois.gov/>) and is also on file and available for public inspection in the Board's Chicago office, 60 E. Van Buren, Suite 630, Chicago, IL 60605.
- 9) Notice of Proposal Published in the *Illinois Register*: 49 Ill. Reg. 5114, April 18, 2025
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version:

703.123 delete "are among those that"
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 103-372 created the Paint Stewardship Act, which requires manufacturers of architectural paint sold at retail in the State of Illinois to establish and operate a post-consumer paint stewardship program. Public Act 103-887 allows collection of oil-based paints as universal waste. IEPA is required to

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propose rules within in 60 days of the effective date of the Public Act, and the Board is required to adopt the rules within 180 days of receipt of the IEPA proposal. IEPA explains that universal waste management is material-specific and applies only to specific wastes identified in the Board's universal waste rules. The universal waste rules are structured in a way that allows new wastes to be added and currently, the Board's universal waste rules apply to: batteries, pesticides, mercury-containing equipment, lamps, certain household wastes, and certain very small quantity generator (VSQG) wastes. IEPA proposed to add "paint and paint-related waste" (PPRW) to list of universal wastes and to make PPRW subject to the requirements of other designated universal wastes. IEPA proposed amendments to Part 733 to incorporate PPRW as a universal waste. In addition, amendments are being proposed to Parts 703, 720, 721, 724, 725, and 728 to reflect PPRW as a universal waste.

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

Clerk's Office
Illinois Pollution Control Board
60 E Van Buren St., Suite 630
Chicago, IL 60605

(312) 814-3620
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The full text of the Adopted Amendment begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITSPART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
703.100	Scope and Relation to Other Parts
703.101	Purpose
703.102	Electronic Reporting
703.110	References

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703.120	Prohibitions in General
703.121	RCRA Permits
703.122	Specific Inclusions in Permit Program
703.123	Specific Exclusions and Exemptions from Permit Program
703.124	Discharges of Hazardous Waste
703.125	Reapplying for a Permit
703.126	Initial Applications
703.127	Federal Permits (Repealed)

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703.140	Purpose and Scope
703.141	Permits by Rule
703.150	Application by Existing HWM Facilities and Interim Status Qualifications
703.151	Application by New HWM Facilities
703.152	Amended Part A Application
703.153	Qualifying for Interim Status
703.154	Prohibitions During Interim Status
703.155	Changes During Interim Status

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703.156	Interim Status Standards
703.157	Grounds for Termination of Interim Status
703.158	Permits for Less Than an Entire Facility
703.159	Closure by Removal
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703.180	Applications in General
703.181	Contents of Part A
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703.184	Facility Location Information
703.185	Groundwater Protection Information
703.186	Exposure Information
703.187	Solid Waste Management Units
703.188	Other Information
703.189	Additional Information Required to Assure Compliance with MACT Standards
703.191	Public Participation: Pre-Application Public Notice and Meeting
703.192	Public Participation: Public Notice of Application
703.193	Public Participation: Information Repository
703.200	Specific Part B Application Information
703.201	Containers
703.202	Tank Systems
703.203	Surface Impoundments
703.204	Waste Piles
703.205	Incinerators that Burn Hazardous Waste
703.206	Land Treatment
703.207	Landfills
703.208	Boilers and Industrial Furnaces Burning Hazardous Waste
703.209	Miscellaneous Units
703.210	Process Vents
703.211	Equipment
703.212	Drip Pads
703.213	Air Emission Controls for Tanks, Surface Impoundments, and Containers
703.214	Post-Closure Care Permits

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SUBPART E: SPECIAL FORMS OF PERMITS

Section

703.220	Emergency Permits
703.221	Alternative Compliance with the Federal NESHAPS
703.222	Incinerator Conditions Prior to Trial Burn
703.223	Incinerator Conditions During Trial Burn
703.224	Incinerator Conditions After Trial Burn
703.225	Trial Burns for Existing Incinerators
703.230	Land Treatment Demonstration
703.231	Research, Development and Demonstration Permits
703.232	Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
703.234	Remedial Action Plans
703.238	RCRA Standardized Permits for Storage and Treatment Units

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section

703.240	Permit Denial
703.241	Establishing Permit Conditions
703.242	Noncompliance Pursuant to Emergency Permit
703.243	Monitoring
703.244	Notice of Planned Changes (Repealed)
703.245	Twenty-four Hour Reporting
703.246	Reporting Requirements
703.247	Anticipated Noncompliance
703.248	Information Repository

SUBPART G: CHANGES TO PERMITS

Section

703.260	Transfer
703.270	Modification or Reissuance
703.271	Causes for Modification
703.272	Causes for Modification or Reissuance
703.273	Facility Siting
703.280	Permit Modification at the Request of the Permittee
703.281	Class 1 Modifications
703.282	Class 2 Modifications

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703.283 Class 3 Modifications

SUBPART H: REMEDIAL ACTION PLANS

Section

- 703.300 Special Regulatory Format
- 703.301 General Information
- 703.302 Applying for a RAP
- 703.303 Getting a RAP Approved
- 703.304 How a RAP May Be Modified, Reissued, or Terminated
- 703.305 Operating Under A RAP
- 703.306 Obtaining a RAP for an Off-Site Location

SUBPART I: INTEGRATION WITH MAXIMUM ACHIEVABLE
CONTROL TECHNOLOGY (MACT) STANDARDS

Section

- 703.320 Options for Incinerators and Cement and Lightweight Aggregate Kilns to Minimize Emissions from Startup, Shutdown, and Malfunction Events

SUBPART J: RCRA STANDARDIZED PERMITS
FOR STORAGE AND TREATMENT UNITS

Section

- 703.350 General Information About RCRA Standardized Permits
- 703.351 Applying for a RCRA Standardized Permit
- 703.352 Information That Must Be Kept at the Facility
- 703.353 Modifying a RCRA Standardized Permit

703.APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective

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December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9381, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9765, effective June 20, 2000; amended in R01-21/R01-23 at 25 Ill. Reg. 9313, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6539, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3496, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12683, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5966, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2845, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 487, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11672, effective July 14, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18505, effective November 12, 2010; amended in R13-15 at 37 Ill. Reg. 17659, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 11271, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 20993, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 5777, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15055, effective September 3, 2020; amended in R25-22 at 49 Ill. Reg. 11329, effective August 27, 2025.

SUBPART B: PROHIBITIONS

Section 703.123 Specific Exclusions and Exemptions from Permit Program

The following persons ~~are among those that~~ are not required to obtain a RCRA permit:

- a) A generator that accumulates hazardous waste on site in compliance with all of

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the conditions for exemption provided in 35 Ill. Adm. Code 722.114 through 722.117;

- b) A farmer that disposes of hazardous waste pesticides from the farmer's own use, as provided in 35 Ill. Adm. Code 722.170;
- c) A person that owns or operates a facility solely for the treatment, storage, or disposal of hazardous waste excluded from regulations under this Part by 35 Ill. Adm. Code 721.104 or 722.114 (VSQG exemption);
- d) An owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- e) An owner or operator of an elementary neutralization unit or wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110;
- f) A transporter that stores manifested shipments of hazardous waste in containers that meet the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- g) A person that adds absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or a person that adds waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and 35 Ill. Adm. Code 724.117(b), 724.271, and 724.272 are complied with; and
- h) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that manages the wastes listed in subsections (h)(1) through (h)(65). Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.
 - 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - 2) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - 3) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;
 - 4) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~

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- 5) Aerosol cans, as described in 35 Ill. Adm. Code [733.106](#); and ~~733.6.~~
- 6) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.
- i) This subsection (i) corresponds with 40 CFR 270.1(c)(2)(ix), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.
- j) Reverse Distributors Accumulating Potentially Creditable Hazardous Waste Pharmaceuticals and Evaluated Hazardous Waste Pharmaceuticals, as defined in Section 726.600. Reverse distributors are subject to regulation under Subpart P of 35 Ill. Adm. Code 726 for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.

BOARD NOTE: Derived from 40 CFR 270.1(c)(2).

(Source: Amended at 49 Ill. Reg. 11329, effective August 27, 2025)

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- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code Citation: 35 Ill. Adm. Code 720
- 3) Section Number: 720.110 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].
- 5) Effective Date of Rule: August 27, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendment is available on the Board's website (<https://pcb.illinois.gov/>) and is also on file and available for public inspection in the Board's Chicago office, 60 E. Van Buren, Suite 630, Chicago, IL 60605.
- 9) Notice of Proposal Published in the *Illinois Register*: 49 Ill. Reg. 5124, April 18, 2025
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 103-372 created the Paint Stewardship Act, which requires manufacturers of architectural paint sold at retail in the State of Illinois to establish and operate a post-consumer paint stewardship program. Public Act 103-887 allows collection of oil-based paints as universal waste. IEPA is required to propose rules within in 60 days of the effective date of the Public Act, and the Board is required to adopt the rules within 180 days of receipt of the IEPA proposal. IEPA

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explains that universal waste management is material-specific and applies only to specific wastes identified in the Board's universal waste rules. The universal waste rules are structured in a way that allows new wastes to be added and currently, the Board's universal waste rules apply to: batteries, pesticides, mercury-containing equipment, lamps, certain household wastes, and certain very small quantity generator (VSQG) wastes. IEPA proposed to add "paint and paint-related waste" (PPRW) to list of universal wastes and to make PPRW subject to the requirements of other designated universal wastes. IEPA proposed amendments to Part 733 to incorporate PPRW as a universal waste. In addition, amendments are being proposed to Parts 703, 720, 721, 724, 725, and 728 to reflect PPRW as a universal waste.

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

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

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

720.101	Purpose, Scope, and Applicability
720.102	Availability of Information; Confidentiality of Information
720.103	Use of Number and Gender
720.104	Manifest Copy Submission Requirements for Certain Interstate Waste Shipments
720.105	Applicability of Electronic Manifest System and User Fee Requirements to Facilities Receiving State-Only Regulated Waste Shipments
720.109	Electronic Reporting

SUBPART B: DEFINITIONS AND REFERENCES

Section

720.110	Definitions
720.111	References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

720.120	Rulemaking
720.121	Alternative Equivalent Testing Methods
720.122	Waste Delisting
720.123	Petitions for Regulation as Universal Waste
720.130	Procedures for Solid Waste Determinations and Non-Waste Determinations
720.131	Solid Waste Determinations
720.132	Boiler Determinations
720.133	Procedures for Determinations
720.134	Non-Waste Determinations
720.140	Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis

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- 720.141 Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities
720.142 Notification Requirement for Hazardous Secondary Materials
720.143 Legitimate Recycling of Hazardous Secondary Materials

720.APPENDIX A Overview of Federal RCRA Subtitle C (Hazardous Waste) Regulations (Repealed)

AUTHORITY: Implementing Sections 7.2, 13, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, 22.23e, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9094, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1063, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9443, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1266, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9168, effective July 9,

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2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6550, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3712, effective February 14, 2003; amended in R03-18 at 27 Ill. Reg. 12713, effective July 17, 2003; amended in R05-8 at 29 Ill. Reg. 5974, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6290, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2930, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 730, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11726, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 922, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18535, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17672, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8740, effective June 4, 2012; amended in R13-5 at 37 Ill. Reg. 3180, effective March 4, 2013; amended in R13-15 at 37 Ill. Reg. 17726, effective October 24, 2013; amended in R14-1/R14-2/R14-3 at 38 Ill. Reg. 7189, effective March 13, 2014; amended in R14-13 at 38 Ill. Reg. 12378, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1542, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11286, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21215, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 446, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5817, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15067, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. 9723, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 16776, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. 11338, effective August 27, 2025.

SUBPART B: DEFINITIONS AND REFERENCES

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 728, 733, 738, and 739 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of tank that is situated so that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) can be visually inspected.

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after May 19, 1980, and that is not a closed portion. (See also "closed portion".)

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"Acute hazardous waste" means hazardous waste that meets the listing criteria in 35 Ill. Adm. Code 721.111(a)(2) and therefore is either listed in 35 Ill. Adm. Code 721.131 with the assigned hazard code of (H) or is listed in 35 Ill. Adm. Code 721.133(e).

BOARD NOTE: These are USEPA hazardous waste numbers F020, F021, F022, F023, F026, and F027, and all USEPA hazardous waste numbers having the prefix "P".

"Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's designee.

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder, and fitted with a self-closing release device allowing the gas to eject the contents.

"Agency" means the Illinois Environmental Protection Agency.

"Airbag waste" means any hazardous waste airbag modules or hazardous waste airbag inflators.

"Airbag waste collection facility" means any facility that receives airbag waste from airbag handlers subject to regulation under 35 Ill. Adm. Code 721.104(j) and that accumulates the waste for more than ten days.

"Airbag waste handler" means any person, by site, that generates airbag waste that is subject to regulation under 35 Ill. Adm. Code 721.104(j).

"Ancillary equipment" means any devices, like piping, fittings, flanges, valves, and pumps, that are used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person overall responsible for operating a

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facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"Battery" means a device that consists of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus those connections (electrical and mechanical) that are needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

Boiler by physical characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery sections must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery sections (like waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery sections are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (like economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream) and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the

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recovered energy, calculated on an annual basis. In this calculation, no credit may be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps.); or

Boiler by designation. The unit is one that the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon dioxide stream" means carbon dioxide that has been captured from an emission source (e.g., a power plant), plus incidental associated substances derived from the source materials and the capture process, and any substances added to the stream to enable or improve the injection process.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device. A "used, intact CRT" means a CRT whose vacuum has not been released. A "used, broken CRT" means glass removed from its housing or casing whose vacuum has been released.

"Central accumulation area" means any on-site area where hazardous waste is accumulating in units subject to either 35 Ill. Adm. Code 722.116 (for an SQG) or 35 Ill. Adm. Code 722.117 (for an LQG). A central accumulation area at an eligible academic entity that chooses to operate under Subpart K of 35 Ill. Adm. Code 722 is also subject to 35 Ill. Adm. Code 722.311 when accumulating unwanted material or hazardous waste.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed portion" means that portion of a facility that an owner or operator has closed in compliance with the approved facility closure plan and all applicable closure requirements. (See also "active portion".)

"Component" means either the tank or ancillary equipment of a tank system.

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"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Contained" means held in a unit (including a land-based unit, as defined in this Section) that meets either of the following containment situations:

Containment situation 1 (non-hazardous waste containment):

The unit is in good condition, with no leaks or other continuing or intermittent unpermitted releases of the hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent unpermitted releases of hazardous secondary materials to the environment.

"Unpermitted releases" are releases that are not covered by a permit (e.g., a permit to discharge to water or air) and may include releases through surface transport by precipitation run-off, releases to soil and groundwater, windblown dust, fugitive air emissions, and catastrophic unit failures;

The unit is properly labeled or otherwise has a system (like a log) to immediately identify the hazardous secondary materials in the unit; and

The unit holds hazardous secondary materials that are compatible with other hazardous secondary materials placed in the unit, is compatible with the materials used to construct the unit and addresses any potential risks of fires or explosions.

Containment situation 2 (hazardous waste containment):

Hazardous secondary materials in units that meet the applicable requirements of 35 Ill. Adm. Code 724 or 725 are presumptively contained.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

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"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of Subpart DD of 35 Ill. Adm. Code 724 and Subpart DD of 35 Ill. Adm. Code 725.

"Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. The person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"CRT collector" means a person that receives used, intact CRTs for recycling, repair, resale, or donation.

"CRT exporter" means any person in the United States that initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for the export.

"CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

"CRT processing" means conducting the following activities:

Receiving broken or intact CRTs;

Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and

Sorting or otherwise managing glass removed from CRT monitors.

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"Designated facility" means either of the following entities:

A hazardous waste treatment, storage, or disposal facility that has been designated on the manifest by the generator, under 35 Ill. Adm. Code 722.120, of which any of the following is true:

The facility has received a RCRA permit (or interim status) under 35 Ill. Adm. Code 702, 703, and 705;

The facility has received a RCRA permit from USEPA under 40 CFR 124 and 270;

The facility has received a RCRA permit from a state authorized by USEPA under 40 CFR 271; or

The facility is regulated under 35 Ill. Adm. Code 721.106(c)(2) or Subpart F of 35 Ill. Adm. Code 726; or

A generator site designated by the hazardous waste generator on the manifest to receive back its own waste as a return shipment from a designated hazardous waste treatment, storage, or disposal facility that has rejected the waste according to 35 Ill. Adm. Code 724.172(f) or 725.172(f).

If a waste is destined to a facility in a state other than Illinois that has been authorized by USEPA under 40 CFR 271, but that has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept the waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for managing that category of universal waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Dioxins and furans" means tetra-, penta-, hexa-, hepta-, and octa-chlorinated

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dibenzodioxins and furans.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste or any of its constituent may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

"Electronic import-export reporting compliance date" means the date that USEPA will announce in the Federal Register, on or after which exporters, importers, and receiving facilities will be required to submit certain export and import related documents to USEPA using USEPA's Waste Import Export Tracking System, or its successor system.

BOARD NOTE: A compliance date in Illinois regulations is limited to a date certain on or after the Board has adopted the date by rulemaking. Adoption by rulemaking of the electronic import-export reporting compliance date can occur only after USEPA has made its announcement in the Federal Register. Until the Board has incorporated a date certain by rulemaking, the Board intends that no "electronic import-export reporting compliance date" will apply in the context of the Illinois rules. The federal electronic import-export reporting compliance date named by USEPA, however, may apply as provided by federal law.

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"Electronic manifest" or "e-Manifest" means the electronic format of the hazardous waste manifest that is obtained from USEPA's national e-Manifest System and transmitted electronically to the e-Manifest System, and that is the legal equivalent of USEPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

"Electronic Manifest System" or "e-Manifest System" means USEPA's national information technology system through which the e-Manifest may be obtained, completed, transmitted, and distributed to users of the e-Manifest System and to regulatory agencies.

"Elementary neutralization unit" means a device that meets the following:

It is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or that are listed in Subpart D of 35 Ill. Adm. Code 721 only for this reason; and

It meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida.

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

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Region VII: Nebraska, Kansas, Missouri, and Iowa.

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado.

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.

Region X: Washington, Oregon, Idaho, and Alaska.

"Equivalent method" means any testing or analytical method approved by the Board under Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility commenced construction if the owner or operator obtained the federal, State, and local approvals or permits necessary to begin physically constructing the facility and either of the following occurred:

A continuous on-site, physical construction program began; or

The owner or operator entered contractual obligations that could not be canceled or modified without substantial loss for physically constructing the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original RCRA Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that was in operation, or for which installation was commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State, and local approvals or permits necessary to begin physically constructing the site or installing the tank system and if either of the following is met:

A continuous on-site physical construction or installation program has

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begun; or

The owner or operator entered contractual obligations that cannot be canceled or modified without substantial loss for physically constructing the site or installing the tank system to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. These situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in completing an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include United States Department of Defense (USDOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and USDOD-certified civilian or contractor personnel and other federal, State, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means the following:

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All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste or for managing hazardous secondary materials prior to reclamation. A facility may comprise several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For implementing corrective action under 35 Ill. Adm. Code 724.201 or 35 Ill. Adm. Code 727.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA section 3008(h).

Despite the immediately-preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within the facility.

"Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

"Federal, State, and local approvals or permits necessary to begin physically constructing" means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in compliance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.116 and 722.117.

"Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

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"Free liquids" means liquids that readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous secondary material" means a secondary material (e.g., spent material, by-product, or sludge) that, when discarded, would be identified as hazardous waste under 35 Ill. Adm. Code 721.

"Hazardous secondary material generator" means any person whose act or process produces hazardous secondary materials at the generating facility. For this definition, "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator. For Sections 721.102(a)(2)(B) and 721.104(a)(23), a facility that collects hazardous secondary materials from other persons is not the hazardous secondary material generator.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent that caused the hazardous waste to be listed in Subpart D of 35 Ill. Adm. Code 721, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

"Incinerator" means any enclosed device that:

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Uses controlled flame combustion, and the device:

Does not meet the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

Is not listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste that is unsuitable for the following:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire, or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See Appendix E to 35 Ill. Adm. Code 724 and Appendix E to 35 Ill. Adm. Code 725 for references that list examples.)

"Individual generator site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generator site, like a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generator site if the site or property is contiguous.

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns;

Lime kilns;

Aggregate kilns;

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Phosphate kilns;

Coke ovens;

Blast furnaces;

Smelting, melting, and refining furnaces (including pyrometallurgical devices like cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces);

Titanium dioxide chloride process oxidation reactors;

Methane reforming furnaces;

Pulping liquor recovery furnaces;

Combustion devices used in the recovery of sulfur values from spent sulfuric acid;

Halogen acid furnaces (HAFs) for producing acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated; and

Any other device that the Agency determines to be an industrial furnace based on one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw

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materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and that is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of tank with any portion of the tank wall situated within the ground, so that the ground prevents visually inspecting that external surface area of the tank.

"In operation" refers to a facility that is treating, storing, or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise installing tank systems.

"Intermediate facility" means any facility that stores hazardous secondary materials for more than ten days and that is neither a hazardous secondary material generator nor a reclaimer of hazardous secondary material.

"International shipment" means transporting hazardous waste into or out of the jurisdiction of the United States.

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"Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infrared regions of the electromagnetic spectrum. Examples of common universal waste lamps include fluorescent, high intensity discharge, neon, mercury vapor, high-pressure sodium, and metal halide lamps.

"Land-based unit" means an area where hazardous secondary materials are placed in or on the land before recycling. This definition does not include land-based production units.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; these facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and that is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

"Landfill cell" means a discrete volume of a hazardous waste landfill that uses a liner to isolate wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"Large quantity generator" or "LQG" means a generator that generates any of the following amounts of material in a calendar month:

Greater than or equal to 1,000 kg (2,200 lbs) of non-acute hazardous waste;

Greater than 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); or

Greater than 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

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"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell that restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. The system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or comprise an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

"Manifest" means the shipping document USEPA Form 8700-22 (including, if necessary, USEPA Form 8700-22A), or the e-Manifest, originated and signed in compliance with the applicable requirements of 35 Ill. Adm. Code 722 through 727.

"Manifest tracking number" means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits) that is pre-printed in Item 4 of the manifest by a registered source.

"Mercury-containing equipment" means a device or part of a device (including thermostats but excluding batteries and lamps) that contains elemental mercury integral to its function.

"Military munitions" means all ammunition products and components produced or used by or for the United States Department of Defense or the United States

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Armed Services for national defense and security, including military munitions under the control of the United States Department of Defense (USDOD), the United States Coast Guard, the United States Department of Energy (USDOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by USDOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under USDOE's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954 (42 U.S.C. 2014 et seq.), as amended, have been completed.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit that is removed to gain access to that deposit and is then used for reclaiming a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container; tank; surface impoundment; pile; land treatment unit; landfill; incinerator; boiler; industrial furnace; underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730; containment building; corrective action management unit (CAMU); unit eligible for a research, development, and demonstration permit under 35 Ill. Adm. Code 703.231; or staging pile.

"Movement" means hazardous waste that is transported to a facility in an individual vehicle.

"NAICS Code" means the code number assigned a facility using the "North American Industry Classification System", incorporated by reference in Section 720.111.

"New hazardous waste management facility", "new HWM facility", or "new facility" means a facility that began operation, or for which construction commenced after November 19, 1980. (See also "Existing hazardous waste

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management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except for 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commenced after July 14, 1986. (See also "existing tank system".)

"No free liquids", as used in 35 Ill. Adm. Code 721.104(a)(26) and (b)(18), means that solvent-contaminated wipes may not contain free liquids, as determined by Method 9095B (Paint Filter Liquids Test), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111, and that there is no free liquid in the container holding the wipes. No free liquids may also be determined using another standard or test method that the Agency has determined by permit condition is equivalent to Method 9095B.

"Non-acute hazardous waste" means hazardous waste that is not acute hazardous waste, as defined in this Section.

"On-ground tank" means a device meeting the definition of tank whose bottom is situated on the same level as the adjacent surrounding surfaces so that visually inspecting the external tank bottom is not possible.

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that the owner controls and to which the public does not have access is also considered on-site property.

"Open burning" means combusting any material without the following characteristics:

Controlling combustion air to maintain adequate temperature for efficient combustion;

Containing the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

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Controlling emission of the gaseous combustion products.
(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operating of a facility.

"Owner" means the person that owns a facility or part of a facility.

"Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid, that forms an adherent coating when applied to a surface. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat. "Paint" includes architectural paint as defined in the Paint Stewardship Act but does not include other types of coatings such as industrial original equipment or specialty coatings. [415 ILCS 5/22.23e]

"Paint-related waste" is (i) material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities or (ii) material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal. [415 ILCS 5/22.23e]

"Partial closure" means the closure of a hazardous waste management unit in compliance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in not complying with 35 Ill. Adm. Code 724 or 725.

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"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that meets one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 ~~U.S.C.~~ U.S.C. 321(v)), incorporated by reference in Section 720.111(c);

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services under FFDCA section 512 (21 U.S.C. 360b), incorporated by reference in Section 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 U.S.C. 321(w)), incorporated by reference in Section 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 U.S.C. 136(u)). The three exceptions, taken together, appear intended not to include as pesticide any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Physical construction" or "physically constructing" (RCRA) means excavating, moving earth, erecting forms or structures, or similar activity to prepare an HWM facility for accepting hazardous waste.

"Pile" means any non-containerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device that uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using

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controlled flame combustion and that is not listed as an industrial furnace.

"Point source" means any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certification, or completing accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and contaminant rate and transport.

BOARD NOTE: State registration includes registration as a professional engineer with the Department of Professional Regulation under 225 ILCS 325 and 68 Ill. Adm. Code 1380. Professional certification includes certification under the certified groundwater professional program of the National Ground Water Association.

"RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.).

"RCRA standardized permit" means a RCRA permit issued under Subpart J of 35 Ill. Adm. Code 703 and Subpart G of 35 Ill. Adm. Code 702 that authorizes management of hazardous waste. The RCRA standardized permit may have two parts: a uniform portion issued in all cases and a supplemental portion issued at the discretion of the Agency.

"Recognized trader" means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of wastes destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the wastes.

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"Regional Administrator" means the Regional Administrator for the USEPA region in which the facility is located or the Regional Administrator's designee.

"Remanufacturing" means processing a higher-value hazardous secondary material to manufacture a product that serves a similar functional purpose as the original commercial-grade material. For this definition, a hazardous secondary material is considered higher-value if it was generated from the use of a commercial-grade material in a manufacturing process and can be remanufactured into a similar commercial-grade material.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that are managed for implementing cleanup.

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under 35 Ill. Adm. Code 724.201, but a remediation waste management site is subject to corrective action requirements if the site is in a facility that is subject to corrective action under 35 Ill. Adm. Code 724.201.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which substantially all waste is removed, and that is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in compliance with a closure or corrective action plan approved by USEPA or the Agency.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) that can be expected to exhibit the average properties of the universe or whole.

"Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

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"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC code" means "Standard Industrial Classification code", as assigned to a site by the United States Department of Transportation, Federal Highway Administration, based on the particular activities that occur on the site, as provided in "Standard Industrial Classification Manual", incorporated by reference in Section 720.111(a).

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and that has a total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb or less of sludge treated on a wet-weight basis.

"Small quantity generator" or "SQG" means a generator that generates the following amounts of material in a calendar month:

Greater than 100 kg (220 lbs) but less than 1,000 kilograms (2,200 lbs) of non-acute hazardous waste;

Less than or equal to 1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e); and

Less than or equal to 100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill. Adm. Code 721.131 or 721.133(e).

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Solvent-contaminated wipe" means the following:

A wipe that, after use or after cleaning up a spill, meets one or more of the following conditions:

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The wipe contains one or more of the F001 through F005 solvents listed in 35 Ill. Adm. Code 721.131 or the corresponding P- or U-listed solvents found in 35 Ill. Adm. Code 721.133;

The wipe exhibits a hazardous characteristic found in Subpart C of 35 Ill. Adm. Code 721 when that characteristic results from a solvent listed in 35 Ill. Adm. Code 721; or

The wipe exhibits only the hazardous waste characteristic of ignitability found in 35 Ill. Adm. Code 721.121 due to the presence of one or more solvents that are not listed in 35 Ill. Adm. Code 721.

Solvent-contaminated wipes that contain listed hazardous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions at 35 Ill. Adm. Code 721.104(a)(26) and (b)(18).

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Staging pile" means an accumulation of solid, non-flowing "remediation waste" (as defined in this Section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to 35 Ill. Adm. Code 724.654.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities; except that, as used in the landfill, surface impoundment, and waste pile rules, sump means

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any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" or "impoundment" means a facility or part of a facility that is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and that is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds, and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin and furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

"Thermal treatment" means the treatment of hazardous waste in a device that uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge. (See also "incinerator" and "open burning".)

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from the temperature control device complying with 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste that is directly connected to an industrial production process and that is constructed and operated in a manner that prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

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"Transfer facility" means any transportation-related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste or hazardous secondary materials are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for transporting cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway, or water.

"Transporter" means a person engaged in transporting hazardous waste off-site by air, rail, highway, or water.

