

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 Sections 2, 3.4, and 10 and by adding Sections 3.6 and 3.7 as
6 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 control facility" means any facility operated by or
8 under contract for the State, county, or any municipal
9 corporation or political subdivision of the State for the
10 purpose of impounding or harboring seized, stray, homeless,
11 abandoned or unwanted dogs, cats, and other animals. "Animal
12 control facility" also means any veterinary hospital or clinic
13 operated by a veterinarian or veterinarians licensed under the
14 Veterinary Medicine and Surgery Practice Act of 2004 which
15 operates for the above mentioned purpose in addition to its
16 customary purposes.

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

26 "Foster home" means an entity that accepts the

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

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 "Owner" means any person having a right of property in an
24 animal, who keeps or harbors an animal, who has an animal in
25 his or her care or acts as its custodian, or who knowingly
26 permits a dog to remain on any premises occupied by him or her.

1 "Owner" does not include a feral cat caretaker participating in
2 a trap, spay/neuter, return or release program.

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

4 (225 ILCS 605/3.4)

5 Sec. 3.4. Transfer ~~Release~~ of animals between ~~to~~ shelters.

6 An animal shelter or animal control facility may not release
7 any animal to an individual representing an animal shelter,
8 unless (1) the recipient animal shelter has been licensed or
9 has a foster care permit issued by the Department or (2) the
10 individual is a representative of a not-for-profit,
11 out-of-State organization who is transferring the animal out of
12 the State of Illinois.

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

14 (225 ILCS 605/3.6 new)

15 Sec. 3.6. Acceptance of stray dogs and cats.

16 (a) No animal shelter may accept a stray dog or cat unless
17 the animal is reported by the shelter to the animal control or
18 law enforcement of the county in which the animal is found by
19 the next business day. An animal shelter may accept animals
20 from: (1) the owner of the animal where the owner signs a
21 relinquishment form which states he or she is the owner of the
22 animal; (2) an animal shelter licensed under this Act; or (3)
23 an out-of-state animal control facility, rescue group, or
24 animal shelter that is duly licensed in their state or is a

1 not-for-profit organization.

2 (b) When stray dogs and cats are accepted by an animal
3 shelter, they must be scanned for the presence of a microchip
4 and examined for other currently-acceptable methods of
5 identification, including, but not limited to, identification
6 tags, tattoos, and rabies license tags. The examination for
7 identification shall be done within 24 hours after the intake
8 of each dog or cat. The animal shelter shall notify the owner
9 and transfer any dog with an identified owner to the animal
10 control or law enforcement agency in the jurisdiction in which
11 it was found or the local animal control agency for redemption.

12 (c) If no transfer can occur, the animal shelter shall make
13 every reasonable attempt to contact the owner, agent, or
14 caretaker as soon as possible. The animal shelter shall give
15 notice of not less than 7 business days to the owner, agent, or
16 caretaker prior to disposal of the animal. The notice shall be
17 mailed to the last known address of the owner, agent, or
18 caretaker. Testimony of the animal shelter, or its authorized
19 agent, who mails the notice shall be evidence of the receipt of
20 the notice by the owner, agent, or caretaker of the animal. A
21 mailed notice shall remain the primary means of owner, agent,
22 or caretaker contact; however, the animal shelter shall also
23 attempt to contact the owner, agent, or caretaker by any other
24 contact information, such as by telephone or email address,
25 provided by the microchip or other method of identification
26 found on the dog or cat. If the dog or cat has been

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

13 (d) When stray dogs and cats are accepted by an animal
14 shelter and no owner can be identified, the shelter shall hold
15 the animal for the period specified in local ordinance prior to
16 adoption, transfer, or euthanasia. The animal shelter shall
17 allow access to the public to view the animals housed there. If
18 a dog is identified by an owner who desires to make redemption
19 of it, the dog shall be transferred to the local animal control
20 for redemption. If no transfer can occur, the animal shelter
21 shall proceed pursuant to Section 3.7. Upon lapse of the hold
22 period specified in local ordinance and no owner can be
23 identified, ownership of the animal, by operation of law,
24 transfers to the shelter that has custody of the animal.

