

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 10. The Animal Welfare Act is amended by changing
5 Sections 2, 3, 3.2, 3.3, 7, 20.5, 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 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.

19 "Boarding" means a time frame greater than 12 hours or an
20 overnight period during which an animal is kept by a kennel
21 operator.

22 "Cat breeder" means a person who sells, offers to sell,
23 exchanges, or offers for adoption with or without charge cats
24 that he or she has produced and raised. A person who owns, has
25 possession of, or harbors 5 or less females capable of
26 reproduction shall not be considered a cat breeder.

1 "Dog breeder" means a person who sells, offers to sell,
2 exchanges, or offers for adoption with or without charge dogs
3 that he has produced and raised. A person who owns, has
4 possession of, or harbors 5 or less females capable of
5 reproduction shall not be considered a dog breeder.

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

16 "Animal shelter" means a facility operated, owned, or
17 maintained by a duly incorporated humane society, animal
18 welfare society, or other non-profit organization for the
19 purpose of providing for and promoting the welfare, protection,
20 and humane treatment of animals. An organization that does not
21 have its own building that maintains animals solely in foster
22 homes or other licensees is an "animal shelter" for purposes of
23 this Act. "Animal shelter" also means any veterinary hospital
24 or clinic operated by a veterinarian or veterinarians licensed
25 under the Veterinary Medicine and Surgery Practice Act of 2004
26 which operates for the above mentioned purpose in addition to

1 its customary purposes.

2 "Day care operator" means a person who operates an
3 establishment, other than an animal control facility,
4 veterinary hospital, or animal shelter, where dogs or dogs and
5 cats are kept for a period of time not exceeding 12 hours.

6 "Foster home" means an entity that accepts the
7 responsibility for stewardship of animals that are the
8 obligation of an animal shelter or animal control facility, not
9 to exceed 4 foster animals or 2 litters under 8 weeks of age at
10 any given time. A written agreement ~~Permits~~ to operate as a
11 "foster home" shall be contracted with ~~issued through~~ the
12 animal shelter or animal control facility.

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

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

24 "Return" in return to field or trap, neuter, return program
25 means to return the cat to field after it has been sterilized
26 and vaccinated for rabies.

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

4 "Probationary status" means the 12-month period following
5 a series of violations of this Act during which any further
6 violation shall result in an automatic 12-month suspension of
7 licensure.

8 "Owner" means any person having a right of property in an
9 animal, who keeps or harbors an animal, who has an animal in
10 his or her care or acts as its custodian, or who knowingly
11 permits a dog to remain on any premises occupied by him or her.

12 "Owner" does not include a feral cat caretaker participating in
13 a trap, spay/neuter, vaccinate for rabies, and return or
14 ~~release~~ program.

15 (Source: P.A. 99-310, eff. 1-1-16; 100-842, eff. 1-1-19;
16 100-870, eff. 1-1-19; revised 10-22-18.)

17 (225 ILCS 605/3) (from Ch. 8, par. 303)

18 Sec. 3. (a) Except as provided in subsection (b) of this
19 Section, no person shall engage in business as a pet shop
20 operator, dog dealer, kennel operator, day care operator, dog
21 breeder, or cat breeder or operate a guard dog service, an
22 animal control facility, or animal shelter, ~~or any combination~~
23 ~~thereof,~~ in this State without a license therefor issued by the
24 Department. If one business conducts more than one such
25 operation, each operation shall be licensed separately. Only

1 ~~one license shall be required for any combination of businesses~~
2 ~~at one location, except that a separate license shall be~~
3 ~~required to operate a guard dog service.~~ Guard dog services
4 that are located outside this State but provide services within
5 this State are required to obtain a license from the
6 Department. Out-of-state guard dog services are required to
7 comply with the requirements of this Act with regard to guard
8 dogs and sentry dogs transported to or used within this State.

9 (b) This Act does not apply to a private detective agency
10 or private security agency licensed under the Private
11 Detective, Private Alarm, Private Security, Fingerprint
12 Vendor, and Locksmith Act of 2004 that provides guard dog or
13 canine odor detection services and does not otherwise operate a
14 kennel for hire.

15 (Source: P.A. 100-842, eff. 1-1-19.)

