



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5448

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

225 ILCS 605/2 from Ch. 8, par. 302
225 ILCS 605/3.20 new
225 ILCS 605/3.25 new

Amends the Animal Welfare Act. Provides that high volume breeders shall comply with specified requirements for each dog that is kept, housed, and maintained by the breeder, including enclosure size and standards, food and water standards, medical care standards, and exercise and enrichment standards. Requires the Department of Agriculture to adopt rules that require high volume breeders to keep and maintain a record of veterinary care for each dog kept, housed, and maintained by the high volume breeder. Requires a dog broker or pet shop operator that seeks to purchase a dog from a high volume breeder, or an out-of-state dog breeder that would be a high volume breeder if located in this State, to request the breeder to sign a specified document stating that the breeder is in compliance with the standards applicable to high volume breeders. Defines terms. Makes other changes.

LRB101 20756 SPS 70443 b

FISCAL 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 2 and by adding Sections 3.20 and 3.25 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.

19 "Boarding" means a time frame greater than 12 hours or an
20 overnight period during which an animal is kept by a kennel
21 operator.

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

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

6 "High volume breeder" means an establishment that keeps,
7 houses, and maintains 6 or more unspayed adult female dogs used
8 for producing offspring and does at least one of the following:

9 (1) in return for a fee or other consideration, sells 5
10 or more adult dogs or puppies in any calendar year to dog
11 brokers or pet shop operators;

12 (2) in return for a fee or other consideration, sells
13 40 or more puppies in any calendar year to the public; or

14 (3) keeps, houses, and maintains, at any given time in
15 a calendar year, more than 40 puppies that are under 4
16 months of age, that have been bred on the premises of the
17 establishment, and that have been primarily kept, housed,
18 and maintained from birth on the premises of the
19 establishment.

20 "Dog broker" means a person who buys, sells, or offers to
21 sell dogs at wholesale for resale to another or who sells or
22 gives one or more dogs to a pet shop operator annually. "Dog
23 broker" does not include an animal shelter, animal control
24 facility, a kennel operator, a pet shop operator, or a
25 veterinarian.

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. An organization that does not
15 have its own building that maintains animals solely in foster
16 homes or other licensees is an "animal shelter" for purposes of
17 this Act. "Animal shelter" also means any veterinary hospital
18 or clinic operated by a veterinarian or veterinarians licensed
19 under the Veterinary Medicine and Surgery Practice Act of 2004
20 which operates for the above mentioned purpose in addition to
21 its customary purposes.

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

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 foster animals or 2 litters under 8 weeks of age at
4 any given time. A written agreement to operate as a "foster
5 home" shall be contracted with the animal shelter or animal
6 control facility.

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

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

18 "Return" in return to field or trap, neuter, return program
19 means to return the cat to field after it has been sterilized
20 and vaccinated for rabies.

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

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

1 licensure.

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

6 "Owner" does not include a feral cat caretaker participating in
7 a trap, spay/neuter, vaccinate for rabies, and return program.

8 "Enrichment" means any modification in the environment of a
9 confined dog that seeks to enhance the dog's physical and
10 psychological well-being by providing stimuli that meets the
11 dog's breed-specific needs.

12 "Exercise" means activity that allows a dog to extend to
13 full stride, play, and engage in other types of mentally
14 stimulating and social behaviors.

15 "Thermoneutral zone" means the range of ambient
16 temperature in which a dog is able to maintain normal body
17 temperature without a change in metabolic rate.

18 (Source: P.A. 100-842, eff. 1-1-19; 100-870, eff. 1-1-19;
19 101-81, eff. 7-12-19; 101-295, eff. 8-9-19.)

20 (225 ILCS 605/3.20 new)

21 Sec. 3.20. High volume breeders.

22 (a) In addition to complying with all rules and laws
23 applicable to a dog breeder, a high volume breeder shall do all
24 of the following with regard to a dog that is kept, housed, and
25 maintained by the breeder:

1 (1) Unless otherwise directed by a veterinarian,
2 provide the dog, twice each day, with food that is:

3 (A) sufficient to maintain body condition and
4 weight as directed by a veterinarian;

5 (B) unspoiled and uncontaminated;

6 (C) provided in accordance with a nutritional plan
7 recommended by a veterinarian; and

8 (D) served in receptacles that are clean and
9 sanitary.

10 (2) Each day provide access to a continuous supply of
11 potable water in clean and sanitary receptacles that is of
12 sufficient quality and quantity to ensure maintenance of
13 normal body condition and growth unless otherwise directed
14 by a veterinarian.

15 (3) Keep or confine the dog in a primary enclosure that
16 complies with all of the following:

17 (A) The interior of the enclosure is at least 6
18 inches higher than the head of the tallest dog housed
19 in the enclosure when the dog is in a normal standing
20 position.

21 (B) It allows each dog housed in the enclosure to
22 turn in a complete circle, lie down, and fully extend
23 its limbs.

24 (C) It is not stacked on top of another primary
25 enclosure.

26 (D) It is cleaned at least once per day to remove

1 excreta, dirt, grime, and other waste.

2 (4) On and after December 31, 2021, keep or confine the
3 dog in a primary enclosure that has a minimum floor space
4 in square inches equal to the following: (the length of the
5 dog housed in the enclosure in inches, as measured from the
6 tip of the nose to the base of the tail, plus 9 inches)^2
7 multiplied by 2. For each additional dog that is kept or
8 confined in a primary enclosure, the enclosure shall have
9 additional floor space in square inches equal to the
10 following: (length of each additional dog housed in the
11 enclosure in inches, as measured from the tip of the nose
12 to the base of the tail, plus 9 inches)^2.