"Treatability study" means the following:

A study in which a hazardous waste is subjected to a treatment process to determine the following:

Whether the waste is amenable to the treatment process;

What pretreatment (if any) is required;

The optimal process conditions needed to achieve the desired treatment;

The efficiency of a treatment process for a specific waste or wastes; and

The characteristics and volumes of residuals from a particular treatment process;

Also included in this definition for 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies, and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

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"Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste to neutralize the waste, recover energy or material resources from the waste, or render the waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well or through a dug well, if the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of tank whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Universal waste" means any of the following hazardous wastes that are managed under the universal waste requirements of 35 Ill. Adm. Code 733:

Batteries, as described in 35 Ill. Adm. Code 733.102;

Pesticides, as described in 35 Ill. Adm. Code 733.103;

Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;

Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~

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Aerosol cans, as described in 35 Ill. Adm. Code 733.106; ~~and-~~

Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean either of the following:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles (except under 35 Ill. Adm. Code 733.113(e) or 733.133(e)) universal waste; or

A person engaged in transporting universal waste off-site by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in transporting universal waste off-site by air, rail, highway, or water.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and because of this use is contaminated by physical or

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chemical impurities.

"USEPA" or "EPA" means the United States Environmental Protection Agency.

"USEPA hazardous waste number" or "EPA hazardous waste number" means the number assigned by USEPA to each hazardous waste listed in Subpart D of 35 Ill. Adm. Code 721 and to each characteristic identified in Subpart C of 35 Ill. Adm. Code 721.

"USEPA identification number" or "USEPA ID number" is the unique alphanumeric identifier that USEPA assigns a hazardous waste generator; transporter; treatment, storage, or disposal facility; or reclamation facility upon notification complying with section 3010 of RCRAU.S.C..

"User of the Electronic Manifest System" or "user of the e-Manifest System" means a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility, or any other person or entity that meets both of the following conditions:

The person or entity must use a manifest to comply with any federal or state requirement to track the shipment, transportation, and receipt of either of the following:

hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

The person or entity elects to use either of the following:

the e-Manifest System to obtain, complete and transmit an e-Manifest format supplied by the USEPA e-Manifest System; or

the paper manifest form and submits to the e-Manifest System for data processing purposes a paper copy of the manifest (or data

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from the paper copy), in compliance with 35 Ill. Adm. Code 724.171(a)(2)(E) or 725.171(a)(2)(E).

A paper copy submitted for data processing purposes is submitted for data exchange purposes only and is not the official copy of record for legal purposes.

"USPS" means the United States Postal Service.

"Very small quantity generator" or "VSQG" means a generator that generates less than or equal to the following amounts of material in a calendar month:

100 kg (220 lbs) of nonacute hazardous waste;

1 kg (2.2 lbs) of acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e); and

100 kg (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 35 Ill Adm. Code 721.131 or 721.133(e).

"Vessel" includes every description of watercraft used or capable of being used for transporting on the water.

"Wastewater treatment unit" means a device that:

Is part of a wastewater treatment facility that has an NPDES permit under 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge under 35 Ill. Adm. Code 310;

Receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this Section.

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"Water (bulk shipment)" means transporting bulk hazardous waste loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" means "underground injection".

"Wipe" means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

"Zone of engineering control" means an area under the control of the owner or operator that, upon detecting a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 49 Ill. Reg. 11338, effective August 27, 2025)

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- 1) Heading of the Part: Identification and Listing of Hazardous Waste
 - 2) Code Citation: 35 Ill. Adm. Code 721
 - 3) Section Number: 721.109 Adopted Action: Amendment
 - 4) Statutory Authority: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
 - 5) Effective Date of Rule: August 27, 2025
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this rulemaking contain incorporations by reference? No
 - 8) Statement of Availability: The adopted amendment is available on the Boards website (<https://pcb.illinois.gov/>) and is also on file and available for public inspection in the Board's Chicago office, 60 E. Van Buren, Suite 630, Chicago, IL 60605.
 - 9) Notice of Proposal Published in the *Illinois Register*: 49 Ill. Reg. 5162, April 18, 2025
 - 10) Has JCAR issued a Statement of Objections to this rulemaking? No
 - 11) Differences between Proposal and Final Version: None
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
 - 13) Will this rulemaking replace an emergency rule currently in effect? No
 - 14) Are there any other rulemakings pending on this Part? Yes
- | | | |
|-----------------------------------|--------------------------------------|--|
| <u>Section Number:</u>
721.141 | <u>Proposed Action:</u>
Amendment | <u><i>Illinois Register</i> Citation:</u>
49 Ill. Reg. 5726; April 25, 2025 |
|-----------------------------------|--------------------------------------|--|
- 15) Summary and Purpose of Rulemaking: Public Act 103-372 created the Paint Stewardship Act, which requires manufacturers of architectural paint sold at retail in the State of Illinois to establish and operate a post-consumer paint stewardship program. Public Act

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103-887 allows collection of oil-based paints as universal waste. IEPA is required to propose rules within in 60 days of the effective date of the Public Act, and the Board is required to adopt the rules within 180 days of receipt of the IEPA proposal. IEPA explains that universal waste management is material-specific and applies only to specific wastes identified in the Board's universal waste rules. The universal waste rules are structured in a way that allows new wastes to be added and currently, the Board's universal waste rules apply to: batteries, pesticides, mercury-containing equipment, lamps, certain household wastes, and certain very small quantity generator (VSQG) wastes. IEPA proposed to add "paint and paint-related waste" (PPRW) to list of universal wastes and to make PPRW subject to the requirements of other designated universal wastes. IEPA proposed amendments to Part 733 to incorporate PPRW as a universal waste. In addition, amendments are being proposed to Parts 703, 720, 721, 724, 725, and 728 to reflect PPRW as a universal waste.

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

Clerk's Office
Illinois Pollution Control Board
60 E Van Buren St., Suite 630
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The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

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721.APPENDIX A	Representative Sampling Methods
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721.APPENDIX H	Hazardous Constituents
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721.TABLE A	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources
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721.TABLE D	Wastes Excluded by the Board by Adjusted Standard
721.APPENDIX J	Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
721.APPENDIX Y	Table to Section 721.138: Maximum Contaminant Concentration and Minimum Detection Limit Values for Comparable Fuel Specification (Repealed)
721.APPENDIX Z	Table to Section 721.102: Recycled Materials that Are Solid Waste

AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].

SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9 at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989;

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amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9135, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9481, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1281, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9108, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6584, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 12760, effective July 17, 2003; amended in R04-16 at 28 Ill. Reg. 10693, effective July 19, 2004; amended in R05-8 at 29 Ill. Reg. 6003, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 2992, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 791, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 11786, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 986, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18611, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17734, effective October 14, 2011; amended in R13-5 at 37 Ill. Reg. 3213, effective March 4, 2013; amended in R14-13 at 38 Ill. Reg. 12442, effective May 27, 2014; amended in R15-1 at 39 Ill. Reg. 1607, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11367, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 21673, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 496, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5884, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15142, effective September 3, 2020; amended in R21-13/R22-13/R24-4 at 48 Ill. Reg. 9827, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 16813, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. 11375, effective August 27, 2025.

SUBPART A: GENERAL PROVISIONS

Section 721.109 Requirements for Universal Waste

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The wastes listed in this Section are exempt from regulation under 35 Ill. Adm. Code 702, 703, 722 through 726, and 728, except as specified in 35 Ill. Adm. Code 733, and are therefore not fully regulated as hazardous waste. The following wastes are subject to regulation under 35 Ill. Adm. Code 733:

- a) Batteries, as described in 35 Ill. Adm. Code 733.102;
- b) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- c) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;
- d) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~
- e) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; ~~and~~;
- f) [Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.](#)

(Source: Amended at 49 Ill. Reg. 11375, effective August 27, 2025)

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- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3) Section Number: 724.101 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
- 5) Effective Date of Rule: August 27, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendment is available on the Board's website (<https://pcb.illinois.gov/>) and is also on file and available for public inspection in the Board's Chicago office, 60 E. Van Buren, Suite 630, Chicago, IL 60605.
- 9) Notice of Proposal Published in *Illinois Register*: 49 Ill. Reg. 5172, April 18, 2025
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 103-372 created the Paint Stewardship Act, which requires manufacturers of architectural paint sold at retail in the State of Illinois to establish and operate a post-consumer paint stewardship program. Public Act 103-887 allows collection of oil-based paints as universal waste. IEPA is required to propose rules within in 60 days of the effective date of the Public Act, and the Board is

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required to adopt the rules within 180 days of receipt of the IEPA proposal. IEPA explains that universal waste management is material-specific and applies only to specific wastes identified in the Board's universal waste rules. The universal waste rules are structured in a way that allows new wastes to be added and currently, the Board's universal waste rules apply to: batteries, pesticides, mercury-containing equipment, lamps, certain household wastes, and certain very small quantity generator (VSQG) wastes. IEPA proposed to add "paint and paint-related waste" (PPRW) to list of universal wastes and to make PPRW subject to the requirements of other designated universal wastes. IEPA proposed amendments to Part 733 to incorporate PPRW as a universal waste. In addition, amendments are being proposed to Parts 703, 720, 721, 724, 725, and 728 to reflect PPRW as a universal waste.

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

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

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- 724.101 Purpose, Scope, and Applicability
- 724.103 Relationship to Interim Status Standards
- 724.104 Electronic Reporting

SUBPART B: GENERAL FACILITY STANDARDS

Section

- 724.110 Applicability
- 724.111 USEPA Identification Number
- 724.112 Required Notices
- 724.113 General Waste Analysis
- 724.114 Security
- 724.115 General Inspection Requirements
- 724.116 Personnel Training
- 724.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes
- 724.118 Location Standards
- 724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section

- 724.130 Applicability
- 724.131 Design and Operation of Facility
- 724.132 Required Equipment
- 724.133 Testing and Maintenance of Equipment
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SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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- 724.150 Applicability
- 724.151 Purpose and Implementation of Contingency Plan
- 724.152 Content of Contingency Plan
- 724.153 Copies of Contingency Plan
- 724.154 Amendment of Contingency Plan
- 724.155 Emergency Coordinator
- 724.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section

- 724.170 Applicability
- 724.171 Use of Manifest System
- 724.172 Manifest Discrepancies
- 724.173 Operating Record
- 724.174 Availability, Retention, and Disposition of Records
- 724.175 Annual Facility Activities Report
- 724.176 Unmanifested Waste Report
- 724.177 Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section

- 724.190 Applicability
- 724.191 Required Programs
- 724.192 Groundwater Protection Standard
- 724.193 Hazardous Constituents
- 724.194 Concentration Limits
- 724.195 Point of Compliance
- 724.196 Compliance Period
- 724.197 General Groundwater Monitoring Requirements
- 724.198 Detection Monitoring Program
- 724.199 Compliance Monitoring Program
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724.201 Corrective Action for Solid Waste Management Units

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724.211 Closure Performance Standard
724.212 Closure Plan; Amendment of Plan
724.213 Closure; Time Allowed for Closure
724.214 Disposal or Decontamination of Equipment, Structures, and Soils
724.215 Certification of Closure
724.216 Survey Plat
724.217 Post-Closure Care and Use of Property
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724.219 Post-Closure Notices
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724.241 Definitions of Terms as Used in This Subpart
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SUBPART I: USE AND MANAGEMENT OF CONTAINERS

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724.274	Inspections
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SUBPART M: LAND TREATMENT

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724.372	Treatment Demonstration
724.373	Design and Operating Requirements
724.376	Food-Chain Crops
724.378	Unsaturated Zone Monitoring
724.379	Recordkeeping
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724.381	Special Requirements for Ignitable or Reactive Waste
724.382	Special Requirements for Incompatible Wastes
724.383	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

SUBPART N: LANDFILLS

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724.400	Applicability
724.401	Design and Operating Requirements
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724.410	Closure and Post-Closure Care
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724.413	Special Requirements for Incompatible Wastes
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724.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
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SUBPART O: INCINERATORS

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724.440	Applicability
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724.442	Principal Organic Hazardous Constituents (POHCs)
724.443	Performance Standards
724.444	Hazardous Waste Incinerator Permits
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724.651	Grandfathered Corrective Action Management Units
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724.654	Staging Piles
724.655	Disposal of CAMU-Eligible Wastes in Permitted Hazardous Waste Landfills

SUBPART W: DRIP PADS

Section	
724.670	Applicability
724.671	Assessment of Existing Drip Pad Integrity
724.672	Design and Installation of New Drip Pads
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724.674 Inspections
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SUBPART X: MISCELLANEOUS UNITS

Section
724.700 Applicability
724.701 Environmental Performance Standards
724.702 Monitoring, Analysis, Inspection, Response, Reporting, and Corrective Action
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SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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724.932 Standards: Process Vents
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SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

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724.951 Definitions
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724.953 Standards: Compressors
724.954 Standards: Pressure Relief Devices in Gas/Vapor Service
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724.956 Standards: Open-ended Valves or Lines
724.957 Standards: Valves in Gas/Vapor or Light Liquid Service
724.958 Standards: Pumps, Valves, Pressure Relief Devices, and Other Connectors
724.959 Standards: Delay of Repair
724.960 Standards: Closed-Vent Systems and Control Devices
724.961 Alternative Percentage Standard for Valves
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724.963 Test Methods and Procedures

POLLUTION CONTROL BOARD

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- 724.964 Recordkeeping Requirements
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section

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SUBPART DD: CONTAINMENT BUILDINGS

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AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].

SOURCE: Adopted in R82-19 at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9437, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1146, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9833, effective June 20, 2000; expedited correction at 25 Ill. Reg. 5115, effective June 20, 2000; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6635, effective April 22, 2002; amended in R03-7 at 27 Ill. Reg. 3725, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6009, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6365, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3196, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 893, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12365, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1106, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18873, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 17965, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17773, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1724, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11726, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 22614, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg.

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601, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 5999, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15347, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg. 9892, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 17057, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. 11384, effective August 27, 2025.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope, and Applicability

- a) This Part establishes minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) This Part applies to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the federal Marine Protection, Research and Sanctuaries Act (33 USC 1401 et seq.) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.

BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

- d) This Part applies to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency under Section 12(g) of the Act only to the extent they are required by Subpart F of 35 Ill. Adm. Code 704.

BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.

- e) This Part applies to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.

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- f) This subsection (f) corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
- g) This Part does not apply to the following:
- 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 722.114.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.
 - 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739).
 - 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.114, 722.115, 722.116, 722.117, or 722.Subpart K or L.
 - 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
 - 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
 - 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T to 35 Ill. Adm. Code 728) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).

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- 7) This subsection (g)(7) corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
- 8) Immediate Response
 - A) Except as provided in subsection (g)(8)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
 - i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of hazardous waste;
 - iii) A discharge of a material that becomes a hazardous waste when discharged; or
 - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
 - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.
 - C) Any person that is covered by subsection (g)(8)(A) and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
 - D) In the case of an explosives or munitions emergency response, if a federal, State, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health

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or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

- 9) A transporter storing manifested shipments of hazardous waste in containers meeting 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.
- 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
 - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - C) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;
 - D) Lamps, as described in 35 Ill. Adm. Code 733.105;~~and~~
 - E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and;
 - F) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

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- 12) This subsection (g)(12) corresponds with 40 CFR 264.1(g)(12), which applies only to a facility outside Illinois. This statement maintains structural consistency with the corresponding USEPA rule.
- 13) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 instead of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.
- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
- i) 35 Ill. Adm. Code 726.505 identifies when this Part applies to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738.
- j) Subparts B, C, and D and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of Subparts B, C, and D, the owner or operator of a remediation waste management site must comply with the following requirements:
 - 1) The owner or operator must obtain a USEPA identification number by applying to the Agency using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), as described in Section 724.111;

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and.

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- 2) The owner or operator must obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator must keep the analysis accurate and up to date;
- 3) The owner or operator must prevent people who are unaware of the danger from entering the site, and the owner or operator must minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:
 - A) That physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock that may enter the active portion of the remediation waste management site; and
 - B) That disturbance of the waste or equipment by people or livestock that enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;
- 4) The owner or operator must inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator must remedy the problem before it leads to a human health or environmental hazard. If a hazard is imminent or has already occurred, the owner or operator must immediately take remedial action;
- 5) The owner or operator must provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with this Part, and on how to respond effectively to emergencies;
- 6) The owner or operator must take precautions to prevent accidental ignition

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or reaction of ignitable or reactive waste, and the owner or operator must prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;

- 7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X, the owner or operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);
- 8) The owner or operator must not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;
- 9) The owner or operator must develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to Section 724.119;
- 10) The owner or operator must develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment;
- 11) The owner or operator must designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at

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the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;

- 12) The owner or operator must develop, maintain, and implement a plan to meet the requirements in subsections (j)(2) through (j)(6) and (j)(9) through (j)(10); and
- 13) The owner or operator must maintain records documenting compliance with subsections (j)(1) through (j)(12).

(Source: Amended at 49 Ill. Reg. 11384, effective August 27, 2025)

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- 1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code Citation: 35 Ill. Adm. Code 725
- 3) Section Number: 725.101 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
- 5) Effective Date of Rule: August 27, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendment is available on the Board's website (<https://pcb.illinois.gov/>) and is also on file and available for public inspection in the Board's Chicago office, 60 E. Van Buren, Suite 630, Chicago, IL 60605.
- 9) Notice of Proposal Published in *Illinois Register*: 49 Ill. Reg. 5192, April 18, 2025
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 103-372 created the Paint Stewardship Act, which requires manufacturers of architectural paint sold at retail in the State of Illinois to establish and operate a post-consumer paint stewardship program. Public Act 103-887 allows collection of oil-based paints as universal waste. IEPA is required to propose rules within in 60 days of the effective date of the Public Act, and the Board is

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required to adopt the rules within 180 days of receipt of the IEPA proposal. IEPA explains that universal waste management is material-specific and applies only to specific wastes identified in the Board's universal waste rules. The universal waste rules are structured in a way that allows new wastes to be added and currently, the Board's universal waste rules apply to: batteries, pesticides, mercury-containing equipment, lamps, certain household wastes, and certain very small quantity generator (VSQG) wastes. IEPA proposed to add "paint and paint-related waste" (PPRW) to list of universal wastes and to make PPRW subject to the requirements of other designated universal wastes. IEPA proposed amendments to Part 733 to incorporate PPRW as a universal waste. In addition, amendments are being proposed to Parts 703, 720, 721, 724, 725, and 728 to reflect PPRW as a universal waste.

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

Clerk's Office
Illinois Pollution Control Board
60 E Van Buren St., Suite 630
Chicago, IL 60605

(312) 814-3620
don.brown@illinois.gov

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (<https://pcb.illinois.gov/>). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling (312) 814-3620. Please refer to docket number R25-22 in your request.

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

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section

725.101	Purpose, Scope, and Applicability
725.102	Electronic Reporting
725.104	Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

Section

725.110	Applicability
725.111	USEPA Identification Number
725.112	Required Notices
725.113	General Waste Analysis
725.114	Security
725.115	General Inspection Requirements
725.116	Personnel Training
725.117	General Requirements for Ignitable, Reactive, or Incompatible Wastes
725.118	Location Standards
725.119	Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section

725.130	Applicability
725.131	Maintenance and Operation of Facility
725.132	Required Equipment
725.133	Testing and Maintenance of Equipment
725.134	Access to Communications or Alarm System
725.135	Required Aisle Space

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725.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section

- 725.150 Applicability
- 725.151 Purpose and Implementation of Contingency Plan
- 725.152 Content of Contingency Plan
- 725.153 Copies of Contingency Plan
- 725.154 Amendment of Contingency Plan
- 725.155 Emergency Coordinator
- 725.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING, AND REPORTING

Section

- 725.170 Applicability
- 725.171 Use of Manifest System
- 725.172 Manifest Discrepancies
- 725.173 Operating Record
- 725.174 Availability, Retention, and Disposition of Records
- 725.175 Annual Report
- 725.176 Unmanifested Waste Report
- 725.177 Additional Reports

SUBPART F: GROUNDWATER MONITORING

Section

- 725.190 Applicability
- 725.191 Groundwater Monitoring System
- 725.192 Sampling and Analysis
- 725.193 Preparation, Evaluation, and Response
- 725.194 Recordkeeping and Reporting

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section

- 725.210 Applicability
- 725.211 Closure Performance Standard

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725.212	Closure Plan; Amendment of Plan
725.213	Closure; Time Allowed for Closure
725.214	Disposal or Decontamination of Equipment, Structures, and Soils
725.215	Certification of Closure
725.216	Survey Plat
725.217	Post-Closure Care and Use of Property
725.218	Post-Closure Care Plan; Amendment of Plan
725.219	Post-Closure Notices
725.220	Certification of Completion of Post-Closure Care
725.221	Alternative Post-Closure Care Requirements

SUBPART H: FINANCIAL REQUIREMENTS

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725.240	Applicability
725.241	Definitions of Terms as Used in this Subpart H
725.242	Cost Estimate for Closure
725.243	Financial Assurance for Closure
725.244	Cost Estimate for Post-Closure Care
725.245	Financial Assurance for Post-Closure Monitoring and Maintenance
725.246	Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure Care
725.247	Liability Requirements
725.248	Incapacity of Owners or Operators, Guarantors, or Financial Institutions
725.251	Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	
725.270	Applicability
725.271	Condition of Containers
725.272	Compatibility of Waste with Containers
725.273	Management of Containers
725.274	Inspections
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725.277	Special Requirements for Incompatible Wastes
725.278	Air Emission Standards

SUBPART J: TANK SYSTEMS

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Section

725.290	Applicability
725.291	Assessment of Existing Tank System Integrity
725.292	Design and Installation of New Tank Systems or Components
725.293	Containment and Detection of Releases
725.294	General Operating Requirements
725.295	Inspections
725.296	Response to Leaks or Spills and Disposition of Tank Systems
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725.298	Special Requirements for Ignitable or Reactive Wastes
725.299	Special Requirements for Incompatible Wastes
725.300	Waste Analysis and Trial Tests
725.301	Generators of 100 to 1,000 Kilograms of Hazardous Waste Per Month (Repealed)
725.302	Air Emission Standards

SUBPART K: SURFACE IMPOUNDMENTS

Section

725.320	Applicability
725.321	Design and Operating Requirements
725.322	Action Leakage Rate
725.323	Containment System
725.324	Response Actions
725.325	Waste Analysis and Trial Tests
725.326	Monitoring and Inspections
725.328	Closure and Post-Closure Care
725.329	Special Requirements for Ignitable or Reactive Wastes
725.330	Special Requirements for Incompatible Wastes
725.331	Air Emission Standards

SUBPART L: WASTE PILES

Section

725.350	Applicability
725.351	Protection from Wind
725.352	Waste Analysis
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725.354	Design and Operating Requirements

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725.355	Action Leakage Rates
725.356	Special Requirements for Ignitable or Reactive Wastes
725.357	Special Requirements for Incompatible Wastes
725.358	Closure and Post-Closure Care
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SUBPART M: LAND TREATMENT

Section	
725.370	Applicability
725.372	General Operating Requirements
725.373	Waste Analysis
725.376	Food Chain Crops
725.378	Unsaturated Zone (Zone of Aeration) Monitoring
725.379	Recordkeeping
725.380	Closure and Post-Closure Care
725.381	Special Requirements for Ignitable or Reactive Wastes
725.382	Special Requirements for Incompatible Wastes

SUBPART N: LANDFILLS

Section	
725.400	Applicability
725.401	Design Requirements
725.402	Action Leakage Rate
725.403	Response Actions
725.404	Monitoring and Inspections
725.409	Surveying and Recordkeeping
725.410	Closure and Post-Closure Care
725.412	Special Requirements for Ignitable or Reactive Wastes
725.413	Special Requirements for Incompatible Wastes
725.414	Special Requirements for Liquid Wastes
725.415	Special Requirements for Containers
725.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

SUBPART O: INCINERATORS

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Section	
725.440	Applicability
725.441	Waste Analysis
725.445	General Operating Requirements
725.447	Monitoring and Inspections
725.451	Closure
725.452	Interim Status Incinerators Burning Particular Hazardous Wastes

SUBPART P: THERMAL TREATMENT

Section	
725.470	Other Thermal Treatment
725.473	General Operating Requirements
725.475	Waste Analysis
725.477	Monitoring and Inspections
725.481	Closure
725.482	Open Burning; Waste Explosives
725.483	Interim Status Thermal Treatment Devices Burning Particular Hazardous Wastes

SUBPART Q: CHEMICAL, PHYSICAL, AND BIOLOGICAL TREATMENT

Section	
725.500	Applicability
725.501	General Operating Requirements
725.502	Waste Analysis and Trial Tests
725.503	Inspections
725.504	Closure
725.505	Special Requirements for Ignitable or Reactive Wastes
725.506	Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

Section	
725.530	Applicability

SUBPART W: DRIP PADS

Section	
725.540	Applicability

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725.541	Assessment of Existing Drip Pad Integrity
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725.543	Design and Operating Requirements
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SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section

725.930	Applicability
725.931	Definitions
725.932	Standards: Process Vents
725.933	Standards: Closed-Vent Systems and Control Devices
725.934	Test Methods and Procedures
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Section

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725.952	Standards: Pumps in Light Liquid Service
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725.960	Standards: Closed-Vent Systems and Control Devices
725.961	Percent Leakage Alternative for Valves
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SURFACE IMPOUNDMENTS, AND CONTAINERS

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725.981	Definitions
725.982	Schedule for Implementation of Air Emission Standards
725.983	Standards: General
725.984	Waste Determination Procedures
725.985	Standards: Tanks
725.986	Standards: Surface Impoundments
725.987	Standards: Containers
725.988	Standards: Closed-Vent Systems and Control Devices
725.989	Inspection and Monitoring Requirements
725.990	Recordkeeping Requirements
725.991	Alternative Tank Emission Control Requirements (Repealed)

SUBPART DD: CONTAINMENT BUILDINGS

Section

725.1100	Applicability
725.1101	Design and Operating Standards
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SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section

725.1200	Applicability
725.1201	Design and Operating Standards
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725.APPENDIX B	EPA Report Form and Instructions (Repealed)
725.APPENDIX C	USEPA Interim Primary Drinking Water Standards
725.APPENDIX D	Tests for Significance
725.APPENDIX E	Examples of Potentially Incompatible Wastes
725.APPENDIX F	Compounds with Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].

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SOURCE: Adopted in R81-22 at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22 at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18 at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19 at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective July 26, 1999; amended in R00-5 at 24 Ill. Reg. 1076, effective January 6, 2000; amended in R00-13 at 24 Ill. Reg. 9575, effective June 20, 2000; amended in R03-7 at 27 Ill. Reg. 4187, effective February 14, 2003; amended in R05-8 at 29 Ill. Reg. 6028, effective April 13, 2005; amended in R05-2 at 29 Ill. Reg. 6389, effective April 22, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3460, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1031, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12566, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1155, effective December 30, 2008; amended in R09-16/R10-4 at 34 Ill. Reg. 18890, effective November 12, 2010; amended in R11-2/R11-16 at 35 Ill. Reg. 18052, effective October 14, 2011; amended in R13-15 at 37 Ill. Reg. 17811, effective October 24, 2013; amended in R15-1 at 39 Ill. Reg. 1746, effective January 12, 2015; amended in R16-7 at 40 Ill. Reg. 11830, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 23725, effective November 19, 2018; amended in R19-3 at 43 Ill. Reg. 634, effective December 6, 2018; amended in R19-11 at 43 Ill. Reg. 6049, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15374, effective September 3, 2020; amended in R21-13, R22-13, R24-4 at 48 Ill. Reg.

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9911, effective June 20, 2024; amended in R24-12 at 48 Ill. Reg. 17086, effective November 7, 2024; amended in R25-22 at 49 Ill. Reg. 11403, effective August 27, 2025.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope, and Applicability

- a) This Part establishes minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are met.
- b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 through 724.654 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste and that have fully complied with the requirements for interim status under Section 3005(e) of RCRA (42 USC 6925(e)) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of RCRA (42 USC 6905) or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure care responsibilities under this Part are met, and to those owners and operators of facilities in existence on November 19, 1980 that have failed to provide timely notification as required by section 3010(a) of RCRA (42 USC 6930(a)) or that have failed to file Part A of the Permit Application, as required by federal 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities, except as specifically provided otherwise in this Part or in 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA (42 USC 6905(a)), after the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in compliance with a permit. Section 3005(e) of RCRA (42 USC 6905(e)) provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made.

- c) This Part does not apply to any of the following:
 - 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the federal Marine Protection, Research and

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Sanctuaries Act (33 USC 1401 et seq.);

BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b).

- 2) This subsection (c)(2) corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules;
- 3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste;

BOARD NOTE: The owner or operator of a facility under subsections (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by Subpart F of 35 Ill. Adm. Code 704.

- 4) This subsection (c)(4) corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules;
- 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 722.114;
- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in Subpart C, F, G, or H of 35 Ill. Adm. Code 726 or 35 Ill. Adm. Code 739;
- 7) A generator accumulating waste on-site in compliance with applicable conditions for exemption in 35 Ill. Adm. Code 722.114 through 722.117 and Subparts K and L of 35 Ill. Adm. Code 722, except to the extent the requirements of this Part are included in those Sections and Subparts;

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- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in Table T of 35 Ill. Adm. Code 728) or reactive (D003) waste in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set forth in Section 725.117(b);
- 11) Immediate Response
 - A) Except as provided in subsection (c)(11)(B), a person engaged in treatment or containment activities during immediate response to any of the following situations:
 - i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of a hazardous waste;
 - iii) A discharge of a material that becomes a hazardous waste when discharged; or
 - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
 - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts C and D.

