



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0198

Introduced 1/14/2009, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.30 new	
225 ILCS 605/2	from Ch. 8, par. 302
225 ILCS 605/2.2	from Ch. 8, par. 302.2
225 ILCS 605/3	from Ch. 8, par. 303
225 ILCS 605/3.1	from Ch. 8, par. 303.1
225 ILCS 605/3.15 new	
815 ILCS 505/2Z	from Ch. 121 1/2, par. 262Z

Creates the Dog Breeder License Act. Provides for the licensure of dog breeders with the Department of Financial and Professional Regulation beginning 6 months after the effective date of the Act. Sets forth powers and duties of the Department, licensure requirements, grounds for discipline, civil and criminal penalties for violation of the Act, and administrative procedure. Includes provisions concerning exemption from the Act. Provides that the Act does not limit the power of a unit of local government from regulating or licensing the practice of dog breeding in a stricter manner. Amends the Animal Welfare Act. Provides that pet shop operators must publicly disclose certain information regarding dogs for sale. Amends the Consumer Fraud and Deceptive Business Practices Act to provide that a licensee who intentionally makes false or misleading statements in connection with the disclosures required by the Dog Breeder License Act and the Animal Welfare Act are violations of the Consumer Fraud and Deceptive Business Practices Act. Amends the Regulatory Sunset Act to set a repeal date of January 1, 2020 for the new Act. Effective immediately.

LRB096 01716 ASK 11724 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning dog breeders.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Dog
5 Breeder License Act.

6 Section 5. Definitions. The following terms have the
7 meanings indicated, unless the context requires otherwise:

8 "Department" means the Department of Financial and
9 Professional Regulation.

10 "Division" means the Division of Professional Regulation
11 of the Department of Financial and Professional Regulation.

12 "Director" means the Director of the Division of
13 Professional Regulation.

14 "Indoor housing facility" means any structure or building
15 that contains primary enclosures.

16 "Person" means any person, firm, corporation, partnership,
17 association, or other legal entity; any public or private
18 institution; the State of Illinois; or any municipal
19 corporation or political subdivision of the State.

20 "Primary enclosure" means the primary structure that
21 restricts a dog's ability to move, which includes a kennel,
22 cage, or run.

23 "Sale" means the transfer of a dog to another person in any

1 of the following ways:

2 (1) Offering directly to a consumer for purchase.

3 (2) Offering at a retail pet shop for purchase.

4 (3) Offering a dog on the internet for purchase.

5 (4) Offering a wholesale exchange.

6 (5) Offering a dog up for adoption with any charges or
7 donation associated.

8 (6) Offering a dog up for research purposes.

9 "Sanitized" means cleaning hard surfaces and food and water
10 receptacles using one of the following methods:

11 (1) Live steam under pressure.

12 (2) Washing with water with a temperature of at least
13 180 degrees Fahrenheit and soap or detergent, as with a
14 mechanical cage washer.

15 (3) Washing all soiled surfaces with appropriate
16 detergent solutions or disinfectant products followed by a
17 clean water rinse that removes all organic material and
18 mineral buildup.

19 "Secretary" means the Secretary of Financial and
20 Professional Regulation.

21 "Unaltered dog" means any dog that is not spaded or
22 neutered.

23 "Veterinarian" means a person holding the degree of Doctor
24 of Veterinary Medicine who is licensed under the Veterinary
25 Medicine and Surgery Practice Act of 2004.

1 Section 10. License requirements. Any person who maintains
2 3 or more female dogs for the purpose of the sale of their
3 offspring must be licensed under this Act.

4 Section 15. Powers and duties of the Department.

5 (a) The Department exercises the powers and duties
6 prescribed by the Civil Administrative Code of Illinois for the
7 Administration of Licensure Acts and exercises other powers and
8 duties necessary for effectuating the purposes of this Act.

9 (b) The Department may adopt rules to administer and
10 enforce this Act including, but not limited to, setting fees
11 for original license and renewal and restoration of license and
12 any other administrative fees, and may prescribe forms to be
13 issued to implement this Act. At a minimum, the rules adopted
14 by the Department must include standards and criteria for
15 license and for professional conduct and discipline.

16 Section 20. Application for original license.

17 (a) Applications for an original license must be made to
18 the Department in writing, signed by the applicant on forms
19 prescribed by the Department, and accompanied by a
20 nonrefundable fee set by rule. The Department must require
21 information from the applicant that, in its judgment, will
22 enable the Department to determine the qualifications of the
23 applicant for license. Such information must include the
24 location of all facilities to be used, description of

1 facilities to be used, present and previous business
2 connections and experience, bank and professional references,
3 whether any license of the applicant under this Act or any
4 federal, state, county or local law, ordinance, or regulation
5 relating to dealing in or handling dogs or cats was ever
6 suspended or revoked, and whether the applicant has ever been
7 convicted of a felony.

8 Any applicant is ineligible for licensure if he or she has
9 been convicted of any of the following:

10 (1) A felony under any Section of the Humane Care for
11 Animals Act.

12 (2) Dog fighting under Section 26-5 of the Criminal
13 Code of 1961.

14 (3) Any violation of Section 12-35 or 26-5 of the
15 Criminal Code of 1961.

16 (4) A criminal offense in another jurisdiction of the
17 United States that is substantially similar to any of the
18 offenses listed in paragraphs (1) through (3) of this
19 subsection (a).

20 The Department shall consider if the applicant has been
21 convicted within the last 10 years in any state of dog
22 fighting, animal abuse, or any other animal-related action.

23 (b) A license must not be issued to someone who is
24 prohibited from owning unaltered dogs under Section 12-36 of
25 the Criminal Code of 1961.

26 (c) Applicants for licensure must have their fingerprints

1 submitted to the Illinois State Police in an electronic format
2 that complies with the form and manner for requesting and
3 furnishing criminal history record information as prescribed
4 by the Illinois State Police. These fingerprints must be
5 checked against the most current Illinois State Police and
6 Federal Bureau of Investigation criminal history record
7 databases. The Illinois State Police may charge applicants a
8 fee for conducting the criminal history records check, which
9 must be deposited into the State Police Services Fund and must
10 not exceed the actual cost of the records check. The Illinois
11 State Police must furnish, pursuant to positive
12 identification, records of Illinois convictions to the
13 Department. The Department may require applicants to pay a
14 separate fingerprinting fee, either to the Department or to a
15 vendor. The Department, in its discretion, may allow applicants
16 who do not have reasonable access to a designated vendor to
17 provide their fingerprints in an alternative manner. The
18 Department may adopt any rules necessary to implement this
19 Section.

20 (d) Two or more dog breeding physical facilities under
21 common ownership that are separated by a distance of an
22 one-quarter mile or more must be licensed individually under
23 this Act.

24 (e) The Department must conduct an inspection to determine
25 compliance with this Act prior to issuing a license. If the
26 applicant's facility is not in full compliance with this Act,

1 the license may not be issued until the applicant is in full
2 compliance.

