



Sen. Cristina Castro

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1 AMENDMENT TO SENATE BILL 3078

2 AMENDMENT NO. _____. Amend Senate Bill 3078 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Animal Welfare Act is amended by changing
5 Section 2 and by adding Sections 21.5, 21.10, 21.15, and 21.20
6 as follows:

7 (225 ILCS 605/2) (from Ch. 8, par. 302)

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

10 "Department" means the Illinois Department of Agriculture.

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

13 "Pet shop operator" means any person who sells, offers to
14 sell, exchange, or offers for adoption with or without charge
15 or donation dogs, cats, birds, fish, reptiles, or other animals
16 customarily obtained as pets in this State. However, a person

1 who sells only such animals that he has produced and raised
2 shall not be considered a pet shop operator under this Act, and
3 a veterinary hospital or clinic operated by a veterinarian or
4 veterinarians licensed under the Veterinary Medicine and
5 Surgery Practice Act of 2004 shall not be considered a pet shop
6 operator under this Act.

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

15 "Secretary of Agriculture" or "Secretary" means the
16 Secretary of Agriculture of the United States Department of
17 Agriculture.

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

22 "Kennel operator" means any person who operates an
23 establishment, other than an animal control facility,
24 veterinary hospital, or animal shelter, where dogs or dogs and
25 cats are maintained for boarding, training or similar purposes
26 for a fee or compensation.

1 "Boarding" means a time frame greater than 12 hours or an
2 overnight period during which an animal is kept by a kennel
3 operator.

4 "Cat breeder" means a person who sells, offers to sell,
5 exchanges, or offers for adoption with or without charge cats
6 that he or she has produced and raised. A person who owns, has
7 possession of, or harbors 5 or less females capable of
8 reproduction shall not be considered a cat breeder.

9 "Dog breeder" means a person who sells, offers to sell,
10 exchanges, or offers for adoption with or without charge dogs
11 that he has produced and raised. A person who owns, has
12 possession of, or harbors 5 or less females capable of
13 reproduction shall not be considered a dog breeder.

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

24 "Animal shelter" means a facility operated, owned, or
25 maintained by a duly incorporated humane society, animal
26 welfare society, or other non-profit organization for the

1 purpose of providing for and promoting the welfare, protection,
2 and humane treatment of animals. An organization that does not
3 have its own building that maintains animals solely in foster
4 homes or other licensees is an "animal shelter" for purposes of
5 this Act. "Animal shelter" also means any veterinary hospital
6 or clinic operated by a veterinarian or veterinarians licensed
7 under the Veterinary Medicine and Surgery Practice Act of 2004
8 which operates for the above mentioned purpose in addition to
9 its customary purposes.

10 "Day care operator" means a person who operates an
11 establishment, other than an animal control facility,
12 veterinary hospital, or animal shelter, where dogs or dogs and
13 cats are kept for a period of time not exceeding 12 hours.

14 "Foster home" means an entity that accepts the
15 responsibility for stewardship of animals that are the
16 obligation of an animal shelter or animal control facility, not
17 to exceed 4 foster animals or 2 litters under 8 weeks of age at
18 any given time. A written agreement to operate as a "foster
19 home" shall be contracted with the animal shelter or animal
20 control facility.

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

26 "Guard dog" means a type of dog used primarily for the

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

6 "Return" in return to field or trap, neuter, return program
7 means to return the cat to field after it has been sterilized
8 and vaccinated for rabies.

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

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

16 "Owner" means any person having a right of property in an
17 animal, who keeps or harbors an animal, who has an animal in
18 his or her care or acts as its custodian, or who knowingly
19 permits a dog to remain on any premises occupied by him or her.

20 "Owner" does not include a feral cat caretaker participating in
21 a trap, spay/neuter, vaccinate for rabies, and return program.

22 "Complete physical examination" means an examination
23 performed by a licensed veterinarian in which the veterinarian
24 determines the health and fitness of the animal and renders
25 advice and recommendations pursuant to the Veterinary Medicine
26 and Surgery Practice Act of 2004. "Complete physical

1 examination" shall include at minimum a hands on examination,
2 including a comprehensive physical examination, dental
3 assessment, body condition scoring, and pain assessment.

