



ILLINOIS BILLS AMENDING ANIMAL WELFARE ACT SET FOR HEARING

**** SB 3633 Set For Hearing On March 3rd ****

The Issue.

House Bill 5771, House Bill 5772 and its companion, SB 3633, amend the state Animal Welfare Act to expand requirements for dog breeders and pet stores, respectively. **Among the changes are a dramatic increase in minimum cage size requirements, new temperature limits, and exercise standards that all conflict with federal law. Pet stores are also subject to a new disclosure mandate.**

The Impact.

HB 5771 creates separate requirements for:

- (i) dog breeders, defined as anyone with 6 or more female dogs capable of reproduction, and;
- (ii) commercial dog breeders, which covers anyone with 10 or more female dogs capable of reproduction who breeds or whelps dogs and also sells or transfers at least one dog to a wholesale dealer or pet shop OR that sells or transfers more than 30 dogs to anyone during a calendar year.

The bill inserts ordinary dog breeders into the list of entities covered under the Animal Welfare Act, and mandates that those subject to the law (including pet shops, dog dealers, kennels and pounds) do the following:

- Provide access to sufficient nutritious food at least once a day and continuous access to potable water that is not frozen, and is free of debris, feces, algae, and other contaminants
- Provide necessary veterinary care which means, at a minimum, examination at least once yearly by a licensed veterinarian; prompt treatment of any illness or injury by a licensed veterinarian; and, where needed, humane euthanasia by a licensed veterinarian using lawful techniques deemed "Acceptable" by the American Veterinary Medical Association
- Maintain current rabies vaccination records of all dogs 16 weeks of age and older in the possession of the licensee
- For female dogs being bred, provide adequate rest between breeding cycles which means, at a minimum, ensuring that dogs are not bred to produce more than 2 litters in any 18 month period
- Provide sufficient space for each dog to turn and stretch freely, lie down, and extend his or her limbs without touching the side of an enclosure or another dog

Commercial dog breeders, however, would **also** be subject to the following requirements:

- Provide sufficient housing, including protection from the elements, which means constant and unfettered access to an indoor enclosure that has a solid floor; is not stacked or otherwise placed on top of or below another animal's enclosure; is cleaned of waste at least once a day while the dog is outside the enclosure; and does not fall below 45 degrees Fahrenheit or rise above 85 degrees F.



- Provide sufficient indoor space for each dog to turn in a complete circle without any impediment (including a tether) and enough indoor space for each dog to extend his or her limbs and stretch freely and lie down without touching the side of an enclosure or another dog, and at least one foot of headroom above the head of the tallest dog in the enclosure AND
- Provide at least 12 square feet of indoor floor space for each dog under 25 inches; at least 20 square feet of indoor floor space for each dog between 25 and 34 inches long; and at least 30 square feet of indoor floor space for each dog 35 inches or longer (with the length of the dog measured from the tip of the nose to the base of the tail)
- Provide regular exercise that includes constant and unfettered access to an outdoor exercise area that (i) is composed of a solid, ground-level surface with adequate drainage, (ii) provides some protection against sun, wind, rain, and snow, and (iii) provides each dog at least twice the square footage of the indoor floor space provided to that dog

These standards for space, temperature, and exercise requirements for commercial breeders are inconsistent with longstanding federal law.

House Bill 5772 and SB 3633 create new information disclosure requirements for pet stores selling dogs and cats, as well as shelters adopting out dogs and cats. Pet stores would be required to provide the following information **“prior to the time of sale”** for every dog and cat offered for sale:

- The retail price of the dog or cat, including any additional fees or charges.
- The breed, age, date of birth, sex, and color of the dog or cat.
- The dates of any inoculations or medical treatments administered to the dog or cat at any time prior to the sale.
- If the dog or cat received any inoculation or medical treatment from a veterinarian, then the name and business address of the veterinarian who performed the examination and administered any treatment or medication.
- If the dog or cat received any inoculation or medical treatment from a pet shop, then the name of the licensee or manager who authorized the administration of the treatment or medication, his or her title, and employer.
- If the dog or cat received any inoculation or medical treatment from a dog dealer or cattery operator, then the name of the licensee or manager who authorized the administration of the treatment or medication, his or her title, and employer.
- The name and business address of both the dog or cat breeder and the facility where the dog or cat was born. If the dog or cat breeder is located in the State, then the breeder's license number. If the dog or cat breeder also holds a license issued by the United States Department of Agriculture, the breeder's federal identification number.
- Any known citations or warnings issued to the breeder by the USDA, respective state Department of Agriculture, or other regulatory or governmental agency relating to the health or welfare of the dogs or cats owned or bred by that breeder.
- The name and business address of any other person who owned, harbored, transported, or facilitated the sale of the dog or cat between its birth and the point of sale.
- Any known congenital or hereditary diseases of the parents of the dog or cat, or the parents' other offspring.
- If eligible for registration with a pedigree registry, then the name and registration numbers of the sire and dam and the address of the pedigree registry where the sire and dam are registered.
- If the dog or cat was returned by a customer, then the date and reason for the return.
- The total number of puppies or kittens that were born at the breeder's facility in the prior calendar year.
- The licensee's policy regarding any guarantees, warranties, refunds or returns.