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- C) Any person that is covered by subsection (c)(11)(A) that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities;
 - D) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition;
- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
 - 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with;
 - 14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
 - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;

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- C) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;
 - D) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~
 - E) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; and
 - F) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.
- 15) This subsection (c)(15) corresponds with 40 CFR 265.1(c)(15). This statement maintains structural consistency with the corresponding USEPA rule; or
- 16) A reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, as defined in 35 Ill. Adm. Code 726.600. A reverse distributor is subject to regulation under Subpart P of 35 Ill. Adm. Code 726 instead of this Part for the accumulation of potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals.
- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: USEPA hazardous waste numbers F020, F021, F022, F023, F026, or F027, unless the following conditions are met:
- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
 - 2) The waste is stored in tanks or containers;
 - 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of Subpart L;
 - 4) The waste is burned in incinerators that are certified under the standards and procedures in Section 725.452; or
 - 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified under the standards and

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procedures in Section 725.483.

- e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.
- f) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 728, and 738.
- g) Other bodies of regulations may apply to a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

(Source: Amended at 49 Ill. Reg. 11403, effective August 27, 2025)

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- 1) Heading of the Part: Land Disposal Restrictions
- 2) Code Citation: 35 Ill. Adm. Code 728
- 3) Section Number: 728.101 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 7.2 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
- 5) Effective Date of Rule: August 27, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendment is available on the Board's website (<https://pcb.illinois.gov/>) and is also on file and available for public inspection in the Board's Chicago office, 60 E. Van Buren, Suite 630, Chicago, IL 60605.
- 9) Notice of Proposal Published in *Illinois Register*: 49 Ill. Reg. 5210, April 18, 2025
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Public Act 103-372 created the Paint Stewardship Act, which requires manufacturers of architectural paint sold at retail in the State of Illinois to establish and operate a post-consumer paint stewardship program. Public Act 103-887 allows collection of oil-based paints as universal waste. IEPA is required to propose rules within in 60 days of the effective date of the Public Act, and the Board is required to adopt the rules within 180 days of receipt of the IEPA proposal. IEPA

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explains that universal waste management is material-specific and applies only to specific wastes identified in the Board's universal waste rules. The universal waste rules are structured in a way that allows new wastes to be added and currently, the Board's universal waste rules apply to: batteries, pesticides, mercury-containing equipment, lamps, certain household wastes, and certain very small quantity generator (VSQG) wastes. IEPA proposed to add "paint and paint-related waste" (PPRW) to list of universal wastes and to make PPRW subject to the requirements of other designated universal wastes. IEPA proposed amendments to Part 733 to incorporate PPRW as a universal waste. In addition, amendments are being proposed to Parts 703, 720, 721, 724, 725, and 728 to reflect PPRW as a universal waste.

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

Clerk's Office
Illinois Pollution Control Board
60 E Van Buren St., Suite 630
Chicago, IL 60605

(312) 814-3620
don.brown@illinois.gov

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (<https://pcb.illinois.gov/>). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling (312) 814-3620. Please refer to docket number R25-22 in your request.

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section

728.101	Purpose, Scope, and Applicability
728.102	Definitions
728.103	Dilution Prohibited as a Substitute for Treatment
728.104	Treatment Surface Impoundment Exemption
728.105	Procedures for Case-by-Case Extensions to an Effective Date
728.106	Petitions to Allow Land Disposal of a Waste Prohibited Pursuant to Subpart C
728.107	Testing, Tracking, and Recordkeeping Requirements for Generators, Reverse Distributors, Treaters, and Disposal Facilities
728.108	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.109	Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND
ESTABLISHMENT OF TREATMENT STANDARDS

Section

728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment Exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section

728.120	Waste-Specific Prohibitions: Dyes and Pigments Production Wastes
728.130	Waste-Specific Prohibitions: Wood Preserving Wastes
728.131	Waste-Specific Prohibitions: Dioxin-Containing Wastes
728.132	Waste-Specific Prohibitions: Soils Exhibiting the Toxicity Characteristic for

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	Metals and Containing PCBs
728.133	Waste-Specific Prohibitions: Chlorinated Aliphatic Wastes
728.134	Waste-Specific Prohibitions: Toxicity Characteristic Metal Wastes
728.135	Waste-Specific Prohibitions: Petroleum Refining Wastes
728.136	Waste-Specific Prohibitions: Inorganic Chemical Wastes
728.137	Waste-Specific Prohibitions: Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138	Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.139	Waste-Specific Prohibitions: Spent Aluminum Potliners and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section

728.140	Applicability of Treatment Standards
728.141	Treatment Standards Expressed as Concentrations in Waste Extract
728.142	Treatment Standards Expressed as Specified Technologies
728.143	Treatment Standards Expressed as Waste Concentrations
728.144	USEPA Variance from a Treatment Standard
728.145	Treatment Standards for Hazardous Debris
728.146	Alternative Treatment Standards Based on HTMR
728.148	Universal Treatment Standards
728.149	Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section

728.150	Prohibitions on Storage of Restricted Wastes
728.APPENDIX A	Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
728.APPENDIX B	Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
728.APPENDIX C	List of Halogenated Organic Compounds Regulated under Section 728.132
728.APPENDIX D	Wastes Excluded from Lab Packs
728.APPENDIX E	Organic Lab Packs (Repealed)
728.APPENDIX F	Technologies to Achieve Deactivation of Characteristics
728.APPENDIX G	Federal Effective Dates
728.APPENDIX H	National Capacity LDR Variances for UIC Wastes

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728.APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
728.APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
728.APPENDIX K	Metal-Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)
728.TABLE A	Constituent Concentrations in Waste Extract (CCWE)
728.TABLE B	Constituent Concentrations in Wastes (CCW)
728.TABLE C	Technology Codes and Description of Technology-Based Standards
728.TABLE D	Technology-Based Standards by USEPA Hazardous Waste Number
728.TABLE E	Standards for Radioactive Mixed Waste
728.TABLE F	Alternative Treatment Standards for Hazardous Debris
728.TABLE G	Alternative Treatment Standards Based on HTMR
728.TABLE H	Wastes Excluded from CCW Treatment Standards
728.TABLE I	Generator Paperwork Requirements
728.TABLE T	Treatment Standards for Hazardous Wastes
728.TABLE U	Universal Treatment Standards (UTS)

AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1964, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9204, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9623, effective June 20, 2000; amended in R01-3 at 25 Ill. Reg. 1296, effective January 11, 2001; amended in R01-21/R01-23 at 25 Ill. Reg. 9181, effective July 9, 2001; amended in R02-1/R02-12/R02-17 at 26 Ill. Reg. 6687, effective April 22, 2002; amended in R03-18 at 27 Ill. Reg. 13045, effective July

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17, 2003; amended in R05-8 at 29 Ill. Reg. 6049, effective April 13, 2005; amended in R06-5/R06-6/R06-7 at 30 Ill. Reg. 3800, effective February 23, 2006; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1254, effective December 20, 2006; amended in R07-5/R07-14 at 32 Ill. Reg. 12840, effective July 14, 2008; amended in R09-3 at 33 Ill. Reg. 1186, effective December 30, 2008; amended in R11-2/R11-16 at 35 Ill. Reg. 18131, effective October 14, 2011; amended in R12-7 at 36 Ill. Reg. 8790, effective June 4, 2012; amended in R13-15 at 37 Ill. Reg. 17951, effective October 24, 2013; amended in R16-7 at 40 Ill. Reg. 12052, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 24924, effective November 19, 2018; amended in R20-8/R20-16 at 44 Ill. Reg. 15495, effective September 3, 2020; amended in R25-22 at 49 Ill. Reg. 11420, effective August 27, 2025.

SUBPART A: GENERAL

Section 728.101 Purpose, Scope, and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.
- c) Restricted wastes may continue to be land disposed as follows:
 - 1) If a person has been granted an extension to the effective date of a prohibition under Subpart C or under Section 728.105, with respect to those wastes covered by the extension;
 - 2) If a person has been granted an exemption from a prohibition under a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and that is otherwise prohibited under this Part is not prohibited if the following is true of the waste:
 - A) The waste is disposed into a non-hazardous or hazardous waste

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injection well, as defined in 35 Ill. Adm. Code 704.106(a); and

- B) The waste does not exhibit any prohibited characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721 at the point of injection.
- 4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and that is otherwise prohibited under this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:
- A) Any of the following is true of either treatment or management of the waste:
 - i) The waste is managed in a treatment system that subsequently discharges to waters of the United States under a permit issued under 35 Ill. Adm. Code 309;
 - ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or
 - iii) The waste is managed in a zero discharge system engaged in Clean Water Act (CWA)-equivalent treatment, as defined in Section 728.137(a); and
 - B) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).
- d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9621(d)(4)).
- e) The following hazardous wastes are not subject to any provision of this Part:
- 1) Waste generated by a VSQG, as defined in 35 Ill. Adm. Code 720.110;
 - 2) Waste pesticide that a farmer disposes of under 35 Ill. Adm. Code

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722.170;

- 3) Waste identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition or treatment standard; and
 - 4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility.
- f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.
- 1) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - 2) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - 3) Mercury-containing equipment, as described in 35 Ill. Adm. Code 733.104;
 - 4) Lamps, as described in 35 Ill. Adm. Code 733.105; ~~and~~
 - 5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; ~~and~~;
 - 6) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.

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- g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) must not issue a wastestream authorization under 35 Ill. Adm. Code 709 or Section 22.6 or 39(h) of the Act unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.
- h) Electronic Reporting. The filing of any document under any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (h) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h).

(Source: Amended at 49 Ill. Reg. 11420, effective August 27, 2025)

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- 1) Heading of the Part: Standards for Universal Waste Management
- 2) Code Citation: 35 Ill. Adm. Code 733
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
733.101	Amendment
733.107	New Section
733.108	Amendment
733.109	Amendment
733.113	Amendment
733.114	Amendment
733.132	Amendment
733.133	Amendment
733.134	Amendment
733.139	Amendment
733.162	Amendment
- 4) Statutory Authority: Implementing Sections 7.2 and 22.4, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, and 27].
- 5) Effective Date of Rule: August 27, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: The adopted amendments are available on the Board's website (<https://pcb.illinois.gov/>) and is also on file and available for public inspection in the Board's Chicago office, 60 E. Van Buren, Suite 630, Chicago, IL 60605.
- 9) Notice of Proposal Published in *Illinois Register*: 49 Ill. Reg. 5220, April 18, 2025
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between Proposal and Final Version:

733.107 Source Note, strike "Former" and "733.107", change "Repealed" to "repealed", strike "733.107" and change "Added" to "added".

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733.109 FIFRA definition, strike "USC" and add "U.S.C."

733.109 Pesticide definition, strike "USC" and add "U.S.C." four times.

733.113 d), add "Universal Waste"

733.113 d)3)B)iii), strike "(d)(5)(A)" and add "(d)(3)(A)".

733.113 e), add "Universal Waste"

733.113 f)3)C), remove "properly", after "paint-related waste" add "in compliance with Section 733.137", after "cleanup" add "in compliance with the Act and Board regulations"

733.113 f)3)D), delete "733.113(f)(1)" and add "subsection (f)(1)".

733.113 f)3)E), delete "733.113(f)(1)" and add "subsection (f)(1)".

733.113 f)4), add "Ignitable universal waste paint or paint-related waste."

733.113 f)4)A), add "Except for subsection (f)(4)(D),", after first paragraph add "B)", after "radiant heat" add "C)", add "D) A small quantity handler of universal waste at a retail site participating as a drop-off or collection site for universal waste paint or paint-related waste under an approved Paint Stewardship program plan is exempt from subsection (f)(4)(A)."

733.113 g), add "If a small quantity handler of universal waste paint or paint-related waste under an approved Paint Stewardship"

733.114 e), after "Each" add "universal waste"

733.133 d), add "Universal Waste"

733.133 d)3)B)iii), strike "(d)(5)(A)" and add "(d)(3)(A)".

733.133 e), add "Universal Waste"

733.133 f), add "Universal Waste"

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733.133 f3)D), delete "733.113(f)(1)" and add "subsection (f)(1)".

733.133 f3)E), delete "733.113(f)(1)" and add "subsection (f)(1)".

733.133 f4), add "Ignitable universal waste paint or paint-related waste." The large paragraph was separated into A), B) and C).

733.133 f4)B), delete ", but not limited to,".

733.134 e), after "Each" add "universal waste", strike "such" add "the"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
733.118	Amendment	49 Ill. Reg. 5737; April 25, 2025
733.138	Amendment	49 Ill. Reg. 5737; April 25, 2025
733.161	Amendment	49 Ill. Reg. 5737; April 25, 2025

- 15) Summary and Purpose of Rulemaking: Public Act 103-372 created the Paint Stewardship Act, which requires manufacturers of architectural paint sold at retail in the State of Illinois to establish and operate a post-consumer paint stewardship program. Public Act 103-887 allows collection of oil-based paints as universal waste. IEPA is required to propose rules within 60 days of the effective date of the Public Act, and the Board is required to adopt the rules within 180 days of receipt of the IEPA proposal. IEPA explains that universal waste management is material-specific and applies only to specific wastes identified in the Board's universal waste rules. The universal waste rules are structured in a way that allows new wastes to be added and currently, the Board's universal waste rules apply to: batteries, pesticides, mercury-containing equipment, lamps, certain household wastes, and certain very small quantity generator (VSQG) wastes. IEPA proposed to add "paint and paint-related waste" (PPRW) to list of universal wastes and to make PPRW subject to the requirements of other designated universal wastes. IEPA proposed amendments to Part 733 to incorporate PPRW as a universal waste. In addition, amendments are being proposed to Parts 703, 720, 721, 724, 725, and 728 to reflect PPRW as a universal waste.

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

Clerk's Office
Illinois Pollution Control Board
60 E Van Buren St., Suite 630
Chicago, IL 60605

(312) 814-3620
don.brown@illinois.gov

Copies of the Board's opinions and orders are available through the Clerk's Office On-Line (COOL) on the Board's website (<https://pcb.illinois.gov/>). You may also request copies of the Board's opinions and orders from the Clerk at the address listed above or by calling (312) 814-3620. Please refer to docket number R25-22 in your request.

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

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 733

STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

Section

733.101	Scope
733.102	Applicability: Batteries
733.103	Applicability: Pesticides
733.104	Applicability: Mercury-Containing Equipment
733.105	Applicability: Lamps
733.106	Applicability: Aerosol Cans
733.107	<u>Applicability: Paint and Paint-related Waste</u> Applicability: Mercury-Containing Lamps (Repealed)
733.108	Applicability: Household and <u>Very</u> Conditionally Exempt Small Quantity Generator Waste
733.109	Definitions

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section

733.110	Applicability
733.111	Prohibitions
733.112	Notification
733.113	Waste Management
733.114	Labeling and Marking
733.115	Accumulation Time Limits
733.116	Employee Training
733.117	Response to Releases
733.118	Off-Site Shipments
733.119	Tracking Universal Waste Shipments
733.120	Exports

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

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Section

733.130	Applicability
733.131	Prohibitions
733.132	Notification
733.133	Waste Management
733.134	Labeling and Marking
733.135	Accumulation Time Limits
733.136	Employee Training
733.137	Response to Releases
733.138	Off-Site Shipments
733.139	Tracking Universal Waste Shipments
733.140	Exports

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section

733.150	Applicability
733.151	Prohibitions
733.152	Waste Management
733.153	Accumulation Time Limits
733.154	Response to Releases
733.155	Off-site Shipments
733.156	Exports

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section

733.160	Applicability
733.161	Off-Site Shipments
733.162	Tracking Universal Waste Shipments

SUBPART F: IMPORT REQUIREMENTS

Section

733.170	Imports
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SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

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Section

733.180 General

733.181 Factors for Petitions to Include Other Wastes

AUTHORITY: Implementing Sections 7.2, 22.4, and 22.23e and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4, 22.23e, and 27].

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 9502, effective July 26, 1999; amended in R00-13 at 24 Ill. Reg. 9874, effective June 20, 2000; amended in R05-8 at 29 Ill. Reg. 6058, effective April 13, 2005; amended in R06-16/R06-17/R06-18 at 31 Ill. Reg. 1352, effective December 20, 2006; amended in R16-7 at 40 Ill. Reg. 12268, effective August 9, 2016; amended in R17-14/R17-15/R18-12/R18-31 at 42 Ill. Reg. 25200, effective November 19, 2018; amended in R19-11 at 43 Ill. Reg. 6095, effective May 2, 2019; amended in R20-8/R20-16 at 44 Ill. Reg. 15520, effective September 3, 2020; amended in R25-22 at 49 Ill. Reg. 11429, effective August 27, 2025.

SUBPART A: GENERAL

Section 733.101 Scope

- a) This Part establishes requirements for managing the following:
 - 1) Batteries, as described in Section 733.102;
 - 2) Pesticides, as described in Section 733.103;
 - 3) Mercury-containing equipment, as described in Section 733.104;
 - 4) Lamps, as described in Section 733.105; ~~and~~
 - 5) Aerosol cans, as described in 35 Ill. Adm. Code 733.106; ~~and~~;
 - 6) Paint and paint-related wastes, as described in 35 Ill. Adm. Code 733.107.
- b) This Part provides an alternative set of management standards in lieu of regulation under 35 Ill. Adm. Code 702 through 705 and 720 through 728.

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- c) Electronic Reporting. The filing of any document under any provision of this Part as an electronic document is subject to 35 Ill. Adm. Code 720.104.

BOARD NOTE: Subsection (c) is derived from 40 CFR 3, 271.10(b), 271.11(b), and 271.12(h).

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

**Section 733.107 Applicability: Paint and Paint-related Waste~~Mercury-Containing Lamps~~
(Repealed)**

- a) Paint and Paint-related Waste Covered under This Part. The requirements of this Part apply to persons that manage paint and paint-related waste, as described in Section 733.109, except those listed in subsection (b).
- b) Paint and Paint-related Waste Not Covered under This Part. The requirements of this Part do not apply to the following:
- 1) Paint or paint-related waste that has been mixed with solvents or other materials that alter the physical properties of the paint or paint-related waste.
 - 2) Paint or paint-related waste that is not hazardous waste. Paint or paint-related waste is a hazardous waste if it exhibits one or more of the characteristics identified in Subpart C of 35 Ill. Adm. Code 721.
 - 3) Paint and paint-related materials that are not regulated as a waste.
- c) Generation of Paint and Paint-related Waste
- 1) Paint and paint-related waste becomes a waste on the date it is discarded.
 - 2) Unused paint becomes a waste on the date the handler decides to discard it.

(Source: Section repealed at 22 Ill. Reg. 9874, effective June 20, 2000; new Section added at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.108 Applicability: Household and Very~~Conditionally-Exempt~~ Small Quantity

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Generator Waste

- a) A person that manages any of the wastes listed below may, at its option, manage the waste under the requirements of this Part.
 - 1) Household wastes that are exempt under 35 Ill. Adm. Code 721.104(b)(1) and which are also of the same type as the universal wastes defined at Section 733.109; or
 - 2) VSQG wastes that are exempt under 35 Ill. Adm. Code 722.114 and are also of the same type as the universal wastes defined at Section 733.109.
- b) A person that commingles the wastes described in subsections (a)(1) and (a)(2) together with the same type of universal waste regulated under this Part must manage the commingled waste under the requirements of this Part.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.109 Definitions

"Aerosol can" means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder, and fitted with a self-closing release device allowing the gas to eject the contents.

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a

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destination facility for purposes of managing that category of universal waste.

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.~~USC~~ 136 through 136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Lamp" or "universal waste lamp" is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, or infra-red regions of the electromagnetic spectrum. Common examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, ~~or~~ aerosol cans, or paint and paint-related waste, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000-kilogram limit is met or exceeded.

"Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function.

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties, owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access, are also considered on-site property.

"Paint" means a pigmented or unpigmented powder coating, or a pigmented or unpigmented mixture of binder and suitable liquid, that forms an adherent coating when applied to a surface. Powder coating is a surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat. "Paint" includes architectural paint as defined in the Paint Stewardship Act but

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does not include other types of coatings such as industrial original equipment or specialty coatings. [415 ILCS 5/22.23e]

"Paint-related waste" is (i) material contaminated with paint that results from the packaging of paint, wholesale and retail operations, paint manufacturing, and paint application or removal activities or (ii) material derived from the reclamation of paint-related wastes that is recycled in a manner other than burning for energy recovery or used in a manner constituting disposal. [415 ILCS 5/22.23e]

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA) (21 ~~U.S.C.~~ 321(v)), incorporated by reference in 35 Ill. Adm. Code 720.111;

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services under FFDCA section 512(j) (21 ~~U.S.C.~~ 360b(j)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), to be an exempted new animal drug; or

It is an animal feed under FFDCA section 201(w) (21 ~~U.S.C.~~ 321(w)), incorporated by reference in 35 Ill. Adm. Code 720.111(c), that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug." This is very similar to the language of section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 ~~U.S.C.~~ 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

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"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, ~~or~~ aerosol cans, or paint and paint-related waste, calculated collectively) at any time.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of Section 733.113(c)(2) or 733.133(c)(2).

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Mercury-containing equipment, as described in Section 733.104;

Lamps, as described in Section 733.105; ~~and~~

Aerosol cans, as described in Section 733.106; and;

Paint and paint-related waste, as described in Section 733.107.

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

Universal waste handler does not mean:

A person that treats (except under Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles (except under Section

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733.113(e) or 733.133(e)) universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section 733.113 Waste Management

- a) Universal Waste Batteries. A small quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
 - 1) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A small quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - A) Sorting batteries by type;

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- B) Mixing battery types in one container;
 - C) Discharging batteries so as to remove the electric charge;
 - D) Regenerating used batteries;
 - E) Disassembling batteries or battery packs into individual batteries or cells;
 - F) Removing batteries from consumer products; or
 - G) Removing electrolyte from batteries; and
- 3) A small quantity handler of universal waste that removes electrolyte from batteries, or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2), must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721.
- A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.
 - B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- b) Universal Waste Pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal

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waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

- 1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);
 - 3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 265.300, and 265.301; or
 - 4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
- c) Universal Waste Mercury-Containing Equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.
 - 2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler follows each of the following procedures:
 - A) It removes and manages the ampules in a manner designed to prevent breakage of the ampules;

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- B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;
 - D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;
 - E) It ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
 - H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:

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- A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and
 - B) It follows all requirements for removing ampules and managing removed ampules under subsection (c)(2).
- 4) Required Hazardous Waste Determination and Further Waste Management
- A) A small quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:
 - i) Mercury or clean-up residues resulting from spills or leaks; or
 - ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).
 - B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.
 - C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste.

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Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- d) Universal Waste Lamps. A small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A small quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the small quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and
 - 3) Small quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:
 - A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an eight-hour period;
 - B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
 - i) Name and address of the handler;

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- ii) Estimated monthly amount of lamps crushed; and
 - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in [subsection \(d\)\(3\)\(A\)](#) ~~subsection (d)(5)(A)~~;
- C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;
- D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; and
- F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling, and transportation.
- e) [Universal Waste](#) Aerosol Cans. A small quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A small quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.
 - 2) A small quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container or overpacked

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with absorbents, or the small quantity handler must immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).

- 3) A small quantity handler of universal waste may conduct the following activities as long as each individual aerosol can is not breached and remains intact:
 - A) Sorting aerosol cans by type;
 - B) Mixing intact cans in one container; and
 - C) Removing actuators to reduce the risk of accidental release; and
- 4) A small quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:
 - A) The small quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.
 - B) The small quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol cans (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.
 - C) The small quantity handler must ensure that puncturing the cans is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This manner includes locating the equipment on a solid, flat surface in a well-ventilated area.

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- D) The small quantity handler must immediately transfer the contents from the waste aerosol cans or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.
 - E) The small quantity handler must conduct a hazardous waste determination on the contents of the emptied aerosol can under 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728. The handler is considered the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.
 - F) If the small quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid waste regulations.
 - G) The small quantity handler must have a written procedure in place in the event of a spill or leak and must provide a spill clean-up kit. The small quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.
- f) Universal Waste Paint and Paint-related waste. A small quantity handler of universal waste must manage universal waste paint and paint-related waste in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) The small quantity handler of universal waste must collect and store universal waste paint and paint-related waste in containers that are structurally sound, compatible with the universal waste paint and paint-related waste and lack evidence of leakage or damage that could cause leakage under reasonably foreseeable conditions.
 - 2) The small quantity handler of universal waste must ensure that containers in which the universal waste paint and paint-related waste are contained do not leak and remain closed, except when wastes are being added, consolidated, or removed from the container.

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- 3) The small quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:
- A) Stop the release.
 - B) Contain the released universal waste paint or paint-related waste.
 - C) Clean up and manage the released universal waste paint or paint-related waste in compliance with Section 733.137, and other materials generated from the cleanup in compliance with the Act and Board regulations.
 - D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of subsection (f)(1).
 - E) Repair any leaking container to meet the requirements of subsection (f)(1) before returning it to service.
- 4) Ignitable universal waste paint or paint-related waste.
- A) Except for subsection (f)(4)(D), a small quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the small quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The small quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.
 - B) A small quantity handler of universal waste must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The small quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat.

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- C) While handling ignitable universal waste paint or paint-related waste, the small quantity handler must confine smoking and open flames to specifically designated locations. The small quantity handler must conspicuously place "No Smoking" signs wherever there is an ignitability hazard from universal waste paint or paint-related waste.
- D) A small quantity handler of universal waste at a retail site participating as a drop-off or collection site for universal waste paint or paint-related waste under an approved Paint Stewardship program plan is exempt from subsection (f)(4)(A).
- 5) A small quantity handler of universal waste must manage universal waste paint or paint-related waste that is incompatible in separate containers.
- 6) A small quantity handler of universal waste must design, maintain, and operate areas of its facility where universal waste paint or paint-related waste is collected or stored in a manner that minimizes the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.
- g) If a small quantity handler of universal waste paint or paint-related waste under an approved Paint Stewardship program plan receives a shipment containing hazardous waste that is not a universal waste at a retail collection/drop-off site, the handler must comply with the procedures specified in that plan instead of the procedures specified in Section 733.118(g).

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.114 Labeling and Marking

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

- a) Universal waste batteries (i.e., each battery) or a container in which the batteries are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Batteries", "Waste Batteries", or "Used Batteries".

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- b) A container (or multiple container package unit), tank, transport vehicle, or vessel in which recalled universal waste pesticides, as described in Section 733.103(a)(1), are contained must be labeled or marked clearly, as follows:
 - 1) The label that was on or accompanied the product as sold or distributed; and
 - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides".
- c) A container, tank, or transport vehicle, or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:
 - 1) Pesticide Labeling
 - A) The label that was on the product when purchased, if still legible;
 - B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under USDOT regulation 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
 - C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and
 - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides".
- d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling
 - 1) Universal waste mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury-Containing Equipment", or "Waste Mercury-Containing

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Equipment", or "Used Mercury-Containing Equipment".

- 2) Universal waste thermostats (i.e., each thermostat) or a container in which the thermostats are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".
- e) Each universal waste lamp or a container or package in which such lamps are contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Lamps", "Waste Lamps", or "Used Lamps".
- f) A small quantity handler must clearly label or mark its universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, with any of the following phrases: "Universal Waste – Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".
- g) Each container in which universal waste paint or paint-related waste is contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Paint" or "Universal Waste - Paint-related Waste" or "Waste Paint" or "Paint-related Waste".

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section 733.132 Notification

- a) Written Notification of Universal Waste Management
 - 1) Except as provided in subsections (a)(2) and (a)(3), a large quantity handler of universal waste must have sent written notification of universal waste management to the Agency, and received a USEPA Identification Number, before meeting or exceeding the 5,000-kilogram (11,000-pound) storage limit.
 - 2) A large quantity handler of universal waste that has already notified the Agency of its hazardous waste management activities and that has received a USEPA Identification Number is not required to renotify under this Section.

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- 3) A large quantity handler of universal waste that manages recalled universal waste pesticides, as described in Section 733.103(a)(1), and that has sent notification to the Agency, as required by federal 40 CFR 165, is not required to notify for those recalled universal waste pesticides under this Section.
- b) This notification must include the following:
 - 1) The universal waste handler's name and mailing address;
 - 2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
 - 3) The address or physical location of the universal waste management activities;
 - 4) A list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, ~~or~~ aerosol cans, or paint and paint-related waste); and
 - 5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time.

BOARD NOTE: At 60 Fed. Reg. 25520-21 (May 11, 1995), USEPA explained that the generator or consolidation point may use Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12) for notification. The generator or consolidation point must notify the Agency, either by submitting USEPA Form 8700-12 or by some other means. USEPA Form 8700-12 is available ~~from the Agency, Bureau of Land (217-782-6762). It is also available~~ on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-generators-transporters-and-treatment-storage-and. USEPA further explained that it is not necessary for the handler to aggregate the amounts of waste at multiple non-contiguous sites for the purposes of the 5,000 kilogram determination.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

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Section 733.133 Waste Management

- a) Universal Waste Batteries. A large quantity handler of universal waste must manage universal waste batteries in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.
 - 2) A large quantity handler of universal waste may conduct the following activities, as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):
 - A) Sorting batteries by type;
 - B) Mixing battery types in one container;
 - C) Discharging batteries so as to remove the electric charge;
 - D) Regenerating used batteries;
 - E) Disassembling batteries or battery packs into individual batteries or cells;
 - F) Removing batteries from consumer products; or
 - G) Removing electrolyte from batteries.
 - 3) A large quantity handler of universal waste that removes electrolyte from batteries or that generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed in subsection (a)(2) must determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Subpart C

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of 35 Ill. Adm. Code 721.

