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## Recent Legislative Activity

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# RECENT LEGISLATIVE ACTIVITY

by Omar Fayez

## Propane gas

The Propane Education and Research Act of 1996 was created to authorize and facilitate a program of safety, training, research and development, and safety education in the propane gas industry for the benefit of propane customers and the public. The qualified industry organizations may conduct, at their own expense, a referendum among producers and retail marketers for the creation of a Propane Education and Research Council. The Council shall develop programs and projects, including programs to enhance consumer and employee safety and training, provide for research and development of clean and efficient propane utilization equipment, and inform and educate the public about safety and other issues associated with the use of propane. Beginning two years after the establishment of the Council, and annually thereafter, the Secretary of Commerce shall prepare an analysis of energy price changes for the Council and the public. However, the price of propane shall be determined by market forces. Consistent with antitrust laws, the Council may take no direct action nor make any provisions in the Act which intend to pass along the cost of the assessment to the consumers. **110 Stat. 3370 (1996).**

## Safety loan programs

The Department of Commerce and Community Affairs has been given the authority to develop and implement a small business safety loan program. The program is intended to allow em-

ployers the opportunity to improve work place safety. The loans shall be secured by adequate collateral, may be for a term of no more than 5 years, and may bear interest at a discounted rate. Any loan may be under this Section shall (1) be made only if an on-site safety and health consultation and the recommended for corrections have been completed by the Department's Industrial Service Division and (2) finance no more than \$50,000 or 80% of the total project and no less than \$10,000. The Illinois Safety and Revolving Loan Fund is created as a separate fund within the State Treasury. The purpose of the Fund is to provide loans and finance the administration of loans to small businesses in Illinois. **20 ILL. COMP. STAT. 605/46.68 (West 1996)**

## Pharmacy regulations

Under the California Business and Professions Code, every pharmacy shall prominently post in a highly visible, conspicuous place a notice concerning the availability of prescription price information, the possibility of generic drug product selection, and the type of services provided by pharmacies. Moreover, the notice must be in clear view for prescription drug consumers to read. A pharmacist or pharmacist's employee shall give the current retail price for any drug sold upon request from a consumer regardless of whether the request is made in writing or orally. If a consumer requests price information on more than five prescription drugs and does not have valid prescriptions for all of the drugs requested, a pharmacist may request additional

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information and time to provide a response to the consumer. A reasonable time is deemed to be 10 days. Additionally, the pharmacy may charge a reasonable fee (not to exceed \$1.00) to be paid in advance for any price quotation for more than 20 drugs. Also, no pharmacy shall be required to respond to more than three requests per six month period. **CA. BUS. & PROF. CODE § 4122 (West 1996).**

### **Milk safety**

The Grade A Pasteurized Milk and Milk Products Act was enacted to protect, promote and preserve the public health and general welfare by providing for the establishment and enforcement of minimum standards for cleanliness and safe sanitation practices for all Grade A milk and milk products. The Act was recently amended to include “bulk milk pickup tanks” and “certified pasteurizer sealers” as items which may be inspected for sanitary reasons. Additionally, the inspection officials may prescribe and conduct examinations, a portion which may be written, to test the knowledge of bulk milk haulers and certified pasteurizer sealers as a condition for issuance of permits. In addition to the normal administrative fees for obtaining permits, the Department of Public Health may assess a penalty whenever milk is adulterated with a volatile drug residue. The penalty shall be equivalent to the suspension of milk shipment for 48 hours for the first offense and 96 hours for the second and third offenses. Approved July 19, 1996. **1996 Ill. Legis. Serv. P.A. 89-526 (H.B. 2665) (West).**

### **Emergency telephone system**

The Emergency Telephone Act was amended by the Illinois Legislature to include mobile data

transmitters equipped with automatic vehicle locators in the items allotted for additional expenditures from the Telephone System Fund. The corporate authorities of any county or municipality that impose a surcharge for 9-1-1 services must establish an Emergency Telephone System Board. The Board’s powers and duties shall include, but need not be limited to: planning a 9-1-1 system, receiving monies from the surcharge imposed, authorizing disbursements, and overseeing all products and services necessary for the implementation of the 9-1-1 system. With the inclusion of all mobile data transmitters equipped with automatic vehicle locators, expenditures can now be made without a majority board resolution. Effective January 1, 1997. **50 ILL. COMP. STAT. 120/1-99 (West 1996).**

### **Manufactured homes**

The Illinois General Assembly recently enacted the Illinois Manufactured Homes Installers Act. Realizing that manufactured homes are viable housing resources for many citizens in Illinois, the Legislature concluded that improperly installed manufactured homes can impair the public health and safety; therefore, it is in the public’s interest that such homes be properly installed by qualified individuals. The Illinois Department of Public Health will publish guidelines for persons who install manufactured homes. These guidelines may include, in whole or in part, any national guidelines and standards. By July 19, 1997, the Department will propose rules for the accreditation of courses for persons who install manufactured homes. These courses shall review the installer guidelines, provide instruction on how to install a manufactured home to the specifications of the manufacturer, and test the written and practice installation skills of the

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individual installer. Additionally, the seller will be required to inform the buyer that the failure to properly install the home may invalidate any implied of express warranties concerning the home. Effective July 19, 1996. **430 ILL. COMP. STAT. 120/1-99 (West 1996).**

### **Ultimate fighting exhibitions**

The Illinois General Assembly recently amended the Professional Boxing and Wrestling Act. The Legislature found that the entertainment spectacle commonly known as "ultimate fighting" is a violent exhibition that is excessively and unacceptably dangerous to the participants. The lack of appropriate restrictions on the dangerous blows of the life-threatening maneuvers and the matching of participants with incompatible styles of fighting make it difficult or impossible for the Legislature to regulate ultimate fighting in a manner that reasonably protects the safety of the participants. Beginning on July 30, 1996, no person may hold, promote, or participate in any ultimate fighting exhibitions in Illinois. Fines may be assessed in the amount of \$1,000 for each offense as defined in this Act. **225 ILL. COMP. STAT. 105/7.5 (West 1996).**

### **Alternative public school programs**

The Illinois Legislature recently amended the School Code by creating alternative school programs to deal with disruptive students. The legislature finds that every school district in the state shall make every effort to ensure a safe and appropriate educational environment for all of its students. In order to accomplish this goal, the legislature allows school districts to administratively transfer disruptive students from the school they are currently attending to an alternative school. These alternative schools are specifically adapted to suit the behavioral needs of the transferred student. The regional superintendent and principal of an alternative school shall implement or contract with one or more school districts. Moreover, a multi-disciplinary curriculum for the alternative school which is designed to meet the individual needs of its students shall be planned. An administratively transferred student who successfully completes the requirements for his or her high school graduation shall receive a diploma from the school the student would have attended had he or she not been transferred. Effective August 9, 1996. **105 ILL. COMP. STAT. 5/13A-1 (West 1996).**