



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3841

Introduced 2/16/2010, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Animal Welfare Act. Provides that a pet shop operator may only purchase a dog or cat from a dog dealer, large-scale dog breeder, cattery operator, or other pet shop operator that is licensed under the Act or the federal Animal Welfare Act. Provides for the licensure of dog daycare providers, hobby breeders, large-scale breeders, animal shelters, and records-only animal shelters. Places age restrictions on dogs and cats sold by dog breeders or pet shop operators. Requires certain licensees to provide certain specified information concerning the dog or cat upon the request of the purchaser or adopter. Requires the purchaser or adopter to be provided with a "Buying or Adopting a New Pet" pamphlet created by the Department. Provides that by applying to the Department and obtaining a foster home permit, the animal shelter, records-only animal shelter, or animal control facility certifies that the foster home meets the requirements of the Act. Provides that the Department must complete a pre-licensing inspection to determine an applicant's compliance with the Act. Provides any licensee whose license is relinquished, revoked, or placed on suspension for more than 3 months, has one week to relinquish ownership and control of all animals under his or her possession or control to a facility licensed under the Act, with certain exceptions. Provides that the Department may issue a warning instead of a fine if deemed appropriate by the Department. Sets forth the fees for the various licenses under the Act. Defines "adoption", "dog breeder", "dog daycare provider", "female capable of reproduction", "hobby breeder", "large-scale breeder", and "records-only animal shelter". Makes other changes.

LRB096 20893 ASK 36681 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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, 2.2, 3, 3.1, 3.2, 5, 6, 6.5, 7, 8, 9, 10, 16, 18,  
6 18.1, 20, 20.5, and 21 and by adding Section 2.3 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 "Adoption" means the acceptance of ownership of an animal  
11 that is in the custody of an animal shelter, animal rescue,  
12 humane society, foster home, or animal control or that is no  
13 longer considered sellable or being offered for sale by a pet  
14 shop or breeder.

15 "Department" means the Illinois Department of Agriculture.

16 "Director" means the Director of the Illinois Department of  
17 Agriculture.

18 "Pet shop operator" means any person other than an animal  
19 control facility, veterinary hospital, animal shelter, or  
20 records-only animal shelter who sells, offers to sell,  
21 exchanges ~~exchange~~, or offers for adoption with or without  
22 charge or donation dogs, cats, birds, fish, reptiles, or other  
23 animals customarily obtained as pets in this State.

1           However, a person who sells only such animals that he or  
2 she has produced and raised shall not be considered a pet shop  
3 operator 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 pet shop operator under this Act.

7           "Dog breeder" means any person other than an animal control  
8 facility, veterinary hospital, animal shelter, or records-only  
9 animal shelter who sells, offers to sell, exchanges, or offers  
10 for adoption with or without charge or donation dogs that he or  
11 she has produced and raised. A person who owns, has possession  
12 of, or harbors 5 or fewer females capable of reproduction shall  
13 not be considered a dog breeder unless that person is required  
14 be licensed under the federal Animal Welfare Act (7 U.S.C  
15 2131).

16           "Dog daycare provider" means any person other than an  
17 animal control facility, veterinary hospital, animal shelter,  
18 or records-only animal shelter who operates an establishment  
19 for a fee or compensation where dogs are maintained in a  
20 communal environment with dogs from other households for less  
21 than 24 continuous hours.

22           "Dog dealer" means any person who sells, offers to sell,  
23 exchange, or offers for adoption with or without charge or  
24 donation dogs in this State. However, a person other than an  
25 animal control facility, animal shelter, or records-only  
26 animal shelter who sells only dogs that he or she has produced

1 and raised shall not be considered a dog dealer under this Act,  
2 and a veterinary hospital or clinic operated by a veterinarian  
3 or veterinarians licensed under the Veterinary Medicine and  
4 Surgery Practice Act of 2004 shall not be considered a dog  
5 dealer under this Act.

6 "Female capable of reproduction" means any intact female  
7 over the age of one year and under the age of 8 years.

8 "Hobby breeder" means any person who has possession of or  
9 harbors more than 5 but fewer than 26 female dogs capable of  
10 reproduction and who sells, offers to sell, exchanges, or  
11 offers for adoption with or without charge or donation dogs  
12 that he or she has produced and raised.