- A) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to 35 Ill. Adm. Code 722.
- B) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- b) Universal Waste Pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a manner that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:
 - 1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
 - 2) A container that does not meet the requirements of subsection (b)(1), provided that the unacceptable container is overpacked in a container that does meet the requirements of subsection (b)(1);
 - 3) A tank that meets the requirements of Subpart J of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.297(c), 725.300, and 725.301; or
 - 4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

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- c) Universal Waste Mercury-Containing Equipment. A large quantity handler of universal waste must manage universal waste mercury-containing equipment in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) A large quantity handler of universal waste must place in a container any universal mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed; must be structurally sound; must be compatible with the contents of the device; must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.
 - 2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment, provided the handler follows each of the following procedures:
 - A) It removes the ampules in a manner designed to prevent breakage of the ampules;
 - B) It removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
 - C) It ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;
 - D) It immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 35 Ill. Adm. Code 702, 703, 705, and 720 through 728;
 - E) It ensures that the area in which ampules are removed is well

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ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

- F) It ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
 - G) It stores removed ampules in closed, non-leaking containers that are in good condition; and
 - H) It packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.
- 3) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler does as follows:
- A) It immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and
 - B) It follows all requirements for removing ampules and managing removed ampules under subsection (c)(2).
- 4) Required Hazardous Waste Determination and Further Waste Management
- A) A large quantity handler of universal waste that removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in Subpart C of 35 Ill. Adm. Code 721:
 - i) Mercury or clean-up residues resulting from spills or leaks;
or

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- ii) Other solid waste generated as a result of the removal of mercury-containing ampules (e.g., the remaining mercury-containing equipment).

B) If the mercury, residues, or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 35 Ill. Adm. Code 702 through 705 and 720 through 728. The handler is considered the generator of the mercury, residues, or other waste and must manage it in compliance with 35 Ill. Adm. Code 722.

C) If the mercury, residues, or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, or local solid (non-hazardous) waste regulations.

BOARD NOTE: See generally the Act and 35 Ill. Adm. Code 807 through 817 to determine whether additional facility siting, special waste, or non-hazardous waste regulations apply to the waste. Consult the ordinances of relevant units of local government to determine whether local requirements apply.

- d) Universal Waste Lamps. A large quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) A large quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;
- 2) A large quantity handler of universal waste lamps must immediately clean up and place in a container any lamp that is broken, and the large quantity handler must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Any container used must

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be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions; and

- 3) Large quantity handlers of universal waste lamps may treat those lamps for volume reduction at the site where they were generated under the following conditions:
- A) The lamps must be crushed in a closed system designed and operated in such a manner that any emission of mercury from the crushing system must not exceed 0.1 mg/m^3 when measured on the basis of time weighted average over an 8-hour period;
 - B) The handler must provide notification of crushing activity to the Agency quarterly, in a form as provided by the Agency. Such notification must include the following information:
 - i) Name and address of the handler;
 - ii) Estimated monthly amount of lamps crushed; and
 - iii) The technology employed for crushing, including any certification or testing data provided by the manufacturer of the crushing unit verifying that the crushing device achieves the emission controls required in [subsection \(d\)\(3\)\(A\)](#) ~~subsection (d)(5)(A)~~;
 - C) The handler immediately transfers any material recovered from a spill or leak to a container that meets the requirements of 35 Ill. Adm. Code 722.115, and has available equipment necessary to comply with this requirement;
 - D) The handler ensures that the area in which the lamps are crushed is well-ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
 - E) The handler ensures that employees crushing lamps are thoroughly familiar with proper waste mercury handling and emergency

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procedures, including transfer of mercury from containment devices to appropriate containers; and

- F) The crushed lamps are stored in closed, non-leaking containers that are in good condition (e.g., no severe rusting, apparent structural defects or deterioration), suitable to prevent releases during storage, handling and transportation.
- e) Universal Waste Aerosol Cans. A large quantity handler of universal waste must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:
- 1) The large quantity handler must accumulate universal waste aerosol cans in a container that is structurally sound; is compatible with the contents of the aerosol cans; lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and is protected from sources of heat.
 - 2) The large quantity handler must package universal waste aerosol cans that show evidence of leakage in a separate closed container, or overpack the cans with absorbents, or immediately puncture and drain the cans in accordance with the requirements of subsection (e)(4).
 - 3) A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:
 - A) The large quantity handler may sort aerosol cans by type;
 - B) The large quantity handler may mix intact cans in one container; and
 - C) The large quantity handler may remove actuators to reduce the risk of accidental release; and
 - 4) A large quantity handler of universal waste that punctures and drains its aerosol cans must recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans:

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- A) The large quantity handler must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions of the contents.
- B) The large quantity handler must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.
- C) The large quantity handler must ensure that puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment. This includes, but is not limited to, locating the equipment on a solid, flat surface in a well-ventilated area.
- D) The large quantity handler must immediately transfer the contents from the waste aerosol can or puncturing device, if applicable, to a container or tank that meets the applicable requirements of 35 Ill. Adm. Code 722.114, 722.115, 722.116, or 722.117.
- E) The large quantity handler must conduct a hazardous waste determination on the contents of the emptied can, as required by 35 Ill. Adm. Code 722.111. Any hazardous waste generated as a result of puncturing and draining the aerosol can is subject to all applicable requirements of 35 Ill. Adm. Code 703, 705 and 720 through 728. The handler is the generator of the hazardous waste and is subject to 35 Ill. Adm. Code 722.
- F) If the large quantity handler determines that the contents are nonhazardous, the handler may manage the waste in any way that is in compliance with applicable federal, State, and local solid waste regulations.

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- G) The large quantity handler must have a written procedure in place in the event of a spill or release and a spill clean-up kit must be provided. The large quantity handler must promptly clean up all spills or leaks of the contents of the aerosol cans.

f) Universal Waste Paint and Paint-related waste. A large quantity handler of universal waste must manage universal waste paint and paint-related waste in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- 1) The large quantity handler of universal waste must collect and store universal waste paint and paint-related waste in containers that are structurally sound, compatible with the universal waste paint and paint-related waste, and lack evidence of leakage or damage that could cause leakage under reasonably foreseeable conditions.
- 2) The large quantity handler of universal waste must ensure that containers in which the universal waste paint or paint-related waste are contained do not leak and remain closed, except when wastes are being added, consolidated, or removed from the container.
- 3) The large quantity handler of universal waste, upon detection of a release of universal waste paint or paint-related waste, must do the following:
 - A) Stop the release.
 - B) Contain the released universal waste paint or paint-related waste.
 - C) Clean up and properly manage the released universal waste paint or paint-related waste, and other materials generated from the cleanup.
 - D) Remove any leaking container from service by transferring the contents to a container that meets the requirements of subsection (f)(1).
 - E) Repair any leaking container to meet the requirements of subsection (f)(1) before returning it to service.

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- 4) Ignitable universal waste paint or paint-related waste.
- A) A large quantity handler of universal waste must locate containers holding ignitable universal waste paint or paint-related waste at least 50 feet from the facility property line, unless the large quantity handler obtains written approval from the authority having jurisdiction over the local fire code to allow ignitable universal waste paint or paint-related waste to be located within 50 feet of the facility property line. The large quantity handler must maintain a record of the written approval as long as universal waste paint or paint-related waste is located within 50 feet of the facility property line.
- B) A large quantity handler must take precautions to prevent accidental ignition of universal waste paint or paint-related waste. The large quantity handler must separate and protect universal waste paint and paint-related waste from sources of ignition, including, the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), or radiant heat.
- C) While handling universal waste paint or paint-related waste, the large quantity handler must confine smoking and open flames to specifically designated locations. The large quantity handler must conspicuously place "No Smoking" signs wherever there is an ignitability hazard from universal waste paint or paint-related waste.
- 5) A large quantity handler of universal waste must manage universal waste paint or paint-related waste that is incompatible in separate containers.
- 6) A large quantity handler of universal waste must design, maintain, and operate areas of its facility where universal waste paint or paint-related waste is collected or stored to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of universal waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

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Section 733.134 Labeling and Marking

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows:

- a) Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Batteries", or "Waste Batteries", or "Used Batteries".
- b) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in Section 733.103(a)(1) are contained must be labeled or marked clearly as follows:
 - 1) The label that was on or accompanied the product as sold or distributed; and
 - 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides".
- c) A container, tank, or transport vehicle or vessel in which unused pesticide products, as described in Section 733.103(a)(2), are contained must be labeled or marked clearly, as follows:
 - 1) Pesticide Labeling
 - A) The label that was on the product when purchased, if still legible;
 - B) If using the labels described in subsection (c)(1)(A) is not feasible, the appropriate label as required under 49 CFR 172 (Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code 720.111(b); or
 - C) If using the labels described in subsections (c)(1)(A) and (c)(1)(B) is not feasible, another label prescribed or designated by the pesticide collection program; and

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- 2) The words "Universal Waste – Pesticides" or "Waste – Pesticides".
- d) Universal Waste Mercury-Containing Equipment and Universal Waste Thermostat Labeling
 - 1) Mercury-containing equipment (i.e., each device) or a container in which the equipment is contained must be labeled or marked clearly with any of the following phrases: "Universal Waste – Mercury-Containing Equipment", "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment".
 - 2) A universal waste mercury-containing thermostat or a container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any one of the following phrases: "Universal Waste – Mercury Thermostats", or "Waste Mercury Thermostats", or "Used Mercury Thermostats".
- e) Each universal waste lamp or a container or package in which ~~these~~ lamps are contained must be labeled or clearly marked with any one of the following phrases: "Universal Waste – Lamps", "Waste Lamps", or "Used Lamps".
- f) Universal waste aerosol cans (i.e., each aerosol can) or a container in which the aerosol cans are contained must be labeled or marked clearly with any of the following phrases: "Universal Waste – Aerosol Cans", "Waste Aerosol Cans", or "Used Aerosol Cans".
- g) Each container in which universal waste paint or paint-related waste is contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Paint" or "Universal Waste - Paint-related Waste" or "Waste Paint" or "Paint-related Waste".

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

Section 733.139 Tracking Universal Waste Shipments

- a) Receipt of Shipments. A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste

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received must include the following information:

- 1) The name and address of the originating universal waste handler or foreign shipper from which the universal waste was sent;
 - 2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing [equipment](#), lamps, [aerosol cans, or paint or paint-related waste](#));
 - 3) The date of receipt of the shipment of universal waste.
- b) Shipments Off-Site. A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste sent must include the following information:
- 1) The name and address of the universal waste handler, destination facility, or foreign destination to which the universal waste was sent;
 - 2) The quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats, mercury-containing [equipment](#), lamps, [aerosol cans, or paint or paint-related waste](#)); and
 - 3) The date the shipment of universal waste left the facility.
- c) Record Retention
- 1) A large quantity handler of universal waste must retain the records described in subsection (a) for at least three years from the date of receipt of a shipment of universal waste.
 - 2) A large quantity handler of universal waste must retain the records described in subsection (b) for at least three years from the date a shipment of universal waste left the facility.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

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Section 733.162 Tracking Universal Waste Shipments

- a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received must include the following information:
 - 1) The name and address of the universal waste handler, destination facility, or foreign shipper from which the universal waste was sent;
 - 2) The quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, mercury-containing [equipment](#), lamps, [aerosol cans, or paint or paint-related waste](#)); and
 - 3) The date of receipt of the shipment of universal waste.
- b) The owner or operator of a destination facility must retain the records described in subsection (a) for at least three years from the date of receipt of a shipment of universal waste.

(Source: Amended at 49 Ill. Reg. 11429, effective August 27, 2025)

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- 1) Heading of the Part: Home Health, Home Services, and Home Nursing Agency Code
- 2) Code Citation: 77 Ill. Adm. Code 245
- 3) Section Number: 245.95 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55].
- 5) Effective Date of Rules: September 2, 2025
- 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 Rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: 49 Ill. Reg. 7485; May 30, 2025
- 10) Has JCAR issued a Statement of Objection to these rules? 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? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
245.20	Amendment	49 Ill. Reg. 7878; June 6, 2025
245.25	Amendment	49 Ill. Reg. 7878; June 6, 2025
245.40	Amendment	49 Ill. Reg. 7878; June 6, 2025
245.76	New Section	49 Ill. Reg. 7878; June 6, 2025

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- 15) Summary and Purpose of Rulemaking: This rulemaking implements Public Act 103-0734, which added language to the Home Health, Home Services, and Home Nursing Agency Licensing Act to prohibit the Department of Public Health from charging a licensing fee to a certified local health department in connection with the licensure of a home health agency. This rulemaking also adds existing language from the Act clarifying the same prohibition for certified local health departments in connection with home nursing agencies, home nursing placement agencies, and home services placement agencies.

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

Illinois Department of Public Health
Attention: Tracey Trigillo, IDPH Rules Coordinator
Director's Office, Division of Governmental Affairs
Lincoln Plaza, 524 South 2nd Street, 6th Floor
Springfield, IL 62701

(217) 782-1159
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER c: HOSPITALS AND OUTPATIENT SERVICES CARE FACILITIES

PART 245

HOME HEALTH, HOME SERVICES,
AND HOME NURSING AGENCY CODE

SUBPART A: GENERAL PROVISIONS

Section	
245.10	Purpose
245.20	Definitions
245.25	Incorporated and Referenced Materials

SUBPART B: OPERATIONAL REQUIREMENTS

Section	
245.30	Organization and Administration
245.40	Staffing and Staff Responsibilities
245.50	Services (Repealed)
245.55	Vaccinations
245.60	Annual Financial Statement
245.70	Home Health Aide Training
245.71	Qualifications and Requirements for Home Services Workers
245.72	Health Care Worker Background Check
245.75	Infection Control

SUBPART C: LICENSURE PROCEDURES

Section	
245.80	Licensure Required
245.90	License Application
245.95	License Application Fee, Single or Multiple Licenses
245.100	Provisional License
245.110	Inspections and Investigations
245.115	Complaints
245.120	Violations
245.130	Adverse Licensure Actions

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- 245.140 Penalties and Fines
- 245.150 Hearings

SUBPART D: CLIENT/PATIENT SERVICES

- Section
- 245.200 Services – Home Health
- 245.205 Services – Home Nursing Agencies
- 245.210 Services – Home Services Agencies
- 245.211 Services – Alzheimer's Disease and Related Dementias
- 245.212 Services – Home Nursing Placement Agency
- 245.214 Services – Home Services Placement Agency
- 245.220 Client Service Contracts – Home Nursing and Home Services Agencies
- 245.225 Client Service Contracts – Home Nursing Placement Agency and Home Services Placement Agency
- 245.240 Quality Improvement Program
- 245.250 Abuse, Neglect, and Financial Exploitation Prevention and Reporting

AUTHORITY: Implementing and authorized by the Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55].

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 488, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3273, effective February 15, 1996; amended at 20 Ill. Reg. 10033, effective July 15, 1996; amended at 22 Ill. Reg. 3948, effective February 13, 1998; amended at 22 Ill. Reg. 22050, effective December 10, 1998; amended at 23 Ill. Reg. 1028, effective January 15, 1999; amended at 24 Ill. Reg. 17213, effective November 1, 2000; amended at 25 Ill. Reg. 6379, effective May 1, 2001; amended at 26 Ill. Reg. 11241, effective July 15, 2002; amended at 28 Ill. Reg. 3487, effective February 9, 2004; amended at 28 Ill. Reg. 8094, effective May 26, 2004; amended at 29 Ill. Reg. 20003, effective November 28, 2005; amended at 31 Ill. Reg. 9453, effective June 25, 2007;

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amended at 32 Ill. Reg. 8949, effective June 5, 2008; amended at 34 Ill. Reg. 5711, effective April 5, 2010; amended at 39 Ill. Reg. 16406, effective December 10, 2015; amended at 43 Ill. Reg. 9134, effective August 12, 2019; emergency amendment at 44 Ill. Reg. 5929, effective March 25, 2020, for a maximum of 150 days; emergency expired August 21, 2020; emergency amendment at 44 Ill. Reg. 14328, effective August 24, 2020, for a maximum of 150 days; emergency rule expired January 20, 2021; emergency amendment at 45 Ill. Reg. 1710, effective January 21, 2021, for a maximum of 150 days; emergency expired June 19, 2021; emergency amendment at 45 Ill. Reg. 6335, effective May 3, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 11077, effective August 27, 2021; amended at 46 Ill. Reg. 10410, effective May 31, 2022; amended at 47 Ill. Reg. 3765, effective March 2, 2023; amended at 47 Ill. Reg. 17468, effective November 8, 2023; amended at 48 Ill. Reg. 12368, effective August 5, 2024; Subchapter b recodified at 49 Ill. Reg. 1632; amended at 49 Ill. Reg. 4661, effective March 25, 2025; amended at 49 Ill. Reg. 11469, effective September 2, 2025.

SUBPART C: LICENSURE PROCEDURES

Section 245.95 License Application Fee, Single or Multiple Licenses

- a) *Applicants for multiple licenses under the licensure system set forth in this Part shall pay the applicable license fees for each license.* (Section 4(d) of the Act)
- b) A home nursing agency or a home services agency shall pay a licensure fee not to exceed \$1,500 annually. The fee is not refundable. [A certified local health department is exempt from the license fee per Section 6.7\(b\) of the Act.](#)
- c) A home nursing placement agency or home services placement agency shall pay a licensure fee not to exceed \$500 annually. The fee is not refundable. [A certified local health department is exempt from the license fee per Section 6.3\(b\) of the Act.](#)
- d) For a single home health agency license only, each initial and renewal application shall be accompanied by a *license fee of \$1,500 for a two-year license.* (Section 4(c) of the Act) The fee is not refundable. [A certified local health department is exempt from the license fee per Section 4\(c\) of the Act.](#)
- e) An applicant for dual licenses as a home services agency and a home services placement agency, or a home nursing agency and a home nursing placement agency, shall operate each licensed agency as a separate entity to meet the

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requirements of the Act and this Part as an employer of workers and as a placement agency that places individuals.

(Source: Amended at 49 Ill. Reg. 11469, effective September 2, 2025)

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
250.260	Amendment
250.1830	Amendment
- 4) Statutory Authority: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].
- 5) Effective Date of Rules: August 26, 2025
- 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 Rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: 49 Ill. Reg. 3443; March 21, 2025
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version: Various typographical, grammatical, and form changes were made in response to the comments from JCAR as well as the following:

In Section 250.260 (Patient's Rights), the cross-reference in subsection (c)(14) was corrected to "(c)(8)", instead of "(c)(7)"

In Section 250.1830 (General Requirements for All Obstetric Departments), the following changes were made:

In subsection (d)(5), "American Academy of Pediatrics/American Health Association's" was struck and "(see Section 250.105(a)(1)(I))" was added at the end of the provision.

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In subsection (e)(1)(E)(iv), "(see Section 250.105(a)(1)(F))" was added after "Academy of Pediatrics (AAP) recommendations"

In subsection (g)(12), ". See" was struck and "shall be provided in accordance with" was added

In subsection (i)(3)(A), ", which may also be referred to as Liam's Law" was added after "*Vital Records Act*" and "Section 11.9" was changed to "Section 11.10"

In subsection (i)(3)(B), "or an equivalent notification form acceptable to the Department" was added before the period

New subsections (i)(3)(C) through (G) were added in response to public comments received. New provisions are as follows:

- "C) A Liam's Law notice shall include, at a minimum, the following elements:
 - i) The name of the hospital providing the Liam's Law notice
 - ii) The obstetric patient's medical record number
 - iii) The date and time of delivery recorded on the facility worksheet for the fetal death certificate; and
 - iv) Current information about how the patient can request a certificate of birth resulting in stillbirth from the Department after discharge.
- D) Liam's Law notices shall be available in both English and Spanish. A hospital may maintain notification forms in any additional languages that hospital staff or administrators deem necessary.
- E) The hospital shall develop and implement policies and procedures to provide any patient who experiences a stillbirth with at least one paper copy of the Liam's Law notice prior to discharge. For the purposes of this Section, a stillbirth is *a fetal death occurring after a gestation period of at least 20 completed weeks* [410 ILCS 535/20.5(b)] that is not due to an abortion, which is defined in the

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Reproductive Health Act as *the use of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of an individual known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.* [775 ILCS 55/1-10] The hospital shall document provision of this paper copy in the patient's medical record.

- F) Hospital policy may allow for the paper copy to be provided to the patient's support person rather than to the patient. For purposes of this Section, a support person is the patient's spouse, partner, doula, or any other person selected by the patient. The hospital shall document provision of this paper copy in the patient's medical record.
- G) The hospital may provide additional copies of the Liam's Law notice by electronic means.
- H) Hospital policies and procedures shall include safeguards to prevent the issuance of a Liam's Law notice to patients presenting with pregnancy outcomes other than stillbirth."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
250.105	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.525	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.725	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.730	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.740	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1210	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1220	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1240	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1250	Amendment	49 Ill. Reg. 8063; June 13, 2025

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250.1260	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1270	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1290	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1300	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1305	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1310	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1320	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1410	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1510	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1520	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1670	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.1720	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.2110	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.2120	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.2130	Amendment	49 Ill. Reg. 8063; June 13, 2025
250.2140	Amendment	49 Ill. Reg. 8063; June 13, 2025

- 15) Summary and Purpose of Rulemaking: This rulemaking implements Public Act 103-0803, which amended the Hospital Licensing Act (the Act) adding and defining a new term "hospital affiliate" as subject to the patient rights requirements of Section 250.260(c).

The rulemaking also implements Public Act 103-0948, which added a new Section to the Hospital Licensing Act regarding requirements that a hospital notify parents of a stillborn fetus of their right to receive a certificate of birth resulting in stillbirth ("Liam's Law notice") as described in Section 20.5 of the Vital Records Act. The rulemaking requires that a hospital utilize a notification form to be developed by the Department for parental education regarding "Liam's Law notice".

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

Illinois Department of Public Health
Attention: Tracey Trigillo, IDPH Rules Coordinator
Director's Office, Division of Governmental Affairs
Lincoln Plaza, 524 South 2nd Street, 6th Floor
Springfield, IL 62701

(217) 782-1159
dph.rules@illinois.gov

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

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER c: HOSPITALS AND OUTPATIENT SERVICES CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section

250.100	Definitions
250.105	Incorporated and Referenced Materials
250.110	Application for and Issuance of Permit to Establish a Hospital
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions (Renumbered)
250.160	Incorporated and Referenced Materials (Renumbered)

SUBPART B: ADMINISTRATION AND PLANNING

Section

250.210	The Governing Board
250.220	Accounting
250.230	Planning
250.240	Admission and Discharge
250.245	Failure to Initiate Criminal Background Checks
250.250	Visiting Rules
250.260	Patients' Rights
250.265	Language Assistance Services
250.270	Manuals of Procedure
250.280	Agreement with Designated Organ Procurement Agencies
250.285	Smoking Restrictions
250.290	Safety Alert Notifications
250.295	Notification and Posting Requirements
250.300	At-Home Patient Care Waivers

SUBPART C: THE MEDICAL STAFF

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250.310	Organization
250.315	House Staff Members
250.320	Admission and Supervision of Patients
250.330	Orders for Medications and Treatments
250.340	Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section	
250.410	Organization
250.420	Personnel Records
250.430	Duty Assignments
250.435	Health Care Worker Background Check
250.440	Education Programs
250.445	Workplace Violence Prevention Program
250.450	Personnel Health Requirements
250.460	Benefits

SUBPART E: LABORATORY

Section	
250.510	Laboratory Services
250.520	Blood and Blood Components
250.525	Designated Blood Donor Program
250.530	Proficiency Survey Program (Repealed)
250.540	Laboratory Personnel (Repealed)
250.550	Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section	
250.610	General Diagnostic Procedures and Treatments
250.620	Radioactive Material
250.630	General Policies and Procedures Manual

SUBPART G: EMERGENCY SERVICES

Section

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250.710	Classification of Emergency Services
250.720	General Requirements
250.725	Notification of Emergency Personnel
250.730	Community or Areawide Planning
250.740	Disaster and Mass Casualty Program
250.750	Medical Forensic Services for Sexual Assault Survivors

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section	
250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services
250.890	Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section	
250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care

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250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
250.1110	Mandatory Overtime Prohibition
250.1120	Staffing Levels
250.1130	Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

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250.1210	Surgery
250.1220	Surgery Staff
250.1230	Policies & Procedures
250.1240	Surgical Privileges
250.1250	Surgical Emergency Care
250.1260	Operating Room Register and Records
250.1270	Surgical Patients
250.1280	Equipment
250.1290	Safety
250.1300	Operating Room
250.1305	Visitors in Operating Room
250.1310	Cleaning of Operating Room
250.1320	Postanesthesia Care Units
250.1325	Surgical Smoke Plume Evacuation System Equipment and Policies

SUBPART K: ANESTHESIA SERVICES

Section	
250.1410	Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section	
250.1510	Medical Records
250.1520	Reports

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SUBPART M: FOOD SERVICE

Section

250.1610	Dietary Department Administration
250.1620	Facilities
250.1630	Menus and Nutritional Adequacy
250.1640	Diet Orders
250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service
250.1680	Sanitation

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AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983;

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amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010; amended at 34 Ill. Reg. 19158, effective November 23, 2010; amended at 35 Ill. Reg. 4556, effective March 4, 2011; amended at 35 Ill. Reg. 6386, effective March 31, 2011; amended at 35 Ill. Reg. 13875, effective August 1, 2011; amended at 36 Ill. Reg. 17413, effective December 3, 2012; amended at 38 Ill. Reg. 13280, effective June 10, 2014; amended at 39 Ill. Reg. 5443, effective March 25, 2015; amended at 39 Ill. Reg. 13041, effective September 3, 2015; amended at 41 Ill. Reg. 7154, effective June 12, 2017; amended at 41 Ill. Reg. 14945, effective November 27, 2017; amended at 42 Ill. Reg. 9507, effective May 24, 2018; amended at 43 Ill. Reg. 3889, effective March 18, 2019; amended at 43 Ill. Reg. 12990, effective October 22, 2019; emergency amendment at 44 Ill. Reg. 5934, effective March 25, 2020, for a maximum of 150 days; emergency expired August

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21, 2020; emergency amendment at 44 Ill. Reg. 7788, effective April 16, 2020, for a maximum of 150 days; emergency repeal of emergency amendment at 44 Ill. Reg. 14333, effective August 24, 2020; emergency amendment at 44 Ill. Reg. 14804, effective August 24, 2020, for a maximum of 150 days; emergency expired January 20, 2021; amended at 44 Ill. Reg. 18379, effective October 29, 2020; emergency amendment at 45 Ill. Reg. 1202, effective January 8, 2021, for a maximum of 150 days; emergency amendment expired June 6, 2021; emergency amendment at 45 Ill. Reg. 1715, effective January 21, 2021, for a maximum of 150 days; emergency expired June 19, 2021; emergency amendment at 45 Ill. Reg. 7544, effective June 7, 2021, for a maximum of 150 days; emergency expired November 3, 2021; emergency amendment at 45 Ill. Reg. 8096, effective June 15, 2021, for a maximum of 150 days; emergency expired November 11, 2021; emergency amendment at 45 Ill. Reg. 8503, effective June 20, 2021, for a maximum of 150 days; emergency expired November 16, 2021; emergency amendment at 45 Ill. Reg. 11907, effective September 17, 2021, for a maximum of 150 days; emergency expired February 13, 2022; emergency amendment at 45 Ill. Reg. 14519, effective November 4, 2021, for a maximum of 150 days; emergency expired April 2, 2022; emergency amendment at 45 Ill. Reg. 15115, effective November 12, 2021 through December 31, 2021; emergency amendment at 45 Ill. Reg. 15375, effective November 17, 2021, for a maximum of 150 days; emergency expired April 15, 2022; emergency amendment at 46 Ill. Reg. 1911, effective January 13, 2022, for a maximum of 150 days; emergency expired June 11, 2022; emergency amendment at 46 Ill. Reg. 3208, effective February 14, 2022, for a maximum of 150 days; emergency expired July 13, 2022; emergency amendment at 46 Ill. Reg. 6142, effective April 3, 2022, for a maximum of 150 days; emergency expired August 30, 2022; emergency amendment at 46 Ill. Reg. 6808, effective April 16, 2022, for a maximum of 150 days; emergency expired September 12, 2022; amended at 46 Ill. Reg. 8914, effective May 12, 2022; emergency amendment at 46 Ill. Reg. 10950, effective June 12, 2022, for a maximum of 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 12643, effective July 6, 2022, for the remainder of the 150 days; emergency expired November 8, 2022; emergency amendment at 46 Ill. Reg. 13344, effective July 14, 2022, for a maximum of 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 18185, effective October 27, 2022, for the remainder of the 150 days; emergency expired December 10, 2022; emergency amendment at 46 Ill. Reg. 15824, effective August 31, 2022, for a maximum of 150 days; emergency expired January 27, 2023; amended at 46 Ill. Reg. 15597, effective September 1, 2022; emergency amendment at 46 Ill. Reg. 16271, effective September 13, 2022, for a maximum of 150 days; emergency expired February 9, 2023; emergency amendment at 46 Ill. Reg. 18902, effective November 9, 2022, for a maximum of 150 days; emergency expired April 7, 2023; amended at 46 Ill. Reg. 18995, effective November 10, 2022; emergency amendment at 46 Ill. Reg. 20211, effective December 11, 2022, for a maximum of 150 days; emergency expired May 9, 2023; emergency amendment at 47 Ill. Reg. 2189, effective January 28, 2023, for a maximum of 150 days; emergency expired June 26, 2023; emergency amendment at 47 Ill. Reg. 2862, effective February 10, 2023 through

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May 11, 2023; amended at 47 Ill. Reg. 6477, effective April 27, 2023; emergency amendment at 47 Ill. Reg. 8896, effective June 8, 2023, for a maximum of 150 days; SUBPART G recodified at 47 Ill. Reg. 8964; emergency amendment at 47 Ill. Reg. 9499, effective June 27, 2023, for a maximum of 150 days; emergency expired November 23, 2023; amended at 47 Ill. Reg. 14455, effective September 26, 2023; emergency amendment at 47 Ill. Reg. 18178, effective November 24, 2023, for a maximum of 150 days; emergency repeal of emergency rule at 48 Ill. Reg. 4225, effective February 27, 2024; amended at 48 Ill. Reg. 450, effective December 20, 2023; expedited correction at 48 Ill. Reg. 5807, effective December 20, 2023; amended at 48 Ill. Reg. 2516, effective January 30, 2024; amended at 48 Ill. Reg. 7321, effective May 3, 2024; Subchapter b recodified at 49 Ill. Reg. 1633; amended at 49 Ill. Reg. 7975, effective May 21, 2025; amended at 49 Ill. Reg. 11475, effective August 26, 2025.

