



Sen. Thomas Cullerton

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LRB099 09451 MLM 35595 a

1 AMENDMENT TO HOUSE BILL 4029

2 AMENDMENT NO. _____. Amend House Bill 4029 by replacing
3 everything after the enacting clause with the following:

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

1 who sells only such animals that he has produced and raised
2 shall not be considered a pet shop operator under this Act, and
3 a veterinary hospital or clinic operated by a veterinarian or
4 veterinarians licensed under the Veterinary Medicine and
5 Surgery Practice Act of 2004 shall not be considered a pet shop
6 operator under this Act.

7 "Dog dealer" means any person who sells, offers to sell,
8 exchange, or offers for adoption with or without charge or
9 donation dogs in this State. However, a person who sells only
10 dogs that he has produced and raised shall not be considered a
11 dog dealer under this Act, and a veterinary hospital or clinic
12 operated by a veterinarian or veterinarians licensed under the
13 Veterinary Medicine and Surgery Practice Act of 2004 shall not
14 be considered a dog dealer under this Act.

15 "Secretary of Agriculture" or "Secretary" means the
16 Secretary of Agriculture of the United States Department of
17 Agriculture.

18 "Person" means any person, firm, corporation, partnership,
19 association or other legal entity, any public or private
20 institution, the State of Illinois, or any municipal
21 corporation or political subdivision of the State.

22 "Kennel operator" means any person who operates an
23 establishment, other than an animal control facility,
24 veterinary hospital, or animal shelter, where dogs or dogs and
25 cats are maintained for boarding, training or similar purposes
26 for a fee or compensation; or who sells, offers to sell,

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

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

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

24 "Animal shelter" means a facility operated, owned, or
25 maintained by a duly incorporated humane society, animal
26 welfare society, or other non-profit organization for the

1 purpose of providing for and promoting the welfare, protection,
2 and humane treatment of animals. "Animal shelter" also means
3 any veterinary hospital or clinic operated by a veterinarian or
4 veterinarians licensed under the Veterinary Medicine and
5 Surgery Practice Act of 2004 which operates for the above
6 mentioned purpose in addition to its customary purposes.

7 "Foster home" means an entity that accepts the
8 responsibility for stewardship of animals that are the
9 obligation of an animal shelter, not to exceed 4 animals at any
10 given time. Permits to operate as a "foster home" shall be
11 issued through the animal shelter.

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

17 "Guard dog" means a type of dog used primarily for the
18 purpose of defending, patrolling, or protecting property or
19 life at a commercial establishment other than a farm. "Guard
20 dog" does not include stock dogs used primarily for handling
21 and controlling livestock or farm animals, nor does it include
22 personally owned pets that also provide security.

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

26 "Probationary status" means the 12-month period following

1 a series of violations of this Act during which any further
2 violation shall result in an automatic 12-month suspension of
3 licensure.

4 "Owner" means any person having a right of property in an
5 animal, who keeps or harbors an animal, who has an animal in
6 his or her care or acts as its custodian, or who knowingly
7 permits a dog to remain on any premises occupied by him or her.
8 "Owner" does not include a feral cat caretaker participating in
9 a trap, spay/neuter, return or release program.

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

11 (225 ILCS 605/3.4)

12 Sec. 3.4. Transfer ~~Release~~ of animals between ~~to~~ shelters.
13 An animal shelter or animal control facility may not release
14 any animal to an individual representing an animal shelter,
15 unless (1) the recipient animal shelter has been licensed or
16 has a foster care permit issued by the Department or (2) the
17 individual is a representative of a not-for-profit,
18 out-of-State organization who is transferring the animal out of
19 the State of Illinois.

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

21 (225 ILCS 605/3.6 new)

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

23 (a) No animal shelter may accept a stray dog or cat unless
24 the animal is reported by the shelter to the animal control or

1 law enforcement of the county in which the animal is found by
2 the next business day. An animal shelter may accept animals
3 from: (1) the owner of the animal where the owner signs a
4 relinquishment form which states he or she is the owner of the
5 animal; (2) an animal shelter licensed under this Act; or (3)
6 an out-of-state animal control facility, rescue group, or
7 animal shelter that is duly licensed in their state or is a
8 not-for-profit organization.

