



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5807

by Rep. Frances Ann Hurley

#### SYNOPSIS AS INTRODUCED:

225 ILCS 605/2	from Ch. 8, par. 302
225 ILCS 605/3.8	
225 ILCS 605/20	from Ch. 8, par. 320
225 ILCS 605/20.5	

Amends the Animal Welfare Act. Provides that a pet shop operator may offer a dog, cat, or rabbit for sale only if the pet shop operator has obtained the dog, cat, or rabbit from an animal control facility, animal shelter, or rescue group. Provides that a pet shop operator shall maintain specified records of each dog, cat, or rabbit sold. Provides that the pet shop operator shall post a sign on the cage or enclosure of the animal listing the name of the animal control facility, animal shelter, or rescue group from which the animal was obtained. Provides for administrative fine for each violation of the provisions. Provides that the provisions do not prohibit a unit of local government from adopting requirements that are more protective of animal welfare than those set forth in the provisions. Makes conforming changes throughout the Act. Effective immediately.

LRB100 16618 XWW 31754 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Animal Welfare Act is amended by changing  
5 Sections 2, 3.8, 20, and 20.5 as follows:

6 (225 ILCS 605/2) (from Ch. 8, par. 302)

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

9 "Department" means the Illinois Department of Agriculture.

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

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

22 "Dog dealer" means any person who sells, offers to sell,  
23 exchange, or offers for adoption with or without charge or

1 donation dogs in this State. However, a person who sells only  
2 dogs that he has produced and raised shall not be considered a  
3 dog dealer under this Act, and a veterinary hospital or clinic  
4 operated by a veterinarian or veterinarians licensed under the  
5 Veterinary Medicine and Surgery Practice Act of 2004 shall not  
6 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 "Owner" means any person having a right of property in an  
23 animal, who keeps or harbors an animal, who has an animal in  
24 his or her care or acts as its custodian, or who knowingly  
25 permits a dog to remain on any premises occupied by him or her.

26 "Owner" does not include a feral cat caretaker participating in

1 a trap, spay/neuter, return or release program.

2 (Source: P.A. 99-310, eff. 1-1-16.)

3 (225 ILCS 605/3.8)

4 Sec. 3.8. Sourcing of dogs, ~~and~~ cats, or rabbits sold by  
5 pet shops.

6 (a) As used in this Section, a "rescue group" means an  
7 organization that is tax exempt under Section 501 (c) (3) of the  
8 Internal Revenue Code and that does not obtain animals from  
9 breeders or brokers for compensation.

10 (b) A pet shop operator may offer a dog, cat, or rabbit for  
11 sale only if the pet shop operator has obtained the dog, cat,  
12 or rabbit from an animal control facility, animal shelter, or  
13 rescue group that is in a cooperative agreement with at least  
14 one animal shelter.

15 (c) A pet shop operator shall maintain records sufficient  
16 to document the source of each dog, cat, or rabbit the pet shop  
17 operator sells or for which the pet shop operator provides  
18 space for at least one year following the date of acquisition.

19 (d) A pet shop operator shall post, in a conspicuous  
20 location on the cage or enclosure of each animal, a sign  
21 listing the name of the animal control facility, animal  
22 shelter, or rescue group from which the dog, cat, or rabbit was  
23 obtained. Animal control facilities or animal shelters may  
24 periodically require pet shop operators engaged in sales of  
25 dogs, cats, or rabbits to provide access to these records.

1       (e) This Section does not prohibit a unit of local  
2 government from adopting requirements that are more protective  
3 of animal welfare than those set forth in this Section.