13 "Secretary of Agriculture" or "Secretary" means the  
14 Secretary of Agriculture of the United States Department of  
15 Agriculture.

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 "Kennel operator" means any person who operates an  
21 establishment, other than an animal control facility,  
22 veterinary hospital, or animal shelter, where dogs or dogs and  
23 cats are maintained for 24 continuous hours or longer for  
24 boarding, training, or similar purposes for a fee or  
25 compensation; ~~or who sells, offers to sell, exchange, or offers~~  
26 ~~for adoption with or without charge dogs or dogs and cats which~~

1 ~~he has produced and raised. A person who owns, has possession~~  
2 ~~of, or harbors 5 or less females capable of reproduction shall~~  
3 ~~not be considered a kennel operator.~~

4 "Large-scale breeder" means any person who has possession  
5 of or harbors 26 or more female dogs capable of reproduction  
6 and who sells, offers to sell, exchanges, or offers for  
7 adoption with or without charge or donation dogs that he or she  
8 has produced and raised.

9 "Cattery operator" means any person other than an animal  
10 control facility, veterinary hospital, animal shelter, or  
11 records-only animal shelter who ~~operates an establishment,~~  
12 ~~other than an animal control facility or animal shelter, where~~  
13 ~~eats are maintained for boarding, training or similar purposes~~  
14 ~~for a fee or compensation; or~~ who sells, offers to sell,  
15 exchanges ~~exchange,~~ or offers for adoption with or without  
16 charge or donation ~~charges~~ cats that ~~which~~ he or she has  
17 produced and raised. A person who owns, has possession of ~~7~~ or  
18 harbors 5 or fewer ~~less~~ females capable of reproduction shall  
19 not be considered a cattery operator.

20 "Animal control facility" means any facility operated by or  
21 under contract for the State, county, or any municipal  
22 corporation or political subdivision of the State for the  
23 purpose of impounding or harboring seized, stray, homeless,  
24 abandoned or unwanted dogs, cats, and other animals. "Animal  
25 control facility" also means any veterinary hospital or clinic  
26 operated by a veterinarian or veterinarians licensed under the

1 Veterinary Medicine and Surgery Practice Act of 2004 which  
2 operates for the above mentioned purpose in addition to its  
3 customary purposes.

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

13 "Records-only animal shelter" means a duly incorporated  
14 humane society, animal welfare society, or other non-profit  
15 organization that provides for and promotes the welfare,  
16 protection, and humane treatment of animals by housing and  
17 maintaining the animals at foster homes permitted under this  
18 Act.

19 "Foster home" means an entity that accepts the  
20 responsibility for stewardship of animals that are the  
21 obligation of an animal shelter, records-only animal shelter,  
22 or animal control facility. , ~~not to exceed 4 animals at any~~  
23 given time. Permits to operate as a "foster home" shall be  
24 obtained from ~~issued through~~ the animal shelter, records-only  
25 animal shelter, or animal control facility that applies to the  
26 Department for the permit on behalf of the foster home.

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

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

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

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

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

20 (225 ILCS 605/2.2) (from Ch. 8, par. 302.2)

21 Sec. 2.2. Age restrictions on dogs and cats for sale;  
22 maintenance of records.

23 (a) No dog dealer, dog breeder, pet shop operator, kennel  
24 operator, or cattery operator shall sell ~~separate~~ a puppy or  
25 kitten ~~from its mother, for the purpose of sale,~~ until such

1 puppy or kitten has attained the age of 8 weeks.

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

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

13 (225 ILCS 605/2.3 new)

14 Sec. 2.3. Restrictions on purchase of dogs and cats by pet  
15 shop operators. A pet shop operator may only purchase a dog or  
16 cat from a dog dealer, large-scale dog breeder, cattery  
17 operator, or other pet shop operator that is licensed under  
18 this Act or the federal Animal Welfare Act (7 U.S.C. 2131).

19 (225 ILCS 605/3) (from Ch. 8, par. 303)

20 Sec. 3. Unlicensed activity; types of licenses;  
21 exemptions.

22 (a) Except as provided in subsection (b) of this Section,  
23 no person shall engage in business as a pet shop operator, dog  
24 dealer, kennel operator, dog daycare provider, hobby breeder,



1 large-scale breeder, or cattery operator, or operate a guard  
2 dog service, an animal control facility, an animal shelter, or  
3 a records-only animal shelter ~~or any combination thereof,~~ in  
4 this State without a license therefor issued by the Department.