SUBPART B: ADMINISTRATION AND PLANNING

Section 250.260 Patients' Rights

- a) Policy on Patients' Rights
 - 1) Hospitals shall adopt a written policy on patients' rights.
 - 2) This policy shall be available to all patients and personnel upon request.
- b) Patient Morale
 - 1) Emotional and Attitudinal Support

Hospitals shall have a written plan for the provision of those components of total patient care that relate to the spiritual, emotional and attitudinal health of the patient, patients' families and hospital personnel.
 - 2) Social Services

Hospitals shall have a written plan for providing social services. This service may be provided through:

 - A) An organized social service within the hospital; or
 - B) A social worker employed on a part-time basis; or
 - C) Social work consultant services from a community agency.

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c) *Patient Protection from Abuse*

1) For purposes of this subsection (c):

Abuse – means any physical or mental injury or sexual abuse intentionally inflicted by a hospital or hospital affiliate employee, agent, or medical staff member on a patient of the hospital or hospital affiliate and does not include any hospital or hospital affiliate, medical, health care, or other personal care services done in good faith in the interest of the patient according to established medical and clinical standards of care.

Hospital affiliate – means a corporation, partnership, joint venture, limited liability company, or similar organization, other than a hospital, that is devoted primarily to the provision, management, or support of health care services and that directly or indirectly controls, is controlled by, or is under common control of the hospital. For the purposes of this definition, "control" means having at least an equal or a majority ownership or membership interest. A hospital affiliate shall be 100% owned or controlled by any combination of hospitals, their parent corporations, or physicians licensed to practice medicine in all its branches in Illinois. "Hospital affiliate" does not include a health maintenance organization regulated under the Health Maintenance Organization Act. (Section 10.8(b) of the Act)

Mental Injury – means intentionally caused emotional distress in a patient from words or gestures that would be considered by a reasonable person to be humiliating, harassing, or threatening and which causes observable and substantial impairment.

Sexual Abuse – means any intentional act of sexual contact or sexual penetration of a patient in the hospital.

Substantiated – with respect to a report of abuse, means that a preponderance of the evidence indicates that abuse occurred.

2) *No administrator, agent, or employee of a hospital or a hospital affiliate or a member of a hospitals'~~its~~ medical staff may abuse a patient in the*

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hospital or in a facility operated by a hospital affiliate.

- 3) *Any hospital administrator, agent, employee, or medical staff member, or an administrator, employee, or physician employed by a hospital affiliate, who has reasonable cause to believe that any patient with whom he or she has direct contact has been subjected to abuse in the hospital or hospital affiliate shall promptly report or cause a report to be made to a designated hospital administrator responsible for providing such reports to the Department as required by this subsection (c).*
- 4) *Retaliation against a person who lawfully and in good faith makes a report under this subsection (c) is prohibited.*
- 5) *Upon receiving a report under subsection (c)(3), the hospital or hospital affiliate shall submit the report to the Department within 24 hours after obtaining such report. In the event that the hospital receives multiple reports involving a single alleged instance of abuse, the hospital shall submit one report to the Department.*
- 6) *Upon receiving a report under this subsection (c), the hospital or hospital affiliate shall promptly conduct an internal review to ensure the alleged victim's safety. Measures to protect the alleged victim shall be taken as deemed necessary by the hospital's administrator and shall include, but are not limited to, removing suspected violators from further patient contact during the hospital's or hospital affiliate's internal review. If the alleged victim lacks decision-making capacity under the Health Care Surrogate Act and no health care surrogate is available, the hospital or hospital affiliate may contact the Illinois Guardianship and Advocacy Commission to determine the need for a temporary guardian of that person.*
- 7) *All internal hospital and hospital affiliate reviews shall be conducted by a designated ~~hospital~~ employee or agent who is qualified to detect abuse and is not involved in the alleged victim's treatment. All internal review findings shall be documented and filed according to hospital or hospital affiliate procedures and shall be made available to the Department upon request.*
- 8) *Any other person may make a report of patient abuse to the Department if*

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that person has reasonable cause to believe that a patient has been abused in the hospital or hospital affiliate.

- 9) *The report required under this subsection (c) shall include:*
- A) *The name of the patient;*
 - B) *The name and address of the hospital or hospital affiliate treating the patient;*
 - C) *The age of the patient;*
 - D) *The nature of the patient's condition, including any evidence of previous injuries or disabilities; ~~and~~*
 - E) *Any other information that the reporter believes might be helpful in establishing the cause of the reported abuse and the identity of the person believed to have caused the abuse; ~~;~~*
 - F) *The date of the alleged abuse incident and the date the hospital or hospital affiliate was notified; and*
 - G) *A description of the alleged abuse.*
- 10) *Except for willful or wanton misconduct, any individual, person, institution, or agency participating in good faith in making a report under this subsection (c), or in the investigation of such a report or in making a disclosure of information concerning reports of abuse under this subsection (c), shall have immunity from any liability, whether civil, professional, or criminal, that otherwise might result by reason of such actions. For the purpose of any proceedings, whether civil, professional, or criminal, the good faith of any persons required to report cases of suspected abuse under this subsection (c) or who disclose information concerning reports of abuse in compliance with this subsection (c) shall be presumed.*
- 11) *No administrator, agent, or employee of a hospital or hospital affiliate shall adopt or employ practices or procedures designed to discourage or having the effect of discouraging good faith reporting of patient abuse*

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under this subsection (c).

- 12) *Every hospital or hospital affiliate shall ensure that all new and existing employees are trained in the detection and reporting of abuse of patients and retrained at least every 2 years thereafter.*
- 13) *The Department ~~will~~shall investigate each report of patient abuse made under this subsection (c) according to the procedures of the Department, except that a report of abuse which indicates that a patient's life or safety is in imminent danger shall be investigated within 24 hours after such report. Under no circumstances may a hospital's or hospital affiliate's internal review of an allegation of abuse replace an investigation of the allegation by the Department.*
- 14) *The Department ~~will~~shall keep a continuing record of all reports made pursuant to this subsection (c), including indications of the final determination of any investigation and the final disposition of all reports. The Department will inform the investigated hospital or hospital affiliate and any other person making a report under subsection (c)(~~8~~7) of this Section of its final determination or disposition in writing.*
- 15) *All patient identifiable information in any report or investigation under this subsection (c) shall be confidential and shall not be disclosed except as authorized by the Act or other applicable law.*
- 16) *Nothing in this subsection (c) relieves a hospital or hospital affiliate administrator, employee, agent, or medical staff member from contacting appropriate law enforcement authorities as required by law.*
- 17) *Nothing in this subsection (c) shall be construed to mean that a patient is a victim of abuse because of health care services provided or not provided by health care professionals.*
- 18) *Nothing in this subsection (c) shall require a hospital or hospital affiliate, including its employees, agents, and medical staff members, to provide any services to a patient in contravention of his or her stated or implied objection thereto upon grounds that such services conflict with his or her religious beliefs or practices, nor shall such a patient be considered abused under this Section for the exercise of such beliefs or practices.*

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(Section 9.6 of the Act)

d) Patient Discrimination

- 1) *Discrimination Grievance Procedures. Upon receipt of a grievance alleging unlawful discrimination on the basis of race, color, or national origin, the hospital must investigate the claim and work with the patient to address valid or proven concerns in accordance with the hospital's grievance process. At the conclusion of the hospital's grievance process, the hospital shall inform the patient that such grievances may be reported to the Department if not resolved to the patient's satisfaction at the hospital level.* (Section 5.1 of the Medical Patient Rights Act)
- 2) *Emergency Room Anti-discrimination Notice. Every hospital shall post, either by physical or electronic means, a sign next to or in close proximity of its sign required by 42 CFR 489.20(q)(1) stating the following: "You have the right not to be discriminated against by the hospital due to your race, color, or national origin if these characteristics are unrelated to your diagnosis or treatment. If you believe this right has been violated, please call the Illinois Department of Public Health Central Complaint Registry, 1-800-252-4343."* (Section 5.2 of the Medical Patient Rights Act)

- e) In compliance with Section 3.4 of the Medical Patient Rights Act, *every hospital shall post information about the rights listed in Section 3.4 of the Medical Patient Rights Act in a prominent place (physical or electronic) and on their websites.* The postings in the hospital and on the hospital's website shall include the web address of the Department's posting of this information, <http://www.dph.illinois.gov/topics-services/health-care-regulation/facilities/hospitals>. (Section 3.4(b) of the Medical Patient Rights Act)

(Source: Amended at 49 Ill. Reg. 11475, effective August 26, 2025)

SUBPART O: OBSTETRIC AND NEONATAL SERVICE

Section 250.1830 General Requirements for All Obstetric Departments

- a) The temperature and humidity in the nurseries and in the delivery suite shall be maintained at a level best suited for the protection of mothers and infants as

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recommended by the Guidelines for Perinatal Care. Chilling of the neonate shall be avoided; a non-stable neonate shall, immediately after birth, be placed in a radiant heat source that is ready to receive the infant and that allows access for resuscitation efforts. The radiant heat source shall comply with the recommendations of the Guidelines for Perinatal Care. When the neonate has been stabilized, if the mother wishes to hold the newborn, a radiant heater or pre-warmed blankets shall be available to keep the neonate warm. Stable infants shall be placed, and remain, in direct skin-to-skin contact with their mother immediately after delivery to optimally support infant breastfeeding and to promote mother/infant bonding. Personnel shall be available who are trained to use the equipment to maintain a neutral thermal environment for the neonate. For general temperature and humidity requirements, see Section 250.2480(d)(1). In general, a temperature between 72 degrees and 76 degrees and relative humidity between 35% and 60% are acceptable.

- b) Linens and Laundry: Linens shall be cleaned and disinfected in compliance with the Guidelines for Perinatal Care.
 - 1) Nursery linens shall be washed separately from other hospital linens.
 - 2) No new unlaundered garments shall be used in the nursery.
- c) Sterilizing equipment, as required in Section 250.1090, shall be available. Sterilizing equipment may be provided in the obstetric department or in a central sterilizing unit, provided that flash sterilizing equipment or adequate sterile supplies and instruments are provided in the obstetric department.
- d) Accommodations and Facilities for Obstetric Patients
 - 1) The hospital shall identify specific rooms and beds, adjacent when possible to other obstetric facilities, as obstetric rooms and beds. These rooms and beds shall be used exclusively for obstetric patients or for combined obstetric and clean gynecological service beds in accordance with Section 250.1820(g).
 - 2) Patient rooms and beds that are adjacent to another nursing unit may be used for clean cases as part of the adjacent nursing unit. A corridor partition with doors is recommended to provide a separation between the obstetric beds and facilities and the non-obstetric rooms. The doors shall

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be kept closed except when in active use as a passageway.

- 3) Facilities shall be available for the immediate isolation of all patients in whom an infectious condition inimical to the safety of other obstetric and neonatal patients exist.
 - 4) Labor rooms shall be convenient to the delivery rooms and shall have facilities for examination and preparation of patients. Each room used for labor, delivery and postpartum (see Section 250.1870) shall include a bathroom equipped with a toilet and a shower. The bathroom also shall include a sink, unless a sink is located in the patient room. The bathroom shall be directly accessible from the patient room without going through the corridor.
 - 5) Delivery rooms shall be equipped and staffed to provide emergency resuscitation for infants pursuant to the recommendation of the American Academy of Pediatrics and ACOG and shall comply with the ~~American Academy of Pediatrics/American Health Association's~~ American Heart Association (AHA) Guidelines for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) of Pediatric and Neonatal Patients: Neonatal Resuscitation Guidelines (see Section 250.105 (a)(1)(I)).
 - 6) If only one delivery room is available and in use, one labor room shall be arranged as an emergency delivery room and shall have a minimum clear floor area of 180 square feet.
 - 7) The patient shall be kept under close observation until the patient's condition is stabilized following delivery. Observations at established time intervals shall be recorded in the patient's medical record. A recovery area shall be provided. Emergency equipment and supplies shall be available for use in the recovery area.
- e) Accommodations and Facilities for Infants
- 1) Level I nurseries:
 - A) A clean nursery or nurseries shall be provided, near the mothers' rooms, with adequate lighting and ventilation. A minimum of 30

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square feet of floor area for each bassinet and 3 feet between bassinets shall be provided. Equipment shall be provided to prevent direct draft on the infants. Individual nursery rooms shall have a capacity of six to eight neonates or 12 to 16 neonates. The normal newborn infant care area in a smaller hospital shall limit room size to eight neonates, with a minimum of two rooms available to permit cohorting in the presence of infection.

- B) Bassinets equipped to provide for the medical examination of the newborn infant and for the storage of necessary supplies and equipment shall be provided in a number to exceed obstetric beds by at least 20% to accommodate multiple births, extended stay, and fluctuating patient loads. Bassinets shall be separated by a minimum of 3 feet, measuring from the edge of one bassinet to the edge of the adjacent one.
- C) A glass observation window shall be provided through which infants may be viewed.
- D) Resuscitation equipment as described in subsection (e)(1)(E)(iii), and personnel trained to use it, shall be available in the nursery at all times.
- E) Each nursery shall have necessary equipment immediately available to stabilize the sick infant prior to transfer. Equipment shall consist of:
 - i) A heat source capable of maintaining the core temperature of even the smallest infant at 98 degrees (an incubator, or preferably a radiant heat source);
 - ii) Equipment with the ability to monitor bedside blood sugar;
 - iii) A resuscitation tray containing equipment pursuant to the American Heart Association (AHA) Guidelines for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) of Pediatric and Neonatal Patients: Neonatal Resuscitation Guidelines; and

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- iv) Equipment for delivery of 100% oxygen concentration, and the ability to measure delivered oxygen in fractional inspired concentrations (FI O₂) pursuant to American Academy of Pediatrics (AAP) recommendations ([see Section 250.105\(a\)\(1\)\(F\)](#)). The oxygen analyzer shall be calibrated and serviced according to the manufacturer's instructions at least monthly by the hospital's respiratory therapy department or other responsible personnel trained to perform the task.
 - F) Consultation and referral protocols shall comply with the Regionalized Perinatal Health Care Code.
- 2) Level II and Level III nurseries shall comply with the Regionalized Perinatal Health Care Code. Cribs shall be separated by 4 to 6 feet to allow for ease of movement of additional personnel, and to allow space for additional equipment used in care of infants in these areas. New buildings or additions or material alterations to existing buildings that affect the Level II with Extended Neonatal Capabilities nursery shall provide at least 70 square feet of space for each infant.
 - 3) A Level III nursery shall provide 80 to 100 square feet of space for each infant.
 - 4) Facilities shall be available for the immediate isolation of all newborn infants who have or are suspected of having an infectious disease.
 - 5) When an infectious condition exists or is suspected of existing, the infant shall be isolated in accordance with policies and procedures established and approved by the hospital and consistent with recommended procedures of the Guidelines for Perinatal Care and the Control of Communicable Diseases Code.
- f) The personnel requirements and recommendations set forth in Subpart D apply to the operation of the obstetric department, in addition to the following:
 - 1) Each hospital shall have a staffing plan for nursing personnel providing care for obstetric and neonatal patients. The registered nursing components of the plan shall comply with Section 250.1130, with

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requirements for the level of perinatal care, as designated in accordance with the Regionalized Perinatal Health Care Code, the Guidelines for Perinatal Care, the National Association of Neonatal Nurses' (NANN) Position Statement #3074 RN Staffing in the NICU, and the following parameters:

- A) Nursing supervision by a registered nurse shall be provided for the entire 24-hour period for each occupied unit of the obstetric and neonatal services. This nurse shall have education and experience in obstetric and neonatal nursing.
- B) At least one registered nurse trained in obstetric and nursery care shall be assigned to the care of mothers and infants at all times. To prepare for an unexpected delivery, at least one registered nurse or LPN trained to give care to newborn infants shall be assigned at all times to the nursery with duties restricted to the care of the infants. Infants shall never be left unattended.
- C) A registered nurse shall be in attendance at all deliveries and shall be available to monitor the mother's general condition and that of the fetus during labor, for at least two hours after delivery, and longer if complications occur.
- D) Nursing personnel providing care for obstetric and other patients shall be instructed on a continuing basis in the proper technique to prevent cross-infection. When it is necessary for the same nurse to care for both obstetric and non-obstetric patients in the gynecologic unit, proper technique shall be followed.
- E) Obstetric and neonatal department nurses providing input to the hospital's nursing care committee pursuant to Section 250.1130 shall, prior to proposing their recommendations for the hospital's written staffing plan, consider the staffing standards listed in subsection (f)(1).
- F) Temporary relief from outside the obstetric and neonatal division by qualified personnel shall be permitted as necessary according to appropriate infection control policy.

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- G) For each shift in the obstetric department, at least one of the registered nurses or LPNs shall also have certification or experience in lactation training, pursuant to the requirements of subsection (k).
- 2) Nursing staff – Level I requirements for occupied units. These units shall meet the following requirements in addition to General Care Requirements in subsection(f)(1).
 - A) At least two nursing personnel shall be assigned per shift. One shall be a registered nurse and one shall be a registered nurse or an LPN.
 - B) The capability to provide neonatal resuscitation in the delivery room shall be demonstrated by the current completion of a nationally recognized neonatal resuscitation program by medical, nursing and respiratory care staff or a hospital rapid response team, in accordance with the requirements of the Regionalized Perinatal Health Care Code.
 - C) Hospitals shall have the capability for continuous electronic maternal-fetal monitoring for patients, with staff available 24 hours a day, including physician and nursing, who are knowledgeable of electronic maternal-fetal monitoring use and interpretation. Physicians and nurses shall complete a competence assessment in electronic maternal-fetal monitoring every two years, in accordance with the Regionalized Perinatal Health Care Code.
 - 3) Nursing staff – Level II requirements for occupied units. These units shall meet the requirements for Level I in subsection (f)(2). Nursery personnel may be shared with the Level I nursery as needed.
 - 4) Nursing staff – Level II with Extended Neonatal Capabilities requirements for occupied units. In addition to the requirements in subsection (f)(3), the obstetric-newborn nursing services shall be directed by a full-time registered nurse experienced in perinatal nursing. Preference shall be given to registered nurses with a master's degree.
 - 5) Nursing staff – Level III requirements for occupied units. These units

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shall meet the following requirements in addition to requirements in subsection (f)(3). Half of all neonatal intensive care direct nursing care hours shall be provided by registered nurses who have two years or more of nursing experience in a Level III NICU. All neonatal intensive care direct nursing care hours shall be provided or supervised by registered nurses who have advanced neonatal intensive care training and documented competence in neonatal pathophysiology and care technologies used in the NICU.

6) Medical personnel

- A) Each hospital providing obstetric services shall have an organized obstetric staff with a chief of obstetric service. The chief's level of qualification and expertise shall be appropriate to the hospital's designated level of care. The responsibilities of the chief of obstetric services shall include the following requirements, as they relate to the care of obstetric patients:
- i) General supervision of the care of the perinatal patients assigned to the unit;
 - ii) Establishment of criteria for admissions;
 - iii) Adherence to licensing requirements;
 - iv) Adoption, by the medical staff, of standards of practice and privileges;
 - v) Identification of clinical conditions and procedures requiring consultation;
 - vi) Arrangement of conferences, held at least quarterly, to review operations, complications and mortality;
 - vii) Assurance that the clinical records, consultations and reports are properly completed and analyzed; and
 - viii) Provision for exchange of information between medical, administrative and nursing staffs.

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- B) Each hospital providing pediatric services shall have an organized pediatric staff with a chief of pediatric service. The chief's level of qualification and expertise shall be appropriate to the hospital's designated level of care. The responsibilities of the chief of pediatric services shall include those listed in subsection (f)(6)(A), as they relate to the care of newborn infants.
- C) Level I shall comply with the Regionalized Perinatal Health Care Code:
- i) One physician shall be Chief of Obstetrical Care. The Chief of Obstetrical Care shall be a board certified or board qualified obstetrician. If this is not possible, a physician with experience and regular practice may be the Chief and be responsible for obstetrical care and available on a 24-hour basis, and a source of obstetric or maternal fetal medicine consultation shall be documented when indicated.
 - ii) One physician shall be Chief of Pediatric Service. The Chief of Pediatric Service shall be a board certified or board qualified pediatrician. If this is not possible, a physician with experience and regular practice may be the Chief and be responsible for pediatric care and available on a 24-hour basis, and a source of neonatology consultation shall be documented when indicated.
- D) Level II shall comply with the Regionalized Perinatal Health Care Code:
- A board certified obstetrician shall be Chief of Obstetrical Care. A board certified pediatrician shall be Chief of Neonatal Care. Obstetrical anesthesia shall be directed by a board certified anesthesiologist with experience and competence in obstetrical anesthesia. Hospital staff shall also include a pathologist and an on call radiologist 24 hours a day. Specialized medical and surgical consultation shall be readily available.

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- E) Level II With Extended Neonatal Capabilities: Staffing shall comply with the Regionalized Perinatal Health Care Code.
 - F) Level III: Staffing shall comply with the Regionalized Perinatal Health Care Code.
- g) Practices and procedures for care of mothers and infants:
- 1) The hospital shall follow procedures approved by the infection control committee for the isolation of known or suspected cases of infectious disease in the obstetric department.
 - 2) Patients with clean obstetric complications (regardless of month of gestation), such as pregnancy-induced hypertension for observation and treatment, placenta previa for observation or delivery, ectopic pregnancy, and hypertensive heart disease in a pregnant patient, may be admitted to the obstetric department and be subject to the same requirements as any other obstetric case. (See Section 250.1820(g)(6).)
 - 3) The physician shall determine whether a prenatal serological test for syphilis and a test for HIV have been done on each mother and the results recorded. If no tests have been done before the admission of the patients, the tests shall be performed as soon as possible pursuant to the Perinatal HIV Prevention Act. Specimens for a syphilis test may be submitted in appropriate containers to an Illinois Department of Public Health laboratory for testing without charge. Mothers shall be tested for Group B streptococcus prior to delivery and for Hepatitis B prior to discharge of either mother or infant, pursuant to AAP recommendations.
 - 4) No obstetric patient under the effect of an analgesic or an anesthetic, in the second stage of labor or delivery, shall be left unattended at any time.
 - 5) Fetal lung maturity shall be established and documented prior to elective inductions and caesarean sections if the infant is at less than 39 weeks of gestation, or 38 weeks of gestation for twins. The hospital shall establish a written policy and procedure concerning the administration of oxytocic drugs.
- A) Oxytocin shall be used for the contraction stress test only when

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qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility.

- B) The oxytocin solution shall be administered intravenously via a controlled infusion device, using both a primary intravenous solution and a secondary oxytocin solution.
- C) Oxytocin shall be used for medical induction or stimulation of labor only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility. The following shall be included in these policies:
 - i) An attending physician shall evaluate the patient for induction or stimulation, especially with regard to indications.
 - ii) The physician or other individuals starting the oxytocin shall be familiar with its effect and complications and be qualified to identify both maternal and fetal complications.
 - iii) A qualified physician shall be immediately available as is necessary to manage any complication effectively.
 - iv) During oxytocin administration, the fetal heart rate; the resting uterine tone; and the frequency, duration and intensity of contractions shall be monitored electronically and recorded. Maternal blood pressure and pulse shall be monitored and recorded at intervals comparable to the dosage regimen; that is, at 30 to 60 minute intervals, when the dosage is evaluated for maintenance, increase or decrease. Evidence of maternal and fetal surveillance shall be documented.
- 6) Identification of infants:

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- A) While the neonate is still in the delivery room, the nurse in the delivery room shall prepare identical identification bands for both the mother and the neonate, as outlined in the hospital's policy. Wrist bands alone may be used; however, it is recommended that both wrist and ankle bands be used on the neonate. The hospital shall not use foot-printing and fingerprinting alone as methods of patient identification. The bands shall indicate the mother's admission number, the neonate's sex, the date and time of birth, and any other information required by hospital policy. Delivery room personnel shall review the bands prior to securing them on the mother and the neonate to ensure that the information on the bands is identical. The nurse in the delivery room shall securely fasten the bands on the neonate and the mother without delay as soon as the nurse has verified the information on the identification bands. The birth records and identification bands shall be checked again before the neonate leaves the delivery room.
- B) If the condition of the neonate does not allow the placement of identification bands, the identification bands shall accompany the neonate and shall be attached as soon as possible, as outlined in the hospital's policy. Identification bands shall not be left unattached and unattended in the nursery.
- C) When the neonate is taken to the nursery, both the delivery room nurse and the admitting nursery nurse shall check the neonate's identification bands and birth records, verify the sex of the neonate, and sign the neonate's medical record. The admitting nurse shall complete the bassinet card and attach it to the bassinet.
- D) When the neonate is taken to the mother, the nurse shall check the mother's and the neonate's identification bands, verify the sex of the neonate and verify that the information on the bands is identical.
- E) The umbilical cord (cords, with multiple births) shall be identified according to hospital policy (e.g., by the use of a different number of clamps) so that umbilical cord blood specimens are correctly labeled. All umbilical cord blood samples shall be labeled

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correctly with an indication that these are a sample of the neonate's umbilical cord blood and not the blood of the mother.

- F) The hospital shall develop a newborn infant security system. This system shall include instructions to the mother regarding safety precautions designed to avoid abduction. Electronic sensor devices may be included as well.
- 7) Within one hour after delivery, ophthalmic ointment or drops containing tetracycline or erythromycin shall be instilled into the eyes of the newborn infant as a preventive against ophthalmia neonatorum. The eyes shall not be irrigated.
- 8) A single parenteral dose of vitamin K-1, water soluble to 0.5-1.0 milligrams, shall be given to the infant, shortly after birth, but usually within the first hour after delivery, as a prophylaxis against hemorrhagic disorder in the first days of life.
- 9) Mandatory Hearing Screening
 - A) *Each hospital shall conduct bilateral hearing screening of each newborn infant prior to discharge unless medically contraindicated or the infant is transferred to another hospital before the hearing screening can be completed. (Section 5(a) of the Early Hearing Detection and Intervention Act)*
 - B) *The hospital performing the hearing screening shall report the results of the hearing screening to the Department within 7 days after screening.*
 - i) *If there is no hearing screening result or an infant does not pass the hearing screening in both ears at the same time, the hospital shall refer the infant's parents or guardians to a health care practitioner for follow-up, and document and report the referral, including the name of the health care practitioner, to the Department in a format determined by the Department.*

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- ii) *For infants born outside a hospital, the newborn's primary care provider shall refer the patient to a hospital for the hearing screening to be done in compliance with the Act and this Section within 30 days after birth, unless a different time period is medically indicated. (Section 5(b) of the Early Hearing Detection and Intervention Act)*
- 10) Each infant shall be given complete individual crib-side care. The use of a common bath table is prohibited. Scales shall be adequately protected to prevent cross-infection.
- 11) Artificial feedings and formula changes shall not be instituted except by written order of the attending physician, pursuant to the requirements of the Hospital Infant Feeding Act.
- 12) Facilities for drug services shall be provided in accordance with. ~~See~~ Section 250.2130(a).
- 13) Newborn infants shall be transported from the delivery room to the nursery in a safe manner. Adequate support systems (heating, oxygen, suction) shall be incorporated into the transport units for infants (e.g., to x-ray). Chilling of the newborn and cross-infection shall be avoided. If travel is excessive and through other areas, special transport incubators may be required. The method of transporting infants from the nursery to the mothers shall be individual, safe and free from cross-infection hazards.
- 14) The stay of the mother and the infant in the hospital after delivery shall be planned to allow the identification of problems and to reinforce instructions in preparation for the infant's care at home. The mother and infant shall be carefully observed for a sufficient period of time and assessed prior to discharge to ensure that their conditions are stable. Healthy infants shall be discharged from the hospital simultaneously with the mother, or to other persons authorized by the mother, if the mother remains in the hospital for an extended stay. Follow-up shall be provided for mothers and infants discharged within 48 hours after delivery, including a face-to-face encounter with a health care provider who will assess the condition of mother and infant and arrange for intervention if problems are identified.

