

AN ACT concerning regulation.

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

Section 5. The Animal Welfare Act is amended by changing Sections 2, 3.2, 3.4, 3.6, and 7 and by adding Section 7.1 as follows:

(225 ILCS 605/2) (from Ch. 8, par. 302)

Sec. 2. Definitions. As used in this Act unless the context otherwise requires:

"Department" means the Illinois Department of Agriculture.

"Director" means the Director of the Illinois Department of Agriculture.

"Pet shop operator" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a pet shop operator under this Act.

"Dog dealer" means any person who sells, offers to sell,

exchange, or offers for adoption with or without charge or donation dogs in this State. However, a person who sells only dogs that he has produced and raised shall not be considered a dog dealer under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a dog dealer under this Act.

"Secretary of Agriculture" or "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

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

"Kennel operator" means any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charge dogs or dogs and cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a kennel operator.

"Cattery operator" means any person who operates an establishment, other than an animal control facility or animal shelter, where cats are maintained for boarding, training or

similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charges cats which he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a cattery operator.

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

"Animal shelter" means a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. "Animal shelter" also means any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 which operates for the above mentioned purpose in addition to its customary purposes.

"Foster home" means an entity that accepts the

responsibility for stewardship of animals that are the obligation of an animal shelter or animal control facility, not to exceed 4 animals at any given time. Permits to operate as a "foster home" shall be issued through the animal shelter or animal control facility.

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

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

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

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

"Owner" means any person having a right of property in an animal, who keeps or harbors an animal, who has an animal in his or her care or acts as its custodian, or who knowingly

permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.

(Source: P.A. 99-310, eff. 1-1-16.)

(225 ILCS 605/3.2)

Sec. 3.2. Foster homes. A person shall not operate a foster home without first obtaining a permit from the animal shelter or animal control facility for which that person will operate the foster home. Upon application and payment of the required fees by the animal shelter, the Department shall issue foster home permits to the animal shelter. The animal shelter shall be responsible for the records and have all the obligations of stewardship for animals in the foster homes to which it issues permits.

Foster homes shall provide the care for animals required by this Act and shall report any deviation that might affect the status of the license or permit to the animal shelter.

A foster home shall not care for more than 4 animals at any one time.

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

(225 ILCS 605/3.4)

Sec. 3.4. Transfer of animals between shelters. An animal shelter or animal control facility may not release any animal to an individual representing an animal shelter or animal

control facility, unless (1) the recipient animal shelter or animal control facility has been licensed or has a foster care permit issued by the Department or (2) the individual is a representative of a not-for-profit, out-of-State organization or out-of-State animal control facility or animal shelter who is transferring the animal out of the State of Illinois.

(Source: P.A. 99-310, eff. 1-1-16.)

(225 ILCS 605/3.6)

Sec. 3.6. Acceptance of stray dogs and cats.

(a) No animal shelter may accept a stray dog or cat unless the animal is reported by the shelter to the animal control or law enforcement of the county in which the animal is found by the next business day. An animal shelter may accept animals from: (1) the owner of the animal where the owner signs a relinquishment form which states he or she is the owner of the animal; (2) an animal shelter licensed under this Act; or (3) an out-of-state animal control facility, rescue group, or animal shelter that is duly licensed in their state or is a not-for-profit organization.

(b) When stray dogs and cats are accepted by an animal shelter, they must be scanned for the presence of a microchip and examined for other currently-acceptable methods of identification, including, but not limited to, identification tags, tattoos, and rabies license tags. The examination for identification shall be done within 24 hours after the intake

of each dog or cat. The animal shelter shall notify the owner and transfer any dog with an identified owner to the animal control or law enforcement agency in the jurisdiction in which it was found or the local animal control agency for redemption.

(c) If no transfer can occur, the animal shelter shall make every reasonable attempt to contact the owner, agent, or caretaker as soon as possible. The animal shelter shall give notice of not less than 7 business days to the owner, agent, or caretaker prior to disposal of the animal. The notice shall be mailed to the last known address of the owner, agent, or caretaker. Testimony of the animal shelter, or its authorized agent, who mails the notice shall be evidence of the receipt of the notice by the owner, agent, or caretaker of the animal. A mailed notice shall remain the primary means of owner, agent, or caretaker contact; however, the animal shelter shall also attempt to contact the owner, agent, or caretaker by any other contact information, such as by telephone or email address, provided by the microchip or other method of identification found on the dog or cat. If the dog or cat has been microchipped and the primary contact listed by the chip manufacturer cannot be located or refuses to reclaim the dog or cat, an attempt shall be made to contact any secondary contacts listed by the chip manufacturer or the purchaser of the microchip if the purchaser is a nonprofit organization, animal shelter, animal control facility, pet store, breeder, or veterinary office prior to adoption, transfer, or

euthanization. Prior to transferring any stray dog or cat to another humane shelter, pet store, rescue group, or euthanization, the dog or cat shall be scanned again for the presence of a microchip and examined for other means of identification. If a second scan provides the same identifying information as the initial intake scan and the owner, agent, or caretaker has not been located or refuses to reclaim the dog or cat, the animal shelter may proceed with adoption, transfer, or euthanization.

