

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 and 10 as follows:

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

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

9 "Department" means the Illinois Department of Agriculture.

10 "Director" means the Director of the Illinois Department  
11 of 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, or other  
15 animals customarily obtained as pets in this State at retail  
16 to the public. However, a person who sells only such animals  
17 that he has produced and raised shall not be considered a pet  
18 shop operator under this Act, and a veterinary hospital or  
19 clinic operated by a veterinarian or veterinarians licensed  
20 under the Veterinary Medicine and Surgery Practice Act of 2004  
21 shall not be 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 dogs  
2 at retail to the public or only dogs that he has produced and  
3 raised shall not be considered a dog dealer 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 dog  
7 dealer under this Act.

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

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

15 "Kennel operator" means any person who operates an  
16 establishment, other than an animal control facility,  
17 veterinary hospital, or animal shelter, where dogs or dogs and  
18 cats are maintained for boarding, training or similar purposes  
19 for a fee or compensation.

20 "Boarding" means a time frame greater than 12 hours or an  
21 overnight period during which an animal is kept by a kennel  
22 operator.

23 "Cat breeder" means a person who sells, offers to sell,  
24 exchanges, or offers for adoption with or without charge cats  
25 that he or she has produced and raised. A person who owns, has  
26 possession of, or harbors 5 or less females capable of

1 reproduction shall not be considered a cat breeder.

2 "Dog breeder" means a person who sells, offers to sell,  
3 exchanges, or offers for adoption with or without charge dogs  
4 that he has produced and raised. A person who owns, has  
5 possession of, or harbors 5 or less females capable of  
6 reproduction shall not be considered a dog breeder.

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

17 "Animal shelter" means a facility operated, owned, or  
18 maintained by a duly incorporated humane society, animal  
19 welfare society, or other non-profit organization having  
20 tax-exempt status under Section 501(c)(3) of the Internal  
21 Revenue Code for the purpose of providing for and promoting  
22 the welfare, protection, and humane treatment of animals. An  
23 organization that does not have its own building that  
24 maintains animals solely in foster homes or other licensees is  
25 an "animal shelter" for purposes of this Act. "Animal shelter"  
26 also means any veterinary hospital or clinic operated by a

1 veterinarian or veterinarians licensed under the Veterinary  
2 Medicine and Surgery Practice Act of 2004 which operates for  
3 the above mentioned purpose in addition to its customary  
4 purposes. However, a person who sells dogs at retail to the  
5 public shall not be considered an animal shelter under this  
6 Act.

7 "Day care operator" means a person who operates an  
8 establishment, other than an animal control facility,  
9 veterinary hospital, or animal shelter, where dogs or dogs and  
10 cats are kept for a period of time not exceeding 12 hours.

11 "Foster home" means an entity that accepts the  
12 responsibility for stewardship of animals that are the  
13 obligation of an animal shelter or animal control facility,  
14 not to exceed 4 foster animals or 2 litters under 8 weeks of  
15 age at any given time. A written agreement to operate as a  
16 "foster home" shall be contracted with the animal shelter or  
17 animal control facility.

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

23 "Guard dog" means a type of dog used primarily for the  
24 purpose of defending, patrolling, or protecting property or  
25 life at a commercial establishment other than a farm. "Guard  
26 dog" does not include stock dogs used primarily for handling

1 and controlling livestock or farm animals, nor does it include  
2 personally owned pets that also provide security.

3 "Return" in return to field or trap, neuter, return  
4 program means to return the cat to field after it has been  
5 sterilized and vaccinated for rabies.

6 "Sentry dog" means a dog trained to work without  
7 supervision in a fenced facility other than a farm, and to  
8 deter or detain unauthorized persons found within the  
9 facility.

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

14 "Owner" means any person having a right of property in an  
15 animal, who keeps or harbors an animal, who has an animal in  
16 his or her care or acts as its custodian, or who knowingly  
17 permits a dog to remain on any premises occupied by him or her.

18 "Owner" does not include a feral cat caretaker participating  
19 in a trap, spay/neuter, vaccinate for rabies, and return  
20 program.

21 "Offer for sale" means to sell, exchange for  
22 consideration, offer for adoption, advertise for the sale of,  
23 barter, auction, give away, or otherwise dispose of animals.

24 "At retail to the public" means the selling or offering  
25 for sale, whether by appointment or otherwise, companion  
26 animals at a brick-and-mortar establishment that were obtained

1 from breeders or brokers for compensation and not bred on its  
2 premises.

3 (Source: P.A. 101-81, eff. 7-12-19; 101-295, eff. 8-9-19;  
4 102-586, eff. 2-23-22.)

5 (225 ILCS 605/10) (from Ch. 8, par. 310)

6 Sec. 10. Grounds for discipline. The Department may refuse  
7 to issue or renew or may suspend or revoke a license on any one  
8 or more of the following grounds:

9 a. material misstatement in the application for  
10 original license or in the application for any renewal  
11 license under this Act;

12 b. a violation of this Act or of any regulations or  
13 rules issued pursuant thereto;

14 c. aiding or abetting another in the violation of this  
15 Act or of any regulation or rule issued pursuant thereto;

16 d. allowing one's license under this Act to be used by  
17 an unlicensed person;

18 e. for licensees, conviction of any crime an essential  
19 element of which is misstatement, fraud or dishonesty or  
20 conviction of any felony, if the Department determines,  
21 after investigation, that such person has not been  
22 sufficiently rehabilitated to warrant the public trust;  
23 for applicants, the Department may refuse to issue a  
24 license based on a conviction of any felony or a  
25 misdemeanor directly related to the practice of the

1 profession if the Department determines in accordance with  
2 Section 4 that such conviction will impair the ability of  
3 the applicant to engage in the position for which a  
4 license is sought;

5 f. conviction of a violation of any law of Illinois  
6 except minor violations such as traffic violations and  
7 violations not related to the disposition of dogs, cats  
8 and other animals or any rule or regulation of the  
9 Department relating to dogs or cats and sale thereof;

10 g. making substantial misrepresentations or false  
11 promises of a character likely to influence, persuade or  
12 induce in connection with the business of a licensee under  
13 this Act;

14 h. pursuing a continued course of misrepresentation of  
15 or making false promises through advertising, salesman,  
16 agents or otherwise in connection with the business of a  
17 licensee under this Act;

18 i. failure to possess the necessary qualifications or  
19 to meet the requirements of the Act for the issuance or  
20 holding a license; ~~or~~

21 j. proof that the licensee is guilty of gross  
22 negligence, incompetency, or cruelty with regard to  
23 animals; or ~~or~~

24 k. operating without a proper license under this Act.

25 The Department may refuse to issue or may suspend the  
26 license of any person who fails to file a return, or to pay the

1 tax, penalty or interest shown in a filed return, or to pay any  
2 final assessment of tax, penalty or interest, as required by  
3 any tax Act administered by the Illinois Department of  
4 Revenue, until such time as the requirements of any such tax  
5 Act are satisfied.

6 The Department may order any licensee to cease operation  
7 for a period not to exceed 72 hours to correct deficiencies in  
8 order to meet licensing requirements.

9 If the Department revokes a license under this Act at an  
10 administrative hearing, the licensee and any individuals  
11 associated with that license shall be prohibited from applying  
12 for or obtaining a license under this Act for a minimum of 3  
13 years.

14 (Source: P.A. 99-310, eff. 1-1-16; 100-286, eff. 1-1-18.)