



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2924

by Rep. Laura Fine

SYNOPSIS AS INTRODUCED:

See Index

Amends the Animal Welfare Act. Defines "animal", "animal rescue group", "kill shelter", "no kill", "guardian", "pet", "biological supply facility", and "medical necessity". Requires certain disclosures to be made by animal shelters, animal control facilities, and animal rescue groups. Provides that any guardian who has brought his or her pet to an animal shelter, animal control facility, or animal rescue group may redeem the pet if the animal shelter, animal control facility, or animal rescue group decides that the pet is not adoptable and shall be put down for reasons other than medical necessity. Authorizes the Department of Agriculture to issue fines for violation of the Act. Provides that injunctive relief shall be available to correct violations of the Act. Classifies individuals with standing to bring a civil suit against animal shelters, animal control facilities, and animal rescue groups and provides that a pet owner, guardian, or person who is successful in obtaining a judgment or a settlement shall be entitled to reasonable attorney's fees. Makes corresponding changes to provisions concerning licensing of certain animal businesses; adoption of dogs and cats; release of animals to shelters; and information on dogs and cats available for adoption by an animal shelter or animal control facility.

LRB098 10417 CEL 40622 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning regulations.

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, 3.3, 3.4, and 3.5 and by adding Sections 3.6,
6 20.6, 20.7, 20.8, 20.9, and 21.5 as follows:

7 (225 ILCS 605/2) (from Ch. 8, par. 302)

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

10 "Department" means the Illinois Department of Agriculture.

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

13 "Pet shop operator" means any person who sells, offers to
14 sell, exchange, or offers for adoption with or without charge
15 or donation dogs, cats, birds, fish, reptiles, or other animals
16 customarily obtained as pets in this State. However, a person
17 who sells only such animals that he has produced and raised
18 shall not be considered a pet shop operator under this Act, and
19 a veterinary hospital or clinic operated by a veterinarian or
20 veterinarians licensed under the Veterinary Medicine and
21 Surgery Practice Act of 2004 shall not be considered a pet shop
22 operator under this Act.

23 "Dog dealer" means any person who sells, offers to sell,

1 exchange, or offers for adoption with or without charge or
2 donation dogs in this State. However, a person who sells only
3 dogs that he has produced and raised shall not be considered a
4 dog dealer under this Act, and a veterinary hospital or clinic
5 operated by a veterinarian or veterinarians licensed under the
6 Veterinary Medicine and Surgery Practice Act of 2004 shall not
7 be considered a dog 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; or who sells, offers to sell,
20 exchange, or offers for adoption with or without charge dogs or
21 dogs and cats which he has produced and raised. A person who
22 owns, has possession of, or harbors 5 or less females capable
23 of reproduction shall not be considered a kennel operator.

24 "Cattery operator" means any person who operates an
25 establishment, other than an animal control facility or animal
26 shelter, where cats are maintained for boarding, training or

1 similar purposes for a fee or compensation; or who sells,
2 offers to sell, exchange, or offers for adoption with or
3 without charges cats which he has produced and raised. A person
4 who owns, has possession of, or harbors 5 or less females
5 capable of reproduction shall not be considered a cattery
6 operator.

7 "Animal" means any bird, fish, reptile, dog, cat, or mammal
8 other than man.

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

19 "Animal shelter" means a facility operated, owned, or
20 maintained by a duly incorporated humane society, animal
21 welfare society, or other non-profit organization for the
22 purpose of providing for and promoting the welfare, protection,
23 and humane treatment of animals. "Animal shelter" also means
24 any veterinary hospital or clinic operated by a veterinarian or
25 veterinarians licensed under the Veterinary Medicine and
26 Surgery Practice Act of 2004 which operates for the above

1 mentioned purpose in addition to its customary purposes.

2 "Animal rescue group" means any organization that
3 represents that it saves or rescues animals and locates a home,
4 temporary or otherwise, for the animals it rescues.