3 Section 25. Issuance of license. The Department must begin
4 issuing licenses under this Act within 6 months after the
5 effective date of this Act. The Department must issue a license
6 to an applicant who meets the requirements and pays the
7 required application fee.

8 Section 30. Licenses; renewal; restoration.

9 (a) The expiration date, renewal period, renewal fees, and
10 procedures for renewal of each license issued under this Act
11 must be set by rule.

12 (b) Any person who has permitted their license to expire or
13 who has a license on inactive status may have it restored by
14 submitting an application to the Department and filing proof of
15 fitness, as defined by rule, to have the license restored.

16 (c) In renewing or restoring a license, the Department must
17 consider if the licensee has violated this Act or was convicted
18 of any violation of the Humane Care for Animals Act, dog
19 fighting under Section 26-5 of the Criminal Code of 1961, any
20 violation of Section 12-35 or 26-5 of the Criminal Code of
21 1961, or a criminal offense in another jurisdiction of the
22 United States that is substantially similar to any of the
23 Illinois offenses listed in this subsection (c).

24 (d) Every year the Department must conduct at least one

1 unannounced inspection of the licensee. An inspection fee may
2 be set by rule.

3 (e) If an applicant is currently out of compliance with
4 this Act, the applicant has 7 days to come into full compliance
5 or otherwise their renewal application must be denied by the
6 Department.

7 Section 35. Fees; returned checks. An agency or person who
8 delivers a check or other payment to the Department that is
9 returned to the Department unpaid by the financial institution
10 upon which the check or other payment is drawn must pay to the
11 Department the amount owed to the Department as well as a fine
12 of \$50. The fines imposed by this Section are in addition to
13 any other discipline provided under this Act. The Director may
14 waive the fines due under this Section in individual cases
15 where the Director finds that the fines would be unreasonable
16 or unnecessarily burdensome.

17 Section 40. Records. All licensees under this Act must
18 maintain records of the origin and sale of all dogs, and such
19 records must be made available for inspection upon demand by
20 the Division, the Illinois Department of Agriculture, the
21 appropriate county animal control agency, or the appropriate
22 local law enforcement. Records must be maintained for at least
23 5 years and must include the following:

24 (1) The date on which a dog enters the operation.

1 (2) The person from whom the dog was purchased or
2 obtained, including the address and phone number of that
3 person.

4 (3) A description of the dog, including the species,
5 color, breed, sex, and approximate age and weight upon
6 arrival.

7 (4) Any tattoo, microchip number, or other
8 identification number carried by or appearing on the dog.

9 (5) Each date that puppies were born to that dog and
10 the number of puppies.

11 (6) All medical care and vaccinations provided to the
12 dog.

13 (7) The disposition of each dog and the date.

14 (8) Records that show compliance with Sections 55 and
15 60 of this Act.

16 (9) Copies of disclosures required under Section 50 of
17 this Act.

18 Section 45. Reporting requirements. Every calendar year
19 the following information must be reported to the Department by
20 the licensee:

21 (1) Number of unaltered females over 5 months.

22 (2) Number of unaltered males over 5 months.

23 (3) Number of puppies born.

24 (4) Number of puppies sold whether sold directly to a
25 consumer, to a retail pet shop, via the internet, through

1 wholesale exchange, or offering them for adoption with a
2 charge or donation.

3 (5) Number of dogs that were found dead in their
4 enclosure.

5 (6) Number of dogs that were euthanized.

6 Section 50. Disclosures at time of sale.

7 (a) Every licensee must provide the information set forth
8 in this subsection (a) prior to the sale of a dog. For dog
9 breeders selling dogs over the internet, the disclosure must be
10 posted in conjunction with the information about the individual
11 dog for sale.

12 Both the licensee and the consumer must sign the disclosure
13 and the licensee must maintain an original copy of the
14 disclosure for a period of 2 years after the date of sale. The
15 disclosure must include all of the following:

16 (1) The breed, age, date of birth, sex, and color of
17 the dog.

18 (2) The dates of any inoculations and medical
19 treatments administered to the dog at any time prior to the
20 sale, including the name and address of the individual who
21 performed the examination and administered any treatments
22 or medications.

23 (3) The name of the breeder and the facility where the
24 dog was bred, including the address and phone number. If
25 the breeder is located in Illinois, the breeder's license

1 number must be included. If the breeder holds a license
2 issued by the United States Department of Agriculture, the
3 breeder's federal identification number must be provided.

4 (4) The name and address of any other person who owned
5 or harbored the dog between its birth and the point of
6 sale.

7 (5) The retail price of the dog, including any
8 additional fees or charges. If financing is being offered
9 for the purchase of the dog, the disclosure must also
10 include the following information: name of the company
11 financing the sale, annual percentage rate, monthly
12 payment amount, term of the loan, total finance charge, and
13 total amount paid at the end of the loan.

14 (6) Any known congenital or hereditary diseases of the
15 parents of the dog.

16 (7) Any known illness or medical condition of the dog
17 at the time of sale.

18 (8) If the dog is being sold as being capable of
19 registration with a pedigree registry organization, the
20 name and registration numbers of the mother and father and
21 the name and address of the pedigree registry organization
22 where the mother and father are registered.

23 (9) If the dog was returned by a retail customer, the
24 date and reason for the return.

25 (10) Include the following statement and circle the
26 corresponding answer: "The facility in which the dog was

1 born has produced: (1) 1-2 litters in the past calendar
2 year, (2) 3-10 litters in the past calendar year, (3) 11-39
3 litters in the past calendar year, or (4) more than 40
4 litters in the past calendar year.".

5 (11) State the licensee's policy regarding any
6 guarantees, warranties, refunds, and returns.

7 (12) The signature and printed name of the licensee and
8 the date beneath the following statement: "I hereby attest
9 that all of the above information is true and correct to
10 the best of my knowledge, and I have made a diligent effort
11 to obtain this information.".

12 (13) Blank space for the customer to sign and print
13 their name and print the date beneath the following
14 statement: "I hereby attest that this disclosure was posted
15 with the dog for sale and that I have read all the
16 disclosures. I further understand that I am entitled to
17 keep a signed copy of this disclosure.".

18 (b) Before the sale is completed, the licensee must have
19 the consumer sign and date the disclosure as described in
20 paragraph (13) of subsection (a) of this Section.

21 (c) Every licensee must make copies and provide a copy of
22 the "Buying a New Dog" pamphlet described in this subsection
23 (c) to each purchaser. The purchaser must initial that they
24 have read the pamphlet prior to the completion of the sale. A
25 copy of the signed pamphlet must be maintained by the licensee
26 and a copy must be given to the consumer.

1 The Department of Agriculture must create this pamphlet and
2 decide on the format of the pamphlet. The information in the
3 pamphlet must include at least the following:

4 (1) The benefits of visiting a veterinarian shortly
5 after purchasing a dog.

