



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB1762**

Introduced 2/17/2021, by Rep. Avery Bourne

#### SYNOPSIS AS INTRODUCED:

225 ILCS 605/3.6  
225 ILCS 605/3.9 new  
225 ILCS 605/3.10 new

Amends the Animal Welfare Act. Makes changes to the holding requirements for stray dogs and cats in animal shelters and animal control facilities. Requires animal shelters and animal control facilities to provide certain care to animals while being held. Provides requirements for animal shelters and animal control facilities to euthanize animals. Allows a person to seek declaratory or injunctive relief if an animal shelter or animal control facility fails to comply with the provisions.

LRB102 10395 SPS 15722 b

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 Section 3.6 and by adding Sections 3.9 and 3.10 as follows:

6 (225 ILCS 605/3.6)

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

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

18 (b) Animal shelters and animal control facilities shall  
19 comply with the following: ~~When stray dogs and cats are~~  
20 ~~accepted by an animal shelter, they must be scanned for the~~  
21 ~~presence of a microchip and examined for other~~  
22 ~~currently acceptable methods of identification, including, but~~  
23 ~~not limited to, identification tags, tattoos, and rabies~~

1 ~~license tags. The examination for identification shall be done~~  
2 ~~within 24 hours after the intake of each dog or cat. The animal~~  
3 ~~shelter shall notify the owner and transfer any dog with an~~  
4 ~~identified owner to the animal control or law enforcement~~  
5 ~~agency in the jurisdiction in which it was found or the local~~  
6 ~~animal control agency for redemption.~~

7 (1) No animal shall be euthanized before the  
8 expiration of 5 full business days from impoundment of the  
9 animal, not including the date of impoundment, except an  
10 animal who has a poor or grave prognosis for being able to  
11 live without severe, unremitting physical pain even with  
12 prompt, necessary, and comprehensive veterinary care, as  
13 certified in writing by a licensed veterinarian.

14 (2) An animal impounded as a stray with identification  
15 or whose owner has been identified shall be made available  
16 for owner reclamation for a period of 4 business days, not  
17 including the date of impoundment.

18 (3) An animal impounded as a stray without  
19 identification and whose owner has not been identified  
20 shall be made available for owner reclamation for a period  
21 of 3 business days, not including the date of impoundment.

22 (4) At any time, an animal impounded as a stray may be  
23 placed in foster care or transferred to another animal  
24 shelter, subject to the following:

25 (A) An animal transferred under this paragraph (4)  
26 remains subject to reclamation by its owner pursuant

1           to paragraphs (2) and (3).

2           (B) Documentation of an animal transferred under  
3           this paragraph (4), including a photograph of the  
4           animal and relevant information pertaining to the  
5           animal's impoundment and transfer, shall be maintained  
6           in physical form at the animal shelter or animal  
7           control facility and in electronic form on a website  
8           so that it is reviewable by the public during the time  
9           periods relevant under paragraphs (2) and (3).

10           (C) An owner that satisfies an animal shelter's or  
11           animal control facility's reclamation requirements  
12           during the time periods relevant under paragraph (2)  
13           or (3) is entitled to reclaim the animal even if the  
14           animal has been transferred pursuant to this paragraph  
15           (4) and is no longer physically in the animal  
16           shelter's or animal control facility's custody. At the  
17           owner's discretion, the owner has the right to  
18           physically redeem the animal at the animal shelter or  
19           animal control facility.

20           (5) An animal who is impounded upon being surrendered  
21           by the animal's owner shall be subject to reclamation by  
22           that person for a period of 3 business days, not including  
23           the date of impoundment, so long as the animal has not been  
24           adopted or transferred and there is no evidence of neglect  
25           or abuse as determined in writing by a licensed  
26           veterinarian.

1           (6) The holding periods mandated by this subsection  
2           (b) do not apply to an animal who is impounded solely for  
3           the purpose of sterilization.

4           (7) Not less than 2 business days before euthanizing  
5           any animal, the animal shelter and animal control facility  
6           shall:

7                   (A) notify or make a reasonable attempt to notify  
8                   by verifiable written or electronic communication any  
9                   animal shelter that has previously requested to be  
10                   notified before animals are euthanized;

11                   (B) unless there is evidence of neglect or animal  
12                   cruelty as certified in writing by a licensed  
13                   veterinarian, notify or make a reasonable attempt to  
14                   notify by telephone or verifiable written or  
15                   electronic communication the owner who surrendered the  
16                   animal and inform that person that the animal is  
17                   scheduled to be killed;

18                   (C) notify or make a reasonable attempt to notify  
19                   by telephone or verifiable written or electronic  
20                   communication the finder who surrendered the stray  
21                   animal and inform that person that the animal is  
22                   scheduled to be killed; and

23                   (D) if requested, give the persons notified under  
24                   subparagraphs (A), (B), and (C) possession of the  
25                   animal to avoid the animal's death.

