



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4612

Introduced 01/12/06, by Rep. Karen May

SYNOPSIS AS INTRODUCED:

225 ILCS 605/2 from Ch. 8, par. 302
225 ILCS 605/18.2 new
225 ILCS 605/18.3 new
225 ILCS 605/18.4 new
225 ILCS 605/18.5 new
225 ILCS 605/18.6 new
225 ILCS 605/18.7 new
225 ILCS 605/20.1 new
225 ILCS 605/23 new
225 ILCS 605/24 new

Amends the Animal Welfare Act. Sets forth provisions concerning bird sales, including bird care, sanitation, veterinary care, euthanasia, housing requirements, ambient conditions, sale or transfer, and recordkeeping. Provides that if it is determined, after inspection or investigation, that a licensee has violated any provision of the Act or any rule adopted under the Act, the enforcing officer may issue a correction notice requiring the violation to be remedied within 14 days or within 24 hours if the violation endangers the immediate health or safety of an animal. Provides that nothing in the Act limits or authorizes any act or omission that would violate any anti-cruelty law of the State. Sets forth a provision concerning severability. Makes other changes. Effective January 1, 2007.

LRB094 16611 RAS 51873 b

FISCAL NOTE ACT
MAY APPLY

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 Section 2 and by adding Sections 18.2, 18.3, 18.4, 18.5, 18.6,
6 18.7, 20.1, 23, and 24 as follows:

7 (225 ILCS 605/2) (from Ch. 8, par. 302)

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

10 "Department" means the Illinois Department of Agriculture.

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

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

23 "Dog dealer" means any person who sells, offers to sell,
24 exchange, or offers for adoption with or without charge or
25 donation dogs in this State. However, a person who sells only
26 dogs that he has produced and raised shall not be considered a
27 dog dealer under this Act, and a veterinary hospital or clinic
28 operated by a veterinarian or veterinarians licensed under the
29 Veterinary Medicine and Surgery Practice Act of 2004 shall not
30 be considered a dog dealer under this Act.

31 "Secretary of Agriculture" or "Secretary" means the
32 Secretary of Agriculture of the United States Department of

1 Agriculture.

2 "Person" means any person, firm, corporation, partnership,
3 association or other legal entity, any public or private
4 institution, the State of Illinois, or any municipal
5 corporation or political subdivision of the State.

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

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

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

34 "Animal shelter" means a facility operated, owned, or
35 maintained by a duly incorporated humane society, animal
36 welfare society, or other non-profit organization for the

1 purpose of providing for and promoting the welfare, protection,
2 and humane treatment of animals. "Animal shelter" also means
3 any veterinary hospital or clinic operated by a veterinarian or
4 veterinarians licensed under the Veterinary Medicine and
5 Surgery Practice Act of 2004 which operates for the above
6 mentioned purpose in addition to its customary purposes.

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

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

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

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

26 "Bird mart" means an event at which 2 or more persons offer
27 birds for sale or exchange or where a fee is charged for the
28 privilege of offering or displaying the birds.

29 "Enrichment" means providing objects or activities that
30 are compatible with the needs of the species that stimulate an
31 animal and promote the animal's physical or psychological
32 well-being.

33 "Euthanasia" means the humane destruction of an animal
34 accomplished by a method that involves rapid unconsciousness
35 and immediate death with a minimum of pain and distress
36 inflicted on the animal or by a method that involves anesthesia

1 produced by an agent that causes painless loss of consciousness
2 and death during such loss of consciousness.

3 "Hand-feeding" means the process by which an animal is
4 manually fed by a human through the use of hand, spoon, bottle,
5 or oral gavage.

6 "Humane" means any action taken in consideration of and
7 with the intent of providing for an animal's health and
8 well-being.

9 "Primary enclosure" means any structure used to
10 immediately restrict an animal to a limited amount of space and
11 where the animal resides until sold or transferred.

12 "Time of sale" means the calendar date on which the retail
13 purchaser removes the animal from the premises of the pet shop
14 following the retail sale of that animal.

15 "Bird vendor" means any person or entity, including, but
16 not limited to, a broker, agent, aviary, or breeder, who sells
17 birds directly to the retail purchaser at a bird mart or at a
18 swap meet.

19 "Veterinary treatment" means treatment by or on the order
20 of a licensed veterinarian.

21 "Weaned" means any animal that has become accustomed to
22 taking solid food and has done so without nursing,
23 hand-feeding, or human or animal assistance for a period of at
24 least 2 weeks and is capable of sustaining at least 90% of its
25 own weight, notwithstanding any illness or injury.

26 "Well-placed perch" means a perch on which a bird can stand
27 completely upright without having any head contact with the
28 ceiling of the cage and any tail contact with the floor or
29 grate of the cage.

30 (Source: P.A. 93-281, eff. 12-31-03.)

31 (225 ILCS 605/18.2 new)

32 Sec. 18.2. Bird care; sanitation.

33 (a) Pet shop operators who sell, offer to sell, exchange,
34 or offer for adoption birds must ensure that each bird is
35 handled in a manner that will not cause discomfort, stress, or

1 physical harm to that animal.

