



Rep. Stephanie A. Kifowit

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10200HB3971ham001

LRB102 13755 SPS 23843 a

1 AMENDMENT TO HOUSE BILL 3971

2 AMENDMENT NO. _____. Amend House Bill 3971 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
9 context otherwise requires:

10 "Department" means the Illinois Department of Agriculture.

11 "Director" means the Director of the Illinois Department
12 of 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
16 animals customarily obtained as pets in this State. However, a

1 person who sells only such animals that he has produced and
2 raised shall not be considered a pet shop operator under this
3 Act, and a veterinary hospital or clinic operated by a
4 veterinarian or veterinarians licensed under the Veterinary
5 Medicine and Surgery Practice Act of 2004 shall not be
6 considered a pet shop 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" means any mammal, bird, fish, or reptile offered
15 for sale, trade, or adoption or for which a service is provided
16 by any person licensed under this Act.

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

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

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

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

20 "Equine shelter" means an animal shelter as defined in
21 this Act that applies only to equines.

22 "Exotic or non-domesticated animals" means mammals,
23 including nonhuman primates, reptiles, and birds that are not
24 native to North America and are not normally maintained
25 livestock (llamas, ratites, cervids, and similar animals are
26 considered livestock under this definition) or native mammals

1 that are not domesticated and normally maintained as pets,
2 including prairie dogs. "Exotic or non-domesticated animals"
3 does not include hamsters, guinea pigs, gerbils, any member of
4 the species felis catus that has been domesticated, or canis
5 familiaris.

6 "Foster home" means an entity that accepts the
7 responsibility for stewardship of animals that are the
8 obligation of an animal shelter or animal control facility,
9 not to exceed 4 foster animals or 2 litters under 8 weeks of
10 age at any given time. A written agreement to operate as a
11 "foster home" shall be contracted with the animal shelter or
12 animal control facility.

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

18 "Guard dog" means a type of dog used primarily for the
19 purpose of defending, patrolling, or protecting property or
20 life at a commercial establishment other than a farm. "Guard
21 dog" does not include stock dogs used primarily for handling
22 and controlling livestock or farm animals, nor does it include
23 personally owned pets that also provide security.

24 "Physical examination" means an examination performed by a
25 licensed veterinarian, where the veterinarian determines the
26 health and fitness of the animal and renders advice and

1 recommendations pursuant to the Veterinary Medicine and
2 Surgery Practice Act of 2004 that shall include at minimum a
3 hands-on examination, including a comprehensive physical
4 examination, dental assessment, body condition scoring, and
5 pain assessment.

6 "Return" in return to field or trap, neuter, return
7 program means to return the cat to field after it has been
8 sterilized 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
12 facility.

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

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

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

24 "Work progress form" means a form issued by the Department
25 to a licensee or applicant that provides notice of
26 deficiencies and the improvements required to be made within a

1 specified period of time to comply with this Act.

2 (Source: P.A. 100-842, eff. 1-1-19; 100-870, eff. 1-1-19;
3 101-81, eff. 7-12-19; 101-295, eff. 8-9-19.)

4 (225 ILCS 605/21.5 new)

5 Sec. 21.5. Buildings and premises.

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

8 (1) Have covered, leak-proof containers available for
9 storage of waste materials before disposal to control
10 vermin and insects. Such containers shall be maintained in
11 a sanitary condition. This paragraph does not apply to
12 equine shelters.

13 (2) Dispose of dead animals in compliance with the
14 Illinois Dead Animal Disposal Act and rules adopted
15 pursuant to that Act or the Companion Animal Cremation
16 Act. Compliance with those Acts shall not exempt a
17 licensee from compliance with local ordinances.

18 (3) Take effective control measures to prevent
19 infestation of animals and premises with external
20 parasites and vermin.

21 (4) Provide water from a source having sufficient
22 pressure to properly sanitize and clean the facility and
23 equipment. This paragraph does not apply to equine
24 shelters.

25 (5) Provide hand washing facilities.

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

6 (c) Floors of buildings housing or displaying animals
7 shall be of permanent construction to enable thorough cleaning
8 and sanitizing, except equine shelters. Dirt and unfinished
9 wood floors are unacceptable, except for equine shelters.
10 Cleaning shall be performed daily, or more often if necessary,
11 to prevent any accumulation of debris, dirt, or waste.