6 (2) The benefits of spaying or neutering a dog.

7 (3) "The cost of owning a dog: Beyond the purchase
8 price of a dog, there are annual expenses to care for a dog
9 including: routine veterinary care, vaccinations and
10 medications, food, grooming, training, licensing,
11 supplies, and additional or emergency medical care.".

12 (4) "Consider when purchasing a dog that with proper
13 care a dog can live well past 10 years.".

14 (d) A licensee who intentionally makes false or misleading
15 statements in connection with the disclosures required by this
16 Section has committed a violation of the Consumer Fraud and
17 Deceptive Business Practices Act.

18 Section 55. Unaltered dogs.

19 (a) A licensed dog breeder must maintain no more than 20
20 unaltered dogs over the age of one year.

21 (b) Unaltered dogs must meet the following criteria before
22 being bred:

23 (1) A male unaltered dog must have been examined by a
24 veterinarian at least once a year and a female unaltered
25 dog must be examined by a veterinarian at least once a year

1 or at each pregnancy, whichever occurs more frequently.
2 During the examination the veterinarian shall use
3 appropriate methods to prevent, control, diagnose, and
4 treat diseases and injuries. A dog shall not be bred if a
5 veterinarian determines that the animal is unfit for
6 breeding purposes.

7 (2) The dog must be between the ages of 18 months and 8
8 years of age.

9 Section 60. Primary enclosures.

10 (a) Primary enclosures must contain potable water that is
11 not frozen, is free from debris, and is readily accessible to
12 all dogs at all times.

13 Food must be stored in a manner that protects it from
14 spoilage, vermin infestation, and prevents contamination. All
15 dogs must be provided with adequate food at least daily.

16 Food and water receptacles must be cleaned weekly and
17 sanitized so as to comply with this subsection (a).

18 (b) Feces, urine, hair, dirt, debris, and food waste must
19 be removed from the primary enclosure and it must be sanitized
20 at least daily or more often if necessary to prevent an
21 accumulation and to reduce disease hazards, insects, pests, and
22 odors.

23 Dogs must be removed from the primary enclosure when
24 cleaning occurs.

25 (c) The flooring of primary enclosure must meet all of the

1 following criteria:

2 (1) It must be strong enough so that the floor does not
3 sag or bend between structural supports. Floors that are
4 warped or sagging shall be replaced.

5 (2) It must not be able to be destroyed through digging
6 or chewing by the dogs housed in the primary enclosure.

7 (3) It must not permit the feet of any dog housed in
8 the primary enclosure to pass through openings in the
9 floor.

10 (4) It must not be metal strand or wire, whether or not
11 it is coated and must not be sloped more than 0.25 inches
12 per foot.

13 The floors and cage must have no sharp points or edges that
14 could injure the dogs.

15 Flooring constructed with slats must meet all of the
16 following conditions:

17 (i) Slats must be flat.

18 (ii) Slats must have spaces in between that are no more
19 than 0.5 inches in width.

20 (iii) Slats must have spaces between them that run the
21 length or the width of the floor, but not both.

22 (iv) Slats must be no less than 3.5 inches in width.

23 (v) Slats must be level with the slat next to it within
24 a single primary enclosure.

25 (vi) Slats must be constructed of a material that is
26 impervious to moisture and able to be cleaned and sanitized

1 and must not be treated with any substance that would be
2 toxic to dogs that are exposed to it or ingest it.

3 All cages must include a solid surface, which may be
4 removable for cleaning. The solid surface must be large enough
5 for all the dogs in the enclosure to lie down in a full lateral
6 recumbent position.

7 The primary enclosure must be impervious to moisture and
8 must be able to be sanitized.

9 (d) The primary enclosure must provide space to allow each
10 dog to turn about freely, stand, sit, and lie in a comfortable
11 and normal position. The dog must be able to lie down while
12 fully extended without the dog's head, tail, legs, face, or
13 feet touching any side of the enclosure and without touching
14 any other dog in the cage. Licensees must also comply with
15 federal law requiring a specified amount of space as found in 9
16 C.F.R. 3.6(c)(1) and multiply the calculated dimensions by 2.

17 (e) Any breeding female with nursing puppies must be
18 provided with an additional amount of floor space, based on her
19 breed and behavioral characteristics. In order to comply with
20 this subsection (e), the amount of floor space provided any
21 breeding female with nursing puppies must be in accordance with
22 generally accepted husbandry practices as determined by the
23 Department.

24 (f) All dogs housed in the same primary enclosure must be
25 compatible, as determined by observation, and the licensee must
26 comply with the following requirements:

1 (1) Not more than 3 dogs that are 5 months or older may
2 be housed in the cage, kennel, or run.

3 (2) Dogs with a vicious or aggressive disposition, as
4 defined by the Department, must be housed individually.

5 (3) Breeding females in heat may not be housed in the
6 same primary enclosure with sexually mature males, except
7 for breeding.

8 (4) Breeding females with litters may not be housed in
9 the same primary enclosure with other adult dogs, and
10 puppies under 12 weeks of age may not be housed in the same
11 primary enclosure with adult dogs, other than the dam or
12 foster dam.

13 (g) Primary enclosures must be placed no higher than 30
14 inches above the floor of the housing facility and may not be
15 placed over or stacked on top of another cage or primary
16 enclosure.

17 (h) Each primary enclosure must have an entry way that
18 allows each dog unfettered clearance to an outdoor run. Each
19 primary enclosure must open onto and be adjacent to an outdoor
20 run area. Each outdoor run must only be accessible from one
21 primary enclosure. Dogs must not be able to access runs that
22 are accessible from other primary enclosures. Each entry way
23 from a primary enclosure to an outdoor run area must be
24 equipped with a wind or rain break which protects the dogs from
25 rain, snow, sun, and wind while in their primary enclosures.
26 Dogs must have unfettered clearance from their primary

1 enclosures to the outdoor run area. The run must:

2 (1) be at least 2 times the size of the primary
3 enclosure as required under subsection (d) of this Section;

4 (2) have adequate means to prevent the dogs from
5 escaping or allowing other creatures to enter the run;

6 (3) be kept in good repair and be free of rust, jagged
7 edges, or other defects that could cause injury to the
8 dogs;

9 (4) be sanitized at least daily or more often if
10 necessary to prevent accumulation of debris and waste and
11 reduce disease hazards, insects, pests, and odors;

12 (5) have ground that is solid and maintainable.
13 Surfaces, such as gravel, packed earth, and grass, may be
14 used; and

15 (6) be on ground level.

16 Section 65. Indoor housing facility.

17 (a) All indoor housing facilities must meet all of the
18 following requirements:

19 (1) Be sufficiently heated and cooled to protect the
20 dogs from temperature or humidity extremes and to provide
21 for their health and well-being. The ambient temperature in
22 the facility must not fall below 50 degrees Fahrenheit or
23 rise above 85 degrees Fahrenheit.

