

HB3533



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3533

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

225 ILCS 605/3.8
225 ILCS 605/20.5

Amends the Animal Welfare Act. Provides that a pet shop operator may not sell or offer for sale any dog or cat if the dog or cat was obtained from a dog dealer or a cattery operator. Provides that a pet shop operator who violates the provisions is subject to a fine of \$500 per animal offered for sale in violation of those provisions. Effective one year after becoming law.

LRB101 10633 AMC 55739 b

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 3.8 and 20.5 as follows:

6 (225 ILCS 605/3.8)

7 Sec. 3.8. Sourcing of dogs and cats sold by pet shops.

8 (a) A pet shop operator may not obtain a dog or cat for
9 resale or sell or offer for sale any dog or cat obtained from a
10 person who is required to be licensed by the pet dealer
11 regulations of the United States Department of Agriculture
12 under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.) if
13 any of the following applies to the original breeder:

14 (1) The person is not currently licensed by the United
15 States Department of Agriculture under the federal Animal
16 Welfare Act.

17 (2) During the 2-year period before the day the dog or
18 cat is received by the pet shop, the person received a
19 direct or critical non-compliant citation on a final
20 inspection report from the United States Department of
21 Agriculture under the federal Animal Welfare Act.

22 (3) During the 2-year period before the day the dog or
23 cat is received by the pet shop, the person received 3 or

1 more non-compliant citations on a final inspection report
2 from the United States Department of Agriculture for
3 violations relating to the health or welfare of the animal
4 and the violations were not administrative in nature.

5 (4) The person received a no-access violation on each
6 of the 3 most recent final inspection reports from the
7 United States Department of Agriculture.

8 (b) A pet shop operator is presumed to have acted in good
9 faith and to have satisfied its obligation to ascertain whether
10 a person meets the criteria described in subsection (a) of this
11 Section if, when placing an order to obtain a dog or cat for
12 sale or resale, the pet shop operator conducts a search for
13 inspection reports that are readily available of the breeder on
14 the Animal Care Information System online search tool
15 maintained by the United States Department of Agriculture. If
16 inspection reports are not readily available on the United
17 States Department of Agriculture website, the pet shop operator
18 must obtain the inspection reports from the person or persons
19 required to meet the criteria described in subsection (a) of
20 this Section.

21 (c) Notwithstanding subsections (a) and (b) of this
22 Section, a pet shop operator may obtain a dog or cat for resale
23 or sell or offer for sale any dog or cat obtained from: (1) a
24 person that sells dogs only he or she has produced and raised
25 and who is not required to be licensed by the United States
26 Department of Agriculture, (2) a publicly operated pound or a

1 private non-profit humane society or rescue, or (3) an animal
2 adoption event conducted by a pound or humane society.

3 (c-5) Notwithstanding any other provision of this Section,
4 a pet shop operator may not sell or offer for sale any dog or
5 cat if the dog or cat was obtained from a dog dealer or a
6 cattery operator.

7 (d) A pet shop operator shall maintain records verifying
8 its compliance with this Section for 2 years after obtaining
9 the dog or cat to be sold or offered for sale. Records
10 maintained pursuant to this subsection (d) shall be open to
11 inspection on request by a Department of Agriculture inspector.
12 (Source: P.A. 100-322, eff. 8-24-17.)

13 (225 ILCS 605/20.5)

14 Sec. 20.5. Administrative fines.

15 (a) The following administrative fines shall be imposed by
16 the Department upon any person or entity who violates any
17 provision of this Act or any rule adopted by the Department
18 under this Act:

19 (1) For the first violation, a fine of \$500.

20 (2) For a second violation that occurs within 3 years
21 after the first violation, a fine of \$1,000.

22 (3) For a third violation that occurs within 3 years
23 after the first violation, mandatory probationary status
24 and a fine of \$2,500.

25 (b) A pet shop operator who violates subsection (c-5) of

1 Section 3.8 is subject to a fine of \$500 per animal offered for
2 sale in violation of that subsection.

3 (Source: P.A. 98-855, eff. 8-4-14.)

4 Section 99. Effective date. This Act takes effect one year
5 after becoming law.