



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0707

Introduced 02/01/05, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

225 ILCS 605/2	from Ch. 8, par. 302
225 ILCS 605/3	from Ch. 8, par. 303
225 ILCS 605/3.1	from Ch. 8, par. 303.1
225 ILCS 605/18	from Ch. 8, par. 318
225 ILCS 605/20	from Ch. 8, par. 320
510 ILCS 70/2.10	
510 ILCS 70/3	from Ch. 8, par. 703

Amends the Animal Welfare Act. Replaces the term "pet shop operator" with "animal caretaker" throughout the Act. Provides that licensees under the Act shall provide for their animals a sufficient quantity of good quality, wholesome food and water, adequate shelter and protection from the weather, annual and necessary veterinary care, and a stimulating and enriching environment. Provides that an individual who violates any provision of the Act or a Department rule or order is guilty of a Class A misdemeanor (now, a Class C misdemeanor). Amends the Humane Care for Animals Act. Changes the definition of "companion animal hoarder". Provides that each owner or animal caretaker shall provide for each of his or her animals annual veterinary care, sanitary conditions, proper ventilation, and a stimulating and enriching environment. Provides that a person convicted of violating the Section of the Act concerning owner's and animal caretaker's duties is guilty of a Class A misdemeanor (now, a Class B misdemeanor). Also, adds definitions. Effective immediately.

LRB094 04266 RAS 34291 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning animals.

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, 3.1, 18, and 20 as follows:

6 (225 ILCS 605/2) (from Ch. 8, par. 302)

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

9 "Department" means the Illinois Department of Agriculture.

10 "Director" means the Director of the Illinois Department of
11 Agriculture.

12 "Animal caretaker ~~Pet shop operator~~" means any person who
13 sells, offers to sell ~~or~~ exchange, or offers for adoption with
14 or without charge or donation dogs, cats, birds, fish,
15 reptiles, or other animals customarily obtained as pets in this
16 State. "Animal caretaker" includes, but is not limited to, a
17 pet store, breeder, adoption facility, shelter, or private
18 individual who performs any of the functions of an animal
19 caretaker listed in this paragraph. However, ~~a person who sells~~
20 ~~only such animals that he has produced and raised shall not be~~
21 ~~considered a pet shop operator under this Act, and a veterinary~~
22 ~~hospital or clinic operated by~~ a veterinarian or veterinarians
23 licensed under the Veterinary Medicine and Surgery Practice Act
24 of 2004 shall not be considered an animal caretaker ~~a pet shop~~
25 ~~operator~~ under this Act.

26 "Dog dealer" means any person who sells, offers to sell,
27 exchange, or offers for adoption with or without charge or
28 donation dogs in this State. However, a person who sells only
29 dogs that he has produced and raised shall not be considered a
30 dog dealer under this Act, and a veterinary hospital or clinic
31 operated by a veterinarian or veterinarians licensed under the
32 Veterinary Medicine and Surgery Practice Act of 2004 shall not

1 be considered a dog dealer under this Act.

2 "Secretary of Agriculture" or "Secretary" means the
3 Secretary of Agriculture of the United States Department of
4 Agriculture.

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

9 "Kennel operator" means any person who operates an
10 establishment, other than an animal control facility,
11 veterinary hospital, or animal shelter, where dogs or dogs and
12 cats are maintained for boarding, training or similar purposes
13 for a fee or compensation; or who sells, offers to sell,
14 exchange, or offers for adoption with or without charge dogs or
15 dogs and cats which he has produced and raised. A person who
16 owns, has possession of, or harbors 5 or less females capable
17 of reproduction shall not be considered a kennel operator.

18 "Cattery operator" means any person who operates an
19 establishment, other than an animal control facility or animal
20 shelter, where cats are maintained for boarding, training or
21 similar purposes for a fee or compensation; or who sells,
22 offers to sell, exchange, or offers for adoption with or
23 without charges cats which he has produced and raised. A person
24 who owns, has possession of, or harbors 5 or less females
25 capable of reproduction shall not be considered a cattery
26 operator.

27 "Animal control facility" means any facility operated by or
28 under contract for the State, county, or any municipal
29 corporation or political subdivision of the State for the
30 purpose of impounding or harboring seized, stray, homeless,
31 abandoned or unwanted dogs, cats, and other animals. "Animal
32 control facility" also means any veterinary hospital or clinic
33 operated by a veterinarian or veterinarians licensed under the
34 Veterinary Medicine and Surgery Practice Act of 2004 which
35 operates for the above mentioned purpose in addition to its
36 customary purposes.

1 "Animal shelter" means a facility operated, owned, or
2 maintained by a duly incorporated humane society, animal
3 welfare society, or other non-profit organization for the
4 purpose of providing for and promoting the welfare, protection,
5 and humane treatment of animals. "Animal shelter" also means
6 any veterinary hospital or clinic operated by a veterinarian or
7 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 "Foster home" means an entity that accepts the
11 responsibility for stewardship of animals that are the
12 obligation of an animal shelter, not to exceed 4 animals at any
13 given time. Permits to operate as a "foster home" shall be
14 issued through the animal shelter.

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 "Sentry dog" means a dog trained to work without
27 supervision in a fenced facility other than a farm, and to
28 deter or detain unauthorized persons found within the facility.
29 (Source: P.A. 93-281, eff. 12-31-03.)