2 (b) Food must be provided to each bird at least once during
3 each 24-hour period. Any bird with a nutritional need or
4 disease condition must be fed more frequently on the advice of
5 the attending veterinarian. Bird food must be wholesome,
6 palatable, free from contamination, and of sufficient quantity
7 and nutritive value to meet the normal daily requirements for
8 the bird, based upon its age, condition, and size.

9 (c) Water and food receptacles must be in sufficient
10 number, of adequate size, and so located as to enable each bird
11 in the enclosure to be supplied with an adequate amount of
12 water and food. Bowls, dishes, and other containers used for
13 the feeding and watering of birds must be cleaned daily, or
14 more often if necessary to prevent contamination from excrement
15 or urine. Water and food receptacles must be so located as to
16 minimize their potential contamination from excreta. Birds
17 must be removed from the primary enclosures when water or any
18 chemical solution is used in cleaning. Perches must be cleaned
19 on a regular basis, as determined by Department rule.

20 (d) This Section does not apply to animal shelters or
21 rescue organizations incorporated as non-profit entities.

22 (225 ILCS 605/18.3 new)

23 Sec. 18.3. Veterinary care for birds; euthanasia.

24 (a) Pet shop operators who sell, offer to sell, exchange,
25 or offer for adoption birds must ensure that veterinary
26 treatment is provided to the birds without delay when needed to
27 prevent suffering or the transmission of disease.

28 (b) A documented program for disease prevention, parasite
29 control, euthanasia, and adequate veterinary care must be
30 established by the pet shop operator and maintained under the
31 supervision of a veterinarian. This program shall include each
32 of the following requirements:

33 (1) Each bird must be observed daily by the animal
34 caretaker in charge or by someone under his or her direct
35 supervision, for the purpose of monitoring health,

1 nutrition, and well being.

2 (2) Birds that become seriously ill or seriously
3 injured must be diagnosed by a veterinarian in a timely
4 manner and the prescribed therapy followed. Sick or injured
5 animals must be:

6 (A) provided with timely veterinary treatment as
7 needed for the health and well-being of the bird; or

8 (B) euthanized humanely and promptly by the pet
9 shop's attending veterinarian; or

10 (C) surrendered, with the express consent of the
11 recipient, to a local public or private animal shelter.

12 (3) Birds may not be euthanized in any way except
13 through the most current, approved euthanasia methods
14 established by the American Veterinary Medical Association
15 panel on euthanasia.

16 (c) Veterinary treatment records must be kept for all birds
17 that receive any medications while in the care of the pet shop.
18 These records must be made available to the Department during
19 normal business hours.

20 (d) This Section does not apply to animal shelters or
21 rescue organizations incorporated as non-profit entities.

22 (225 ILCS 605/18.4 new)

23 Sec. 18.4. Housing requirements for birds. Pet shop
24 operators who sell, offer to sell, exchange, or offer for
25 adoption birds must meet each of the following conditions:

26 (1) All enclosures in which one or more birds are housed or
27 exercised must be structurally sound and constructed and
28 maintained in good repair, so as to prevent injury to the
29 birds, to contain the birds and keep other animals out, and to
30 promote the health and safety of the enclosed birds and the
31 public.

32 (2) Sandpaper-covered perches or perches covered in an
33 abrasive material are prohibited.

34 (3) Each primary enclosure must have at least one form of
35 appropriate enrichment per every 4 animals.

1 (4) Perches or other space must be provided to allow each
2 bird to roost without physical harassment from other birds.

3 (A) A single well-placed perch may be adequate for bird
4 species that are known to be agile climbers, such as
5 psittacines.

6 (B) Two perches, one at each end of the cage, must be
7 provided for those bird species, including finches and
8 canaries, that prefer flying or jumping to climbing.

9 (C) Perches must be strategically placed to prevent
10 droppings from contaminating other birds and the birds'
11 food and water supply and also to prevent the bird's tail
12 from having contact with the food and water supply.

13 (5) Sufficient space must be provided for each bird to
14 maintain itself in good health. Cages must provide space not
15 less than 2 and one half times the body volume of living
16 creatures contained in the cage. All birds must be housed in
17 cages of sufficient size and dimensions to allow each bird an
18 amount of perch space that enables it to fully extend its wings
19 in every direction while all birds are simultaneously perched
20 without having to touch another bird, obstacle, or the side of
21 the cage.

22 This Section does not apply to animal shelters or rescue
23 organizations incorporated as non-profit entities.

24 (225 ILCS 605/18.5 new)

25 Sec. 18.5. Ambient conditions for birds. Pet shop operators
26 who sell, offer to sell, exchange, or offer for adoption birds
27 must meet each of the following conditions:

28 (1) Lighting of sufficient intensity and distribution
29 must be available to permit routine inspection of the birds
30 for signs of stress, illness, and injury and proper
31 cleaning of the enclosures and the premises.