5 "Kill shelter" means an animal shelter, animal rescue
6 group, or animal control facility that euthanizes animals for
7 any reason other than medical necessity or transfers animals to
8 any other animal shelter, animal control facility, animal
9 rescue group, biological supply facility, or research lab
10 facility where animals may be euthanized for any reason other
11 than medical necessity or used for experiments or research.

12 "No kill" means an animal shelter, animal rescue group, or
13 animal control facility that does not euthanize animals except
14 for medical necessity and does not transfer the animal to any
15 other animal shelter, animal control facility, animal rescue
16 group, biological supply facility, or research lab facility
17 where animals may be euthanized for any reason other than
18 medical necessity or used for experiments or research. To
19 qualify as a "no kill" facility, the annual rate of euthanasia
20 for all animals cannot exceed 5%.

21 "Foster home" means an entity that accepts the
22 responsibility for stewardship of animals that are the
23 obligation of an animal shelter, not to exceed 4 animals at any
24 given time. Permits to operate as a "foster home" shall be
25 issued through the animal shelter.

26 "Guardian" means any person or other legal entity having a

1 right of property in an animal, who keeps or harbors any
2 animal, or who has an animal in his care or custody and who
3 surrenders the animal to an animal shelter, animal control
4 facility, or animal rescue group.

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

10 "Guard dog" means a type of dog used primarily for the
11 purpose of defending, patrolling, or protecting property or
12 life at a commercial establishment other than a farm. "Guard
13 dog" does not include stock dogs used primarily for handling
14 and controlling livestock or farm animals, nor does it include
15 personally owned pets that also provide security.

16 "Sentry dog" means a dog trained to work without
17 supervision in a fenced facility other than a farm, and to
18 deter or detain unauthorized persons found within the facility.

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

23 "Pet" means any animal kept as a companion or any animal
24 that has an "owner" as defined by the Animal Control Act.

25 "Biological supply facility" includes any blood bank,
26 laboratory, firm, association, corporation, copartnership, or

1 educational institution that sells biological materials such
2 as blood or animals, either alive or dead, to research
3 facilities, educational institutions, or veterinarians.

4 "Medical necessity" means euthanasia administered by a
5 veterinarian, who after exercising prudent clinical judgment,
6 evaluation, and diagnosis, deems that the suffering of the
7 animal may not be alleviated by any further treatment of
8 illness, injury, disease, or symptoms.

9 (Source: P.A. 95-550, eff. 6-1-08.)

10 (225 ILCS 605/3) (from Ch. 8, par. 303)

11 Sec. 3. (a) Except as provided in subsection (b) of this
12 Section, no person shall engage in business as a pet shop
13 operator, dog dealer, kennel operator, cattery operator, or
14 operate a guard dog service, an animal control facility, animal
15 rescue group, or animal shelter or any combination thereof, in
16 this State without a license therefor issued by the Department.
17 Only one license shall be required for any combination of
18 businesses at one location, except that a separate license
19 shall be required to operate a guard dog service. Guard dog
20 services that are located outside this State but provide
21 services within this State are required to obtain a license
22 from the Department. Out-of-state guard dog services are
23 required to comply with the requirements of this Act with
24 regard to guard dogs and sentry dogs transported to or used
25 within this State.

1 (b) This Act does not apply to a private detective agency
2 or private security agency licensed under the Private
3 Detective, Private Alarm, Private Security, Fingerprint
4 Vendor, and Locksmith Act of 2004 that provides guard dog or
5 canine odor detection services and does not otherwise operate a
6 kennel for hire.

7 (Source: P.A. 95-613, eff. 9-11-07.)