12 (d) Enclosures shall be constructed of a material that is
13 impervious to urine and water and able to withstand damage
14 from gnawing and chewing. This subsection does not apply to
15 equine shelters. The floors of the enclosures must be
16 constructed of a material that does not sag, bend, or bounce.

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

19 (2) All empty cages shall be kept clean at all times.

20 (3) Enclosures shall be of sufficient size to allow
21 the animal to comfortably stand, sit, or lie, turn in a
22 complete circle, and offer freedom of movement.

23 (4) An ambient temperature as defined in the
24 regulations for the Federal Animal Welfare Act (9 CFR 3.2)
25 shall be maintained for warmblooded animals. In the case
26 of coldblooded animals, the temperature that is compatible

1 to the well-being of the species shall be maintained.

2 (5) The following requirements apply after December
3 31, 2022, for all enclosures containing dogs and cats:

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

12 (B) Enclosures may not be stacked on top of each
13 other unless the enclosures were commercially designed
14 and constructed to be a multi-level enclosure/kennel.

15 (C) Enclosures that are located indoors must be
16 placed in facilities with adequate light and
17 ventilation to allow for the well-being of the animal
18 and to permit routine inspection and cleaning.

19 (6) After December 31, 2022, outdoor enclosures for
20 dogs and cats must meet the requirements of this Section
21 and meet the following additional requirements:

22 (A) If climatic or ambient temperatures pose a
23 threat to the health and welfare of the dog or cat,
24 effective measures must be taken to eliminate the
25 threat.

26 (B) An outdoor enclosure shall not be used if the

1 dog or cat is unable to tolerate the prevalent
2 temperatures based on the animal's own
3 characteristics, including breed, body condition, and
4 acclimation to the environment.

5 (e) Runs shall be constructed of material of sufficient
6 strength and design to confine the animals. This subsection
7 does not apply to equine shelters.

8 (1) Runs shall be kept in good repair and condition.

9 (2) For new construction or remodeling, the licensee
10 shall provide runs surfaced with concrete or other
11 impervious material.

12 (3) The surface of the run shall be designed to permit
13 the surface to be cleaned and disinfected and kept free
14 from excessive accumulation of animal waste.

15 (4) Provisions must be made for adequate drainage,
16 including gutters and discharge of any fluid or content
17 into a sewer, septic tank, or filter field. The drainage
18 system shall comply with any local zoning.

19 (f) Cages or aquariums for housing of small animals,
20 birds, or fish shall provide space not less than 2.5 times the
21 body volume of living creatures contained therein.

22 (g) If animals are group-housed, they shall be maintained
23 in compatible groups without overcrowding. No female animal in
24 estrus shall be placed in a pen with male animals, except for
25 breeding purposes.

26 (h) Upon an inspection of a licensee or applicant by the

1 Department, the Department may provide a work progress form to
2 the licensee or applicant if deficiencies are detected during
3 the inspection. The licensee or applicant must make the
4 improvements to correct the deficiencies listed in the form
5 within the time period specified in the form.

6 (225 ILCS 605/21.10 new)

7 Sec. 21.10. General care of animals.

8 (a) All persons or establishments licensed under this Act
9 shall comply with all provisions of the Humane Care for
10 Animals Act.

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

18 (c) The licensee or his or her representative shall be
19 present for general care and maintenance of the animals at
20 least once daily.

21 (d) Aquariums containing fish shall be kept in a clean
22 healthful condition. Live algae shall not be considered an
23 unhealthful condition. Any dead fish shall be removed from
24 aquariums.

25 (e) Adult cats shall be provided with litter pans at all

1 times. The pans shall be cleaned and sanitized at least once
2 daily or more often if necessary.

3 (f) Equine shelters shall follow the American Association
4 of Equine Practitioners Care Guidelines for Equine Rescue and
5 Retirement Facilities.

6 (g) Dog breeders, cat breeders, animal shelters, kennel
7 operators, animal control facilities, foster homes, and pet
8 shop operators shall provide grooming, as necessary, to
9 prevent matting of coat and to prevent accumulation of fecal
10 matter, urine, or any other material within the coat. Grooming
11 shall include nail trimming to ensure that nails do not injure
12 the dog or cat.