4 "Animal" means any mammal, bird, fish, or reptile offered
5 for sale, trade, or adoption or for which a service is provided
6 by any person licensed under this Act.

7 "Companion animal" has that meaning ascribed to that term
8 in the Humane Care for Animals Act.

9 "Enclosure" means the area where a dog or cat is confined.
10 "Enclosure" includes, but is not limited to, cages, whelping
11 boxes, and runs.

12 "Equine shelter" means an "animal shelter" as defined in
13 this subsection that applies only to equines.

14 "Exotic or non-domesticated animals" means mammals
15 including non-human primates, reptiles, and birds that are not
16 native to North America and are not normally maintained
17 livestock (llamas, ratites, cervids, and similar animals are
18 considered livestock under this definition), or native mammals
19 that are not domesticated and normally maintained as pets
20 (i.e., prairie dogs). "Exotic or domesticated animals" does not
21 include hamsters, guinea pigs, gerbils, any member of the
22 species felis catus that has been domesticated, or canis
23 familiaris.

24 "Thermoneutral zone" means the range of ambient
25 temperature in which a dog or cat is able to maintain normal
26 body temperature without a change in metabolic rate.

1 "Work progress form" means a form issued by the Department
2 to a licensee or applicant that provides notice of deficiencies
3 and the improvements required to be made within a specified
4 period of time to comply with this Act.

5 (Source: P.A. 100-842, eff. 1-1-19; 100-870, eff. 1-1-19;
6 101-81, eff. 7-12-19; 101-295, eff. 8-9-19.)

7 (225 ILCS 605/21.5 new)

8 Sec. 21.5. Buildings and premises.

9 (a) All buildings and premises shall be maintained in a
10 sanitary condition and the licensee shall:

11 (1) Have covered, leak-proof containers available for
12 the storage of waste materials before disposal to control
13 vermin and insects. The containers shall be maintained in a
14 sanitary condition. This subsection (a)(1) does not apply
15 to equine shelters.

16 (2) Dispose of dead animals in compliance with the
17 Illinois Dead Animal Disposal Act pursuant to
18 administrative rule or the Companion Animal Cremation Act.
19 Compliance with these Acts shall not exempt a licensee from
20 compliance with local ordinances.

21 (3) Take effective control measures to prevent the
22 infestation of animals and premises with external
23 parasites and vermin.

24 (4) Provide water from a source having sufficient
25 pressure to properly sanitize and clean the facility and

1 equipment. This subsection (a) (4) does not apply to equine
2 shelters.

3 (5) Provide hand washing facilities.

4 (b) All buildings shall be constructed so as to provide
5 adequate shelter for the comfort of the animals and shall
6 provide adequate facilities for isolation of diseased animals
7 and their waste to avoid exposure to healthy and salable
8 animals.

9 (c) Floors of buildings, except in equine shelters, that
10 have or display animals shall be of permanent construction to
11 enable thorough cleaning and sanitizing. Dirt and unfinished
12 wood floors are unacceptable, except in equine shelters.
13 Cleaning shall be performed daily, or more often if necessary,
14 to prevent any accumulation of debris, dirt, or waste.

15 (d) Enclosures shall be constructed of a material that is
16 impervious to urine and water and able to withstand damage from
17 gnawing and chewing. This subsection (d) does not apply to
18 equine shelters. The floors of the enclosures must be
19 constructed of a material that does not sag, bend, or bounce,
20 and shall meet all of the following requirements:

21 (1) The enclosures must be cleaned and sanitized at
22 least once daily, or more often if necessary.

23 (2) All empty enclosures shall be kept clean at all
24 times.

25 (3) Enclosures shall be of sufficient size to allow the
26 animal to comfortably stand, sit, lie, turn in a complete

1 circle, and offer freedom of movement.

2 (4) An ambient temperature as defined in the rules for
3 the Federal Animal Welfare Act (9 CFR 3.2) shall be
4 maintained for warmblooded animals. In the case of
5 coldblooded animals, the temperature that is compatible to
6 the well-being of the species shall be maintained.