4       ~~(a) A pet shop operator may not obtain a dog or cat for~~  
5 ~~resale or sell or offer for sale any dog or cat obtained from a~~  
6 ~~person who is required to be licensed by the pet dealer~~  
7 ~~regulations of the United States Department of Agriculture~~  
8 ~~under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.) if~~  
9 ~~any of the following applies to the original breeder:~~

10       ~~(1) The person is not currently licensed by the United~~  
11 ~~States Department of Agriculture under the federal Animal~~  
12 ~~Welfare Act.~~

13       ~~(2) During the 2-year period before the day the dog or~~  
14 ~~cat is received by the pet shop, the person received a~~  
15 ~~direct or critical non-compliant citation on a final~~  
16 ~~inspection report from the United States Department of~~  
17 ~~Agriculture under the federal Animal Welfare Act.~~

18       ~~(3) During the 2-year period before the day the dog or~~  
19 ~~cat is received by the pet shop, the person received 3 or~~  
20 ~~more non-compliant citations on a final inspection report~~  
21 ~~from the United States Department of Agriculture for~~  
22 ~~violations relating to the health or welfare of the animal~~  
23 ~~and the violations were not administrative in nature.~~

24       ~~(4) The person received a no-access violation on each~~  
25 ~~of the 3 most recent final inspection reports from the~~  
26 ~~United States Department of Agriculture.~~

1       ~~(b) A pet shop operator is presumed to have acted in good~~  
2 ~~faith and to have satisfied its obligation to ascertain whether~~  
3 ~~a person meets the criteria described in subsection (a) of this~~  
4 ~~Section if, when placing an order to obtain a dog or cat for~~  
5 ~~sale or resale, the pet shop operator conducts a search for~~  
6 ~~inspection reports that are readily available of the breeder on~~  
7 ~~the Animal Care Information System online search tool~~  
8 ~~maintained by the United States Department of Agriculture. If~~  
9 ~~inspection reports are not readily available on the United~~  
10 ~~States Department of Agriculture website, the pet shop operator~~  
11 ~~must obtain the inspection reports from the person or persons~~  
12 ~~required to meet the criteria described in subsection (a) of~~  
13 ~~this Section.~~

14       ~~(c) Notwithstanding subsections (a) and (b) of this~~  
15 ~~Section, a pet shop operator may obtain a dog or cat for resale~~  
16 ~~or sell or offer for sale any dog or cat obtained from: (1) a~~  
17 ~~person that sells dogs only he or she has produced and raised~~  
18 ~~and who is not required to be licensed by the United States~~  
19 ~~Department of Agriculture, (2) a publicly operated pound or a~~  
20 ~~private non-profit humane society or rescue, or (3) an animal~~  
21 ~~adoption event conducted by a pound or humane society.~~

22       ~~(d) A pet shop operator shall maintain records verifying~~  
23 ~~its compliance with this Section for 2 years after obtaining~~  
24 ~~the dog or cat to be sold or offered for sale. Records~~  
25 ~~maintained pursuant to this subsection (d) shall be open to~~  
26 ~~inspection on request by a Department of Agriculture inspector.~~



1 (Source: P.A. 100-322, eff. 8-24-17.)

2 (225 ILCS 605/20) (from Ch. 8, par. 320)

3 Sec. 20. Any person violating any provision of this Act,  
4 other than a violation of Section 3.8 of this Act, or any rule,  
5 regulation or order of the Department issued pursuant to this  
6 Act is guilty of a Class C misdemeanor and every day a  
7 violation continues constitutes a separate offense.

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

9 (225 ILCS 605/20.5)

10 Sec. 20.5. Administrative fines.

11 (a) The following administrative fines shall be imposed by  
12 the Department upon any person or entity who violates any  
13 provision of this Act or any rule adopted by the Department  
14 under this Act:

15 (1) For the first violation, a fine of \$500.

16 (2) For a second violation that occurs within 3 years  
17 after the first violation, a fine of \$1,000.

18 (3) For a third violation that occurs within 3 years  
19 after the first violation, mandatory probationary status  
20 and a fine of \$2,500.

21 (b) A pet shop operator who violates Section 3.8 is subject  
22 to an administrative fine of \$500. Each animal offered for sale  
23 in violation of Section 3.8 is a separate violation.

24 (Source: P.A. 98-855, eff. 8-4-14.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.