



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5246

by Rep. Sara Wojcicki Jimenez

SYNOPSIS AS INTRODUCED:

225 ILCS 605/2	from Ch. 8, par. 302
225 ILCS 605/2.2	from Ch. 8, par. 302.2
225 ILCS 605/3	from Ch. 8, par. 303
225 ILCS 605/3.1	from Ch. 8, par. 303.1

Amends the Animal Welfare Act. Provides that a person who sells, offers to sell, exchanges, or offers for adoption with or without charge cats that he or she has produced and raised, except for a person who owns, has possession of, or harbors 5 or less females capable of reproduction, is a cat breeder (rather than a kennel operator). Provides that a person who sells, offers to sell, exchanges, or offers for adoption with or without charge dogs that he or she has produced and raised, except for a person who owns, has possession of, or harbors 5 or less females capable of reproduction, is a dog breeder (rather than a kennel operator). Removes the definition of "cattery operator". Defines "day care operator". Makes provisions currently applicable to kennel operators and cattery operators applicable to dog breeders, cat breeders, and day care operators.

LRB100 19610 XWW 34882 b

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 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
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; ~~or who sells, offers to sell,~~
19 ~~exchange, or offers for adoption with or without charge dogs or~~
20 ~~dogs and cats which he has produced and raised. A person who~~
21 ~~owns, has possession of, or harbors 5 or less females capable~~
22 ~~of reproduction shall not be considered a kennel operator.~~

23 "Boarding" means a time frame greater than 12 hours or an
24 overnight period during which an animal is kept by a kennel
25 operator.

26 "Cat breeder" means a person who sells, offers to sell,

1 exchanges, or offers for adoption with or without charge cats
2 that he or she has produced and raised. A person who owns, has
3 possession of, or harbors 5 or less females capable of
4 reproduction shall not be considered a cat breeder.

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

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

19 "Animal control facility" means any facility operated by or
20 under contract for the State, county, or any municipal
21 corporation or political subdivision of the State for the
22 purpose of impounding or harboring seized, stray, homeless,
23 abandoned or unwanted dogs, cats, and other animals. "Animal
24 control facility" also means any veterinary hospital or clinic
25 operated by a veterinarian or veterinarians licensed under the
26 Veterinary Medicine and Surgery Practice Act of 2004 which

1 operates for the above mentioned purpose in addition to its
2 customary purposes.

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

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

16 "Foster home" means an entity that accepts the
17 responsibility for stewardship of animals that are the
18 obligation of an animal shelter, not to exceed 4 animals at any
19 given time. Permits to operate as a "foster home" shall be
20 issued through the animal shelter.

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

26 "Guard dog" means a type of dog used primarily for the

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

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

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

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

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

20 (225 ILCS 605/2.2) (from Ch. 8, par. 302.2)

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

25 All licensees under this Act shall maintain records of the

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

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

11 (225 ILCS 605/3) (from Ch. 8, par. 303)

12 Sec. 3. (a) Except as provided in subsection (b) of this
13 Section, no person shall engage in business as a pet shop
14 operator, dog dealer, kennel operator, day care operator, dog
15 breeder, or cat breeder ~~cattery operator,~~ or operate a guard
16 dog service, an animal control facility, or animal shelter, or
17 any combination thereof, in this State without a license
18 therefor issued by the Department. Only one license shall be
19 required for any combination of businesses at one location,
20 except that a separate license shall be required to operate a
21 guard dog service. Guard dog services that are located outside
22 this State but provide services within this State are required
23 to obtain a license from the Department. Out-of-state guard dog
24 services are required to comply with the requirements of this
25 Act with regard to guard dogs and sentry dogs transported to or

1 used within this State.

2 (b) This Act does not apply to a private detective agency
3 or private security agency licensed under the Private
4 Detective, Private Alarm, Private Security, Fingerprint
5 Vendor, and Locksmith Act of 2004 that provides guard dog or
6 canine odor detection services and does not otherwise operate a
7 kennel for hire.

8 (Source: P.A. 95-613, eff. 9-11-07.)

9 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

10 Sec. 3.1. Information on dogs and cats for sale by a dog
11 dealer, dog breeder, or cat breeder ~~or cattery operator~~. Every
12 dog dealer, dog breeder, and cat breeder ~~and cattery operator~~
13 shall provide the following information for every dog or cat
14 available for sale:

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

16 (b) The breed of the animal.

17 (c) A record of vaccinations and veterinary care and
18 treatment.

19 (d) A record of surgical sterilization or lack of
20 surgical sterilization.

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

22 (f) The name and address of any other person who owned
23 or harbored the animal between its birth and the point of
24 sale.

25 (g) Documentation that indicates that the dog or cat

1 has been microchipped and the microchip has been enrolled
2 in a nationally searchable database.

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