In addition to making the above information available to every “consumer” (i.e. anybody who walks in the door), pet stores would also be required to provide the following information “in written form” and on the last page include an “acknowledgement of disclosures form” which must be signed by the customer and the pet store operator at the time of sale. This disclosure form must include:

- A blank space for the dated signature and printed name of the pet shop operator, which shall be immediately beneath the following statement: "I hereby attest that all of the above information is true and correct to the best of my knowledge, and I have made a diligent effort to obtain this information.";
- A blank space for the customer to sign and print his or her name and the date, which shall be immediately beneath the following statement: "I hereby attest that this disclosure was posted with the dog or cat for sale and that I have read all of the disclosures. I further understand that I am entitled to keep a signed copy of this disclosure."
- A copy of the disclosures and the signed acknowledgement of disclosure form shall be provided to the customer at the time of sale and the original copy shall be maintained by the pet shop operator for a period of 2 years from the date of sale.
- A posted notice in a conspicuous place in writing on or near the cage of any dog or cat available for sale the identifying information required by this bill. A pet shop operator that makes dogs or cats available for sale over the internet must post the same disclosures required of pet stores
- The statement that a pet shop operator who makes a false or misleading statement in connection with any required disclosure has committed a violation of Section 2Z of the Consumer Fraud and Deceptive Business Practices Act.

Recommended Action.

A Senate companion bill to HB 5772 (SB 3633) was introduced and assigned to the Senate Committee on Consumer Protection on Feb. 24th. This bill is set to be heard on March 3rd (Room 409, 9:00 a.m.). HB 5771 and HB 5772 were on the Feb. 23rd agenda of the House Committee on Agriculture & Conservation. Bills remain in committee awaiting further action. Pet stores, breeders and others who are in the pet industry or who simply wish to protect the right to have pets should contact every member of the committee (see the contact list below) to oppose these bills **in their current** form. You may wish to include some of the following points (in your own words) in the written or oral comments you make to legislators:

- The pet industry supports reasonable regulation and has worked on and with Senator Kotowski’s task force to develop consensus legislation.
- The pet industry supports sound, humane standards in the breeding and care of pet animals, as well as appropriate disclosure of information to consumers about the pets they buy. In fact, the law already provides for this. Legislation imposing new, additional requirements, however, should be based on the best interests of the pet animals themselves, and the pet owners who take them home. A number of the provisions in these bills are not!
- Commercial dog breeders licensed by USDA are already required to comply with federal standards set forth in law, and are subject to regular inspections by the United States Department of Agriculture. We should not deviate from these established federal standards without a sound basis. New requirements shouldn’t be adopted just for the sake of change.
- Some of the standards in HB 5771 are desirable and the pet industry supports them. But the requirements for minimum and maximum temperatures, cage sizes and specific exercise requirements are in conflict with federal law (under Title 9 of the Code of Federal Regulations) and have not been shown to be in the animals’ best interest. In fact, prevailing federal standards were developed based on scientific study – the requirements proposed by this bill were not. We shouldn’t adopt arbitrary standards that create excessive burdens on business and do not benefit anyone.
- Pet stores are already subject to disclosure requirements for the dogs they sell, but many of the requirements in HB 5772 would not provide any meaningful information to consumers and would create an onerous burden on pet stores. In fact, some of the posting requirements would serve no purpose except to allow activists to harass breeders.
- These bills need a number of amendments and we would urge you to table the bills in order that stakeholders can work with the sponsor to assure good bills that will receive broad consensus support.

Anybody capable of attending this hearing is strongly urged to do so. It is important that committee members of made aware of the number of businesses and others adversely affected by this legislation!

Updates on the status of these bills will be posted to the “Breaking News” page of the PIJAC website at www.pijac.org/breakingnews.asp. You are encouraged to visit the site regularly to be informed of actions taken on this legislation, and for recommendations for additional action on your part.

If you have further questions concerning either of these bills please contact PIJAC’s Michael Maddox by phone at 202-452-1525 or by email at michael@pijac.org.

**State of Illinois
Senate Committee on Agriculture & Conservation
Capitol Building, #129
Springfield, IL 62706
217/782-8800**

<u>SENATOR</u>	<u>DISTRICT(S)</u>	<u>TEL. #</u>	<u>EMAIL</u>
Michael W. Frerichs (Ch)(D-52)	Champaign, Vermillion	217/782-2507	frerichs@senatedem.state.il.us
A.J. Wilhelmi (V-Ch)(D-43)	Will	217/782-8800	wilhelmi@senatedem.state.il.us
Tim Bivins (R-45)	Jodaviess, Lee, Stephenson	217/782-0180	senatorbivins@grics.net
Gary G. Dahl (R-38)	Grundy, Putnam, Bureau, Iroquois, Kankakee, LaSalle, Livingston, Will	217/782-3840	senatordahl38@yahoo.com
Deanna Demuzio (D-49)	Calhoun, Green, Macoupin, Morgan, Christian, Montgomery, Fayette, Jersey, Madison, Pike, Shelby	217/782-8206	demuzio@senatedem.state.il.us
Linda Holmes (D-42)	Du Page, Kendall, Kane, Will	217/782-0422	senatorholmes42@sbcglobal.net
Toi W. Hutchinson (D-40)	Cook, Iroquois, Kankakee, Will	217/782-7419	hutchinson@senatedem.state.il.us
John O. Jones (R-54)	Cook	217/782-0471	jojones@mvn.net
David Koehler (D-46)	Fulton, Peoria, Tazewell	217/782-8250	dkoehler@senatedem.state.il.us
Kyle McCarter (R-51)	Bond, Moultrie, Clinton, Fayette, Macon, Effingham, Madison, Shelby, St. Clair	217/782-5755	mccarter511@att.net

