



Sen. Michael E. Hastings

Filed: 4/27/2017

10000SB1882sam002

LRB100 06286 SMS 25265 a

1 AMENDMENT TO SENATE BILL 1882

2 AMENDMENT NO. _____. Amend Senate Bill 1882 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be referred to as
5 the Best Practices and Uniform Standards to Ensure Consumer
6 Protection and Safe Pets Act.

7 Section 5. The Animal Welfare Act is amended by changing
8 Sections 3.1, 3.6, and 3.15 and by adding Section 3.8 as
9 follows:

10 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

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

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

1 (b) The breed of the animal.

2 (c) A record of vaccinations and veterinary care and
3 treatment.

4 (d) A record of surgical sterilization or lack of surgical
5 sterilization.

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

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

9 (g) Documentation that indicates that the dog or cat has
10 been microchipped and the microchip has been enrolled in a
11 nationally searchable database.

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

13 (225 ILCS 605/3.6)

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

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

25 (b) When stray dogs and cats are accepted by an animal

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

10 (c) If no transfer can occur, the animal shelter shall make
11 every reasonable attempt to contact the owner, agent, or
12 caretaker as soon as possible. The animal shelter shall give
13 notice of not less than 7 business days to the owner, agent, or
14 caretaker prior to disposal of the animal. The notice shall be
15 mailed to the last known address of the owner, agent, or
16 caretaker. Testimony of the animal shelter, or its authorized
17 agent, who mails the notice shall be evidence of the receipt of
18 the notice by the owner, agent, or caretaker of the animal. A
19 mailed notice shall remain the primary means of owner, agent,
20 or caretaker contact; however, the animal shelter shall also
21 attempt to contact the owner, agent, or caretaker by any other
22 contact information, such as by telephone or email address,
23 provided by the microchip or other method of identification
24 found on the dog or cat. If the dog or cat has been
25 microchipped and the primary contact listed by the chip
26 manufacturer cannot be located or refuses to reclaim the dog or

1 cat, an attempt shall be made to contact any secondary contacts
2 listed by the chip manufacturer prior to adoption, transfer, or
3 euthanization. Prior to transferring any stray dog or cat to
4 another humane shelter, pet store, ~~or~~ rescue group, or
5 euthanization, the dog or cat shall be scanned again for the
6 presence of a microchip and examined for other means of
7 identification. If a second scan provides the same identifying
8 information as the initial intake scan and the owner, agent, or
9 caretaker has not been located or refuses to reclaim the dog or
10 cat, the animal shelter may proceed with adoption, transfer, or
11 euthanization.

12 (d) When stray dogs and cats are accepted by an animal
13 shelter and no owner can be identified, the shelter shall hold
14 the animal for the period specified in local ordinance prior to
15 adoption, transfer, or euthanasia. The animal shelter shall
16 allow access to the public to view the animals housed there. If
17 a dog is identified by an owner who desires to make redemption
18 of it, the dog shall be transferred to the local animal control
19 for redemption. If no transfer can occur, the animal shelter
20 shall proceed pursuant to Section 3.7. Upon lapse of the hold
21 period specified in local ordinance and no owner can be
22 identified, ownership of the animal, by operation of law,
23 transfers to the shelter that has custody of the animal.

24 (e) No representative of an animal shelter may enter
25 private property and remove an animal without permission from
26 the property owner and animal owner, nor can any representative

1 of an animal shelter direct another individual to enter private
2 property and remove an animal unless that individual is an
3 approved humane investigator (approved by the Department)
4 operating pursuant to the provisions of the Humane Care for
5 Animals Act.

6 (f) Nothing in this Section limits an animal shelter and an
7 animal control facility who, through mutual agreement, wish to
8 enter into an agreement for animal control, boarding, holding,
9 or other services provided that the agreement requires parties
10 adhere to the provisions of the Animal Control Act, the Humane
11 Euthanasia in Animal Shelters Act, and the Humane Care for
12 Animals Act.

