



Sen. Linda Holmes

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1 AMENDMENT TO SENATE BILL 61

2 AMENDMENT NO. _____. Amend Senate Bill 61 by replacing
3 everything after the enacting clause with the following:

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

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

6 "Dog dealer" means any person who sells, offers to sell,
7 exchange, or offers for adoption with or without charge or
8 donation dogs in this State. However, a person who sells only
9 dogs that he has produced and raised shall not be considered a
10 dog dealer under this Act, and a veterinary hospital or clinic
11 operated by a veterinarian or veterinarians licensed under the
12 Veterinary Medicine and Surgery Practice Act of 2004 shall not
13 be considered a dog dealer under this Act.

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

17 "Person" means any person, firm, corporation, partnership,
18 association or other legal entity, any public or private
19 institution, the State of Illinois, or any municipal
20 corporation or political subdivision of the State.

21 "Kennel operator" means any person who operates an
22 establishment, other than an animal control facility,
23 veterinary hospital, or animal shelter, where dogs or dogs and
24 cats are maintained for boarding, training or similar purposes
25 for a fee or compensation.

26 "Boarding" means a time frame greater than 12 hours or an

1 overnight period during which an animal is kept by a kennel
2 operator.

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

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

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

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

1 and humane treatment of animals. An organization that does not
2 have its own building that maintains animals solely in foster
3 homes or other licensees is an "animal shelter" for purposes of
4 this Act. "Animal shelter" also means any veterinary hospital
5 or clinic operated by a veterinarian or veterinarians licensed
6 under the Veterinary Medicine and Surgery Practice Act of 2004
7 which operates for the above mentioned purpose in addition to
8 its customary purposes.

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

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

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

25 "Guard dog" means a type of dog used primarily for the
26 purpose of defending, patrolling, or protecting property or

1 life at a commercial establishment other than a farm. "Guard
2 dog" does not include stock dogs used primarily for handling
3 and controlling livestock or farm animals, nor does it include
4 personally owned pets that also provide security.

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

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

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

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

19 "Owner" does not include a feral cat caretaker participating in
20 a trap, spay/neuter, vaccinate for rabies, or return ~~or~~ release
21 program.

22 (Source: P.A. 99-310, eff. 1-1-16; 100-842, eff. 1-1-19;
23 100-870, eff. 1-1-19; revised 10-22-18.)

24 (225 ILCS 605/3) (from Ch. 8, par. 303)

25 Sec. 3. (a) Except as provided in subsection (b) of this

1 Section, no person shall engage in business as a pet shop
2 operator, dog dealer, kennel operator, day care operator, dog
3 breeder, or cat breeder or operate a guard dog service, an
4 animal control facility, or animal shelter, ~~or any combination~~
5 ~~thereof,~~ in this State without a license therefor issued by the
6 Department. If one business conducts more than one such
7 operation, each operation shall be licensed separately. Only
8 ~~one license shall be required for any combination of businesses~~
9 ~~at one location, except that a separate license shall be~~
10 ~~required to operate a guard dog service.~~ Guard dog services
11 that are located outside this State but provide services within
12 this State are required to obtain a license from the
13 Department. Out-of-state guard dog services are required to
14 comply with the requirements of this Act with regard to guard
15 dogs and sentry dogs transported to or used within this State.

16 (b) This Act does not apply to a private detective agency
17 or private security agency licensed under the Private
18 Detective, Private Alarm, Private Security, Fingerprint
19 Vendor, and Locksmith Act of 2004 that provides guard dog or
20 canine odor detection services and does not otherwise operate a
21 kennel for hire.

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

23 (225 ILCS 605/3.2)

24 Sec. 3.2. Foster homes. A person shall not operate a foster
25 home without affiliating by formal written agreement with an

1 animal shelter or animal control facility for which that person
2 will operate the foster home ~~first obtaining a permit from the~~
3 ~~animal shelter or animal control facility for which that person~~
4 ~~will operate the foster home.~~ The written agreement shall
5 include a clause allowing for the Department to inspect the
6 foster home. The animal shelter or animal control facility
7 shall be responsible for the records and have the obligation of
8 stewardship for animals in the foster home with which it
9 affiliates. ~~Upon application and payment of the required fees~~
10 ~~by the animal shelter, the Department shall issue foster home~~
11 ~~permits to the animal shelter. The animal shelter shall be~~
12 ~~responsible for the records and have all the obligations of~~
13 ~~stewardship for animals in the foster homes to which it issues~~
14 ~~permits.~~

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

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

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

2 (225 ILCS 605/3.3)

3 Sec. 3.3. Adoption of dogs and cats.

4 (a) An animal shelter or animal control facility shall not
5 adopt out any dog or adopt out or return to field any cat
6 unless it has been sterilized and microchipped. However, an
7 animal shelter, ~~or~~ animal control facility may adopt out a dog
8 or cat that has not been sterilized and microchipped if:

9 (1) if the cat or dog is less than 5 months of age and
10 the licensee takes the animal to a licensed veterinarian
11 for sterilization and the adopting owner picks up the
12 animal from the veterinarian after the sterilizing
13 procedures have been performed on the animal. The adopting
14 owner is responsible for all veterinary and boarding fees,
15 or the adopting owner has executed a written agreement
16 agreeing to have sterilizing and microchipping procedures
17 performed on the animal to be adopted within a specified
18 period of time not to exceed 30 days after the date of the
19 adoption, or

20 (2) the adopting owner has executed a written agreement
21 to have sterilizing and microchipping procedures performed
22 within 14 days after a licensed veterinarian certifies the
23 dog or cat is healthy enough for sterilizing and
24 microchipping procedures, and a licensed veterinarian has
25 certified that the dog or cat is too sick or injured to be

1 sterilized or it would be detrimental to the health of the
2 dog or cat to be sterilized or microchipped at the time of
3 the adoption.

4 (b) An animal shelter or animal control facility may adopt
5 out any dog or cat that is not free of disease, injury, or
6 abnormality if the disease, injury, or abnormality is disclosed
7 in writing to the adopter, and the animal shelter or animal
8 control facility allows the adopter to return the animal to the
9 animal shelter or animal control facility.

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

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

14 (225 ILCS 605/7) (from Ch. 8, par. 307)

15 Sec. 7. Applications for renewal licenses shall be made to
16 the Department in a manner prescribed by the Department, shall
17 contain such information as will enable the Department to
18 determine if the applicant is qualified to continue to hold a
19 license, shall report beginning inventory and intake and
20 outcome statistics from the previous calendar year, and shall
21 be accompanied by the required fee, which shall not be
22 returnable. The report of intake and outcome statistics shall
23 include the following:

24 (1) The total number of dogs, cats, and other animals,
25 divided into species, taken in by the animal shelter or

1 animal control facility, in the following categories:

2 (A) surrendered by owner;

3 (B) stray;

4 (C) impounded other than stray;

5 (D) confiscated under the Humane Care for Animals
6 Act;

7 (E) transfer from other licensees within the
8 State;

9 (F) transferred into or imported from out of the
10 State;

11 (G) transferred into or imported from outside the
12 country; and

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

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

18 (A) reclamation by owner;

19 (B) adopted or sold;

20 (C) euthanized;

21 (D) euthanized per request of the owner;

22 (E) died in custody;

23 (F) transferred to another licensee;

24 (G) transferred to an out-of-State nonprofit
25 agency;

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

1 (I) cats returned ~~animals released~~ in field;
2 ~~trapped, neutered, released;~~ and

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

5 The Department shall not be required to audit or validate
6 the intake and outcome statistics required to be submitted
7 under this Section.

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

9 (225 ILCS 605/20.5)

10 Sec. 20.5. Administrative fines. The following
11 administrative fines may ~~shall~~ be imposed by the Department
12 upon any person or entity who violates any provision of this
13 Act or any rule adopted by the Department under this Act:

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

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

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

20 If a person or entity fails or refuses to pay an
21 administrative fine authorized by this Section, the Department
22 may prohibit that person or entity from renewing a license
23 under this Act until the fine is paid in full. Any penalty of
24 \$500 or more not paid within 120 days of issuance by the
25 Department shall be submitted to the Department of Revenue for

1 collection as provided under the Illinois State Collection Act
2 of 1986.

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

4 (225 ILCS 605/21) (from Ch. 8, par. 321)

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

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

8 b. for an original license to a partnership, animal
9 shelter, or animal control facility or

10 corporation..... \$350 ~~\$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 \$400 ~~\$40~~

15 f. (blank) ~~for a permit for a foster home~~ ~~\$25~~

16 g. (blank) ~~for renewal of a permit for a foster home~~ .. ~~\$25~~

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

18 Section 15. The Animal Control Act is amended by changing
19 Sections 2.01, 2.07, 2.16, 11, 15, 24, and 35 and by adding
20 Sections 2.19-1, 2.19-3, and 2.19a-5 as follows:

21 (510 ILCS 5/2.01) (from Ch. 8, par. 352.01)

22 Sec. 2.01. Administrator. "Administrator" means a
23 veterinarian licensed by the State of Illinois and appointed

1 pursuant to this Act, or ~~in the event a veterinarian cannot be~~
2 ~~found and appointed pursuant to this Act,~~ a non-veterinarian
3 may serve as Administrator under this Act. In the event the
4 Administrator is not a veterinarian, the Administrator shall
5 defer to the Deputy Administrator ~~veterinarian~~ regarding all
6 medical decisions.

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

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

9 Sec. 2.07. Deputy Administrator. "Deputy Administrator"
10 means a veterinarian licensed by the State of Illinois,
11 appointed by the Administrator or the County Board.

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

13 (510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

14 Sec. 2.16. Owner. "Owner" means any person having a right
15 of property in an animal, or who keeps or harbors an animal, or
16 who has it in his care, or acts as its custodian, or who
17 knowingly permits a dog to remain on any premises occupied by
18 him or her. "Owner" does not include a feral cat caretaker
19 participating in a trap, spay/neuter, vaccinate for rabies, or
20 return ~~or release~~ program.

