

*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

### ■ PET BOARDING FACILITIES

The DEPARTMENT OF AGRICULTURE adopted an amendment to the Part titled Animal Welfare Act (8 IAC 25; 42 Ill Reg 19115), effective 3/26/19, clarifying that licensed kennel operators cannot group-house animals unless the owners of the animals provide prior consent (formerly, unless the animals are owned by the same person and are compatible) and a record of this consent is maintained by the licensee for at least 12 months. Licensed operators of pet boarding facilities are affected by this rulemaking.

### ■ ANIMAL DISEASES

DOA adopted an amendment to Diseased Animals (8 IAC 85; 42 Ill Reg 19125), effective 3/26/19, expanding the authority of DOA to quarantine animals in cases of infectious or contagious disease.

In addition to the specific diseases listed in the Part and exotic diseases not known to exist in the U.S., DOA may issue quarantines for “emerging” diseases considered to be a significant threat to one or more animal populations. Those affected by this rulemaking include owners of livestock, horses, poultry, and companion animals.

DOA also adopted amendments to the Part titled Equine Infectious Anemia Control (8 IAC 116; 42 Ill Reg 19132), effective 3/26/19, aligning its procedures for testing horses for Equine Infectious Anemia (EIA) and quarantining horses that test positive for EIA with those of the U.S. Department of Agriculture Vet Services. When a horse tests positive for EIA, any horse “directly or indirectly associated” with that horse

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## Proposed Rulemakings

### ■ SUBSTITUTE TEACHERS

The STATE BOARD OF EDUCATION proposed amendments to the Part titled Educator Licensure (23 IAC 25; 43 Ill Reg 4378) implementing recent Public Acts concerning licensure of short-term substitute teachers. The rulemaking implements PA 100-596, which created short-term substitute teaching licenses valid through 6/30/23, and clarifies the qualifications necessary to serve as a substitute teacher under other types of educator licenses, stipulations or endorsements. Short-term substitutes may be employed for no more than 5 consecutive days per licensed teacher; a substitute with a different license must be hired if a licensed teacher under contract to a school district is absent for 6 days or more. Individuals who

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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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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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(formerly, any horse within 1 ½ miles) is considered exposed to EIA and must be placed under quarantine and tested within 3 months. Veterinarians approved by USDA (as well as DOA) may perform these tests at no cost to the owner. If the owner chooses to have a private veterinarian perform the test, the owner bears all costs associated with the test (formerly, the State waived the laboratory fee if samples from the private test were submitted to a DOA laboratory). After a horse that tests positive for EIA is removed under authority of DOA or euthanized, other exposed horses must be retested at least 60 days (formerly 6 months) but no more than 6 months (formerly 1 year) later and released from quarantine if they test negative. Shipping an infected horse to slaughter is no longer permitted. Horse owners and equine veterinarians are affected by this rulemaking.

## ■ POULTRY

DOA adopted amendments to the Part titled Meat and Poultry Inspection Act (8 IAC 125; 42 Ill

Reg 19136), effective 3/26/19, incorporating a recent federal regulation changing the definition of a “roaster” or “roasting chicken” to remove the minimum age of 8 weeks and increase its ready-to-cook weight from 5 to 5.5 pounds. DOA also adopted amendments to the Part titled Hatcheries, Poultry Flocks, and Produce Thereof (8 IAC 55; 42 Ill Reg 19120), effective 3/26/19, updating incorporations of federal poultry regulations and USDA inspection standards. Poultry producers and sellers are affected by these rulemakings.

Questions/requests for copies of the 5 DOA rulemakings: Pamela Harmon, DOA, State Fairgrounds, PO Box 19281, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

## ■ STATE DEBTS

The OFFICE OF THE COMPTROLLER adopted amendments to the Part titled Claim Eligible to be Offset (74 IAC 285; 42 Ill Reg 19151), effective 3/26/19, implementing 3 Public Acts concerning procedures whereby the State offsets other funds to pay debts

owed to the State by an individual, another State agency, or a municipality or county government. In addition to debts already listed in the Part (e.g., unpaid child support, delinquent student loans), an offset may be applied to an outstanding liability of a municipality or county to a pension fund in accordance with the Illinois Pension Code. A person or entity subject to an offset may waive their right to protest the offset within 60 days of receiving notice of the offset. Existing rule limiting offsets against an employee’s wages to no more than 25% of disposable earnings is extended to State pension annuity payments. An obsolete reference to the State Garnishment Trust Fund is also removed. Since 1<sup>st</sup> Notice, language referring to any amount that the Comptroller is authorized to collect by statute was replaced with a specific reference to outstanding pension liabilities. Small businesses and municipalities may be affected.

