

1 AN ACT concerning animal welfare.

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 and 3 and adding Section 6.6 as follows:

6 (225 ILCS 605/2) (from Ch. 8, par. 302)

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

9 "Department" means the Illinois Department of
10 Agriculture.

11 "Director" means the Director of the Illinois Department
12 of 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
16 animals customarily obtained as pets in this State. However,
17 a person who sells only such animals that he has produced and
18 raised shall not be considered a pet shop operator under this
19 Act, and a veterinary hospital or clinic operated by a
20 veterinarian or veterinarians licensed under the Veterinary
21 Medicine and Surgery Practice Act of 1994 shall not be
22 considered a pet shop operator under this Act.

23 "Dog dealer" means any person who sells, offers to sell,
24 exchange, or offers for adoption with or without charge or
25 donation dogs in this State. However, a person who sells only
26 dogs that he has produced and raised shall not be considered
27 a dog dealer under this Act, and a veterinary hospital or
28 clinic operated by a veterinarian or veterinarians licensed
29 under the Veterinary Medicine and Surgery Practice Act of
30 1994 shall not be considered a dog dealer under this Act.

31 "Secretary of Agriculture" or "Secretary" means the

1 Secretary of Agriculture of the United States Department of
2 Agriculture.

3 "Person" means any person, firm, corporation,
4 partnership, association or other legal entity, any public or
5 private institution, the State of Illinois, or any municipal
6 corporation or political subdivision of the State.

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

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

26 "Animal control facility" means any facility operated by
27 or under contract for the State, county, or any municipal
28 corporation or political subdivision of the State for the
29 purpose of impounding or harboring seized, stray, homeless,
30 abandoned or unwanted dogs, cats, and other animals. "Animal
31 control facility" also means any veterinary hospital or
32 clinic operated by a veterinarian or veterinarians licensed
33 under the Veterinary Medicine and Surgery Practice Act of
34 1994 which operates for the above mentioned purpose in

1 addition to its customary purposes.

2 "Animal shelter" means a facility operated, owned, or
3 maintained by a duly incorporated humane society, animal
4 welfare society, or other non-profit organization for the
5 purpose of providing for and promoting the welfare,
6 protection, and humane treatment of animals. "Animal
7 shelter" also means any veterinary hospital or clinic
8 operated by a veterinarian or veterinarians licensed under
9 the Veterinary Medicine and Surgery Practice Act of 1994
10 which operates for the above mentioned purpose in addition to
11 its customary purposes.

12 "Foster home" means an entity that accepts the
13 responsibility for stewardship of animals that are the
14 obligation of an animal shelter, not to exceed 4 animals at
15 any given time. Permits to operate as a "foster home" shall
16 be issued through the animal shelter.

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

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

28 "Sentry dog" means a dog trained to work without
29 supervision in a fenced facility other than a farm, and to
30 deter or detain unauthorized persons found within the
31 facility.

32 "Dog day care facility" means a facility that regularly
33 provides day care for less than 24 hours per day for dogs for
34 a fee or compensation.

1 (Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97;
2 90-403, eff. 8-15-97.)

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

4 Sec. 3. No person shall engage in business as a pet shop
5 operator, dog dealer, kennel operator, cattery operator, or
6 operate a guard dog service, an animal control facility or
7 animal shelter or any combination thereof, in this State
8 without a license therefor issued by the Department.

9 Beginning January 1, 2003, no person shall operate a dog day
10 care facility without a license issued by the Department.

11 Only one license shall be required for any combination of
12 businesses at one location, except that a separate license
13 shall be required to operate a guard dog service or,
14 beginning January 1, 2003, a dog day care facility. Guard
15 dog services that are located outside this State but provide
16 services within this State are required to obtain a license
17 from the Department. Out-of-state guard dog services are
18 required to comply with the requirements of this Act with
19 regard to guard dogs and sentry dogs transported to or used
20 within this State.

21 (Source: P.A. 89-178, eff. 7-19-95.)

22 (225 ILCS 605/6.6 new)

23 Sec. 6.6. Dog day care facilities.

24 (a) The Department may promulgate rules regulating dog
25 day care facilities. Rules regarding the maximum number of
26 dogs that a dog day care facility may accept shall be based
27 on the size of the facility and the number of attendants and
28 shall take into consideration the health and welfare of the
29 animals involved. The Department shall promulgate rules to
30 develop sanitary standards for facilities.

31 (b) The owner of a dog enrolled in a dog day care
32 facility must provide a certificate of health and proof of

1 vaccination against distemper, rabies, the parvo virus, and
2 other communicable diseases, parasites, or viruses as
3 specified by rule of the Department.

4 (c) The vaccination records of a dog enrolled in a dog
5 day care facility must be current and in compliance with all
6 vaccination requirements of law for the boarding of dogs.

7 (d) The owner or operator of a dog day care facility
8 must have knowledge of each animal's disposition and special
9 temperaments. The owner or operator shall have knowledge of
10 the animal's usual diet. The owner of the animal, however,
11 has the responsibility of providing the dog day care facility
12 with food for the animal.

13 (e) Nothing in this Section shall prevent a unit of
14 local government from requiring a dog day care facility from
15 obtaining a proper land use permit before commencing
16 operations.

17 (f) Nothing in this Section shall interfere with a
18 person's ability to bring a common law nuisance claim against
19 a dog day care facility.

20 (g) The Department is not liable for injury that occurs
21 while on the premises of a dog day care facility.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.