8 (225 ILCS 605/3.3)

9 Sec. 3.3. Adoption of dogs and cats.

10 (a) An animal shelter, animal rescue group, or animal
11 control facility shall not adopt out any dog or cat unless it
12 has been sterilized and microchipped. However, an animal
13 shelter, animal rescue group, or animal control facility may
14 adopt out a dog or cat that has not been sterilized and
15 microchipped if:

16 (1) the adopting owner has executed a written agreement
17 agreeing to have sterilizing and microchipping procedures
18 performed on the animal to be adopted within a specified
19 period of time not to exceed 30 days after the date of the
20 adoption, or

21 (2) the adopting owner has executed a written agreement
22 to have sterilizing and microchipping procedures performed
23 within 14 days after a licensed veterinarian certifies the
24 dog or cat is healthy enough for sterilizing and
25 microchipping procedures, and a licensed veterinarian has

1 certified that the dog or cat is too sick or injured to be
2 sterilized or it would be detrimental to the health of the
3 dog or cat to be sterilized or microchipped at the time of
4 the adoption.

5 (b) An animal shelter, animal rescue group, or animal
6 control facility may adopt out any dog or cat that is not free
7 of disease, injury, or abnormality if the disease, injury, or
8 abnormality is disclosed in writing to the adopter, and the
9 animal shelter, animal rescue group, or animal control facility
10 allows the adopter to return the animal to the animal shelter
11 or animal control facility.

12 (c) The requirements of subsections (a) and (b) of this
13 Section do not apply to adoptions subject to Section 11 of the
14 Animal Control Act.

15 (Source: P.A. 96-314, eff. 8-11-09.)

16 (225 ILCS 605/3.4)

17 Sec. 3.4. Release of animals to shelters. An animal
18 shelter, animal rescue group, or animal control facility may
19 not release any animal to an individual representing an animal
20 shelter, unless the recipient animal shelter has been licensed
21 or has a foster care permit issued by the Department or the
22 individual is a representative of a not-for-profit,
23 out-of-State organization.

24 (Source: P.A. 96-314, eff. 8-11-09.)

1 (225 ILCS 605/3.5)

2 Sec. 3.5. Information on dogs and cats available for
3 adoption by an animal shelter, animal rescue group, or animal
4 control facility.

5 (a) An animal shelter, animal rescue group, or animal
6 control facility must provide to the adopter prior to the time
7 of adoption the following information, to the best of its
8 knowledge, on any dog or cat being offered for adoption:

9 (1) The breed, age, date of birth, sex, and color of
10 the dog or cat if known, or if unknown, the animal shelter
11 or animal control facility shall estimate to the best of
12 its ability.

13 (2) The details of any inoculation or medical treatment
14 that the dog or cat received while under the possession of
15 the animal shelter or animal control facility.

16 (3) The adoption fee and any additional fees or
17 charges.

18 (4) If the dog or cat was returned by an adopter, then
19 the date and reason for the return.

20 (5) The following written statement: "A copy of our
21 policy regarding warranties, refunds, or returns is
22 available upon request."

23 (6) The license number of the animal shelter or animal
24 control facility issued by the Illinois Department of
25 Agriculture.

26 (b) The information required in subsection (a) shall be

1 provided to the adopter in written form by the animal shelter,
2 animal rescue group, or animal control facility and shall have
3 an acknowledgement of disclosures form, which must be signed by
4 the adopter and an authorized representative of the animal
5 shelter, animal rescue group, or animal control facility at the
6 time of the adoption. The acknowledgement of disclosures form
7 shall include the following:

8 (1) A blank space for the dated signature and printed
9 name of the authorized representative handling the
10 adoption on behalf of the animal shelter or animal control
11 facility, which shall be immediately beneath the following
12 printed statement: "I hereby attest that all of the above
13 information is true and correct to the best of my
14 knowledge."

15 (2) A blank space for the dated signature and printed
16 name of the adopter, which shall be immediately beneath the
17 following statement: "I hereby attest that this disclosure
18 was posted on or near the cage of the dog or cat for
19 adoption and that I have read all the disclosures. I
20 further understand that I am entitled to keep a signed copy
21 of this disclosure."

22 (c) A copy of the disclosures and the signed
23 acknowledgement of disclosures form shall be provided to the
24 adopter and the original copy shall be maintained by the animal
25 shelter, animal rescue group, or animal control facility for a
26 period of 2 years from the date of adoption. A copy of the

1 animal shelter's or animal control facility's policy regarding
2 warranties, refunds, or returns shall be provided to the
3 adopter.