16 (225 ILCS 605/3.2)

17 Sec. 3.2. Foster homes. A person shall not operate a foster
18 home without affiliating by formal written agreement with an
19 animal shelter or animal control facility for which that person
20 will operate the foster home ~~first obtaining a permit from the~~
21 ~~animal shelter or animal control facility for which that person~~
22 ~~will operate the foster home.~~ The written agreement shall
23 include a clause allowing for the Department to inspect the
24 foster home. The animal shelter or animal control facility
25 shall be responsible for the records and have the obligation of

1 stewardship for animals in the foster home with which it
2 affiliates. ~~Upon application and payment of the required fees~~
3 ~~by the animal shelter, the Department shall issue foster home~~
4 ~~permits to the animal shelter. The animal shelter shall be~~
5 ~~responsible for the records and have all the obligations of~~
6 ~~stewardship for animals in the foster homes to which it issues~~
7 ~~permits.~~

8 Foster homes shall provide the care for animals required by
9 this Act and shall report any deviation that might affect its
10 adherence to its written agreement with the affiliating animal
11 shelter or animal control facility ~~the status of the license or~~
12 ~~permit to the animal shelter.~~ If the subject of a complaint, a
13 foster home may be inspected by the Department under the
14 Department's licensing authority relative to the affiliating
15 animal shelter or animal control facility. Refusal of the
16 Department's inspection may result in revocation of the
17 license.

18 A foster home shall not care for more than 4 foster animals
19 or more than 2 litters under 8 weeks of age at any one time.

20 (Source: P.A. 100-870, eff. 1-1-19.)

21 (225 ILCS 605/3.3)

22 Sec. 3.3. Adoption of dogs and cats.

23 (a) An animal shelter or animal control facility shall not
24 adopt out any dog or adopt out or return to field any cat
25 unless it has been sterilized and microchipped. However, an

1 animal shelter, ~~or~~ animal control facility may adopt out a dog
2 or cat that has not been sterilized and microchipped if:

3 (1) Blank; ~~or the adopting owner has executed a written~~
4 ~~agreement agreeing to have sterilizing and microchipping~~
5 ~~procedures performed on the animal to be adopted within a~~
6 ~~specified period of time not to exceed 30 days after the~~
7 ~~date of the adoption, or~~

8 (2) the adopting owner has executed a written agreement
9 to have sterilizing and microchipping procedures performed
10 within 14 days after a licensed veterinarian certifies the
11 dog or cat is healthy enough for sterilizing and
12 microchipping procedures, and a licensed veterinarian has
13 certified that the dog or cat is too sick or injured to be
14 sterilized or it would be detrimental to the health of the
15 dog or cat to be sterilized or microchipped at the time of
16 the adoption.

17 (b) An animal shelter or animal control facility may adopt
18 out any dog or cat that is not free of disease, injury, or
19 abnormality if the disease, injury, or abnormality is disclosed
20 in writing to the adopter, and the animal shelter or animal
21 control facility allows the adopter to return the animal to the
22 animal shelter or animal control facility.

23 (c) The requirements of subsections (a) and (b) of this
24 Section do not apply to adoptions subject to Section 11 of the
25 Animal Control Act.

26 (Source: P.A. 96-314, eff. 8-11-09.)

1 (225 ILCS 605/7) (from Ch. 8, par. 307)

2 Sec. 7. Applications for renewal licenses shall be made to
3 the Department in a manner prescribed by the Department, shall
4 contain such information as will enable the Department to
5 determine if the applicant is qualified to continue to hold a
6 license, shall report beginning inventory and intake and
7 outcome statistics from the previous calendar year, and shall
8 be accompanied by the required fee, which shall not be
9 returnable. The report of intake and outcome statistics shall
10 include the following:

11 (1) The total number of dogs, cats, and other animals,
12 divided into species, taken in by the animal shelter or
13 animal control facility, in the following categories:

14 (A) surrendered by owner;

15 (B) stray;

16 (C) impounded other than stray;

17 (D) confiscated under the Humane Care for Animals
18 Act;

19 (E) transfer from other licensees within the
20 State;

21 (F) transferred into or imported from out of the
22 State;

23 (G) transferred into or imported from outside the
24 country; and

25 (H) born in shelter or animal control facility.

