

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, 3.2, 3.4, 3.6, and 7 and by adding Section 7.1 as  
6 follows:

7 (225 ILCS 605/2) (from Ch. 8, par. 302)

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

10 "Department" means the Illinois Department of Agriculture.

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

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

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

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

8 "Secretary of Agriculture" or "Secretary" means the  
9 Secretary of Agriculture of the United States Department of  
10 Agriculture.

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

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

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

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

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

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

26 "Foster home" means an entity that accepts the

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

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

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

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

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

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

1 permits a dog to remain on any premises occupied by him or her.  
2 "Owner" does not include a feral cat caretaker participating in  
3 a trap, spay/neuter, return or release program.  
4 (Source: P.A. 99-310, eff. 1-1-16.)

5 (225 ILCS 605/3.2)

6 Sec. 3.2. Foster homes. A person shall not operate a foster  
7 home without first obtaining a permit from the animal shelter  
8 or animal control facility for which that person will operate  
9 the foster home. Upon application and payment of the required  
10 fees by the animal shelter, the Department shall issue foster  
11 home 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 the  
17 status of the license or permit to the animal shelter.

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

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

21 (225 ILCS 605/3.4)

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

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

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

8 (225 ILCS 605/3.6)

9 Sec. 3.6. Acceptance of stray dogs and cats.

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

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

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

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

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

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

21 (e) No representative of an animal shelter may enter  
22 private property and remove an animal without permission from  
23 the property owner and animal owner, nor can any representative  
24 of an animal shelter direct another individual to enter private  
25 property and remove an animal unless that individual is an  
26 approved humane investigator (approved by the Department)

1 operating pursuant to the provisions of the Humane Care for  
2 Animals Act.

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

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

11 (225 ILCS 605/7) (from Ch. 8, par. 307)

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

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

24 (A) surrendered by owner;

25 (B) stray;

- 1           (C) impounded;  
2           (D) confiscated;  
3           (E) transfer from other licensees within the State;  
4           (F) transferred into or imported from out of the State;  
5           (G) transferred into or imported from outside the  
6           country; and  
7           (H) born in shelter.

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

- 11           (A) reclamation by owner;  
12           (B) adopted or sold;  
13           (C) euthanized;  
14           (D) euthanized per request of the owner;  
15           (E) died in custody;  
16           (F) transferred to another licensee;  
17           (G) transferred to an out-of-State nonprofit agency;  
18           (H) animals missing, stolen, or escaped;  
19           (I) animals released in field; trapped, neutered,  
20           released; and  
21           (J) ending inventory; shelter count at end of the last  
22           day of the year.

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

26           (Source: P.A. 81-198.)

1 (225 ILCS 605/7.1 new)

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

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

10 (510 ILCS 5/5) (from Ch. 8, par. 355)

11 Sec. 5. Duties and powers.

12 (a) It shall be the duty of the Administrator or the Deputy  
13 Administrator, through sterilization, humane education, rabies  
14 inoculation, stray control, impoundment, quarantine, and any  
15 other means deemed necessary, to control and prevent the spread  
16 of rabies and to exercise dog and cat overpopulation control.  
17 It shall also be the duty of the Administrator to investigate  
18 and substantiate all claims made under Section 19 of this Act.  
19 The duty may include return, adoption, transfer to rescues or  
20 other animal shelters, and any other means of ensuring live  
21 outcomes of homeless dogs and cats and through sterilization,  
22 community outreach, impoundment of pets at risk and any other  
23 humane means deemed necessary to address strays and ensure live

1 outcomes for dogs and cats that are not a danger to the  
2 community or suffering irremediably.

3 (b) Counties may by ordinance determine the extent of the  
4 police powers that may be exercised by the Administrator,  
5 Deputy Administrators, and Animal Control Wardens, which  
6 powers shall pertain only to this Act. The Administrator,  
7 Deputy Administrators, and Animal Control Wardens may issue and  
8 serve citations and orders for violations of this Act. The  
9 Administrator, Deputy Administrators, and Animal Control  
10 Wardens may not carry weapons unless they have been  
11 specifically authorized to carry weapons by county ordinance.  
12 Animal Control Wardens, however, may use tranquilizer guns and  
13 other nonlethal weapons and equipment without specific weapons  
14 authorization.

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

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

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

1 for violation of that Act.

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

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

4 Sec. 11. When not redeemed by the owner, agent, or  
5 caretaker, a dog or cat must be scanned for a microchip. If a  
6 microchip is present, the registered owner or chip purchaser if  
7 the purchaser was a nonprofit organization, animal shelter,  
8 animal control facility, pet store, or veterinary office must  
9 be notified. After contact has been made or attempted, dogs or  
10 cats deemed adoptable by the animal control facility shall be  
11 offered for adoption, or made available to a licensed humane  
12 society or rescue group. If no placement is available, the  
13 animal may ~~it shall~~ be humanely dispatched pursuant to the  
14 Humane Euthanasia in Animal Shelters Act. An animal pound or  
15 animal shelter shall not adopt or release any dog or cat to  
16 anyone other than the owner unless the animal has been rendered  
17 incapable of reproduction and microchipped, or the person  
18 wishing to adopt an animal prior to the surgical procedures  
19 having been performed shall have executed a written agreement  
20 promising to have such service performed, including  
21 microchipping, within a specified period of time not to exceed  
22 30 days. Failure to fulfill the terms of the agreement shall  
23 result in seizure and impoundment of the animal and any  
24 offspring by the animal pound or shelter, and any monies which  
25 have been deposited shall be forfeited and submitted to the

1 county Pet Population Control Fund on a yearly basis. This Act  
2 shall not prevent humane societies or animal shelters from  
3 engaging in activities set forth by their charters; provided,  
4 they are not inconsistent with provisions of this Act and other  
5 existing laws. No animal shelter or animal control facility  
6 shall release dogs or cats to an individual representing a  
7 rescue group, unless the group has been licensed or has a  
8 foster care permit issued by the Illinois Department of  
9 Agriculture or is a representative of a not-for-profit  
10 out-of-state organization, animal shelter, or animal control  
11 facility. The Department may suspend or revoke the license of  
12 any animal shelter or animal control facility that fails to  
13 comply with the requirements set forth in this Section or that  
14 fails to report its intake and euthanasia statistics each year.  
15 (Source: P.A. 94-639, eff. 8-22-05; 95-550, eff. 6-1-08.)