



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2824

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

225 ILCS 605/3.1 from Ch. 8, par. 303.1
225 ILCS 605/3.5
225 ILCS 605/3.6
225 ILCS 605/3.8 new
225 ILCS 605/3.15

Amends the Animal Welfare Act. Provides that every dog dealer and cattery operator shall provide for every dog or cat available for sale documentation that indicates that the dog or cat has been microchipped. Requires an animal shelter or animal control facility to provide information to an adopter prior to the time of adoption whether the dog or cat to be adopted was microchipped prior to being placed in the animal shelter or animal control facility. Provides that if a dog or cat turned into an animal shelter has a microchip and the primary contact or owner refuses to reclaim the cat or dog, the shelter shall contact the pet shop operator or rescue organization identified on the microchip and request they claim the dog or cat. Provides that a pet shop operator, dog dealer, or cattery operator may not obtain a dog or cat for resale or sell or offer for sale any dog or cat obtained from a person who has committed violations of certain federal laws or regulations, as tracked by the United States Department of Agriculture. Provides for certain exceptions. Requires pet shop operators to microchip all dogs and cats. Requires pet shop operators to include a disclosure that a dog or cat for sale has been microchipped. Denies home rule powers. Effective immediately.

LRB100 06285 SMS 16322 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Animal Welfare Act is amended by changing
5 Sections 3.1, 3.5, 3.6, and 3.15 and by adding Section 3.8 as
6 follows:

7 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

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

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

13 (b) The breed of the animal.

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

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

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

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

21 (g) Documentation that indicates that the dog or cat has
22 been microchipped.

23 (Source: P.A. 96-1470, eff. 1-1-11.)

1 (225 ILCS 605/3.5)

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

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

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

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

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

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

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

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

25 (7) Whether the dog or cat was microchipped prior to

1 being placed in the animal shelter or animal control
2 facility.

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

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

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

25 (c) A copy of the disclosures and the signed
26 acknowledgement of disclosures form shall be provided to the

1 adopter and the original copy shall be maintained by the animal
2 shelter or animal control facility for a period of 2 years from
3 the date of adoption. A copy of the animal shelter's or animal
4 control facility's policy regarding warranties, refunds, or
5 returns shall be provided to the adopter.

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

10 (Source: P.A. 96-1470, eff. 1-1-11.)

11 (225 ILCS 605/3.6)

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

13 (a) No animal shelter may accept a stray dog or cat unless
14 the animal is reported by the shelter to the animal control or
15 law enforcement of the county in which the animal is found by
16 the next business day. An animal shelter may accept animals
17 from: (1) the owner of the animal where the owner signs a
18 relinquishment form which states he or she is the owner of the
19 animal; (2) an animal shelter licensed under this Act; or (3)
20 an out-of-state animal control facility, rescue group, or
21 animal shelter that is duly licensed in their state or is a
22 not-for-profit organization.

23 (b) When stray dogs and cats are accepted by an animal
24 shelter, they must be scanned for the presence of a microchip
25 and examined for other currently-acceptable methods of

1 identification, including, but not limited to, identification
2 tags, tattoos, and rabies license tags. The examination for
3 identification shall be done within 24 hours after the intake
4 of each dog or cat. The animal shelter shall notify the owner
5 and transfer any dog with an identified owner to the animal
6 control or law enforcement agency in the jurisdiction in which
7 it was found or the local animal control agency for redemption.

8 (b-5) If the dog or cat has been microchipped and the
9 primary contact or owner refuses to reclaim the dog or cat, the
10 animal shelter shall contact the pet shop operator or rescue
11 organization identified on the microchip and request they claim
12 the dog or cat. If the rescue or pet shop operator claims the
13 dog or cat, it shall determine how best to find a new owner for
14 the dog or cat.