24 (2) Be sufficiently ventilated at all times to minimize
25 odors, drafts, and ammonia levels and to prevent moisture

1 condensation.

2 (3) Be equipped with a working smoke alarm and have a
3 means of fire suppression, such as a functioning fire
4 extinguisher or a functioning sprinkler system on the
5 premises.

6 (4) Be an enclosure created by the continuous
7 connection of a roof, floor, and walls.

8 (5) Have at least one door for entry and exit that can
9 be opened and closed (any windows or openings which provide
10 natural light must be covered with a transparent material,
11 such as glass or hard plastic) or in the case of an outdoor
12 run, a wind or rain break must be provided.

13 (6) Have sufficient lighting to allow for observation
14 of the dogs.

15 (b) The area surrounding the indoor housing facility must
16 be kept clean and in good repair to protect the dogs from
17 injury, to facilitate the husbandry practices required in this
18 Act, and to prevent infestation by rodents or other pests.
19 Premises must be kept free of accumulations of trash, junk,
20 waste products, and discarded matter. Weeds, grasses, and
21 bushes must be controlled to facilitate cleaning of the
22 premises, to allow for effective pest control, and to protect
23 the health and well-being of the dogs.

24 Section 70. Animal welfare issues. The Department must
25 refer any situation that appears to violate the Humane Care for

1 Animals Act to the appropriate County Animal control and either
2 local law enforcement or the appropriate County States Attorney
3 for further investigation within 24 hours. Nothing in this Act
4 would prevent further investigation and prosecution under the
5 Humane Care for Animals Act or the Animal Welfare Act.

6 Section 75. Euthanasia. All dogs euthanized must be
7 humanely euthanized by a licensed veterinarian.

8 Section 80. Separation of dogs for medical reasons. A dog
9 may not be kept in the same kennel, cage, or run as other dogs
10 if the dog has a chronic cough, chronic diarrhea, or other
11 known communicable illness. Dogs separated because of medical
12 reasons may not use food or water containers used by any other
13 dogs. A licensee must seek veterinary care if chronic cough,
14 chronic diarrhea, or other known communicable illnesses are
15 present. Dogs separated for medical reasons must be kept
16 separate until such time as a veterinarian prescribes.

17 Section 85. Advertising; license number. Any licensee who
18 advertises the availability of any dog for sale, adoption, or
19 transfer, whether for compensation or otherwise must
20 prominently display their license number in any such
21 advertisement. The licensee must provide their license number
22 to any person who purchases, adopts, or receives any dog from
23 the licensee and include the license number on any receipt of

1 sale.

2 Section 90. Grounds for discipline.

3 (a) In addition to any other cause set out in this Act, the
4 Department may refuse to issue or renew and may suspend, place
5 on probation, or revoke any license to operate as a dog
6 breeder, or take any other action that the Department may deem
7 proper, including the imposition of fines not to exceed \$5,000
8 for each violation, for any one of the following causes:

9 (1) Material misstatement in the application for
10 original license or in the application for any renewal
11 license under this Act.

12 (2) Violation of this Act or of any rules adopted
13 pursuant to this Act.

14 (3) Aiding or abetting another in the violation of this
15 Act or of any rule adopted pursuant to this Act.

16 (4) Allowing one's license under this Act to be used by
17 an unlicensed person.

18 (5) Conviction of any crime where an essential element
19 of that crime is misstatement, fraud, or dishonesty.

20 (6) Conviction of a felony, if the Department
21 determines after investigation that such person has not
22 been sufficiently rehabilitated to warrant the public
23 trust.

24 (7) Conviction for violating any rule or law of
25 Illinois relating to the sale of dogs, cats, or other

1 animals.

2 (8) In connection with the business of a licensee under
3 this Act, making substantial misrepresentations or false
4 promises of a character likely to influence, persuade, or
5 induce a sale.

6 (9) Pursuing a continued course of misrepresentation
7 of or making false promises through advertising, salesman,
8 agents, or otherwise in connection with the business of a
9 licensee under this Act.

10 (10) Failure to possess the necessary qualifications
11 or to meet the requirements of the Dog Breeders License Act
12 for the issuance or holding a license.

13 (11) Proof that the licensee is guilty of gross
14 negligence, incompetency, or cruelty with regard to
15 animals.

16 (b) The Department may refuse to issue or may suspend the
17 license of any person who fails to file a return, to pay the
18 tax, penalty, or interest shown in a filed return, or to pay
19 any final assessment of tax, penalty, or interest as required
20 by any tax Act administered by the Illinois Department of
21 Revenue, until such time as the requirements of any such tax
22 Act are satisfied.

23 Section 95. Compliance upon receiving an order of
24 revocation.

25 (a) When the Department issues an order revoking a license,

1 the order must set forth the general factual and legal basis
2 for the action and must advise the affected person that, within
3 7 days of receipt of the order, the licensee may file with the
4 Secretary a written request for an administrative hearing. The
5 order of revocation shall become a final order of the
6 Department upon expiration of the 7-day period for requesting
7 an administrative hearing, unless a timely request has been
8 filed with the Department.

9 (b) The licensee must dispose of all unaltered dogs within
10 7 days after receiving an order of revocation. The licensee may
11 only dispose of the dogs to an animal control facility or
12 Illinois licensed shelter or by having a dog humanely
13 euthanized by a licensed veterinarian. Failure to comply
14 results in forfeiture of their unaltered dogs to the Department
15 of Agriculture or a local animal control facility and the
16 issuance of a civil penalty by the Department in an amount not
17 to exceed \$5,000 for each offense.

18 (c) A licensee that requests a hearing under this Act
19 within 7 days of receiving an order of revocation does not have
20 to comply with subsection (b) until the hearing on the order of
21 revocation has concluded. However, until the hearing has
22 concluded, the licensee must not sell any dog by any means.

23 Section 100. Investigations; notice and hearing. The
24 Department must, before refusing to issue or renew a license or
25 disciplining a licensee pursuant to Section 90 of this Act,

1 notify the applicant or holder of a license in writing, at
2 least 30 days prior to the date set for the hearing, of the
3 nature of the charges and that a hearing will be held on the
4 date designated. The notice must direct the applicant or
5 licensee to file a written answer under oath within 20 days
6 after the service of the notice, and must inform the applicant
7 or licensee that failure to file an answer will result in a
8 default judgment being entered against the applicant or
9 licensee. A default order may result in the license being
10 suspended, revoked, or placed on probationary status, or other
11 disciplinary action may be taken, including limiting the scope,
12 nature, or extent of practice, as the Director may deem proper.
13 Written notice may be served by personal delivery or certified
14 or registered mail to the respondent at the address of his or
15 her last notification to the Department.

