



ILLINOIS BREEDER-PET STORE BILL PASSES HOUSE AND SENATE COMMITTEES

**** IMMEDIATE ACTION REQUIRED ****

The Issue.

House Bill 198 and Senate Bill 53, companion bills that would establish licensing requirements, have both been passed out of committee and are on the floor of their respective houses of origin. What this means is that the legislation could become law without another hearing. HB 198 would impose comprehensive new requirements and restrictions on pet breeders and pet stores, including a **ban on ownership of more than 20 adult dogs for breeders**. After discussions with the sponsor of the senate version, SB 53 has been amended to eliminate this ban and to modify some of the more onerous restrictions. PIJAC is now working to craft a floor amendment to address remaining problem provisions.

The Impact.

These bills call for all dog breeders in the state to obtain licensing through the Illinois Department of Financial and Professional Regulation Division of Professional Regulation (Division). Under SB 53, a dog breeder is defined as anybody with possession of 6 or more female dogs capable of reproduction, who has the animals for the purpose of selling their offspring.

A person is **ineligible** for licensure if he or she has been convicted of any of the following:

- A felony under any Section of the Humane Care for Animals Act;
- Dog fighting;
- Sexual conduct or sexual contact with an animal; or
- A criminal offense in another jurisdiction of the United States that is substantially similar to any of the offenses listed here.

The legislation establishes authority for issuance of injunctions and cease and desist orders for those alleged to be in violation. It also sets forth provisions for Departmental issuance of license revocation orders, including processes that must be followed and restrictions on breeders, pet shops or pet dealers that are served with an order.

The bills amend existing law in the state that covers pet stores, and adds a section imposing specific requirements for dog breeders. Senate Bill 53 has been amended to eliminate some inappropriate standards, including permanent housing standards that in the original bill were applied to short-term housing environments (such as puppies in pet stores).

House Bill 198 was passed out of committee in its original form, and still retains provisions outlined in PIJAC's original Pet Alert (See Pet Alert dated February 5, 2009).



Recommended Action.

Because HB 198 and SB 53 have both been passed out of their committees of origin, action on the bills must take place on the House and Senate floor! **It is critical that pet owners and pet dealers, as well as their customers, friends, family, and anyone else they know, contact their Senators and Representatives IMMEDIATELY** (see the links below to contact information for all Illinois legislative members). **Also, contact the Governor's office to voice your position on these bills!**

When contacting legislators or the Governor, you may wish to include the following points, in your own words:

- The sponsor of House Bill 198 ignored all calls for amendment of his legislation. HB 198 was passed in its original form and is a more punitive, anti-pet initiative than any law in existence anywhere in the United States.
- HB 198 would put out of business countless humane, high-quality breeders and pet stores. It would cost the state substantial tax revenue while increasing unemployment by imposing requirements that are bad for pets, bad for pet owners and bad for the state of Illinois.
- HB 198 creates requirements that have never been imposed anywhere, and are not even feasible.
- Both HB 198 and SB 53 include provisions that conflict with federal law.

Let your legislators know that HB 198 is a very poorly drafted bill and should be killed! SB 53 has been amended to address a number of problems in the original bill, and its primary sponsor, Senator Kotowski, has worked with stakeholders. However, this bill must be amended before being adopted because it still contains conflicting and inconsistent provisions!

Link to IL State Senator Contact Information: <http://www.ilga.gov/senate/default.asp>

Link to IL State Representative Contact Information: <http://www.ilga.gov/house/default.asp>

Governor Quinn Telephone #'s: 217-782-0244 (Springfield Office)
312-814-2121 (Chicago Office)

PIJAC will continuously update the status of these bills on the Breaking News page of the PIJAC website (www.pijac.org). Visit the website regularly for new information, as well as suggestions for further action and to review bill text.

If you have any further questions concerning this bill, please contact PIJAC's Michael Maddox by phone at 202-452-1525 or by email at michael@pijac.org.

Not Yet a PIJAC Member?

For more than thirty-five years, the Pet Industry Joint Advisory Council (PIJAC) has ensured the prosperity of the pet industry. To learn more about PIJAC, please visit our website at www.pijac.org. For further information, please send an e-mail to Members@pijac.org or phone 1-800-553-PETS (1-800-553-7387).

Our Business IS Your Business. PIJAC: Keeping You in Business.

2009 IL H 198
AUTHOR: Fritchey
VERSION: Introduced
VERSION DATE: 01/14/2009

HB 198

96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010 Introduced , by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

New Act

5 ILCS 80/4.30 new

225 ILCS 605/2 from Ch. 8, par. 302 225 ILCS 605/2.2 from Ch. 8, par. 302.2 225 ILCS 605/3 from Ch. 8, par. 303 225 ILCS 605/3.1 from Ch. 8, par. 303.1

225 ILCS 605/3.15 new

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

Creates the Dog Breeder License Act. Provides for the licensure of dog breeders with the Department of Financial and Professional Regulation beginning 6 months after the effective date of the Act. Sets forth powers and duties of the Department, licensure requirements, grounds for discipline, civil and criminal penalties for violation of the Act, and administrative procedure. Includes provisions concerning exemption from the Act. Provides that the Act does not limit the power of a unit of local government from regulating or licensing the practice of dog breeding in a stricter manner. Amends the Animal Welfare Act. Provides that pet shop operators must publicly disclose certain information regarding dogs for sale. Amends the Consumer Fraud and Deceptive Business Practices Act to provide that a licensee who intentionally makes false or misleading statements in connection with the disclosures required by the Dog Breeder License Act and the Animal Welfare Act are violations of the Consumer Fraud and Deceptive Business Practices Act. Amends the Regulatory Sunset Act to set a repeal date of January 1, 2020 for the new Act. Effective immediately.

FISCAL NOTE ACT MAY APPLY

A BILL FOR

AN ACT concerning dog breeders.

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

Section 1. Short title. This Act may be cited as the Dog Breeder License Act.

Section 5. Definitions.

The following terms have the meanings indicated, unless the context requires otherwise:

"Department" means the Department of Financial and Professional Regulation.

"Division" means the Division of Professional Regulation of the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation.

"Indoor housing facility" means any structure or building that contains primary enclosures.

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

"Primary enclosure" means the primary structure that restricts a dog's ability to move, which includes a kennel, cage, or run.

"Sale" means the transfer of a dog to another person in any of the following ways:

- (1) Offering directly to a consumer for purchase.
- (2) Offering at a retail pet shop for purchase.
- (3) Offering a dog on the internet for purchase.
- (4) Offering a wholesale exchange.
- (5) Offering a dog up for adoption with any charges or donation associated.
- (6) Offering a dog up for research purposes.

"Sanitized" means cleaning hard surfaces and food and water receptacles using one of the following methods:

- (1) Live steam under pressure.
- (2) Washing with water with a temperature of at least 180 degrees Fahrenheit and soap or detergent, as with a mechanical cage washer.
- (3) Washing all soiled surfaces with appropriate detergent solutions or disinfectant products followed by a clean water rinse that removes all organic material and mineral buildup.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Unaltered dog" means any dog that is not spayed or neutered.

"Veterinarian" means a person holding the degree of Doctor of Veterinary Medicine who is licensed under the Veterinary Medicine and Surgery Practice Act of 2004.

Section 10. License requirements. Any person who maintains 3 or more female dogs for the purpose of the sale of their offspring must be licensed under this Act.

Section 15. Powers and duties of the Department.

(a) The Department exercises the powers and duties prescribed by the Civil Administrative Code of Illinois for

the Administration of Licensure Acts and exercises other powers and duties necessary for effectuating the purposes of this Act.

(b) The Department may adopt rules to administer and enforce this Act including, but not limited to, setting fees for original license and renewal and restoration of license and any other administrative fees, and may prescribe forms to be issued to implement this Act. At a minimum, the rules adopted by the Department must include standards and criteria for license and for professional conduct and discipline.

Section 20. Application for original license.

(a) Applications for an original license must be made to the Department in writing, signed by the applicant on forms prescribed by the Department, and accompanied by a nonrefundable fee set by rule. The Department must require information from the applicant that, in its judgment, will enable the Department to determine the qualifications of the applicant for license. Such information must include the location of all facilities to be used, description of facilities to be used, present and previous business connections and experience, bank and professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance, or regulation relating to dealing in or handling dogs or cats was ever suspended or revoked, and whether the applicant has ever been convicted of a felony.

Any applicant is ineligible for licensure if he or she has been convicted of any of the following:

- (1) A felony under any Section of the Humane Care for Animals Act.
- (2) Dog fighting under Section 26-5 of the Criminal Code of 1961.
- (3) Any violation of Section 12-35 or 26-5 of the Criminal Code of 1961.
- (4) A criminal offense in another jurisdiction of the United States that is substantially similar to any of the offenses listed in paragraphs (1) through (3) of this subsection (a).

The Department shall consider if the applicant has been convicted within the last 10 years in any state of dog fighting, animal abuse, or any other animal-related action.

(b) A license must not be issued to someone who is prohibited from owning unaltered dogs under Section 12-36 of the Criminal Code of 1961.

(c) Applicants for licensure must have their fingerprints submitted to the Illinois State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Illinois State Police. These fingerprints must be checked against the most current Illinois State Police and Federal Bureau of Investigation criminal history record databases. The Illinois State Police may charge applicants a fee for conducting the criminal history records check, which must be deposited into the State Police Services Fund and must not exceed the actual cost of the records check. The Illinois State Police must furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a vendor. The Department, in its discretion, may allow applicants who do not have reasonable access to a designated vendor to provide their fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section.

(d) Two or more dog breeding physical facilities under common ownership that are separated by a distance of an one-quarter mile or more must be licensed individually under this Act.

(e) The Department must conduct an inspection to determine compliance with this Act prior to issuing a license. If the applicant's facility is not in full compliance with this Act, the license may not be issued until the applicant is in full compliance.

Section 25. Issuance of license. The Department must begin issuing licenses under this Act within 6 months after the effective date of this Act. The Department must issue a license to an applicant who meets the requirements and

pays the required application fee.

Section 30. Licenses; renewal; restoration.

(a) The expiration date, renewal period, renewal fees, and procedures for renewal of each license issued under this Act must be set by rule.

(b) Any person who has permitted their license to expire or who has a license on inactive status may have it restored by submitting an application to the Department and filing proof of fitness, as defined by rule, to have the license restored.

(c) In renewing or restoring a license, the Department must consider if the licensee has violated this Act or was convicted of any violation of the Humane Care for Animals Act, dog fighting under Section 26-5 of the Criminal Code of 1961, any violation of Section 12-35 or 26-5 of the Criminal Code of 1961, or a criminal offense in another jurisdiction of the United States that is substantially similar to any of the Illinois offenses listed in this subsection (c).

(d) Every year the Department must conduct at least one unannounced inspection of the licensee. An inspection fee may be set by rule.

(e) If an applicant is currently out of compliance with this Act, the applicant has 7 days to come into full compliance or otherwise their renewal application must be denied by the Department.

Section 35. Fees; returned checks. An agency or person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which the check or other payment is drawn must pay to the Department the amount owed to the Department as well as a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

Section 40. Records. All licensees under this Act must maintain records of the origin and sale of all dogs, and such records must be made available for inspection upon demand by the Division, the Illinois Department of Agriculture, the appropriate county animal control agency, or the appropriate local law enforcement. Records must be maintained for at least 5 years and must include the following:

- (1) The date on which a dog enters the operation.
- (2) The person from whom the dog was purchased or obtained, including the address and phone number of that person.
- (3) A description of the dog, including the species, color, breed, sex, and approximate age and weight upon arrival.
- (4) Any tattoo, microchip number, or other identification number carried by or appearing on the dog.
- (5) Each date that puppies were born to that dog and the number of puppies.
- (6) All medical care and vaccinations provided to the dog.
- (7) The disposition of each dog and the date.
- (8) Records that show compliance with Sections 55 and 60 of this Act.
- (9) Copies of disclosures required under Section 50 of this Act.