15 (c) If no transfer can occur pursuant to subsection (b) or
16 (b-5) of this Section, the animal shelter shall make every
17 reasonable attempt to contact the owner, agent, or caretaker as
18 soon as possible. The animal shelter shall give notice of not
19 less than 7 business days to the owner, agent, or caretaker
20 prior to disposal of the animal. The notice shall be mailed to
21 the last known address of the owner, agent, or caretaker.
22 Testimony of the animal shelter, or its authorized agent, who
23 mails the notice shall be evidence of the receipt of the notice
24 by the owner, agent, or caretaker of the animal. A mailed
25 notice shall remain the primary means of owner, agent, or
26 caretaker contact; however, the animal shelter shall also

1 attempt to contact the owner, agent, or caretaker by any other
2 contact information, such as by telephone or email address,
3 provided by the microchip or other method of identification
4 found on the dog or cat. If the dog or cat has been
5 microchipped and the primary contact listed by the chip
6 manufacturer cannot be located or refuses to reclaim the dog or
7 cat, an attempt shall be made to contact any secondary contacts
8 listed by the chip manufacturer, including the pet shop
9 operator, pursuant to subsection (b-5) of this Section, if the
10 information is provided, prior to adoption, transfer, or
11 euthanization. Prior to transferring any stray dog or cat to
12 another humane shelter or rescue group or euthanization, the
13 dog or cat shall be scanned again for the presence of a
14 microchip and examined for other means of identification. If a
15 second scan provides the same identifying information as the
16 initial intake scan and the owner, agent, or caretaker has not
17 been located or refuses to reclaim the dog or cat, the animal
18 shelter may proceed with adoption, transfer, or euthanization.

19 (d) When stray dogs and cats are accepted by an animal
20 shelter and no owner can be identified, the shelter shall hold
21 the animal for the period specified in local ordinance prior to
22 adoption, transfer, or euthanasia. The animal shelter shall
23 allow access to the public to view the animals housed there. If
24 a dog is identified by an owner who desires to make redemption
25 of it, the dog shall be transferred to the local animal control
26 for redemption. If no transfer can occur, the animal shelter

1 shall proceed pursuant to Section 3.7. Upon lapse of the hold
2 period specified in local ordinance and no owner can be
3 identified, ownership of the animal, by operation of law,
4 transfers to the shelter that has custody of the animal.

5 (e) No representative of an animal shelter may enter
6 private property and remove an animal without permission from
7 the property owner and animal owner, nor can any representative
8 of an animal shelter direct another individual to enter private
9 property and remove an animal unless that individual is an
10 approved humane investigator (approved by the Department)
11 operating pursuant to the provisions of the Humane Care for
12 Animals Act.

13 (f) Nothing in this Section limits an animal shelter and an
14 animal control facility who, through mutual agreement, wish to
15 enter into an agreement for animal control, boarding, holding,
16 or other services provided that the agreement requires parties
17 adhere to the provisions of the Animal Control Act, the Humane
18 Euthanasia in Animal Shelters Act, and the Humane Care for
19 Animals Act.

20 (Source: P.A. 99-310, eff. 1-1-16.)

21 (225 ILCS 605/3.8 new)

22 Sec. 3.8. Sourcing of dogs and cats sold by pet shops, dog
23 dealers, or cattery operators.

24 (a) A pet shop operator, dog dealer, or cattery operator
25 may not obtain a dog or cat for resale or sell or offer for sale

1 any dog or cat obtained from a person who is required to be
2 licensed by the pet dealer regulations of the United States
3 Department of Agriculture under the federal Animal Welfare Act
4 (7 U.S.C. 2131 et seq.) if any of the following applies:

5 (1) The person is not currently licensed by the United
6 States Department of Agriculture under the federal Animal
7 Welfare Act.

8 (2) On the last inspection report, as posted on the
9 Animal Care Information System online search tool
10 maintained by the United States Department of Agriculture,
11 before obtaining the dog or cat the person commits a
12 critical non-compliant issue of any of the pet dealer
13 regulations of the United States Department of Agriculture
14 under the federal Animal Welfare Act.

