



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2280

Introduced 1/10/2018, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

225 ILCS 605/3.8
225 ILCS 605/3.9 new

Amends the Animal Welfare Act. Provides restrictions on the retail sale of cats, dogs, and rabbits by pet shop operators in Will County and DuPage County. Provides that pet shop operators may offer a dog, cat, or rabbit for sale only if the pet shop operator has obtained the dog, cat, or rabbit from an animal control facility, animal shelter, animal care facility, kennel, pound, or training facility operated by a subdivision of local, State, or federal government or a specified animal rescue organization. Provides that a pet shop operator shall not offer for sale a dog, cat, or rabbit that is younger than 8 weeks old. Provides that a pet shop operator shall maintain specified records of each dog, cat, or rabbit sold. Provides for civil penalties for each violation of the provisions. Provides that the provisions do not prohibit the county or a municipality in Will County or DuPage County from adopting requirements that are more protective of animal welfare than those set forth in the provisions. Provides that the home rule units in Will County or DuPage County may adopt an ordinance explicitly exempting itself from the provisions and requires a copy of the ordinance to be filed with the Index Department of the Secretary of State's Office. Limits the concurrent exercise of power by home rule units.

LRB100 16405 SMS 31533 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

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 Section 3.8 and by adding Section 3.9 as follows:

6 (225 ILCS 605/3.8)

7 Sec. 3.8. Sourcing of dogs and cats sold by pet shops.

8 (a) A pet shop operator may not obtain a dog or cat for
9 resale or sell or offer for sale any dog or cat obtained from a
10 person who is required to be licensed by the pet dealer
11 regulations of the United States Department of Agriculture
12 under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.) if
13 any of the following applies to the original breeder:

14 (1) The person is not currently licensed by the United
15 States Department of Agriculture under the federal Animal
16 Welfare Act.

17 (2) During the 2-year period before the day the dog or
18 cat is received by the pet shop, the person received a
19 direct or critical non-compliant citation on a final
20 inspection report from the United States Department of
21 Agriculture under the federal Animal Welfare Act.

22 (3) During the 2-year period before the day the dog or
23 cat is received by the pet shop, the person received 3 or

1 more non-compliant citations on a final inspection report
2 from the United States Department of Agriculture for
3 violations relating to the health or welfare of the animal
4 and the violations were not administrative in nature.

5 (4) The person received a no-access violation on each
6 of the 3 most recent final inspection reports from the
7 United States Department of Agriculture.

8 (b) A pet shop operator is presumed to have acted in good
9 faith and to have satisfied its obligation to ascertain whether
10 a person meets the criteria described in subsection (a) of this
11 Section if, when placing an order to obtain a dog or cat for
12 sale or resale, the pet shop operator conducts a search for
13 inspection reports that are readily available of the breeder on
14 the Animal Care Information System online search tool
15 maintained by the United States Department of Agriculture. If
16 inspection reports are not readily available on the United
17 States Department of Agriculture website, the pet shop operator
18 must obtain the inspection reports from the person or persons
19 required to meet the criteria described in subsection (a) of
20 this Section.

21 (c) Notwithstanding subsections (a) and (b) of this
22 Section, a pet shop operator may obtain a dog or cat for resale
23 or sell or offer for sale any dog or cat obtained from: (1) a
24 person that sells dogs only he or she has produced and raised
25 and who is not required to be licensed by the United States
26 Department of Agriculture, (2) a publicly operated pound or a

1 private non-profit humane society or rescue, or (3) an animal
2 adoption event conducted by a pound or humane society.

3 (d) A pet shop operator shall maintain records verifying
4 its compliance with this Section for 2 years after obtaining
5 the dog or cat to be sold or offered for sale. Records
6 maintained pursuant to this subsection (d) shall be open to
7 inspection on request by a Department of Agriculture inspector.

8 (e) The provisions of this Section do not apply to pet shop
9 operators in Will County and DuPage County to which Section 3.9
10 applies.

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

12 (225 ILCS 605/3.9 new)

13 Sec. 3.9. Restrictions on the retail sale of animals; Will
14 County and DuPage County. Notwithstanding any other provision
15 of law, in Will County or DuPage County:

16 (a) A pet shop operator:

17 (1) may offer a dog, cat, or rabbit for sale only if
18 the pet shop operator has obtained the dog, cat, or rabbit
19 from:

20 (A) an animal control facility, animal shelter,
21 animal care facility, kennel, pound, or training
22 facility operated by a subdivision of local, State, or
23 federal government; or

24 (B) an animal rescue organization that is a
25 not-for-profit organization, that has tax-exempt

1 status under Section 501(c)(3) of the United States
2 Internal Revenue Code of 1986, and that has a mission
3 and practice of, in whole or in significant part,
4 rescuing animals and placing those animals in
5 permanent homes; "animal rescue organization" as used
6 in this subparagraph (B) does not include any entity
7 that is, or is housed on the premises of, a breeder or
8 broker, obtains dogs from a breeder or broker in
9 exchange for payment or compensation, or resells dogs
10 obtained from a breeder or broker and provides payment
11 or compensation to the breeder or broker;

12 (2) shall not offer for sale a dog, cat, or rabbit that
13 is younger than 8 weeks old;

14 (3) shall maintain records sufficient to document the
15 source of each dog, cat, or rabbit the pet shop operator
16 sells or provides space for, for at least one year
17 following the date of acquisition; and

18 (4) shall post, in a conspicuous location on the cage
19 or enclosure of each animal, a sign listing the name of the
20 public animal control facility or animal shelter or
21 not-for-profit organization from which the dog, cat, or
22 rabbit was obtained.

23 (b) A public animal control facility or animal shelter may
24 periodically require a pet shop operator engaged in the sale of
25 dogs, cats, or rabbits to provide access to the records
26 required in paragraph (3) of subsection (a).

1 (c) A pet shop operator who violates this Section shall be
2 subject to a civil penalty of \$500. Each animal offered for
3 sale in violation of this Section shall constitute a separate
4 violation.

5 (d) This Section does not prohibit a municipality or county
6 from adopting requirements that are more protective of animal
7 welfare than those set forth in this Section.

8 (e) A home rule unit may adopt an ordinance explicitly
9 exempting itself from this Section. A copy of such ordinance
10 and a notice of its adoption shall be filed by the home rule
11 unit with the Index Department of the Secretary of State's
12 Office.

13 (f) Except as otherwise provided in subsection (e) of this
14 Section, a home rule may not regulate the retail sale of
15 animals in a manner less restrictive than under this Section.
16 This subsection is a limitation under subsection (i) of Section
17 6 of Article VII of the Illinois Constitution on the concurrent
18 exercise by home rule units of powers and functions exercised
19 by the State.