Questions/requests for copies: Adam Alstott, Office of the Comptroller, 325 W. Adams St., Springfield IL 62704, 217/558-5157.

# Proposed Rulemakings

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teach on short-term licenses must complete the required training, but a district may also require substitute teachers who are working on other educator licenses to complete the same training. School districts that had substitute teacher training programs in place prior to the Public Act may use those programs to satisfy the training requirements. Additionally, the rulemaking implements PA 100-813, which gave SBE authority to authorize the use of recruiting firms by school districts to supplement their substitute teacher recruitment efforts. Other provisions of the rulemaking clarify that professional educator license applicants who hold a bachelor's degree and a valid, comparable teaching certificate or license (current and not expired), endorsed in the specific

content area for which Illinois licensure is being sought, from another state or country need not provide evidence of student teaching. School districts and teacher education/certification programs are affected by this rulemaking.

Questions/requests for copies/comments through 5/28/19: Rachel Diamond, SBE, 100 W. Randolph St., Suite 14-300, Chicago IL 60602-3268, 312/814-3587, [rules@isbe.net](mailto:rules@isbe.net)

## HORSE RACING

The ILLINOIS RACING BOARD proposed an amendment to the Part titled Horse Health (11 IAC 605; 43 Ill Reg 4369) adopting provisions of the Association of Racing Commissioners International (ARCI) model rule for humane treatment of race horses. The amendment provides that no

licensee or other person under the jurisdiction of IRB shall, either alone or in collaboration with another person, subject an animal in his or her control, or permit an animal to be subjected to, cruelty, mistreatment, neglect or abuse; abandon, injure, maim, kill or poison any animal; or deprive any animal of necessary care, sustenance, shelter or veterinary care. IRB also proposed repeal of the Part titled Time and Records (11 IAC 1324; 43 Ill Reg 4373) which was adopted prior to 1979 and is now outdated.

Questions/requests for copies/comments on the 2 IRB rulemakings through 5/28/19: Mickey Ezzo, IRB, 100 W. Randolph St., Suite 5-700, Chicago IL 60601, 312/814-5017, [mickey.ezzo@illinois.gov](mailto:mickey.ezzo@illinois.gov)

# JCAR Meeting Action

At its 4/9/19 meeting, the Joint Committee on Administrative Rules approved the following actions:

## EXTENSIONS

JCAR and the respective agencies agreed to extend the Second Notice periods for the following rulemakings an additional 45 days. These rulemakings will be considered again at the May 14 meeting:

Capital Development Board, Illinois Energy Conservation Code (71 IAC 600; 42 Ill Reg 21491) proposed 12/7/18

Department of Healthcare and Family Services, Medical Payment (89 IAC 140; 42 Ill Reg 14043) proposed 7/20/18

Illinois Commerce Commission, Regulatory Accounting Treatment for Cloud-Based Computing Solutions (83 IAC 289; 42 Ill Reg 12369) proposed 7/6/18

Department of Public Health, Alzheimer's Disease and Related Dementias Services Code (77 IAC 973; 42 Ill Reg 19510) proposed 11/2/18

## 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 May 14, 2019 JCAR 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.

### AUDITOR GENERAL

Code of Regulations (74 IAC 420; 42 Ill Reg 24629) proposed 12/28/18

### DEPT OF AGRICULTURE

Forever Green Illinois Program (Repealer) (8 IAC 241; 43 Ill Reg 1412) proposed 2/1/19

Governor's Agricultural Heritage Award (Repealer) (8 IAC 305; 43 Ill Reg 1417) proposed 2/1/19

Illinois AgriFIRST Program Act (Repealer) (8 IAC 950; 43 Ill Reg 1423) proposed 2/1/19

Specialty Farm Product Buyers Act (Repealer) (68 IAC 580; 43 Ill Reg 1448) proposed 2/1/19

## Joint Committee on Administrative Rules

**Senator Don Harmon**

**Representative Tom Demmer**

**Senator Kimberly Lightford**

**Representative Michael Halpin**

**Senator Tony Muñoz**

**Representative Frances Ann Hurley**

**Senator Sue Rezin**

**Representative Steven Reick**

**Senator Paul Schimpf**

**Representative André Thapedi**

**Senator Chuck Weaver**

**Representative Keith Wheeler**

**Vicki Thomas  
Executive Director**