**State of Illinois
Senate Committee on Consumer Protection
Capitol Building
Springfield, IL 62706
217/782-4517**

<u>SENATOR</u>	<u>DISTRICT(S)</u>	<u>TEL. #</u>	<u>EMAIL</u>
Linda Holmes (Ch)(D-42)	Du Page, Kendall, Kane, Will	217/782-0422	senatorholmes42@sbcglobal.net
William Delgado (V-Ch)(D-2)	Chicago	217/782-5652	valle@senatedem.state.il.us
Gary G. Dahl (R-38)	Grundy, Putnam, Bureau, Iroquois, Kankakee, LaSalle, Livingston, Will	217/782-3840	senatordahl38@yahoo.com
Dan Duffy (R-26)	Cook, Lake, McHenry	217/782-8010	dan@senatorduffy.com
Gary Forby (D-59)	Alexander, Franklin, Gallatin, Hardin, Johnson, Massac, Pope, Pulaski, Saline, Williamson	271/782-5509	forby@senatedem.state.il.us
Chris Lauzen (R-25)	Kane, Kendall, LaSalle	217/782-0052	admin@lauzen.com
David Luechtefeld (R-58)	Jackson, Monroe, Perry, Randolph, Washington	217/782-8137	sendavel@midwest.com
Edward D. Maloney (D-18)	Cook	271/782-5145	maloney@senatedem.state.il.us
Kwame Raoul (D-13)	Chicago	217/782-5338	raoul@senatedem.state.il.us

PIJAC Members! PIJAC Fans! Join US...

The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIJAC4pets. If you are not already a Member, please join us today by visiting www.pijac.org/membership. For additional information on PIJAC and its many exciting campaigns, please visit: www.pijac.org and www.dontmesswithmypet.org. Or, contact us at 1-800-553-PETS (1-800-553-7387); members@pijac.org.

On behalf of pets, responsible pet owners, and the pet industry, we thank you!



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5772

by Rep. Susana A. Mendoza

SYNOPSIS AS INTRODUCED:

225 ILCS 605/3.1	from Ch. 8, par. 303.1
225 ILCS 605/3.5 new	
225 ILCS 605/3.15 new	
815 ILCS 505/2Z	from Ch. 121 1/2, par. 262Z

Amends the Animal Welfare Act. Sets forth disclosure requirements for any dog or cat made available for adoption or sale by an animal shelter, animal control facility, or pet shop operator, including adoptions or sales available over the internet. Sets forth certain requirements concerning an acknowledgement of disclosures form which must be signed by the customer or adopter and the pet shop operator or authorized representative of the animal shelter or animal control facility. Makes other changes. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that any person who knowingly violates the disclosure requirements for a pet shop operator who sells a dog or cat under the Animal Welfare Act commits an unlawful practice. Effective January 1, 2011.

LRB096 20175 ASK 35732 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 3.1 and by adding Sections 3.5 and 3.15 as follows:

6 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

7 Sec. 3.1. Information on dogs and cats for sale by a dog
8 dealer or cattery operator. Every ~~pet shop operator,~~ dog
9 dealer~~,~~ and cattery operator shall provide the following
10 information for every dog or cat available for sale:

11 (a) The age, sex, and weight of the animal.

12 (b) The breed of the animal.

13 (c) A record of vaccinations and veterinary care and
14 treatment.

15 (d) A record of surgical sterilization or lack of surgical
16 sterilization.

17 (e) The name and address of the breeder of the animal.

18 (f) The name and address of any other person who owned or
19 harbored the animal between its birth and the point of sale.

20 (Source: P.A. 87-819.)

21 (225 ILCS 605/3.5 new)

22 Sec. 3.5. Information on dogs and cats available for

1 adoption by an animal shelter or animal control facility.

2 (a) An animal shelter or animal control facility must
3 provide to the adopter prior to the time of adoption the
4 following information, to the best of its knowledge, on any dog
5 or cat being offered for adoption:

6 (1) The breed, age, date of birth, sex, and color of
7 the dog or cat if known, or if unknown, the animal shelter
8 or animal control facility shall estimate to the best of
9 its ability.

10 (2) The dates of any inoculation or medical treatment
11 administered to the dog or cat at any time while under the
12 possession of the animal shelter or animal control
13 facility.

14 (3) If the dog or cat received any inoculation or
15 medical treatment from a veterinarian, then the name and
16 business address of the veterinarian who performed the
17 examination and administered any treatment or medication.

