



Sen. Linda Holmes

**Filed: 2/15/2022**

10200SB0705sam001

LRB102 04511 NLB 36411 a

1 AMENDMENT TO SENATE BILL 705

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 705 by replacing  
3 everything after the enacting clause with the following:

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

1 person who sells only such animals that he has produced and  
2 raised shall not be considered a pet shop operator under this  
3 Act, and a veterinary hospital or clinic operated by a  
4 veterinarian or veterinarians licensed under the Veterinary  
5 Medicine and Surgery Practice Act of 2004 shall not be  
6 considered a pet shop operator under this Act.

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

15 "Secretary of Agriculture" or "Secretary" means the  
16 Secretary of Agriculture of the United States Department of  
17 Agriculture.

18 "Person" means any person, firm, corporation, partnership,  
19 association or other legal entity, any public or private  
20 institution, the State of Illinois, or any municipal  
21 corporation or political subdivision of the State.

22 "Kennel operator" means any 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 maintained for boarding, training or similar purposes  
26 for a fee or compensation.

1 "Boarding" means a time frame greater than 12 hours or an  
2 overnight period during which an animal is kept by a kennel  
3 operator.

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

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

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

24 "Animal shelter" means a facility operated, owned, or  
25 maintained by a duly incorporated humane society, animal  
26 welfare society, or other non-profit organization for the

1 purpose of providing for and promoting the welfare,  
2 protection, and humane treatment of animals. An organization  
3 that does not have its own building that maintains animals  
4 solely in foster homes or other licensees is an "animal  
5 shelter" for purposes of this Act. "Animal shelter" also means  
6 any veterinary hospital or clinic operated by a veterinarian  
7 or veterinarians licensed under the Veterinary Medicine and  
8 Surgery Practice Act of 2004 which operates for the above  
9 mentioned purpose in addition to its customary purposes.

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

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

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

26 "Guard dog" means a type of dog used primarily for the

1 purpose of defending, patrolling, or protecting property or  
2 life at a commercial establishment other than a farm. "Guard  
3 dog" does not include stock dogs used primarily for handling  
4 and controlling livestock or farm animals, nor does it include  
5 personally owned pets that also provide security.

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

9 "Sentry dog" means a dog trained to work without  
10 supervision in a fenced facility other than a farm, and to  
11 deter or detain unauthorized persons found within the  
12 facility.

13 "Probationary status" means the 12-month period following  
14 a series of violations of this Act during which any further  
15 violation shall result in an automatic 12-month suspension of  
16 licensure.

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

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

24 (Source: P.A. 100-842, eff. 1-1-19; 100-870, eff. 1-1-19;  
25 101-81, eff. 7-12-19; 101-295, eff. 8-9-19.)

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

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

4 "Department" means the Illinois Department of Agriculture.

5 "Director" means the Director of the Illinois Department  
6 of Agriculture.

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

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

26 "Secretary of Agriculture" or "Secretary" means the

1 Secretary of Agriculture of the United States Department of  
2 Agriculture.

3 "Person" means any person, firm, corporation, partnership,  
4 association or other legal entity, any public or private  
5 institution, the State of Illinois, or any municipal  
6 corporation or political subdivision of the State.

7 "Kennel operator" means any person who operates an  
8 establishment, other than an animal control facility,  
9 veterinary hospital, or animal shelter, where dogs or dogs and  
10 cats are maintained for boarding, training or similar purposes  
11 for a fee or compensation.

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

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

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

25 "Animal control facility" means any facility operated by  
26 or under contract for the State, county, or any municipal

1 corporation or political subdivision of the State for the  
2 purpose of impounding or harboring seized, stray, homeless,  
3 abandoned or unwanted dogs, cats, and other animals. "Animal  
4 control facility" also means any veterinary hospital or clinic  
5 operated by a veterinarian or veterinarians licensed under the  
6 Veterinary Medicine and Surgery Practice Act of 2004 which  
7 operates for the above mentioned purpose in addition to its  
8 customary purposes.

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

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

1 However, facilities where dogs or cats are held for the sole  
2 purpose of grooming or facilities where dogs or cats are held  
3 for less than 12 hours for training purposes shall not be  
4 considered day care operators under this Act.

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

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

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

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

26 "Sentry dog" means a dog trained to work without

1 supervision in a fenced facility other than a farm, and to  
2 deter or detain unauthorized persons found within the  
3 facility.

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

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

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

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

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

20 Section 95. No acceleration or delay. Where this Act makes  
21 changes in a statute that is represented in this Act by text  
22 that is not yet or no longer in effect (for example, a Section  
23 represented by multiple versions), the use of that text does  
24 not accelerate or delay the taking effect of (i) the changes  
25 made by this Act or (ii) provisions derived from any other

1 Public Act."