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

14 (225 ILCS 605/3.8 new)

15 Sec. 3.8. Sourcing of dogs and cats sold by pet shops.

16 (a) A pet shop operator may not obtain a dog or cat for
17 resale or sell or offer for sale any dog or cat obtained from a
18 person who is required to be licensed by the pet dealer
19 regulations of the United States Department of Agriculture
20 under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.) if
21 any of the following applies to the original breeder:

22 (1) The person is not currently licensed by the United
23 States Department of Agriculture under the federal Animal
24 Welfare Act.

25 (2) During the 2-year period before the day the dog or

1 cat is received by the pet shop, the person received a
2 direct or critical non-compliant citation on a final
3 inspection report from the United States Department of
4 Agriculture under the federal Animal Welfare Act.

5 (3) During the 2-year period before the day the dog or
6 cat is received by the pet shop, the person received 3 or
7 more non-compliant citations on a final inspection report
8 from the United States Department of Agriculture for
9 violations relating to the health or welfare of the animal
10 and the violations were not administrative in nature.

11 (4) The person received a no-access violation on each
12 of the 3 most recent final inspection reports from the
13 United States Department of Agriculture.

14 (b) A pet shop operator is presumed to have acted in good
15 faith and to have satisfied its obligation to ascertain whether
16 a person meets the criteria described in subsection (a) of this
17 Section if, when placing an order to obtain a dog or cat for
18 sale or resale, the pet shop operator conducts a search for
19 inspection reports that are readily available of the breeder on
20 the Animal Care Information System online search tool
21 maintained by the United States Department of Agriculture. If
22 inspection reports are not readily available on the United
23 States Department of Agriculture website, the pet shop operator
24 must obtain the inspection reports from the person or persons
25 required to meet the criteria described in subsection (a) of
26 this Section.

1 (c) Notwithstanding subsections (a) and (b) of this
2 Section, a pet shop operator may obtain a dog or cat for resale
3 or sell or offer for sale any dog or cat obtained from: (1) a
4 person that sells dogs only he or she has produced and raised
5 and who is not required to be licensed by the United States
6 Department of Agriculture, (2) a publicly operated pound or a
7 private non-profit humane society or rescue, or (3) an animal
8 adoption event conducted by a pound or humane society.

9 (d) A pet shop operator shall maintain records verifying
10 its compliance with this Section for 2 years after obtaining
11 the dog or cat to be sold or offered for sale. Records
12 maintained pursuant to this subsection (d) shall be open to
13 inspection on request by a Department of Agriculture inspector.

14 (225 ILCS 605/3.15)

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

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

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

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

25 (3) The date and description of any inoculation or

1 medical treatment that the dog or cat received while under
2 the possession of the pet shop operator.

3 (4) The name and business address of both the dog or
4 cat breeder and the facility where the dog or cat was born.
5 If the dog or cat breeder is located in the State, then the
6 breeder's license number. If the dog or cat breeder also
7 holds a license issued by the United States Department of
8 Agriculture, the breeder's federal license number.

9 (5) (Blank).

10 (6) If eligible for registration with a pedigree
11 registry, then the name and registration numbers of the
12 sire and dam and the address of the pedigree registry where
13 the sire and dam are registered.

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

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

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

22 (10) Disclosure that the dog or cat has been
23 microchipped and the microchip has been enrolled in a
24 nationally searchable database. Pet stores must also
25 disclose that the purchaser has the option to list the pet
26 store as a secondary contact on the microchip.

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

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

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

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

21 (c) A copy of the disclosures and the signed
22 acknowledgement of disclosures form shall be provided to the
23 customer at the time of sale and the original copy shall be
24 maintained by the pet shop operator for a period of 2 years
25 from the date of sale. A copy of the pet store operator's
26 policy regarding warranties, refunds, or returns shall be

1 provided to the customer.

2 (d) A pet shop operator shall post in a conspicuous place
3 in writing on or near the cage of any dog or cat available for
4 sale the information required by subsection (a) of this Section
5 3.15.

