

HB5861



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5861

Introduced 1/4/2023, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

225 ILCS 605/2

from Ch. 8, par. 302

Amends the Animal Welfare Act. Provides that the definition of "dog dealer" does not include a person who sells dogs at retail to the public.

LRB102 29989 AMQ 42176 b

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 as follows:

6 (225 ILCS 605/2) (from Ch. 8, par. 302)

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

9 "Department" means the Illinois Department of Agriculture.

10 "Director" means the Director of the Illinois Department
11 of 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
15 animals customarily obtained as pets in this State at retail
16 to the public. However, a person who sells only such animals
17 that he has produced and raised shall not be considered a pet
18 shop operator under this Act, and a veterinary hospital or
19 clinic operated by a veterinarian or veterinarians licensed
20 under the Veterinary Medicine and Surgery Practice Act of 2004
21 shall not be considered a pet shop 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 dogs
2 at retail to the public, including by appointment only, or
3 only dogs that he has produced and raised shall not be
4 considered a dog dealer under this Act, and a veterinary
5 hospital or clinic operated by a veterinarian or veterinarians
6 licensed under the Veterinary Medicine and Surgery Practice
7 Act of 2004 shall not be considered a dog dealer under this
8 Act.

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

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

16 "Kennel operator" means any person who operates an
17 establishment, other than an animal control facility,
18 veterinary hospital, or animal shelter, where dogs or dogs and
19 cats are maintained for boarding, training or similar purposes
20 for a fee or compensation.

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

24 "Cat breeder" means a person who sells, offers to sell,
25 exchanges, or offers for adoption with or without charge cats
26 that he or she has produced and raised. A person who owns, has

1 possession of, or harbors 5 or less females capable of
2 reproduction shall not be considered a cat breeder.

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

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

18 "Animal shelter" means a facility operated, owned, or
19 maintained by a duly incorporated humane society, animal
20 welfare society, or other non-profit organization having
21 tax-exempt status under Section 501(c)(3) of the Internal
22 Revenue Code for the purpose of providing for and promoting
23 the welfare, protection, and humane treatment of animals. An
24 organization that does not have its own building that
25 maintains animals solely in foster homes or other licensees is
26 an "animal shelter" for purposes of this Act. "Animal shelter"

1 also means any veterinary hospital or clinic operated by a
2 veterinarian or veterinarians licensed under the Veterinary
3 Medicine and Surgery Practice Act of 2004 which operates for
4 the above mentioned purpose in addition to its customary
5 purposes.

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

10 "Foster home" means an entity that accepts the
11 responsibility for stewardship of animals that are the
12 obligation of an animal shelter or animal control facility,
13 not to exceed 4 foster animals or 2 litters under 8 weeks of
14 age at any given time. A written agreement to operate as a
15 "foster home" shall be contracted with the animal shelter or
16 animal control facility.

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

22 "Guard dog" means a type of dog used primarily for the
23 purpose of defending, patrolling, or protecting property or
24 life at a commercial establishment other than a farm. "Guard
25 dog" does not include stock dogs used primarily for handling
26 and controlling livestock or farm animals, nor does it include

1 personally owned pets that also provide security.

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

5 "Sentry dog" means a dog trained to work without
6 supervision in a fenced facility other than a farm, and to
7 deter or detain unauthorized persons found within the
8 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
18 in a trap, spay/neuter, vaccinate for rabies, and return
19 program.

20 "Offer for sale" means to sell, exchange for
21 consideration, offer for adoption, advertise for the sale of,
22 barter, auction, give away, or otherwise dispose of animals.

23 (Source: P.A. 101-81, eff. 7-12-19; 101-295, eff. 8-9-19;
24 102-586, eff. 2-23-22.)