32 (2) Primary enclosures for birds must allow at least 8
33 hours of either natural or artificial light daily.

34 This Section does not apply to animal shelters or rescue
35 organizations incorporated as non-profit entities.

1 (225 ILCS 605/18.6 new)

2 Sec. 18.6. Sale or transfer of birds.

3 (a) In this Section, "bird" means any order of
4 Psittaciformes bird.

5 (b) A pet shop may not sell a bird and a bird vendor may not
6 sell a bird at a swap meet or bird mart, unless the bird is
7 weaned. At the time of sale, a pet shop or bird vendor must
8 document the weight of any hand-fed bird under one year of age
9 and note the weight on the sales receipt.

10 (c) Notwithstanding Section 18.8 of this Act, any person
11 violating any provision of this Section is subject to a civil
12 penalty of up to \$1,000 per violation.

13 (d) This Section does not apply to animal shelters or
14 rescue organizations incorporated as non-profit entities.

15 (225 ILCS 605/18.7 new)

16 Sec. 18.7. Recordkeeping for birds. Pet shop operators who
17 sell, offer to sell, exchange, or offer for adoption birds must
18 meet each of the following conditions:

19 (1) The name of the veterinarian who provides on-going
20 care to the birds is visibly posted in the pet shop and
21 kept up-to-date.

22 (2) The pet shop furnishes written recommendations for
23 the generally accepted care for each type of bird to each
24 purchaser at the time of sale. The written document must
25 include recommendations for safe housing, feeding,
26 equipment, sanitation, environment, behavior, and
27 enrichment for the type of animal.

28 (3) The pet shop furnishes the purchaser of each bird a
29 written statement at the time of sale. The statement must
30 show all of the following information:

31 (A) The date of sale and date of birth of the bird,
32 if known.

33 (B) The name, address, and telephone number of the
34 pet shop.

1 (C) The name, address, and telephone number of the
2 purchaser.

3 (D) The breed and description of the bird,
4 including its age, sex, and weight.

5 (E) The leg band identification number of the bird
6 being sold.

7 (4) Records of veterinary visits to the pet shop
8 premises are documented in writing. Veterinary treatment
9 records must be kept for all birds that receive any
10 medications while in the care of the pet shop. These
11 records must include all of the following information:

12 (A) The identification of the animal receiving
13 medical treatment.

14 (B) The name of the medication used.

15 (C) The amount of medication used.

16 (D) The time and date on which the medication was
17 administered.

18 These records must be kept at the pet shop for one year
19 after the sale of the bird.

20 (5) Accurate records are kept and maintained for each
21 bird purchased, acquired, held, transported, sold, or
22 otherwise disposed of. The records must be available for
23 inspection during normal business hours and must include
24 all of the following information:

25 (A) The name, address, and telephone number of the
26 person from whom each bird was acquired and, if the
27 person is a licensed dealer, his or her license number
28 or, if the person is not a licensed dealer, his or her
29 driver's license number, social security number, or
30 federal tax identification number.

31 (B) The date each bird was acquired.

32 (C) A description of each bird showing its age,
33 size, color, markings, sex, breed, and species.
34 Records must also include any other significant
35 identification for each animal, including any official
36 tag number, official leg band number, or tattoo.

1 (D) The name and address of the person to whom each
2 animal is sold, given, or delivered. The record must
3 show the method and date of disposition.

4 (E) A written record on the health, status,
5 disposition, age at time of acquisition, and age at
6 sale of each psittacine bird.

7 (F) An indication of any psittacine bird that the
8 pet shop operator knows to be or have been sick or
9 diseased or to have died.

10 These records must be maintained by the pet shop for a
11 minimum of 12 months after the sale or transfer of the
12 bird.

13 This Section does not apply to animal shelters or rescue
14 organizations incorporated as non-profit entities.

15 (225 ILCS 605/20.1 new)

16 Sec. 20.1. Enforcement. Notwithstanding any other penalty
17 imposed under this Act, if it is determined, after inspection
18 or investigation, that a licensee has violated any provision of
19 this Act or any rule adopted under this Act, the enforcing
20 officer may issue a correction notice requiring the violation
21 to be remedied within 14 days; however, if the violation
22 endangers the immediate health or safety of an animal in the
23 custody of the licensee, the violation may be required to be
24 remedied within a 24-hour time period.

25 This Section does not apply to animal shelters or rescue
26 organizations incorporated as non-profit entities.

27 (225 ILCS 605/23 new)

28 Sec. 23. Anti-cruelty laws. Nothing in this Act limits or
29 authorizes any act or omission that would violate any
30 anti-cruelty law of this State.

31 (225 ILCS 605/24 new)

32 Sec. 24. Severability. If any provision of this Act or the
33 application of any provision of this Act to any person or

1 circumstance is declared invalid for any reason, such
2 declaration shall not affect the validity of the remaining
3 portions of this Act that can be given effect without the
4 invalid provision or application, and for this purpose the
5 provisions of this Act are severable.

6 Section 99. Effective date. This Act takes effect January
7 1, 2007.