Section 45. Reporting requirements. Every calendar year the following information must be reported to the

Department by the licensee:

- (1) Number of unaltered females over 5 months.
- (2) Number of unaltered males over 5 months.
- (3) Number of puppies born.
- (4) Number of puppies sold whether sold directly to a consumer, to a retail pet shop, via the internet, through wholesale exchange, or offering them for adoption with a charge or donation.
- (5) Number of dogs that were found dead in their enclosure.
- (6) Number of dogs that were euthanized.

Section 50. Disclosures at time of sale.

(a) Every licensee must provide the information set forth in this subsection (a) prior to the sale of a dog. For dog breeders selling dogs over the internet, the disclosure must be posted in conjunction with the information about the individual dog for sale.

Both the licensee and the consumer must sign the disclosure and the licensee must maintain an original copy of the disclosure for a period of 2 years after the date of sale. The disclosure must include all of the following:

- (1) The breed, age, date of birth, sex, and color of the dog.
- (2) The dates of any inoculations and medical treatments administered to the dog at any time prior to the sale, including the name and address of the individual who performed the examination and administered any treatments or medications.
- (3) The name of the breeder and the facility where the dog was bred, including the address and phone number. If the breeder is located in Illinois, the breeder's license number must be included. If the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal identification number must be provided.
- (4) The name and address of any other person who owned or harbored the dog between its birth and the point of sale.
- (5) The retail price of the dog, including any additional fees or charges. If financing is being offered for the purchase of the dog, the disclosure must also include the following information: name of the company financing the sale, annual percentage rate, monthly payment amount, term of the loan, total finance charge, and total amount paid at the end of the loan.
- (6) Any known congenital or hereditary diseases of the parents of the dog.
- (7) Any known illness or medical condition of the dog at the time of sale.
- (8) If the dog is being sold as being capable of registration with a pedigree registry organization, the name and registration numbers of the mother and father and the name and address of the pedigree registry organization where the mother and father are registered.
- (9) If the dog was returned by a retail customer, the date and reason for the return.
- (10) Include the following statement and circle the corresponding answer: "The facility in which the dog was born has produced: (1) 1-2 litters in the past calendar year, (2) 3-10 litters in the past calendar year, (3) 11-39 litters in the past calendar year, or (4) more than 40 litters in the past calendar year."

(11) State the licensee's policy regarding any guarantees, warranties, refunds, and returns.

(12) The signature and printed name of the licensee and the date 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."

(13) Blank space for the customer to sign and print their name and print the date beneath the following statement: "I hereby attest that this disclosure was posted with the dog for sale and that I have read all the disclosures. I further understand that I am entitled to keep a signed copy of this disclosure."

(b) Before the sale is completed, the licensee must have the consumer sign and date the disclosure as described in paragraph (13) of subsection (a) of this Section.

(c) Every licensee must make copies and provide a copy of the "Buying a New Dog" pamphlet described in this subsection

(c) to each purchaser. The purchaser must initial that they have read the pamphlet prior to the completion of the sale. A copy of the signed pamphlet must be maintained by the licensee and a copy must be given to the consumer.

The Department of Agriculture must create this pamphlet and decide on the format of the pamphlet. The information in the pamphlet must include at least the following:

(1) The benefits of visiting a veterinarian shortly after purchasing a dog.

(2) The benefits of spaying or neutering a dog.

(3) "The cost of owning a dog: Beyond the purchase price of a dog, there are annual expenses to care for a dog including: routine veterinary care, vaccinations and medications, food, grooming, training, licensing, supplies, and additional or emergency medical care."

(4) "Consider when purchasing a dog that with proper care a dog can live well past 10 years."

(d) A licensee who intentionally makes false or misleading statements in connection with the disclosures required by this Section has committed a violation of the Consumer Fraud and Deceptive Business Practices Act.

Section 55. Unaltered dogs.

(a) A licensed dog breeder must maintain no more than 20 unaltered dogs over the age of one year.

(b) Unaltered dogs must meet the following criteria before being bred:

(1) A male unaltered dog must have been examined by a veterinarian at least once a year and a female unaltered dog must be examined by a veterinarian at least once a year or at each pregnancy, whichever occurs more frequently. During the examination the veterinarian shall use appropriate methods to prevent, control, diagnose, and treat diseases and injuries. A dog shall not be bred if a veterinarian determines that the animal is unfit for breeding purposes.

(2) The dog must be between the ages of 18 months and 8 years of age.

Section 60. Primary enclosures.

(a) Primary enclosures must contain potable water that is not frozen, is free from debris, and is readily accessible to all dogs at all times.

Food must be stored in a manner that protects it from spoilage, vermin infestation, and prevents contamination. All dogs must be provided with adequate food at least daily.

Food and water receptacles must be cleaned weekly and sanitized so as to comply with this subsection (a).

(b) Feces, urine, hair, dirt, debris, and food waste must be removed from the primary enclosure and it must be sanitized at least daily or more often if necessary to prevent an accumulation and to reduce disease hazards, insects, pests, and odors.

Dogs must be removed from the primary enclosure when cleaning occurs.

(c) The flooring of primary enclosure must meet all of the following criteria:

(1) It must be strong enough so that the floor does not sag or bend between structural supports. Floors that are warped or sagging shall be replaced.

(2) It must not be able to be destroyed through digging or chewing by the dogs housed in the primary enclosure.

(3) It must not permit the feet of any dog housed in the primary enclosure to pass through openings in the floor.

(4) It must not be metal strand or wire, whether or not it is coated and must not be sloped more than 0.25 inches per foot.

The floors and cage must have no sharp points or edges that could injure the dogs.

Flooring constructed with slats must meet all of the following conditions:

(i) Slats must be flat.

(ii) Slats must have spaces in between that are no more than 0.5 inches in width.

(iii) Slats must have spaces between them that run the length or the width of the floor, but not both.

(iv) Slats must be no less than 3.5 inches in width.

(v) Slats must be level with the slat next to it within a single primary enclosure.

(vi) Slats must be constructed of a material that is impervious to moisture and able to be cleaned and sanitized and must not be treated with any substance that would be toxic to dogs that are exposed to it or ingest it.

All cages must include a solid surface, which may be removable for cleaning. The solid surface must be large enough for all the dogs in the enclosure to lie down in a full lateral recumbent position.

The primary enclosure must be impervious to moisture and must be able to be sanitized.

(d) The primary enclosure must provide space to allow each dog to turn about freely, stand, sit, and lie in a comfortable and normal position. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of the enclosure and without touching any other dog in the cage. Licensees must also comply with federal law requiring a specified amount of space as found in 9 C.F.R. 3.6(c)(1) and multiply the calculated dimensions by 2.

(e) Any breeding female with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics. In order to comply with this subsection (e), the amount of floor space provided any breeding female with nursing puppies must be in accordance with generally accepted husbandry practices as determined by the Department.

(f) All dogs housed in the same primary enclosure must be compatible, as determined by observation, and the licensee must comply with the following requirements:

- (1) Not more than 3 dogs that are 5 months or older may be housed in the cage, kennel, or run.
- (2) Dogs with a vicious or aggressive disposition, as defined by the Department, must be housed individually.
- (3) Breeding females in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding.
- (4) Breeding females with litters may not be housed in the same primary enclosure with other adult dogs, and puppies under 12 weeks of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam.
- (g) Primary enclosures must be placed no higher than 30 inches above the floor of the housing facility and may not be placed over or stacked on top of another cage or primary enclosure.
- (h) Each primary enclosure must have an entry way that allows each dog unfettered clearance to an outdoor run. Each primary enclosure must open onto and be adjacent to an outdoor run area. Each outdoor run must only be accessible from one primary enclosure. Dogs must not be able to access runs that are accessible from other primary enclosures. Each entry way from a primary enclosure to an outdoor run area must be equipped with a wind or rain break which protects the dogs from rain, snow, sun, and wind while in their primary enclosures. Dogs must have unfettered clearance from their primary enclosures to the outdoor run area. The run must:
 - (1) be at least 2 times the size of the primary enclosure as required under subsection (d) of this Section;
 - (2) have adequate means to prevent the dogs from escaping or allowing other creatures to enter the run;
 - (3) be kept in good repair and be free of rust, jagged edges, or other defects that could cause injury to the dogs;
 - (4) be sanitized at least daily or more often if necessary to prevent accumulation of debris and waste and reduce disease hazards, insects, pests, and odors;
 - (5) have ground that is solid and maintainable. Surfaces, such as gravel, packed earth, and grass, may be used; and
 - (6) be on ground level.

Section 65. Indoor housing facility.

- (a) All indoor housing facilities must meet all of the following requirements:
 - (1) Be sufficiently heated and cooled to protect the dogs from temperature or humidity extremes and to provide for their health and well-being. The ambient temperature in the facility must not fall below 50 degrees Fahrenheit or rise above 85 degrees Fahrenheit.
 - (2) Be sufficiently ventilated at all times to minimize odors, drafts, and ammonia levels and to prevent moisture condensation.
 - (3) Be equipped with a working smoke alarm and have a means of fire suppression, such as a functioning fire extinguisher or a functioning sprinkler system on the premises.
 - (4) Be an enclosure created by the continuous connection of a roof, floor, and walls.
 - (5) Have at least one door for entry and exit that can be opened and closed (any windows or openings which provide natural light must be covered with a transparent material, such as glass or hard plastic) or in the case of an outdoor run, a wind or rain break must be provided.

(6) Have sufficient lighting to allow for observation of the dogs.

(b) The area surrounding the indoor housing facility must be kept clean and in good repair to protect the dogs from injury, to facilitate the husbandry practices required in this Act, and to prevent infestation by rodents or other pests. Premises must be kept free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled to facilitate cleaning of the premises, to allow for effective pest control, and to protect the health and well-being of the dogs.

Section 70. Animal welfare issues. The Department must refer any situation that appears to violate the Humane Care for Animals Act to the appropriate County Animal control and either local law enforcement or the appropriate County States Attorney for further investigation within 24 hours. Nothing in this Act would prevent further investigation and prosecution under the Humane Care for Animals Act or the Animal Welfare Act.

Section 75. Euthanasia. All dogs euthanized must be humanely euthanized by a licensed veterinarian.

Section 80. Separation of dogs for medical reasons. A dog may not be kept in the same kennel, cage, or run as other dogs if the dog has a chronic cough, chronic diarrhea, or other known communicable illness. Dogs separated because of medical reasons may not use food or water containers used by any other dogs. A licensee must seek veterinary care if chronic cough, chronic diarrhea, or other known communicable illnesses are present. Dogs separated for medical reasons must be kept separate until such time as a veterinarian prescribes.

Section 85. Advertising; license number. Any licensee who advertises the availability of any dog for sale, adoption, or transfer, whether for compensation or otherwise must prominently display their license number in any such advertisement. The licensee must provide their license number to any person who purchases, adopts, or receives any dog from the licensee and include the license number on any receipt of sale.

Section 90. Grounds for discipline.