18 (4) If the dog or cat received any inoculation or
19 medical treatment from an animal shelter or animal control
20 facility, then the name of the manager who authorized the
21 administration of the treatment or medication, his or her
22 title, and employer.

23 (5) The adoption fee and any additional fees or
24 charges.

25 (6) If the dog or cat was returned by an adopter, then
26 the date and reason for the return.

1 (7) Any known citations or warnings issued to the
2 animal shelter or animal control facility by the Illinois
3 Department of Agriculture, or other regulatory or
4 governmental agency relating to the health or welfare of
5 dogs or cats held or placed for adoption by an animal
6 shelter or animal control facility.

7 (8) The policy of the animal shelter or animal control
8 facility regarding any returns of the adopted dog or cat,
9 warranties, guarantees, or any other policy related to the
10 adopted dog or cat.

11 (9) Whether the dog or cat (i) was found as a stray,
12 (ii) was an owner surrender, (iii) was transferred from
13 another animal control facility, or (iv) otherwise how the
14 dog or cat came to the animal shelter or animal control
15 facility.

16 (b) The information required in subsection (a) shall be
17 provided to the adopter in written form by the animal shelter
18 or animal control facility and shall on its last page have an
19 acknowledgement of disclosures form, which must be signed by
20 the adopter and an authorized representative of the animal
21 shelter or animal control facility at the time of the adoption.
22 The acknowledgement of disclosures form shall include the
23 following:

24 (1) A blank space for the dated signature and printed
25 name of the authorized representative handling the
26 adoption on behalf of the animal shelter or animal control

1 facility, which shall be immediately beneath the following
2 printed statement: "I hereby attest that all of the above
3 information is true and correct to the best of my
4 knowledge, and I have made a diligent effort to obtain this
5 information.".

6 (2) A blank space for the dated signature and printed
7 name of the adopter, which shall be immediately beneath the
8 following statement: "I hereby attest that this disclosure
9 was posted with the dog or cat for adoption and that I have
10 read all the disclosures. I further understand that I am
11 entitled to keep a signed copy of this disclosure.".

12 (c) A copy of the disclosures and the signed
13 acknowledgement of disclosure form shall be provided to the
14 adopter and the original copy shall be maintained by the animal
15 shelter or animal control facility for a period of 2 years from
16 the date of adoption.

17 (d) An animal shelter or animal control facility shall post
18 in a conspicuous place in writing on or near the cage of any
19 dog or cat available for adoption the information required by
20 subsection (a) of this Section 3.5. An animal shelter or animal
21 control facility that makes dogs or cats available for adoption
22 over the internet must post the same disclosures required by
23 subsection (a) of this Section 3.5 in conjunction with the
24 information about the individual dog or cat for adoption.

1 Sec. 3.15. Disclosures for dogs and cats being sold by pet
2 shops.

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

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

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

11 (3) The dates of any inoculations or medical treatments
12 administered to the dog or cat at any time prior to the
13 sale.

14 (4) If the dog or cat received any inoculation or
15 medical treatment from a veterinarian, then the name and
16 business address of the veterinarian who performed the
17 examination and administered any treatment or medication.

18 (5) If the dog or cat received any inoculation or
19 medical treatment from a pet shop, then the name of the
20 licensee or manager who authorized the administration of
21 the treatment or medication, his or her title, and
22 employer.

23 (6) If the dog or cat received any inoculation or
24 medical treatment from a dog dealer or cattery operator,
25 then the name of the licensee or manager who authorized the
26 administration of the treatment or medication, his or her

1 title, and employer.

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

8 (8) Any known citations or warnings issued to the
9 breeder by the USDA, respective state Department of
10 Agriculture, or other regulatory or governmental agency
11 relating to the health or welfare of the dogs or cats owned
12 or bred by that breeder.

13 (9) The name and business address of any other person
14 who owned, harbored, transported, or facilitated the sale
15 of the dog or cat between its birth and the point of sale.

16 (10) Any known congenital or hereditary diseases of the
17 parents of the dog or cat, or the parents' other offspring.

18 (11) If eligible for registration with a pedigree
19 registry, then the name and registration numbers of the
20 sire and dam and the address of the pedigree registry where
21 the sire and dam are registered.

22 (12) If the dog or cat was returned by a customer, then
23 the date and reason for the return.

24 (13) The total number of puppies or kittens that were
25 born at the breeder's facility in the prior calendar year.

26 (14) The licensee's policy regarding any guarantees,

1 warranties, refunds or returns.

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

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

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

21 (c) A copy of the disclosures and the signed
22 acknowledgement of disclosure form shall be provided to the
23 customer at the time of sale and the original copy shall be
24 maintained by the pet shop operator for a period of 2 years
25 from the date of sale.

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. A pet shop operator that makes dogs or cats available for
4 sale over the internet must post the same disclosures required
5 by subsection (a) of this Section 3.15 in conjunction with the
6 information about the individual dog or cat for sale.

