

1 AN ACT concerning agriculture.

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 (Text of Section before amendment by P.A. 102-586)

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

10 "Department" means the Illinois Department of Agriculture.

11 "Director" means the Director of the Illinois Department  
12 of 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  
16 animals customarily obtained as pets in this State. However, a  
17 person who sells only such animals that he has produced and  
18 raised shall not be considered a pet shop operator under this  
19 Act, and a veterinary hospital or clinic operated by a  
20 veterinarian or veterinarians licensed under the Veterinary  
21 Medicine and Surgery Practice Act of 2004 shall not be  
22 considered a pet shop 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.

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

23 "Cat breeder" means a person who sells, offers to sell,  
24 exchanges, or offers for adoption with or without charge cats  
25 that he or she has produced and raised. A person who owns, has  
26 possession of, or harbors 5 or less females capable of

1 reproduction shall not be considered a cat breeder.

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

7 "Animal control facility" means any facility operated by  
8 or 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,  
21 protection, and humane treatment of animals. An organization  
22 that does not have its own building that maintains animals  
23 solely in foster homes or other licensees is an "animal  
24 shelter" for purposes of this Act. "Animal shelter" also means  
25 any veterinary hospital or clinic operated by a veterinarian  
26 or veterinarians licensed under the Veterinary Medicine and

1 Surgery Practice Act of 2004 which operates for the above  
2 mentioned purpose in addition to its customary purposes.

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

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

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

19 "Guard dog" means a type of dog used primarily for the  
20 purpose of defending, patrolling, or protecting property or  
21 life at a commercial establishment other than a farm. "Guard  
22 dog" does not include stock dogs used primarily for handling  
23 and controlling livestock or farm animals, nor does it include  
24 personally owned pets that also provide security.

25 "Return" in return to field or trap, neuter, return  
26 program means to return the cat to field after it has been

1 sterilized and vaccinated for rabies.

2 "Sentry dog" means a dog trained to work without  
3 supervision in a fenced facility other than a farm, and to  
4 deter or detain unauthorized persons found within the  
5 facility.

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

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

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

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

19 (Text of Section after amendment by P.A. 102-586)

20 Sec. 2. Definitions. As used in this Act unless the  
21 context otherwise requires:

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23 "Director" means the Director of the Illinois Department  
24 of Agriculture.

25 "Pet shop operator" means any person who sells, offers to

1 sell, exchange, or offers for adoption with or without charge  
2 or donation dogs, cats, birds, fish, reptiles, or other  
3 animals customarily obtained as pets in this State at retail  
4 to the public. However, a person who sells only such animals  
5 that he has produced and raised shall not be considered a pet  
6 shop operator under this Act, and a veterinary hospital or  
7 clinic operated by a veterinarian or veterinarians licensed  
8 under the Veterinary Medicine and Surgery Practice Act of 2004  
9 shall not be considered a pet shop operator under this Act.

10 "Dog dealer" means any person who sells, offers to sell,  
11 exchange, or offers for adoption with or without charge or  
12 donation dogs in this State. However, a person who sells dogs  
13 at retail to the public or who sells only dogs that he has  
14 produced and raised shall not be considered a dog dealer under  
15 this Act, and a veterinary hospital or clinic operated by a  
16 veterinarian or veterinarians licensed under the Veterinary  
17 Medicine and Surgery Practice Act of 2004 shall not be  
18 considered a dog dealer under this Act.

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20 Secretary of Agriculture of the United States Department of  
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23 association or other legal entity, any public or private  
24 institution, the State of Illinois, or any municipal  
25 corporation or political subdivision of the State.

26 "Kennel operator" means any person who operates an

1 establishment, other than an animal control facility,  
2 veterinary hospital, or animal shelter, where dogs or dogs and  
3 cats are maintained for boarding, training or similar purposes  
4 for a fee or compensation.

5 "Boarding" means a time frame greater than 12 hours or an  
6 overnight period during which an animal is kept by a kennel  
7 operator.

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

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17 reproduction shall not be considered a dog breeder.

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

1 customary purposes.

2 "Animal shelter" means a facility operated, owned, or  
3 maintained by a duly incorporated humane society, animal  
4 welfare society, or other non-profit organization having  
5 tax-exempt status under Section 501(c)(3) of the Internal  
6 Revenue Code for the purpose of providing for and promoting  
7 the welfare, protection, and humane treatment of animals. An  
8 organization that does not have its own building that  
9 maintains animals solely in foster homes or other licensees is  
10 an "animal shelter" for purposes of this Act. "Animal shelter"  
11 also means any veterinary hospital or clinic operated by a  
12 veterinarian or veterinarians licensed under the Veterinary  
13 Medicine and Surgery Practice Act of 2004 which operates for  
14 the above mentioned purpose in addition to its customary  
15 purposes.

16 "Day care operator" means a 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 kept for a period of time not exceeding 12 hours.  
20 However, facilities where dogs or cats are held for the sole  
21 purpose of grooming or facilities where dogs or cats are held  
22 for less than 12 hours for training purposes shall not be  
23 considered day care operators under this Act.

24 "Foster home" means an entity that accepts the  
25 responsibility for stewardship of animals that are the  
26 obligation of an animal shelter or animal control facility,



1 not to exceed 4 foster animals or 2 litters under 8 weeks of  
2 age at any given time. A written agreement to operate as a  
3 "foster home" shall be contracted with the animal shelter or  
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5 "Guard dog service" means an entity that, for a fee,  
6 furnishes or leases guard or sentry dogs for the protection of  
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9 home, business, or farmland.

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

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

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20 supervision in a fenced facility other than a farm, and to  
21 deter or detain unauthorized persons found within the  
22 facility.

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

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2 animal, who keeps or harbors an animal, who has an animal in  
3 his or her care or acts as its custodian, or who knowingly  
4 permits a dog to remain on any premises occupied by him or her.  
5 "Owner" does not include a feral cat caretaker participating  
6 in a trap, spay/neuter, vaccinate for rabies, and return  
7 program.

8 "Offer for sale" means to sell, exchange for  
9 consideration, offer for adoption, advertise for the sale of,  
10 barter, auction, give away, or otherwise dispose of animals.  
11 (Source: P.A. 101-81, eff. 7-12-19; 101-295, eff. 8-9-19;  
12 102-586, eff. 2-23-22.)

13 Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.