26           (8) No animal shelter or animal control facility may

1       euthanize an animal without making the notifications  
2       required by subparagraphs (A), (B), and (C).

3       (c) Animal shelters and animal control facilities shall  
4       provide the following care to all animals during their stay:  
5 ~~If no transfer can occur, the animal shelter shall make every~~  
6 ~~reasonable attempt to contact the owner, agent, or caretaker~~  
7 ~~as soon as possible. The animal shelter shall give notice of~~  
8 ~~not less than 7 business days to the owner, agent, or caretaker~~  
9 ~~prior to disposal of the animal. The notice shall be mailed to~~  
10 ~~the last known address of the owner, agent, or caretaker.~~  
11 ~~Testimony of the animal shelter, or its authorized agent, who~~  
12 ~~mails the notice shall be evidence of the receipt of the notice~~  
13 ~~by the owner, agent, or caretaker of the animal. A mailed~~  
14 ~~notice shall remain the primary means of owner, agent, or~~  
15 ~~caretaker contact; however, the animal shelter shall also~~  
16 ~~attempt to contact the owner, agent, or caretaker by any other~~  
17 ~~contact information, such as by telephone or email address,~~  
18 ~~provided by the microchip or other method of identification~~  
19 ~~found on the dog or cat. If the dog or cat has been~~  
20 ~~microchipped and the primary contact listed by the chip~~  
21 ~~manufacturer cannot be located or refuses to reclaim the dog~~  
22 ~~or cat, an attempt shall be made to contact any secondary~~  
23 ~~contacts listed by the chip manufacturer or the purchaser of~~  
24 ~~the microchip if the purchaser is a nonprofit organization,~~  
25 ~~animal shelter, animal control facility, pet store, breeder,~~  
26 ~~or veterinary office prior to adoption, transfer, or~~

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

10  (1) fresh, nutritious, species-appropriate, and  
11  age-appropriate food; access to fresh, clean water at all  
12  times; and environmental enrichment to promote their  
13  psychological well-being, such as socialization, toys and  
14  treats, and exercise as needed, but not less than twice  
15  daily; except that dogs exhibiting vicious behavior toward  
16  people or adjudged to be dangerous by a court of competent  
17  jurisdiction may, but are not required to, be exercised  
18  during the holding period;

19  (2) notwithstanding paragraph (1), a care protocol  
20  developed and followed with a licensed veterinarian for  
21  animals with special needs, such as, but not limited to,  
22  nursing mothers, unweaned animals, sick or injured  
23  animals, extremely frightened animals, geriatric animals,  
24  and animals needing therapeutic exercise;

25  (3) prompt and necessary cleaning of litter boxes,  
26  cages, kennels, and other living environments no less than

1 2 times per day to ensure environments that are welcoming  
2 to the public and hygienic for both the public and animals  
3 and to prevent disease; cleaning shall be conducted in  
4 accordance with a protocol developed in coordination with  
5 a licensed veterinarian and shall require that animals not  
6 be exposed to water from hoses or sprays, cleaning  
7 solutions, detergents, solvents, and chemicals; and

8 (4) prompt and necessary veterinary care sufficient to  
9 alleviate any pain caused by disease or injury, to prevent  
10 a condition from worsening, and to allow them to leave the  
11 shelter in reasonable condition, including, but not  
12 limited to, preventative vaccinations, cage rest, fluid  
13 therapy, pain management, and antibiotics.

14 (d) Animal shelters and animal control facilities shall  
15 take appropriate action to ensure that all animals are checked  
16 as soon as possible, but no more than 24 hours, after  
17 impoundment for all available methods of identification,  
18 including microchips, identification tags, and licenses. ~~When~~  
19 ~~stray dogs and cats are accepted by an animal shelter and no~~  
20 ~~owner can be identified, the shelter shall hold the animal for~~  
21 ~~the period specified in local ordinance prior to adoption,~~  
22 ~~transfer, or euthanasia. The animal shelter shall allow access~~  
23 ~~to the public to view the animals housed there. If a dog is~~  
24 ~~identified by an owner who desires to make redemption of it,~~  
25 ~~the dog shall be transferred to the local animal control for~~  
26 ~~redemption. If no transfer can occur, the animal shelter shall~~



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

5 (d-5) Animal shelters and animal control facilities shall  
6 maintain continuously updated lists of animals reported lost  
7 and found and shall regularly, but no less than once daily,  
8 check these lists against animals in the animal shelter or  
9 animal control facility for matches. Animal shelters and  
10 animal control facilities shall also post on the Internet a  
11 photograph of and information on each stray animal impounded  
12 by the animal shelter or animal control facility with  
13 sufficient detail to allow the animal to be recognized and  
14 claimed by its owner.