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

19 (c) If no transfer can occur, the animal shelter shall make
20 every reasonable attempt to contact the owner, agent, or
21 caretaker as soon as possible. The animal shelter shall give
22 notice of not less than 7 business days to the owner, agent, or
23 caretaker prior to disposal of the animal. The notice shall be
24 mailed to the last known address of the owner, agent, or
25 caretaker. Testimony of the animal shelter, or its authorized
26 agent, who mails the notice shall be evidence of the receipt of

1 the notice by the owner, agent, or caretaker of the animal. A
2 mailed notice shall remain the primary means of owner, agent,
3 or caretaker contact; however, the animal shelter shall also
4 attempt to contact the owner, agent, or caretaker by any other
5 contact information, such as by telephone or email address,
6 provided by the microchip or other method of identification
7 found on the dog or cat. If the dog or cat has been
8 microchipped and the primary contact listed by the chip
9 manufacturer cannot be located or refuses to reclaim the dog or
10 cat, an attempt shall be made to contact any secondary contacts
11 listed by the chip manufacturer prior to adoption, transfer, or
12 euthanization. Prior to transferring any stray dog or cat to
13 another humane shelter or rescue group or euthanization, the
14 dog or cat shall be scanned again for the presence of a
15 microchip and examined for other means of identification. If a
16 second scan provides the same identifying information as the
17 initial intake scan and the owner, agent, or caretaker has not
18 been located or refuses to reclaim the dog or cat, the animal
19 shelter may proceed with adoption, transfer, or euthanization.
20 The provisions of this subsection (c) do not apply to feral
21 cats, as defined in the Animal Control Act.

22 (d) When stray dogs and cats are accepted by an animal
23 shelter and no owner can be identified, the shelter shall hold
24 the animal for the period specified in local ordinance prior to
25 adoption, transfer, or euthanasia. Any healthy cat lacking
26 owner identification and known to be feral, as defined in the

1 Animal Control Act, is exempt from any mandatory hold period if
2 deemed eligible for trap, sterilize, and return or release
3 programs. The animal shelter shall allow access to the public
4 to view the animals housed there. If a dog is identified by an
5 owner who desires to make redemption of it, the dog shall be
6 transferred to the local animal control for redemption. If no
7 transfer can occur, the animal shelter shall proceed pursuant
8 to Section 3.7. Upon lapse of the hold period specified in
9 local ordinance and no owner can be identified, ownership of
10 the animal, by operation of law, transfers to the shelter that
11 has custody of the animal.

12 (e) No representative of an animal shelter may enter
13 private property and remove an animal without permission from
14 the property owner and animal owner, nor can any representative
15 of an animal shelter direct another individual to enter private
16 property and remove an animal unless the individual is an
17 approved humane investigator (approved by the Department)
18 operating pursuant to the provisions of the Humane Care for
19 Animals Act.

20 (f) Nothing in this Section limits an animal shelter and an
21 animal control facility who, through mutual agreement, wish to
22 enter into an agreement for animal control, boarding, holding,
23 or other services provided that the agreement requires parties
24 adhere to the provisions of the Animal Control Act, the Humane
25 Euthanasia in Animal Shelters Act, and the Humane Care for
26 Animals Act.

1 (225 ILCS 605/3.7 new)

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

7 (1) paying the shelter for the board of the dog or cat
8 for the period the shelter was in possession of the animal;
9 the daily boarding rate shall not exceed the daily boarding
10 rate of the animal control agency in the jurisdiction in
11 which the shelter is located; and

12 (2) paying the shelter for reasonable costs of
13 veterinary care, if applicable.

14 The shelter has the option to waive any fees or veterinary
15 costs.

16 The provisions of paragraph (1) of this Section do not
17 apply to feral cats, as defined in the Animal Control Act.

18 (225 ILCS 605/10) (from Ch. 8, par. 310)

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

22 a. Material misstatement in the application for original
23 license or in the application for any renewal license under
24 this Act;

1 b. A violation of this Act or of any regulations or rules
2 issued pursuant thereto;

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

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

7 e. Conviction of any crime an essential element of which is
8 misstatement, fraud or dishonesty or conviction of any felony,
9 if the Department determines, after investigation, that such
10 person has not been sufficiently rehabilitated to warrant the
11 public trust;

12 f. Conviction of a violation of any law of Illinois except
13 minor violations such as traffic violations and violations not
14 related to the disposition of dogs, cats and other animals or
15 any rule or regulation of the Department relating to dogs or
16 cats and sale thereof;

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

20 h. Pursuing a continued course of misrepresentation of or
21 making false promises through advertising, salesman, agents or
22 otherwise in connection with the business of a licensee under
23 this Act;

24 i. Failure to possess the necessary qualifications or to
25 meet the requirements of the Act for the issuance or holding a
26 license; or

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

3 The Department may refuse to issue or may suspend the
4 license of any person who fails to file a return, or to pay the
5 tax, penalty or interest shown in a filed return, or to pay any
6 final assessment of tax, penalty or interest, as required by
7 any tax Act administered by the Illinois Department of Revenue,
8 until such time as the requirements of any such tax Act are
9 satisfied.

10 The Department may order any licensee to cease operation
11 for a period not to exceed 72 hours to correct deficiencies in
12 order to meet licensing requirements.

13 If the Department revokes a license under this Act at an
14 administrative hearing, the licensee and any individuals
15 associated with that license shall be prohibited from applying
16 for or obtaining a license under this Act for a minimum of 3
17 years.

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