5 (a-5) A separate license shall be required to operate each  
6 of the businesses listed in subsection (a) of this Section.  
7 ~~Only one license shall be required for any combination of~~  
8 ~~businesses at one location, except that a separate license~~  
9 ~~shall be required to operate a guard dog service.~~ Guard dog  
10 services that are located outside this State but provide  
11 services within this State are required to obtain a license  
12 from the Department. Out-of-state guard dog services are  
13 required to comply with the requirements of this Act with  
14 regard to guard dogs and sentry dogs transported to or used  
15 within this State.

16 (a-10) The Department shall issue the following types of  
17 licenses under this Act for pet shop operators:

18 (1) A Type I licensee may sell, offer to sell,  
19 exchange, or offer for adoption with or without charge or  
20 donation dogs, cats, birds, fish, reptiles, and other  
21 animals customarily obtained as pets in this State.

22 (2) A Type II licensee may sell, offer to sell,  
23 exchange, or offer for adoption with or without charge or  
24 donation birds, fish, reptiles, and other animals  
25 customarily obtained as pets in this State, but not dogs or  
26 cats.

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

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

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

9 Sec. 3.1. Information on dogs and cats for sale or  
10 adoption.

11 (a) Every pet shop operator, dog dealer, dog breeder,  
12 animal shelter, records-only animal shelter, and cattery  
13 operator shall provide the following information upon request  
14 for every dog or cat available for sale or adoption:

15 (1) ~~(a)~~ The age, sex, color, and weight of the animal.

16 (2) ~~(b)~~ The breed of the animal.

17 (3) ~~(c)~~ A record of vaccinations and veterinary care  
18 and treatment. If vaccinations or veterinary care were  
19 provided by a veterinarian, then the date examined, the  
20 dates that any medication was administered, and the name  
21 and business address of the veterinarian who provided the  
22 services.

23 (4) ~~(d)~~ A record of surgical sterilization or lack of  
24 surgical sterilization.

25 (5) ~~(e)~~ The name, and address, Illinois license number,

1 and, if applicable, USDA certificate number of the breeder  
2 of the animal.

3 (6) ~~(f)~~ The name, and address, Illinois license number,  
4 and, if applicable, USDA certificate number of any other  
5 person who owned or harbored the animal between its birth  
6 and the point of sale.

7 (7) If eligible for registration with a pedigree  
8 registry, then the name and registration numbers of the  
9 sire and dam and the address of the pedigree registry where  
10 the sire and dam are registered.

11 (b) A purchaser or adopter must be provided with a copy of  
12 the "Buying or Adopting a New Pet" pamphlet. The pamphlet shall  
13 be created by and be in such format as may be prescribed by the  
14 Department. The purchaser or adopter must initial a statement  
15 verifying that he or she has received and read the pamphlet  
16 prior to the sale. A copy of the initialed statement shall be  
17 maintained by the licensee for a period of 12 months after the  
18 sale.

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

20 (225 ILCS 605/3.2)

21 Sec. 3.2. Foster homes. A person shall not operate a foster  
22 home without first obtaining a permit from the animal shelter,  
23 records-only animal shelter, or animal control facility for  
24 which that person will operate the foster home. Upon  
25 application and payment of the required fees by the animal

1 shelter, records-only animal shelter, or animal control  
2 facility, the Department shall issue a foster home permit  
3 ~~permits~~ to the animal shelter, records-only animal shelter, or  
4 animal control facility. The animal shelter, records-only  
5 animal shelter, or animal control facility shall be responsible  
6 for the records and have all the obligations of stewardship for  
7 animals in the foster home for which it obtained a permit from  
8 the Department ~~homes to which it issues permits~~. By applying to  
9 the Department and obtaining a foster home permit, the animal  
10 shelter, records-only animal shelter, or animal control  
11 facility certifies that the foster home meets the requirements  
12 of this Act.

13 Foster homes shall provide the care for animals required by  
14 this Act and shall report any deviation that might affect the  
15 status of the license or permit to the animal shelter,   
16 records-only animal shelter, or animal control facility.

