



Sen. Michael E. Hastings

Filed: 3/2/2017

10000SB1882sam001

LRB100 06286 SMS 22463 a

1 AMENDMENT TO SENATE BILL 1882

2 AMENDMENT NO. _____. Amend Senate Bill 1882 on page 1,
3 immediately above line 4, by inserting the following:

4 "Section 1. Short title. This Act may be referred to as
5 the Best Practices and Uniform Standards to Ensure Consumer
6 Protection and Safe Pets Act."; and

7 on page 1, line 22, after "microchipped", by inserting "and the
8 microchip has been enrolled with a searchable national
9 database"; and

10 by replacing line 21 on page 7 through line 8 on page 10 with
11 the following:

12 "(225 ILCS 605/3.8 new)

13 Sec. 3.8. Sourcing of dogs and cats sold by pet shops, dog
14 dealers, or cattery operators.

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

7 (1) The person is not currently licensed by the United
8 States Department of Agriculture under the federal Animal
9 Welfare Act.

10 (2) On the last inspection report, before obtaining the
11 dog or cat, the person commits a critical violation of any
12 of the pet dealer regulations of the United States
13 Department of Agriculture under the federal Animal Welfare
14 Act.

15 (3) The person commits a direct violation of the pet
16 dealer regulations of the United States Department of
17 Agriculture under the federal Animal Welfare Act (7 U.S.C.
18 2131 et seq.) on the last inspection before obtaining the
19 dog or cat, for violations relating to the health or
20 welfare of the animal and the violations were not
21 administrative in nature.

22 (b) A pet shop operator, dog dealer, or cattery operator is
23 presumed to have acted in good faith and to have satisfied its
24 obligation to ascertain whether a person meets the criteria
25 described in subsection (a) of this Section if the pet shop
26 operator, dog dealer, or cattery operator obtains the latest

1 inspection reports that are readily available from the licensed
2 breeder or the Animal and Plant Health Inspection Service
3 (APHIS) online search tool maintained by the United States
4 Department of Agriculture at the time of sale. A pet shop
5 operator, dog dealer, or cattery operator is in compliance with
6 this Section if the most recent inspection report is
7 unavailable through no fault of the licensed breeder or the
8 APHIS online search tool is unavailable; however, the pet shop
9 operator, dog dealer, or cattery operator shall obtain the most
10 current inspection report as soon as it becomes available. A
11 pet shop operator, dog dealer, or cattery operator is presumed
12 to have acted in good faith and to have satisfied its
13 obligation if it is determined that the licensed breeder
14 altered or falsified the inspection report provided at the time
15 of sale.

16 (c) Notwithstanding subsections (a) and (b) of this
17 Section, a pet shop operator, dog dealer, or cattery operator
18 may obtain a dog or cat for resale or sell or offer for sale any
19 dog or cat obtained from: (1) a person that sells dogs only he
20 or she has produced and raised, (2) a publicly operated pound
21 or a private non-profit humane society or rescue, or (3) an
22 animal adoption event conducted by a pound or humane society.

23 (d) A pet shop operator, dog dealer, or cattery operator
24 shall maintain records verifying its compliance with this
25 Section for 2 years after obtaining the dog or cat to be sold
26 or offered for sale. Records maintained pursuant to this

1 subsection (d) shall be open to inspection on request by a
2 Department of Agriculture inspector.

3 (e) It is recognized that the sourcing of dogs and cats
4 into Illinois is a matter of statewide interest to protect the
5 health and safety of both the animals and the citizens of
6 Illinois. A home rule unit may not regulate the sourcing of
7 dogs and cats sold by pet shop operators, dog dealers, or
8 cattery operators. This Section is a denial and limitation of
9 home rule powers and functions under subsection (h) of Section
10 6 of Article VII of the Illinois Constitution."