13 (5) On and after December 31, 2021, ensure that the
14 minimum floor space provided in accordance with paragraph
15 (4) is solid or consists of slats. If the floor space
16 consists of slats, the high volume breeder shall ensure the
17 following:

18 (A) The spaces between the slats are not more than
19 one-half inch in width.

20 (B) The slats are not less than 3 and one-half
21 inches in width.

22 (C) All of the slats run in the same direction.

23 (D) The floor is level.

24 (6) On and after December 31, 2021, ensure that all
25 flooring complies with the following:

26 (A) It consists of materials that can be cleaned

1 and sanitized; is safe for the breed, size, and age of
2 the dog; is free from protruding sharp edges; and is
3 designed so that the paw of the dog is unable to extend
4 through or become caught in the flooring.

5 (B) If the flooring surface consists of a material
6 that is not solid, it has a solid resting area that can
7 accommodate the full length of the dog while lying
8 down.

9 (C) It does not sag, bend, or bounce.

10 (D) It does not consist of wire made of metal,
11 including metal wire that is coated with another
12 material.

13 (7) If the high volume breeder is using an indoor
14 primary enclosure to house the dog, ensure that the
15 enclosure is located in a facility that permits regulation
16 of temperature, ventilation, and lighting, including
17 diurnal lighting. The high volume breeder shall ensure that
18 the lighting is sufficient, either through natural or
19 artificial means, to observe the physical condition of the
20 dog and to permit inspection and cleaning of the dog and
21 the primary enclosure.

22 (8) Use an outdoor primary enclosure to house the dog
23 only if a veterinarian approves such use.

24 (9) If the high volume breeder is using an outdoor
25 primary enclosure to house the dog as provided in paragraph
26 (8) and if climatic or ambient temperatures pose a threat

1 to the health and welfare of the dog, take effective
2 measures to eliminate the threat. If the high volume
3 breeder has to take such measures, the high volume breeder
4 shall consider the dog's age, breed, overall health, and
5 acclimation to the environment. The high volume breeder
6 shall not use an outdoor primary enclosure to house the dog
7 if the dog is unable to tolerate the prevalent temperatures
8 within the dog's thermoneutral zone.

9 (10) House the dog with other dogs, except for reasons
10 of health, biosecurity, breeding, and behavioral issues.

11 (11) If the dog is a puppy that is 4 months or younger,
12 house the dog with an adult dog only if the adult dog is
13 the puppy's dam or foster dam.

14 (12) If the dog is a female, ensure that the dog does
15 not produce more than 8 litters in its lifetime.

16 (13) If the dog is a female, ensure that the dog does
17 not produce more than 8 litters in its lifetime.

18 (14) Provide a clean, dry whelping area for each dam
19 and its nursing puppies. The high volume breeder shall
20 ensure that the area fully accommodates all puppies, allows
21 the dam to lie fully recumbent and stand, and permits the
22 dam to temporarily move away from its puppies as it
23 chooses. The high volume breeder shall ensure that no other
24 animals inhabit the whelping area other than the dam and
25 its puppies.

26 (15) Provide the dog with an opportunity for daily

1 exercise of at least 30 minutes. However, this requirement
2 does not apply to an expectant female dog, postpartum
3 female dog, or any other dog as directed by a veterinarian.

4 (16) Provide the dog an opportunity to safely access
5 the outdoors during daylight hours.

6 (17) Provide the dog with daily environmental
7 enrichment in the dog's primary enclosure.

8 (18) Provide human interaction with the dog for at
9 least 15 minutes each day in addition to interaction that
10 occurs during feeding and cleaning time. The interaction,
11 at a minimum, shall include verbal and tactile stimulation
12 in a positive and beneficial manner.

13 (19) Provide the dog appropriate medical care by a
14 veterinarian, including prompt treatment for any
15 significant disease, illness, or injury.

16 (20) If the dog is an adult dog, provide the dog with
17 an annual physical examination by a veterinarian.

18 (21) Comply with a vaccination and parasite control
19 program that is provided by a veterinarian and that is
20 consistent with recommendations of the American
21 Veterinarian Medical Association or the American Animal
22 Hospital Association.

23 (22) If a surgical or euthanasia procedure is required,
24 use a veterinarian to perform the procedure.

25 (b) The Department shall adopt rules that require a high
26 volume breeder to keep and maintain a record of veterinary care

1 for each dog kept, housed, and maintained by the high volume
2 breeder. The rules shall require the records to be kept and
3 maintained for 3 years after the care is provided by a
4 veterinarian.

5 (225 ILCS 605/3.25 new)

6 Sec. 3.25. Purchase of dogs from high volume breeders and
7 out-of-state dog breeders.

8 (a) As used in this Section, "out-of-state dog breeder"
9 means a dog breeder located outside of this State that, if
10 located in this State, would be a high volume breeder.

11 (b) A dog broker or a pet shop operator that seeks to
12 purchase a dog from a high volume breeder or out-of-state dog
13 breeder, prior to completing the transaction, shall request the
14 breeder to sign a document prescribed and provided by the
15 Director. The document shall state that the high volume breeder
16 or out-of-state dog breeder is in compliance with the standards
17 of care established in Section 3.20 and the rules adopted
18 thereunder. The broker or pet shop operator shall keep and
19 maintain the signed document. If the high volume breeder or
20 out-of-state dog breeder does not provide the signed document,
21 the broker or pet shop operator shall not purchase the dog.

22 The broker or owner or operator shall allow the Director to
23 inspect the signed document during normal business hours.

24 (c) No dog broker or pet shop operator shall knowingly sell
25 a dog unless the dog broker or pet shop operator has obtained a

1 signed document with respect to the dog as required under
2 subsection (b). It is not a violation of this Section if the
3 dog broker or pet shop operator has obtained such a document
4 with regard to the dog.