(a) In addition to any other cause set out in this Act, the Department may refuse to issue or renew and may suspend, place on probation, or revoke any license to operate as a dog breeder, or take any other action that the Department may deem proper, including the imposition of fines not to exceed \$5,000 for each violation, for any one of the following causes:

(1) Material misstatement in the application for original license or in the application for any renewal license under this Act.

(2) Violation of this Act or of any rules adopted pursuant to this Act.

(3) Aiding or abetting another in the violation of this Act or of any rule adopted pursuant to this Act.

(4) Allowing one's license under this Act to be used by an unlicensed person.

(5) Conviction of any crime where an essential element of that crime is misstatement, fraud, or dishonesty.

(6) Conviction of a felony, if the Department determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust.

(7) Conviction for violating any rule or law of Illinois relating to the sale of dogs, cats, or other animals.

(8) In connection with the business of a licensee under this Act, making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce a sale.

(9) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesman, agents, or otherwise in connection with the business of a licensee under this Act.

(10) Failure to possess the necessary qualifications or to meet the requirements of the Dog Breeders License Act

for the issuance or holding a license.

(11) Proof that the licensee is guilty of gross negligence, incompetency, or cruelty with regard to animals.

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

Section 95. Compliance upon receiving an order of revocation.

(a) When the Department issues an order revoking a license, the order must set forth the general factual and legal basis for the action and must advise the affected person that, within 7 days of receipt of the order, the licensee may file with the Secretary a written request for an administrative hearing. The order of revocation shall become a final order of the Department upon expiration of the 7-day period for requesting an administrative hearing, unless a timely request has been filed with the Department.

(b) The licensee must dispose of all unaltered dogs within 7 days after receiving an order of revocation. The licensee may only dispose of the dogs to an animal control facility or Illinois licensed shelter or by having a dog humanely euthanized by a licensed veterinarian. Failure to comply results in forfeiture of their unaltered dogs to the Department of Agriculture or a local animal control facility and the issuance of a civil penalty by the Department in an amount not to exceed \$5,000 for each offense.

(c) A licensee that requests a hearing under this Act within 7 days of receiving an order of revocation does not have to comply with subsection (b) until the hearing on the order of revocation has concluded. However, until the hearing has concluded, the licensee must not sell any dog by any means.

Section 100. Investigations; notice and hearing. The Department must, before refusing to issue or renew a license or disciplining a licensee pursuant to Section 90 of this Act, notify the applicant or holder of a license in writing, at least 30 days prior to the date set for the hearing, of the nature of the charges and that a hearing will be held on the date designated. The notice must direct the applicant or licensee to file a written answer under oath within 20 days after the service of the notice, and must inform the applicant or licensee that failure to file an answer will result in a default judgment being entered against the applicant or licensee. A default order may result in the license being suspended, revoked, or placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Director may deem proper. Written notice may be served by personal delivery or certified or registered mail to the respondent at the address of his or her last notification to the Department.

In case the person fails to file an answer after receiving notice, his or her license or license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status and the Department may take whatever disciplinary action it deems proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. At the time and place fixed in the notice, a hearing officer proceeds to hear the charges and the parties or their counsel must be accorded ample opportunity to present statements, testimony, evidence, and argument that may be pertinent to the charges or to the licensee's defense.

Section 105. Inspection. The Director may at any time inspect the licensee's facility or the facility of a person acting as a dog breeder who is required to be, but is not, licensed. The inspector must have access to all records and files used by the licensee or an unlicensed dog breeder. If the licensee refuses to provide access to any animal, record, or file, then the Department may issue a cease and desist order or revoke their license. Nothing in this Act limits the ability of a Department of Agriculture investigator, an animal control administrator, or a law enforcement official from inspecting the premises to enforce the Humane Care for Animals Act.

Section 110. Department may take testimony and oaths. The Department has the power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The hearing officer has the power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department.

Section 115. Appointment of a hearing officer.

The Director has the authority to appoint any attorney duly licensed to practice law in this State to serve as the hearing officer in any action for refusal to issue or renew a license or permit or for the discipline of a licensee. The hearing officer has full authority to conduct the hearing and must report his or her findings and recommendations to the Director.

Section 120. Findings and recommendations.

At the conclusion of the hearing, the hearing officer presents to the Director a written report of his or her findings and recommendations. The report must contain a finding of whether or not the accused person violated this Act or failed to comply with the conditions required under this Act. The hearing officer must specify the nature of the violation or failure to comply and must make his or her recommendations to the Director.

The report of findings and recommendations of the hearing officer must be the basis for the Department's order or refusal or for the granting of a license unless the Director determines that the hearing officer's report is contrary to the manifest weight of the evidence, then the Director may issue an order in contravention of the hearing officer's report. The findings in the hearing officer's report are not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar a criminal prosecution brought for the violation of this Act.

Section 125. Administrative review; venue.

(a) All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review must commence in the circuit court of the county in which the party applying for relief resides; but if the party is not a resident of this State, the venue must be in Sangamon County.

(c) The Department is not required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file a receipt in court is be grounds for dismissal of the action.

Section 130. Violations; injunction; cease and desist order.

(a) If any person violates a provision of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney in the county in which the offense occurs, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If the court finds that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section are in addition to, and not instead of, all other remedies and penalties provided by this Act.

(b) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him or her. The rule must clearly set forth the grounds relied upon by the Department and must provide the person a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. If the answer fails to satisfy the Department, the Department may immediately issue an order to cease and desist.

Section 135. Unlicensed practice; violation; civil penalty.

(a) Any person not licensed under this Act must, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The Department assesses the civil penalty after holding a hearing in accordance with the provisions set forth in Section 100 of this Act. The Department has the authority and power to investigate any unlicensed activity.

(b) The civil penalty must be paid within 60 days after the effective date of the order imposing the civil penalty. The order constitutes a judgment and may be filed and executed in the same manner as any judgment from any court of record.

(c) The Department may also issue a cease and desist order to any person doing business without the required license.

The order must set forth the general factual and legal basis for the action and must advise the affected person that within 7 days of receipt of the order, he or she may file with the secretary a written request for an administrative hearing. The order to cease and desist becomes a final order of the Department upon expiration of the 7 day period for requesting an administrative hearing, unless a timely request is filed with the Department.

An unlicensed dog breeder who receives a cease and desist order must dispose of all unaltered dogs within 7 days of having his or her license revoked. The unlicensed dog breeder may only dispose of the dogs to an animal control facility or Illinois licensed shelter or by having a dog humanely euthanized by a licensed veterinarian. Failure to comply results in forfeiture of his or her unaltered dogs to the Illinois Department of Agriculture or local animal control facility and the issuance of a civil penalty by the Department in an amount not to exceed \$5,000 for each offense.

An unlicensed dog breeder that requests a hearing and applies for a license under this Act within 7 days of receiving the cease and desist order does not have to dispose of unaltered dogs in accordance with this subsection (c). However, until a license is granted, the unlicensed dog breeder may not breed any dog or sell any dog by any means.

Section 140. Criminal penalties and seizures. Nothing in this Act prevents individuals or licensees from being charged with a violation of the Humane Care for Animals Act or the Animal Welfare Act or from having their animals seized for violations of the Humane Care for Animals Act or the Animal Welfare Act. The Department may refer any matter for criminal investigation and prosecution to the appropriate County States Attorney and local law enforcement.

Section 145. Surrender of license. Upon the voluntary surrender of a license, revocation, or suspension of any license, the licensee relinquishes his or her license to the Department. If the licensee does not relinquish the license to the Department, the Department may seize the license. Upon surrender of the license, the Department must contact the appropriate County Animal Control and appropriate County States Attorney. The fees assessed under this Act may be set by rule.

Section 150. Deposit of fees and fines; appropriations. All fees and fines collected under this Act must be deposited into the General Professions Dedicated Fund and must be used by the Department of Financial and Professional Regulation, as appropriated, for the ordinary and contingent expenses of the Department in the administration of this Act.

Section 155. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated in this Act as if all the provisions of the Illinois Administrative Procedure Act were included in this Act, except for the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that gives the licensee at hearings the right to show compliance with all lawful requirements for retention, continuation, or renewal of the license. For the purposes of this Act, the notice requirement under Section 10-25 of the Administrative Procedure Act is met when notice is mailed to the party's last known address.

Section 160. Severability. If any provision of this Act or the application of any provision of this Act to any

person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

Section 900. The Regulatory Sunset Act is amended by adding

Section 4.30 as follows:

(5 ILCS 80/4.30 new)

Sec. 4.30. Act repealed on January 1, 2020. The following Act is repealed on January 1, 2020:

The Dog Breeder License Act.

Section 905. The Animal Welfare Act is amended by changing Sections 2, 2.2, 3, and 3.1 and by adding Section 3.15 as follows:

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

(Text of Section before amendment by P.A. 95-550)

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

"Department" means the Illinois Department of Agriculture.

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

"Pet shop operator" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a pet shop operator under this Act. "Pet shop operator" does not include a licensed shelter or an animal control facility that is licensed under this Act or the Animal Control Act.

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

"Secretary of Agriculture" or "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

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

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

"Cattery operator" means any person who operates an establishment, other than an animal control facility or animal shelter, where cats are maintained for boarding, training or similar purposes for a fee or compensation; or who sells, offers to sell, exchange, or offers for adoption with or without charges cats which he has produced and

raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a cattery operator.

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

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

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

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

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

"Sentry dog" means a dog trained to work without supervision in a fenced facility other than a farm, and to deter or detain unauthorized persons found within the facility.
(Source: P.A. 93-281, eff. 12-31-03.)

(Text of Section after amendment by P.A. 95-550)

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

"Department" means the Illinois Department of Agriculture.

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

"Pet shop operator" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a pet shop operator under this Act. "Pet shop operator" does not include a licensed shelter or an animal control facility that is licensed under this Act or the Animal Control Act.

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

"Secretary of Agriculture" or "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

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

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

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

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

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

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

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

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

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

"Probationary status" means the 12-month period following a series of violations of this Act during which any further violation shall result in an automatic 12-month suspension of licensure.
(Source: P.A. 95-550, eff. 6-1-08.)

(225 ILCS 605/2.2)(from Ch. 8, par. 302.2)

Sec. 2.2. No dog ~~breeder dealer~~, kennel operator, or cattery operator shall separate a puppy or kitten from its mother, for the purpose of sale, until such puppy or kitten has attained the age of 8 weeks.

All licensees under this Act shall maintain records of the origin and sale of all dogs, and such records shall be made available for inspection by the Secretary or the Department upon demand. Such records must contain proof in proper form of purebreds and their pedigree, and evidence of such proof must be provided to any person acquiring a

dog from a licensee under this Act. In addition, guard dog services shall be required to maintain records of transfer of ownership, death, or disappearance of a guard dog or sentry dog used by that guard dog service.
(Source: P.A. 89-178, eff. 7-19-95.)

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

Sec. 3. (a) Except as provided in subsection (b) of this Section, no person shall engage in business as a pet shop operator, dog ~~breeder dealer~~, kennel operator, cattery operator, or operate a guard dog service, an animal control facility or animal shelter or any combination thereof, in this State without a license therefor issued by the Department. Only one license shall be required for any combination of businesses at one location, except that a separate license shall be required to operate a guard dog service. Guard dog services that are located outside this State but provide services within this State are required to obtain a license from the Department. Out-of-state guard dog services are required to comply with the requirements of this Act with regard to guard dogs and sentry dogs transported to or used within this State.

(b) This Act does not apply to a private detective agency or private security agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 that provides guard dog or canine odor detection services and does not otherwise operate a kennel for hire.
(Source: P.A. 95-613, eff. 9-11-07.)