7 (e) A pet shop operator who makes a false or misleading
8 statement in connection with any disclosure required by
9 subsection (a) of this Section 3.15 has committed a violation
10 of Section 2Z of the Consumer Fraud and Deceptive Business
11 Practices Act.

12 Section 10. The Consumer Fraud and Deceptive Business
13 Practices Act is amended by changing Section 2Z as follows:

14 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

15 Sec. 2Z. Violations of other Acts. Any person who knowingly
16 violates subsection (a) of Section 3.15 of the Animal Welfare
17 Act, the Automotive Repair Act, the Automotive Collision Repair
18 Act, the Home Repair and Remodeling Act, the Dance Studio Act,
19 the Physical Fitness Services Act, the Hearing Instrument
20 Consumer Protection Act, the Illinois Union Label Act, the Job
21 Referral and Job Listing Services Consumer Protection Act, the
22 Travel Promotion Consumer Protection Act, the Credit Services
23 Organizations Act, the Automatic Telephone Dialers Act, the
24 Pay-Per-Call Services Consumer Protection Act, the Telephone

1 Solicitations Act, the Illinois Funeral or Burial Funds Act,
2 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and
3 Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High
4 Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage
5 Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the
6 Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the
7 Cigarette Use Tax Act, the Electronic Mail Act, the Internet
8 Caller Identification Act, paragraph (6) of subsection (k) of
9 Section 6-305 of the Illinois Vehicle Code, Section 18d-115,
10 18d-120, 18d-125, 18d-135, or 18d-150 of the Illinois Vehicle
11 Code, Article 3 of the Residential Real Property Disclosure
12 Act, the Automatic Contract Renewal Act, or the Personal
13 Information Protection Act commits an unlawful practice within
14 the meaning of this Act.

15 (Source: P.A. 95-413, eff. 1-1-08; 95-562, eff. 7-1-08; 95-876,
16 eff. 8-21-08; 96-863, eff. 1-19-10.)

17 Section 99. Effective date. This Act takes effect January
18 1, 2011.



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5771

by Rep. Susana A. Mendoza

SYNOPSIS AS INTRODUCED:

225 ILCS 605/2	from Ch. 8, par. 302
225 ILCS 605/3	from Ch. 8, par. 303
225 ILCS 605/18	from Ch. 8, par. 318
225 ILCS 605/18.05 new	

Amends the Animal Welfare Act. Provides for the licensure of dog breeders and the regulation of commercial dog breeders. Defines "dog breeder" as any person who owns, has possession of, or harbors 6 or more female dogs capable of reproduction for the purpose of the sale of their offspring. Defines "commercial dog breeder" as any dog breeder who (1) owns, has possession of, or harbors 10 or more female dogs capable of reproduction; (2) breeds or whelps dogs; and (3) sells or transfers any dog to a whole sale dog dealer or pet shop or otherwise sells or transfers more than 30 dogs per calendar year. Provides additional requirements for licensees related to the treatment of dogs. Provides that, in addition to certain requirements imposed on other licensees under the Act, commercial dog breeders shall meet certain specified requirements concerning the treatment of dogs.

LRB096 20201 ASK 35765 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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, and 18 and by adding Section 18.05 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 "Commercial dog breeder" means any dog breeder who:

10 (1) owns, has possession of, or harbors 10 or more
11 female dogs capable of reproduction;

12 (2) breeds or whelps dogs; and

13 (3) sells or transfers any dog to a wholesale dog
14 dealer or pet shop; or sells or transfers more than 30 dogs
15 per calendar year.

16 "Department" means the Illinois Department of Agriculture.

17 "Director" means the Director of the Illinois Department of
18 Agriculture.

19 "Pet shop operator" means any person who sells, offers to
20 sell, exchange, or offers for adoption with or without charge
21 or donation dogs, cats, birds, fish, reptiles, or other animals
22 customarily obtained as pets in this State. However, a person
23 who sells only such animals that he has produced and raised

1 shall not be considered a pet shop operator under this Act, and
2 a veterinary hospital or clinic operated by a veterinarian or
3 veterinarians licensed under the Veterinary Medicine and
4 Surgery Practice Act of 2004 shall not be considered a pet shop
5 operator under this Act.

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

14 "Dog breeder" means any person who owns, has possession of,
15 or harbors 6 or more female dogs capable of reproduction for
16 the purpose of the sale of their offspring. "Dog breeder" does
17 not mean:

18 (1) a hobby or show breeder who has 5 or fewer female
19 dogs capable of reproduction; or

20 (2) a breeder who raises his or her dogs for the sole
21 purpose of hunting and who has 5 or fewer female dogs
22 capable of reproduction.

23 "Secretary of Agriculture" or "Secretary" means the
24 Secretary of Agriculture of the United States Department of
25 Agriculture.

26 "Person" means any person, firm, corporation, partnership,

1 association or other legal entity, any public or private
2 institution, the State of Illinois, or any municipal
3 corporation or political subdivision of the State.

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

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

22 "Animal control facility" means any facility operated by or
23 under contract for the State, county, or any municipal
24 corporation or political subdivision of the State for the
25 purpose of impounding or harboring seized, stray, homeless,
26 abandoned or unwanted dogs, cats, and other animals. "Animal

1 control facility" also means any veterinary hospital or clinic
2 operated by a veterinarian or veterinarians licensed under the
3 Veterinary Medicine and Surgery Practice Act of 2004 which
4 operates for the above mentioned purpose in addition to its
5 customary purposes.