6 (e) If there is an outbreak of distemper, parvovirus, or
7 any other contagious and potentially life-threatening disease,
8 the pet shop operator shall notify the Department immediately
9 upon becoming aware of the disease. If the Department issues a
10 quarantine, the pet shop operator shall notify, in writing and
11 within 2 business days of the quarantine, each customer who
12 purchased a dog or cat during the 2-week period prior to the
13 outbreak and quarantine.

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

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

25 (2) within one year after the date of sale, a licensed
26 veterinarian states in writing that the dog or cat

1 possesses a congenital or hereditary condition that
2 adversely affects the health of the dog or cat or requires
3 either hospitalization or a non-elective surgical
4 procedure or has died of a congenital or hereditary
5 condition. Internal or external parasites may not be
6 considered to adversely affect the health of the dog unless
7 the presence of the parasites makes the dog or cat
8 clinically ill. The veterinarian's statement shall
9 include:

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

11 (B) a statement that the veterinarian examined the
12 dog or cat;

13 (C) the date or dates that the dog or cat was
14 examined;

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

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

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

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

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

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

1 (3) retain the dog or cat and be reimbursed for
2 reasonable veterinary fees for diagnosis and treatment of
3 the dog or cat, not to exceed the purchase price of the dog
4 or cat; or

5 (4) if the dog or cat is deceased, be reimbursed for
6 the full purchase price of the dog or cat plus reasonable
7 veterinary fees associated with the diagnosis and
8 treatment of the dog or cat, not to exceed one times the
9 purchase price of the dog or cat.

10 For the purposes of this subsection (g), veterinary fees
11 shall be considered reasonable if (i) the services provided are
12 appropriate for the diagnosis and treatment of the disease,
13 illness, or congenital or hereditary condition and (ii) the
14 cost of the services is comparable to that charged for similar
15 services by other licensed veterinarians located in close
16 proximity to the treating veterinarian.

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

22 (i) To obtain a remedy under this Section, a customer
23 shall:

24 (1) notify the pet shop as soon as reasonably possible
25 and not to exceed 3 business days after a diagnosis by a
26 licensed veterinarian of a disease, illness, or congenital

1 or hereditary condition of the dog or cat for which the
2 customer is seeking a remedy;

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

7 (3) upon request of the pet shop, take the dog or cat
8 for an examination by a second licensed veterinarian; the
9 customer may either choose the second licensed
10 veterinarian or allow the pet shop to choose the second
11 veterinarian, if the pet shop agrees to do so. The party
12 choosing the second veterinarian shall assume the cost of
13 the resulting examination; and

14 (4) if the customer requests a reimbursement of
15 veterinary fees, provide to the pet shop an itemized bill
16 for the disease, illness, or congenital or hereditary
17 condition of the dog or cat for which the customer is
18 seeking a remedy.

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

21 (1) the illness or death resulted from: (A)
22 maltreatment or neglect by the customer; (B) an injury
23 sustained after the delivery of the dog or cat to the
24 customer; or (C) an illness or disease contracted after the
25 delivery of the dog or cat to the customer;

26 (2) the customer does not carry out the recommended

1 treatment prescribed by the veterinarian who made the
2 diagnosis; or

3 (3) the customer does not return to the pet shop all
4 documents provided to register the dog or cat, unless the
5 documents have already been sent to the registry
6 organization.

7 (k) A pet shop may contest a remedy under this Section by
8 having the dog or cat examined by a second licensed
9 veterinarian pursuant to paragraph (3) of subsection (i) of
10 this Section if the dog or cat is still living. If the dog or
11 cat is deceased, the pet shop may choose to have the second
12 veterinarian review any records provided by the veterinarian
13 who examined or treated the dog or cat for the customer before
14 its death.

15 If the customer and the pet shop have not reached an
16 agreement within 10 business days after the examination of the
17 medical records and the dog or cat, if alive, or the dog's or
18 cat's medical records, if deceased, by the second veterinarian,
19 then:

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

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

24 If the court or arbiter finds that either party acted in
25 bad faith in seeking or denying the requested remedy, then the
26 offending party may be required to pay reasonable attorney's

1 fees and court costs of the adverse party.