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

Sec. 3.1. Information on dogs for sale. ~~Information on dogs and cats for sale.~~ Every pet shop operator must post in a conspicuous place in writing on or near the cage of every dog available for sale the information set forth below. For pet shop operators making dogs available for sale over the internet, the disclosure must be posted in conjunction with the information about the individual dog for sale. The disclosure must be signed by both the pet shop and the consumer and must be maintained by the pet shop operator for a period of 2 years from the date of sale. The disclosure must include: ~~Every pet shop operator, dog dealer, and cattery operator shall provide the following information for every dog or cat available for sale:~~

(a) The breed, age, date of birth, sex, and color of the dog. ~~The age, sex, and weight of the animal.~~

(b) The dates of any inoculations and medical treatments administered to the dog at any time prior to the sale, including the name and address of the individual who performed the examination and administered any treatments or medications. ~~The breed of the animal.~~

(c) The name of the breeder and the facility where the dog was bred, including the address and phone number. If the breeder is located in Illinois, the breeder's license number must be included. If the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal identification number must be provided. A record of vaccinations and veterinary care and treatment.

(d) The name and address of any other person who owned or harbored the dog between its birth and the point of sale. ~~A record of surgical sterilization or lack of surgical sterilization.~~

(e) The retail price of the dog, including any additional fees or charges. If financing is being offered for the purchase of the dog, the disclosure must also include the following information: name of the company financing the sale, annual percentage rate, monthly payment amount, term of the loan, total finance charge, and total amount paid at the end of the loan. ~~The name and address of the breeder of the animal.~~

(f) Any known congenital or hereditary diseases of the parents of the dog ~~The name and address of any other person who owned or harbored the animal between its birth and the point of sale.~~

(g) Any known illness or medical condition of the dog at the time of sale.

(h) If the dog is being sold as being capable of registration with a pedigree registry organization, the name and registration numbers of the mother and father, and the name and address of the pedigree registry organization where

the mother and father are registered.

(i) If the dog was returned by a retail customer, the date and reason for the return.

(j) Include the following statement and circle the corresponding answer: "The facility in which the dog was born has produced: (1) 1-2 litters in the past calendar year, (2) 3-10 litters in the past calendar year, (3) 11-39 litters in the past calendar year, or (4) more than 40 litters in the past calendar year."

(k) The pet shop's policy regarding any guarantees, warranties, refunds, and returns.

(l) The signature and printed name of an owner or manager of the pet shop operator and the date 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."

(m) Blank space for the customer to sign and print their name and print the date beneath the following statement: "I hereby attest that this disclosure was posted with the dog for sale and that I have read all the disclosures. I further understand that I am entitled to keep a signed copy of this disclosure."

Before the sale is completed, the pet shop operator must have the consumer sign and date the disclosure as described in subsection (m) of this Section.

Every pet shop operator must make copies and provide a copy of the "Buying a New Dog" pamphlet created by the Department of Agriculture under subsection (c) of Section 50 of the Dog Breeder License Act to each purchaser. The purchaser must initial that they have read the pamphlet prior to the completion of the sale. A copy of the signed pamphlet must be maintained by the pet shop operator and a copy must be given to the consumer.

A pet shop operator who intentionally makes false or misleading statements in connection with the disclosures required under this Section has committed a violation of the Consumer Fraud and Deceptive Business Practices Act.
(Source: P.A. 87-819.)

(225 ILCS 605/3.15 new)

Sec. 3.15. Requirements for the care of dogs maintained by a pet shop operator.

(a) Pet shop operators may only acquire dogs from breeders that are licensed by the Dog Breeder License Act or are licensed as a breeder by the United States Department of Agriculture as defined by 7 U.S.C. 2131 at the time the dog is bred and at the time of sale.

(b) All primary enclosures including any kennel, cage or run must meet the requirements set by Section 60 of the Dog Breeder License Act.

Section 910. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

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

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Automotive Collision Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, the Payday Loan Reform Act, subsection

(a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the Internet Caller Identification Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, Section 18d-115, 18d-120, 18d-125, 18d-135, or 18d-150 of the Illinois Vehicle Code, Article 3 of the Residential Real Property Disclosure Act, the Automatic Contract Renewal Act, ~~or~~ the Personal Information Protection Act, Section 50 of the Dog Breeder License Act, or Section 3.1 of the Animal Welfare Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280, eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413, eff. 1-1-08; 95-562, eff. 7-1-08; 95-876, eff. 8-21-08.)

Section 915. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 999. Effective date. This Act takes effect upon becoming law.

Sen. Dan Kotowski

Filed: 3/10/2009

09600SB0053sam001

LRB096 04209 ASK 23256 a

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AMENDMENT TO SENATE BILL 53

2

AMENDMENT NO. _____. Amend Senate Bill 53 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, 2.2, 3, 3.1, 5, 10, 18, and 20.5 and by adding

6

Sections 3.15, 10.5, 17, 18.01, 18.04, 18.05, 18.06, 18.5,

7

20.1, and 23 as follows:

8

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

9

Sec. 2. Definitions. As used in this Act unless the context

10

otherwise requires:

11

"Department" means the Illinois Department of Agriculture.

12

"Director" means the Director of the Illinois Department of

13

Agriculture.

14

"Pet shop operator" means any person who sells, offers to

15

sell, exchange, or offers for adoption with or without charge

16

or donation dogs, cats, birds, fish, reptiles, or other animals

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customarily obtained as pets in this State. However, a person

2

who sells only such animals that he has produced and raised

3

shall not be considered a pet shop operator under this Act, and

4

a veterinary hospital or clinic operated by a veterinarian or

5

veterinarians licensed under the Veterinary Medicine and

6

Surgery Practice Act of 2004 shall not be considered a pet shop

7	operator under this Act.
8	"Dog dealer" means any person who sells, offers to sell,
9	exchange, or offers for adoption with or without charge or
10	donation dogs in this State. However, a person who sells only
11	dogs that he has produced and raised shall not be considered a
12	dog dealer under this Act, and a veterinary hospital or clinic
13	operated by a veterinarian or veterinarians licensed under the
14	Veterinary Medicine and Surgery Practice Act of 2004 shall not
15	be considered a dog dealer under this Act.
16	"Secretary of Agriculture" or "Secretary" means the
17	Secretary of Agriculture of the United States Department of
18	Agriculture.
19	"Person" means any person, firm, corporation, partnership,
20	association or other legal entity, any public or private
21	institution, the State of Illinois, or any municipal
22	corporation or political subdivision of the State.
23	"Kennel operator" means any person who operates an
24	establishment, other than an animal control facility,
25	veterinary hospital, or animal shelter, where dogs or dogs and
26	cats are maintained for boarding, training or similar purposes

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1	for a fee or compensation; or who sells, offers to sell,
2	exchange, or offers for adoption with or without charge dogs or
3	dogs and cats which he has produced and raised. A person who
4	owns, has possession of, or harbors 5 or less females capable
5	of reproduction shall not be considered a kennel operator.
6	<u>"Dog breeder" means any person who owns, has possession of,</u>
7	<u>or harbors 6 or more female dogs capable of reproduction for</u>
8	<u>the purpose of the sale of their offspring. A licensed animal</u>
9	<u>shelter or licensed animal control facility is not required to</u>
10	<u>be licensed as a dog breeder except as required by Section 3 of</u>
11	<u>this Act.</u>
12	<u>"Commercial dog breeder" means any person who owns, has</u>
13	<u>possession of, or harbors 6 or more female dogs capable of</u>
14	<u>reproduction and breeds or whelps dogs and:</u>
15	<u>(1) sells or transfers any dog to a wholesale dog</u>

16	<u>dealer or to a pet shop; or</u>
17	<u>(2) sells or transfers more than 30 dogs per calendar</u>
18	<u>year.</u>
19	"Cattery operator" means any person who operates an
20	establishment, other than an animal control facility or animal
21	shelter, where cats are maintained for boarding, training or
22	similar purposes for a fee or compensation; or who sells,
23	offers to sell, exchange, or offers for adoption with or
24	without charges cats which he has produced and raised. A person
25	who owns, has possession of, or harbors 5 or less females
26	capable of reproduction shall not be considered a cattery

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1	operator.
2	"Animal control facility" means any facility operated by or
3	under contract for the State, county, or any municipal
4	corporation or political subdivision of the State for the
5	purpose of impounding or harboring seized, stray, homeless,
6	abandoned or unwanted dogs, cats, and other animals. "Animal
7	control facility" also means any veterinary hospital or clinic
8	operated by a veterinarian or veterinarians licensed under the
9	Veterinary Medicine and Surgery Practice Act of 2004 which
10	operates for the above mentioned purpose in addition to its
11	customary purposes.
12	"Animal shelter" means a facility <u>that is</u> operated, owned,
13	or maintained by a duly incorporated humane society, animal
14	welfare society, or other non-profit organization for the
15	purpose of providing for and promoting the welfare, protection,
16	and humane treatment of animals, <u>and that does not engage in</u>
17	<u>the intentional breeding of any animal.</u> "Animal shelter" also
18	means any veterinary hospital or clinic operated by a
19	veterinarian or veterinarians licensed under the Veterinary
20	Medicine and Surgery Practice Act of 2004 which operates for
21	the above mentioned purpose in addition to its customary
22	purposes.
23	"Foster home" means an entity that accepts the
24	responsibility for stewardship of animals that are the

25	obligation of an animal shelter, not to exceed 4 animals at any		
26	given time. Permits to operate as a "foster home" shall be		
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1	issued through the animal shelter.		
2	"Guard dog service" means an entity that, for a fee,		
3	furnishes or leases guard or sentry dogs for the protection of		
4	life or property. A person is not a guard dog service solely		
5	because he or she owns a dog and uses it to guard his or her		
6	home, business, or farmland.		
7	"Guard dog" means a type of dog used primarily for the		
8	purpose of defending, patrolling, or protecting property or		
9	life at a commercial establishment other than a farm. "Guard		
10	dog" does not include stock dogs used primarily for handling		
11	and controlling livestock or farm animals, nor does it include		
12	personally owned pets that also provide security.		
13	"Sentry dog" means a dog trained to work without		
14	supervision in a fenced facility other than a farm, and to		
15	deter or detain unauthorized persons found within the facility.		
16	"Probationary status" means the 12-month period following		
17	a series of violations of this Act during which any further		
18	violation shall result in an automatic 12-month suspension of		
19	licensure.		
20	<u>"Indoor housing facility" means any structure or building</u>		
21	<u>that contains primary enclosures.</u>		
22	<u>"Primary enclosure" means the primary structure that</u>		
23	<u>restricts a dog's ability to move, which includes a kennel,</u>		
24	<u>cage or run.</u>		
25	<u>"Sale" means the transfer of a dog or cat to another person</u>		
26	<u>in any of the following ways:</u>		
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1	<u>(1) Offering directly to a consumer for purchase.</u>		
2	<u>(2) Offering at a retail pet shop for purchase.</u>		
3	<u>(3) Offering a dog or cat on the internet for purchase.</u>		