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

22 (510 ILCS 5/2.19-3 new)

23 Sec. 2.19-3. Return. "Return" in return to field or trap,

1 neuter, return program means to return the cat to field after
2 it has been sterilized and vaccinated for rabies.

3 (510 ILCS 5/11) (from Ch. 8, par. 361)

4 Sec. 11. Animal placement. When not redeemed by the owner,
5 agent, or caretaker, a dog or cat must be scanned for a
6 microchip. If a microchip is present, the registered owner or
7 chip purchaser if the purchaser was a nonprofit organization,
8 animal shelter, animal control facility, pet store, breeder, or
9 veterinary office must be notified. After contact has been made
10 or attempted, dogs ~~or cats~~ deemed adoptable by the animal
11 control facility shall be offered for adoption, or made
12 available to a licensed animal shelter, humane society or
13 rescue group. After contact has been made or attempted, the
14 animal control facility may either: (1) offer the cat for
15 adoption; (2) return to field or transfer the cat after
16 sterilization; or (3) make the cat available to a licensed
17 animal shelter or animal control facility. The ~~if no placement~~
18 ~~is available, the~~ animal may be humanely dispatched pursuant to
19 the Humane Euthanasia in Animal Shelters Act. An animal control
20 facility, animal pound or animal shelter shall not adopt or
21 release any dog or cat to anyone other than the owner unless
22 the animal has been rendered incapable of reproduction and
23 microchipped or if the cat or dog is less than 5 months of age
24 and the licensee takes the animal to a licensed veterinarian
25 for sterilization and the adopting owner picks up the animal

1 from the veterinarian after the sterilizing procedures have
2 been performed on the animal. The adopting owner is responsible
3 for all veterinary and boarding fees. ~~, or the person wishing~~
4 ~~to adopt an animal prior to the surgical procedures having been~~
5 ~~performed shall have executed a written agreement promising to~~
6 ~~have such service performed, including microchipping, within a~~
7 ~~specified period of time not to exceed 30 days. Failure to~~
8 ~~fulfill the terms of the agreement shall result in seizure and~~
9 ~~impoundment of the animal and any offspring by the animal pound~~
10 ~~or shelter, and any monies which have been deposited shall be~~
11 ~~forfeited and submitted to the county Pet Population Control~~
12 ~~Fund on a yearly basis.~~ This Act shall not prevent humane
13 societies or animal shelters from engaging in activities set
14 forth by their charters; provided, they are not inconsistent
15 with provisions of this Act and other existing laws. No animal
16 shelter or animal control facility shall release dogs or cats
17 to an individual representing a rescue group, unless the group
18 has been licensed ~~or has a foster care permit issued~~ by the
19 ~~Illinois~~ Department of Agriculture or is a representative of a
20 not-for-profit out-of-state organization, animal shelter, or
21 animal control facility. The Department may suspend or revoke
22 the license of any animal shelter or animal control facility
23 that fails to comply with the requirements set forth in this
24 Section or that fails to report its intake and euthanasia
25 statistics as required by law each year.

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

1 (510 ILCS 5/24) (from Ch. 8, par. 374)

2 Sec. 24. Limitations. Nothing in this Act shall be held to
3 limit in any manner the power of any municipality or other
4 political subdivision to prohibit animals from running at
5 large, nor shall anything in this Act be construed to, in any
6 manner, limit the power of any municipality or other political
7 subdivision to further control and regulate dogs, cats or other
8 animals in such municipality or other political subdivision
9 provided that no regulation, policy or ordinance is specific to
10 breed.

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

12 (510 ILCS 5/35)

13 Sec. 35. Liability.

14 (a) Any municipality, ~~or~~ political subdivision, or State
15 university or community college allowing feral cat colonies and
16 trap, sterilize, vaccinate for rabies, and return programs to
17 help control cat overpopulation shall be immune from criminal
18 liability and shall not be civilly liable, except for willful
19 and wanton misconduct, for damages that may result from a feral
20 cat. Any municipality or political subdivision allowing dog
21 parks shall be immune from criminal liability and shall not be
22 civilly liable, except for willful and wanton misconduct, for
23 damages that may result from occurrences in the dog park.

24 (b) Any veterinarian, ~~or~~ animal shelter, or animal control

1 facility who in good faith contacts the registered owner,
2 agent, or caretaker of a microchipped animal shall be immune
3 from criminal liability and shall not, as a result of his or
4 her acts or omissions, except for willful and wanton
5 misconduct, be liable for civil damages.

6 (c) Any veterinarian who sterilizes feral cats and any
7 feral cat caretaker who traps cats for a trap, sterilize,
8 vaccinate for rabies, and return program shall be immune from
9 criminal liability and shall not, as a result of his or her
10 acts or omissions, except for willful and wanton misconduct, be
11 liable for civil damages.

12 (d) Any animal shelter or animal control facility worker
13 who microchips an animal shall be immune from criminal
14 liability and shall not, as a result of his or her acts or
15 omissions, except for willful and wanton misconduct, be liable
16 for civil damages.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."