4 (d) An animal shelter, animal rescue group, or animal
5 control facility shall post in a conspicuous place in writing
6 on or near the cage of any dog or cat available for adoption
7 the information required by subsection (a) of this Section 3.5.
8 (Source: P.A. 96-1470, eff. 1-1-11.)

9 (225 ILCS 605/3.6 new)

10 Sec. 3.6. Disclosures required.

11 (a) Every animal shelter, animal control facility, and
12 animal rescue group shall make all of the following disclosures
13 on the first page of their website, on a sign of a type and size
14 specified by the Director in a conspicuous place upon the
15 premises in plain view of the public using the facilities and
16 in every written surrender agreement at the top of the document
17 in bold print with a type size of no less than 24 points the
18 following:

19 (1) whether the animal shelter, animal control
20 facility, or animal rescue group is a kill shelter or
21 no-kill facility as defined by this Act;

22 (2) whether the animal shelter, animal control
23 facility, or animal rescue group sells, donates, or
24 otherwise transfers animals, dead or alive, to a biological
25 supply facility or a research lab facility;

1 (3) the number of all animals taken in, adopted out,
2 and euthanized and the percentage of the animals euthanized
3 (compared to all animals taken in) for the preceding year;

4 (4) the number of all dogs taken in, adopted out, and
5 euthanized and the percentage of dogs euthanized (compared
6 to all dogs taken in) for the preceding year;

7 (5) the number of all cats taken in, adopted out, and
8 euthanized and the percentage of cats euthanized (compared
9 to all cats taken in) for the preceding year;

10 (6) the number of animals that are transferred or sold
11 to other animal shelters, animal control facilities, or
12 animal rescue groups and the percentage of the animals so
13 transferred or sold (compared to all animals taken in) for
14 the preceding year;

15 (7) the number of animals that died while under the
16 custody of the animal shelter, animal control facility, or
17 animal rescue group as well as the percentage of the
18 animals that died (compared to all animals taken in) for
19 reasons other than euthanasia for the preceding year;

20 (8) the number of animals sold, donated, or otherwise
21 transferred, dead or alive, to a biological supply facility
22 or a research lab facility for the preceding year; and

23 (9) a statement indicating that the guardian:

24 (A) may redeem the pet if the animal shelter,
25 animal control facility, or animal rescue group decide
26 that the pet is not adoptable and will be put down for

1 reasons other than medical necessity,

2 (B) shall be notified by certified mail, email, and
3 telephone based on the information provided by the
4 guardian in the surrender contract,

5 (C) has 10 calendar days after the date the notice
6 is mailed to redeem the pet; and

7 (D) may be responsible for costs incurred by the
8 maintenance of the pet.

9 The following statement satisfies the requirements of
10 subparagraph (C) of paragraph (9) of this subsection: "You
11 have ten (10) days from the date of this letter to redeem
12 your animal from (insert name of shelter) at (insert
13 physical address and hours of operation of the shelter) or
14 your animal will be euthanized or transferred from this
15 facility."

16 (b) Any guardian who has brought his or her pet to an
17 animal shelter, animal control facility, or animal rescue group
18 may redeem the pet if the animal shelter, animal control
19 facility, or animal rescue group decides that the pet is not
20 adoptable and shall be put down for reasons other than medical
21 necessity. The animal shelter, animal control facility, or
22 animal rescue group shall notify by certified mail, email, and
23 telephone based on the information provided by the guardian in
24 the surrender contract of the decision, and the guardian shall
25 have 10 calendar days after the date the notice is mailed to
26 redeem the pet. If the guardian redeems the pet within the time

1 allowed, the animal shelter, animal control facility, or animal
2 rescue group may charge a reasonable fee for maintenance of the
3 pet from the time that the notice is mailed.