15 (3) The person commits a direct non-compliant issue of
16 the pet dealer regulations of the United States Department
17 of Agriculture on the last inspection report posted on the
18 Animal Care Information System online search tool
19 maintained by the United States Department of Agriculture,
20 before obtaining the dog or cat, for violations relating to
21 the health or welfare of the animal and the violations were
22 not administrative in nature.

23 (b) A pet shop operator, dog dealer, or cattery operator is
24 presumed to have acted in good faith and to have satisfied its
25 obligation to ascertain whether a person meets the criteria
26 described in subsection (a) of this Section if, when placing an

1 order to obtain a dog or cat for sale or resale, the pet shop
2 operator, dog dealer, or cattery operator conducts a search for
3 inspection reports that are readily available of the breeder on
4 the Animal Care Information System online search tool
5 maintained by the United States Department of Agriculture. A
6 pet shop operator, dog dealer, or cattery operator is in
7 compliance with this Section if the United States Department of
8 Agriculture website is unavailable through no fault of the pet
9 shop operator, dog dealer, or cattery operator; however, the
10 pet shop operator, dog dealer, or cattery operator shall obtain
11 the most current inspection report as soon as it becomes
12 available on the United States Department of Agriculture
13 website.

14 (c) Notwithstanding subsections (a) and (b) of this
15 Section, a pet shop operator, dog dealer, or cattery operator
16 may obtain a dog or cat for resale or sell or offer for sale any
17 dog or cat obtained from: (1) a person that sells dogs only he
18 or she has produced and raised, (2) a publicly operated pound
19 or a private non-profit humane society or rescue, or (3) an
20 animal adoption event conducted by a pound or humane society.

21 (d) A pet shop operator, dog dealer, or cattery operator
22 shall maintain records verifying its compliance with this
23 Section for 2 years after obtaining the dog or cat to be sold
24 or offered for sale. Records maintained pursuant to this
25 subsection (d) shall be open to inspection on request by a
26 Department of Agriculture inspector.

1 (e) It is recognized that the sourcing of dogs and cats
2 into Illinois is a matter of statewide interest to protect the
3 health and safety of both the animals and the citizens of
4 Illinois. A home rule unit may not regulate the sourcing of
5 dogs and cats sold by pet shop operators, dog dealers, or
6 cattery operators. This Section is a denial and limitation of
7 home rule powers and functions under subsection (h) of Section
8 6 of Article VII of the Illinois Constitution.

9 (225 ILCS 605/3.15)

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

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

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

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

20 (3) The date and description of any inoculation or
21 medical treatment that the dog or cat received while under
22 the possession of the pet shop operator.

23 (4) The name and business address of both the dog or
24 cat breeder and the facility where the dog or cat was born.

25 If the dog or cat breeder is located in the State, then the

1 breeder's license number. If the dog or cat breeder also
2 holds a license issued by the United States Department of
3 Agriculture, the breeder's federal license number.

4 (5) (Blank).

5 (6) If eligible for registration with a pedigree
6 registry, then the name and registration numbers of the
7 sire and dam and the address of the pedigree registry where
8 the sire and dam are registered.

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

11 (8) A copy of the pet shop's policy regarding
12 warranties, refunds, or returns and an explanation of the
13 remedy under subsections (f) through (m) of this Section in
14 addition to any other remedies available at law.

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

17 (10) Disclosure that the dog or cat has been
18 microchipped.

19 (a-5) All dogs and cats shall be microchipped by a pet shop
20 operator prior to sale.

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

1 (1) A blank space for the dated signature and printed
2 name of the pet shop operator, which shall be immediately
3 beneath the following statement: "I hereby attest that all
4 of the above information is true and correct to the best of
5 my knowledge."

6 (2) A blank space for the customer to sign and print
7 his or her name and the date, which shall be immediately
8 beneath the following statement: "I hereby attest that this
9 disclosure was posted on or near the cage of the dog or cat
10 for sale and that I have read all of the disclosures. I
11 further understand that I am entitled to keep a signed copy
12 of this disclosure."

