



## 93RD GENERAL ASSEMBLY

### State of Illinois

2003 and 2004

SB2612

Introduced 2/4/2004, by Don Harmon

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 105/5.625 new  
30 ILCS 805/8.28 new

Creates the Dog and Cat Overpopulation Control Act. Establishes the Dog and Cat Population Control Program to reduce the population of unwanted and stray dogs and cats by encouraging the owners of dogs and cats to have them sexually sterilized. Provides guidelines for participation in the Program by dog and cat owners and veterinarians. Grants rulemaking power to the Department of Agriculture. Provides that violation of any provision of this Act may result in an administrative fine not to exceed \$1,000 for each violation. Creates the Dog and Cat Animal Population Control Fund. Provides that each county board shall, in addition to the individual animal and litter registration fee, impose a \$2 dog and cat population control fee on each registered dog and cat beginning January 1, 2005. Preempts home rule powers. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB093 20664 RAS 46529 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning animal control.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Dog  
5 and Cat Overpopulation Control Act.

6 Section 5. Findings. The General Assembly finds the  
7 following:

8 (1) Controlling the dog and cat population would have a  
9 significant benefit to the public health by aiding in the  
10 prevention of dog attacks, reducing the number of dog and cat  
11 bite cases involving children, and decreasing the number of  
12 automobile accidents caused by stray dogs and cats.

13 (2) Controlling the dog and cat population will save  
14 taxpayer dollars by reducing the number of dogs and cats  
15 handled by county and municipal animal control agencies. A  
16 similar program was implemented in New Hampshire in 1994 and  
17 has significantly reduced the number of dogs and cats  
18 euthanized in shelters in that State. Every dollar spent on the  
19 New Hampshire neutering program has saved \$3.15 in reduced  
20 impoundment costs there.

21 Section 10. Definitions. For purposes of this Act:

22 "Director" means the Director of Agriculture.

23 "Department" means the Department of Agriculture.

24 "Fund" means the Dog and Cat Population Control Fund  
25 established in this Act.

26 Section 15. Program established. The Department shall  
27 establish and implement a Dog and Cat Population Control  
28 Program. The purpose of this program is to reduce the  
29 population of unwanted and stray dogs and cats by encouraging  
30 the owners of dogs and cats to have them permanently sexually

1 sterilized, thereby reducing potential threats to public  
2 health and safety. The program shall begin distributing funds  
3 for spaying and neutering operations or chemical  
4 sterilizations on January 1, 2006. Beginning June 30, 2006, the  
5 Director must make an annual written report concerning to the  
6 progress of the program to the President of the Senate, the  
7 Speaker of the House of Representatives, and the Governor.

8 Section 20. Eligibility.

9 (a) A resident of this State who has adopted a dog or cat  
10 from a licensed animal shelter shall be eligible to participate  
11 in the program if the applicant signs a consent form certifying  
12 that he or she is the owner of the dog or cat or is authorized  
13 by the owner to present the dog or cat for the procedure. The  
14 sterilization shall be performed by a participating  
15 veterinarian, and the fee for the procedure shall be \$30.

16 (b) A resident of the State who owns a dog or cat and who is  
17 eligible for the Food Stamp Program, the Medicaid Program, or  
18 the Disability Insurance Benefits Program shall also be  
19 eligible to participate in the program at a reduced rate if the  
20 applicant signs a consent form certifying that he or she is the  
21 owner of the dog or cat or is authorized by the owner to  
22 present the dog or cat for the procedure. The sterilization  
23 shall be performed by a participating veterinarian, and the fee  
24 for the procedure shall be \$15.

25 Section 25. Veterinarian participation. Any veterinarian  
26 licensed in this State may participate in the program  
27 established under this Act. A veterinarian shall file with the  
28 Director an application on which the veterinarian must supply,  
29 in addition to any other information requested by the Director,  
30 a fee schedule listing the fees charged for dog and cat  
31 sterilization, examination, and the pre-surgical immunizations  
32 specified in this Act in the normal course of business. The dog  
33 or cat sterilization fee may vary with the animal's weight,  
34 sex, and species. The Director may, however, disqualify from

1 participation in the program any veterinarian whose fees the  
2 Director deems unreasonable.