4	<u>(4) Offering a wholesale exchange.</u>		
5	<u>(5) Offering a dog or cat up for adoption with any</u>		
6	<u>charges or donation unless the offeror is licensed under</u>		
7	<u>this Act as an animal shelter or animal control facility.</u>		
8	<u>(6) Offering a dog or cat up for research purposes.</u>		
9	<u>"Sanitized" means cleaning hard surfaces and food and water</u>		
10	<u>receptacles using one of the following methods:</u>		
11	<u>(1) Live steam under pressure.</u>		
12	<u>(2) Washing with water with a temperature of at</u>		
13	<u>least 180 degrees Fahrenheit and soap or detergent, as with</u>		
14	<u>a mechanical cage washer.</u>		
15	<u>(3) Washing all soiled surfaces with appropriate</u>		
16	<u>detergent solutions or disinfectant products followed by a</u>		
17	<u>clean water rinse that removes all organic material and</u>		
18	<u>mineral build-up.</u>		
19	(Source: P.A. 95-550, eff. 6-1-08.)		
20	(225 ILCS 605/2.2) (from Ch. 8, par. 302.2)		
21	Sec. 2.2. No dog dealer, <u>dog breeder, commercial dog</u>		
22	<u>breeder, kennel operator, or cattery operator shall separate a</u>		
23	<u>puppy or kitten from its mother, for the purpose of sale, until</u>		
24	<u>such puppy or kitten has attained the age of 8 weeks.</u>		
25	All licensees under this Act shall maintain records of the		
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1	origin and sale of all dogs, and such records shall be made		
2	available for inspection by the Secretary or the Department		
3	upon demand. Such records must contain proof in proper form of		
4	purebreds and their pedigree, and evidence of such proof must		
5	be provided to any person acquiring a dog from a licensee under		
6	this Act. In addition, guard dog services shall be required to		
7	maintain records of transfer of ownership, death, or		
8	disappearance of a guard dog or sentry dog used by that guard		
9	dog service.		
10	(Source: P.A. 89-178, eff. 7-19-95.)		
11	(225 ILCS 605/3) (from Ch. 8, par. 303)		
12	Sec. 3. (a) Except as provided in subsection (b) of this		

13 Section, no person shall engage in business as a pet shop
 14 operator, dog dealer, dog breeder, commercial dog breeder,
 15 kennel operator, cattery operator, or operate a guard dog
 16 service, an animal control facility or animal shelter or any
 17 combination thereof, in this State without a license therefor
 18 issued by the Department. A separate license shall be required
 19 to operate each of the following at one location: dog dealer,
 20 commercial dog breeder, kennel operator, cattery operator, dog
 21 breeder, pet shop operator, animal shelter, animal control
 22 facility and guard dog service, except that a commercial dog
 23 breeder does not need to be licensed as a dog breeder. Only one
 24 license shall be required for any combination of businesses at
 25 one location, except that a separate license shall be required

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1 ~~to operate a guard dog service.~~ Guard dog services that are
 2 located outside this State but provide services within this
 3 State are required to obtain a license from the Department.
 4 Out-of-state guard dog services are required to comply with the
 5 requirements of this Act with regard to guard dogs and sentry
 6 dogs transported to or used within this State.
 7 (b) This Act does not apply to a private detective agency
 8 or private security agency licensed under the Private
 9 Detective, Private Alarm, Private Security, Fingerprint
 10 Vendor, and Locksmith Act of 2004 that provides guard dog or
 11 canine odor detection services and does not otherwise operate a
 12 kennel for hire.
 13 (Source: P.A. 95-613, eff. 9-11-07.)
 14 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)
 15 Sec. 3.1. Information on ~~dogs and~~ cats for sale. Prior to
 16 the time of sale, every pet shop operator and cattery operator
 17 must provide to the consumer the following information on any
 18 cat being offered for sale: ~~Every pet shop operator, dog~~
 19 dealer, and cattery operator shall provide the following
 20 information for every dog or cat available for sale:
 21 (a) The age, sex, and weight of the animal.
 22 (b) The breed of the animal.

23	(c) A record of vaccinations and veterinary care and
24	treatment.
25	(d) A record of surgical sterilization or lack of surgical

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1	sterilization.
2	(e) The name and address of the breeder of the animal.
3	(f) The name and address of any other person who owned or
4	harbored the animal between its birth and the point of sale.
5	(Source: P.A. 87-819.)
6	(225 ILCS 605/3.15 new)
7	<u>Sec. 3.15. Information on dogs for sale.</u>
8	<u>(a) Prior to the time of sale, every pet shop operator, dog</u>
9	<u>breeder, and commercial dog breeder must, to the best of his or</u>
10	<u>her knowledge, provide to the consumer the following</u>
11	<u>information on any dog being offered for sale:</u>
12	<u>(1) The breed, age, date of birth, sex, and color of</u>
13	<u>the dog;</u>
14	<u>(2) The dates of any inoculations and medical</u>
15	<u>treatments administered to the dog at any time prior to the</u>
16	<u>sale, and:</u>
17	<u>(i) For veterinarians, the name and business</u>
18	<u>address of the individual who performed the</u>
19	<u>examination(s) and administered any treatments or</u>
20	<u>medications;</u>
21	<u>(ii) For pet stores, dog breeders, and dog dealers,</u>
22	<u>the name of the licensee or manager who authorized the</u>
23	<u>administration of any treatments or medications;</u>
24	<u>(3) The name and business address of both the breeder</u>
25	<u>and the facility where the dog was born. If the breeder is</u>

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1	<u>located in the State, the breeder's license number must be</u>
2	<u>included. If the breeder holds a license issued by the</u>

3	<u>United States Department of Agriculture, the breeder's</u>
4	<u>federal identification number must be provided;</u>
5	<u>(4) The name and business address of any other person</u>
6	<u>who owned or harbored the dog between its birth and the</u>
7	<u>point of sale;</u>
8	<u>(5) The retail price of the dog, including any</u>
9	<u>additional fees or charges. If financing is being offered</u>
10	<u>for the purchase of the dog, then the following information</u>
11	<u>must be provided at the time of sale: the name of the</u>
12	<u>company financing the sale, the annual percentage rate, the</u>
13	<u>monthly payment amount, the term of the loan, the total</u>
14	<u>finance charge, and the total amount paid at the end of the</u>
15	<u>loan;</u>
16	<u>(6) Any known congenital or hereditary diseases of the</u>
17	<u>parents of the dog;</u>
18	<u>(7) If the dog is being sold as being capable of</u>
19	<u>registration with a pedigree registry organization, the</u>
20	<u>name and registration numbers of the mother and father, and</u>
21	<u>the name and address of the pedigree registry organization</u>
22	<u>where the mother and father are registered;</u>
23	<u>(8) If the dog was returned by a retail customer, the</u>
24	<u>date and reason for the return;</u>
25	<u>(9) Include the following statement and circle the</u>
26	<u>corresponding answer: "The facility in which the dog was</u>

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1	<u>born has produced: (1) 1-2 litters in the past calendar</u>
2	<u>year, (2) 3-10 litters in the past calendar year, (3) 11-39</u>
3	<u>litters in the past calendar year, or (4) more than 40</u>
4	<u>litters in the past calendar year;"</u>
5	<u>(10) State the licensee's policy regarding any</u>
6	<u>guarantees, warranties, refunds and/or returns;</u>
7	<u>(11) The signature, printed name and date of the pet</u>
8	<u>shop operator, dog breeder, or commercial dog breeder</u>
9	<u>beneath the following statement: "I hereby attest that all</u>
10	<u>of the above information is true and correct to the best of</u>
11	<u>my knowledge, and I have made a diligent effort to obtain</u>

12 this information.";
 13 (12) Blank space for the customer to sign and print
 14 their name and print the date beneath the following
 15 statement: "I hereby attest that this disclosure was posted
 16 with the dog for sale and that I have read all the
 17 disclosures. I further understand that I am entitled to
 18 keep a signed copy of this disclosure."
 19 (b) Before the sale is completed, the pet shop operator,
 20 dog breeder, or commercial dog breeder must have the consumer
 21 sign and date the disclosure as described in subsection (a).
 22 (c) Every pet shop operator, dog breeder, or commercial dog
 23 breeder shall make copies and provide a copy of the "Buying a
 24 New Dog" pamphlet to each purchaser. The purchaser must initial
 25 that they have read the pamphlet prior to the completion of the
 26 sale. A copy of the signed statement shall be maintained by the

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1 pet shop operator and a copy of the pamphlet shall be given to
 2 the consumer. The pamphlet will be created and shall be in such
 3 format as decided by the Department. The information in the
 4 pamphlet must include, but is not limited to, the following:
 5 (i) The benefits of visiting a veterinarian shortly
 6 after purchasing a dog;
 7 (ii) The benefits of spaying or neutering a dog;
 8 (iii) The following statement: "The cost of owning a
 9 dog: Beyond the purchase price of a dog, there are annual
 10 expenses to care for a dog including: routine veterinary
 11 care, vaccinations and medications, food, grooming,
 12 training, licensing, supplies and additional or emergency
 13 medical care."; and
 14 (iv) The following statement: "Consider when
 15 purchasing a dog that with proper care a dog can live well
 16 past 10 years."
 17 (d) A pet shop operator, dog breeder, or commercial dog
 18 breeder who makes false or misleading statements in connection
 19 with the above disclosures has committed a violation of the
 20 Consumer Fraud and Deceptive Business Practices Act.

21	<u>(e) Every pet shop operator shall post in a conspicuous</u>
22	<u>place in writing on or near the cage of every dog available for</u>
23	<u>sale the information required by this Section.</u>
24	<u>(f) Every pet shop operator, dog dealer, or commercial dog</u>
25	<u>breeder making dogs available for sale over the internet must</u>
26	<u>post the disclosures required by this Section in conjunction</u>

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1	<u>with the information about the individual dog for sale.</u>
2	<u>Disclosures shall be signed by both the pet shop operator, dog</u>
3	<u>dealer, or commercial dog breeder and the consumer and shall be</u>
4	<u>maintained by the licensee for a period of 2 years from the</u>
5	<u>date of sale.</u>

6	(225 ILCS 605/5) (from Ch. 8, par. 305)
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7	Sec. 5. Applications by individuals for original licenses
8	shall be made to the Department, shall be in writing on forms
9	prescribed by the Department and shall be accompanied by the
10	required fee, which shall not be returnable. Any such
11	application shall require such information as in the judgment
12	of the Department will enable the Department to pass on the
13	qualifications of the applicant for a license. It shall
14	include, but need not be limited to information concerning age,
15	citizenship, present residence, location of the business
16	licensed under this Act, including the location of all foster
17	homes, description of facilities to be used, present and
18	previous business connections and experience, bank and
19	professional references, whether any license of the applicant
20	under this Act or any federal, state, county or local law,
21	ordinance or regulation, relating to dealing in or handling
22	dogs or cats, ever was suspended or revoked and whether the
23	applicant ever has been convicted of a felony. Such felony
24	conviction may be taken into consideration by the Department in
25	determining qualifications for licensing but shall not operate

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1 as a bar to licensing. The Department must conduct an
2 inspection to determine compliance with this Act prior to
3 issuing a license. If the applicant's facility is not in full
4 compliance with this Act, the license may not be issued until
5 the applicant is in full compliance.
6 (Source: P.A. 89-178, eff. 7-19-95.)
7 (225 ILCS 605/10) (from Ch. 8, par. 310)
8 Sec. 10. Grounds for discipline.
9 (a) The Department may refuse to issue or renew or may
10 suspend or revoke a license on any one or more of the following
11 grounds:
12 (1) ~~a.~~ Material misstatement in the application for
13 original license or in the application for any renewal
14 license under this Act;
15 (2) ~~b.~~ A violation of this Act or of any regulations or
16 rules issued pursuant thereto;
17 (3) ~~c.~~ Aiding or abetting another in the violation of
18 this Act or of any regulation or rule issued pursuant
19 thereto;
20 (4) ~~d.~~ Allowing one's license under this Act to be used
21 by an unlicensed person;
22 (5) ~~e.~~ Conviction of any crime an essential element of
23 which is misstatement, fraud or dishonesty or conviction of
24 any felony, if the Department determines, after
25 investigation, that such person has not been sufficiently

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1 rehabilitated to warrant the public trust;
2 (6) ~~f.~~ Conviction of a violation of any law of Illinois
3 except minor violations such as traffic violations and
4 violations not related to the disposition of dogs, cats and
5 other animals or any rule or regulation of the Department
6 relating to dogs or cats and sale thereof;
7 (7) ~~g.~~ Making substantial misrepresentations or false
8 promises of a character likely to influence, persuade or
9 induce in connection with the business of a licensee under

10 this Act;

11 (8) ~~h.~~ Pursuing a continued course of

12 misrepresentation of or making false promises through

13 advertising, salesman, agents or otherwise in connection

14 with the business of a licensee under this Act; or

15 (9) ~~i.~~ Failure to possess the necessary qualifications

16 or to meet the requirements of the Act for the issuance or

17 holding a license. ~~;~~ ~~or~~

18 ~~j. Proof that the licensee is guilty of gross negligence,~~

19 ~~incompetency, or cruelty with regard to animals.~~

20 (b) The Department may refuse to issue or may suspend the

21 license of any person who fails to file a return, or to pay the

22 tax, penalty or interest shown in a filed return, or to pay any

23 final assessment of tax, penalty or interest, as required by

24 any tax Act administered by the Illinois Department of Revenue,

25 until such time as the requirements of any such tax Act are

26 satisfied.