(d) When stray dogs and cats are accepted by an animal shelter and no owner can be identified, the shelter shall hold the animal for the period specified in local ordinance prior to adoption, transfer, or euthanasia. The animal shelter shall allow access to the public to view the animals housed there. If a dog is identified by an owner who desires to make redemption of it, the dog shall be transferred to the local animal control for redemption. If no transfer can occur, the animal shelter shall proceed pursuant to Section 3.7. Upon lapse of the hold period specified in local ordinance and no owner can be identified, ownership of the animal, by operation of law, transfers to the shelter that has custody of the animal.

(e) No representative of an animal shelter may enter private property and remove an animal without permission from the property owner and animal owner, nor can any representative of an animal shelter direct another individual to enter private property and remove an animal unless that individual is an

approved humane investigator (approved by the Department) operating pursuant to the provisions of the Humane Care for Animals Act.

(f) Nothing in this Section limits an animal shelter and an animal control facility who, through mutual agreement, wish to enter into an agreement for animal control, boarding, holding, measures to improve life-saving, or other services provided that the agreement requires parties adhere to the provisions of the Animal Control Act, the Humane Euthanasia in Animal Shelters Act, and the Humane Care for Animals Act.

(Source: P.A. 99-310, eff. 1-1-16; 100-322, eff. 8-24-17.)

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

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

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

(A) surrendered by owner;

(B) stray;

(C) impounded other than stray;

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

(E) transfer from other licensees within the State;

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

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

(H) born in shelter or animal control facility.

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

(A) reclamation by owner;

(B) adopted or sold;

(C) euthanized;

(D) euthanized per request of the owner;

(E) died in custody;

(F) transferred to another licensee;

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

(H) animals missing, stolen, or escaped;

(I) animals released in field; trapped, neutered, released; and

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

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

(Source: P.A. 81-198.)

(225 ILCS 605/7.1 new)

Sec. 7.1. Department reporting. The Department shall post on its website the name of each licensed animal control facility or animal shelter and all the reported intake and outcome statistics required under paragraphs (1) and (2) of Section 7 of this Act by December 31, 2020 and by December 31 of each year thereafter.

Section 10. The Animal Control Act is amended by changing Sections 3.5, 5, and 11 as follows:

(510 ILCS 5/3.5)

Sec. 3.5. County animal population fund use limitation. Funds ~~from the \$10 set aside of the differential under Section 3 of this Act that is~~ placed in the county animal population control fund may only be used to (1) spay, neuter, vaccinate, or sterilize adopted dogs or cats; (2) spay, neuter, or vaccinate dogs or cats owned by low income county residents who are eligible for the Food Stamp Program or Social Security Disability Benefits Program; or (3) spay, neuter, and vaccinate feral cats in programs recognized by the county or a municipality. This Section does not apply to a county with 3,000,000 or more inhabitants.

(Source: P.A. 100-405, eff. 1-1-18.)

(510 ILCS 5/5) (from Ch. 8, par. 355)

Sec. 5. Duties and powers.

(a) It shall be the duty of the Administrator or the Deputy Administrator, through sterilization, humane education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies and to exercise dog and cat overpopulation control. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of this Act. The duty may include return, adoption, transfer to rescues or other animal shelters, and any other means of ensuring live outcomes of homeless dogs and cats and through sterilization, community outreach, impoundment of pets at risk and any other humane means deemed necessary to address strays and ensure live outcomes for dogs and cats that are not a danger to the community or suffering irremediably.

(b) Counties may by ordinance determine the extent of the police powers that may be exercised by the Administrator, Deputy Administrators, and Animal Control Wardens, which powers shall pertain only to this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may issue and serve citations and orders for violations of this Act. The Administrator, Deputy Administrators, and Animal Control Wardens may not carry weapons unless they have been specifically authorized to carry weapons by county ordinance.

Animal Control Wardens, however, may use tranquilizer guns and other nonlethal weapons and equipment without specific weapons authorization.

A person authorized to carry firearms by county ordinance under this subsection must have completed the training course for peace officers prescribed in the Peace Officer and Probation Officer Firearm Training Act. The cost of this training shall be paid by the county.

(c) The sheriff and all sheriff's deputies and municipal police officers shall cooperate with the Administrator and his or her representatives in carrying out the provisions of this Act.

(d) The Administrator and animal control wardens shall aid in the enforcement of the Humane Care for Animals Act and have the ability to impound animals and apply for security posting for violation of that Act.

(Source: P.A. 98-725, eff. 1-1-15.)

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

Sec. 11. When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner or chip purchaser if the purchaser was a nonprofit organization, animal shelter, animal control facility, pet store, breeder, or veterinary office must be notified. After contact has been made or attempted, dogs or cats deemed adoptable by the animal control

facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, the animal may ~~it shall~~ be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act. An animal pound or animal shelter shall not adopt or release any dog or cat to anyone other than the owner unless the animal has been rendered incapable of reproduction and microchipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal pound or shelter, and any monies which have been deposited shall be forfeited and submitted to the county Pet Population Control Fund on a yearly basis. This Act shall not prevent humane societies or animal shelters from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group, unless the group has been licensed or has a foster care permit issued by the Illinois Department of Agriculture or is a representative of a not-for-profit out-of-state organization, animal shelter, or animal control facility. The Department may suspend or revoke the license of

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any animal shelter or animal control facility that fails to comply with the requirements set forth in this Section or that fails to report its intake and euthanasia statistics each year.

(Source: P.A. 94-639, eff. 8-22-05; 95-550, eff. 6-1-08.)