30 (225 ILCS 605/3) (from Ch. 8, par. 303)

31 Sec. 3. No person shall engage in business as an animal
32 caretaker ~~a pet shop operator~~, dog dealer, kennel operator,
33 cattery operator, or operate a guard dog service, an animal
34 control facility or animal shelter or any combination thereof,
35 in this State without a license therefor issued by the

1 Department. Only one license shall be required for any
2 combination of businesses at one location, except that a
3 separate license shall be required to operate a guard dog
4 service. Guard dog services that are located outside this State
5 but provide services within this State are required to obtain a
6 license from the Department. Out-of-state guard dog services
7 are required to comply with the requirements of this Act with
8 regard to guard dogs and sentry dogs transported to or used
9 within this State.

10 (Source: P.A. 89-178, eff. 7-19-95.)

11 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

12 Sec. 3.1. Information on dogs and cats for sale. Every
13 animal caretaker ~~pet shop operator~~, dog dealer, and cattery
14 operator shall provide the following information for every dog
15 or cat available for sale:

16 (a) The age, sex, and weight of the animal.

17 (b) The breed of the animal.

18 (c) A record of vaccinations and veterinary care and
19 treatment.

20 (d) A record of surgical sterilization or lack of surgical
21 sterilization.

22 (e) The name and address of the breeder of the animal.

23 (f) The name and address of any other person who owned or
24 harbored the animal between its birth and the point of sale.

25 (Source: P.A. 87-819.)

26 (225 ILCS 605/18) (from Ch. 8, par. 318)

27 Sec. 18. The licensee shall:

28 a. Maintain sanitary conditions.

29 b. Insure proper ventilation.

30 c. Provide adequate nutrition.

31 d. Provide humane care and treatment of all animals under
32 his jurisdiction.

33 d-5. Provide a sufficient quantity of good quality,
34 wholesome food and water.

1 d-10. Provide adequate shelter and protection from the
2 weather.

3 d-15. Provide veterinary care on an annual basis and also
4 when needed to prevent suffering.

5 d-20. Provide a stimulating and enriching environment.

6 e. Take reasonable care to release for sale, trade, or
7 adoption only those animals which are free of disease, injuries
8 or abnormalities. A health certificate, meeting the
9 requirements of the Department and issued by a licensed
10 veterinarian for any such animal within 5 days before such
11 sale, trade or adoption is prima facie evidence that the
12 licensee has taken reasonable care, as required by this
13 paragraph.

14 f. Inspection of the premises of a licensee to determine
15 compliance with this Act may be made only by the Department.

16 In this Section:

17 "Good quality, wholesome food" for birds means that
18 prescribed by an Avian veterinarian.

19 "Stimulating and enriching environment" for birds
20 includes, but is not limited to, a variety of toys, perches of
21 different sizes and materials, and full-spectrum lighting.

22
23 (Source: P.A. 78-900.)

24 (225 ILCS 605/20) (from Ch. 8, par. 320)

25 Sec. 20. Any person violating any provision of this Act or
26 any rule, regulation or order of the Department issued pursuant
27 to this Act is guilty of a Class A € misdemeanor and every day a
28 violation continues constitutes a separate offense.

29 (Source: P.A. 89-178, eff. 7-19-95.)

30 Section 10. The Humane Care for Animals Act is amended by
31 changing Sections 2.10 and 3 as follows:

32 (510 ILCS 70/2.10)

33 Sec. 2.10. Companion animal hoarder. "Companion animal

1 hoarder" means a person who (i) possesses a ~~large~~ number of
2 companion animals; (ii) fails to or is unable to provide what
3 he or she is required to provide under Section 3 of this Act;
4 (iii) keeps the companion animals in a severely overcrowded
5 environment; and (iv) displays an inability to recognize or
6 understand the nature of or has a reckless disregard for the
7 conditions under which the companion animals are living and the
8 deleterious impact they have on the companion animals' and
9 owner's health and well-being.

10 (Source: P.A. 92-454, eff. 1-1-02.)

11 (510 ILCS 70/3) (from Ch. 8, par. 703)

12 Sec. 3. Owner's and animal caretaker's duties. Each owner
13 or animal caretaker shall provide for each of his or her
14 animals:

15 (a) sufficient quantity of good quality, wholesome
16 food and water;

17 (b) adequate shelter and protection from the weather;

18 (c) veterinary care on an annual basis and also when
19 needed to prevent suffering; ~~and~~

20 (d) humane care and treatment; ~~and~~

21 (e) sanitary conditions;

22 (f) proper ventilation; and

23 (g) a stimulating and enriching environment.

24 A person convicted of violating this Section is guilty of a
25 Class A ~~B~~ misdemeanor. A second or subsequent violation is a
26 Class 4 felony with every day that a violation continues
27 constituting a separate offense. In addition to any other
28 penalty provided by law, upon conviction for violating this
29 Section, the court may order the convicted person to undergo a
30 psychological or psychiatric evaluation and to undergo any
31 treatment at the convicted person's expense that the court
32 determines to be appropriate after due consideration of the
33 evaluation. If the convicted person is a juvenile or a
34 companion animal hoarder, the court must order the convicted
35 person to undergo a psychological or psychiatric evaluation and

1 to undergo treatment that the court determines to be
2 appropriate after due consideration of the evaluation.

3 In this Section:

4 "Animal caretaker" means an "animal caretaker" as defined
5 in the Animal Welfare Act.

6 "Good quality, wholesome food" for a bird means that
7 prescribed by an Avian veterinarian.

8 "Stimulating and enriching environment" for a bird
9 includes, but is not limited to, a variety of toys, perches of
10 different sizes and materials, and full-spectrum lighting.

11 (Source: P.A. 92-650, eff. 7-11-02.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.