



ILLINOIS PET STORE BILL POISED FOR PASSAGE

The Issue.

Illinois House Bill 5772 is likely to be called for a vote on the House floor as early as Wednesday March 24, 2010. This bill creates onerous requirements for pet stores that will fuel harassment by animal extremists. It is critical that Illinois residents contact their Representatives in the state House. You can do so easily with a touch of a button on PIJAC's [Legislative Action Center](#).

The Impact.

House Bill 5772 creates 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. **All information must be posted individually for every dog and cat in the store:**

- 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.

Pet stores, breeders and others who are in the pet industry or who simply wish to protect the right to have pets should contact their Representative in the state House of Representatives to oppose the bill **in its current form**. You may wish to include some of the following points (in your own words) in 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 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.
- 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.
- Posting of **all** information on every cage in a pet store would require an excessive amount of space and is not even necessary. Certain information needs to be posted for individual animals, but other information that applies to ALL dogs and cats in the store, such as warranty information, need not be posted over and over again. Furthermore, there is some information that should be made available at the time of sale but not posted on individual cages.
- The pet industry would support this bill to provide disclosures to consumers with minor amendments that would make the requirements more reasonable and less onerous to fulfill.

This bill is set for a vote on the House floor. Phone and/or email your Representative to voice your opposition. Let them know that this bill should be amended prior to passage.

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. [Click here](#) to read the most current version of HB 5772.

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.

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!

2009 IL H 5772

AUTHOR: Mendoza

VERSION: Enacted

VERSION 08/23/2010

DATE:

STATE OF ILLINOIS

HB 5772

Public Act 96-1470

AN ACT concerning regulation.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Animal Welfare Act is amended by changing

Section 3.1 and by adding Sections 3.5 and 3.15 as follows:

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

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

- (a) The age, sex, and weight of the animal.
- (b) The breed of the animal.
- (c) A record of vaccinations and veterinary care and treatment.
- (d) A record of surgical sterilization or lack of surgical sterilization.
- (e) The name and address of the breeder of the animal.
- (f) The name and address of any other person who owned or harbored the animal between its birth and the point of sale.

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

(225 ILCS 605/3.5 new)

Sec. 3.5. Information on dogs and cats available for adoption by an animal shelter or animal control facility.

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

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

(2) The details of any inoculation or medical treatment that the dog or cat received while under the possession of the animal shelter or animal control facility.

(3) The adoption fee and any additional fees or charges.

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

(5) The following written statement: "A copy of our policy regarding warranties, refunds, or returns is available upon request."

(6) The license number of the animal shelter or animal control facility issued by the Illinois Department of Agriculture.

(b) The information required in subsection (a) shall be provided to the adopter in written form by the animal shelter or animal control facility and shall have an acknowledgement of disclosures form, which must be signed by the adopter and an authorized representative of the animal shelter or animal control facility at the time of the adoption. The acknowledgement of disclosures form shall include the following:

(1) A blank space for the dated signature and printed name of the authorized representative handling the adoption on behalf of the animal shelter or animal control facility, which shall be immediately beneath the following printed statement: "I hereby attest that all of the above information is true and correct to the best of my knowledge."

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

(c) A copy of the disclosures and the signed acknowledgement of disclosures form shall be provided to the adopter and the original copy shall be maintained by the animal shelter or animal control facility for a period of 2 years from the date of adoption. A copy of the animal shelter's or animal control facility's policy regarding warranties, refunds, or returns shall be provided to the adopter.

(d) An animal shelter or animal control facility shall post in a conspicuous place in writing on or near the cage of any dog or cat available for adoption the information required by subsection (a) of this Section 3.5.

(225 ILCS 605/3.15 new)

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

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

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

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

(3) The details of any inoculation or medical treatment that the dog or cat received while under the possession of the pet shop operator.

(4) 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.

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

(6) 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.

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

(8) The following written statement: "A copy of our policy regarding warranties, refunds, or returns is available upon request."

(9) The pet shop operator's license number issued by the Illinois Department of Agriculture.

(b) The information required in subsection (a) shall be provided to the customer in written form by the pet shop operator and shall have an acknowledgement of disclosures form, which must be signed by the customer and the pet shop operator at the time of sale. The acknowledgement of disclosures form shall include the following:

(1) 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."

(2) 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 on or near the cage of 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."

(c) A copy of the disclosures and the signed acknowledgement of disclosures 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 copy of the pet store operator's policy regarding warranties, refunds, or returns shall be provided to the customer.

(d) A pet shop operator shall post in a conspicuous place in writing on or near the cage of any dog or cat available for sale the information required by subsection (a) of this Section 3.15.

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