16 In case the person fails to file an answer after receiving
17 notice, his or her license or license may, in the discretion of
18 the Department, be suspended, revoked, or placed on
19 probationary status and the Department may take whatever
20 disciplinary action it deems proper, including limiting the
21 scope, nature, or extent of the person's practice or the
22 imposition of a fine, without a hearing, if the act or acts
23 charged constitute sufficient grounds for that action under
24 this Act. At the time and place fixed in the notice, a hearing
25 officer proceeds to hear the charges and the parties or their
26 counsel must be accorded ample opportunity to present

1 statements, testimony, evidence, and argument that may be
2 pertinent to the charges or to the licensee's defense.

3 Section 105. Inspection. The Director may at any time
4 inspect the licensee's facility or the facility of a person
5 acting as a dog breeder who is required to be, but is not,
6 licensed. The inspector must have access to all records and
7 files used by the licensee or an unlicensed dog breeder. If the
8 licensee refuses to provide access to any animal, record, or
9 file, then the Department may issue a cease and desist order or
10 revoke their license. Nothing in this Act limits the ability of
11 a Department of Agriculture investigator, an animal control
12 administrator, or a law enforcement official from inspecting
13 the premises to enforce the Humane Care for Animals Act.

14 Section 110. Department may take testimony and oaths. The
15 Department has the power to subpoena and bring before it any
16 person in this State and to take testimony either orally or by
17 deposition, or both, with the same fees and mileage and in the
18 same manner as prescribed by law in judicial procedure in civil
19 cases in courts of this State.

20 The hearing officer has the power to administer oaths to
21 witnesses at any hearing which the Department is authorized by
22 law to conduct, and any other oaths required or authorized in
23 any Act administered by the Department.

1 Section 115. Appointment of a hearing officer. The
2 Director has the authority to appoint any attorney duly
3 licensed to practice law in this State to serve as the hearing
4 officer in any action for refusal to issue or renew a license
5 or permit or for the discipline of a licensee. The hearing
6 officer has full authority to conduct the hearing and must
7 report his or her findings and recommendations to the Director.

8 Section 120. Findings and recommendations. At the
9 conclusion of the hearing, the hearing officer presents to the
10 Director a written report of his or her findings and
11 recommendations. The report must contain a finding of whether
12 or not the accused person violated this Act or failed to comply
13 with the conditions required under this Act. The hearing
14 officer must specify the nature of the violation or failure to
15 comply and must make his or her recommendations to the
16 Director.

17 The report of findings and recommendations of the hearing
18 officer must be the basis for the Department's order or refusal
19 or for the granting of a license unless the Director determines
20 that the hearing officer's report is contrary to the manifest
21 weight of the evidence, then the Director may issue an order in
22 contravention of the hearing officer's report. The findings in
23 the hearing officer's report are not admissible in evidence
24 against the person in a criminal prosecution brought for the
25 violation of this Act, but the hearing and finding are not a

1 bar a criminal prosecution brought for the violation of this
2 Act.

3 Section 125. Administrative review; venue.

4 (a) All final administrative decisions of the Department
5 are subject to judicial review pursuant to the Administrative
6 Review Law and its rules. The term "administrative decision" is
7 defined as in Section 3-101 of the Code of Civil Procedure.

8 (b) Proceedings for judicial review must commence in the
9 circuit court of the county in which the party applying for
10 relief resides; but if the party is not a resident of this
11 State, the venue must be in Sangamon County.

12 (c) The Department is not required to certify any record to
13 the court or file any answer in court or otherwise appear in
14 any court in a judicial review proceeding, unless there is
15 filed in the court, with the complaint, a receipt from the
16 Department acknowledging payment of the costs of furnishing and
17 certifying the record. Failure on the part of the plaintiff to
18 file a receipt in court is be grounds for dismissal of the
19 action.

20 Section 130. Violations; injunction; cease and desist
21 order.

22 (a) If any person violates a provision of this Act, the
23 Director may, in the name of the People of the State of
24 Illinois, through the Attorney General of the State of Illinois

1 or the State's Attorney in the county in which the offense
2 occurs, petition for an order enjoining the violation or for an
3 order enforcing compliance with this Act. Upon the filing of a
4 verified petition in court, the court may issue a temporary
5 restraining order, without notice or bond, and may
6 preliminarily and permanently enjoin the violation. If the
7 court finds that the person has violated or is violating the
8 injunction, the court may punish the offender for contempt of
9 court. Proceedings under this Section are in addition to, and
10 not instead of, all other remedies and penalties provided by
11 this Act.

12 (b) Whenever, in the opinion of the Department, a person
13 violates any provision of this Act, the Department may issue a
14 rule to show cause why an order to cease and desist should not
15 be entered against him or her. The rule must clearly set forth
16 the grounds relied upon by the Department and must provide the
17 person a period of 7 days from the date of the rule to file an
18 answer to the satisfaction of the Department. If the answer
19 fails to satisfy the Department, the Department may immediately
20 issue an order to cease and desist.

21 Section 135. Unlicensed practice; violation; civil
22 penalty.

23 (a) Any person not licensed under this Act must, in
24 addition to any other penalty provided by law, pay a civil
25 penalty to the Department in an amount not to exceed \$5,000 for

1 each offense as determined by the Department. The Department
2 assesses the civil penalty after holding a hearing in
3 accordance with the provisions set forth in Section 100 of this
4 Act. The Department has the authority and power to investigate
5 any unlicensed activity.

6 (b) The civil penalty must be paid within 60 days after the
7 effective date of the order imposing the civil penalty. The
8 order constitutes a judgment and may be filed and executed in
9 the same manner as any judgment from any court of record.

10 (c) The Department may also issue a cease and desist order
11 to any person doing business without the required license.

12 The order must set forth the general factual and legal
13 basis for the action and must advise the affected person that
14 within 7 days of receipt of the order, he or she may file with
15 the secretary a written request for an administrative hearing.
16 The order to cease and desist becomes a final order of the
17 Department upon expiration of the 7 day period for requesting
18 an administrative hearing, unless a timely request is filed
19 with the Department.

20 An unlicensed dog breeder who receives a cease and desist
21 order must dispose of all unaltered dogs within 7 days of
22 having his or her license revoked. The unlicensed dog breeder
23 may only dispose of the dogs to an animal control facility or
24 Illinois licensed shelter or by having a dog humanely
25 euthanized by a licensed veterinarian. Failure to comply
26 results in forfeiture of his or her unaltered dogs to the

1 Illinois Department of Agriculture or local animal control
2 facility and the issuance of a civil penalty by the Department
3 in an amount not to exceed \$5,000 for each offense.

4 An unlicensed dog breeder that requests a hearing and
5 applies for a license under this Act within 7 days of receiving
6 the cease and desist order does not have to dispose of
7 unaltered dogs in accordance with this subsection (c). However,
8 until a license is granted, the unlicensed dog breeder may not
9 breed any dog or sell any dog by any means.

10 Section 140. Criminal penalties and seizures. Nothing in
11 this Act prevents individuals or licensees from being charged
12 with a violation of the Humane Care for Animals Act or the
13 Animal Welfare Act or from having their animals seized for
14 violations of the Humane Care for Animals Act or the Animal
15 Welfare Act. The Department may refer any matter for criminal
16 investigation and prosecution to the appropriate County States
17 Attorney and local law enforcement.

