

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 Section 2 and by adding Section 3.10 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 "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 animals
15 customarily obtained as pets in this State. However, a person
16 who sells only such animals that he has produced and raised
17 shall not be considered a pet shop operator under this Act, and
18 a veterinary hospital or clinic operated by a veterinarian or
19 veterinarians licensed under the Veterinary Medicine and
20 Surgery Practice Act of 2004 shall not be considered a pet shop
21 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 only
2 dogs that he has produced and raised shall not be considered a
3 dog dealer under this Act, and a veterinary hospital or clinic
4 operated by a veterinarian or veterinarians licensed under the
5 Veterinary Medicine and Surgery Practice Act of 2004 shall not
6 be considered a dog dealer under this Act.

7 "Secretary of Agriculture" or "Secretary" means the
8 Secretary of Agriculture of the United States Department of
9 Agriculture.

10 "Person" means any person, firm, corporation, partnership,
11 association or other legal entity, any public or private
12 institution, the State of Illinois, or any municipal
13 corporation or political subdivision of the State.

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

23 "Cattery operator" means any person who operates an
24 establishment, other than an animal control facility or animal
25 shelter, where cats are maintained for boarding, training or
26 similar purposes for a fee or compensation; or who sells,

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

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

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

25 "Foster home" means an entity that accepts the
26 responsibility for stewardship of animals that are the

1 obligation of an animal shelter, not to exceed 4 animals at any
2 given time. Permits to operate as a "foster home" shall be
3 issued through the animal shelter.

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

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

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

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

22 "Owner" means any person having a right of property in an
23 animal, or who keeps or harbors an animal, has it in his or her
24 care, acts as its custodian, or knowingly permits a dog to
25 remain on any premises occupied by him or her. "Owner" does not
26 include a feral cat caretaker participating in a trap,

1 spay/neuter, return or release program.

2 "Shelter director" means the shelter manager in charge of
3 day-to-day operations of an animal shelter.

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

5 (225 ILCS 605/3.10 new)

6 Sec. 3.10. Identification of owners of dogs and cats.
7 Within 24 hours after the intake of any dog or cat into a
8 shelter, the dog or cat must be scanned for the presence of a
9 microchip and examined for other currently acceptable methods
10 of identification, including, but not limited to,
11 identification tags, tattoos, and rabies license tags. The
12 shelter director shall make every reasonable attempt to contact
13 the owner, agent, or caretaker as soon as possible. The shelter
14 director shall give notice of not less than 7 business days to
15 the owner, agent, or caretaker prior to release of the animal
16 to a foster home or different shelter or the adoption or
17 euthanasia of the animal. The notice shall be mailed to the
18 last known address of the owner, agent, or caretaker. Testimony
19 of the shelter director, or his or her authorized agent, who
20 mails the notice shall be evidence of the receipt of such
21 notice by the owner, agent, or caretaker of the animal. A
22 mailed notice shall remain the primary means of owner, agent,
23 or caretaker contact; however, the shelter director shall also
24 attempt to contact the owner, agent, or caretaker by any other
25 contact information, such as by telephone or email address,

1 provided by the microchip or other method of identification
2 found on the dog or cat. If the dog or cat has been
3 microchipped and the primary contact listed by the chip
4 manufacturer cannot be located or refuses to reclaim the dog or
5 cat, an attempt shall be made to contact any secondary contacts
6 listed by the chip manufacturer prior to adoption, transfer, or
7 euthanization. Prior to transferring the dog or cat to another
8 animal shelter or to a rescue group or for purposes of
9 euthanization, the dog or cat shall be scanned again for the
10 presence of a microchip and examined for other means of
11 identification. If a second scan provides the same identifying
12 information as the initial intake scan and the owner, agent, or
13 caretaker has not been located or refuses to reclaim the dog or
14 cat, the shelter may proceed with the adoption, transfer, or
15 euthanization.