2 (l) This Section shall not apply to any adoption of dogs or
3 cats, including those in which a pet shop or other organization
4 rents or donates space to facilitate the adoption.

5 (m) If a pet shop offers its own warranty on a pet, a
6 customer may choose to waive the remedies provided under
7 subsection (f) of this Section in favor of choosing the
8 warranty provided by the pet shop. If a customer waives the
9 rights provided by subsection (f), the only remedies available
10 to the customer are those provided by the pet shop's warranty.
11 For the statement to be an effective waiver of the customer's
12 right to refund or exchange the animal under subsection (f),
13 the pet shop must provide, in writing, a statement of the
14 remedy under subsection (f) that the customer is waiving as
15 well as a written copy of the pet shop's warranty. For the
16 statement to be an effective waiver of the customer's right to
17 refund or exchange the animal under subsection (f), it shall be
18 substantially similar to the following language:

19 "I have agreed to accept the warranty provided by the
20 pet shop in lieu of the remedies under subsection (f) of
21 Section 3.15 of the Animal Welfare Act. I have received a
22 copy of the pet shop's warranty and a statement of the
23 remedies provided under subsection (f) of Section 3.15 of
24 the Animal Welfare Act. This is a waiver pursuant to
25 subsection (m) of Section 3.15 of the Animal Welfare Act
26 whereby I, the customer, relinquish any and all right to

1 return the animal for congenital and hereditary disorders
2 provided by subsection (f) of Section 3.15 of the Animal
3 Welfare Act. I agree that my exclusive remedy is the
4 warranty provided by the pet shop at the time of sale."

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

6 Section 10. The Animal Control Act is amended by changing
7 Section 10 as follows:

8 (510 ILCS 5/10) (from Ch. 8, par. 360)

9 Sec. 10. Impoundment; redemption. When dogs or cats are
10 apprehended and impounded, they must be scanned for the
11 presence of a microchip and examined for other currently
12 acceptable methods of identification, including, but not
13 limited to, identification tags, tattoos, and rabies license
14 tags. The examination for identification shall be done within
15 24 hours after the intake of each dog or cat. The Administrator
16 shall make every reasonable attempt to contact the owner as
17 defined by Section 2.16, agent, or caretaker as soon as
18 possible. The Administrator shall give notice of not less than
19 7 business days to the owner, agent, or caretaker prior to
20 disposal of the animal. Such notice shall be mailed to the last
21 known address of the owner, agent, or caretaker. Testimony of
22 the Administrator, or his or her authorized agent, who mails
23 such notice shall be evidence of the receipt of such notice by
24 the owner, agent, or caretaker of the animal. A mailed notice

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

19 In case the owner, agent, or caretaker of any impounded dog
20 or cat desires to make redemption thereof, he or she may do so
21 by doing the following:

22 a. Presenting proof of current rabies inoculation and
23 registration, if applicable.

24 b. Paying for the rabies inoculation of the dog or cat
25 and registration, if applicable.

26 c. Paying the pound for the board of the dog or cat for

1 the period it was impounded.

2 d. Paying into the Animal Control Fund an additional
3 impoundment fee as prescribed by the Board as a penalty for
4 the first offense and for each subsequent offense.

5 e. Paying a \$25 public safety fine to be deposited into
6 the Pet Population Control Fund; the fine shall be waived
7 if it is the dog's or cat's first impoundment and the
8 owner, agent, or caretaker has the animal spayed or
9 neutered within 14 days.

10 f. Paying for microchipping and registration if not
11 already done.

12 The payments required for redemption under this Section
13 shall be in addition to any other penalties invoked under this
14 Act and the Illinois Public Health and Safety Animal Population
15 Control Act. An animal control agency shall assist and share
16 information with the Director of Public Health in the
17 collection of public safety fines.

18 (Source: P.A. 97-240, eff. 1-1-12.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."