18 Section 145. Surrender of license. Upon the voluntary
19 surrender of a license, revocation, or suspension of any
20 license, the licensee relinquishes his or her license to the
21 Department. If the licensee does not relinquish the license to
22 the Department, the Department may seize the license. Upon
23 surrender of the license, the Department must contact the
24 appropriate County Animal Control and appropriate County

1 States Attorney. The fees assessed under this Act may be set by
2 rule.

3 Section 150. Deposit of fees and fines; appropriations. All
4 fees and fines collected under this Act must be deposited into
5 the General Professions Dedicated Fund and must be used by the
6 Department of Financial and Professional Regulation, as
7 appropriated, for the ordinary and contingent expenses of the
8 Department in the administration of this Act.

9 Section 155. Administrative Procedure Act. The Illinois
10 Administrative Procedure Act is hereby expressly adopted and
11 incorporated in this Act as if all the provisions of the
12 Illinois Administrative Procedure Act were included in this
13 Act, except for the provision of subsection (d) of Section
14 10-65 of the Illinois Administrative Procedure Act that gives
15 the licensee at hearings the right to show compliance with all
16 lawful requirements for retention, continuation, or renewal of
17 the license. For the purposes of this Act, the notice
18 requirement under Section 10-25 of the Administrative
19 Procedure Act is met when notice is mailed to the party's last
20 known address.

21 Section 160. Severability. If any provision of this Act or
22 the application of any provision of this Act to any person or
23 circumstance is held invalid, the invalidity does not affect

1 other provisions or applications of this Act that can be given
2 effect without the invalid provision or application, and for
3 this purpose the provisions of this Act are severable.

4 Section 900. The Regulatory Sunset Act is amended by adding
5 Section 4.30 as follows:

6 (5 ILCS 80/4.30 new)

7 Sec. 4.30. Act repealed on January 1, 2020. The following
8 Act is repealed on January 1, 2020:

9 The Dog Breeder License Act.

10 Section 905. The Animal Welfare Act is amended by changing
11 Sections 2, 2.2, 3, and 3.1 and by adding Section 3.15 as
12 follows:

13 (225 ILCS 605/2) (from Ch. 8, par. 302)

14 (Text of Section before amendment by P.A. 95-550)

15 Sec. 2. Definitions. As used in this Act unless the context
16 otherwise requires:

17 "Department" means the Illinois Department of Agriculture.

18 "Director" means the Director of the Illinois Department of
19 Agriculture.

20 "Pet shop operator" means any person who sells, offers to
21 sell, exchange, or offers for adoption with or without charge
22 or donation dogs, cats, birds, fish, reptiles, or other animals

1 customarily obtained as pets in this State. However, a person
2 who sells only such animals that he has produced and raised
3 shall not be considered a pet shop operator under this Act, and
4 a veterinary hospital or clinic operated by a veterinarian or
5 veterinarians licensed under the Veterinary Medicine and
6 Surgery Practice Act of 2004 shall not be considered a pet shop
7 operator under this Act. "Pet shop operator" does not include a
8 licensed shelter or an animal control facility that is licensed
9 under this Act or the Animal Control Act.

10 "Dog breeder dealer" means any person who is, or should be
11 licensed under the Dog Breeder License Act. ~~who sells, offers~~
12 ~~to sell, exchange, or offers for adoption with or without~~
13 ~~charge or donation dogs in this State. However, a person who~~
14 ~~sells only dogs that he has produced and raised shall not be~~
15 ~~considered a dog dealer under this Act, and a veterinary~~
16 ~~hospital or clinic operated by a veterinarian or veterinarians~~
17 ~~licensed under the Veterinary Medicine and Surgery Practice Act~~
18 ~~of 2004 shall not be considered a dog dealer under this Act.~~

19 "Secretary of Agriculture" or "Secretary" means the
20 Secretary of Agriculture of the United States Department of
21 Agriculture.

22 "Person" means any person, firm, corporation, partnership,
23 association or other legal entity, any public or private
24 institution, the State of Illinois, or any municipal
25 corporation or political subdivision of the State.

26 "Kennel operator" means any person who operates an

1 establishment, other than an animal control facility,
2 veterinary hospital, or animal shelter, where dogs or dogs and
3 cats are maintained for boarding, training or similar purposes
4 for a fee or compensation. ~~or who sells, offers to sell,~~
5 ~~exchange, or offers for adoption with or without charge dogs or~~
6 ~~dogs and cats which he has produced and raised. A person who~~
7 ~~owns, has possession of, or harbors 5 or less females capable~~
8 ~~of reproduction shall not be considered a kennel operator.~~

9 "Cattery operator" means any person who operates an
10 establishment, other than an animal control facility or animal
11 shelter, where cats are maintained for boarding, training or
12 similar purposes for a fee or compensation; or who sells,
13 offers to sell, exchange, or offers for adoption with or
14 without charges cats which he has produced and raised. A person
15 who owns, has possession of, or harbors 5 or less females
16 capable of reproduction shall not be considered a cattery
17 operator.

18 "Animal control facility" means any facility operated by or
19 under contract for the State, county, or any municipal
20 corporation or political subdivision of the State for the
21 purpose of impounding or harboring seized, stray, homeless,
22 abandoned or unwanted dogs, cats, and other animals. "Animal
23 control facility" also means any veterinary hospital or clinic
24 operated by a veterinarian or veterinarians licensed under the
25 Veterinary Medicine and Surgery Practice Act of 2004 which
26 operates for the above mentioned purpose in addition to its

1 customary purposes.

2 "Animal shelter" means a facility operated, owned, or
3 maintained by a duly incorporated humane society, animal
4 welfare society, or other non-profit organization for the
5 purpose of providing for and promoting the welfare, protection,
6 and humane treatment of animals. "Animal shelter" also means
7 any veterinary hospital or clinic operated by a veterinarian or
8 veterinarians licensed under the Veterinary Medicine and
9 Surgery Practice Act of 2004 which operates for the above
10 mentioned purpose in addition to its customary purposes.

11 "Foster home" means an entity that accepts the
12 responsibility for stewardship of animals that are the
13 obligation of an animal shelter, not to exceed 4 animals at any
14 given time. Permits to operate as a "foster home" shall be
15 issued through the animal shelter.

16 "Guard dog service" means an entity that, for a fee,
17 furnishes or leases guard or sentry dogs for the protection of
18 life or property. A person is not a guard dog service solely
19 because he or she owns a dog and uses it to guard his or her
20 home, business, or farmland.

21 "Guard dog" means a type of dog used primarily for the
22 purpose of defending, patrolling, or protecting property or
23 life at a commercial establishment other than a farm. "Guard
24 dog" does not include stock dogs used primarily for handling
25 and controlling livestock or farm animals, nor does it include
26 personally owned pets that also provide security.

