

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ RAW MILK SALES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Grade A Pasteurized Milk and Milk Products (77 IAC 775; 38 Ill Reg 18346), effective 1/29/16, establishing procedures for permitting and inspecting dairy farms that sell and/or distribute raw (unpasteurized) milk directly to consumers. The rulemaking, which has undergone numerous changes since 1st Notice, defines a dairy farm as any place where one or more lactating animals (formerly, cows or goats) are kept for milking purposes and from which part or all of the milk or milk product is provided, sold or offered for sale to consumers. Beginning 7/1/16, a DPH permit is required for a dairy farm to sell or distribute raw milk to consumers, and any sale or distribution of raw milk (outside of private consumption by the family living on the dairy farm)

without a permit is unlawful. Permitted dairy farms selling or distributing raw milk will be listed on the DPH website. The rulemaking allows sale of raw milk only within 5 days after production; requires dairy farm owners to have written procedures for recalling products and notifying consumers; prohibits dairy farms from making cheese, yogurt, or other dairy products from raw milk for sale to consumers; and requires dairy farms to report, upon the Department's request, the number of gallons of raw milk sold in the previous 12 months. Dairy farms with raw milk permits must post noticeable and legible signage noting that the milk is not pasteurized; that the farm is not routinely inspected by DPH; and that the product may contain pathogens that could cause serious illness, especially to

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Proposed Rulemakings

■ VIDEO GAMING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 40 Ill Reg 2884) that allow video gaming licensees to provide written notice to surrender licenses without leave of the Board subject to the Administrator's approval. Video gaming licensees and establishments will be affected.

Questions/requests for copies/comments through 3/31/16: Agostino Lorenzini, IGB, 160 N LaSalle St., Chicago IL 60601, 3 1 2 / 7 9 3 - 8 1 8 5 , agostino.lorenzini@igb.illinois.gov.

■ HORSE RACING

The ILLINOIS RACING BOARD proposed amendments to Medication (11 IAC 603; 40 Ill Reg

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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children, the elderly, pregnant women and others with weakened immune systems. Container labels or product receipts must note that the product is not pasteurized, include the production date and last possible sale date, include a consumer warning, and provide instructions for notifying the local health department or DPH of any consumer complaint or foodborne illness. Sampling and testing shall be conducted prior to issuance of a raw milk permit and at least 4 times during every 6-month period. The rulemaking also includes requirements for dairy animal health and cleanliness, equipment construction and storage, milking practices, the milking environment, and quality control. Changes since 1st Notice include: removing a proposed separate permit system for contractual herd shares (which are now covered under dairy farm permits); extending the time dairy farmers must keep a log of their raw milk sales from 90 days to 6 months; changing the somatic cell count threshold from 400,000 to 750,000 cells per milliliter of raw cow's milk and adding a threshold of 1 million cells per milliliter for raw goat's milk; clarifying information to be included on raw milk container labels or product receipts; adding standards for transportation of raw milk from a dairy farm to a distribution point; and other changes affecting sanitation, storage, and quality

control. Producers, sellers and purchasers of raw milk are affected by this rulemaking.

Questions/requests for copies: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl. Springfield IL 62761, 217/782-2043, e-mail: dph.rules@illinois.gov

SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to Public School Evaluation, Recognition and Supervision (23 IAC 1; 39 Ill Reg 13595) effective 1/27/16 adding additional criteria for physical education, including assessments that must be implemented starting the 2016-2017 school year. This rulemaking also establishes procedures for evaluating and managing concussions and head injuries; creates a new credential for the chief state school business official, in the form of an endorsement on the educator license with stipulations; and adds new Illinois Learning Standards for social science that must be implemented for the 2017-2018 school year. Changes since 1st Notice clarify aspects of the social science standards and align them with existing civics, economic, history and geography standards for various grades.

Questions/requests for copies: Jeff Aranowski, SBE, 100 W. Randolph St., Suite 14-300, Chicago IL 60601, 312/814-2734.

PRINCIPAL PREPARATION

SBE adopted an amendment to Programs for the Preparation of Principals in Illinois (23 IAC 30; 39 Ill Reg 13210) effective 1/27/16 implementing Public Act 99-58. The Act and the rulemaking remove a requirement (formerly in the School Code) that non-profit entities offering principal preparation programs obtain approval from the Board of Higher Education in addition to SBE approval.

Questions/requests for copies: Jason Helfer, SBE, 100 N. First St., E-315, Springfield IL 62777, 217/782-4123.

