



## 99TH GENERAL ASSEMBLY

### State of Illinois

### 2015 and 2016

### SB0108

Introduced 1/28/2015, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

225 ILCS 605/2	from Ch. 8, par. 302
225 ILCS 605/3	from Ch. 8, par. 303
225 ILCS 605/5	from Ch. 8, par. 305
225 ILCS 605/10	from Ch. 8, par. 310
225 ILCS 605/21	from Ch. 8, par. 321
510 ILCS 70/2.01h	

Amends the Animal Welfare Act. Provides that the definition of "kennel operator" does not include an animal control facility operated directly by a government agency; a veterinary hospital that does not board animals overnight for other than ongoing veterinary treatment; or a person who owns, has possession of, or harbors 5 or fewer females capable of reproduction, unless the animals are being kept overnight for a fee or compensation. Requires veterinary hospitals engaged in boarding services to obtain kennel operator licenses. Requires applicants for original licensure to provide proof of zoning compliance. Provides that the Illinois Department of Agriculture may refuse to issue a license if the applicant, or a known prospective employee of the applicant, has ever been convicted of violating an animal cruelty statute. Provides that the Department shall not (instead of may refuse to) issue or renew a license and shall (instead of may) suspend or revoke a license if an applicant or licensee has engaged in certain activities or made certain types of misleading statements. Increases licensing fees. Amends the Humane Care for Animals Act. Changes the definition of "animal shelter" to exclude veterinary hospitals or clinics that also operate overnight boarding facilities.

LRB099 03856 HAF 23870 b

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, 5, 10, and 21 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, or other animals  
15 customarily obtained as pets in this State. However, a person  
16 who sells only such animals that he has produced and raised  
17 shall not be considered a pet shop operator under this Act, and  
18 a veterinary hospital or clinic operated by a veterinarian or  
19 veterinarians licensed under the Veterinary Medicine and  
20 Surgery Practice Act of 2004 shall not be considered a pet shop  
21 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 (1) 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, including boarding for or on behalf  
19 of a government agency; or (2) who sells, offers to sell,  
20 exchange, or offers for adoption with or without charge dogs or  
21 dogs and cats which he has produced and raised. However,  
22 "kennel operator" does not include an animal control facility  
23 operated directly by a government agency, a veterinary hospital  
24 that does not board animals overnight for other than ongoing  
25 veterinary treatment, or an animal shelter. A person who owns,  
26 has possession of, or harbors 5 or less females capable of

1 reproduction shall not be considered a kennel operator, unless  
2 the animals are being kept overnight for a fee or compensation.

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

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

22 "Animal shelter" means a facility operated, owned, or  
23 maintained by a duly incorporated humane society, animal  
24 welfare society, or other non-profit organization for the  
25 purpose of providing for and promoting the welfare, protection,  
26 and humane treatment of animals. "Animal shelter" also means

1 any veterinary hospital or clinic operated by a veterinarian or  
2 veterinarians licensed under the Veterinary Medicine and  
3 Surgery Practice Act of 2004 which operates for the above  
4 mentioned purpose in addition to its customary purposes.

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

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

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

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

24 "Probationary status" means the 12-month period following  
25 a series of violations of this Act during which any further  
26 violation shall result in an automatic 12-month suspension of

1 licensure.

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

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

4 Sec. 3. (a) Except as provided in subsection (b) of this  
5 Section, no person shall engage in business as a pet shop  
6 operator, dog dealer, kennel operator, cattery operator, or  
7 operate a guard dog service, an animal control facility or  
8 animal shelter or any combination thereof, in this State  
9 without a license therefor issued by the Department. Only one  
10 license shall be required for any combination of businesses at  
11 one location, except for:

12 (1) a veterinary hospital that also operates a boarding  
13 facility or kennel privately or under contract with a  
14 government agency to provide confinement, including, but  
15 not limited to, impoundment or quarantine services, which  
16 must obtain a license as a kennel operator in addition to  
17 being licensed to provide veterinary services; or

18 (2) that a separate license shall be required to  
19 ~~operate~~ a guard dog service. Guard dog services that are  
20 located outside this State but provide services within this  
21 State are required to obtain a license from the Department.  
22 Out-of-state guard dog services are required to comply with  
23 the requirements of this Act with regard to guard dogs and  
24 sentry dogs transported to or used within this State.