13 (c) A copy of the disclosures and the signed
14 acknowledgement of disclosures form shall be provided to the
15 customer at the time of sale and the original copy shall be
16 maintained by the pet shop operator for a period of 2 years
17 from the date of sale. A copy of the pet store operator's
18 policy regarding warranties, refunds, or returns shall be
19 provided to the customer.

20 (d) A pet shop operator shall post in a conspicuous place
21 in writing on or near the cage of any dog or cat available for
22 sale the information required by subsection (a) of this Section
23 3.15.

24 (e) If there is an outbreak of distemper, parvovirus, or
25 any other contagious and potentially life-threatening disease,
26 the pet shop operator shall notify the Department immediately

1 upon becoming aware of the disease. If the Department issues a
2 quarantine, the pet shop operator shall notify, in writing and
3 within 2 business days of the quarantine, each customer who
4 purchased a dog or cat during the 2-week period prior to the
5 outbreak and quarantine.

6 (f) A customer who purchased a dog or cat from a pet shop
7 is entitled to a remedy under this Section if:

8 (1) within 21 days after the date of sale, a licensed
9 veterinarian states in writing that at the time of sale (A)
10 the dog or cat was unfit for purchase due to illness or
11 disease, the presence of symptoms of a contagious or
12 infectious disease, or obvious signs of severe parasitism
13 that are extreme enough to influence the general health of
14 the animal, excluding fleas or ticks, or (B) the dog or cat
15 has died from a disease that existed in the dog or cat on
16 or before the date of delivery to the customer; or

17 (2) within one year after the date of sale, a licensed
18 veterinarian states in writing that the dog or cat
19 possesses a congenital or hereditary condition that
20 adversely affects the health of the dog or cat or requires
21 either hospitalization or a non-elective surgical
22 procedure or has died of a congenital or hereditary
23 condition. Internal or external parasites may not be
24 considered to adversely affect the health of the dog unless
25 the presence of the parasites makes the dog or cat
26 clinically ill. The veterinarian's statement shall

1 include:

2 (A) the customer's name and address;

3 (B) a statement that the veterinarian examined the
4 dog or cat;

5 (C) the date or dates that the dog or cat was
6 examined;

7 (D) the breed and age of the dog or cat, if known;

8 (E) a statement that the dog or cat has or had a
9 disease, illness, or congenital or hereditary
10 condition that is subject to remedy; and

11 (F) the findings of the examination or necropsy,
12 including any lab results or copies of the results.

13 (g) A customer entitled to a remedy under subsection (f) of
14 this Section may:

15 (1) return the dog or cat to the pet shop for a full
16 refund of the purchase price;

17 (2) exchange the dog or cat for another dog or cat of
18 comparable value chosen by the customer;

19 (3) retain the dog or cat and be reimbursed for
20 reasonable veterinary fees for diagnosis and treatment of
21 the dog or cat, not to exceed the purchase price of the dog
22 or cat; or

23 (4) if the dog or cat is deceased, be reimbursed for
24 the full purchase price of the dog or cat plus reasonable
25 veterinary fees associated with the diagnosis and
26 treatment of the dog or cat, not to exceed one times the

1 purchase price of the dog or cat.

2 For the purposes of this subsection (g), veterinary fees
3 shall be considered reasonable if (i) the services provided are
4 appropriate for the diagnosis and treatment of the disease,
5 illness, or congenital or hereditary condition and (ii) the
6 cost of the services is comparable to that charged for similar
7 services by other licensed veterinarians located in close
8 proximity to the treating veterinarian.

9 (h) Unless the pet shop contests a reimbursement required
10 under subsection (g) of this Section, the reimbursement shall
11 be made to the customer no later than 10 business days after
12 the pet shop operator receives the veterinarian's statement
13 under subsection (f) of this Section.