4 (c) In addition to the disclosures required by this
5 Section, a copy of this Act shall be attached to every written
6 surrender agreement entered into by an animal shelter, animal
7 control facility, or animal rescue group.

8 (d) The disclosures required under this Act shall be
9 considered in compliance with this Act only if they are current
10 within 12 months after being posted or otherwise disseminated.

11 (225 ILCS 605/20.6 new)

12 Sec. 20.6. Remedies.

13 (a) If an animal shelter, animal control facility, or
14 animal rescue group violates any provision of this Act, the
15 Director may, in the name of the People of the State of
16 Illinois and through the Attorney General of the State of
17 Illinois, petition for an order enjoining the violation or an
18 order enforcing compliance with this Act. Upon the filing of a
19 verified petition in court, the court may issue a temporary
20 restraining order, without notice or bond, and may
21 preliminarily or permanently enjoin the violation. If it is
22 established that the animal shelter, animal control facility,
23 animal rescue group, person, or persons has violated or is
24 violating the injunction, the court may punish the offender for
25 contempt of court. Proceedings under this Section shall be in

1 addition to, and not in lieu of, all other remedies and
2 penalties provided by this Act, including, but not limited to,
3 the private right of enforcement.

4 (b) Whenever, in the opinion of the Department, an animal
5 shelter, animal control facility, or animal rescue group
6 violates a provision of this Act, the Department may issue a
7 rule to show cause for why an order to cease and desist should
8 be entered against the animal shelter, animal control facility,
9 or animal rescue group. The rule shall clearly set forth the
10 grounds relied upon by the Department and shall provide a
11 period of 7 days after the date of the rule to file an answer to
12 the satisfaction of the Department. Failure to answer to the
13 satisfaction of the Department shall cause an order to cease
14 and desist to be issued immediately.

15 (225 ILCS 605/20.7 new)

16 Sec. 20.7. Sanctions and penalties. Any animal shelter,
17 animal control facility, or animal rescue group found in
18 violation of this Act shall be fined \$100 per day for each
19 violation by the Department.

20 (225 ILCS 605/20.8 new)

21 Sec. 20.8. Injunctive relief. Injunctive relief shall be
22 available under this Act. The court may, in its discretion,
23 exercise all powers necessary to enforce this Act, including,
24 but not limited to: injunction; revocation, forfeiture, or

1 suspension of any license, charter, franchise, certificate, or
2 other evidence of authority of any person to do business in
3 this State; appointment of a receiver; dissolution of domestic
4 corporations or association suspension or termination of the
5 right of foreign corporations or associations to do business in
6 this State; and restitution.

7 (225 ILCS 605/20.9 new)

8 Sec. 20.9. Standing and attorneys fees. Any guardian who
9 has surrendered his or her pet to an animal shelter, animal
10 control facility, or animal rescue group that has violated this
11 Act or any person who has contributed funds in excess of \$10 or
12 volunteered time to an animal shelter, animal control facility,
13 or animal rescue group that has violated this Act shall have
14 standing to bring a civil action and enforce all remedies and
15 sanctions under this Act. A pet owner, guardian, or person who
16 is successful in obtaining a judgment or a settlement shall be
17 entitled to reasonable attorney's fees.

18 (225 ILCS 605/21.5 new)

19 Sec. 21.5. Home rule. This law shall apply to all animal
20 shelters, animal control facilities, and animal rescue groups
21 operating in the State. This Section is a limitation of home
22 rule powers and functions under subsection (h) of Section 6 of
23 Article VII of the Illinois Constitution.

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 605/2 from Ch. 8, par. 302

4 225 ILCS 605/3 from Ch. 8, par. 303

5 225 ILCS 605/3.3

6 225 ILCS 605/3.4

7 225 ILCS 605/3.5

8 225 ILCS 605/3.6 new

9 225 ILCS 605/20.6 new

10 225 ILCS 605/20.7 new

11 225 ILCS 605/20.8 new

12 225 ILCS 605/20.9 new

13 225 ILCS 605/21.5 new