6 "Animal shelter" means a facility operated, owned, or
7 maintained by a duly incorporated humane society, animal
8 welfare society, or other non-profit organization for the
9 purpose of providing for and promoting the welfare, protection,
10 and humane treatment of animals. "Animal shelter" also means
11 any veterinary hospital or clinic operated by a veterinarian or
12 veterinarians licensed under the Veterinary Medicine and
13 Surgery Practice Act of 2004 which operates for the above
14 mentioned purpose in addition to its customary purposes.

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

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

25 "Guard dog" means a type of dog used primarily for the
26 purpose of defending, patrolling, or protecting property or

1 life at a commercial establishment other than a farm. "Guard
2 dog" does not include stock dogs used primarily for handling
3 and controlling livestock or farm animals, nor does it include
4 personally owned pets that also provide security.

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

8 "Probationary status" means the 12-month period following
9 a series of violations of this Act during which any further
10 violation shall result in an automatic 12-month suspension of
11 licensure.

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

13 (225 ILCS 605/3) (from Ch. 8, par. 303)

14 Sec. 3. (a) Except as provided in subsection (b) of this
15 Section, no person shall engage in business as a pet shop
16 operator, dog dealer, dog breeder, kennel operator, cattery
17 operator, or operate a guard dog service, an animal control
18 facility or animal shelter or any combination thereof, in this
19 State without a license therefor issued by the Department. Only
20 one license shall be required for any combination of businesses
21 at one location, except that a separate license shall be
22 required to operate a guard dog service. Guard dog services
23 that are located outside this State but provide services within
24 this State are required to obtain a license from the
25 Department. Out-of-state guard dog services are required to

1 comply with the requirements of this Act with regard to guard
2 dogs and sentry dogs transported to or used within this State.

3 (b) This Act does not apply to a private detective agency
4 or private security agency licensed under the Private
5 Detective, Private Alarm, Private Security, Fingerprint
6 Vendor, and Locksmith Act of 2004 that provides guard dog or
7 canine odor detection services and does not otherwise operate a
8 kennel for hire.

9 (Source: P.A. 95-613, eff. 9-11-07.)

10 (225 ILCS 605/18) (from Ch. 8, par. 318)

11 Sec. 18.

12 The licensee shall:

13 a. Maintain sanitary conditions.

14 b. Insure proper ventilation.

15 c. Provide access to sufficient nutritious food at least
16 once a day sufficient to maintain good health; and continuous
17 access to potable water that is not frozen, and is free of
18 debris, feces, algae, and other contaminants ~~adequate~~
19 ~~nutrition.~~

20 d. Provide humane care and treatment of all animals under
21 his or her jurisdiction.

22 d-5. Provide necessary veterinary care which means, at a
23 minimum, examination at least once yearly by a licensed
24 veterinarian; prompt treatment of any illness or injury by a
25 licensed veterinarian; and, where needed, humane euthanasia by

1 a licensed veterinarian using lawful techniques deemed
2 "Acceptable" by the American Veterinary Medical Association.

3 d-10. Maintain current rabies vaccination records of all
4 dogs 16 weeks of age and older in the possession of the
5 licensee.

6 d-15. For female dogs being bred, provide adequate rest
7 between breeding cycles which means, at a minimum, ensuring
8 that dogs are not bred to produce more than 2 litters in any 18
9 month period.

10 d-20. Provide sufficient space for each dog to turn and
11 stretch freely, lie down, and extend his or her limbs without
12 touching the side of an enclosure or another dog.

13 e. Take reasonable care to release for sale, trade, or
14 adoption only those animals which are free of disease, injuries
15 or abnormalities. A health certificate, meeting the
16 requirements of the Department and issued by a licensed
17 veterinarian for any such animal within 5 days before such
18 sale, trade or adoption is prima facie evidence that the
19 licensee has taken reasonable care, as required by this
20 paragraph.

21 f. Inspection of the premises of a licensee to determine
22 compliance with this Act may be made only by the Department.

23 (Source: P.A. 78-900.)

24 (225 ILCS 605/18.05 new)

25 Sec. 18.05. Commercial dog breeders; requirements. A

1 commercial dog breeder shall, in addition to the requirements
2 set forth in Section 18 of this Act, meet the following
3 requirements:

4 1. Provide sufficient housing, including protection
5 from the elements, which means constant and unfettered
6 access to an indoor enclosure that has a solid floor; is
7 not stacked or otherwise placed on top of or below another
8 animal's enclosure; is cleaned of waste at least once a day
9 while the dog is outside the enclosure; and does not fall
10 below 45 degrees Fahrenheit, or rise above 85 degrees
11 Fahrenheit.

