



Sen. Dan Kotowski

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LRB098 08812 MGM 44595 a

1 AMENDMENT TO SENATE BILL 1639

2 AMENDMENT NO. _____. Amend Senate Bill 1639 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Animal Welfare Act is amended by changing
5 Section 3.15 as follows:

6 (225 ILCS 605/3.15)

7 Sec. 3.15. Disclosures for dogs and cats being sold by pet
8 shops.

9 (a) Prior to the time of sale, every pet shop operator
10 must, to the best of his or her knowledge, provide to the
11 consumer the following information on any dog or cat being
12 offered for sale:

13 (1) The retail price of the dog or cat, including any
14 additional fees or charges.

15 (2) The breed, age, date of birth, sex, and color of
16 the dog or cat.

1 (3) The date and description ~~details~~ of any inoculation
2 or medical treatment that the dog or cat received while
3 under the possession of the pet shop operator.

4 (4) The name and business address of both the dog or
5 cat breeder and the facility where the dog or cat was born.
6 If the dog or cat breeder is located in the State, then the
7 breeder's license number. If the dog or cat breeder also
8 holds a license issued by the United States Department of
9 Agriculture, the breeder's federal license ~~identification~~
10 number.

11 (5) (Blank). ~~Any known congenital or hereditary~~
12 ~~diseases of the parents of the dog or cat, or the parents'~~
13 ~~other offspring.~~

14 (6) If eligible for registration with a pedigree
15 registry, then the name and registration numbers of the
16 sire and dam and the address of the pedigree registry where
17 the sire and dam are registered.

18 (7) If the dog or cat was returned by a customer, then
19 the date and reason for the return.

20 (8) The following written statement: "A copy of our
21 policy regarding warranties, refunds, or returns is
22 available upon request. Customers may be entitled to a
23 remedy under subsections (f) through (l) of this Section in
24 addition to any other remedies available at law.".

25 (9) The pet shop operator's license number issued by
26 the Illinois Department of Agriculture.

1 (b) The information required in subsection (a) shall be
2 provided to the customer in written form by the pet shop
3 operator and shall have an acknowledgement of disclosures form,
4 which must be signed by the customer and the pet shop operator
5 at the time of sale. The acknowledgement of disclosures form
6 shall include the following:

7 (1) A blank space for the dated signature and printed
8 name of the pet shop operator, which shall be immediately
9 beneath the following statement: "I hereby attest that all
10 of the above information is true and correct to the best of
11 my knowledge."

12 (2) A blank space for the customer to sign and print
13 his or her name and the date, which shall be immediately
14 beneath the following statement: "I hereby attest that this
15 disclosure was posted on or near the cage of the dog or cat
16 for sale and that I have read all of the disclosures. I
17 further understand that I am entitled to keep a signed copy
18 of this disclosure."

19 (c) A copy of the disclosures and the signed
20 acknowledgement of disclosures form shall be provided to the
21 customer at the time of sale and the original copy shall be
22 maintained by the pet shop operator for a period of 2 years
23 from the date of sale. A copy of the pet store operator's
24 policy regarding warranties, refunds, or returns shall be
25 provided to the customer.

26 (d) A pet shop operator shall post in a conspicuous place

1 in writing on or near the cage of any dog or cat available for
2 sale the information required by subsection (a) of this Section
3 3.15.

4 (e) If there is an outbreak of distemper, parvovirus, or
5 any other contagious and potentially life-threatening disease,
6 the pet shop operator shall notify the Department immediately
7 upon becoming aware of the disease. If the Department issues a
8 quarantine, the pet shop operator shall notify, in writing and
9 within 2 business days of the quarantine, each customer who
10 purchased a dog or cat during the 2-week period prior to the
11 outbreak and quarantine.

12 (f) A customer who purchased a dog or cat from a pet shop
13 is entitled to a remedy under this Section if:

14 (1) within 21 days after the date of sale, a licensed
15 veterinarian states in writing that (A) the dog or cat
16 possesses a disease or illness that adversely affects the
17 health of the dog or cat and the disease existed in the dog
18 or cat on or before the date of delivery to the customer or
19 (B) the dog or cat has died from a disease that existed in
20 the dog or cat on or before the date of delivery to the
21 customer; or

22 (2) within one year after the date of sale, a licensed
23 veterinarian states in writing that the dog or cat
24 possesses a congenital or hereditary condition that
25 adversely affects the health of the dog or cat or requires
26 either hospitalization or a non-elective surgical

1 procedure or has died of a congenital or hereditary
2 condition. Internal or external parasites may not be
3 considered to adversely affect the health of the dog unless
4 the presence of the parasites makes the dog or cat
5 clinically ill. The veterinarian's statement shall
6 include:

7 (A) the customer's name and address;

8 (B) a statement that the veterinarian examined the
9 dog or cat;

10 (C) the date or dates that the dog or cat was
11 examined;

12 (D) the breed and age of the dog or cat, if known;

13 (E) a statement that the dog or cat has or had a
14 disease, illness, or congenital or hereditary
15 condition that is subject to remedy; and

16 (F) the findings of the examination or necropsy,
17 including any lab results or copies of the results.