13 (h) Dog breeders, cat breeders, animal shelters, kennel
14 operators, animal control facilities, foster homes, and pet
15 shop operators shall comply with the Animal Control Act with
16 regards to rabies inoculation and must register with their
17 county of residence.

18 (i) Dog breeders, cat breeders, animal shelters, kennel
19 operators, animal control facilities, foster homes, and pet
20 shop operators shall provide animals an opportunity for daily
21 exercise. Exercise may consist of a play area, time in run, or
22 leash walks. A daily log shall be maintained documenting daily
23 exercise for each animal.

24 (j) Dog breeders, cat breeders, animal shelters, kennel
25 operators, animal control facilities, foster homes, and pet
26 shop operators shall have a working relationship with a

1 veterinarian who provides recommendations on vaccination and
2 deworming protocols. Each animal shall receive a complete
3 physical examination by a licensed veterinarian within 30 days
4 of intake or prior to adoption or sale, whichever occurs
5 first, and thereafter on an annual basis. Each animal used for
6 breeding shall receive an annual physical examination by a
7 licensed veterinarian as long as the dog is in the breeding
8 population. A record of all completed physical examinations
9 shall be available for inspection.

10 (225 ILCS 605/21.15 new)

11 Sec. 21.15. Records.

12 (a) Records of sales of all animals, excluding fish, shall
13 be maintained by the licensee for a minimum period of 12 months
14 after the date of sale or transfer of animal and shall include
15 the source of the animal, date of sale, description and sex of
16 animal sold, and the name and address of the purchaser.
17 Records of sales of small mammals, including hamsters, mice,
18 gerbils, or rats that were born in the United States, birds,
19 and fish are not required. These records must be available for
20 inspection during normal business hours by Department
21 employees or persons designated by the Department. Each
22 licensee must report to the Department the number of dogs,
23 puppies, cats, kittens, and exotic or non-domesticated animals
24 sold for the previous calendar year at the time of license
25 renewal. Shelters and animal control facilities must report to

1 the Department the total number of dogs, cats, and other
2 animals received, adopted, euthanized, or reclaimed by the
3 owner for the previous calendar year at the time of license
4 renewal.

5 (b) If a record of prophylactic medication is used in
6 advertisement or is furnished to the purchaser or person
7 acquiring an animal, specific information regarding the type,
8 amount, and date of prophylactic medication shall be kept by
9 the licensee and shall become a part of the retail sales
10 record.

11 (c) The licensee or his or her representative shall
12 furnish the purchaser of a dog, cat, or nonhuman primate a
13 written statement at the time of sale.

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

15 (2) The name, address, and telephone number of the
16 licensee.

17 (3) The name, address, and telephone number of the
18 purchaser.

19 (4) The breed and description of the dog, cat, or
20 nonhuman primate, including age, sex, and weight of the
21 animal.

22 (5) A description of each prophylactic immunization
23 provided to the animal and the dates that each
24 immunization was administered.

25 (6) A description of each internal parasite medication
26 provided to the animal and the dates that each medication

1 was administered.

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

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

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

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

12 This information may be recorded on an Animal Welfare
13 Release Statement or on a similar form prepared by the
14 licensee and approved in advance by the Department.

15 (d) The licensee shall have any dog used as a breeding
16 animal tested annually for canine brucellosis. The test must
17 be performed by a licensed veterinarian and the licensee must
18 keep a copy of the test results for 2 years.

19 (225 ILCS 605/21.20 new)

20 Sec. 21.20. Foster homes.

21 A licensed animal shelter shall be responsible for
22 maintaining records of formal written agreements between the
23 licensee and foster home as required under Section 3.2. The
24 following requirements shall be complied with and shall be the
25 shelter's obligation:

1 (1) The animals held at the foster home shall be
2 afforded a clean environment and the home shall comply
3 with all provisions of the Humane Care for Animals Act.

4 (2) Records for the animals shall be available for
5 review by Department personnel upon request and shall be
6 retained at the animal shelter for 2 years.

7 (3) The foster home shall be accessible for inspection
8 by Department personnel for compliance with sanitation and
9 the quality of care being afforded the animals as required
10 under Section 3.2.

11 (4) Any dog over 4 months of age shall be vaccinated
12 for rabies and the certificate of vaccination will be
13 transferred to the person adopting the dog.

14 (5) No animals shall be released to an adoptive owner
15 until provisions have been completed for spaying of
16 females or neutering of males."