1 "Sentry dog" means a dog trained to work without
2 supervision in a fenced facility other than a farm, and to
3 deter or detain unauthorized persons found within the facility.
4 (Source: P.A. 93-281, eff. 12-31-03.)

5 (Text of Section after amendment by P.A. 95-550)

6 Sec. 2. Definitions. As used in this Act unless the context
7 otherwise requires:

8 "Department" means the Illinois Department of Agriculture.

9 "Director" means the Director of the Illinois Department of
10 Agriculture.

11 "Pet shop operator" means any person who sells, offers to
12 sell, exchange, or offers for adoption with or without charge
13 or donation dogs, cats, birds, fish, reptiles, or other animals
14 customarily obtained as pets in this State. However, a person
15 who sells only such animals that he has produced and raised
16 shall not be considered a pet shop operator under this Act, and
17 a veterinary hospital or clinic operated by a veterinarian or
18 veterinarians licensed under the Veterinary Medicine and
19 Surgery Practice Act of 2004 shall not be considered a pet shop
20 operator under this Act. "Pet shop operator" does not include a
21 licensed shelter or an animal control facility that is licensed
22 under this Act or the Animal Control Act.

23 "Dog breeder dealer" means any person who is, or should be
24 licensed under the Dog Breeder License Act. ~~who sells, offers~~
25 ~~to sell, exchange, or offers for adoption with or without~~

1 ~~charge or donation dogs in this State. However, a person who~~
2 ~~sells only dogs that he has produced and raised shall not be~~
3 ~~considered a dog dealer under this Act, and a veterinary~~
4 ~~hospital or clinic operated by a veterinarian or veterinarians~~
5 ~~licensed under the Veterinary Medicine and Surgery Practice Act~~
6 ~~of 2004 shall not be considered a dog dealer under this Act.~~

7 "Secretary of Agriculture" or "Secretary" means the
8 Secretary of Agriculture of the United States Department of
9 Agriculture.

10 "Person" means any person, firm, corporation, partnership,
11 association or other legal entity, any public or private
12 institution, the State of Illinois, or any municipal
13 corporation or political subdivision of the State.

14 "Kennel operator" means any person who operates an
15 establishment, other than an animal control facility,
16 veterinary hospital, or animal shelter, where dogs or dogs and
17 cats are maintained for boarding, training or similar purposes
18 for a fee or compensation.; ~~or who sells, offers to sell,~~
19 ~~exchange, or offers for adoption with or without charge dogs or~~
20 ~~dogs and cats which he has produced and raised. A person who~~
21 ~~owns, has possession of, or harbors 5 or less females capable~~
22 ~~of reproduction shall not be considered a kennel operator.~~

23 "Cattery operator" means any person who operates an
24 establishment, other than an animal control facility or animal
25 shelter, where cats are maintained for boarding, training or
26 similar purposes for a fee or compensation; or who sells,

1 offers to sell, exchange, or offers for adoption with or
2 without charges cats which he has produced and raised. A person
3 who owns, has possession of, or harbors 5 or less females
4 capable of reproduction shall not be considered a cattery
5 operator.

6 "Animal control facility" means any facility operated by or
7 under contract for the State, county, or any municipal
8 corporation or political subdivision of the State for the
9 purpose of impounding or harboring seized, stray, homeless,
10 abandoned or unwanted dogs, cats, and other animals. "Animal
11 control facility" also means any veterinary hospital or clinic
12 operated by a veterinarian or veterinarians licensed under the
13 Veterinary Medicine and Surgery Practice Act of 2004 which
14 operates for the above mentioned purpose in addition to its
15 customary purposes.

16 "Animal shelter" means a facility operated, owned, or
17 maintained by a duly incorporated humane society, animal
18 welfare society, or other non-profit organization for the
19 purpose of providing for and promoting the welfare, protection,
20 and humane treatment of animals. "Animal shelter" also means
21 any veterinary hospital or clinic operated by a veterinarian or
22 veterinarians licensed under the Veterinary Medicine and
23 Surgery Practice Act of 2004 which operates for the above
24 mentioned purpose in addition to its customary purposes.

25 "Foster home" means an entity that accepts the
26 responsibility for stewardship of animals that are the

1 obligation of an animal shelter, not to exceed 4 animals at any
2 given time. Permits to operate as a "foster home" shall be
3 issued through the animal shelter.

4 "Guard dog service" means an entity that, for a fee,
5 furnishes or leases guard or sentry dogs for the protection of
6 life or property. A person is not a guard dog service solely
7 because he or she owns a dog and uses it to guard his or her
8 home, business, or farmland.

9 "Guard dog" means a type of dog used primarily for the
10 purpose of defending, patrolling, or protecting property or
11 life at a commercial establishment other than a farm. "Guard
12 dog" does not include stock dogs used primarily for handling
13 and controlling livestock or farm animals, nor does it include
14 personally owned pets that also provide security.

15 "Sentry dog" means a dog trained to work without
16 supervision in a fenced facility other than a farm, and to
17 deter or detain unauthorized persons found within the facility.

18 "Probationary status" means the 12-month period following
19 a series of violations of this Act during which any further
20 violation shall result in an automatic 12-month suspension of
21 licensure.

22 (Source: P.A. 95-550, eff. 6-1-08.)

23 (225 ILCS 605/2.2) (from Ch. 8, par. 302.2)

24 Sec. 2.2. No dog breeder ~~dealer~~, kennel operator, or
25 cattery operator shall separate a puppy or kitten from its

1 mother, for the purpose of sale, until such puppy or kitten has
2 attained the age of 8 weeks.

3 All licensees under this Act shall maintain records of the
4 origin and sale of all dogs, and such records shall be made
5 available for inspection by the Secretary or the Department
6 upon demand. Such records must contain proof in proper form of
7 purebreds and their pedigree, and evidence of such proof must
8 be provided to any person acquiring a dog from a licensee under
9 this Act. In addition, guard dog services shall be required to
10 maintain records of transfer of ownership, death, or
11 disappearance of a guard dog or sentry dog used by that guard
12 dog service.

13 (Source: P.A. 89-178, eff. 7-19-95.)

14 (225 ILCS 605/3) (from Ch. 8, par. 303)

15 Sec. 3. (a) Except as provided in subsection (b) of this
16 Section, no person shall engage in business as a pet shop
17 operator, dog breeder ~~dealer~~, kennel operator, cattery
18 operator, or operate a guard dog service, an animal control
19 facility or animal shelter or any combination thereof, in this
20 State without a license therefor issued by the Department. Only
21 one license shall be required for any combination of businesses
22 at one location, except that a separate license shall be
23 required to operate a guard dog service. Guard dog services
24 that are located outside this State but provide services within
25 this State are required to obtain a license from the

1 Department. Out-of-state guard dog services are required to
2 comply with the requirements of this Act with regard to guard
3 dogs and sentry dogs transported to or used within this State.