1 (2) The disposition of all dogs, cats, and other
2 animals taken in by the animal shelter or animal control
3 facility, divided into species. This data must include
4 dispositions by:

5 (A) reclamation by owner;

6 (B) adopted or sold;

7 (C) euthanized;

8 (D) euthanized per request of the owner;

9 (E) died in custody;

10 (F) transferred to another licensee;

11 (G) transferred to an out-of-State nonprofit
12 agency;

13 (H) animals missing, stolen, or escaped;

14 (I) cats returned ~~animals released~~ in field;
15 ~~trapped, neutered, released;~~ and

16 (J) ending inventory; shelter count at end of the
17 last day of the year.

18 The Department shall not be required to audit or validate
19 the intake and outcome statistics required to be submitted
20 under this Section.

21 (Source: P.A. 100-870, eff. 1-1-19.)

22 (225 ILCS 605/20.5)

23 Sec. 20.5. Administrative fines. The following
24 administrative fines may ~~shall~~ be imposed by the Department
25 upon any person or entity who violates any provision of this

1 Act or any rule adopted by the Department under this Act:

2 (1) For the first violation, a fine of \$1,000 ~~\$500~~.

3 (2) For a second violation that occurs within 2 ~~3~~ years
4 after the first violation, a fine of \$2,500 ~~\$1,000~~.

5 (3) For a third violation that occurs within 2 ~~3~~ years
6 after the first violation, mandatory probationary status
7 and a fine of \$3,000 ~~\$2,500~~.

8 If a person or entity fails or refuses to pay an
9 administrative fine authorized by this Section, the Department
10 may prohibit that person or entity from renewing a license
11 under this Act until the fine is paid in full. Any penalty of
12 \$500 or more not paid within 120 days of issuance by the
13 Department shall be submitted to the Department of Revenue for
14 collection as provided under the Illinois State Collection Act
15 of 1986.

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

17 (225 ILCS 605/21) (from Ch. 8, par. 321)

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

20 a. for an original license to an individual \$350 ~~\$25~~

21 b. for an original license to a partnership, animal
22 shelter, or animal control facility or

23 corporation..... \$350 ~~\$25~~

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

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

- 1 e. for the renewal of any license not renewed by
- 2 July 1 of the year \$400 ~~\$40~~
- 3 f. (blank) ~~for a permit for a foster home~~ ~~\$25~~
- 4 g. (blank) ~~for renewal of a permit for a foster home ..~~ ~~\$25~~

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

6 Section 15. The Animal Control Act is amended by changing
7 Sections 2.01, 2.07, 2.16, 11, 24, and 35 and by adding
8 Sections 2.19-3 as follows:

9 (510 ILCS 5/2.01) (from Ch. 8, par. 352.01)

10 Sec. 2.01. Administrator. "Administrator" means a
11 veterinarian licensed by the State of Illinois and appointed
12 pursuant to this Act, or ~~in the event a veterinarian cannot be~~
13 ~~found and appointed pursuant to this Act,~~ a non-veterinarian
14 may serve as Administrator under this Act. In the event the
15 Administrator is not a veterinarian, the Administrator shall
16 defer to the Deputy Administrator ~~veterinarian~~ regarding all
17 medical decisions.

18 (Source: P.A. 93-548, eff. 8-19-03.)

19 (510 ILCS 5/2.07) (from Ch. 8, par. 352.07)

20 Sec. 2.07. Deputy Administrator. "Deputy Administrator"
21 means a veterinarian licensed by the State of Illinois,
22 appointed by the Administrator or the County Board.

23 (Source: P.A. 93-548, eff. 8-19-03.)

1 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

2 Sec. 2.16. Owner. "Owner" means any person having a right
3 of property in an animal, or who keeps or harbors an animal, or
4 who has it in his care, or acts as its custodian, or who
5 knowingly permits a dog to remain on any premises occupied by
6 him or her. "Owner" does not include a feral cat caretaker
7 participating in a trap, spay/neuter, vaccinate for rabies, and
8 return ~~or release~~ program.

9 (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

10 (510 ILCS 5/2.19-3 new)

11 Sec. 2.19-3. Return. "Return" in return to field or trap,
12 neuter, return program means to return the cat to field after
13 it has been sterilized and vaccinated for rabies.