14 (i) To obtain a remedy under this Section, a customer
15 shall:

16 (1) notify the pet shop as soon as reasonably possible
17 and not to exceed 3 business days after a diagnosis by a
18 licensed veterinarian of a disease, illness, or congenital
19 or hereditary condition of the dog or cat for which the
20 customer is seeking a remedy;

21 (2) provide to the pet shop a written statement
22 provided for under subsection (f) of this Section by a
23 licensed veterinarian within 5 business days after a
24 diagnosis by the veterinarian;

25 (3) upon request of the pet shop, take the dog or cat
26 for an examination by a second licensed veterinarian; the

1 customer may either choose the second licensed
2 veterinarian or allow the pet shop to choose the second
3 veterinarian, if the pet shop agrees to do so. The party
4 choosing the second veterinarian shall assume the cost of
5 the resulting examination; and

6 (4) if the customer requests a reimbursement of
7 veterinary fees, provide to the pet shop an itemized bill
8 for the disease, illness, or congenital or hereditary
9 condition of the dog or cat for which the customer is
10 seeking a remedy.

11 (j) A customer is not entitled to a remedy under this
12 Section if:

13 (1) the illness or death resulted from: (A)
14 maltreatment or neglect by the customer; (B) an injury
15 sustained after the delivery of the dog or cat to the
16 customer; or (C) an illness or disease contracted after the
17 delivery of the dog or cat to the customer;

18 (2) the customer does not carry out the recommended
19 treatment prescribed by the veterinarian who made the
20 diagnosis; or

21 (3) the customer does not return to the pet shop all
22 documents provided to register the dog or cat, unless the
23 documents have already been sent to the registry
24 organization.

25 (k) A pet shop may contest a remedy under this Section by
26 having the dog or cat examined by a second licensed

1 veterinarian pursuant to paragraph (3) of subsection (i) of
2 this Section if the dog or cat is still living. If the dog or
3 cat is deceased, the pet shop may choose to have the second
4 veterinarian review any records provided by the veterinarian
5 who examined or treated the dog or cat for the customer before
6 its death.

7 If the customer and the pet shop have not reached an
8 agreement within 10 business days after the examination of the
9 medical records and the dog or cat, if alive, or the dog's or
10 cat's medical records, if deceased, by the second veterinarian,
11 then:

12 (1) the customer may bring suit in a court of competent
13 jurisdiction to resolve the dispute; or

14 (2) if the customer and the pet shop agree in writing,
15 the parties may submit the dispute to binding arbitration.

16 If the court or arbiter finds that either party acted in
17 bad faith in seeking or denying the requested remedy, then the
18 offending party may be required to pay reasonable attorney's
19 fees and court costs of the adverse party.

20 (1) This Section shall not apply to any adoption of dogs or
21 cats, including those in which a pet shop or other organization
22 rents or donates space to facilitate the adoption.

23 (m) If a pet shop offers its own warranty on a pet, a
24 customer may choose to waive the remedies provided under
25 subsection (f) of this Section in favor of choosing the
26 warranty provided by the pet shop. If a customer waives the

1 rights provided by subsection (f), the only remedies available
2 to the customer are those provided by the pet shop's warranty.
3 For the statement to be an effective waiver of the customer's
4 right to refund or exchange the animal under subsection (f),
5 the pet shop must provide, in writing, a statement of the
6 remedy under subsection (f) that the customer is waiving as
7 well as a written copy of the pet shop's warranty. For the
8 statement to be an effective waiver of the customer's right to
9 refund or exchange the animal under subsection (f), it shall be
10 substantially similar to the following language:

11 "I have agreed to accept the warranty provided by the
12 pet shop in lieu of the remedies under subsection (f) of
13 Section 3.15 of the Animal Welfare Act. I have received a
14 copy of the pet shop's warranty and a statement of the
15 remedies provided under subsection (f) of Section 3.15 of
16 the Animal Welfare Act. This is a waiver pursuant to
17 subsection (m) of Section 3.15 of the Animal Welfare Act
18 whereby I, the customer, relinquish any and all right to
19 return the animal for congenital and hereditary disorders
20 provided by subsection (f) of Section 3.15 of the Animal
21 Welfare Act. I agree that my exclusive remedy is the
22 warranty provided by the pet shop at the time of sale."

23 (Source: P.A. 98-509, eff. 1-1-14; 98-593, eff. 11-15-13.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.