7 (5) The following requirements shall apply on or after
8 December 31, 2021, for all enclosures that contain dogs and
9 cats:

10 (A) Enclosure flooring must consist of a solid
11 surface, slats or coated wire (PVC or vinyl) to
12 decrease and prevent injury and decrease the
13 detrimental health effects on the enclosed animals.
14 Slats shall be appropriately spaced for the species and
15 size of the animal and shall be constructed in a manner
16 which prevents the animal's feet from getting trapped
17 or injured.

18 (B) Enclosures may not be stacked on top of each
19 other.

20 (C) Enclosures that are located indoors must be
21 placed in facilities with adequate light and
22 ventilation.

23 (6) On or after December 31, 2021, outdoor enclosures
24 for dogs and cats must meet the requirements under
25 paragraph (5) and the following additional requirements:

26 (A) If climatic or ambient temperatures pose a

1 threat to the health and welfare of the dog or cat,
2 effective measures must be taken to eliminate the
3 threat.

4 (B) An outdoor enclosure shall not be used if the
5 dog or cat is unable to tolerate the prevalent
6 temperatures within the animal's thermoneutral zones.

7 (e) Runs shall be constructed of material of sufficient
8 strength and design to confine the animals. This subsection (e)
9 does not apply to equine shelters. Runs shall meet all of the
10 following requirements:

11 (1) A run shall be kept in good repair and condition.

12 (2) For new construction or remodeling, the licensee
13 shall provide runs surfaced with concrete or other
14 impervious material.

15 (3) The surface of the run shall be designed to permit
16 the surface to be cleaned, disinfected, and kept free from
17 excessive accumulation of animal waste.

18 (4) Provisions must be made for adequate drainage.
19 Adequate drainage must include gutters and provide for the
20 discharge of any fluid or content into a sewer, septic
21 tank, or filter field. The drainage system shall comply
22 with any local zoning.

23 (f) Cages or aquariums for housing of small animals, birds,
24 or fish shall provide space that is not less than 2 and
25 one-half times the body volume of living creatures contained
26 therein.

1 (g) If animals are group-housed, the animals shall be
2 maintained in compatible groups without overcrowding. No
3 female animal in estrus shall be placed in a pen with male
4 animals, except for breeding purposes.

5 (h) Upon an inspection of a licensee or applicant by the
6 Department, the Department may provide a Work Progress Form to
7 the licensee or applicant if deficiencies are detected during
8 the inspection. The licensee or applicant must make the
9 improvements to correct the deficiencies listed in the form
10 within the time period specified in the form.

11 (225 ILCS 605/21.10 new)

12 Sec. 21.10. General care of animals.

13
14 (a) All persons or establishments licensed under this Act
15 shall comply with all sections of the Humane Care for Animals
16 Act.

17 (b) Sufficient clean water and fresh food shall be offered
18 to each animal daily as prescribed in the rules for the Federal
19 Animal Welfare Act (9 CFR 3.5-3.7). In the case of young
20 animals, they shall be fed more than once daily. Reptiles,
21 fish, or amphibians shall be fed and cared for in accordance
22 with the eating patterns and environmental conditions
23 compatible with each individual species.

24 (c) The licensee or his representative shall be present for
25 general care and maintenance of the animals at least once

1 daily.

2 (d) Aquariums containing fish shall be kept in a clean
3 healthful condition. Live algae shall not be considered an
4 unhealthful condition. Any dead fish shall be removed from
5 aquariums.

6 (e) Adult cats shall be provided with litter pans at all
7 times. The pans shall be cleaned and sanitized at least once
8 daily or more often if necessary.

9 (f) Equine shelters shall follow the American Association
10 of Equine Practitioners Care Guidelines for Equine Rescue and
11 Retirement Facilities published in 2004. The American
12 Association of Equine Practitioners Care Guidelines for Equine
13 Rescue and Retirement Facilities care guidelines shall be
14 published on the Department's web site.

