



Rep. Charles Meier

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10000HB5029ham001

LRB100 16345 XWW 39034 a

1 AMENDMENT TO HOUSE BILL 5029

2 AMENDMENT NO. _____. Amend House Bill 5029 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Animal Welfare Act is amended by changing
5 Sections 2, 2.2, 3, and 3.1 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; ~~or who sells, offers to sell,~~
26 ~~exchange, or offers for adoption with or without charge dogs or~~

1 ~~dogs and cats which he has produced and raised. A person who~~
2 ~~owns, has possession of, or harbors 5 or less females capable~~
3 ~~of reproduction shall not be considered a kennel operator.~~

4 "Boarding" means a time frame greater than 12 hours or an
5 overnight period during which an animal is kept by a kennel
6 operator.

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

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

17 ~~"Cattery operator" means any person who operates an~~
18 ~~establishment, other than an animal control facility or animal~~
19 ~~shelter, where cats are maintained for boarding, training or~~
20 ~~similar purposes for a fee or compensation; or who sells,~~
21 ~~offers to sell, exchange, or offers for adoption with or~~
22 ~~without charges cats which he has produced and raised. A person~~
23 ~~who owns, has possession of, or harbors 5 or less females~~
24 ~~capable of reproduction shall not be considered a cattery~~
25 ~~operator.~~

26 "Animal control facility" means any facility operated by or

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

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

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

23 "Foster home" means an entity that accepts the
24 responsibility for stewardship of animals that are the
25 obligation of an animal shelter, not to exceed 4 animals at any
26 given time. Permits to operate as a "foster home" shall be

1 issued through the animal shelter.

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

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

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

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

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

24 "Owner" does not include a feral cat caretaker participating in
25 a trap, spay/neuter, return or release program.

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

1 (225 ILCS 605/2.2) (from Ch. 8, par. 302.2)

2 Sec. 2.2. No dog dealer, dog breeder, or cat breeder ~~kennel~~
3 ~~operator, or cattery operator~~ shall separate a puppy or kitten
4 from its mother, for the purpose of sale, until such puppy or
5 kitten has attained the age of 8 weeks.

6 All licensees under this Act shall maintain records of the
7 origin and sale of all dogs, and such records shall be made
8 available for inspection by the Secretary or the Department
9 upon demand. Such records must contain proof in proper form of
10 purebreds and their pedigree, and evidence of such proof must
11 be provided to any person acquiring a dog from a licensee under
12 this Act. In addition, guard dog services shall be required to
13 maintain records of transfer of ownership, death, or
14 disappearance of a guard dog or sentry dog used by that guard
15 dog service.

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

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 ~~cattery operator,~~ or operate a guard
22 dog service, an animal control facility, or animal shelter, or
23 any combination thereof, in this State without a license
24 therefor issued by the Department. Only one license shall be

1 required for any combination of businesses at one location,
2 except that a separate license shall be required to operate a
3 guard dog service. Guard dog services that are located outside
4 this State but provide services within this State are required
5 to obtain a license from the Department. Out-of-state guard dog
6 services are required to comply with the requirements of this
7 Act with regard to guard dogs and sentry dogs transported to or
8 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. 95-613, eff. 9-11-07.)

16 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

17 Sec. 3.1. Information on dogs and cats for sale by a dog
18 dealer, dog breeder, or cat breeder ~~or cattery operator~~. Every
19 dog dealer, dog breeder, and cat breeder ~~and cattery operator~~
20 shall provide the following information for every dog or cat
21 available for sale:

22 (a) The age, sex, and weight of the animal.

23 (b) The breed of the animal.

24 (c) A record of vaccinations and veterinary care and
25 treatment.

1 (d) A record of surgical sterilization or lack of
2 surgical sterilization.

3 (e) The name and address of the breeder of the animal.

4 (f) The name and address of any other person who owned
5 or harbored the animal between its birth and the point of
6 sale.

7 (g) Documentation that indicates that the dog or cat
8 has been microchipped and the microchip has been enrolled
9 in a nationally searchable database.

10 (Source: P.A. 100-322, eff. 8-24-17.)".