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1 (c) The Department shall refuse to issue or renew or shall

2 suspend or revoke a license if an applicant or licensee has

3 been convicted of any one or more of the following:

4 (1) A misdemeanor or felony under any Section of the

5 Humane Care for Animals Act.

6 (2) Any violation of Section 12-35 or 26-5 of the

7 Criminal Code of 1961.

8 (3) A criminal offense of which the Department has

9 knowledge that took place in another jurisdiction of the

10 United States that is substantially similar to any of the

11 offenses listed in paragraphs (1) or (2).

12 The Department shall consider if the applicant has been

13 convicted within the last 10 years in any state of dog

14 fighting, animal abuse, or any other animal-related offense.

15 The Department may order any licensee to cease operation

16 for a period not to exceed 72 hours to correct deficiencies in

17 order to meet licensing requirements.

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

19 90-403, eff. 8-15-97.)
 20 (225 ILCS 605/10.5 new)
 21 Sec. 10.5. Violations; injunction; cease and desist order.
 22 (a) If any person violates a provision of this Act, the
 23 Director may, in the name of the People of the State of
 24 Illinois, through the Attorney General of the State of Illinois
 25 or the State's Attorney in the county in which the offense

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1 occurs, petition for an order enjoining the violation or for an
 2 order enforcing compliance with this Act. Upon the filing of a
 3 verified petition in court, the court may issue a temporary
 4 restraining order, without notice or bond, and may
 5 preliminarily and permanently enjoin the violation. If it is
 6 established that the person has violated or is violating the
 7 injunction, the court may punish the offender for contempt of
 8 court. Proceedings under this Section shall be in addition to,
 9 and not in lieu of, all other remedies and penalties provided
 10 by this Act.
 11 (b) The Department may issue an order to cease and desist
 12 against any person who is in violation of this Act as
 13 warranted. The order shall clearly set forth the general
 14 factual and legal basis for the order and state that within
 15 seven days of receipt of the order, the recipient may file a
 16 written request for an administrative hearing with the
 17 Department. The order to cease and desist shall become a final
 18 order of the Department upon expiration of the 7-day period for
 19 requesting an administrative hearing, unless a timely request
 20 has been filed with the Department. A pet store operator, dog
 21 breeder, or commercial dog breeder who receives a cease and
 22 desist order shall dispose of all affected dogs within 10
 23 calendar days of receiving the order. The pet shop operator,
 24 dog dealer, or commercial dog breeder may only dispose of the
 25 dogs to an animal control facility or animal shelter that is
 26 licensed in the State, or by having a dog humanely euthanized

1 by a licensed veterinarian, unless otherwise authorized in
2 writing by the Department, which may include transfer to a
3 licensed dog breeder or licensed commercial dog breeder.
4 Failure to comply will result in forfeiture of the dogs in a
5 manner approved by the Department and the imposition of a civil
6 penalty by the Department in an amount not to exceed \$5,000 for
7 each offense.

8 (225 ILCS 605/17 new)
9 Sec. 17. Order of revocation; compliance.

10 (a) When the Department issues an order revoking a pet shop
11 operator, dog breeder, or commercial dog breeder license, the
12 order shall set forth the general factual and legal basis for
13 the action and shall advise the affected person that within 10
14 days of receipt of the order, the pet shop operator, dog
15 breeder, or commercial dog breeder may file with the Secretary
16 a written request for an administrative hearing. The order of
17 revocation shall become a final order of the Department upon
18 expiration of the 7-day period for requesting an administrative
19 hearing, unless a timely request has been filed with the
20 Department.

21 (b) The pet shop operator, dog breeder, or commercial dog
22 breeder shall dispose of all unaltered dogs within 10 calendar
23 days after receiving an order of revocation. The licensee may
24 only dispose of the dogs to an animal control facility or
25 animal shelter licensed in the State, or by having a dog

1 humanely euthanized by a licensed veterinarian, unless
2 otherwise authorized in writing by the Department, which may
3 include transfer to a licensed dog breeder or licensed
4 commercial dog breeder. Failure to comply will result in
5 forfeiture of unaltered dogs to an animal control facility or
6 animal shelter licensed in the State, or by having a dog
7 humanely euthanized by a licensed veterinarian, unless

8	<u>otherwise authorized in writing by the Department.</u>					
9	<u>(c) A pet shop operator, dog dealer, or commercial dog</u>					
10	<u>breeder that requests a hearing under this Act within 10</u>					
11	<u>calendar days of receiving an order of revocation does not have</u>					
12	<u>to comply with subsection (b) until the hearing on the order of</u>					
13	<u>revocation has concluded. However, until a final order on the</u>					
14	<u>hearing has been issued, the pet shop operator, dog dealer, or</u>					
15	<u>commercial dog breeder shall not sell or transfer any dog by</u>					
16	<u>any means without prior written authorization from the</u>					
17	<u>Department.</u>					
18	(225 ILCS 605/18) (from Ch. 8, par. 318)					
19	Sec. 18. <u>Requirements for licensees. A licensee under this</u>					
20	<u>Act</u> The licensee shall:					
21	<u>(1) a.</u> Maintain sanitary conditions.					
22	<u>(2) b.</u> Insure proper ventilation.					
23	<u>(3) e.</u> Provide adequate nutrition.					
24	<u>(4) d.</u> Provide humane care and treatment of all animals					
25	under his <u>or her</u> jurisdiction.					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">09600SB0053sam001</td> <td style="width: 15%; text-align: center;">- 20 -</td> <td style="width: 52%; text-align: right;">LRB096 04209 ASK 23256 a</td> </tr> </table>				09600SB0053sam001	- 20 -	LRB096 04209 ASK 23256 a
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1	<u>(5) e.</u> Take reasonable care to release for sale, trade,					
2	or adoption only those animals which are free of disease,					
3	injuries or abnormalities. A health certificate, meeting					
4	the requirements of the Department and issued by a licensed					
5	veterinarian for any such animal within 5 days before such					
6	sale, trade or adoption is prima facie evidence that the					
7	licensee has taken reasonable care, as required by this					
8	paragraph.					
9	f. Inspection of the premises of a licensee to determine					
10	compliance with this Act may be made only by the Department.					
11	(Source: P.A. 78-900.)					
12	(225 ILCS 605/18.01 new)					
13	<u>Sec. 18.01. Inspection.</u>					
14	<u>(a) Inspection of the premises of a licensee to determine</u>					
15	<u>compliance with this Act may be made only by the Department.</u>					
16	<u>The Department must conduct at least one unannounced inspection</u>					

17 of each licensee within a 2-year period.

18 (b) The Department may, for the purpose of inspection,

19 enter during normal business hours upon any licensed premises

20 or unlicensed premises where activities consistent with that of

21 a dog breeder or commercial dog breeder are occurring.

22 Inspection shall not occur unless an adult who is 18 years or

23 older is present. Entry shall not be made into any building

24 which is a person's residence, except by search warrant, court

25 order or consent.

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1 (c) Institutions operating under a federal license to

2 conduct laboratory experimentation utilizing animals for

3 research or medical purpose are, however, exempt from the

4 provisions of this Section.

5 (d) State's Attorney's and law enforcement officials shall

6 provide such assistance as may be required in the conduct of

7 such investigations.

8 (e) The Department shall be given access to all records and

9 files related to dog breeding activities. If the licensee

10 refuses to provide access to any animal, record, or file, the

11 Department may issue a cease and desist order or revoke their

12 license.

13 (f) Nothing in this Act shall limit the ability of a

14 Department of Agriculture investigator, an animal control

15 administrator, or a law enforcement official from inspecting

16 the premises for the purpose of enforcing the Humane Care for

17 Animals Act (510 ILCS 70).

18 (225 ILCS 605/18.04 new)

19 Sec. 18.04. Additional requirements for dog breeders and

20 commercial dog breeders. In addition to the requirements of

21 Section 18, dog breeders and commercial dog breeders must also

22 comply with the requirements of this Section.

23 (a) All unaltered dogs must meet the following criteria

24 before being bred:

25 (1) A female shall be examined by a veterinarian at

1 least once a year or prior to each attempt at breeding,
2 whichever occurs more frequently. A dog shall not be bred
3 unless a veterinarian has determined that the dog is in
4 good physical condition.

5 (2) A male shall be examined by a veterinarian at least
6 once a year. A dog shall not be bred unless a veterinarian
7 has determined that the dog is in good physical condition.

8 (3) A female dog must be between the ages of 18 months
9 and 8 years of age.

10 (b) All dogs euthanized must be humanely euthanized by a
11 licensed veterinarian. This Section shall not be construed in a
12 manner that is inconsistent with the provisions of the Humane
13 Care for Animals Act regarding exigent circumstances.

14 (c) Any dog breeder or commercial dog breeder shall provide
15 an area separate from other dogs for the isolation of any dog
16 that appears to be affected with any infectious or contagious
17 disease, parasitism, or physical injuries. The isolation area
18 must be physically separate from the area of the general
19 population so that there can be no contact between the isolated
20 animal and animals in the general population. Dogs may be
21 returned to the general kennel population after an examination,
22 treatment, if required, and written release from a licensed
23 veterinarian. Nothing in this subsection shall require nursing
24 mothers to be separated from their litters.