17 A foster home shall not care for more than 4 fostered  
18 animals at any one time. A mother and all of her offspring that  
19 are under 3 months of age shall be considered a single fostered  
20 animal. An equine mother and all of her offspring that are  
21 under the age of one year shall be considered a single fostered  
22 animal.

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

24 (225 ILCS 605/5) (from Ch. 8, par. 305)

25 Sec. 5. Application by individual for licensure;

1 pre-licensing inspection.

2 (a) Applications by individuals for original licenses  
3 shall be made to the Department, shall be in writing on forms  
4 prescribed by the Department and shall be accompanied by the  
5 required fee, which shall not be returnable. An incomplete  
6 application shall be returned to the applicant for completion.  
7 Any such application shall require such information as in the  
8 judgment of the Department will enable the Department to pass  
9 on the qualifications of the applicant for a license.

10 (b) The application ~~it~~ shall include, but need not be  
11 limited to, information concerning age, citizenship, present  
12 residence, and location of the business for which a license is  
13 being applied for licensed under this Act. The application  
14 shall also include, if applicable, the following information: ~~τ~~  
15 ~~including~~

16 (1) the location of all proposed foster homes; ~~τ~~

17 (2) a description of facilities to be used; ~~τ~~

18 (3) the applicant's present and previous business  
19 connections and experience; ~~τ bank and~~

20 (4) professional references; ~~τ~~

21 (5) whether any license of the applicant under this Act  
22 or any federal, state, county or local law, ordinance or  
23 regulation, relating to dealing in or handling dogs or  
24 cats, ever was suspended or revoked; and

25 (6) whether the applicant ever has been convicted of a  
26 felony.

1        (c) A ~~Such~~ felony conviction may be taken into  
2 consideration by the Department in determining qualifications  
3 for licensing ~~but shall not operate as a bar to licensing.~~

4        (d) The Department must complete a pre-licensing  
5 inspection to determine compliance with this Act. A license may  
6 not be issued until the applicant is in full compliance with  
7 this Act. No license shall be issued until all fines assessed  
8 against the applicant under this Act have been paid to the  
9 Department.

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

11 (225 ILCS 605/6) (from Ch. 8, par. 306)

12 Sec. 6. Application by partnership or corporation for  
13 licensure; pre-licensing inspection.

14 (a) Applications by partnerships or corporations for  
15 original licenses shall be made to the Department, shall be in  
16 writing on forms prescribed by the Department and shall be  
17 accompanied by the required fee, which shall not be returnable.  
18 An incomplete application shall be returned to the applicant  
19 for completion. Any such application shall list, but need not  
20 be limited to, the name of each partner, if a partnership, each  
21 director and officer, if a corporation, its address, and its  
22 financial resources, and shall indicate and list the partners,  
23 directors or officers, as the case may be, or other persons  
24 authorized to represent or act for it under this Act.

25 (b) The Department must complete a pre-licensing

1 inspection to determine the applicant's compliance with this  
2 Act. A license may not be issued until the applicant is in full  
3 compliance with this Act. No license shall be issued until all  
4 finances assessed against the applicant under this Act have been  
5 paid to the Department.

6 (Source: P.A. 81-198.)

7 (225 ILCS 605/6.5)

8 Sec. 6.5. Termination of application; forfeiture of  
9 license fee. Failure of any applicant to meet all of the  
10 requirements for compliance within 60 days after the  
11 pre-licensing inspection conducted by the Department ~~of~~  
12 ~~receipt of a license application~~ shall result in termination of  
13 the application and forfeiture of the license fee.

14 (Source: P.A. 90-385, eff. 8-15-97; 90-403, eff. 8-15-97.)

15 (225 ILCS 605/7) (from Ch. 8, par. 307)

16 Sec. 7. Application for renewal of license. Applications  
17 for renewal licenses shall be made to the Department, shall be  
18 in writing on forms prescribed by the Department, shall contain  
19 such information as will enable the Department to determine if  
20 the applicant is qualified to continue to hold a license and  
21 shall be accompanied by the required fee, which shall not be  
22 returnable. An incomplete application shall be returned to the  
23 applicant for completion.

24 (Source: P.A. 81-198.)