SCHOOL BUILDING CODES

SBE also adopted amendments to Health/Life Safety Code for Public Schools (23 IAC 180; 39 Ill Reg 13214) effective 1/27/16 requiring school districts and charter schools outside the City of Chicago to apply the 2015 International Building Code (IBC) to any projects with a design contract executed on or after 7/1/16. An exception from the IBC is made with regard to storm shelters, and stadium press boxes that are only one level and not more than 500 square feet are exempted from the Illinois Accessibility Code. The rulemaking also clarifies which building codes (by date) apply to existing facilities and make changes concerning the plan

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Proposed Rulemakings

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2892) adding threshold levels for cetirizine, cimetidine, guaifenesin, methylprednisolone and ranitidine as therapeutic medications. IRB is also updating incorporations by reference to the December 2015 edition of the Association of Racing Commissioners

International Uniform Classification Guidelines for Foreign Substances. Finally, IRB is removing penalties for excess amounts of phenylbutazone, flouxin and ketoprofen as they are consistent with ARCI. IRB also proposed to repeal 2 Sections in Entries, Subscriptions, and Declarations (11 IAC 1413; 40 Ill Reg 2907) that require carded

races with at least 6 horses be run and that establish the process for using substitute and extra races.

Questions/requests for copies/comments through 3/31/16: Mickey Ezzo, IRB, 100 W. Randolph, Ste. 5-700, Chicago IL 60601, 312/814-5017.

New Rules

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review and certificate of completion/occupancy process.

Questions/requests for copies: Debbie Vespa, SBE, 100 N. First St., N-330, Springfield IL 62777, 217/785-8779.

SCHOOL TESTING

Finally, SBE adopted amendments to Reading Improvement Program (23 IAC 260; 39 Ill Reg 13246) and Providers of Supplemental Education Services (23 IAC 675; 39 Ill Reg 13254) effective 1/27/16 that update nationally recognized standards for educational and psychological testing, update a cross-reference to the School Code, and eliminate references to assessments that are no longer used.

Questions/requests for copies of the 2 SBE rulemakings above: Melina Wright, SBE, 100 W. Randolph St., Suite 14-300, Chicago IL 60601, 312/814-2804.

■ VETERINARIANS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Parts titled Veterinary Medicine and Surgery Practice Act of 2004 (68 IAC 1500; 39 Ill Reg 12677) and Certified Veterinary Technicians (68 IAC 1505; 39 Ill Reg 12699), both effective 2/16/16, updating these Parts in accordance with PA 98-339, the sunset reauthorization of the Veterinary Medicine and Surgery Practice Act of 2004. Changes since 1st Notice to both Parts replace the terms “veterinary assistant” and “unlicensed veterinary assistant” with references to other employees of a licensed veterinarian that are not licensed certified veterinary technicians. Other changes clarify which tasks must be carried out by a licensed veterinarian and which tasks may be performed by certified veterinary technicians or other employees. Veterinarians and persons employed as veterinary

assistants are affected by these rulemakings.

Questions/requests for copies/comments on the 2 DFPR rulemakings through 3/28/16: Craig Cellini, 320 W. Washington, 3rd Floor, Springfield IL 62786, 217/785-0813.

■ VIDEO GAMING

The ILLINOIS GAMING BOARD adopted amendments to Video Gaming (General) (11 IAC 1800; 39 Ill Reg 8363), effective 1/27/16, that cross-reference the Riverboat Gambling Board meeting rules (86 IAC 3000.105) and authorize the Board to ban from involvement in a video gaming operation any individual whose involvement may pose a threat to its integrity, even if that person lacks an ownership interest or “significant interest or control” in the operation. Since 1st Notice, IGB has clarified that an order of economic disassociation may be issued under the same

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Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's March 8, 2016 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 39 Ill Reg 15850) proposed 12/18/15

DEPT OF NATURAL RESOURCES

Sport Fishing Regulations for the Waters of Illinois (17 IAC 810; 39 Ill Reg 15950)
proposed 12/18/15

New Rules

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criteria for which a license may be denied; specified which individuals are subject to a disassociation order; and extended the notice, appeal and hearing provisions applicable to other disciplinary actions to disassociation orders.

Questions/requests for copies: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago, IL 60601, fax 312/814-7253.

UNIVERSITIES PERSONNEL

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM adopted amendments to State Universities Civil Service System (80 IAC 250; 39 Ill Reg 13172) effective 1/26/16 to implement Public Act 99-97. The PA and rulemaking revise procedures for referral of job candidates so that all persons earning the top three scores on the original entry or promotional register receive referrals. (Formerly, only the three highest-

scoring individuals were referred; now, more than three candidates may be referred if there are tie scores.) Filing of employment examination results with SUCSS shall be on a monthly basis or as designated (formerly, quarterly).

Questions/requests for copies: Jeff Brownfield, SUCSS, 1717 Philo Rd., Ste. 24, Urbana IL 61802, 217/278-3150, jeffb@sucss.illinois.gov

Joint Committee on Administrative Rules

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