25 (d) Any dog breeder or commercial dog breeder who
26 advertises the availability of any dog for sale, adoption, or

1 transfer, whether for compensation or otherwise must
2 prominently display their license number in any such
3 advertisement. Further, the dog breeder or commercial dog
4 breeder must provide his or her license number to any person
5 who purchases, adopts, or receives any dog from him or her and

6	<u>include the license number on any receipt of sale.</u>
7	<u>(e) Two or more dog breeding physical facilities under</u>
8	<u>common ownership that are separated by a distance of an</u>
9	<u>one-quarter mile or more must be licensed individually as a dog</u>
10	<u>breeder.</u>
11	<u>(f) All dog breeders and commercial dog breeders under this</u>
12	<u>Act must maintain records of the origin and sale of all dogs,</u>
13	<u>and such records must be made available for inspection upon</u>
14	<u>demand by the Division, the Illinois Department of Agriculture,</u>
15	<u>the appropriate county animal control agency, or the</u>
16	<u>appropriate local law enforcement. Records must be maintained</u>
17	<u>for at least 5 years and must include the following:</u>
18	<u>(1) The date on which a dog enters the operation.</u>
19	<u>(2) The person from whom the dog was purchased or</u>
20	<u>obtained, including the address and phone number of that</u>
21	<u>person.</u>
22	<u>(3) A description of the dog, color, breed, sex, and</u>
23	<u>approximate age and weight upon arrival.</u>
24	<u>(4) Any tattoo, microchip number, or other</u>
25	<u>identification number carried by or appearing on the dog.</u>
26	<u>(5) Each date that puppies were born to that dog and</u>

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1	<u>the number of puppies.</u>
2	<u>(6) All medical care and vaccinations provided to the</u>
3	<u>dog.</u>
4	<u>(7) The disposition of each dog and the date.</u>
5	<u>(8) Records that show compliance with Sections</u>
6	<u>18.05(1) of this Act.</u>
7	<u>(9) Copies of disclosures required under Section 3.15</u>
8	<u>of this Act.</u>
9	<u>(g) Every calendar year the following information must be</u>
10	<u>reported to the Department by the dog breeder or commercial dog</u>
11	<u>breeder:</u>
12	<u>(1) Number of unaltered females over one year.</u>
13	<u>(2) Number of unaltered males over one year.</u>
14	<u>(3) Number of puppies born.</u>

15	<u>(4) Number of puppies sold whether sold directly to a</u>
16	<u>consumer, to a retail pet shop, via the internet, through</u>
17	<u>wholesale exchange, or offering them for adoption with a</u>
18	<u>charge or donation.</u>
19	<u>(5) Number of dogs that were found dead in their</u>
20	<u>enclosure.</u>
21	<u>(6) Number of dogs that were euthanized.</u>
22	(225 ILCS 605/18.05 new)
23	<u>Sec. 18.05. Primary enclosure; indoor housing facility;</u>
24	<u>commercial dog breeder.</u>
25	<u>(a) If a commercial dog breeder keeps dogs in primary</u>

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1	<u>enclosures, which includes cages, kennels, and runs, the</u>
2	<u>commercial dog breeder must:</u>
3	<u>(1) Ensure that the primary enclosure contains potable</u>
4	<u>water that is not frozen, that is free from debris, and is</u>
5	<u>readily accessible to all dogs at all times.</u>
6	<u>(2) Store all food in a manner that prevents spoilage,</u>
7	<u>vermin infestation, and contamination.</u>
8	<u>(3) Provide all dogs at least daily with adequate food.</u>
9	<u>(4) Clean and sanitize the food and water receptacles</u>
10	<u>on a weekly basis so as to comply with subparagraphs (1)</u>
11	<u>and (2).</u>
12	<u>(5) Remove feces, urine, hair, dirt, debris, and food</u>
13	<u>waste from the primary enclosures and sanitize them at</u>
14	<u>least daily, or more often if necessary, to prevent an</u>
15	<u>accumulation and to reduce disease hazards, insects,</u>
16	<u>pests, and odors.</u>
17	<u>(6) Remove all dogs from the primary enclosures when</u>
18	<u>sanitization or cleaning with pressurized water or</u>
19	<u>chemicals occurs.</u>
20	<u>(7) Ensure that all primary enclosures are impervious</u>
21	<u>to moisture and able to be sanitized.</u>
22	<u>(8) Ensure that the flooring of primary enclosures</u>
23	<u>shall:</u>
24	<u>(A) Be strong enough so that the floor does not sag</u>

25	<u>or bend between structural supports. Floors that are</u>		
26	<u>warped or sagging shall be replaced.</u>		
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1	<u>(B) Not be able to be destroyed through digging or</u>		
2	<u>chewing by the dogs housed in the primary enclosure.</u>		
3	<u>(C) Not permit the feet of any dog housed in the</u>		
4	<u>primary enclosure to pass through openings in the</u>		
5	<u>floor.</u>		
6	<u>(D) Not be metal strand or wire, whether or not it</u>		
7	<u>is coated, and shall not be sloped more than 0.25</u>		
8	<u>inches per foot.</u>		
9	<u>(E) Shall have floors and cages without any sharp</u>		
10	<u>points or edges that could injure the dogs.</u>		
11	<u>(F) If constructed with slats, meet all of the</u>		
12	<u>following conditions:</u>		
13	<u>(i) Slats shall be flat.</u>		
14	<u>(ii) Slats shall have spaces in between that</u>		
15	<u>are no more than 0.5 inches in width.</u>		
16	<u>(iii) Slats shall have spaces between them</u>		
17	<u>that run the length or the width of the floor, but</u>		
18	<u>not both.</u>		
19	<u>(iv) Slats shall be no less than 3.5 inches in</u>		
20	<u>width.</u>		
21	<u>(v) Slats shall be level with the slat next to</u>		
22	<u>it within a single primary enclosure.</u>		
23	<u>(vi) Slats shall be constructed of a material</u>		
24	<u>that is impervious to moisture, able to be cleaned</u>		
25	<u>and sanitized, and that is not treated with any</u>		
26	<u>substance that would be toxic to dogs that are</u>		
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1	<u>exposed to it or ingest it.</u>		
2	<u>(9) Ensure that all cages include a solid surface,</u>		
3	<u>which may be removable for cleaning. The solid surface must</u>		

4	<u>be large enough for all the dogs in the enclosure to lie</u>
5	<u>down in a full lateral recumbent position.</u>
6	<u>(10) Ensure that the primary enclosures provide enough</u>
7	<u>space to allow each dog to turn about freely, to stand,</u>
8	<u>sit, and lie in a comfortable and normal position. The dog</u>
9	<u>must be able to lie down while fully extended without the</u>
10	<u>dog's head, tail, legs, face, or feet touching any side of</u>
11	<u>the enclosure and without touching any other dog in the</u>
12	<u>cage. Commercial dog breeders shall also comply with</u>
13	<u>federal law requiring a specified amount of space as found</u>
14	<u>in 9 C.F.R. 3.6(c)(1) and multiply the calculated</u>
15	<u>dimensions by 2. For the second dog placed in the primary</u>
16	<u>enclosure the minimum floor space shall be doubled. The</u>
17	<u>floor space shall be calculated using the longest dog. For</u>
18	<u>each dog above 2, the minimum floor space shall by</u>
19	<u>multiplied by 1.5 per additional dog.</u>
20	<u>(11) Ensure that each breeding female with nursing</u>
21	<u>puppies is provided with an additional amount of floor</u>
22	<u>space based on her breed and behavioral characteristics and</u>
23	<u>in accordance with generally accepted husbandry practices.</u>
24	<u>(12) Ensure that all dogs housed in the same primary</u>
25	<u>enclosure must be compatible, as determined by</u>
26	<u>observation.</u>

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1	<u>(A) Dogs with an aggressive disposition must be</u>
2	<u>housed individually.</u>
3	<u>(B) Breeding females in heat may not be housed in</u>
4	<u>the same primary enclosure with sexually mature males,</u>
5	<u>except for breeding.</u>
6	<u>(C) Breeding females with litters may not be housed</u>
7	<u>in the same primary enclosure with other adult dogs,</u>
8	<u>and puppies under 12 weeks of age may not be housed in</u>
9	<u>the same primary enclosure with adult dogs, other than</u>
10	<u>the dam or foster dam.</u>
11	<u>(13) Ensure that primary enclosures are placed no</u>
12	<u>higher than 30 inches above the floor of the housing</u>

13	<u>facility and may not be placed over or stacked on top of</u>
14	<u>another cage or primary enclosure.</u>
15	<u>(14) Ensure that each primary enclosure has an entry</u>
16	<u>way that allows each dog unfettered clearance to an outdoor</u>
17	<u>run that is not accessible to other primary enclosures.</u>
18	<u>Each entry way from a primary enclosure to an outdoor run</u>
19	<u>area must be equipped with a wind or rain break which</u>
20	<u>protects the dogs from rain, snow, sun, and wind while in</u>
21	<u>their primary enclosures. The commercial dog breeder must</u>
22	<u>ensure that each run:</u>
23	<u>(A) Be at least 2 times the size of the primary</u>
24	<u>enclosure as required under Section 18.05 (2)(D).</u>
25	<u>(B) Has adequate means to prevent the dogs from</u>
26	<u>escaping or allowing predators to enter the run.</u>

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1	<u>(C) Be kept in good repair and free of rust, jagged</u>
2	<u>edges, or other defects that could cause injury to the</u>
3	<u>dogs.</u>
4	<u>(D) Be sanitized at least daily, or more often if</u>
5	<u>necessary, to prevent accumulation of debris and waste</u>
6	<u>and reduce disease hazards, insects, pests, and odors.</u>
7	<u>(E) Be surfaced with concrete or other impervious</u>
8	<u>material, but designed to permit the surface to be</u>
9	<u>cleaned and kept free from excessive accumulation of</u>
10	<u>animal waste.</u>
11	<u>(F) Be on ground level.</u>
12	<u>(G) Allows for adequate drainage, including</u>
13	<u>gutters and discharge of any fluid or content into a</u>
14	<u>sewer, septic tank, or filter field, and complies with</u>
15	<u>any local zoning.</u>
16	<u>This paragraph (14) shall not apply to indoor housing</u>
17	<u>facilities which, on or before the date of enactment of</u>
18	<u>this Section, were located below ground level and are</u>
19	<u>constructed in a manner that prohibits the commercial dog</u>
20	<u>breeder from providing dogs with access to an outdoor run</u>
21	<u>or whose indoor housing facility is located in a home. For</u>

22 such indoor housing facilities, all primary enclosures
 23 shall open into and be adjacent to an indoor run area. Each
 24 indoor run shall only be accessible from one primary
 25 enclosure. Dogs shall not be able to access runs that are
 26 accessible from other primary enclosures. Dogs must have

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1 unfettered clearance from their primary enclosures to the
 2 indoor run area. The provisions of subparagraphs (A)
 3 through (E) of this paragraph (14) shall apply to any
 4 indoor runs required under this subsection.
 5 (b) If the commercial dog breeder keeps a dog in an indoor
 6 housing facility, the indoor housing facility must:
 7 (1) Be sufficiently heated and cooled to protect the
 8 dogs from temperature or humidity extremes and to provide
 9 for their health and well-being. The ambient temperature in
 10 the facility must not fall below 50 degrees Fahrenheit. The
 11 ambient temperature must not rise above 85 degrees
 12 Fahrenheit. The temperature requirement may be waived if a
 13 veterinarian specifies in writing that in the case of an
 14 individual breeder, the breeding facility and the breed of
 15 the dog housed therein is able to withstand temperatures
 16 lower than 50 degrees without discomfort or the potential
 17 for harm to the dog(s) as a result of the temperature.
 18 (2) Be sufficiently ventilated at all times to minimize
 19 odors, drafts, ammonia levels and to prevent moisture
 20 condensation.
 21 (3) Be equipped with a working smoke alarm and shall
 22 have a means of fire suppression, such as a functioning
 23 fire extinguishers or a functioning sprinkler system on the
 24 premises.
 25 (4) Be an enclosure created by the continuous
 26 connection of a roof, floor, and walls; and

