



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2793

Introduced 2/16/2023, by Rep. William "Will" Davis

#### SYNOPSIS AS INTRODUCED:

225 ILCS 605/2 from Ch. 8, par. 302  
225 ILCS 605/3.6  
225 ILCS 605/3.8  
225 ILCS 605/3.10 new

Amends the Animal Welfare Act. Defines "professional breeder". Provides that an animal shelter shall not accept a dog or cat from an animal shelter licensed under the Act or an out-of-state animal control facility, rescue group, or animal shelter that is duly licensed in their state or is a not-for-profit organization unless it obtains documentation attesting that the dog or cat was not obtained through compensation or payment made to a cat breeder, dog breeder, dog dealer, or dog broker. Provides that an animal shelter shall not obtain a dog or cat by any means other than owner surrender, transfer from an animal control facility, an order by law enforcement, or an animal shelter in compliance with provisions concerning reporting of animals. Provides that a pet shop operator or dog dealer (rather than just a pet shop operator) may offer for sale a dog or cat only if the dog or cat is obtained from an animal control facility, animal shelter, or professional breeder (rather than just an animal control facility or an animal shelter) located in-state or out-of-state, that is in compliance with provisions concerning animal control facilities and animal shelters supplying to pet shop operators and requirements of professional dog breeders. Removes provisions concerning the requirement that a pet shop operator shall keep a record of each dog or cat offered for sale. Provides for requirements of professional dog breeders.

LRB103 30039 AMQ 56460 b

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, 3.6, and 3.8 and by adding Section 3.10 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 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 "Animal control facility" means any facility operated by  
7 or under contract for the State, county, or any municipal  
8 corporation or political subdivision of the State for the  
9 purpose of impounding or harboring seized, stray, homeless,  
10 abandoned or unwanted dogs, cats, and other animals. "Animal  
11 control facility" also means any veterinary hospital or clinic  
12 operated by a veterinarian or veterinarians licensed under the  
13 Veterinary Medicine and Surgery Practice Act of 2004 which  
14 operates for the above mentioned purpose in addition to its  
15 customary purposes.

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

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

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

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

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

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

26 "Return" in return to field or trap, neuter, return

1 program means to return the cat to field after it has been  
2 sterilized and vaccinated for rabies.

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

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

11 "Owner" means any person having a right of property in an  
12 animal, who keeps or harbors an animal, who has an animal in  
13 his or her care or acts as its custodian, or who knowingly  
14 permits a dog to remain on any premises occupied by him or her.  
15 "Owner" does not include a feral cat caretaker participating  
16 in a trap, spay/neuter, vaccinate for rabies, and return  
17 program.

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

21 "Professional breeder" means a legal entity or individual  
22 that conducts business within this State and that owns, has  
23 possession of, or houses more than 5 breeding female dogs, is  
24 required to be licensed and regulated under the federal Animal  
25 Welfare Act by the United States Department of Agriculture,  
26 and, in return for a fee or consideration, sells or adopts the

1 offspring of the breeding dogs to the public, a pet store, or a  
2 tax-exempt rescue organization.

3 (Source: P.A. 101-81, eff. 7-12-19; 101-295, eff. 8-9-19;  
4 102-586, eff. 2-23-22.)

5 (225 ILCS 605/3.6)

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

7 (a) No animal shelter may accept a stray dog or cat unless  
8 the animal is reported by the shelter to the animal control or  
9 law enforcement of the county in which the animal is found by  
10 the next business day. An animal shelter may accept animals  
11 from: (1) the owner of the animal where the owner signs a  
12 relinquishment form which states he or she is the owner of the  
13 animal; (2) an animal shelter licensed under this Act; or (3)  
14 an out-of-state animal control facility, rescue group, or  
15 animal shelter that is duly licensed in their state or is a  
16 not-for-profit organization. An animal shelter shall not  
17 accept a dog or cat from an organization described in item (2)  
18 or (3) unless it obtains documentation attesting that the dog  
19 or cat was not obtained through compensation or payment made  
20 to a cat breeder, dog breeder, dog dealer, or dog broker.

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

1 identification shall be done within 24 hours after the intake  
2 of each dog or cat. The animal shelter shall notify the owner  
3 and transfer any dog with an identified owner to the animal  
4 control or law enforcement agency in the jurisdiction in which  
5 it was found or the local animal control agency for  
6 redemption.

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



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

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

24 (e) No representative of an animal shelter may enter  
25 private property and remove an animal without permission from  
26 the property owner and animal owner, nor can any

1 representative of an animal shelter direct another individual  
2 to enter private property and remove an animal unless that  
3 individual is an approved humane investigator (approved by the  
4 Department) operating pursuant to the provisions of the Humane  
5 Care for Animals Act.

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

13 (g) An animal shelter shall not obtain a dog or cat by any  
14 means other than owner surrender, transfer from an animal  
15 control facility, an order by law enforcement, a court order,  
16 or an animal shelter in compliance with subsection (a).

17 (Source: P.A. 99-310, eff. 1-1-16; 100-322, eff. 8-24-17;  
18 100-870, eff. 1-1-19.)

