

# SB0129



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0129

Introduced 1/24/2023, by Sen. Linda Holmes

### 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.

LRB103 25733 AMQ 52082 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.)