

SB1230



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1230

Introduced 2/2/2023, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

225 ILCS 605/2
225 ILCS 605/10

from Ch. 8, par. 302
from Ch. 8, par. 310

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. Provides that a person who sells dogs at retail to the public, shall not be considered an animal shelter under the Act. Defines "at retail to the public". Provides that the Illinois Department of Agriculture may refuse to issue or renew or may suspend or revoke a license for operating without a proper license under the Act.

LRB103 28195 AMQ 54574 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 Sections 2 and 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 dogs
2 at retail to the public or only dogs that he has produced and
3 raised shall not be considered a dog dealer under this Act, and
4 a veterinary hospital or clinic operated by a veterinarian or
5 veterinarians licensed under the Veterinary Medicine and
6 Surgery Practice Act of 2004 shall not be considered a dog
7 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 having
20 tax-exempt status under Section 501(c)(3) of the Internal
21 Revenue Code for the purpose of providing for and promoting
22 the welfare, protection, and humane treatment of animals. An
23 organization that does not have its own building that
24 maintains animals solely in foster homes or other licensees is
25 an "animal shelter" for purposes of this Act. "Animal shelter"
26 also means any veterinary hospital or clinic operated by a

1 veterinarian or veterinarians licensed under the Veterinary
2 Medicine and Surgery Practice Act of 2004 which operates for
3 the above mentioned purpose in addition to its customary
4 purposes. However, a person who sells dogs at retail to the
5 public shall not be considered an animal shelter under this
6 Act.

7 "Day care operator" means a 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 kept for a period of time not exceeding 12 hours.

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

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

23 "Guard dog" means a type of dog used primarily for the
24 purpose of defending, patrolling, or protecting property or
25 life at a commercial establishment other than a farm. "Guard
26 dog" does not include stock dogs used primarily for handling

1 and controlling livestock or farm animals, nor does it include
2 personally owned pets that also provide security.

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

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

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

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

18 "Owner" does not include a feral cat caretaker participating
19 in a trap, spay/neuter, vaccinate for rabies, and return
20 program.

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

24 "At retail to the public" means the selling or offering
25 for sale, whether by appointment or otherwise, animals at a
26 brick-and-mortar establishment that were obtained from

1 breeders or brokers for compensation and not bred on its
2 premises.

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 605/10) (from Ch. 8, par. 310)

6 Sec. 10. Grounds for discipline. The Department may refuse
7 to issue or renew or may suspend or revoke a license on any one
8 or more of the following grounds:

9 a. material misstatement in the application for
10 original license or in the application for any renewal
11 license under this Act;

12 b. a violation of this Act or of any regulations or
13 rules issued pursuant thereto;

14 c. aiding or abetting another in the violation of this
15 Act or of any regulation or rule issued pursuant thereto;

16 d. allowing one's license under this Act to be used by
17 an unlicensed person;

18 e. for licensees, conviction of any crime an essential
19 element of which is misstatement, fraud or dishonesty or
20 conviction of any felony, if the Department determines,
21 after investigation, that such person has not been
22 sufficiently rehabilitated to warrant the public trust;
23 for applicants, the Department may refuse to issue a
24 license based on a conviction of any felony or a
25 misdemeanor directly related to the practice of the

1 profession if the Department determines in accordance with
2 Section 4 that such conviction will impair the ability of
3 the applicant to engage in the position for which a
4 license is sought;

5 f. conviction of a violation of any law of Illinois
6 except minor violations such as traffic violations and
7 violations not related to the disposition of dogs, cats
8 and other animals or any rule or regulation of the
9 Department relating to dogs or cats and sale thereof;

10 g. making substantial misrepresentations or false
11 promises of a character likely to influence, persuade or
12 induce in connection with the business of a licensee under
13 this Act;

14 h. pursuing a continued course of misrepresentation of
15 or making false promises through advertising, salesman,
16 agents or otherwise in connection with the business of a
17 licensee under this Act;

18 i. failure to possess the necessary qualifications or
19 to meet the requirements of the Act for the issuance or
20 holding a license; ~~or~~

21 j. proof that the licensee is guilty of gross
22 negligence, incompetency, or cruelty with regard to
23 animals; or ~~or~~

24 k. operating without a proper license under this Act.

25 The Department may refuse to issue or may suspend the
26 license of any person who fails to file a return, or to pay the

1 tax, penalty or interest shown in a filed return, or to pay any
2 final assessment of tax, penalty or interest, as required by
3 any tax Act administered by the Illinois Department of
4 Revenue, until such time as the requirements of any such tax
5 Act are satisfied.

6 The Department may order any licensee to cease operation
7 for a period not to exceed 72 hours to correct deficiencies in
8 order to meet licensing requirements.

9 If the Department revokes a license under this Act at an
10 administrative hearing, the licensee and any individuals
11 associated with that license shall be prohibited from applying
12 for or obtaining a license under this Act for a minimum of 3
13 years.

14 (Source: P.A. 99-310, eff. 1-1-16; 100-286, eff. 1-1-18.)