3 The Director shall reimburse, to the extent funds are  
4 available, participating veterinarians for 80% of the fee, less  
5 payment paid by the owner to the veterinarian as provided in  
6 this Act, for each dog or cat sterilization procedure  
7 administered. To receive this reimbursement, the veterinarian  
8 must submit a dog or cat sterilization certificate that must be  
9 signed by the veterinarian and the owner of the dog or cat.

10 For all dogs and cats sterilized under this Act, the  
11 Director shall also reimburse, to the extent funds are  
12 available, any licensed veterinarian of this State  
13 participating in the program for (i) examination fees and the  
14 pre-surgical immunizations of dogs against rabies, distemper,  
15 hepatitis, leptospirosis, and parvovirus or (ii) examination  
16 fees and the pre-surgical immunizations of cats against rabies,  
17 feline panleukopenia, calici, pneumonitis, and  
18 rhinotracheitis, as the case may be. Reimbursement for the full  
19 cost of pre-surgical immunizations shall be made by the  
20 Director to the participating veterinarian upon written  
21 certification, signed by the veterinarian and the owner of the  
22 dog or cat, that the immunization has been administered. There  
23 shall be no additional charges to the owner of a dog or cat  
24 sterilized under Section 20(b) of this Act for examination fees  
25 or pre-surgical immunizations. An owner of a dog or cat  
26 sterilized under this Act who has adopted the dog or cat from a  
27 licensed animal shelter shall pay the cost of all pre-surgical  
28 immunizations and examination fees directly to the  
29 participating veterinarian.

30 Section 30. Rulemaking. The Director shall adopt rules  
31 concerning:

32 (1) the format and content of all forms required under  
33 this Act;

34 (2) proof of eligibility;

35 (3) the administration of the fund; and

1           (4) any other matter necessary for the administration  
2 of the Dog and Cat Population Control Program without the  
3 approval of the livestock commission.

4           Section 35. Enforcement; administrative fine. Any person  
5 who knowingly falsifies proof of eligibility for or  
6 participation in any program under this Act, furnishes any  
7 licensed veterinarian with inaccurate information concerning  
8 the ownership of a dog or cat submitted for a sterilization  
9 procedure, furnishes the Director with false information  
10 concerning a dog or cat sterilization fee schedule or a dog or  
11 cat sterilization certificate submitted pursuant to this Act,  
12 or violates any provision of this Act may be subject to an  
13 administrative fine not to exceed \$1,000 for each violation.

14           Section 40. Dog and Cat Population Control Fund.

15           (a) The Dog and Cat Population Control Fund is hereby  
16 established as a special fund in the State Treasury. The moneys  
17 generated from the fee collected under subsection (b) must be  
18 kept in the Fund and may only be used to sterilize dogs and  
19 cats in this State pursuant to the program, to promote the  
20 sterilization program, and for administrative costs related to  
21 the Fund. Donations from private individuals and corporations  
22 may also be deposited into the Fund for the sole use of  
23 sterilizing dogs and cats in this State.

24           (b) Beginning January 1, 2005, each county board, in  
25 addition to the individual animal and litter registration fee  
26 established in the Illinois Animal Control Act, shall impose a  
27 \$2 dog and cat population control fee on each registered dog  
28 and cat. The clerk of the county shall remit all dog and cat  
29 population control fees collected to the State Treasurer on a  
30 semi-annual basis. The dog and cat control fees shall be  
31 deposited into the Fund. The \$2 dog and cat population control  
32 fee does not apply to feral cats as defined in the Illinois  
33 Animal Control Act.

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1           Section 45. Home rule. A home rule unit may not act in a  
2 manner inconsistent with the provisions of this Act. This  
3 Section is a limitation under subsection (i) of Section 6 of  
4 Article VII of the Illinois Constitution on the concurrent  
5 exercise by home rule units of powers and functions exercised  
6 by the State.

7           Section 905. The State Finance Act is amended by adding  
8 Section 5.625 as follows:

9           (30 ILCS 105/5.625 new)

10          Sec. 5.625. The Dog and Cat Population Control Fund.

11          Section 910. The State Mandates Act is amended by adding  
12 Section 8.28 as follows:

13          (30 ILCS 805/8.28 new)

14          Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8  
15 of this Act, no reimbursement by the State is required for the  
16 implementation of any mandate created by this amendatory Act of  
17 the 93rd General Assembly.

18          Section 999. Effective date. This Act takes effect upon  
19 becoming law.