18 (g) A customer entitled to a remedy under subsection (f) of
19 this Section may:

20 (1) return the dog or cat to the pet shop for a full
21 refund of the purchase price;

22 (2) exchange the dog or cat for another dog or cat of
23 comparable value chosen by the customer;

24 (3) retain the dog or cat and be reimbursed for
25 reasonable veterinary fees for diagnosis and treatment of
26 the dog or cat, not to exceed 2 times the purchase price of

1 the dog or cat; or

2 (4) if the dog or cat is deceased, be reimbursed for
3 the full purchase price of the dog or cat plus reasonable
4 veterinary fees associated with the diagnosis and
5 treatment of the dog or cat, not to exceed 2 times the
6 purchase price of the dog or cat.

7 For the purposes of this subsection (g), veterinary fees
8 shall be considered reasonable if (i) the services provided are
9 appropriate for the diagnosis and treatment of the disease,
10 illness, or congenital or hereditary condition and (ii) the
11 cost of the services is comparable to that charged for similar
12 services by other licensed veterinarians located in close
13 proximity to the treating veterinarian.

14 (h) Unless the pet shop contests a reimbursement required
15 under subsection (g) of this Section, the reimbursement shall
16 be made to the customer no later than 10 business days after
17 the pet shop operator receives the veterinarian's statement
18 under subsection (f) of this Section.

19 (i) To obtain a remedy under this Section, a customer
20 shall:

21 (1) notify the pet shop as soon as reasonably possible
22 and not to exceed 3 business days after a diagnosis by a
23 licensed veterinarian of a disease, illness, or congenital
24 or hereditary condition of the dog or cat for which the
25 customer is seeking a remedy;

26 (2) provide to the pet shop a written statement

1 provided for under subsection (f) of this Section by a
2 licensed veterinarian within 5 business days after a
3 diagnosis by the veterinarian;

4 (3) upon request of the pet shop, take the dog or cat
5 for an examination by a second licensed veterinarian; the
6 customer may either choose the second licensed
7 veterinarian or allow the pet shop to choose the second
8 veterinarian, if the pet shop agrees to do so. The party
9 choosing the second veterinarian shall assume the cost of
10 the resulting examination; and

11 (4) if the customer requests a reimbursement of
12 veterinary fees, provide to the pet shop an itemized bill
13 for the disease, illness, or congenital or hereditary
14 condition of the dog or cat for which the customer is
15 seeking a remedy.

16 (j) A customer is not entitled to a remedy under this
17 Section if:

18 (1) the illness or death resulted from: (A)
19 maltreatment or neglect by the customer; (B) an injury
20 sustained after the delivery of the dog or cat to the
21 customer; or (C) an illness or disease contracted after the
22 delivery of the dog or cat to the customer;

23 (2) the customer does not carry out the recommended
24 treatment prescribed by the veterinarian who made the
25 diagnosis; or

26 (3) the customer does not return to the pet shop all

1 documents provided to register the dog or cat, unless the
2 documents have already been sent to the registry
3 organization.

4 (k) A pet shop may contest a remedy under this Section by
5 having the dog or cat examined by a second licensed
6 veterinarian pursuant to paragraph (3) of subsection (i) of
7 this Section if the dog or cat is still living. If the dog or
8 cat is deceased, the pet shop may choose to have the second
9 veterinarian review any records provided by the veterinarian
10 who examined or treated the dog or cat for the customer before
11 its death.

12 If the customer and the pet shop have not reached an
13 agreement within 10 business day after the examination of the
14 medical records and the dog or cat, if alive, or the dog's or
15 cat's medical records, if deceased, by the second veterinarian,
16 then:

17 (1) the customer may bring suit in a court of competent
18 jurisdiction to resolve the dispute; or

19 (2) if the customer and the pet shop agree in writing,
20 the parties may submit the dispute to binding arbitration.

21 If the court or arbiter finds that either party acted in
22 bad faith in seeking or denying the requested remedy, then the
23 offending party may be required to pay reasonable attorney's
24 fees and court costs of the adverse party.

25 (l) This Section shall not apply to any adoption of dogs or
26 cats, including those in which a pet shop or other organization

1 rents or donates space to facilitate the adoption.

2 (Source: P.A. 96-1470, eff. 1-1-11.)".