15 (d-10) If a possible owner of an animal is identified, the  
16 animal shelter or animal control facility shall undertake due  
17 diligence to notify the owner or caretaker of the whereabouts  
18 of the animal and any procedures available for the lawful  
19 recovery of the animal. These efforts shall include, but are  
20 not limited to, notifying the possible owner by telephone,  
21 mail, or personal service to the last known address.

22 (d-15) No animal shelter or animal control facility shall  
23 ban, bar, limit, or otherwise obstruct the adoption or  
24 transfer of any animal based on the animal's breed, breed mix,  
25 species, age, color, appearance, or size.

26 (d-20) Animal shelters and animal control facilities shall

1 make available online to the public a monthly and annual  
2 summary that includes the following information:

3 (1) the number of animals impounded;

4 (2) the number of animals who were killed (A) by the  
5 animal shelter or animal control facility, (B) at the  
6 animal shelter's or animal control facility's direction,  
7 (C) with the animal shelter's or animal control facility's  
8 permission, or (D) by a representative of the animal  
9 shelter or animal control facility;

10 (3) the number of animals who died, were lost, or were  
11 stolen while in the direct or constructive care of the  
12 animal shelter or animal control facility;

13 (4) the number of animals who were returned to their  
14 owners;

15 (5) the number of animals who were adopted;

16 (6) the number of animals who were transferred to  
17 other animal shelters; and

18 (7) the number of animals who were sterilized and then  
19 released.

20 (e) No representative of an animal shelter may enter  
21 private property and remove an animal without permission from  
22 the property owner and animal owner, nor can any  
23 representative of an animal shelter direct another individual  
24 to enter private property and remove an animal unless that  
25 individual is an approved humane investigator (approved by the  
26 Department) operating pursuant to the provisions of the Humane

1 Care for Animals Act.

2 (f) Nothing in this Section limits an animal shelter and  
3 an animal control facility who, through mutual agreement, wish  
4 to enter into an agreement for animal control, boarding,  
5 holding, measures to improve life-saving, or other services  
6 provided that the agreement requires parties adhere to the  
7 provisions of the Animal Control Act, the Humane Euthanasia in  
8 Animal Shelters Act, and the Humane Care for Animals Act.

9 (Source: P.A. 99-310, eff. 1-1-16; 100-322, eff. 8-24-17;  
10 100-870, eff. 1-1-19.)

11 (225 ILCS 605/3.9 new)

12 Sec. 3.9. Euthanasia at animal shelters and animal control  
13 facilities.

14 (a) Animal shelters and animal control facilities may not  
15  euthanize an animal only because the holding periods required  
16  under subsection (b) of Section 3.6 have expired. Before an  
17  animal is euthanized, an animal shelter or animal control  
18  facility must meet the following conditions:

19 (1) there are no empty cages, kennels, or other living  
20  environments in the animal shelter or animal control  
21  facility;

22 (2) the animal is unable to share a cage or kennel with  
23  another animal;

24 (3) the animal shelter or animal control facility has  
25  made a plea to foster homes and a foster home is not

1 available;

2 (4) the notifications required in Section 3.6 have  
3 been made and no former owner or finder is willing to  
4 accept the animal;

5 (5) the animal is unable to be transferred to another  
6 animal shelter that has room to house the animal;

7 (6) the animal is not a healthy community cat (healthy  
8 community cats shall be sterilized and returned to their  
9 habitats in lieu of killing);

10 (7) the animal has been determined to be medically  
11 untreatable by a licensed veterinarian or the dog is  
12 determined to be vicious to people and the prognosis for  
13 rehabilitation is determined to be poor to grave by a  
14 behaviorist;

15 (8) all mandates, programs, and services of Section  
16 3.6 have been met; and

17 (9) a manager or supervisor of the animal shelter or  
18 animal control facility certifies that the animal shelter  
19 or animal control facility has no other alternative and  
20 provides the reasons no alternatives exist.

21 (b) The determination that all conditions of subsection  
22 (a) have been met shall be made in writing, be signed by a  
23 manager or supervisor of the animal shelter or animal control  
24 facility, and be made available for free public inspection for  
25 no less than 3 years.

1 (225 ILCS 605/3.10 new)

2 Sec. 3.10. Enforcement. Any person may seek declaratory or  
3 injunctive relief to compel an animal shelter or animal  
4 control facility to comply with subsections (b), (c), (d),  
5 (d-5), (d-10), (d-15), or (d-20) of Section 3.6 or Section  
6 3.9.