1 (225 ILCS 605/8) (from Ch. 8, par. 308)

2 Sec. 8. Non-resident applicant for licensure or renewal of  
3 license. Each non-resident applicant for an original license or  
4 renewal license, except a foreign corporation, shall file with  
5 the Department an irrevocable consent that actions against the  
6 applicant may be filed in any appropriate court of any county  
7 or municipality of this State in which the plaintiff resides or  
8 in which some part of the transaction occurred out of which the  
9 alleged cause of action arose and that process in any action  
10 may be served on the applicant by leaving 2 copies thereof with  
11 the Director. Such consent shall stipulate and agree that such  
12 service of process shall be taken and held to be valid and  
13 binding for all purposes. The Director shall send forthwith one  
14 copy of such process to the applicant at the address shown on  
15 the records of the Department by registered mail. No foreign  
16 corporation shall receive a license under this Act until it has  
17 been authorized to do business in this State by the Secretary  
18 of State. A non-resident applicant shall provide proof of  
19 licensure in his or her home state by the licensing authority  
20 of that state or a USDA license number.

21 (Source: Laws 1965, p. 2956.)

22 (225 ILCS 605/9) (from Ch. 8, par. 309)

23 Sec. 9. License expiration; display; issuance.

24 (a) Each license shall be issued for the term of one fiscal



1 year or for such part thereof as remains at the time of the  
2 issuance of the license. Each license shall be renewed during  
3 the month of June of each year. Each license not renewed during  
4 June of each year shall expire on June 30 of that year.

5 (b) A license must be prominently displayed at each place  
6 of business of the licensee. Where the licensee conducts  
7 business at more than one address, branch office licenses shall  
8 be issued on payment of the required fee.

9 (c) Each license shall be signed by the Director of the  
10 Department or his or her designee and shall be issued under the  
11 seal of the Department.

12 (Source: P.A. 79-997.)

13 (225 ILCS 605/10) (from Ch. 8, par. 310)

14 Sec. 10. Grounds for discipline.

15 (a) The Department may refuse to issue or renew or may  
16 suspend or revoke a license on any one or more of the following  
17 grounds:

18 (1) ~~a.~~ Material misstatement or intentional  
19 misrepresentation of fact in the application for original  
20 license or in the application for any renewal license under  
21 this Act;

22 (2) ~~b.~~ A violation of this Act or of any regulations or  
23 rules issued pursuant thereto;

24 (3) ~~c.~~ Aiding or abetting another in the violation of  
25 this Act or of any regulation or rule issued pursuant

1 thereto;

2 (4) ~~d.~~ Allowing one's license under this Act to be used  
3 by an unlicensed person;

4 (5) ~~e.~~ Conviction of any crime an essential element of  
5 which is misstatement, fraud or dishonesty or conviction of  
6 any felony, if the Department determines, after  
7 investigation, that such person has not been sufficiently  
8 rehabilitated to warrant the public trust;

9 (6) ~~f.~~ Conviction of a violation of any law of Illinois  
10 except minor violations such as traffic violations and  
11 violations not related to the disposition of dogs, cats and  
12 other animals or any rule or regulation of the Department  
13 relating to dogs or cats and sale thereof;

14 (7) ~~g.~~ Making substantial misrepresentations or false  
15 promises of a character likely to influence, persuade or  
16 induce in connection with the business of a licensee under  
17 this Act;

18 (8) ~~h.~~ Pursuing a continued course of  
19 misrepresentation of or making false promises through  
20 advertising, salesman, agents or otherwise in connection  
21 with the business of a licensee under this Act;

22 (9) ~~i.~~ Failure to possess the necessary qualifications  
23 or to meet the requirements of the Act for the issuance or  
24 holding a license; or

25 (10) ~~j.~~ Proof that the licensee is guilty of gross  
26 negligence, incompetency, or cruelty with regard to

1 animals.

2 (b) The Department may refuse to issue or may suspend the  
3 license of any person who fails to file a return, or to pay the  
4 tax, penalty, or interest shown in a filed return, or to pay  
5 any final assessment of tax, penalty, or interest, as required  
6 by any tax Act administered by the Illinois Department of  
7 Revenue, until such time as the requirements of any such tax  
8 Act are satisfied.

9 (c) The Department may order any licensee to cease  
10 operation for a period not to exceed 72 hours to correct  
11 deficiencies in order to meet licensing requirements.

12 (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97;  
13 90-403, eff. 8-15-97.)