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- 15) When a patient's condition permits, an infant may be transferred from an intensive care nursery to the referring nursery or to another nursery that is nearest the home and at which an appropriate level of care may be provided. Transfers shall be conducted pursuant to the Regionalized Perinatal Health Care Code.
 - 16) The hospital shall have a policy regarding circumcisions performed by a Mohel.
 - 17) Circumcisions shall not be performed in the delivery room or within the first six hours after birth. A physician may order and perform a circumcision when the infant is over the age of six hours and, in the physician's professional judgment, is healthy and stable.
 - 18) The hospital shall comply with the Guidelines for Perinatal Care and Guidelines for Women's Health Care (see Section 250.105).
- h) Medical Records
- 1) Obstetric records:
 - A) Adequate, accurate, and complete medical records shall be maintained for each patient. The medical records shall include findings during the prenatal period, which shall be available in the obstetric department prior to the patient's admission and shall include medical and obstetric history, observations and proceedings during labor, delivery and the postpartum period, and laboratory and x-ray findings.
 - B) Records shall be maintained in accordance with hospital medical records policies and procedures, including the applicable requirements of the Health Insurance Portability and Accountability Act and the minimum observations and laboratory tests outlined in Guidelines for Perinatal Care and Guidelines for Women's Health Care. The physician director of the obstetric department shall require all physicians delivering obstetric care to send copies of the prenatal records, including laboratory reports, to the obstetric unit at or before 37 weeks of gestation, including updates from that time until admission.

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- 2) Infant records. Accurate and complete medical records shall be maintained for each infant. The medical records shall include:
 - A) History of maternal health and prenatal course, including mother's HIV status, if known.
 - B) Description of labor, including drugs administered, method of delivery, complications of labor and delivery, and description of placenta and amniotic fluid.
 - C) Time of birth and condition of infant at birth, including the Apgar score at one and five minutes, the age at which respiration became spontaneous and sustained, a description of resuscitation if required, and a description of abnormalities and problems occurring from birth until transfer from the delivery room.
 - D) Report of a complete and detailed physical examination within 24 hours following birth; report of a physical examination within 24 hours before discharge and daily during any remaining hospital stay.
 - E) Physical measurements, including length, weight and head circumference at birth, and weight every day; temperature twice daily.
 - F) Documentation of infant feeding: intake, content, and amount if by formula.
 - G) Clinical course during hospital stay, including treatment rendered and patient response; clinical note of status at discharge.
- 3) The hospital shall keep a record of births that contains data sufficient to duplicate the birth certificate. The requirement may be met by:
 - A) Retaining the yellow "hospital copy" of the birth certificate properly bound in chronological order, or
 - B) Retaining this copy with the individual medical record.

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i) Reports

- 1) Each hospital that provides obstetric and neonatal services shall submit a monthly perinatal activities report to its affiliated Administrative Perinatal Center.
- 2) Maternal death report
 - A) The hospital shall submit an immediate report of the occurrence of a maternal death to the Department, in accordance with the Department's Maternal Death Review rules (77 Ill. Adm. Code 657). Maternal death is the death of any woman dying of any cause whatsoever while pregnant or within one year after termination of the pregnancy, irrespective of the duration of the pregnancy at the time of the termination or the method by which it was terminated. A death shall be reported regardless of whether the death occurred in the obstetric department or any other section of the hospital, or whether the patient was delivered in the hospital where death occurred, or elsewhere.
 - B) The filing of this report shall in no way preclude the necessity of filing a death certificate or of including the death on the Perinatal Activities Report.
- 3) The hospital shall comply with the laws of the State and the rules of the Department in the preparation and filing of birth, death and fetal death certificates.
 - A) *A hospital having custody of a fetus following a spontaneous fetal death occurring during or after a gestation period of at least 20 completed weeks shall notify the gestational parent of the parent's right to receive a certificate of birth resulting in stillbirth as described in Section 20.5 of the Vital Records Act. (Section 11.10 of the Act, which may also be referred to as "Liam's Law")*
 - B) *The hospital shall utilize the notification form developed by the Department for parental education regarding the "Liam's Law notice" or an equivalent notification form acceptable to the*

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Department.

- C) A Liam's Law notice shall include, at a minimum, the following elements:
- i) The name of the hospital providing the Liam's Law notice;
 - ii) The obstetric patient's medical record number;
 - iii) The date and time of delivery recorded on the facility worksheet for the fetal death certificate; and
 - iv) Current information about how the patient can request a certificate of birth resulting in stillbirth from the Department after discharge.
- D) Liam's Law notices shall be available in both English and Spanish. A hospital may maintain notification forms in any additional languages that hospital staff or administrators deem necessary.
- E) The hospital shall develop and implement policies and procedures to provide any patient who experiences a stillbirth with at least one paper copy of the Liam's Law notice prior to discharge. For the purposes of this Section, a stillbirth is *a fetal death occurring after a gestation period of at least 20 completed weeks* [410 ILCS 535/20.5(b)] that is not due to an abortion, which is defined in the Reproductive Health Act as *the use of any instrument, medicine, drug, or any other substance or device to terminate the pregnancy of an individual known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.* [775 ILCS 55/1-10] The hospital shall document provision of this paper copy in the patient's medical record.
- F) Hospital policy may allow for the paper copy to be provided to the patient's support person rather than to the patient. For purposes of this Section, a support person is the patient's spouse, partner, doula, or any other person selected by the patient. The hospital shall document provision of this paper copy in the patient's

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medical record.

- G) The hospital may provide additional copies of the Liam's Law notice by electronic means.
- H) Hospital policies and procedures shall include safeguards to prevent the issuance of a Liam's Law notice to patients presenting with pregnancy outcomes other than stillbirth.
- 4) Epidemic and communicable disease reporting
- A) The hospital shall develop a protocol for the management and reporting of infections consistent with the Control of Communicable Diseases Code, the Perinatal HIV Prevention Act, Guidelines for Perinatal Care and Guidelines for Women's Health Care, and as approved by the infection control committee. These policies shall be known to obstetric and nursery personnel.
- B) The hospital shall particularly address those infections specifically related to mothers and infants, including but not limited to, methicillin-resistant *Staphylococcus Aureus* occurring in infants A hepatitis B infection.

j) Infant Feeding Policy

- 1) For the purposes of this subsection (j):
- A) *"Baby-Friendly Hospital Initiative" means the voluntary program sponsored by the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) that recognizes hospitals that meet certain evaluation criteria regarding the promotion of breastfeeding.*
- B) *"Infant Nutrition Resource" means breastfeeding education and infant formula safety and preparation.*
- 2) *Infant Feeding Policy Required*
- A) *Every hospital that provides birthing services must adopt an infant*

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feeding policy that promotes breastfeeding. In developing the policy, a hospital shall consider guidance provided by the Baby-Friendly Hospital Initiative.

- B) *An infant feeding policy adopted under this Section shall include guidance on the use of formula for medically necessary supplementation, if preferred by the mother, or when exclusive breastfeeding is contraindicated for the mother or for the infant.*
- 3) *Communication of Policy. A hospital shall routinely communicate the infant feeding policy to staff in the hospital's obstetric and neonatal areas, beginning with hospital staff orientation. The hospital shall also ensure that the policy and infant nutrition resources are posted in a conspicuous place in the hospital's obstetric or neonatal area or on the hospital's Internet or Intranet web site or on the Internet or Intranet web site of the health system of which the hospital is a part. The hospital shall make copies of the policy available to the Department upon request.*
- 4) *Application of Policy. A hospital's infant feeding policy adopted under the Hospital Infant Feeding Act must apply to all mother-infant couplets in the hospital's obstetric and neonatal areas. (Sections 5 through 20 of the Hospital Infant Feeding Act)*
- k) **Breast Milk and Formula**
- 1) Pursuant to the requirements of subsection (j), the hospital shall provide the mother with information regarding lactation, the nutritional benefits of breast milk, and lactation support organizations within the area. The hospital staff shall include, at a minimum, lactation support staff with certification or experience in lactation training. The lactation support staff shall attend continuing education in relation to lactation counseling and training, consistent with hospital policy. At least one lactation support staff shall be on duty at all times in the obstetric department.
- 2) Pursuant to the requirements of subsection (j), the hospital shall have a policy for the preparation of formula by hospital staff when hospital-prepared formula is needed in place of commercially prepared formula. Adequate space, equipment and procedures for processing, handling and storing commercially-prepared formula shall be provided.

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- A) All hospitals providing obstetric or pediatric services that prepare their own formula shall provide a well-ventilated and well-lighted formula room, which shall be adequately supervised and used exclusively for the preparation of formulas.
 - B) Equipment shall include hand-washing facilities with hot and cold running water with knee, foot or elbow controlled valves; a double-section sink for washing and rinsing bottles; facilities for storing cleaning equipment, refrigeration facilities; utensils in good condition for preparation of formulas; cupboard and work space and a work table; an autoclave and a supply of individual formula bottles, nipples and protecting caps, adequate to prepare a 24-hour supply of formula and water for each infant. Procedures shall be established by the hospital and enforced.
- 3) *A hospital shall provide information and instructional materials to parents of each newborn, upon discharge from the hospital, regarding the option to voluntarily donate milk to non-profit milk banks that are accredited by the Human Milk Banking Association of North America or its successor organization.*
- A) *The materials shall be provided free of charge and shall include general information regarding non-profit milk banking practices and contact information for area nonprofit milk banks that are accredited by the Human Milk Banking Association of North America.*
 - B) *The information and instructional materials described in subsection (k)(3) may be provided electronically.*
 - C) *Hospitals may obtain free and suitable information on voluntary milk donation from the Human Milk Banking Association of North America, or its successor organization, or its accredited members. (Section 11.9 of the Act)*
- 1) Visiting Policy
- 1) The visiting requirements set forth in Subpart B shall apply to obstetric

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departments, except as modified in this subsection (l).

- 2) Each obstetric department shall have a visiting policy that complies with the Guidelines for Perinatal Care and is approved by the hospital's infection control committee.
- 3) The visiting policy shall cover all programs in the obstetric department.
- 4) The visiting policy shall comply with the hospital's infection control policy and shall include signage instructing visitors to wash their hands.

m) Infant Abduction Policies

Every hospital shall demonstrate to the Department that the following have been adopted:

- 1) *Procedures designed to reduce the likelihood that an infant patient will be abducted from the hospital. The procedures may include, but need not be limited to, architectural plans to control access to infant care areas, video camera observation of infant care areas, and procedures for identifying hospital staff and visitors.*
- 2) *Procedures designed to aid in identifying allegedly abducted infants who are recovered. The procedures may include, but need not be limited to, foot-printing infants by staff who have been trained in that procedure, photographing infants, and obtaining and retaining blood samples for genetic testing. (Section 6.15 of the Act)*

n) Staff Continuing Education Policies and Requirements.

- 1) *Hospitals shall have a written policy and conduct continuing education yearly (calendar) for providers and staff of obstetric medicine and of the emergency department and other staff that may care for pregnant or postpartum women. The written policy and continuing education shall include management of severe maternal hypertension and obstetric hemorrhage, addressing airway emergencies experienced during childbirth, and management of other leading causes of maternal mortality for units that care for pregnant or postpartum women.*
- 2) *Hospitals shall demonstrate compliance by annually submitting a copy of*

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the facility's *written policy and education requirements* to the hospital's Administrative Perinatal Center. (Section 2310-222(b) of the Department of Public Health Powers and Duties Law)

- o) Hospitals *shall incorporate best practices for timely identification and assessment of all pregnant and postpartum women for common pregnancy or postpartum complications in the emergency department and for care provided by the hospital throughout the pregnancy and postpartum period, to be provided to the hospital by the Department, in consultation with the Illinois Perinatal Quality Collaborative, into the written policy* required in subsection (n). (Section 2310-222(d) of the Department of Public Health Powers and Duties Law)

(Source: Amended at 49 Ill. Reg. 11475, effective August 26, 2025)

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- 1) Heading of the Part: Hospice Programs
- 2) Code Citation: 77 Ill. Adm. Code 280
- 3) Section Number: 280.1020 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Hospice Program Licensing Act [210 ILCS 60].
- 5) Effective Date of Rules: August 29, 2025
- 6) Does this rulemaking contain an automatic repeal date? Yes
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the Adopted Rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: 49 Ill. Reg. 7490; May 30, 2025
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version: Various typographical, grammatical, and form changes were made in response to the comments from JCAR as well as the following:

In Section 280.1020 (Licensure Procedures), in subsection (a)(5), "Service of Process" was changed to "service of process"
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking implements Public Act 103-0734, which adds language to the Hospice Program Licensing Act prohibiting the

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Department of Public Health from charging a licensing fee to a certified local health department in connection with the licensure of a hospice program.

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

Illinois Department of Public Health
Attention: Tracey Trigillo, IDPH Rules Coordinator
Director's Office, Division of Governmental Affairs
Lincoln Plaza, 524 South 2nd Street, 6th Floor
Springfield, IL 62701

(217) 782-1159
dph.rules@illinois.gov

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

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER c: HOSPITALS AND OUTPATIENT SERVICES CARE FACILITIES

PART 280

HOSPICE PROGRAMS

SUBPART A: LICENSURE

Section

280.1000	Definitions
280.1010	Incorporated and Referenced Materials
280.1015	Licensure Applicability
280.1020	Licensure Procedures
280.1030	Statement of Ownership
280.1040	Inspections and Investigations
280.1050	Notice of Violation and Plan of Correction
280.1060	Adverse Licensure Actions

SUBPART B: HOSPICE SERVICES

Section

280.2000	Hospice Service Plan
280.2010	Hospice Services
280.2020	Administration
280.2030	Policies and Procedures
280.2035	Health Care Worker Background Check
280.2040	Personnel Policies
280.2045	Initial Health Evaluation for Employees
280.2050	Patient Rights
280.2060	Clinical Records
280.2070	Medical Director and Physician Services
280.2080	Hospice Program Care
280.2090	Quality Assurance Program
280.3000	Research or Experimental Programs

SUBPART C: INPATIENT CARE

Section

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280.4000	Inpatient Care Facilities
280.4010	Licensure of Hospice Residences
280.4015	Hospice Residence Application and Approval Review Criteria
280.4020	Hospice Residence Admission and Discharge
280.4030	Hospice Residence Nursing Care and Assistance in Activities of Daily Living
280.4040	Hospice Residence Operational Requirements

AUTHORITY: Implementing and authorized by the Hospice Program Licensing Act [210 ILCS 60].

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 467, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10003, effective July 15, 1996; Part repealed and new Part adopted at 22 Ill. Reg. 10625, effective June 1, 1998; emergency amendment at 23 Ill. Reg. 6913, effective June 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13232, effective October 20, 1999; amended at 28 Ill. Reg. 14121, effective October 15, 2004; amended at 32 Ill. Reg. 2330, effective January 23, 2008; amended at 34 Ill. Reg. 7936, effective May 25, 2010; amended at 44 Ill. Reg. 12582, effective July 2, 2020; amended at 48 Ill. Reg. 2531, effective January 30, 2024; Subchapter b recodified at 49 Ill. Reg. 1640; amended at 49 Ill. Reg. 11518, effective August 29, 2025.

SUBPART A: LICENSURE

Section 280.1020 Licensure Procedures

- a) *An application for an initial license or a renewal license to operate as a comprehensive or volunteer hospice program shall be in writing on forms provided by the Department. (Section 5 of the Act) The application shall be made under oath and shall contain the following information:*
 - 1) The name, address, and telephone number of the hospice program

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location.

- 2) The type of hospice licensure sought by the program, either volunteer or comprehensive. If the program is a volunteer hospice, a complete listing of the hospice services to be provided during the term of the license shall be included.
- 3) If multiple hospice locations are used, the address and phone number of the central office and the address and phone number of each multiple hospice location.
- 4) A statement of ownership in accordance with Section 280.1030.
- 5) The name and address of the registered agent or other individual authorized to receive service of process~~Service of Process~~ for the hospice program.
- 6) The name of the person under whose management or supervision the program will be operated.
- 7) A listing of professional staff, including their names, titles, license or registration numbers, whether they are full or part time, and whether they are paid or volunteer employees.
- 8) Number of volunteers and (approximate) total combined volunteer hours of care and service per week.
- 9) Source of income.
- 10) A designation of the proposed geographic area to be served by the hospice.
- 11) Hospice census report for the fiscal year (for renewals only).
- 12) A listing of outside contractors.
- 13) A copy of the annual hospice service plan.
- 14) A copy of the current annual budget and financial audit for the current

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fiscal year.

- 15) If the central office is used by patients and the public, a certification from the local fire authority or State Fire Marshal that the location meets fire and safety ordinances and laws.
- b) An application for licensure as a comprehensive hospice shall be accompanied by a fee of \$500. An application for a volunteer hospice shall be accompanied by a fee of \$250. [A certified local health department is exempt from the license application fee per Section 5\(3\) of the Act.](#)
- c) An applicant will have 90 days following notification by the Department that the Department has completed its initial review of an application to submit additional revisions or supporting documentation to the Department.
- d) Upon receipt and review of a complete application for initial licensure, the Department will conduct an inspection to determine compliance with the Act and this Part. Incomplete applications will be denied by the Department in accordance with Section 280.1060(a).
- e) If the hospice program is found to be in substantial compliance with the Act and this Part, the Department will issue a license for a period of one year.
- f) An application for license renewal shall be filed annually with the Department, 60 days prior to the expiration of the license, on forms provided by the Department.
 - 1) The renewal application shall comply with the requirements of subsections (a)(1) through (6), (a)(10) and (a)(11) and subsection (b). The fee shall be \$500. [A certified local health department is exempt from the license application fee per Section 5\(3\) of the Act.](#)
 - 2) Pursuant to Section 10-65 of the Illinois Administrative Procedure Act, licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.
 - 3) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department's decision to conduct a survey will be based on, but not be limited to, compliance history,

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changes in key personnel, complaints, and the length of time since the last survey. The Department will renew the license in accordance with subsection (e).

- g) The licensee shall report changes in the information on the application to the Department within 10 days after the change. The following changes need not be reported: number of volunteers and total hours; sources of income for the fiscal year; hospice census report numbers; staff changes for other than program supervisors.
- h) *The hospice program license shall be displayed in a conspicuous place inside the hospice program office.* (Section 4(e) of the Act)
- i) *The license shall be valid only in the possession of the hospice and licensure applicant to which it was originally issued and shall not be transferred or assigned to any other person, agency, or corporation.* (Section 4(c) of the Act)
This subsection does not prohibit the use of workstations throughout the geographic service areas.
- j) Change of Ownership or Sale
 - 1) Each license is valid only for the specific licensee and hospice named in the application and shall not be transferred or assigned to any other person, hospice or corporation.
 - 2) Sale, assignment, lease or other transfer of a hospice, whether voluntary or involuntary, requires the new owner/licensee to obtain a new license from the Department prior to maintaining, operating or conducting a hospice.
 - 3) In the case of hospices operating under a franchise arrangement, each unique business entity shall obtain and maintain a distinct license and shall not share licensure based on franchised name status.
 - 4) A licensee shall notify the Department in writing, at least 30 days in advance, of any intention to:
 - A) Change ownership; or
 - B) Sell its hospice.

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- 5) A change of ownership happens when one of the following transactions occurs:
 - A) In an unincorporated sole proprietorship, when the property is transferred to another party;
 - B) A material change in a partnership that is caused by the removal, addition or substitution of a partner;
 - C) In a corporation, when the provider corporation merges into another corporation, or the consolidation of two or more corporations, one of which is the licensee, resulting in the creation of a new corporation;
 - D) The transfer of any corporation stock that results in a change of the person or persons who control the agency; or
 - E) The transfer of any stock in excess of 75% of the outstanding stock.
- 6) Pursuant to subsection (j)(5)(C), the transfer of corporate stock or the merger of another corporation into the licensee corporation does not constitute a change of ownership if the licensee corporation remains in existence. In these transactions, the name of the corporation, its officers, its independent subsidiaries, and any other relevant information that the Department may require shall be made available to the Department upon request.
- 7) Whenever ownership of a hospice is proposed to be transferred from the person or organization named on the license to another person or organization, or the hospice will be undergoing any other change of ownership described in subsection (j)(5), the new owner shall apply for a new license. The new owner shall submit a hospice license application to the Department at least 30 days prior to the sale or change of ownership.
- 8) The Department will issue a new license to a new owner who meets the requirements for licensure under this Part. The transactions described in this Section shall not be complete until the Department issues a new

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license to the new person, legal entity or partnership.

- 9) Upon the completion of the sale or change of ownership, the former licensee shall return its license to the Department by certified mail.

(Source: Amended at 49 Ill. Reg. 11518, effective August 29, 2025)

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- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Number: 300.2040 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
- 5) Effective Date of Rules: August 26, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: 49 Ill. Reg. 5872; May 2, 2025
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version: Various typographical, grammatical, and form changes were made in response to the comments from JCAR as well as the following:

In Section 300.2040, a Section-specific definition for "medical provider" was added in a new subsection(a), defined as " a physician, an advanced practice registered nurse as defined in the Nurse Practice Act, or a physician assistant as defined in the Physician Assistance Practice Act of 1987." The remainder of the Section was re-lettered, accordingly.

In Section 300.2040(b), (c), (d), (f), and (h), all instances of "physician(s)" were changed to "medical provider(s)"

In Section 300.2040(c), "The attending physician" was changed to "A medical provider"

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking adds flexibility to diet order requirements by allowing required diet manuals and orders to be in printed or electronic form.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Illinois Department of Public Health
Attention: Tracey Trigillo, IDPH Rules Coordinator
Director's Office, Division of Governmental Affairs
Lincoln Plaza, 524 South 2nd Street, 6th Floor
Springfield, IL 62701

(217) 782-1159
dph.rules@illinois.gov

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

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER d: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section

300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public by the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties (Repealed)

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300.286	Notice of Penalty Assessment; Response by Facility
300.287	Consideration of Factors for Assessing Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration (Repealed)
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
300.625	Identified Offenders
300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.651	Whistleblower Protection
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.664	Certified Nursing Assistant Interns
300.665	Student Interns

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300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints
300.686	Unnecessary, Psychotropic, and Antipsychotic Medications
300.690	Incidents and Accidents
300.695	Contacting Local Law Enforcement
300.696	Infection Prevention and Control
300.697	Infection Preventionists
300.699	Electronic Monitoring
300.700	Testing for Legionella Bacteria

SUBPART D: PERSONNEL

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300.810	General
300.820	Categories of Personnel
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SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

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300.1010	Medical Care Policies
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300.1025	Tuberculin Skin Test Procedures
300.1030	Medical Emergencies
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300.1040	Care and Treatment of Sexual Assault Survivors
300.1050	Dental Standards
300.1060	Vaccinations

SUBPART F: NURSING AND PERSONAL CARE

Section	
300.1210	General Requirements for Nursing and Personal Care
300.1220	Supervision of Nursing Services
300.1230	Direct Care Staffing

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300.1231	Calculation of Direct Care Staffing During Inspections, Surveys and Evaluations
300.1232	Waiver of Registered Professional Nurse Staffing Requirements
300.1233	Quarterly Administrative Staffing Compliance Review
300.1234	Penalties and Notice of Violation
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SUBPART G: RESIDENT CARE SERVICES

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300.1410	Activity Program
300.1420	Specialized Rehabilitation Services
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SUBPART H: MEDICATIONS

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300.1610	Medication Policies and Procedures
300.1620	Compliance with Licensed Prescriber's Orders
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300.1650	Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

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300.1810	Resident Record Requirements
300.1820	Content of Medical Records
300.1830	Records Pertaining to Residents' Property
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300.1870	Retention of Facility Records
300.1880	Other Facility Record Requirements

SUBPART J: FOOD SERVICE

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300.2010	Director of Food Services
300.2020	Dietary Staff in Addition to Director of Food Services
300.2030	Hygiene of Dietary Staff
300.2040	Diet Orders
300.2050	Meal Planning
300.2060	Therapeutic Diets (Repealed)
300.2070	Scheduling Meals
300.2080	Menus and Food Records
300.2090	Food Preparation and Service
300.2100	Food Handling Sanitation
300.2110	Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

300.2210	Maintenance
300.2220	Housekeeping
300.2230	Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

300.2410	Furnishings
300.2420	Equipment and Supplies
300.2430	Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section

300.2610	Codes
300.2620	Water Supply
300.2630	Sewage Disposal
300.2640	Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

300.2810	Applicability of this Subpart N
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300.2820	Compliance with Local Codes and Standards
300.2830	Preparation of Drawings and Specifications
300.2840	Site
300.2850	Administration and Public Areas
300.2860	Nursing Unit
300.2870	Dining, Living, Activities Rooms
300.2880	Therapy and Personal Care
300.2890	Service Departments
300.2900	General Building Requirements
300.2910	Structural
300.2920	Mechanical Systems
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300.2940	Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

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300.3010	Applicability
300.3020	Compliance with Local Codes and Standards
300.3030	Preparation of Drawings and Specifications
300.3040	Site
300.3050	Administration and Public Areas
300.3060	Nursing Unit
300.3070	Living, Dining, Activities Rooms
300.3080	Treatment and Personal Care
300.3090	Service Departments
300.3100	General Building Requirements
300.3110	Structural
300.3120	Mechanical Systems
300.3130	Plumbing Systems
300.3140	Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section	
300.3210	General
300.3220	Medical Care
300.3230	Restraints (Repealed)

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300.3240	Abuse and Neglect
300.3250	Communication and Visitation
300.3260	Resident's Funds
300.3270	Residents' Advisory Council
300.3280	Contract With Facility
300.3290	Private Right of Action
300.3300	Transfer or Discharge
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300.3320	Confidentiality
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300.3340	Social Isolation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

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300.3410	Application of Other Sections of These Minimum Standards (Repealed)
300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
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300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
300.3530	Dental Services (Repealed)
300.3540	Optometric Services (Repealed)
300.3550	Audiometric Services (Repealed)
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300.3570	Occupational Therapy Services (Repealed)
300.3580	Nursing and Personal Care (Repealed)
300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
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300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630	Design and Construction Standards (New and Existing Facilities) (Repealed)

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SUBPART R: DAYCARE PROGRAMS

Section

300.3710 Day Care in Long-Term Care Facilities

SUBPART S: PROVIDING SERVICES TO PERSONS
WITH SERIOUS MENTAL ILLNESS

Section

300.4000 Applicability of Subpart S
300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing
in Facilities Subject to Subpart S
300.4020 Reassessments for Residents with Serious Mental Illness Residing in Facilities
Subject to Subpart S
300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing
in Facilities Subject to Subpart S
300.4040 General Requirements for Facilities Subject to Subpart S
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300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities
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SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
HEALTHCARE AND FAMILY SERVICES'
DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

300.6000 Applicability of Subpart T (Repealed)
300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T
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300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T
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300.6020 Reassessments for Residents of Facilities Subject to Subpart T (Repealed)

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300.6030	Individualized Treatment Plan for Residents of Facilities Subject to Subpart T (Repealed)
300.6040	General Requirements for Facilities Subject to Subpart T (Repealed)
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300.6047	Medical Care Policies for Facilities Subject to Subpart T (Repealed)
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300.APPENDIX B	Crosswalk of Nursing Home Care Act Job Descriptions and Payroll Based Journal Job Titles
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F	Guidelines for the Use of Various Drugs
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	Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities (Repealed)
300.TABLE D	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993;

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amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14, 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg. 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012; amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014; amended at 39 Ill. Reg. 5456, effective March 25, 2015; amended at 41 Ill. Reg. 14811, effective November 15, 2017; amended at 43 Ill. Reg. 3536, effective February 28, 2019; emergency amendment at 44 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16264, effective September 15, 2020, for the remainder of the 150 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill.