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1	<u>(5) Have at least one door for entry and exit that can</u>
2	<u>be opened and closed (any windows or openings which provide</u>
3	<u>natural light must be covered with a transparent material</u>
4	<u>such as glass or hard plastic) or in the case of an outdoor</u>
5	<u>run a wind or rain break shall be provided;</u>
6	<u>(6) Have sufficient lighting to allow for observation</u>
7	<u>of the dogs;</u>
8	<u>(7) The area surrounding the indoor housing facility</u>
9	<u>must be kept clean and in good repair to protect the dogs</u>
10	<u>from injury, to facilitate the husbandry practices</u>
11	<u>required in this act and to reduce or eliminate breeding</u>
12	<u>and living areas for rodents and other pests and vermin.</u>
13	<u>Premises must be kept free of accumulations of trash, junk,</u>
14	<u>waste products, and discarded matter. Weeds, grasses and</u>
15	<u>bushes must be controlled so as to facilitate cleaning of</u>
16	<u>the premises and pest control and to protect the health and</u>
17	<u>well-being of the dogs.</u>
18	<u>(c) This Section applies beginning one year after the</u>
19	<u>effective date of this amendatory Act of the 96th General</u>
20	<u>Assembly.</u>
21	(225 ILCS 605/18.06 new)
22	<u>Sec. 18.06. Additional requirements for pet shop</u>
23	<u>operators.</u>
24	<u>(a) Pet shop operators shall only acquire dogs from</u>
25	<u>breeders that are duly licensed under this Act if required to</u>

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1	<u>be so licensed, and licensed as a breeder by the United States</u>
2	<u>Department of Agriculture as defined by 7 U.S.C. §2131 at the</u>
3	<u>time the dog is bred and at the time of sale if required to be</u>
4	<u>so licensed.</u>
5	<u>(b) If a pet shop operator keeps dogs in primary</u>
6	<u>enclosures, which includes cages, kennels, and runs, he or she</u>
7	<u>must:</u>
8	<u>(1) Ensure that the primary enclosure contains potable</u>
9	<u>water that is not frozen, that is free from debris, and is</u>
10	<u>readily accessible to all dogs at all times.</u>

11	<u>(2) Store all food in a manner that prevents spoilage,</u>
12	<u>vermin infestation, and contamination.</u>
13	<u>(3) Provide all dogs at least daily with adequate food.</u>
14	<u>(4) Clean and sanitize the food and water receptacles</u>
15	<u>on a weekly basis so as to comply with subparagraphs (1)</u>
16	<u>and (2).</u>
17	<u>(5) Remove feces, urine, hair, dirt, debris, and food</u>
18	<u>waste from the primary enclosures and sanitize them at</u>
19	<u>least daily, or more often if necessary, to prevent an</u>
20	<u>accumulation and to reduce disease hazards, insects,</u>
21	<u>pests, and odors.</u>
22	<u>(6) Ensure that the dogs are removed from the primary</u>
23	<u>enclosure when cleaning occurs.</u>
24	<u>(7) Ensure that all floors are constructed in a manner</u>
25	<u>that protects the dogs' feet and legs from injury and that:</u>
26	<u>(A) all cages include a solid surface, which may be</u>

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1	<u>removable for cleaning, the solid surface must be large</u>
2	<u>enough for all the dogs in the enclosure to lie down in</u>
3	<u>a full lateral recumbent position simultaneously;</u>
4	<u>(B) all floors that are warped or sagging are</u>
5	<u>replaced; and</u>
6	<u>(C) all floors and cages have no sharp points or</u>
7	<u>edges that could injure the dogs.</u>
8	<u>(8) Provide space to allow each dog to turn about</u>
9	<u>freely, to stand, sit, and lie in a comfortable and normal</u>
10	<u>position. The dog must be able to lie down while fully</u>
11	<u>extended without the dog's head, tail, legs, face or feet</u>
12	<u>touching any side of the enclosure and without touching any</u>
13	<u>other dog in the cage. Pet Shop Operators shall also comply</u>
14	<u>with federal law requiring a specified amount of space as</u>
15	<u>found in 9 C.F.R. § 3.6(c)(1). For the second dog placed in</u>
16	<u>the primary enclosure the minimum floor space shall be</u>
17	<u>doubled. The floor space shall be calculated using the</u>
18	<u>longest dog. For each dog above two, the minimum floor</u>
19	<u>space shall be multiplied by 1.5 per additional dog. This</u>

20	<u>paragraph (8) applies beginning one year after the</u>
21	<u>effective date of this amendatory Act of the 96th General</u>
22	<u>Assembly.</u>
23	<u>(9) Ensure that all dogs housed in the same primary</u>
24	<u>enclosure must be compatible, as determined by</u>
25	<u>observation.</u>
26	<u>(A) Not more than 3 dogs that are 5 months or older</u>
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1	<u>may be housed in the cage, kennel or run.</u>
2	<u>(B) Dogs with a vicious or aggressive disposition</u>
3	<u>must be housed individually.</u>
4	<u>(10) Ensure that all structures or dwellings where dogs</u>
5	<u>are kept are sufficiently heated and cooled to protect the</u>
6	<u>dogs from temperature or humidity extremes and to provide</u>
7	<u>for their health and well-being. The ambient temperature in</u>
8	<u>the facility must not fall below 50 degrees F. The ambient</u>
9	<u>temperature must not rise above 85 degrees F.</u>
10	<u>(11) Ensure that all structures or dwellings where dogs</u>
11	<u>are kept are sufficiently ventilated at all times to</u>
12	<u>minimize odors, drafts, ammonia levels and to prevent</u>
13	<u>moisture condensation</u>
14	<u>(12) Ensure that all structures or dwellings where dogs</u>
15	<u>are kept are equipped with a working smoke alarm and shall</u>
16	<u>have a means of fire suppression, such as a functioning</u>
17	<u>fire extinguishers or a functioning sprinkler system on the</u>
18	<u>premises.</u>
19	<u>(13) Ensure that, if the primary enclosures are</u>
20	<u>stacked, a tray or other department-approved device is</u>
21	<u>utilized which will prevent urine, feces, and other debris</u>
22	<u>from passing onto or being discharged onto the underlying</u>
23	<u>primary enclosure and that:</u>
24	<u>(A) The tray or approved device must be impermeable to</u>
25	<u>water and capable of being easily sanitized; and</u>
26	<u>(B) The tray or approved device must be cleaned and be</u>

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1	<u>sanitized of all feces, urine, hair, dirt, and debris and</u>		
2	<u>food waste must be removed from primary enclosure at least</u>		
3	<u>daily or more often if necessary to prevent an accumulation</u>		
4	<u>and to reduce disease hazards, insects, pests and odors.</u>		
5	<u>(14) A pet shop operator shall provide an area separate</u>		
6	<u>from other dogs for the isolation of any dog that appears</u>		
7	<u>to be affected with any infectious or contagious disease,</u>		
8	<u>parasitism, or physical injuries. The isolation area must</u>		
9	<u>be physically separate from the area of the general</u>		
10	<u>population so that there can be no contact between the</u>		
11	<u>isolated animal and animals in the general population. Dogs</u>		
12	<u>may be returned to the general kennel population after an</u>		
13	<u>examination, treatment, if required, and written release</u>		
14	<u>from a licensed veterinarian. Nothing in this subsection</u>		
15	<u>shall require nursing mothers to be separated from their</u>		
16	<u>litters.</u>		
17	<u>(225 ILCS 605/18.5 new)</u>		
18	<u>Sec. 18.5. Animal welfare issues. The Department must refer</u>		
19	<u>any possible violation of Sections 3.01, 3.02, 3.03, and 4.01</u>		
20	<u>of the Humane Care for Animals Act or Section 26-5 of the</u>		
21	<u>Criminal Code of 1961 within 24 hours of the Department</u>		
22	<u>becoming knowledgeable about the possible violation to the</u>		
23	<u>appropriate local county animal control, law enforcement, or</u>		
24	<u>the county States Attorney. Nothing in this Act prevent the</u>		
25	<u>Department from further investigation and prosecution under</u>		

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1	<u>the Humane Care for Animals Act or the Animal Welfare Act.</u>		
2	<u>(225 ILCS 605/20.1 new)</u>		
3	<u>Sec. 20.1. Unlicensed practice as a dog breeder or</u>		
4	<u>commercial dog breeder; violation; civil penalty.</u>		
5	<u>(a) Any person operating as a dog breeder or a commercial</u>		
6	<u>dog breeder without a license under this act must in addition</u>		
7	<u>to any other penalty provided by law, pay a civil penalty to</u>		

8 the Department in an amount not to exceed \$5,000 for each
9 offense as determined by the Department. The civil penalty
10 shall be assessed by the Department after a hearing is held in
11 accordance with the provisions set forth in this Act regarding
12 the provision of a hearing for the discipline of a licensee.

13 (b) The Department has the authority and power to
14 investigate any unlicensed activity.

15 (c) The civil penalty shall be paid within 60 days after
16 the effective date of the order imposing the civil penalty. The
17 order shall constitute a judgment and may be filed and
18 execution had thereon in the same manner as any judgment from
19 any court of record.

20 (d) The Department may also issue a cease and desist order
21 to any person doing business without the required license. The
22 order shall set forth the general factual and legal basis for
23 the action and shall advise the affected person that within
24 seven days of receipt of the order, he may file with the
25 secretary a written request for an administrative hearing. The

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1 order to cease and desist shall become a final order of the
2 department upon expiration of the seven-day period for
3 requesting an administrative hearing, unless a timely request
4 has been filed with the department. An unlicensed dog breeder
5 or commercial dog breeder who receives a cease and desist order
6 shall dispose of all dogs within 10 calendar days of receiving
7 the order. The unlicensed dog breeder or commercial dog breeder
8 may only dispose of the dogs to an animal control facility or
9 Illinois licensed shelter or by having a dog humanely
10 euthanized by a licensed veterinarian unless otherwise
11 authorizes in writing by the Department of Agriculture, which
12 may include to a licensed dog breeder or licensed commercial
13 dog breeder. Failure to comply will result in forfeiture of the
14 dogs in a manner approved by the Department and the imposition
15 of a civil penalty by the Department in an amount not to exceed
16 \$5,000 for each offense.

17 (e) An unlicensed dog breeder or commercial dog breeder

18 that requests a hearing and applies for a license under this
 19 act within 10 calendar days of receiving the cease and desist
 20 order does not have to comply with subsection (b). However,
 21 until a license is granted, the unlicensed dog breeder or
 22 commercial dog breeder shall not breed or sell any dog without
 23 prior written authorization by the Department of Agriculture.

24 (225 ILCS 605/20.5)

25 Sec. 20.5. Administrative fines. The following

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1 administrative fines shall be imposed by the Department upon
 2 any person or entity who violates any provision of this Act or
 3 any rule adopted by the Department under this Act, except as
 4 specified in Sections 10.5 and 20.1 of this Act:

5 (1) For the first violation, a fine of \$200.

6 (2) For a second violation that occurs within 3 years
 7 after the first violation, a fine of \$500.

8 (3) For a third violation that occurs within 3 years
 9 after the first violation, mandatory 12 month suspension
 10 probationary status and a fine of \$1,000.

11 (4) For a fourth violation occurring within 4 years of
 12 the first violation, mandatory revocation for a period of
 13 at least 5 years and a fine of \$5,000.

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

15 (225 ILCS 605/23 new)

16 Sec. 23. Severability. If any provision of this Act or the
 17 application of any provision of this Act to any person or
 18 circumstance is held invalid, the invalidity does not affect
 19 other provisions or applications of this Act that can be given
 20 effect without the invalid provision or application, and for
 21 this purpose the provisions of this Act are severable.

22 Section 99. Effective date. This Act takes effect on
 23 January 1, 2010."