14 (225 ILCS 605/16) (from Ch. 8, par. 316)

15 Sec. 16. Surrender of license; transfer of animals.

16 (a) Upon the relinquishment, revocation, or suspension of  
17 any license, the licensee shall forthwith surrender the license  
18 and any branch office licenses to the Department, and if the  
19 licensee fails to do so, the Department shall have the right to  
20 seize the same.

21 (b) At the direction of the Department, any licensee whose  
22 license is relinquished, revoked, or placed on suspension for  
23 more than 3 months, has up to one week from the relinquishment,  
24 revocation, or suspension to relinquish ownership and control  
25 of all animals under his or her possession or control to a

1 facility licensed under this Act. Animals may be relinquished  
2 or transferred to unlicensed persons or facilities only with  
3 written permission from the Department.

4 Failure to comply with this subsection (b) shall result in  
5 the immediate seizure of all the animals by the Department and  
6 transfer of the animals to a licensee or licensees designated  
7 by the Department. A licensee who voluntarily relinquishes his  
8 or her license because he or she no longer desires to be  
9 licensed under this Act and does not meet the requirements for  
10 licensure under this Act shall be exempt from this subsection  
11 (b).

12 (Source: Laws 1965, p. 2956.)

13 (225 ILCS 605/18) (from Ch. 8, par. 318)

14 Sec. 18. Requirements.

15 (a) The licensee shall:

16 (1) ~~a.~~ Maintain sanitary conditions.

17 (2) ~~b.~~ Insure proper ventilation.

18 (3) ~~c.~~ Provide adequate nutrition.

19 (4) ~~d.~~ Provide humane care and treatment of all animals  
20 under his or her jurisdiction.

21 (5) Seek veterinary care for seriously ill or injured  
22 animals, which may include euthanasia.

23 (6) Maintain current rabies vaccination records of all  
24 dogs 16 weeks of age and older in the possession of the  
25 licensee.

1           (7) Maintain records as prescribed by the Department.

2           (8) ~~e.~~ Take reasonable care to release for sale, trade,  
3 or adoption only those animals which are free of disease,  
4 injuries or abnormalities. A health certificate, meeting  
5 the requirements of the Department and issued by a licensed  
6 veterinarian for any such animal within 5 days before such  
7 sale, trade or adoption is prima facie evidence that the  
8 licensee has taken reasonable care, as required by this  
9 paragraph.

10          (b) ~~f.~~ Inspection of the premises of a licensee to  
11 determine compliance with this Act may be made only by the  
12 Department.

13          (Source: P.A. 78-900.)

14           (225 ILCS 605/18.1)

15           Sec. 18.1. Sale or gift of reptiles and other animals.

16           (a) A pet shop shall not sell a reptile, offer a reptile  
17 for sale or adoption, or offer a reptile as a gift or  
18 promotional consideration unless a notice regarding safe  
19 reptile-handling practices that meets the requirements in  
20 subsection (b) is (i) prominently displayed at each location in  
21 the pet shop where reptiles are displayed, housed, or held and  
22 (ii) distributed to the purchaser or recipient.

23           (b) The notice regarding safe reptile-handling practices  
24 shall be one of the following:

25           (1) a notice provided at no charge by the Illinois

1 Department of Public Health; or

2 (2) a notice that has the dimensions of at least 8.5  
3 inches by 11 inches, that uses fonts that are clearly  
4 visible and readily draw attention to the notice, and that  
5 contains all of the following statements:

6 (A) "As with many other animals, reptiles carry  
7 salmonella bacteria, which can make people sick. Safe  
8 reptile-handling steps should be taken to reduce the  
9 chance of infection."

10 (B) "Always wash your hands thoroughly after you  
11 handle your pet reptile, its food, and anything it has  
12 touched."

13 (C) "Keep your pet reptile and its equipment out of  
14 the kitchen or any area where food is prepared. Kitchen  
15 sinks should not be used to bathe reptiles or wash  
16 their dishes, cages, or aquariums. If a bathtub is used  
17 for these purposes, it should be cleaned thoroughly and  
18 disinfected with bleach."

19 (D) "Don't nuzzle or kiss your pet reptile."

20 (E) "Keep reptiles out of homes where there are  
21 children under 5 years of age or people with weakened  
22 immune systems. Children under 5 years of age or people  
23 with weakened immune systems should avoid contact with  
24 reptiles."

25 (F) "Pet reptiles should not be allowed in child  
26 care centers."