12 2. Provide sufficient space, which means having the
13 following:

14 A. sufficient indoor space for each dog to turn in
15 a complete circle without any impediment (including a
16 tether);

17 B. enough indoor space for each dog to extend his
18 or her limbs and stretch freely and lie down without
19 touching the side of an enclosure or another dog;

20 C. at least one foot of headroom above the head of
21 the tallest dog in the enclosure; and

22 D. at least 12 square feet of indoor floor space
23 for each dog under 25 inches; at least 20 square feet
24 of indoor floor space for each dog between 25 and 34
25 inches long; and at least 30 square feet of indoor
26 floor space for each dog 35 inches or longer (with the

1 length of the dog measured from the tip of the nose to
2 the base of the tail).

3 3. Provide regular exercise that includes constant and
4 unfettered access to an outdoor exercise area that (i) is
5 composed of a solid, ground-level surface with adequate
6 drainage, (ii) provides some protection against sun, wind,
7 rain, and snow, and (iii) provides each dog at least twice
8 the square footage of the indoor floor space provided to
9 that dog.



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3633

Introduced 2/11/2010, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

225 ILCS 605/3.1	from Ch. 8, par. 303.1
225 ILCS 605/3.5 new	
225 ILCS 605/3.15 new	
815 ILCS 505/2Z	from Ch. 121 1/2, par. 262Z

Amends the Animal Welfare Act. Sets forth disclosure requirements for any dog or cat made available for adoption or sale by an animal shelter, animal control facility, or pet shop operator, including adoptions or sales available over the internet. Sets forth certain requirements concerning an acknowledgement of disclosures form which must be signed by the customer or adopter and the pet shop operator or authorized representative of the animal shelter or animal control facility. Makes other changes. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that any person who knowingly violates the disclosure requirements for a pet shop operator who sells a dog or cat under the Animal Welfare Act commits an unlawful practice. Effective January 1, 2011.

LRB096 20177 ASK 35734 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 3.1 and by adding Sections 3.5 and 3.15 as follows:

6 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

7 Sec. 3.1. Information on dogs and cats for sale by a dog
8 dealer or cattery operator. Every ~~pet shop operator,~~ dog
9 dealer~~,~~ and cattery operator shall provide the following
10 information for every dog or cat available for sale:

11 (a) The age, sex, and weight of the animal.

12 (b) The breed of the animal.

13 (c) A record of vaccinations and veterinary care and
14 treatment.

15 (d) A record of surgical sterilization or lack of surgical
16 sterilization.

17 (e) The name and address of the breeder of the animal.

18 (f) The name and address of any other person who owned or
19 harbored the animal between its birth and the point of sale.

20 (Source: P.A. 87-819.)

21 (225 ILCS 605/3.5 new)

22 Sec. 3.5. Information on dogs and cats available for

1 adoption by an animal shelter or animal control facility.

2 (a) An animal shelter or animal control facility must
3 provide to the adopter prior to the time of adoption the
4 following information, to the best of its knowledge, on any dog
5 or cat being offered for adoption:

6 (1) The breed, age, date of birth, sex, and color of
7 the dog or cat if known, or if unknown, the animal shelter
8 or animal control facility shall estimate to the best of
9 its ability.

10 (2) The dates of any inoculation or medical treatment
11 administered to the dog or cat at any time while under the
12 possession of the animal shelter or animal control
13 facility.

14 (3) If the dog or cat received any inoculation or
15 medical treatment from a veterinarian, then the name and
16 business address of the veterinarian who performed the
17 examination and administered any treatment or medication.

18 (4) If the dog or cat received any inoculation or
19 medical treatment from an animal shelter or animal control
20 facility, then the name of the manager who authorized the
21 administration of the treatment or medication, his or her
22 title, and employer.

23 (5) The adoption fee and any additional fees or
24 charges.

25 (6) If the dog or cat was returned by an adopter, then
26 the date and reason for the return.

1 (7) Any known citations or warnings issued to the
2 animal shelter or animal control facility by the Illinois
3 Department of Agriculture, or other regulatory or
4 governmental agency relating to the health or welfare of
5 dogs or cats held or placed for adoption by an animal
6 shelter or animal control facility.

7 (8) The policy of the animal shelter or animal control
8 facility regarding any returns of the adopted dog or cat,
9 warranties, guarantees, or any other policy related to the
10 adopted dog or cat.

11 (9) Whether the dog or cat (i) was found as a stray,
12 (ii) was an owner surrender, (iii) was transferred from
13 another animal control facility, or (iv) otherwise how the
14 dog or cat came to the animal shelter or animal control
15 facility.

16 (b) The information required in subsection (a) shall be
17 provided to the adopter in written form by the animal shelter
18 or animal control facility and shall on its last page have an
19 acknowledgement of disclosures form, which must be signed by
20 the adopter and an authorized representative of the animal
21 shelter or animal control facility at the time of the adoption.
22 The acknowledgement of disclosures form shall include the
23 following:

24 (1) A blank space for the dated signature and printed
25 name of the authorized representative handling the
26 adoption on behalf of the animal shelter or animal control

1 facility, which shall be immediately beneath the following
2 printed statement: "I hereby attest that all of the above
3 information is true and correct to the best of my
4 knowledge, and I have made a diligent effort to obtain this
5 information.".

