



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4464

Introduced 1/11/2006, by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

225 ILCS 605/2

from Ch. 8, par. 302

225 ILCS 605/20.5 new

Amends the Animal Welfare Act. Sets forth administrative fines for violating or aiding in the violation of any provision of the Act or any rule adopted under the Act by the Department of Agriculture. Effective immediately.

LRB094 16622 RAS 51889 b

FISCAL NOTE ACT
MAY APPLY

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 2 and by adding Section 20.5 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
24 donation dogs in this State. However, a person who sells only
25 dogs that he has produced and raised shall not be considered a
26 dog dealer under this Act, and a veterinary hospital or clinic
27 operated by a veterinarian or veterinarians licensed under the
28 Veterinary Medicine and Surgery Practice Act of 2004 shall not
29 be considered a dog dealer under this Act.

30 "Secretary of Agriculture" or "Secretary" means the
31 Secretary of Agriculture of the United States Department of
32 Agriculture.

1 "Person" means any person, firm, corporation, partnership,
2 association or other legal entity, any public or private
3 institution, the State of Illinois, or any municipal
4 corporation or political subdivision of the State.

5 "Kennel operator" means any person who operates an
6 establishment, other than an animal control facility,
7 veterinary hospital, or animal shelter, where dogs or dogs and
8 cats are maintained for boarding, training or similar purposes
9 for a fee or compensation; or who sells, offers to sell,
10 exchange, or offers for adoption with or without charge dogs or
11 dogs and cats which he has produced and raised. A person who
12 owns, has possession of, or harbors 5 or less females capable
13 of reproduction shall not be considered a kennel operator.

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

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

33 "Animal shelter" means a facility operated, owned, or
34 maintained by a duly incorporated humane society, animal
35 welfare society, or other non-profit organization for the
36 purpose of providing for and promoting the welfare, protection,

1 and humane treatment of animals. "Animal shelter" also means
2 any veterinary hospital or clinic operated by a veterinarian or
3 veterinarians licensed under the Veterinary Medicine and
4 Surgery Practice Act of 2004 which operates for the above
5 mentioned purpose in addition to its customary purposes.

6 "Foster home" means an entity that accepts the
7 responsibility for stewardship of animals that are the
8 obligation of an animal shelter, not to exceed 4 animals at any
9 given time. Permits to operate as a "foster home" shall be
10 issued through the animal shelter.

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

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

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

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

29 (Source: P.A. 93-281, eff. 12-31-03.)

30 (225 ILCS 605/20.5 new)

31 Sec. 20.5. Administrative fines. The following
32 administrative fines shall be imposed by the Department upon
33 any person who violates or aides in the violation of any
34 provision of this Act or any rule adopted by the Department
35 under this Act:

- 1 (1) For the first violation, a fine of \$200.
- 2 (2) For a second violation that occurs within 3 years
3 after the first violation, a fine of \$500.
- 4 (3) For a third violation that occurs within 3 years
5 after the first violation, mandatory probationary status
6 and and a fine of \$1,000.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.