1 (G) "Pet reptiles should not be allowed to roam  
2 freely throughout the home or living area."

3 (Source: P.A. 91-741, eff. 1-1-01.)

4 (225 ILCS 605/20) (from Ch. 8, par. 320)

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

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

10 (225 ILCS 605/20.5)

11 Sec. 20.5. Administrative fines.

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

16 (1) For the first violation, a fine of \$200.

17 (2) For a second violation that occurs within 3 years  
18 after the first violation, a fine of \$500.

19 (3) For a third violation that occurs within 3 years  
20 after the first violation, mandatory probationary status  
21 and a fine of \$1,000.

22 (4) For a fourth violation that occurs within 3 years  
23 after the first violation, a fine of \$5,000 and an  
24 immediate 12-month suspension.

1           (5) For a violation that occurs within 3 years after  
2           any suspension, an immediate revocation of the license and  
3           ban from licensure under this Act for 5 years.

4           (b) Fines shall be paid within 30 days after entry of the  
5           final administrative decision by the Department.

6           (c) A warning may be issued in lieu of a fine if deemed  
7           appropriate by the Department.

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

9           (225 ILCS 605/21) (from Ch. 8, par. 321)

10          Sec. 21. Fees.

11          (a) The following non-refundable fees shall accompany each  
12          application for a license or permit , which fees shall not be  
13          returnable:

- 14          (1) Pet shop operator
  - 15               (A) Type I license ..... \$200
  - 16               (B) Type II license ..... \$100
- 17          (2) Dog breeder
  - 18               (A) Breeder license ..... \$50
  - 19               (B) Large-scale breeder license ..... \$150
- 20          (3) Cattery operator ..... \$50
- 21          (4) Dog dealer ..... \$150
- 22          (5) Dog daycare provider ..... \$150
- 23          (6) Kennel operator ..... \$150
- 24          (7) Animal shelter ..... \$100
- 25          (8) Records-only animal shelter ..... \$100



1	<u>(9) Animal control facility .....</u>	<u>\$50</u>
2	<del>a. for an original license to an individual .....</del>	<del>\$25</del>
3	<del>b. for an original license to a partnership or</del>	
4	<del>corporation.....</del>	<del>\$25</del>
5	<del>c. for an annual renewal license .....</del>	<del>\$25</del>
6	<del>d. for each branch office license .....</del>	<del>\$25</del>
7	<del>e. for the renewal of any</del>	
8	<del>license not renewed by</del>	
9	<del>July 1 of the year</del>	
10	<del>.....</del>	<del>\$40</del>

11 (10) f. for a permit for a foster home ..... \$25

12 (11) g. for renewal of a permit for a foster home .... \$25

13 (b) If multiple licenses are issued to a licensee, then the  
14 maximum fee charged shall not exceed \$250. If a license is not  
15 renewed by July 1 of the year, then the renewal fee shall be  
16 double the initial license fee.

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

18 (225 ILCS 605/13 rep.)

19 Section 10. The Animal Welfare Act is amended by repealing  
20 Section 13.

1		INDEX
2		Statutes amended in order of appearance
3	225 ILCS 605/2	from Ch. 8, par. 302
4	225 ILCS 605/2.2	from Ch. 8, par. 302.2
5	225 ILCS 605/2.3 new	
6	225 ILCS 605/3	from Ch. 8, par. 303
7	225 ILCS 605/3.1	from Ch. 8, par. 303.1
8	225 ILCS 605/3.2	
9	225 ILCS 605/5	from Ch. 8, par. 305
10	225 ILCS 605/6	from Ch. 8, par. 306
11	225 ILCS 605/6.5	
12	225 ILCS 605/7	from Ch. 8, par. 307
13	225 ILCS 605/8	from Ch. 8, par. 308
14	225 ILCS 605/9	from Ch. 8, par. 309
15	225 ILCS 605/10	from Ch. 8, par. 310
16	225 ILCS 605/16	from Ch. 8, par. 316
17	225 ILCS 605/18	from Ch. 8, par. 318
18	225 ILCS 605/18.1	
19	225 ILCS 605/20	from Ch. 8, par. 320
20	225 ILCS 605/20.5	
21	225 ILCS 605/21	from Ch. 8, par. 321
22	225 ILCS 605/13 rep.	