

HB3861



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3861

by Rep. Norine K. Hammond

SYNOPSIS AS INTRODUCED:

225 ILCS 605/2
225 ILCS 605/3

from Ch. 8, par. 302
from Ch. 8, par. 303

Amends the Animal Welfare Act. Requires equine stable operators to be licensed by the Department of Financial and Professional Regulation. Defines "equine", "equine stable", and "equine stable operator". Exempts from the Act an agency of the State or of a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal law that owns or operates equines or provides equine services and does not otherwise operate an equine stable for hire.

LRB100 11386 SMS 21787 b

FISCAL 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 2 and 3 as follows:

6 (225 ILCS 605/2) (from Ch. 8, par. 302)

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

9 "Department" means the Illinois Department of Agriculture.

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

12 "Pet shop operator" means any person who sells, offers to
13 sell, exchange, or offers for adoption with or without charge
14 or donation dogs, cats, birds, fish, reptiles, or other animals
15 customarily obtained as pets in this State. However, a person
16 who sells only such animals that he has produced and raised
17 shall not be considered a pet shop operator under this Act, and
18 a veterinary hospital or clinic operated by a veterinarian or
19 veterinarians licensed under the Veterinary Medicine and
20 Surgery Practice Act of 2004 shall not be considered a pet shop
21 operator under this Act.

22 "Dog dealer" means any person who sells, offers to sell,
23 exchange, or offers for adoption with or without charge or

1 donation dogs in this State. However, a person who sells only
2 dogs that he has produced and raised shall not be considered a
3 dog dealer under this Act, and a veterinary hospital or clinic
4 operated by a veterinarian or veterinarians licensed under the
5 Veterinary Medicine and Surgery Practice Act of 2004 shall not
6 be considered a dog dealer under this Act.

7 "Secretary of Agriculture" or "Secretary" means the
8 Secretary of Agriculture of the United States Department of
9 Agriculture.

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

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

23 "Cattery operator" means any person who operates an
24 establishment, other than an animal control facility or animal
25 shelter, where cats are maintained for boarding, training or
26 similar purposes for a fee or compensation; or who sells,

1 offers to sell, exchange, or offers for adoption with or
2 without charges cats which he has produced and raised. A person
3 who owns, has possession of, or harbors 5 or less females
4 capable of reproduction shall not be considered a cattery
5 operator.

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

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

25 "Foster home" means an entity that accepts the
26 responsibility for stewardship of animals that are the

1 obligation of an animal shelter, not to exceed 4 animals at any
2 given time. Permits to operate as a "foster home" shall be
3 issued through the animal shelter.

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

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

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

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

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

26 "Owner" does not include a feral cat caretaker participating in

1 a trap, spay/neuter, return or release program.

2 "Equine" means any member of the Equidae family, including
3 horses, mules, and asses.

4 "Equine stable operator" means any person who operates an
5 establishment, other than an animal control facility,
6 veterinary hospital, or animal shelter, where equines are
7 maintained for boarding, holding, or other similar purposes and
8 a fee is charged for maintaining the equines or for the use of
9 the equines.

10 "Equine stable" means any building, structure, pasture, or
11 other enclosure where equines are maintained for boarding,
12 holding, training, breeding, riding, pulling vehicles, or
13 other similar purposes and a fee is charged for maintaining the
14 equines or for the use of the equines.

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

16 (225 ILCS 605/3) (from Ch. 8, par. 303)

17 Sec. 3. (a) Except as provided in subsection (b) of this
18 Section, no person shall engage in business as a pet shop
19 operator, dog dealer, kennel operator, cattery operator,
20 equine stable operator, or operate a guard dog service, an
21 animal control facility or animal shelter or any combination
22 thereof, in this State without a license therefor issued by the
23 Department. Only one license shall be required for any
24 combination of businesses at one location, except that a
25 separate license shall be required to operate a guard dog

1 service. Guard dog services that are located outside this State
2 but provide services within this State are required to obtain a
3 license from the Department. Out-of-state guard dog services
4 are required to comply with the requirements of this Act with
5 regard to guard dogs and sentry dogs transported to or used
6 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 (c) This Act does not apply to an agency of the State or of
14 a unit of local government which is vested by law or ordinance
15 with the duty to maintain public order and to enforce criminal
16 law that owns or operates equines or provides equine services
17 and does not otherwise operate an equine stable for hire.

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