19 (225 ILCS 605/3.8)

20 Sec. 3.8. Requirements ~~Prohibition~~ of dogs and cats sold  
21 by pet shops; recordkeeping.

22 (a) A pet shop operator or dog dealer may offer for sale a  
23 dog or cat only if the dog or cat is obtained from an animal  
24 control facility, ~~or~~ animal shelter, or professional breeder  
25 located in-state or out-of-state, that is in compliance with

1 Section 3.9 or Section 3.10.

2 (b) (Blank). ~~A pet shop operator shall keep a record of~~  
3 ~~each dog or cat offered for sale. The record must be kept on~~  
4 ~~file for a period of 2 years following the acquisition of each~~  
5 ~~dog or cat, made available to the Department upon request, and~~  
6 ~~submitted to the Department on May 1 and November 1 of each~~  
7 ~~year. The record shall include the following:~~

8 ~~(1) name, address, and phone number of the animal~~  
9 ~~control facility or animal shelter each dog or cat was~~  
10 ~~obtained from; and~~

11 ~~(2) documentation from the animal control facility or~~  
12 ~~animal shelter each dog or cat was obtained from~~  
13 ~~demonstrating compliance with Section 3.9, including the~~  
14 ~~circumstances that led to the animal control facility or~~  
15 ~~animal shelter obtaining ownership of the dog or cat and~~  
16 ~~any other information indicating the dog or cat was not~~  
17 ~~obtained from a source prohibited in Section 3.9.~~

18 (c) In addition to the penalties set forth in Section  
19 20.5, a pet shop operator that violates subsection (a) shall  
20 no longer offer for sale a dog or cat regardless of where the  
21 dog or cat was obtained.

22 (d) Nothing in this Section prohibits a pet shop operator  
23 from providing space to an animal control facility or animal  
24 shelter to showcase dogs or cats owned by these entities for  
25 the purpose of adoption.

26 (Source: P.A. 102-586, eff. 2-23-22.)

1 (225 ILCS 605/3.10 new)

2 Sec. 3.10. Requirements of professional dog breeders.

3 (a) In addition to the sourcing requirements in Section  
4 3.08, a pet shop operator or dog dealer shall also submit  
5 records to the Department that attest that dogs offered for  
6 sale are obtained from a professional breeder and that the pet  
7 shop operator or dog dealer are in compliance with this  
8 Section.

9 (b) A professional breeder violates this Section if any 2  
10 of the following conditions are not met:

11 (1) Primary enclosures comply with the following:

12 (A) (i) Prior to December 31, 2024, a primary  
13 enclosure provides each dog with a minimum amount of  
14 floor space, in square inches, that is equal to at  
15 least 2 times the square of the length of the dog  
16 housed in the enclosure in inches, as measured from  
17 the tip of the nose to the base of the tail 6 inches;  
18 or (ii) on and after December 31, 2024, a primary  
19 enclosure provides each dog with a minimum amount of  
20 floor space, in square inches, that is equal to at  
21 least 2 times the square of the length of the dog  
22 housed in the enclosure in inches, as measured from  
23 the tip of the nose to the base of the tail plus 9  
24 inches. For each additional dog that is kept or  
25 confined in a primary enclosure, the enclosure shall

1 have additional floor space in square inches equal to  
2 the square of the length of the dog housed in the  
3 enclosure in inches, as measured from the tip of the  
4 nose to the base of the tail plus 9 inches.

5 (B) The primary enclosures have solid or slatted  
6 floors and may consist of coated or expanded metal  
7 flooring. The mandatory minimum space required for  
8 primary enclosures in professional breeding facilities  
9 shall have solid floors or flooring that is slatted  
10 with slats that are at least 3.5 inches in width with  
11 no more than half-inch gaps between slats. Flooring  
12 shall be constructed in a manner that protects the  
13 dogs' feet and legs from injury and that will not allow  
14 the dogs' feet to pass through any openings in the  
15 floor.

16 (C) The primary enclosures consist of materials  
17 that can be cleaned and sanitized, are safe for the  
18 breed, size, and age of the dog, are free from  
19 protruding sharp edges, and are designed so that the  
20 paw of the dog is unable to extend through or become  
21 caught in the flooring.

22 (D) If the flooring surface of the primary  
23 enclosure consists of a material that is not solid,  
24 the primary enclosure has a solid resting area that  
25 can accommodate the full length of the dog while lying  
26 down.

1           (E) The flooring of the primary enclosure does not  
2           sag, bend, or bounce.

3           (F) The primary enclosures are not stacked on top  
4           of one another.

5           (G) The indoor temperatures of the primary  
6           enclosures do not exceed below 45 degrees Fahrenheit  
7           or above 85 degrees Fahrenheit for more than 2 hours,  
8           unless a variation is recommended in consultation with  
9           a licensed veterinarian.

10          (2) Breeding practices and veterinary care shall  
11          comply with the following:

12           (A) A breeding female shall receive an examination  
13           by a licensed veterinarian prior to its first breeding  
14           cycle to ensure the female is healthy enough to be  
15           bred.