6 (2) A blank space for the dated signature and printed
7 name of the adopter, which shall be immediately beneath the
8 following statement: "I hereby attest that this disclosure
9 was posted with the dog or cat for adoption and that I have
10 read all the disclosures. I further understand that I am
11 entitled to keep a signed copy of this disclosure.".

12 (c) A copy of the disclosures and the signed
13 acknowledgement of disclosure form shall be provided to the
14 adopter and the original copy shall be maintained by the animal
15 shelter or animal control facility for a period of 2 years from
16 the date of adoption.

17 (d) An animal shelter or animal control facility shall post
18 in a conspicuous place in writing on or near the cage of any
19 dog or cat available for adoption the information required by
20 subsection (a) of this Section 3.5. An animal shelter or animal
21 control facility that makes dogs or cats available for adoption
22 over the internet must post the same disclosures required by
23 subsection (a) of this Section 3.5 in conjunction with the
24 information about the individual dog or cat for adoption.

1 Sec. 3.15. Disclosures for dogs and cats being sold by pet
2 shops.

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

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

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

11 (3) The dates of any inoculations or medical treatments
12 administered to the dog or cat at any time prior to the
13 sale.

14 (4) If the dog or cat received any inoculation or
15 medical treatment from a veterinarian, then the name and
16 business address of the veterinarian who performed the
17 examination and administered any treatment or medication.

18 (5) If the dog or cat received any inoculation or
19 medical treatment from a pet shop, then the name of the
20 licensee or manager who authorized the administration of
21 the treatment or medication, his or her title, and
22 employer.

23 (6) If the dog or cat received any inoculation or
24 medical treatment from a dog dealer or cattery operator,
25 then the name of the licensee or manager who authorized the
26 administration of the treatment or medication, his or her

1 title, and employer.

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

8 (8) Any known citations or warnings issued to the
9 breeder by the USDA, respective state Department of
10 Agriculture, or other regulatory or governmental agency
11 relating to the health or welfare of the dogs or cats owned
12 or bred by that breeder.

13 (9) The name and business address of any other person
14 who owned, harbored, transported, or facilitated the sale
15 of the dog or cat between its birth and the point of sale.

16 (10) Any known congenital or hereditary diseases of the
17 parents of the dog or cat, or the parents' other offspring.

18 (11) If eligible for registration with a pedigree
19 registry, then the name and registration numbers of the
20 sire and dam and the address of the pedigree registry where
21 the sire and dam are registered.

22 (12) If the dog or cat was returned by a customer, then
23 the date and reason for the return.

24 (13) The total number of puppies or kittens that were
25 born at the breeder's facility in the prior calendar year.

26 (14) The licensee's policy regarding any guarantees,

1 warranties, refunds or returns.

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

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

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

21 (c) A copy of the disclosures and the signed
22 acknowledgement of disclosure form shall be provided to the
23 customer at the time of sale and the original copy shall be
24 maintained by the pet shop operator for a period of 2 years
25 from the date of sale.

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. A pet shop operator that makes dogs or cats available for
4 sale over the internet must post the same disclosures required
5 by subsection (a) of this Section 3.15 in conjunction with the
6 information about the individual dog or cat for sale.

7 (e) A pet shop operator who makes a false or misleading
8 statement in connection with any disclosure required by
9 subsection (a) of this Section 3.15 has committed a violation
10 of Section 2Z of the Consumer Fraud and Deceptive Business
11 Practices Act.

12 Section 10. The Consumer Fraud and Deceptive Business
13 Practices Act is amended by changing Section 2Z as follows:

14 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

15 Sec. 2Z. Violations of other Acts. Any person who knowingly
16 violates subsection (a) of Section 3.15 of the Animal Welfare
17 Act, the Automotive Repair Act, the Automotive Collision Repair
18 Act, the Home Repair and Remodeling Act, the Dance Studio Act,
19 the Physical Fitness Services Act, the Hearing Instrument
20 Consumer Protection Act, the Illinois Union Label Act, the Job
21 Referral and Job Listing Services Consumer Protection Act, the
22 Travel Promotion Consumer Protection Act, the Credit Services
23 Organizations Act, the Automatic Telephone Dialers Act, the
24 Pay-Per-Call Services Consumer Protection Act, the Telephone

1 Solicitations Act, the Illinois Funeral or Burial Funds Act,
2 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and
3 Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High
4 Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage
5 Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the
6 Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the
7 Cigarette Use Tax Act, the Electronic Mail Act, the Internet
8 Caller Identification Act, paragraph (6) of subsection (k) of
9 Section 6-305 of the Illinois Vehicle Code, Section 18d-115,
10 18d-120, 18d-125, 18d-135, or 18d-150 of the Illinois Vehicle
11 Code, Article 3 of the Residential Real Property Disclosure
12 Act, the Automatic Contract Renewal Act, or the Personal
13 Information Protection Act commits an unlawful practice within
14 the meaning of this Act.

15 (Source: P.A. 95-413, eff. 1-1-08; 95-562, eff. 7-1-08; 95-876,
16 eff. 8-21-08; 96-863, eff. 1-19-10.)

17 Section 99. Effective date. This Act takes effect January
18 1, 2011.