**Section 200.90 Scope**

a) The license requirements of this Subpart apply to all explosive materials unless otherwise excepted by Section 2000 of the Act.

b) No person shall acquire, store, use, possess, transfer or dispose of explosive materials unless licensed by the Department, except as otherwise provided by Section 2001 of the Act.

c) No person convicted of a felony will be exempt from this requirement unless that person has been granted a "Relief from Disabilities" (see 27 CFR 555.142).

d) The licensing provisions of the Act and this Subpart do not apply to:

1) agricultural fertilizers that might be of an explosive nature, when the use of the fertilizers is for agricultural or horticultural purposes;

2) a common or contract carrier authorized to carry explosive materials pursuant to the Interstate Commerce Act of 1887 (49 USC 101) or the Illinois Commerce Commission;

3) the purchase, receipt, possession or use by an individual of primers or propellant powder used in muzzleloader firearms, hand loading, reloading or custom loading ammunition for small arms for his or her own use or that of his or her immediate family;

4) the possession or purchase from dealers, importers or manufacturers, by any person who holds a valid Illinois Firearm Owner's Identification card:

A) of the following items:

i) smokeless small arms propellant, except as defined as Division 1.1, 1.2 or 1.3 explosives by 49 CFR 173.5;

ii) black powder not to exceed 5 pounds; and

iii) small arms primers or percussion caps for muzzleloading or modern arms;

B) if the items described in subsection (d)(4)(A) are maintained in containers provided by the manufacturer or containers generally recognized as being suitable for the transportation and storage of, or commerce in, these items at retail, or the transportation or use of those items, by any such person using muzzleloading ammunition for small arms;

5) the acquisition, possession, use, transfer or disposal of explosive materials in connection with mine, quarry, construction, manufacturing or wholesale or retail dealership operations in the ordinary course of business, provided that:

A) the operator has obtained a storage certificate from the Department in accordance with Subpart C;

B) the acquisition, possession, use, transfer or disposal of explosive materials is limited to the operator's business operation;

C) the person or persons designated as "magazine keeper" satisfy the licensure requirements, other than an examination, of this Subpart;

D) the employee, contractor or Department authorized person is under the direct supervision of a licensee under the Act, a blaster licensed under the Surface-Mined Lands Conservation and Reclamation Act [225 ILCS 715], or a blaster or shot firer certified under the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]. Direct supervision requires a licensed individual to be present at all times during explosive use and disposal;

E) no person convicted of a felony shall be exempt from this requirement unless the individual has been granted a "Relief from Disabilities"; and

F) no person under the age of 18, unless otherwise approved by the Director, shall be allowed to acquire, store, use, possess, transfer or dispose of explosive materials.

(Source: Amended at 45 Ill. Reg. 4490, effective March 26, 2021)