

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

■ ANIMAL CONTROL

The DEPARTMENT OF AGRICULTURE adopted amendments to the Part titled Animal Control Act (8 IAC 30; 40 Ill Reg 13289) effective 6/1/17. The rulemaking adds cats and ferrets to the procedures for revaccination, confinement or destruction of dogs and meat animals exposed to rabies. Meat animals may be slaughtered within 72 hours after exposure (formerly, 7 days) or after 6 months have passed from the date of exposure without any indication of rabies. If the animal had been vaccinated more than 30 days prior to exposure and is still within the recognized period of immunity, the animal shall be revaccinated and confined for 45 days (formerly 30 days). Those affected by this rulemaking include animal control and animal welfare agencies and livestock owners.

Questions/requests for copies: Pamela Harmon, DOA, State Fairgrounds, P.O. Box 19821, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

■ FOOD HANDLING

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Manufacturing, Processing, Packing or Holding of Food Code

Peremptory Rule, Page 2

(77 IAC 730; 40 Ill Reg 13309) and repealed the Parts titled Processors of Fresh and Smoked Fishes (77 IAC 735; 40 Ill Reg 13315), Processors of Cacao Products and Confectionery (77 IAC 738; 40 Ill Reg 13336), Soft Drink Manufacturers (77 IAC 740; 40 Ill Reg 13358), and Sanitary Vending of Food and Beverages (77 IAC 743; 40 Ill Reg 13381), all

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Proposed Rulemakings

■ OPTOMETRISTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the Part titled Optometric Practice Act of 1987 (68 IAC 1320; 41 Ill Reg 5754) implementing changes in federal and state law and in continuing education (CE) requirements. With regard to the general prohibition against optometrists prescribing Schedule II controlled substances, the rulemaking makes one exception: optometrists may prescribe dihydrocodeinone (hydrocodone) with one or more active, non-narcotic ingredients in a quantity sufficient to provide treatment for no more than 72 hours. Provisions for a one-year residency license (abolished by Public Act 99-43) and a requirement of current

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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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effective 5/11/17. The Part 730 amendments incorporate federal regulations for hazard analysis and critical control point systems, canned fruit juice and cacao product processing. The remaining amendments repeal rules being added to or already contained in Part 730.

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

Proposed Rulemakings

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certification in cardiopulmonary resuscitation (CPR) are removed. Optometrists must keep records of patients examined in residential care facilities such as nursing homes at both the facility and at the optometrist's office. Other changes adjust the maximum allowable CE credit for various activities (e.g., publishing research papers), require optometrists and their CE sponsors to maintain their CE certificates and records for 6 years (currently 5 years), and amend requirements for out of state CE courses and licensure by endorsement of applicants from outside Illinois. Optometrists and their employers are affected by this rulemaking.

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted a peremptory amendment to Pay Plan (80 IAC 310; 41 Ill Reg 5822) effective 5/15/17. This peremptory rulemaking, in accordance with current collective bargaining agreements, implements annual updates to prevailing-wage-based pay rates for boiler safety specialists and boiler safety audit specialists represented by the International Brotherhood of Boiler Makers, Iron Shipbuilders, Blacksmiths, Forgers and

Helpers. Rates are based upon prevailing wages determined for the Northern, Central and Southern regions of the State, the employee's hiring date, the employee's applicable pension formula (if hired prior to 12/1/13), and, for certain Department of Corrections employees, a maximum security pay adjustment.

Questions/requests for copies: Jason Doggett, CMS, 503 Stratton Bldg., Springfield IL 62706, 217/524-1055, fax 217/558-4497, e-mail: CMS.PayPlan@illinois.gov

Questions/requests for copies/comments through 7/10/17: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ HORSE RACING

The ILLINOIS RACING BOARD proposed amendments to Inter-Track Wagering Facilities (11 IAC 435; 41 Ill Reg 5789), Licensing (11 IAC 502; 41 Ill Reg 5793) and Jockeys, Apprentices, Jockey Agents, and Valets (11 IAC 1411; 41 Ill Reg 5800). The Part 435 amendment requires all IRB-licensed persons working at inter-track wagering facilities to carry their photo identification badges on their persons at all times. Amendments to Part 502 make occupational license application requirements consistent for all persons required to have an

occupational license (e.g., owners, trainers, jockeys) and require non-licensed racetrack service personnel to register with organization licensee security before entering or leaving a restricted area of the facility. Finally, the Part 1411 rulemaking removes a requirement that jockeys leaving an operating race track obtain permission from the Board of Stewards before racing in another jurisdiction. Racetrack and wagering facility owners and employers are affected by these rulemakings.

Questions/requests for copies/comments on the 3 IRB rulemakings through 7/10/17: Mickey Ezzo, IRB, 100 W. Randolph, Suite 5-700, Chicago IL 60601, 312/814-5017, Mickey.ezzo@illinois.gov

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Proposed Rulemakings

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ICCB REPEALERS

The ILLINOIS COMMUNITY COLLEGE BOARD proposed repeal of the Parts titled State Community College of East St. Louis (23 IAC 1600; 41 Ill Reg 5709) and Public Information,

Rulemaking and Organization (2 IAC 5100; 41 Ill Reg 5690) and proposed amendments to the Part titled Administration of the Illinois Public Community College Act (23 IAC 1501; 41 Ill Reg 5698) to remove obsolete organizational rules for the State Community College of East St. Louis (which was closed in 1996).

Questions/requests for copies/comments on the 3 proposed ICCB rulemakings through 7/10/17: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, fax 217/524-4981, e-mail: Matt.berry@illinois.gov

Second Notices

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the Committee's June 13, 2017 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

DEPT OF CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 41 Ill Reg 3632) proposed 3/31/17

Joint Committee on Administrative Rules

Senator Bill Brady

Representative Peter Breen

Senator Karen McConnaughay

Representative Tom Demmer

Senator Don Harmon

Representative Greg Harris

Senator Tony Muñoz

Representative Lou Lang

Senator Ira Silverstein

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler

**Vicki Thomas
Executive Director**