14 (510 ILCS 5/11) (from Ch. 8, par. 361)

15 Sec. 11. Animal placement. When not redeemed by the owner,
16 agent, or caretaker, a dog or cat must be scanned for a
17 microchip. If a microchip is present, the registered owner or
18 chip purchaser if the purchaser was a nonprofit organization,
19 animal shelter, animal control facility, pet store, breeder, or
20 veterinary office must be notified. After contact has been made
21 or attempted, dogs ~~or cats~~ deemed adoptable by the animal
22 control facility shall be offered for adoption, or made
23 available to a licensed animal shelter, ~~humane society~~ or

1 rescue group. After contact has been made or attempted, the
2 animal control facility may either: (1) offer the cat for
3 adoption; (2) return to field or transfer the cat after
4 sterilization; or (3) make the cat available to a licensed
5 animal shelter or animal control facility. ~~The~~ ~~if no placement~~
6 ~~is available,~~ the animal may be humanely dispatched pursuant to
7 the Humane Euthanasia in Animal Shelters Act. An animal control
8 facility or ~~animal pound or~~ animal shelter shall not adopt or
9 release any dog or cat to anyone other than the owner or a
10 foster home unless the animal has been rendered incapable of
11 reproduction and microchipped. ~~, or the person wishing to adopt~~
12 ~~an animal prior to the surgical procedures having been~~
13 ~~performed shall have executed a written agreement promising to~~
14 ~~have such service performed, including microchipping, within a~~
15 ~~specified period of time not to exceed 30 days. Failure to~~
16 ~~fulfill the terms of the agreement shall result in seizure and~~
17 ~~impoundment of the animal and any offspring by the animal pound~~
18 ~~or shelter, and any monies which have been deposited shall be~~
19 ~~forfeited and submitted to the county Pet Population Control~~
20 ~~Fund on a yearly basis.~~ This Act shall not prevent humane
21 societies or animal shelters from engaging in activities set
22 forth by their charters; provided, they are not inconsistent
23 with provisions of this Act and other existing laws. No animal
24 shelter or animal control facility shall release dogs or cats
25 to an individual representing a rescue group, unless the group
26 has been licensed ~~or has a foster care permit issued by the~~

1 ~~Illinois~~ Department of Agriculture or is a representative of a
2 not-for-profit out-of-state organization, animal shelter, or
3 animal control facility. The Department may suspend or revoke
4 the license of any animal shelter or animal control facility
5 that fails to comply with the requirements set forth in this
6 Section or that fails to report its intake and euthanasia
7 statistics as required by law each year.

8 (Source: P.A. 100-870, eff. 1-1-19.)

9 (510 ILCS 5/24) (from Ch. 8, par. 374)

10 Sec. 24. Limitations. Nothing in this Act shall be held to
11 limit in any manner the power of any municipality or other
12 political subdivision to prohibit animals from running at
13 large, nor shall anything in this Act be construed to, in any
14 manner, limit the power of any municipality or other political
15 subdivision to further control and regulate dogs, cats or other
16 animals in such municipality or other political subdivision
17 provided that no regulation, policy or ordinance is specific to
18 breed.

19 (Source: P.A. 93-548, eff. 8-19-03.)

20 (510 ILCS 5/35)

21 Sec. 35. Liability.

22 (a) Any municipality, ~~or~~ political subdivision, or State
23 university or community college allowing feral cat colonies and
24 trap, sterilize, vaccinate for rabies, and return programs to

1 help control cat overpopulation shall be immune from criminal
2 liability and shall not be civilly liable, except for willful
3 and wanton misconduct, for damages that may result from a feral
4 cat. Any municipality or political subdivision allowing dog
5 parks shall be immune from criminal liability and shall not be
6 civilly liable, except for willful and wanton misconduct, for
7 damages that may result from occurrences in the dog park.

8 (b) Any veterinarian, ~~or~~ animal shelter, or animal control
9 facility who in good faith contacts the registered owner,
10 agent, or caretaker of a microchipped animal shall be immune
11 from criminal liability and shall not, as a result of his or
12 her acts or omissions, except for willful and wanton
13 misconduct, be liable for civil damages.

14 (c) Any veterinarian who sterilizes feral cats and any
15 feral cat caretaker who traps cats for a trap, sterilize,
16 vaccinate for rabies, and return program shall be immune from
17 criminal liability and shall not, as a result of his or her
18 acts or omissions, except for willful and wanton misconduct, be
19 liable for civil damages.

20 (d) Any animal shelter or animal control facility worker
21 who microchips an animal shall be immune from criminal
22 liability and shall not, as a result of his or her acts or
23 omissions, except for willful and wanton misconduct, be liable
24 for civil damages.

25 (Source: P.A. 97-240, eff. 1-1-12.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.