

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.

Proposed Rulemakings

■ FUNERAL DIRECTORS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to Funeral Directors and Embalmers Licensing Code (68 IAC 1250; 41 Ill Reg 5114). This rulemaking amends internship requirements for funeral directors and embalmers, specifically, by addressing late intern case reports and clarifying timing for repeat intern applicants to avoid conflict with the statutory requirement that intern licenses cannot be renewed more than twice. Applications for a funeral director and embalmer license must include a statement of the place of practice, ownership, names and license numbers of all funeral directors and embalmers associated with the applicant. Other provisions require preparation rooms to include running water and

electricity; clarify continuing education requirements; eliminate a \$50 fee for replacement licenses (which DFPR no longer issues); and make other technical and clarifying changes. Funeral directors and embalmers and persons applying to enter these professions are affected by this rulemaking.

Emergency Rule, Page 2

■ MORTGAGE LENDERS

DFPR proposed amendments to Residential Mortgage License Act of 1987 (38 IAC 1050; 41 Ill Reg 5061) repealing Sections that conflict with current statutes; implementing federal regulations regarding consumer/borrower notices, disclosures, loan estimates and payoff statements;

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New Rules

■ TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION adopted amendments to Telecommunications Access for Persons with Disabilities (83 IAC 755; 40 Ill Reg 8896) and Telecommunications Relay Services (83 IAC 756; 40 Ill Reg 8939) both effective 5/5/17. These amendments implement PA 99-6, which requires programs enabling persons with disabilities to have telecom access to be funded by charges not just from landline customers but also from wireless, prepaid wireless and VOIP customers. The amendments also simplify the public notification/advertising requirements for these programs.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.

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

(cont. from page 1)

allowing for electronic means of recordkeeping and issuing surety bonds; and repealing obsolete provisions for registration of mortgage loan originators (who are now required to be licensed). DFPR also proposed amendments to Sales Finance Agency Act (38 IAC 160; 41 Ill Reg 5022), and Illinois Credit Union Act (38 IAC 190; 41 Ill Reg 5041) repealing obsolete provisions for high-risk home loans. Mortgage lenders and applicants may be affected by these rulemakings.

Questions/requests for copies/comments on the 4 DFPR rulemakings through 7/3/17: Craig Cellini, DFPR, 320 West Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ MEDICATION DISPOSAL

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed a new Part titled Medication Takeback Program (35 IAC 889; 41 Ill Reg 5012) implementing Public Act 99-480. The PA requires IEPA to establish a Statewide program providing disposal options for unused or expired prescription drugs, including controlled substances, and other pharmaceutical products. Subject to funding, IEPA may provide for the disposal of pharmaceuticals collected at approved takeback locations (which must be located at sites where pharmaceutical products may legally be sold/distributed/

Emergency Rulemaking

MILITARY JUSTICE

The DEPARTMENT OF MILITARY AFFAIRS adopted a new Part by emergency rulemaking titled Illinois Manual for Courts-Martial and Nonjudicial Punishment (95 IAC 400; 41 Ill Reg 5459), effective 5/8/17 for a maximum of 150 days. A companion proposed rule appears in this week's *Illinois Register* at 41 Ill Reg 5153. The new Part implements Public Act 99-796, which requires the Illinois Adjutant General to adopt in rule court-martial and nonjudicial punishment procedures (reflecting the Uniform Code of Military Justice of the US Armed Forces) to be used by Judge

Advocates in cases involving members of the Illinois National Guard. The rule addresses arrest, confinement, pretrial procedures, rules of evidence, trial conduct, sentencing, and courts of inquiry, and includes a list of military offenses for which Guard members can be subject to courts-martial.

Questions/requests for copies/comments on the proposed rule through 7/3/17: Col. Robert C. Roth or Lt. Col. David D. Gorman, DMA, 1301 N. MacArthur Blvd., Springfield IL 62702, 217/761-3366, email: robert.c.roth.mil@mail.mil or david.d.gorman.mil@mail.mil

dispensed). The new Part establishes the process by which a takeback site may apply for IEPA approval, sets forth operating and security requirements for takeback sites, and requires operators of approved takeback sites to keep (and retain for 3 years) records of the "volume" of pharmaceuticals collected under this program. Those affected by this rulemaking include pharmacies and other facilities that may wish to establish takeback sites.

■ INDUSTRIAL HYGIENISTS

IEPA also proposed repeal of the Part titled Licensing of Industrial Hygienists (35 IAC 184; 41 Ill Reg 4993) in accordance with PA 98-

78, which repealed the Industrial Hygienists Licensure Act [225 ILCS 52]. The PA replaces the State license with a Certified Industrial Hygienist designation from the American Board of Industrial Hygiene and allows persons with this certification to perform any duties that formerly required State licensure. Small businesses that employ or use the services of industrial hygienists may be affected.

Questions/requests for copies/comments on the 2 IEPA rulemakings through 7/3/17: Sara Terranova, IEPA, 1021 N. Grand Ave. East, PO Box 19276, Springfield IL 62794-9276; 217/782-5544; sara.terranova@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 HUMAN SERVICES

Aid to the Aged, Blind or Disabled (89 IAC 113; 41 Ill Reg 2343) proposed 2/24/17

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**