16           (B) Annual veterinarian exams shall include, but  
17           are not limited to: (i) a hands-on examination by a  
18           veterinarian, including a comprehensive physical  
19           examination, dental assessment, body condition  
20           scoring, and pain assessment, at least once a year to  
21           ensure health problems are identified and treated;  
22           (ii) an assessment that a breeding female has received  
23           adequate rest between litters to allow for proper  
24           physical recovery and remains healthy enough to be  
25           bred prior to its next breeding cycle; and (iii)  
26           regular fur grooming and nail trimming as needed for

1 the safety and comfort of the dog based on that dog's  
2 breed or at least twice a year.

3 (C) Canine cesarean sections and euthanasia are to  
4 be performed only by licensed veterinarians.

5 (D) Retention of veterinarian records detailing  
6 the program of care to ensure professional breeding  
7 facilities provide the necessary care routinely  
8 prescribed to companion animals.

9 (E) Unless otherwise directed by a veterinarian,  
10 the dog is provided, twice each day, food that is  
11 sufficient to maintain body condition and weight as  
12 directed by a veterinarian. The food shall be  
13 unspoiled and uncontaminated, provided in accordance  
14 with a nutritional plan recommended by a veterinarian,  
15 and served in receptacles that are clean and sanitary.

16 (F) Each day, the dog is provided access to a  
17 continuous supply of potable water that is in clean  
18 and sanitary receptacles and is of sufficient quality  
19 and quantity to ensure maintenance of normal body  
20 condition and growth unless otherwise directed by a  
21 veterinarian.

22 (G) The breeder shall comply with a vaccination  
23 and parasite control program that is approved by a  
24 veterinarian and that is consistent with  
25 recommendations of the American Veterinary Medical  
26 Association or the American Animal Hospital

1           Association.

2           (3) All adult dogs in professional breeding facilities  
3           have either constant, unfettered access or supervised  
4           daily access to an exercise area of sufficient size to  
5           ensure proper physical development, health, and  
6           socialization. Socialization includes, but is not limited  
7           to, daily petting, stroking, grooming, feeding, playing  
8           with, exercising, or other touching of the dog that is  
9           beneficial to the well-being of the dog. The exercise area  
10           should, at a minimum, be at least twice the amount of space  
11           required for the primary enclosure. The exercise area may  
12           be indoors or outdoors. The exercise and socialization  
13           program must be approved and certified by a licensed  
14           veterinarian.

15           (4) If a dog is no longer to be bred or a veterinarian  
16           determines the dog is no longer healthy enough to be bred,  
17           the breeder shall retire the animal. If the breeder  
18           chooses not to keep the dog, the breeder must make all  
19           reasonable efforts to find placement with an adoptive  
20           family, rescue organization, or other appropriate owner  
21           for that animal.

22           (5) A professional breeder shall maintain all  
23           veterinarian and animal care records for each animal for 2  
24           years after ceasing to own the animal. A professional  
25           breeder shall provide a copy of all veterinarian records,  
26           audit records, and inspection reports upon the sale of any



1 animal. A pet store operator or dog dealer shall make  
2 available copies of all veterinarian records, audit  
3 records, and inspection reports of any animal to the  
4 Department upon request.

5 (c) In addition to the penalties set forth in Section  
6 20.5:

7 (1) Whenever the Attorney General has reason to  
8 believe that a professional breeder is intentionally or  
9 recklessly using any method, act, or practice that is in  
10 violation of Section 3.10 and that proceedings would be in  
11 the public interest, the Attorney General may bring an  
12 action against such professional breeder to restrain by  
13 preliminary or permanent injunction the use of such  
14 method, act, or practice.

15 (2) Any person who received a dog or cat from a  
16 professional breeder and who suffers actual damage may  
17 bring an action for injunctive relief against a  
18 professional breeder who intentionally or recklessly  
19 violates Section 3.10. The court, in its discretion, may  
20 restrain by preliminary or permanent injunction the use of  
21 such method, act, or practice that is in violation of  
22 Section 3.10.

23 (3) Prior to bringing an action under paragraph (2), a  
24 person must first send notice to the Department of the  
25 person's intent to file an action and shall include a list  
26 of alleged violations. Actions pursuant to paragraph (2)

1       may be brought if, prior to initiating an action against a  
2       professional breeder, the Department provides the  
3       professional breeder 30 days' written notice identifying  
4       the specific provisions of this Act the professional  
5       breeder is alleged to be violating. In the event a cure is  
6       possible, if within 30 days the professional breeder  
7       actually cures the noticed violation and provides the  
8       Department with an express written statement that the  
9       violations have been cured and no further violations shall  
10       occur, no action may be initiated against the professional  
11       breeder. If a professional breeder continues to violate  
12       Section 3.10 in breach of the express written statement  
13       provided under this Section, the person may initiate an  
14       action against the professional breeder to enforce the  
15       written statement and may pursue damages for each breach  
16       of the express written statement, as well as any other  
17       violation of Section 3.10 that postdates the written  
18       statement.