25 (e) No representative of an animal shelter may enter
26 private property and remove an animal without permission from

1 the property owner and animal owner, nor can any representative
2 of an animal shelter direct another individual to enter private
3 property and remove an animal unless that individual is an
4 approved humane investigator (approved by the Department)
5 operating pursuant to the provisions of the Humane Care for
6 Animals Act.

7 (f) Nothing in this Section limits an animal shelter and an
8 animal control facility who, through mutual agreement, wish to
9 enter into an agreement for animal control, boarding, holding,
10 or other services provided that the agreement requires parties
11 adhere to the provisions of the Animal Control Act, the Humane
12 Euthanasia in Animal Shelters Act, and the Humane Care for
13 Animals Act.

14 (225 ILCS 605/3.7 new)

15 Sec. 3.7. Redemption of stray dogs and cats from animal
16 shelters. Any owner, agent, or caretaker wishing to make
17 redemption of a dog or cat held by a shelter under the
18 provisions of subsection (c) of Section 3.6 of this Act may do
19 so by doing the following:

20 (1) paying the shelter for the board of the dog or cat
21 for the period the shelter was in possession of the animal;
22 the daily boarding rate shall not exceed the daily boarding
23 rate of the animal control agency in the jurisdiction in
24 which the shelter is located; and

25 (2) paying the shelter for reasonable costs of

1 veterinary care, if applicable.

2 The shelter has the option to waive any fees or veterinary
3 costs.

4 (225 ILCS 605/10) (from Ch. 8, par. 310)

5 Sec. 10. Grounds for discipline. The Department may refuse
6 to issue or renew or may suspend or revoke a license on any one
7 or more of the following grounds:

8 a. Material misstatement in the application for original
9 license or in the application for any renewal license under
10 this Act;

11 b. A violation of this Act or of any regulations or rules
12 issued pursuant thereto;

13 c. Aiding or abetting another in the violation of this Act
14 or of any regulation or rule issued pursuant thereto;

15 d. Allowing one's license under this Act to be used by an
16 unlicensed person;

17 e. Conviction of any crime an essential element of which is
18 misstatement, fraud or dishonesty or conviction of any felony,
19 if the Department determines, after investigation, that such
20 person has not been sufficiently rehabilitated to warrant the
21 public trust;

22 f. Conviction of a violation of any law of Illinois except
23 minor violations such as traffic violations and violations not
24 related to the disposition of dogs, cats and other animals or
25 any rule or regulation of the Department relating to dogs or

1 cats and sale thereof;

2 g. Making substantial misrepresentations or false promises
3 of a character likely to influence, persuade or induce in
4 connection with the business of a licensee under this Act;

5 h. Pursuing a continued course of misrepresentation of or
6 making false promises through advertising, salesman, agents or
7 otherwise in connection with the business of a licensee under
8 this Act;

9 i. Failure to possess the necessary qualifications or to
10 meet the requirements of the Act for the issuance or holding a
11 license; or

12 j. Proof that the licensee is guilty of gross negligence,
13 incompetency, or cruelty with regard to animals.

14 The Department may refuse to issue or may suspend the
15 license of any person who fails to file a return, or to pay the
16 tax, penalty or interest shown in a filed return, or to pay any
17 final assessment of tax, penalty or interest, as required by
18 any tax Act administered by the Illinois Department of Revenue,
19 until such time as the requirements of any such tax Act are
20 satisfied.

21 The Department may order any licensee to cease operation
22 for a period not to exceed 72 hours to correct deficiencies in
23 order to meet licensing requirements.

24 If the Department revokes a license under this Act at an
25 administrative hearing, the licensee and any individuals
26 associated with that license shall be prohibited from applying

1 for or obtaining a license under this Act for a minimum of 3
2 years.

3 (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97;
4 90-403, eff. 8-15-97.)