4 (b) This Act does not apply to a private detective agency
5 or private security agency licensed under the Private
6 Detective, Private Alarm, Private Security, Fingerprint
7 Vendor, and Locksmith Act of 2004 that provides guard dog or
8 canine odor detection services and does not otherwise operate a
9 kennel for hire.

10 (Source: P.A. 95-613, eff. 9-11-07.)

11 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

12 Sec. 3.1. Information on dogs for sale. ~~Information on dogs~~
13 ~~and cats for sale.~~ Every pet shop operator must post in a
14 conspicuous place in writing on or near the cage of every dog
15 available for sale the information set forth below. For pet
16 shop operators making dogs available for sale over the
17 internet, the disclosure must be posted in conjunction with the
18 information about the individual dog for sale. The disclosure
19 must be signed by both the pet shop and the consumer and must
20 be maintained by the pet shop operator for a period of 2 years
21 from the date of sale. The disclosure must include: ~~Every pet~~
22 ~~shop operator, dog dealer, and cattery operator shall provide~~
23 ~~the following information for every dog or cat available for~~
24 ~~sale:~~

25 (a) The breed, age, date of birth, sex, and color of

1 ~~the dog. The age, sex, and weight of the animal.~~

2 (b) The dates of any inoculations and medical
3 treatments administered to the dog at any time prior to the
4 sale, including the name and address of the individual who
5 performed the examination and administered any treatments
6 or medications. ~~The breed of the animal.~~

7 (c) The name of the breeder and the facility where the
8 dog was bred, including the address and phone number. If
9 the breeder is located in Illinois, the breeder's license
10 number must be included. If the breeder holds a license
11 issued by the United States Department of Agriculture, the
12 breeder's federal identification number must be provided.
13 ~~A record of vaccinations and veterinary care and treatment.~~

14 (d) The name and address of any other person who owned
15 or harbored the dog between its birth and the point of
16 sale. ~~A record of surgical sterilization or lack of~~
17 ~~surgical sterilization.~~

18 (e) The retail price of the dog, including any
19 additional fees or charges. If financing is being offered
20 for the purchase of the dog, the disclosure must also
21 include the following information: name of the company
22 financing the sale, annual percentage rate, monthly
23 payment amount, term of the loan, total finance charge, and
24 total amount paid at the end of the loan. ~~The name and~~
25 ~~address of the breeder of the animal.~~

26 (f) Any known congenital or hereditary diseases of the

1 parents of the dog ~~The name and address of any other person~~
2 ~~who owned or harbored the animal between its birth and the~~
3 ~~point of sale.~~

4 (g) Any known illness or medical condition of the dog
5 at the time of sale.

6 (h) If the dog is being sold as being capable of
7 registration with a pedigree registry organization, the
8 name and registration numbers of the mother and father, and
9 the name and address of the pedigree registry organization
10 where the mother and father are registered.

11 (i) If the dog was returned by a retail customer, the
12 date and reason for the return.

13 (j) Include the following statement and circle the
14 corresponding answer: "The facility in which the dog was
15 born has produced: (1) 1-2 litters in the past calendar
16 year, (2) 3-10 litters in the past calendar year, (3) 11-39
17 litters in the past calendar year, or (4) more than 40
18 litters in the past calendar year."

19 (k) The pet shop's policy regarding any guarantees,
20 warranties, refunds, and returns.

21 (l) The signature and printed name of an owner or
22 manager of the pet shop operator and the date beneath the
23 following statement: "I hereby attest that all of the above
24 information is true and correct to the best of my
25 knowledge, and I have made a diligent effort to obtain this
26 information."

1 (m) Blank space for the customer to sign and print
2 their name and print the date beneath the following
3 statement: "I hereby attest that this disclosure was posted
4 with the dog for sale and that I have read all the
5 disclosures. I further understand that I am entitled to
6 keep a signed copy of this disclosure.".

7 Before the sale is completed, the pet shop operator must
8 have the consumer sign and date the disclosure as described in
9 subsection (m) of this Section.

10 Every pet shop operator must make copies and provide a copy
11 of the "Buying a New Dog" pamphlet created by the Department of
12 Agriculture under subsection (c) of Section 50 of the Dog
13 Breeder License Act to each purchaser. The purchaser must
14 initial that they have read the pamphlet prior to the
15 completion of the sale. A copy of the signed pamphlet must be
16 maintained by the pet shop operator and a copy must be given to
17 the consumer.

18 A pet shop operator who intentionally makes false or
19 misleading statements in connection with the disclosures
20 required under this Section has committed a violation of the
21 Consumer Fraud and Deceptive Business Practices Act.

22 (Source: P.A. 87-819.)

23 (225 ILCS 605/3.15 new)

24 Sec. 3.15. Requirements for the care of dogs maintained by
25 a pet shop operator.

1 (a) Pet shop operators may only acquire dogs from breeders
2 that are licensed by the Dog Breeder License Act or are
3 licensed as a breeder by the United States Department of
4 Agriculture as defined by 7 U.S.C. 2131 at the time the dog is
5 bred and at the time of sale.

6 (b) All primary enclosures including any kennel, cage or
7 run must meet the requirements set by Section 60 of the Dog
8 Breeder License Act.

9 Section 910. The Consumer Fraud and Deceptive Business
10 Practices Act is amended by changing Section 2Z as follows:

11 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

12 Sec. 2Z. Violations of other Acts. Any person who knowingly
13 violates the Automotive Repair Act, the Automotive Collision
14 Repair Act, the Home Repair and Remodeling Act, the Dance
15 Studio Act, the Physical Fitness Services Act, the Hearing
16 Instrument Consumer Protection Act, the Illinois Union Label
17 Act, the Job Referral and Job Listing Services Consumer
18 Protection Act, the Travel Promotion Consumer Protection Act,
19 the Credit Services Organizations Act, the Automatic Telephone
20 Dialers Act, the Pay-Per-Call Services Consumer Protection
21 Act, the Telephone Solicitations Act, the Illinois Funeral or
22 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
23 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
24 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud

1 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
2 Act, the Payday Loan Reform Act, subsection (a) or (b) of
3 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
4 Act, the Internet Caller Identification Act, paragraph (6) of
5 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
6 Section 18d-115, 18d-120, 18d-125, 18d-135, or 18d-150 of the
7 Illinois Vehicle Code, Article 3 of the Residential Real
8 Property Disclosure Act, the Automatic Contract Renewal Act, ~~or~~
9 the Personal Information Protection Act, Section 50 of the Dog
10 Breeder License Act, or Section 3.1 of the Animal Welfare Act
11 commits an unlawful practice within the meaning of this Act.

12 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,
13 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,
14 eff. 1-1-08; 95-562, eff. 7-1-08; 95-876, eff. 8-21-08.)

15 Section 915. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.

22 Section 999. Effective date. This Act takes effect upon
23 becoming law.