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Reg. 10217, effective May 28, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 12931, effective July 14, 2020, for the remainder of the 150 days; emergency rule as amended repealed at 44 Ill. Reg. 17790, effective October 23, 2020; emergency amendment at 44 Ill. Reg. 16894, effective October 2, 2020, for a maximum of 150 days; emergency rule expired February 28, 2021; emergency amendment at 44 Ill. Reg. 18462, effective October 23, 2020, for a maximum of 150 days; emergency rule expired March 21, 2021; emergency amendment at 44 Ill. Reg. 19551, effective December 2, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 393, effective December 18, 2020, for the remainder of the 150 days; emergency rule as amended expired April 30, 2021; amended at 45 Ill. Reg. 1134, effective January 8, 2021; emergency amendment at 45 Ill. Reg. 3046, effective March 1, 2021, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 45 Ill. Reg. 10087, effective July 25, 2021; emergency amendment at 45 Ill. Reg. 4285, effective March 22, 2021, for a maximum of 150 days; emergency expired August 18, 2021; emergency amendment at 45 Ill. Reg. 6354, effective May 1, 2021, for a maximum of 150 days; emergency expired September 27, 2021; emergency amendment at 45 Ill. Reg. 9498, effective July 8, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 10847, effective August 19, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 12889, effective September 21, 2021, for the remainder of the 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 15127, effective November 9, 2021, for the remainder of the 150 days; emergency rule as amended expired January 15, 2022; amended at 45 Ill. Reg. 11096, effective August 27, 2021; emergency amendment at 45 Ill. Reg. 11941, effective September 17, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14550, effective November 5, 2021, for the remainder of the 150 days; emergency expired February 13, 2022; emergency amendment at 45 Ill. Reg. 13108, effective September 28, 2021, for a maximum of 150 days; emergency expired February 24, 2022; emergency amendment at 45 Ill. Reg. 14003, effective October 22, 2021, for a maximum of 150 days; emergency expired March 20, 2022; amended at 45 Ill. Reg. 13953, effective October 25, 2021; expedited correction at 46 Ill. Reg. 4157, effective October 25, 2021; emergency amendment at 46 Ill. Reg. 1928, effective January 16, 2022, for a maximum of 150 days; emergency amendment at 46 Ill. Reg. 3243, effective February 14, 2022, for a maximum of 150 days; emergency expired July 13, 2022; emergency amendment at 46 Ill. Reg. 4136, effective February 25, 2022, for a maximum of 150 days; emergency expired July 24, 2022; emergency amendment at 46 Ill. Reg. 5554, effective March 21, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 6033, effective April 1, 2022; amended at 46 Ill. Reg. 10460, effective May 31, 2022; emergency amendment at 46 Ill. Reg. 13378, effective July 14, 2022, for a maximum of 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 16428, effective September 19, 2022, for the remainder of the 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 18219, effective October 31, 2022, for the remainder of the 150 days; emergency expired December 10, 2022; amended at 46

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Ill. Reg. 14237, effective July 27, 2022; amended at 46 Ill. Reg. 16829, effective September 26, 2022; emergency amendment at 46 Ill. Reg. 20243, effective December 11, 2022, for a maximum of 150 days; emergency expired May 9, 2023; amended at 47 Ill. Reg. 7717, effective May 17, 2023; amended at 48 Ill. Reg. 3317, effective February 16, 2024; amended at 48 Ill. Reg. 9947, effective June 21, 2024; amended at 48 Ill. Reg. 13796, effective August 28, 2024; amended at 49 Ill. Reg. 760, effective December 31, 2024; Subchapter c recodified at 49 Ill. Reg. 2245; amended at 49 Ill. Reg. 4670, effective March 25, 2025; amended at 49 Ill. Reg. 6468, effective April 22, 2025; amended at 49 Ill. Reg. 11527 effective August 26, 2025.

SUBPART J: FOOD SERVICE

Section 300.2040 Diet Orders

- a) For the purposes of this Section, "medical provider" means a physician, an advanced practice registered nurse as defined in the Nurse Practice Act, or a physician assistant as defined in the Physician Assistance Practice Act of 1987.
- ba) A~~Two or more copies of a~~ current diet manual (printed or electronic) shall be available and in use. A manual shall be available to the food and nutrition services department in addition to the nursing department~~One copy shall be located in the kitchen for use by dietary personnel. Other copies shall be located at each nurses' station~~ for use by medical providers~~physicians~~ or dietitians when writing diet orders.
- cb) Medical providers~~Physicians~~ shall write a diet order, for each resident, indicating whether the resident is to have a general or a therapeutic diet. A medical provider~~The attending physician~~ may delegate writing a diet order to the dietitian.
 - 1) The resident's diet order shall be included in the medical record.
 - 2) The diet shall be served as ordered.
- de) A ~~written~~ diet order shall be sent to the food service department when each resident is admitted and each time that the resident's diet is changed. Each change shall be ordered by the medical provider~~physician~~ or dietitian. The diet order shall include, at a minimum, the following information: name of resident, room and bed number, type of diet, consistency if other than regular consistency, date diet order is sent to the food service department, name of medical provider~~physician~~ or dietitian ordering the diet, and the signature of the person transmitting the order

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to the food service department.

- ed) The resident shall be observed to determine acceptance of the diet, and these observations shall be recorded in the medical record.
- fe) A therapeutic diet means a diet ordered by the medical provider~~physician~~ or dietitian as part of a treatment for a disease or clinical condition, to eliminate or decrease certain substances in the diet (e.g., sodium) or to increase certain substances in the diet (e.g., potassium), or to provide food in a form that the resident is able to eat (e.g., mechanically altered diet).
- gf) The kinds and variations of prescribed therapeutic diets must be available in the kitchen. If separate menus are not planned for each specific diet, information for each specific type, in a form easily understood by staff, shall be available in a convenient location in the kitchen.
- hg) All oral liquid diets shall be reviewed by a medical provider~~physician~~ or dietitian every 48 hours. Medical soft diets, sometimes known as transitional diets, shall be reviewed by a medical provider~~physician~~ or dietitian every three weeks. All other therapeutic and mechanically altered diets, including commercially prepared formulas that are in liquid form and blenderized liquid diets, shall be reviewed by a medical provider~~physician~~ or dietitian as needed, or at least every three months.

(Source: Amended at 49 Ill. Reg. 11527, effective August 26, 2025)

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- 1) Heading of the Part: AIDS Drug Assistance Program
- 2) Code Citation: 77 Ill. Adm. Code 692
- 3) Section Number: 692.APPENDIX A Adopted Action: Amendment
- 4) Statutory Authority: Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) and authorized by Section 315 of the Department of Public Health Powers and Duties Law [20 ILCS 2310].
- 5) Effective Date of Rule: August 29, 2025
- 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 Rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 49 Ill. Reg. 7498; May 30, 2025
- 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? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of this rulemaking is to update Appendix A with respect to the federal poverty level changing from the 2024 federal poverty level to the 2025 federal poverty level, as is required by the federal funder, the United States Health Resources and Services Administration. On January 17, 2025, the United States Department of Health and Human Services posted the new 2025 federal poverty level (FPL) in the Federal Register. The Department is updating its rules to

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reflect this new standard. The 2025 FPL is available at:
<https://www.govinfo.gov/content/pkg/FR-2025-01-17/pdf/2025-01377.pdf>.

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

Department of Public Health
Attention: Tracey Trigillo, Rules Coordinator
Lincoln Plaza
524 South 2nd Street, 6th Floor
Springfield, IL 62701

(217) 782-1159
dph.rules@illinois.gov

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

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 692

AIDS DRUG ASSISTANCE PROGRAM

Section

692.5	Definitions
692.6	Incorporated and Referenced Materials
692.10	Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection
692.15	Application Requirements
692.16	Non-Discrimination

692.APPENDIX A ~~2025~~2024 Poverty Income Guidelines

692.APPENDIX B Ryan White HIV/AIDS Treatment Extension Act of 2009 Sliding Fee Scale

AUTHORITY: Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) and authorized by Section 315 of the Department of Public Health Powers and Duties Law [20 ILCS 2310].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective January 10, 1997; amended at 22 Ill. Reg. 14468, effective July 24, 1998; amended at 24 Ill. Reg. 11876, effective August 1, 2000; emergency amendment at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 3909, effective February 22, 2012; peremptory amendment at 37 Ill. Reg. 2563, effective February 15, 2013; emergency amendment at 37 Ill. Reg. 3899, effective March 18, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 11371, effective July 2, 2013; emergency amendment at 38 Ill. Reg. 7997, effective March 28, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17363, effective August 1, 2014; amended at 39 Ill. Reg. 9978, effective July 2, 2015; amended

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at 40 Ill. Reg. 9527, effective June 29, 2016; amended at 41 Ill. Reg. 10657, effective August 2, 2017; amended at 42 Ill. Reg. 13256, effective June 21, 2018; amended at 43 Ill. Reg. 6679, effective May 20, 2019; amended at 44 Ill. Reg. 15759, effective September 1, 2020; amended at 45 Ill. Reg. 9533, effective July 19, 2021; amended at 46 Ill. Reg. 14338, effective July 26, 2022; amended at 47 Ill. Reg. 9428, effective June 21, 2023; amended at 48 Ill. Reg. 17843, effective December 2, 2024; amended at 49 Ill. Reg. 11543, effective August 29, 2025.

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Section 692.APPENDIX A ~~2025~~2024 Poverty Income Guidelines

2024 Health and Human Services Poverty Guidelines		
Persons in Family	100% Poverty Guideline	Maximum Gross Annual Income ADAP 300% Eligibility
1	\$15,650 \$15,060	\$46,950 \$45,180
2	21,150 20,440	63,450 61,320
3	26,650 25,820	79,950 77,460
4	32,150 31,200	96,450 93,600
5	37,650 36,580	112,950 109,740
6	43,150 41,960	129,450 125,880
7	48,650 47,340	145,950 142,020
8	54,150 52,720	162,450 158,160
For additional persons, add	5,500 5,380	16,500 16,140
See: Federal Register: 9089 FR 5917 2961 , January 17, 2025 2024		

(Source: Amended at 49 Ill. Reg. 11543, effective August 29, 2025.)

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- 1) Heading of the Part: Hotel Operators' Occupation Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 480
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
480.101	Amendment
480.105	Amendment
480.110	Amendment
480.115	Amendment
480.125	Amendment
480.130	New Section
- 4) Statutory Authority: Implementing the Hotel Operators' Occupation Tax Act [35 ILCS 145] and authorized by Section 2505-795 of the Civil Administrative Code of Illinois (Department of Revenue Law) [20 ILCS 2505].
- 5) Effective Date of Rule: August 27, 2025
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the Adopted Rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in *Illinois Register*: 49 Ill. Reg. 3844; April 4, 2025
- 10) Has JCAR issued a Statement of Objections to these rulemakings? No
- 11) Differences between Proposal and Final Version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR did not recommend any changes.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rule: This rulemaking amends 86 Ill. Adm. Code Part 480, Hotel Operators' Occupation Tax Act (35 ILCS 145), to reflect the changes made to the Act by Public Act 103-0592 that address the tax obligations of re-renters of hotel rooms and hosting platforms. The rulemaking adds additional statutory definitions and updates the section on the exemption for foreign missions.
- 16) Information and questions regarding this adopted rule shall be directed to:

Thomas Grudichak
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

(217) 524-4821
REV.GCO@illinois.gov

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

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 480

HOTEL OPERATORS' OCCUPATION TAX ACT

Section

480.101	Nature, Rate and Scope of the Tax
480.105	Definitions
480.110	Registration and Returns
480.115	Books and Records
480.120	Penalties, Interest and Procedures
480.125	Claims to Recover Erroneously Paid Tax
480.130	Applicability

AUTHORITY: Implementing the Hotel Operators' Occupation Tax Act [35 ILCS 145] and authorized by Section 2505-795 of the Civil Administrative Code of Illinois (Department of Revenue Law) [20 ILCS 2505].

SOURCE: Adopted July 6, 1962; codified at 8 Ill. Reg. 8611; amended at 13 Ill. Reg. 10693, effective June 16, 1989; amended at 16 Ill. Reg. 3578, effective February 25, 1992; amended at 21 Ill. Reg. 2383, effective February 3, 1997; amended at 21 Ill. Reg. 13654, effective September 29, 1997; amended at 24 Ill. Reg. 17814, effective November 28, 2000; amended at 39 Ill. Reg. 1849, effective January 16, 2015; amended at 43 Ill. Reg. 5109, effective April 17, 2019; amended at 44 Ill. Reg. 16471, effective September 25, 2020; amended at 48 Ill. Reg. 14846, effective September 25, 2024; amended at 49 Ill. Reg. 11548, effective August 27, 2025.

Section 480.101 Nature, Rate and Scope of the Tax

a) Nature and Rate of Tax

- 1) The Hotel Operators' Occupation Tax Act ([the Act](#)) imposes a tax upon [hotel operators](#)~~persons engaged in the business of renting, leasing or letting rooms in a hotel~~ at the rate of 5% of 94% of the gross rental receipts from [engaging in business as a hotel operator](#)~~the renting, leasing or letting~~, excluding, however, from the gross rental receipts, the proceeds of ~~the~~ renting, leasing or letting [hotel rooms](#) to permanent residents of ~~a~~~~that~~ hotel (i.e., from persons who occupy or have the right to occupy such rooms for at least 30 consecutive days) [and proceeds from the tax imposed](#)

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under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Act.

- 2) There is also imposed an additional tax upon hotel operators~~persons engaged in the business of renting, leasing or letting rooms in a hotel~~ at the rate of 1% of 94% of the gross rental receipts received by the hotel operator from engaging in business as a hotel operator~~from the renting, leasing or letting~~, excluding, however, from gross rental receipts, the proceeds of the renting, leasing or letting to permanent residents of that hotel and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Act.
- 3) A hotel is any kind of building in which the public may, for a consideration, obtain living quarters or sleeping or housekeeping accommodations (e.g., hunting lodges, camps, cabins, ~~and third-party platform rentals of~~ apartments, houses and rooms). (For a more complete definition of "hotel", see Section 480.105.)
- 4) The exclusion for permanent residents means that the tax is imposed on hotel operators engaging in the business as a hotel operator~~the business of~~ renting rooms for use as living quarters, or for sleeping or housekeeping accommodations, when renting is done on a transient basis.
- 5) The tax is an occupation tax whose legal incidence is on the lessor of the rooms. Nevertheless, persons subject to the tax imposed by the Hotel Operators' Occupation Tax Act may reimburse themselves for their tax liability under the Act by separately stating the tax as an additional charge that may be stated in combination, in a single amount, with any locally imposed hotel operators' occupation tax. If any hotel operator collects an amount (however designated) which purports to reimburse such operator for hotel operators' occupation tax liability measured by receipts which are not subject to hotel operators' occupation tax, or if any hotel operator, in collecting an amount (however designated) which purports to reimburse such operator for hotel operators' occupation tax liability measured by receipts which are subject to tax under the Act, collects more from the guest or re-renter than the operator's hotel operators' occupation tax liability in the transaction is, the guest or re-renter, as applicable, shall have a legal right to claim a refund of such amount from such operator. However, if such amount is not refunded to the guest or re-

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renter, as applicable, for any reason, the hotel operator is liable to pay such amount to the Department. [35 ILCS 145/3(f)]

- 6) Any amount added to a taxable rental charge and collected because of the tax also represents a portion of the gross rental receipts that are subject to the tax. However, the tax rate, instead of being a flat 6% of total receipts, has been adjusted by the General Assembly to be 5% of 94% plus 1% of 94% of total receipts, in order to avoid the payment of tax on amounts added to rental charges because of the tax.
- 7) Persons who engage in the business of renting, leasing or letting of rooms that are not subject to tax under the Hotel Operators' Occupation Tax Act (e.g., the rentals are only to permanent residents or the rentals are exempt as provided in subsection (c)(2)) are not required to register and remit the tax imposed by the Hotel Operators' Occupation Tax Act.

8) Re-renters

A) *Beginning on July 1, 2024, if the renting, leasing, or letting of a hotel room is done through a re-renter of hotel rooms, then, subject to the provisions of subsections (a)(8)(D) and (a)(8)(E), the re-renter is the hotel operator for the purposes of the taxes under subsections (a)(1) and (a)(2).*

EXAMPLE 1: Company contracts with Hotel Operator for 10 rooms in Hotel Operator's hotel for specific dates and pays Hotel Operator for the rooms. Guests can book hotel rooms through the Company's website, including 1 of the 10 rooms in the Hotel Operator's hotel. Company collects and retains the rent from the guest renting the room. The Company is a re-renter of the hotel rooms rented from Hotel Operator, is the hotel operator for purposes of the tax, and is liable for taxes on the rent collected from the person.

EXAMPLE 2: Company operates a website that lists hotel rooms that guests may rent through the Company's website. A guest selects a hotel and the type of room the guest wishes to rent. The Company's system verifies the availability of the room with the Hotel Operator, rents and pays for the room, and confirms the

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booking with the guest. The Company collects and retains the rent it quoted the guest. The Company is a re-renter of the hotel room rented from Hotel Operator, is the hotel operator for purposes of the tax, and is liable for taxes on the rent collected from the person.

EXAMPLE 3: Company operates a website that lists hotel rooms that guests may rent through the Company's website. A guest selects a hotel and the type of room the guest wishes to rent. The Company's system verifies with the availability of the room with the Hotel Operator and facilitates the rental of the room to the guest. The Company collects the rent it quoted the guest. The Company subsequently sends the rent to the Hotel Operator less its fee. The Company is a re-renter of the hotel room rented from Hotel Operator, is the hotel operator for purposes of the tax, and is liable for taxes on the rent collected from the person.

EXAMPLE 4: VAC enters into agreements with owners or tenants of owner-occupied, tenant-occupied, or non-owner-occupied dwellings (including apartments, houses, cottages, or condominiums) located in this State to list the dwellings on VAC's platform for short-term rental. All dwellings are rented for less than 30 consecutive days and are reserved in advance. OWNER lists a condominium on VAC's platform for \$500 per day. OWNER also charges an \$80 fee for cleaning the condominium. A person rents the condominium for 7 days. VAC charges and collects from the person \$3,500 for the condominium rental, \$80 for the cleaning services, and a \$700 VAC service fee. It forwards \$3580 to OWNER (\$3500 rent + \$80 cleaning fee) and retains the \$700 service fee. VAC does not have any Hotel Operator Occupation Tax liability. OWNER is the operator for purposes of the tax and has a Hotel Operator Occupation Tax liability on the \$3580 received from VAC.

- B) If the re-renter is headquartered outside of this State and has no presence in this State other than its business as a re-renter, conducted remotely, then, subject to the provisions of subsections (a)(8)(D) and (a)(8)(E), such re-renter is the hotel operator for the purposes of the taxes under subsections (a)(1) and (a)(2) if it meets one of the following thresholds:

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- i) the cumulative gross receipts from rentals in Illinois by the re-renter of hotel rooms are \$100,000 or more; or
- ii) the re-renter of hotel rooms cumulatively enters into 200 or more separate transactions for rentals in Illinois.

C) A re-renter of hotel rooms who is headquartered outside of this State and has no presence in this State other than its business as a re-renter, conducted remotely, shall determine on a quarterly basis, ending on the last day of March, June, September, and December, whether the re-renter meets the threshold of either paragraph (i) or (ii) of subsection (a)(8)(B) for the preceding 12-month period. If such re-renter of hotel rooms meets the threshold of either paragraph (i) or (ii) of subsection (a)(8)(B) for a 12-month period, the re-renter is subject to tax under the Act and is required to remit the tax imposed under the Act and file returns for the 12-month period beginning on the first day of the next month after the re-renter determines that the re-renter meets the threshold of paragraph (i) or (ii) of subsection (a)(8)(B). At the end of that 12-month period, such re-renter of hotel rooms shall determine whether the re-renter continued to meet the threshold of either paragraph (i) or (ii) of subsection (a)(8)(B) during the preceding 12-month period. If the re-renter met the threshold in either paragraph (i) or (ii) of subsection (a)(8)(B) for the preceding 12-month period, the re-renter is a hotel operator in this State and is required to remit the tax imposed under the Act and file returns for the subsequent 12-month period. If, at the end of a 12-month period during which such re-renter is required to remit the tax imposed under the Act, the re-renter determines that the re-renter did not meet the threshold in either paragraph (i) or (ii) of subsection (a)(8)(B) during the preceding 12-month period, the re-renter shall subsequently determine on a quarterly basis, ending on the last day of March, June, September, and December, whether the re-renter meets the threshold of either paragraph (i) or (ii) of subsection (a)(8)(B) for the preceding 12-month period. [35 ILCS 145/3(b-5)]

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- D) A hotel operator who rents, leases, or lets rooms subject to tax under the Act to a re-renter of hotel rooms incurs the tax under the Act on the gross rental receipts it receives from that re-renter of hotel rooms and cannot claim any resale exemption. In such situations, the re-renter of hotel rooms incurs tax under the Act on its gross rental receipts as provided in subsections (a)(1) and (a)(2). [35 ILCS 145/3-2]
- E) A re-renter of hotel rooms may take a credit against the tax it incurs on the rental of a hotel room under the Act for the amount it paid under subsection (a)(5) to a hotel operator as reimbursement for the tax incurred under the Act for the rental of that room for the purposes of re-rental. [35 ILCS 145/3-3]

EXAMPLE 1: Company rents a downstate hotel room from Hotel Operator for \$100. Hotel Operator charges the Company \$100 plus \$5.98 to reimburse the Hotel Operator for its tax liability under the Act. Company rents the hotel room to a guest and charges the guest \$150 plus \$8.97 to reimburse the Company for its tax liability under the Act. Hotel Operator must file a return and remit \$5.98 in tax. The Company must file a return and pay tax. The Company may take a credit for the \$5.98 it paid Hotel Operator. The Company must file a return and pay \$2.99 in tax.

EXAMPLE 2: Company facilitates the rental of Hotel Operator's downstate hotel room. Company rents the hotel room to a guest and charges the guest \$200 plus \$11.96 to reimburse the Company for its tax liability under the Act. Of the \$211.96 collected from the guest, Company passes on \$100 to the Hotel Operator for the rental of the room. The Company advises the Hotel Operator it will pay the tax on the entire amount it receives from its customer and does not pass on \$5.98 to reimburse the Hotel Operator for its tax liability under the Act. Hotel Operator must file a return and remit \$5.98 in tax. Because the Company did not reimburse Hotel Operator for its tax liability, it cannot take a credit for the \$5.98 tax paid by Hotel Operator. The Company must file a return and pay \$11.96 in tax.

- b) Scope of the Tax – Examples of Taxability and Exemption

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- 1) Since the hotel operators' occupation tax is imposed on receipts from renting rooms for living quarters, or for sleeping or housekeeping accommodations, the tax does not apply to the receipts from the renting of rooms for other purposes, such as for use as display rooms or sample rooms, as meeting rooms, as offices or as private dining rooms.
- 2) Since the tax is limited to the renting of rooms to the "public", a private club that restricts its renting of rooms to its members and their guests would not be liable for the tax on its rental receipts from those rooms.
- 3) Hotel operators engaging in the business as a hotel operator~~The business~~ of renting rooms to the public for use as living quarters, or for sleeping or housekeeping accommodations, is subject to the tax even if the person paying for the room may be a church (except as provided in subsection (c)(2)), charity (except as provided in subsection (c)(3)) or school or some other kind of nonprofit organization, and even if the person paying for the room may be a governmental agency or instrumentality (federal, State or local, or even a foreign government).
- 4) There is no exemption simply because the lessor of the rooms is a nonprofit organization, such as a church (except as provided in subsection (c)(2)), charity (except as provided in subsection (c)(3)) or school. However, a college or other school is not subject to the tax on its receipts from renting rooms to its students for use as living quarters or for sleeping or housekeeping accommodations because this is not the renting of the rooms to the "public". Nevertheless, if the school rents rooms for these purposes to persons who are not enrolled with the school in courses of study for credit, that renting is not being done to students, but is being done to the "public", and the school incurs hotel operators' occupation tax liability on its rental receipts from this activity, if the lessees do not qualify as permanent residents.
- 5) Likewise, the renting of rooms on a transient basis to the public for use as living quarters or sleeping or housekeeping accommodations when the lessor is a charitable organization, such as the Y.M.C.A. or the Y.W.C.A., is subject to the hotel operators' occupation tax.

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- 6) If an operator should make a separate and specific charge for the use of bedding or other facilities furnished in connection with the use of a room as living quarters or for sleeping or housekeeping accommodations, the operator's additional receipts from this source are subject to the hotel operators' occupation tax. However, that tax does not apply to the operator's receipts from selling food, beverages or other tangible personal property, nor to receipts from the selling of tickets to theatre performances or other similar activities, nor to other receipts that are not in any way reasonably connected with or attributable to the renting, leasing or letting of rooms for use as living quarters or for sleeping or housekeeping accommodations; provided that exemption for nontaxable receipts cannot be claimed unless supported by proper books and records as provided for in Section 4 of the Hotel Operators' Occupation Tax Act and in Section 480.115.
- c) Exemption from Hotel Operators' Occupation Tax
- 1) The hotel operators' occupation tax is not imposed upon gross rental receipts for which the hotel operator is prohibited from obtaining reimbursement for the tax from the customer by reason of a federal treaty (Section 3 of the Act). Under the Vienna Convention, some foreign diplomats are not required to pay reimbursement charges that are similar in nature to taxes.
 - A) The exemption for rentals to certain diplomatic personnel applies only to diplomatic personnel possessing certain types of diplomatic tax exemption cards issued by the U.S. Department of State, Office of Foreign Missions. There are 2 types of diplomatic tax exemption cards: personal tax exemption cards and mission tax exemption cards. Mission tax exemption cards are used by foreign missions to obtain exemption from certain taxes, including taxes on hotel stays and lodging, on purchases in the United States that are necessary for the mission's operations and functions. The Office of Foreign Missions is the only entity in the United States with legal authority to authorize diplomatic and consular tax exemption privileges. Foreign missions may not independently purport to authorize or otherwise certify to a vendor or governing tax authority the availability of tax exemption privileges for the embassy, its consular posts or members. A mission tax card may not be used to

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exempt taxes on hotel or lodging expenses unrelated to a mission's diplomatic or consular functions, such as those related to tourism, medical treatment, or leisure travel. The exemption only applies if:

- i) the foreign mission holds a valid Mission Tax Exemption Card that allows for the relief of such taxes;
- ii) the travel of the individuals described above is conducted in support of the missions' diplomatic or consular functions; and
- iii) the lodging costs are paid for with a check, credit card, or wire transfer transaction in the name of the foreign mission. Cash is not an acceptable form of payment.

~~For each of these categories, 2 types of color-coded cards are issued: a blue-striped card that allows an individual or mission to make purchases exempt from all sales and use taxes and taxes on hotel rooms and a striped card of one of several other colors (yellow, green, red, or red-green) that allows an individual or mission to make tax-exempt purchases in all purchase categories except for the restricted purchase categories printed on the colored stripe. In June 2011, the Office of Foreign Missions began issuing newly designed diplomatic tax exemption cards.~~ In addition, the American Institute in Taiwan/Washington issues Mission Tax Exemption Cards and Personal Tax Exemption Cards to officials of the Taipei Economic and Cultural Representative Office. For examples of these cards, see 86 Ill. Adm. Code 130.Illustration A.

- B) In documenting this exemption, a hotel operator must obtain the mission's name, the card holder's name, the exemption number, the expiration date, and a photocopy of the diplomatic card.
- 2) *Effective July 1, 2017, the Hotel Operators' Occupation Tax is not imposed upon gross rental receipts received by an entity that is organized and operated exclusively for religious purposes and possesses an active Exemption Identification Number (ExIN) issued by the Department pursuant to the Retailers' Occupation Tax Act when acting as a hotel operator renting, leasing, or letting rooms:*

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- A) *in furtherance of the purposes for which it is organized; or*
- B) *to entities that:*
 - i) *are organized and operated exclusively for religious purposes;*
 - ii) *possess an active ExIN issued by the Department pursuant to the Retailers' Occupation Tax Act; and*
 - iii) *rent the rooms in furtherance of the purposes for which they are organized.*
- C) *No gross rental receipts are exempt under subsection(c)(2) unless the hotel operator obtains the active ExIN from the exclusively religious entity to whom it is renting and maintains that number in its books and records.*
- D) *Gross rental receipts from all rentals other than those described in subsection (c)(2) are subject to the tax imposed by the Hotel Operators' Occupation Tax Act, unless otherwise exempt under that Act. [35 ILCS 145/3(d-5)]*

EXAMPLE 1: A religious organization is organized and operated exclusively for religious purposes and has an active ExIN. It operates a retreat center and organizes and conducts a 3-day marriage counseling seminar and rents rooms to the participants of the seminar. The seminar is in furtherance of its organizational purposes. The receipts from these rentals are not subject to the hotel operators' occupation tax under subsection (c)(2).

EXAMPLE 2: Religious Organization A is organized and operated exclusively for religious purposes and has an active ExIN. It operates a retreat center and rents a block of rooms to Religious Organization B. Religious Organization B is organized and operated exclusively for religious purposes, possesses an active ExIN, and provides rooms to the participants of a spiritual seminar it has organized and will conduct. The seminar furthers the organizational purposes of Organization B. Organization A's

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receipts from these rentals are not subject to the hotel operators' occupation tax under subsection (c)(2). In this Example, if the rooms are paid for by the individual participants and not by Organization B, Organization A must keep records demonstrating that the individual to whom the room was rented was a participant in the seminar conducted by Organization B. If Organization A does not keep these records, the receipts from those rentals are taxable.

EXAMPLE 3: Religious Organization A is organized and operated exclusively for religious purposes and has an active ExIN. It operates a retreat center. Religious Organization A's organizational documents demonstrate it is organized, in part, to partner with school districts to provide one-on-one support to students to help them overcome the educational and societal challenges they face both in and out of school. Organization B is a not-for-profit organization that provides funds and support to school districts that serve at-risk students. Religious Organization A rents a block of rooms to Organization B for participants attending a seminar conducted by Organization B for educators of at-risk youth. Because the seminar conducted by Organization B is in furtherance of Organization A's organizational purposes, the receipts from the rental to Organization B are not subject to the hotel operators' occupation tax under subsection (c)(2). In this Example, Religious Organization A must keep records demonstrating that the seminar was in furtherance of its organizational purposes (e.g., a copy of its charter, mission statement, and by laws, as well as any brochures or agendas pertaining to the seminar). In addition, if the rooms are paid for by the individual participants and not by Organization B, Religious Organization A must keep records demonstrating that the individual was a participant in the seminar conducted by Organization B (e.g., a copy of the seminar's sign-in sheet).

