**Section 6000.100 Employment of Carnival and Amusement Enterprise Workers**

a) All persons that own or operate a carnival, amusement enterprise, or fair must conduct a criminal history records check and perform a check of the National Sex Offender Public Website (www.nsopr.gov) for carnival or amusement enterprise workers 17 years of age or older at the time the worker is hired. This check must be performed annually for workers. The only exception to the requirement for the annual check is for workers who remain in the continuous employment of the entity. A worker who works only during the season but works each season is not exempt from the annual check. The annual check for a seasonal employee must be performed before the employee commences active employment each season.

b) No person that owns or operates a carnival, amusement enterprise, or fair shall employ a carnival or amusement enterprise worker who has been convicted of any offense set forth in Article 11 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5], is a registered sex offender as defined in the Sex Offender Registration Act [730 ILCS 150], or has ever been convicted of any offense set forth in Article 9 of the Criminal Code of 1961 or 2012. The provisions of this Section shall apply to any employees who may have been continuously employed and may not have been subject to the requirements of subsection (a) by virtue of having been hired prior to the effective date of the criminal history and background check requirements.

c) In order to comply with Section 20(c) of the Act requiring a substance abuse policy that must include random drug testing, the person that operates the carnival, amusement enterprise, or fair must demonstrate the policy is enforced in practice. The policy must be in writing and must have been distributed to all affected employees, and there must be records documenting that employees have undergone random drug testing. The requirements of the Act are not satisfied if the random drug testing procedure has not been implemented in practice.

(Source: Amended at 44 Ill. Reg. 19907, effective December 8, 2020)