25 (b) This Act does not apply to a private detective agency

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

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

7 (225 ILCS 605/5) (from Ch. 8, par. 305)

8 Sec. 5. Applications by individuals for original licenses  
9 shall be made to the Department, shall be in writing on forms  
10 prescribed by the Department and shall be accompanied by the  
11 required fee, which shall not be returnable. Any such  
12 application shall require such information as in the judgment  
13 of the Department will enable the Department to pass on the  
14 qualifications of the applicant for a license. It shall  
15 include, but need not be limited to information concerning age,  
16 citizenship, present residence, location of the business  
17 licensed under this Act, including the location of all foster  
18 homes, description of facilities to be used, present and  
19 previous business connections and experience, bank and  
20 professional references, proof of zoning compliance, whether  
21 any license of the applicant under this Act or any federal,  
22 state, county or local law, ordinance or regulation, relating  
23 to dealing in or handling dogs or cats, ever was suspended or  
24 revoked and whether the applicant or any known prospective  
25 employee of the applicant ever has been convicted of any a

1 felony violation of an animal cruelty statute or misdemeanor  
2 violation of an animal cruelty statute. Conviction for  
3 violating an animal cruelty statute ~~Such felony conviction~~ may  
4 be taken into consideration by the Department in determining  
5 qualifications for licensing and may ~~but shall not~~ operate as a  
6 bar to licensing.

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

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

9 Sec. 10. Grounds for discipline. The Department shall not  
10 issue or renew a license and shall ~~may refuse to issue or renew~~  
11 ~~or may~~ suspend or revoke a license on any one or more of the  
12 following grounds:

13 a. Material misstatement in the application for original  
14 license or in the application for any renewal license under  
15 this Act;

16 b. A violation of this Act or of any regulations or rules  
17 issued pursuant thereto;

18 c. Aiding or abetting another in the violation of this Act  
19 or of any regulation or rule issued pursuant thereto;

20 d. Allowing one's license under this Act to be used by an  
21 unlicensed person;

22 e. Conviction of any crime an essential element of which is  
23 misstatement, fraud or dishonesty or conviction of any felony,  
24 if the Department determines, after investigation, that such  
25 person has not been sufficiently rehabilitated to warrant the



1 public trust;

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

7 g. Making substantial misrepresentations or false promises  
8 of a character likely to influence, persuade or induce in  
9 connection with the business of a licensee under this Act;

10 h. Pursuing a continued course of misrepresentation of or  
11 making false promises through advertising, salesman, agents or  
12 otherwise in connection with the business of a licensee under  
13 this Act;

14 i. Failure to possess the necessary qualifications or to  
15 meet the requirements of the Act for the issuance or holding a  
16 license; or

17 j. Proof that the licensee is guilty of gross negligence,  
18 incompetency, or cruelty with regard to animals.

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

26 The Department may order any licensee to cease operation

1 for a period not to exceed 72 hours to correct deficiencies in  
2 order to meet licensing requirements.

3 (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97;  
4 90-403, eff. 8-15-97.)

5 (225 ILCS 605/21) (from Ch. 8, par. 321)

6 Sec. 21. The following fees shall accompany each  
7 application for a license, which fees shall not be returnable:

8 a. for an original license to an individual ..... \$100 ~~\$25~~

9 b. for an original license to a partnership or  
10 corporation..... \$100 ~~\$25~~

11 c. for an annual renewal license ..... \$100 ~~\$25~~

12 d. for each branch office license ..... \$100 ~~\$25~~

13 e. for the renewal of any license not renewed by  
14 July 1 of the year ..... \$150 ~~\$40~~

15 f. for a permit for a foster home ..... \$25

16 g. for renewal of a permit for a foster home ..... \$25

17 h. for an original license to a not-for-profit  
18 individual or organization ..... \$100

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

20 Section 10. The Humane Care for Animals Act is amended by  
21 changing Section 2.01h as follows:

22 (510 ILCS 70/2.01h)

23 Sec. 2.01h. Animal shelter. "Animal shelter" means a

1 facility operated, owned, or maintained by a duly incorporated  
2 humane society, animal welfare society, or other non-profit  
3 organization for the purpose of providing for and promoting the  
4 welfare, protection, and humane treatment of animals. "Animal  
5 shelter" also means any veterinary hospital or clinic that: (i)  
6 is operated by a veterinarian or veterinarians licensed under  
7 the Veterinary Medicine and Surgery Practice Act of 2004; (ii)  
8 ~~which~~ operates for the above mentioned purpose in addition to  
9 its customary purposes; and (iii) does not operate an overnight  
10 boarding facility on the premises.

11 (Source: P.A. 92-454, eff. 1-1-02; 93-281, eff. 12-31-03.)