EXAMPLE 4: A religious organization operates a retreat center, is organized and operated exclusively for religious purposes, and has an active ExIN. It rents a block of rooms to persons attending a wedding reception at the center or rents a block of rooms to a not-for-profit organization that conducts a sports-medicine seminar.

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The receipts from either of these rentals do not qualify for the exemption in subsection (c)(2) because the rentals are neither made in furtherance of the organizational purposes of the religious organization operating the retreat center, nor made to a religious organization organized and operated exclusively for religious purposes that has an active ExIN.

E) Records

- i) When a religious organization that has an active ExIN operates a retreat center, conducts an event in furtherance of its organizational purposes, and rents rooms to persons attending that event, the religious organization must obtain and maintain the following: documents demonstrating the nature of the event (e.g., brochures, pamphlets, or agendas of the event); documents demonstrating how the rental of the rooms was in furtherance of its organizational purposes (e.g., a copy of the religious organization's mission statement or charter); and the dates of the room rentals.
- ii) When a religious organization that has an active ExIN operates a retreat center and rents rooms to an entity organized and operated exclusively for religious purposes with an active ExIN that conducts an event in furtherance of its organizational purposes, the religious organization operating the retreat center must obtain and maintain the following: the name, address, and phone number or email of the renting religious organization conducting the event; the renting religious organization's active ExIN; documents demonstrating the nature of the event (e.g., brochures, pamphlets, or agendas of the event); a certification that the room rentals were in furtherance of the organizational purposes of the renting religious organization; the dates of the room rentals; and any contracts between the retreat center and the religious organization that rented the rooms.
- iii) When a religious organization that has an active ExIN operates a retreat center and is not conducting an event at the center but rents to another organization that conducts an

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event that furthers the organizational purposes of the retreat center's religious organization, the religious organization operating the retreat center must obtain and maintain the following: the name, address, and phone number or email of the renting organization conducting the event; documents demonstrating the nature of the event (e.g., brochures, pamphlets, or agendas); a certification by the religious organization operating the retreat center that the room rentals by the renting organization were in furtherance of the retreat center's organizational purposes, and documents demonstrating how the rental of the rooms was in furtherance of the retreat center's organizational purposes (e.g., the retreat center's mission statement or charter); the dates of the room rentals; and any contracts between the religious organization operating the retreat center and the renting organization conducting the event.

- 3) Effective July 1, 2023, the Hotel Operators' Occupation Tax *shall not apply to gross rental receipts received from the renting, leasing, or letting of rooms to an entity that is organized and operated exclusively by an organization chartered by the United States Congress for the purpose of providing disaster relief and that possesses an active Exemption Identification Number (ExIN) issued by the Department pursuant to the Retailers' Occupation Tax Act if the renting, leasing, or letting of the rooms is in furtherance of the purposes for which the exempt organization is organized.* The American National Red Cross is an example of an organization chartered by the United States Congress for the purpose of providing disaster relief pursuant to 36 U.S.C. Ch. 3001. [35 ILCS 145/3(d-10)]
- A) The exempt chartered organization must make the payment itself for the renting of the rooms. Cash payments are not allowed with the exemption. Acceptable payment methods include:
- i) use of a credit card that is directly billed to the organization and is either in its name only or in the organization's name and the name of a person authorized to use it; or

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- ii) a check drawn on an account belonging only to the organization; or
 - iii) use of a purchase order from the organization that is billed to the organization.
 - B) To qualify, the hotel operator must obtain and maintain from the organization:
 - i) documentation that the renting, leasing, or letting of the room is associated with the organization. Acceptable documentation includes a copy of an employee identification badge; and
 - ii) a copy of the active Illinois Exemption Number Certificate issued by the Department. (Note: It is the operator's responsibility to verify that the organization's ExIN is valid and active).
- 4) *Such tax is not imposed upon the privilege of engaging in any business in Interstate Commerce or otherwise, which business may not, under the Constitution and Statutes of the United States, be made the subject of taxation by this State. [35 ILCS 145/3(d)]*
- d) How to Compute Applicable Tax Rate or Effective Date of New Tax
- 1) For the purposes of the Hotel Operators' Occupation Tax Act, any tax liability incurred in respect to the renting, leasing or letting of rooms in a hotel shall be computed by applying, to the gross receipts from the renting, leasing or letting, the tax rate in effect as of the date the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms. Deposits paid in advance shall be deemed to be received as rental receipts when the specific room or rooms to which the deposit is applied as rent shall be deemed to be rented, leased or let within the meaning of the preceding sentence.
 - 2) Likewise, when something that has been exempted becomes taxable as to room renting, leasing or letting that occurs on or after some particular date, the date of renting, leasing or letting for this purpose shall be deemed

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to be the date when the lessee occupies a specific room or rooms or becomes irrevocably liable to pay rent for the right to occupy a specific room or rooms.

(Source: Amended at 49 Ill. Reg. 11548, effective August 27, 2025)

Section 480.105 Definitions

"Department" means the Department of Revenue.

"Hosting platform" or "platform" means a person who provides an online application, software, website, or system through which a short-term rental located in this State is advertised or held out to the public as available to rent for occupancy. For purposes of this definition, "short-term rental" means an owner-occupied, tenant-occupied, non-owner-occupied dwelling, including, but not limited to, an apartment, house, cottage, or condominium, located in this State, where: (i) at least one room in the dwelling is rented to an occupant for a period of less than 30 consecutive days; and (ii) all accommodations are reserved in advance; provided, however, that a dwelling shall be considered a single room if rented as such.

"Hotel" means any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping, or housekeeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses, retreat centers, conference centers, and hunting lodges. For the purpose of re-renters of hotel rooms only, "hotel" does not include a short-term rental.~~"Hotel" means any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses, apartment houses, hunting lodges, camps, cabins, and third-party platform rentals of apartments, houses, and rooms.~~

"Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.~~"Occupancy" means the use or possession, or the right to the use or possession, of any room or rooms in a hotel for any purpose, or the right to the use or possession of the furnishings~~

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~~or to the services and accommodations accompanying the use and possession of the room or rooms.~~

"Operator" means any person engaged in the business of renting, leasing, or renting rooms in a hotel. ~~"Operator" means any person operating a hotel.~~

"Permanent resident" means any person who occupied or has the right to occupy any room or rooms, regardless of whether or not it is the same room or rooms, in a hotel for at least 30 consecutive days. ~~"Permanent resident" means any person who occupied or has the right to occupy any room or rooms, regardless of whether it is the same room or rooms, in a hotel for at least 30 consecutive days.~~

"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Rent" or "rental" means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature. "Rent" or "rental" includes any fee, charge, or commission received from a guest by a re-renter of hotel rooms specifically in connection with the re-rental of hotel rooms, but does not include any fee, charge, or commission received from a short-term rental by a hosting platform. ~~"Rent" or "rental" means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.~~

"Re-renter of hotel rooms" means a person who is not employed by the hotel operator but who, either directly or indirectly, through agreements or arrangements with third parties, collects or processes the payment of rent for a hotel room located in this State and (i) obtains the right or authority to grant control of, access to, or occupancy of a hotel room in this State to a guest of the hotel or (ii) facilitates the booking of a hotel room located in this State. A person who obtains those rights or authorities is not considered a re-renter of a hotel room if the person operates under a shared hotel brand with the operator.

"Room" or "rooms" means any living quarters, sleeping or housekeeping accommodations. ~~"Room" or "rooms" means any living quarters, sleeping or housekeeping accommodations.~~

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"Shared hotel brand" means an identifying trademark that a hotel operator is expressly licensed to operate under in accordance with the terms of a hotel franchise or management agreement. [35 ILCS 145/2]

(Source: Amended at 49 Ill. Reg. 11548, effective August 27, 2025)

Section 480.110 Registration and Returns

a) Registration

- 1) It is unlawful for any person to engage in ~~the business~~ as a hotel operator of renting, leasing or letting rooms in a hotel in this State without a Certificate of Registration from the Department ~~of Revenue (Department)~~.
- 2) Any person who engages in such business is required to apply to the Department for a Certificate of Registration on a form which is prescribed by the Department, and which will be furnished on request. Upon receipt of the application to register in proper form, the Department will issue a Certificate of Registration to the applicant. Such Certificate of Registration must be publicly displayed.
- 3) All the provisions of Subpart G of the Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130) (including the provisions concerning the furnishing of bond or other security by taxpayers to the Department, among other things), to the extent to which any such provision is not inconsistent with the Hotel Operators' Occupation Tax Act [35 ILCS 145] ~~(the Act)~~, and the Sections promulgated thereunder, shall apply to the tax collected pursuant to this Part.
- 4) All of the provisions of Sections 2a and 2b of the Retailers' Occupation Tax Act, in effect on the effective date of the Hotel Operators' Occupation Tax Act shall apply to persons in business as hotel operators in this State, to the same extent as if such provisions were included herein. [35 ILCS 145/5]

b) Return and Payment of the Tax

- 1) Except as provided hereinafter in this Section, on or before the last day of

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each calendar month, every person engaged as a hotel operator~~in the business of renting, leasing or letting rooms in a hotel~~ in this State during the preceding calendar month shall file a return with the Department, stating:

- A) The name of the operator;
- B) the operator's~~his~~ residence address and the address of the operator's~~his~~ principal place of business and the address of the principal place of business (if that is a different address) from which the operator~~he~~ engages in ~~the business~~ as a hotel operator~~of renting, leasing or letting rooms in a hotel~~ in this State (including if required by the Department, the address of each hotel from which rental receipts were received);
- C) total amount of rental receipts received by the operator~~him~~ during the preceding calendar month from engaging in business as a hotel operator~~renting, leasing or letting rooms~~ during such preceding calendar month;
- D) total amount of rental receipts received by the operator~~him~~ during the preceding calendar month from renting, leasing or letting rooms to permanent residents during such preceding calendar month;
- E) total amount of other exclusions from gross rental receipts allowed by the Act;
- F) gross rental receipts which were received by operator~~him~~ during the preceding calendar month and upon the basis of which the tax is imposed;
- G) the amount of tax imposed, less a discount of 2.1% or \$25.00 per calendar year, whichever is greater, which is allowed to reimburse the operator for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request pursuant to the~~this~~ Act, if the return and payment are filed in accordance with this Section;

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H) *Credit for any reimbursement of tax paid by a re-renter of hotel rooms to hotel operators for rentals purchased for re-rental, as provided in Section 480.101(a)(8)(E);*

IH) the amount of penalty due, if any; and

JI) such other reasonable information as the Department may require.

- 2) If the operator's average monthly tax liability to the Department does not exceed \$200.00, the Department may authorize the operator's~~his~~ returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 30 of such year; with the return for April, May and June of a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year, and with the return for October, November and December of a given year being due by January 31 of the following year.
- 3) If the operator's average monthly tax liability to the Department does not exceed \$50.00, the Department may authorize the operator's~~his~~ returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.
- 4) Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.
- 5) Notwithstanding any other provision in the Act concerning the time within which an operator may file the operator's~~his~~ return, in the case of any operator who ceases to engage in a kind of business which makes the operator~~him~~ responsible for filing returns under the Act, such operator shall file a final return under the Act with the Department not more than one month after discontinuing such business.
- 6) Where the same person has more than one business registered with the Department under separate registrations under the Act, such person shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

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- 7) In the operator's~~his~~ return, the operator shall determine the value of any consideration other than money received by the operator~~him~~ in connection with engaging in business as a hotel operator~~the renting, leasing or letting of rooms in the course of his business~~, and the operator~~he~~ shall include such value in the operator's~~his~~ return. Such determination shall be subject to review and revision by the Department.
 - 8) Where the operator is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.
 - 9) The person filing the return shall, at the time of filing such return, pay to the Department the amount of tax due.
- c) Special Reporting Problem Connected With Exclusion for Permanent Residents. The Act defines a "permanent resident" as a person who occupies or has the right to occupy a room for at least 30 consecutive days. It will not always be possible for a hotel to determine whether a guest is a "permanent resident" at the end of a particular reporting period. In such cases:
- 1) Where a guest has occupied a room for 30 consecutive days as of the end of a reporting period, no tax is due.
 - 2) Where a guest has a binding contract for at least 30 days, no tax need be reported or paid; except that, if the contract is terminated before the end of the first 30 days, a tax should be paid for the period up to the time when the contract is terminated.
 - 3) Where the hotel does not know whether a guest is a "permanent resident" at the end of the period for which a return is filed (because the first 30 days are not up), a tax should be paid. If the guest later stays for 30 days, the amount of rental for the first 30 days, or portion thereof, upon which a tax has already been paid, should be deducted in Item 3 on the return for the next month, and a schedule should be filed with the return explaining such deduction.
- d) Gross Receipts or Gross Billing Basis of Reporting
- 1) At the beginning of a registration under the Hotel Operators' Occupation

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Tax Act, the registrant may elect to file returns on the receipts basis (reporting, for the return period, only those receipts received during such return period), or the registrant may elect to file returns on the gross billing basis (reporting, for the return period, all rentals billed during the return period whether collected during such return period or not).

- 2) An operator may change from the gross billing basis to the gross receipts basis of reporting in tax returns without obtaining special permission from the Department. However, once an operator has commenced to file returns on the gross receipts basis, the operator~~he~~ may not change the operator's~~his~~ method of reporting to the gross billing basis without first obtaining permission from the Department to make this change.
- 3) On the receipts basis of reporting, since the operator does not report and pay tax on receipts until the operator~~he~~ receives them, the operator~~he~~ would never have any occasion for taking a bad debt deduction on the operator's~~his~~ returns. However, where the operator who is filing returns on the gross billing basis pays tax to the Department on a billing which later turns out to be a bad debt, and which is charged off on the operator's books as a bad debt for federal~~Federal~~ income tax purposes, the operator may take a deduction for such bad debt on the operator's~~his~~ Hotel Operators' Occupation Tax return to the Department. If such operator, after taking such bad debt deduction, should later realize a recovery thereon, the operator~~he~~ shall report and pay tax on the amount of such recovery when filing the operator's~~his~~ return for the return period in which such recovery occurs.

(Source: Amended at 49 Ill. Reg. 11548, effective August 27, 2025)

Section 480.115 Books and Records

- a) General Requirements
Every operator shall keep separate books or records of the operator's~~his or her~~ business as an operator so as to show the rents and occupancies taxable under the Hotel Operators' Occupation Tax Act separately from the operator's~~his or her~~ transactions that are not taxable under that Act. If any such operator fails to keep separate books or records, the operator~~he or she~~ shall be liable to tax at the rate designated in Section 3 of the Hotel Operators' Occupation Tax Act upon the entire proceeds from the operator's business~~his hotel~~.

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- b) Preservation and Retention of Records
- 1) Books and records and other papers reflecting gross receipts received during any period with respect to which the Department is authorized to issue proposed assessments as provided by the Act shall be preserved until the expiration of that period unless the Department, in writing, shall authorize their destruction or disposal prior to that expiration. (See 86 Ill. Adm. Code 130.825.)
 - 2) In determining the period for which the Department is authorized to issue a proposed assessment, the following material (with necessary adaptations because of the time when the Hotel Operators' Occupation Tax became effective) from Sections 4 and 5 of the Retailers' Occupation Tax Act [35 ILCS 120] (which are incorporated by reference into Section 7 of the Hotel Operators' Occupation Tax Act) must be considered.
 - 3) Except in case of willful failure or refusal to file a return, or except in case of a fraudulent return, or except with the consent of the person to whom the proposed assessment is to be issued, no proposed assessment shall be issued on and after each January 1 and July 1 covering gross receipts received during any month or period of time more than 3 years prior to that January 1 and July 1, respectively:
 - A) Provided, however, that:
 - i) the foregoing limitations upon the issuance of a proposed assessment shall not apply to the issuance of a proposed assessment with respect to any prior period of time in cases in which the Department has, within the period of limitation then provided, notified the person making the return of a proposed assessment even though that return had not been corrected by the Department in the manner required by the Act prior to the issuance of the notice; and
 - ii) the foregoing limitations upon the issuance of a proposed assessment shall not apply to the issuance of any such assessment with respect to any prior period of time prior in cases in which the Department has, within the period of

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limitation then provided, notified a person of the amount of tax computed even though the Department had not determined the amount of tax due from that person in the manner required by the Act prior to the issuance of the notice; but in no case shall the amount of any such proposed assessment for any period otherwise barred by the Act exceed for that period the amount shown in the Notice of Proposed Assessment.

- B) If, when a tax or penalty under the Act becomes due and payable, the person alleged to be liable is out of the State, the proposed assessment may be issued, within the times limited by the Act, after that person enters or returns to the State; and if, after the tax or penalty under the Act becomes due and payable, the person alleged to be liable departs from and remains out of the State, the time of that person's absence is no part of the time limited for the issuance of the proposed assessment; but these provisions concerning absence from the State shall not apply to any case in which, at the time a tax or penalty becomes due under the Act, the person allegedly liable is not a resident of this State.
- c) **Preservation of Books During Pendency of Assessment Proceedings**
However, if a Notice of Proposed Assessment has been issued, and if the questions raised by that Notice have not been completely disposed of, books and records reflecting receipts received during the period covered by the proposed assessment must be preserved until the termination of all proceedings before the Department and before any court upon review.
- d) **Department Authorization to Destroy Records Sooner than Would Otherwise be Permissible**
In all cases, the Department may, in writing, authorize the destruction of books and records and other papers prior to the expiration of the periods of time during which the taxpayer, except for the written authorization from the Department, is required to keep the books and records.

(Source: Amended at 49 Ill. Reg. 11548, effective August 27, 2025)

Section 480.125 Claims to Recover Erroneously Paid Tax

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- a) **The Filing of Claims**
Where an operator pays Hotel Operators' Occupation Tax to the Department in error, either as a result of a mistake of fact or an error of law, the operator may file a claim with the Department upon a form which the Department prescribes and will issue on request.
- b) **Bearing the Burden of the Tax**
In addition to proving that the claimant~~he~~ did not owe the tax for which recovery is sought, the claimant must also prove that the claimant~~he~~ bore the burden of the amount of such tax, either by not shifting the burden of the tax to anyone else in the first instance, or by unconditionally refunding any amounts passed on because of the tax to the operator's~~his~~ customers, who bore the burden thereof.
- c) **Statute of Limitations**
As to any claim filed with the Department on and after each January 1 and July 1, no amount of tax or penalty erroneously paid (either in total or partial liquidation of a tax or penalty under The Hotel Operators' Occupation Tax Act) more than 3 years prior to such January 1 and July 1, respectively, shall be credited.
- d) **Credit Memorandum or Refund**
When any claim is allowed, the Department shall issue an assignable credit memorandum to the claimant for the amount so allowed.
- e) **Refunds**
In case the Department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department will make such refunds only in hardship cases (i.e., in cases in which the claimant cannot use a credit memorandum). The two most likely situations where this would be the case are the situation in which the claimant has discontinued business and the situation in which the claimant will have a small volume of liability to the Department in the foreseeable future, but receives a large credit memorandum which it therefore might take the claimant a long time to liquidate by using it to pay current taxes. In these instances, the claimant probably would have to sell the credit memorandum at a loss in order to realize anything from it within any reasonable period of time.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- f) Procedure – Incorporation by Reference
- 1) The procedure for disposing of claims and of credit memoranda shall be the same as that provided for in the Retailers' Occupation Tax Act ~~and in Article 16 of the Retailers' Occupation Tax Regulations.~~
 - 2) In general, the provisions of 86 Ill. Adm. Code 130: Subpart O of the Retailers' Occupation Tax ~~rules~~ ~~Regulations~~ (including provisions concerning interest on overpayments of tax as well as other provisions) shall apply to claims under The Hotel Operators' Occupation Tax Act. For that purpose, said Subpart O is incorporated by reference into this ~~rule~~ ~~Regulation~~ and made a part hereof.

(Source: Amended at 49 Ill. Reg. 11548, effective August 27, 2025)

Section 480.130 Applicability

- a) Persons engaged in the business of renting, leasing or letting rooms in a hotel only to permanent residents are exempt from the provisions of the Act. In addition, persons engaged in the business of renting, leasing, or letting rooms in a hotel whose only rentals are as described in Section 480.101(c)(2)(A) and (B) and possess active ExINs are exempt from the provisions of the Act. [35 ILCS 145/9]
- b) All of the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11 and 12 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act shall apply to persons engaging in business as a hotel operator in this State to the same extent as if such provisions were included herein. [35 ILCS 145/7]

(Source: Added at 49 Ill. Reg. 11548, effective August 27, 2025)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER MEETING AGENDA

BILANDIC BUILDING
ROOM C-600
CHICAGO, ILLINOIS
11:00 A.M.
SEPTEMBER 16, 2025

NOTICE: JCAR policy is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rulemaking, they should submit written comments to the JCAR Office at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
217/785-2254 jcar@ilga.gov

AGENDA**I. Attendance Roll Call****II. Approval of August 13, 2025 Minutes****III. Consideration of Rulemakings/Issues**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAgriculture

1. Local Food Infrastructure Grant (8 Ill. Adm. Code 340)
8-340-25-03814
-First Notice Published: 49 Ill. Reg. 3814 – 4/4/25
-Expiration of Second Notice: 9/20/25

Board of Elections

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER MEETING AGENDA

2. Registration of Voters (26 Ill. Adm. Code 216)
26-216-25-08298
-First Notice Published: 49 Ill. Reg. 8298 – 6/20/25
-Expiration of Second Notice: 9/20/25

Capital Development Board

3. Illinois Energy Codes (71 Ill. Adm. Code 600)
71-600-25-07704
-First Notice Published: 49 Ill. Reg. 7704 – 6/6/25
-Expiration of Second Notice: 9/25/25

Commerce Commission

4. Certification for New Utility-Scale Solar Installers (83 Ill. Adm. Code 461)
83-461-24-17669
-First Notice Published: 48 Ill. Reg. 17669 – 12/13/24
-Expiration of Second Notice: 10/25/25
5. Certification for Energy Efficiency Installers (83 Ill. Adm. Code 462)
83-462-24-17674
-First Notice Published: 48 Ill. Reg. 17674 – 12/13/24
-Expiration of Second Notice: 10/25/25
6. Distributed Generation Installer Certification (83 Ill. Adm. Code 468)
83-468-24-17679
-First Notice Published: 48 Ill. Reg. 17679 – 12/13/24
-Expiration of Second Notice: 10/25/25
7. Certification for the Installation, Maintenance or Repair of Electric Vehicle Charging Stations (83 Ill. Adm. Code 469)
83-469-24-17684
-First Notice Published: 48 Ill. Reg. 17684 – 12/13/24
-Expiration of Second Notice: 10/25/25

Financial and Professional Regulation

8. The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 (68 Ill. Adm. Code 1175)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER MEETING AGENDA

68-1175-25-01664

-First Notice Published: 49 Ill. Reg. 1664 – 2/14/25

-Expiration of Second Notice: 9/17/25

Gaming Board

9. Sports Wagering (11 Ill. Adm. Code 1900)

11-1900-25-08840

-First Notice Published: 49 Ill. Reg. 8840 – 7/11/25

-Expiration of Second Notice: 10/16/25

Human Services

10. Recipient's Property (59 Ill. Adm. Code 110)

59-110-25-05613

-First Notice Published: 49 Ill. Reg. 5613 – 4/25/25

-Expiration of Second Notice: 10/21/25

Innovation and Technology

11. Access to Records of the Department of Innovation and Technology (2 Ill. Adm. Code 1531)

2-1531-25-07205

-First Notice Published: 49 Ill. Reg. 7205 – 5/23/25

-Expiration of Second Notice: 10/10/25

12. Discrimination Procedures (4 Ill. Adm. Code 1660)

4-1660-25-07221

-First Notice Published: 49 Ill. Reg. 7221 – 5/23/25

-Expiration of Second Notice: 9/25/25

Insurance

13. Navigator, In-Person Counselor and Certified Application Counselor Certification (50 Ill. Adm. Code 4515)

50-4515-25-07753

-First Notice Published: 49 Ill. Reg. 7753 – 6/6/25

-Expiration of Second Notice: 10/16/25

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER MEETING AGENDA

Natural Resources

14. Regulations for Exotic Weeds (17 Ill. Adm. Code 1100)
17-1100-25-05670
-First Notice Published: 49 Ill. Reg. 5670 – 4/25/25
-Expiration of Second Notice: 10/8/25

Pollution Control Board

15. Standards for the Disposal of Coal Combustion Residuals in Surface
Impoundments (35 Ill. Adm. Code 845)
35-845-25-07471
-First Notice Published: 49 Ill. Reg. 7471 – 5/30/25
-Expiration of Second Notice: 10/2/25

Public Health

16. Newborn and Infant Screening and Treatment Code (77 Ill. Adm. Code 661)
77-661-25-07922
-First Notice Published: 49 Ill. Reg. 7922 – 6/6/25
-Expiration of Second Notice: 10/3/25

Secretary of State

17. Issuance of Licenses (92 Ill. Adm. Code 1030)
92-1030-25-05916
-First Notice Published: 49 Ill. Reg. 5916 – 5/2/25
-Expiration of Second Notice: 10/8/25

Student Assistance Commission

18. General Provisions (23 Ill. Adm. Code 2700)
23-2700-24-17964
-First Notice Published: 48 Ill. Reg. 17964 – 12/20/24
-Expiration of Second Notice: 10/1/25
19. Illinois National Guard (ING) Grant Program (23 Ill. Adm. Code 2730)
23-2730-24-17986
-First Notice Published: 48 Ill. Reg. 17986 – 12/20/24

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER MEETING AGENDA

-Expiration of Second Notice: 10/1/25

20. Monetary Award Program (MAP) (23 Ill. Adm. Code 2735)
23-2735-24-17992
-First Notice Published: 48 Ill. Reg. 17992 – 12/20/24
-Expiration of Second Notice: 10/1/25
21. Early Childhood Access Consortium for Equity (ECACE) (23 Ill. Adm. Code 2751)
23-2751-24-18003
-First Notice Published: 48 Ill. Reg. 18003 – 12/20/24
-Expiration of Second Notice: 10/1/25

EMERGENCY RULEMAKINGCorrections

22. Rights and Privileges (20 Ill. Adm. Code 525)
20-525-25-10945
-Published: 49 Ill. Reg. 10945 – 8/29/25
-Effective: 8/14/25

Human Services

23. Crisis Assistance (89 Ill. Adm. Code 116)
89-116-25-10853
-Published: 49 Ill. Reg. 10853 – 8/22/25
-Effective: 8/7/25

EXPEDITED CORRECTIONState Fire Marshal

24. Sprayed Fire-Resistant Material Applicator Registration Rules (41 Ill. Adm. Code 255)
41-255-25-11188
-Published: 49 Ill. Reg. 11188 – 9/5/25

AGENCY RESPONSE

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER MEETING AGENDA

Board of Elections

25. Automatic Voter Registration (23 Ill. Adm. Code 300)
23-300-25-03834
-First Notice Published: 49 Ill. Reg. 3834 – 4/4/25

IV. Announcement of the next JCAR Meeting

V. Adjournment

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of August 26, 2025 through September 2, 2025. These rulemakings are scheduled for the September 16, 2025 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.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/16/25	<u>Department of Insurance</u> , Navigator, In-Person Counselor and Certified Application Counselor Certification (50 Ill. Adm. Code 4515)	6/6/25 49 Ill. Reg. 7753	9/16/25
10/16/25	<u>Illinois Gaming Board</u> , Sports Wagering (11 Ill. Adm. Code 1900)	7/11/25 49 Ill. Reg. 8840	9/16/25

STATE BOARD OF ELECTIONS

AGENCY RESPONSE TO JOINT COMMITTEE RECOMMENDATION TO PROPOSED
RULEMAKING

Agency: State Board of Elections

Heading of the Part: Automatic Voter Registration

Code Citation: 26 Ill. Adm. Code 300

Register Citation: 49 Ill. Reg. 3834; April 4, 2025

Agency Response to Joint Committee Recommendation to Proposed Rulemaking:

At its meeting on August 13, 2025, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the Board be more timely in implementing Public Acts. Public Act 100-464 required the Board to adopt rules to implement the automatic voter registration program and to implement the Public Act no later than July 1, 2018.

Board staff have reviewed the recommendation and will strive to promulgate rules in a timelier manner.

Marni M. Malowitz
General Counsel

PROCLAMATION

2025-240**Flag Lowering for Minnesota School Shooting**

WHEREAS, as students and parishioners were attending morning Mass at Annunciation Catholic School on August 27, 2025, gunshots were fired through the windows of the church, killing and injuring several individuals; and,

WHEREAS, this gut-wrenching assault on one of the most fundamental passages of childhood and personal faith, and the thousands of mass shootings that precede it in American history, shakes the souls of parents and teachers and human beings the world over; and,

WHEREAS, the burden this tragedy and its predecessors ask of our students and teachers is too much for anyone to shoulder, let alone a child; and,

WHEREAS, it is the duty of all government officials to protect the lives of our people, and the ultimate act of cowardice to abdicate that responsibility; and,

WHEREAS, Illinois mourns alongside the families of Minneapolis, Minnesota, as well as their counterparts throughout our state and nation who know the all-too-common tragedy of firearm violence;

THEREFORE, I, JB Pritzker, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to lower flags from August 28, 2025, to sunset on Sunday, August 31, 2025, in honor of the lives lost.

Issued by the Governor: August 28, 2025

Filed by the Secretary of State: August 28, 2025

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 49, Issue 37 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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