15 (g) Dog breeders, animal shelters, kennel operators,
16 animal control facilities, foster homes, and pet shop operators
17 shall provide grooming to prevent matting of coat and to
18 prevent accumulation of fecal matter, urine, or any other
19 material within the coat. Grooming shall include nail trimming
20 to ensure that nails do not injure the dog or cat.

21 (h) Dog breeders, animal shelters, kennel operators,
22 animal control facilities, foster homes, and pet shop operators
23 shall comply with the Animal Control Act with regards to rabies
24 inoculation. The inoculation certificate must be registered
25 in the applicable county.

26 (i) Dog breeders, animal shelters, kennel operators,

1 animal control facilities, foster homes, and pet shop operators
2 shall provide dogs an opportunity for daily exercise. Exercise
3 may consist of a play area, time in run, or leash walks. A
4 daily log shall be maintained documenting daily exercise.

5 (j) Dog breeders, animal shelters, kennel operators,
6 animal control facilities, foster homes, and pet shop operators
7 shall ensure that they have a working relationship with a
8 veterinarian who provides recommendations on vaccination and
9 deworming protocols. Each animal shall receive a complete
10 physical examination within 30 days of intake, and thereafter
11 on an annual basis. A record of the complete physical
12 examinations shall be available for inspection.

13 (225 ILCS 605/21.15 new)

14 Sec. 21.15. Records.

15 (a) A record of the sale of each animal, excluding fish,
16 shall be maintained by the licensee for a minimum period of 12
17 months after date of sale or transfer of the animal. The record
18 shall include the source of the animal, the date of sale, the
19 sex of the animal sold, and the name and address of purchaser.
20 A record of the sale of a small mammal, including hamsters,
21 mice, gerbils, or rats that were born in the United States,
22 birds, and fish is not required. These records must be
23 available for inspection during normal business hours by
24 Department employees or persons designated by the Department.
25 Each licensee must report to the Department the number of dogs,

1 puppies, cats, kittens, and exotic or non-domesticated animals
2 sold for the previous calendar year at the time of license
3 renewal. Shelters and animal control facilities must report to
4 the Department the total number of dogs, cats, and other
5 animals received, adopted, euthanized, or reclaimed by the
6 owner for the previous calendar year at the time of license
7 renewal.

8 (b) If a record of the prophylactic medication received by
9 an animal is used in an advertisement or is furnished to the
10 purchaser or person who acquires an animal, the record must
11 include specific information regarding the type, amount, and
12 date of prophylactic medication. The record shall be kept by
13 the licensee and shall become a part of the retail sales
14 record.

15 (c) The licensee or his representative shall furnish the
16 purchaser of a dog, cat, or nonhuman primate a written
17 statement at the time of sale. The statement shall include all
18 of the following:

19 (1) The date of sale and date of birth, if known.

20 (2) The name, address, and telephone number of
21 licensee.

22 (3) The name, address, and telephone number of
23 purchaser.

24 (4) The breed and description of the dog, cat, or
25 non-human primate, including age, sex, and weight of the
26 animal.

1 (5) A description of each prophylactic immunization
2 provided to the animal and the dates that each immunization
3 was administered.

4 (6) A description of each internal parasite medication
5 provided to the animal and the dates that each
6 medication was administered.

7 (7) The record of sterilization of an animal or lack of
8 sterilization.

9 (8) The guarantee, if offered, or a statement that no
10 guarantee was offered to the purchaser.

11 (9) If the dog or cat sold to the purchaser is capable
12 of registration, the name and registration numbers of the
13 sire and dam and registry information.

14 (10) Include any other significant identification, if
15 known, for each animal, including any official tag number,
16 tattoo, or microchip.

17 This information may be recorded on Animal Welfare
18 Release Statement or on a similar form prepared by the
19 licensee and approved in advance by the Department.

20 (d) The licensee shall have any dog used as a breeding
21 animal tested annually for canine brucellosis. The test must be
22 performed by a licensed veterinarian and the licensee must keep
23 a copy of the test results for two years.

24 (225 ILCS 605/21.20 new)

25 Sec. 21.20. Rules. The Department of Agriculture shall

1 adopt such rules as it deems necessary to carry out this Act.".