



## 96TH GENERAL ASSEMBLY

### State of Illinois

### 2009 and 2010

### HB5771

Introduced 2/9/2010, by Rep. Susana A. Mendoza

#### SYNOPSIS AS INTRODUCED:

225 ILCS 605/2	from Ch. 8, par. 302
225 ILCS 605/3	from Ch. 8, par. 303
225 ILCS 605/18	from Ch. 8, par. 318
225 ILCS 605/18.05 new	

Amends the Animal Welfare Act. Provides for the licensure of dog breeders and the regulation of commercial dog breeders. Defines "dog breeder" as any person who owns, has possession of, or harbors 6 or more female dogs capable of reproduction for the purpose of the sale of their offspring. Defines "commercial dog breeder" as any dog breeder who (1) owns, has possession of, or harbors 10 or more female dogs capable of reproduction; (2) breeds or whelps dogs; and (3) sells or transfers any dog to a whole sale dog dealer or pet shop or otherwise sells or transfers more than 30 dogs per calendar year. Provides additional requirements for licensees related to the treatment of dogs. Provides that, in addition to certain requirements imposed on other licensees under the Act, commercial dog breeders shall meet certain specified requirements concerning the treatment of dogs.

LRB096 20201 ASK 35765 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 Sections 2, 3, and 18 and by adding Section 18.05 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 "Commercial dog breeder" means any dog breeder who:

10 (1) owns, has possession of, or harbors 10 or more  
11 female dogs capable of reproduction;

12 (2) breeds or whelps dogs; and

13 (3) sells or transfers any dog to a wholesale dog  
14 dealer or pet shop; or sells or transfers more than 30 dogs  
15 per calendar year.

16 "Department" means the Illinois Department of Agriculture.

17 "Director" means the Director of the Illinois Department of  
18 Agriculture.

19 "Pet shop operator" means any person who sells, offers to  
20 sell, exchange, or offers for adoption with or without charge  
21 or donation dogs, cats, birds, fish, reptiles, or other animals  
22 customarily obtained as pets in this State. However, a person  
23 who sells only such animals that he has produced and raised

1 shall not be considered a pet shop operator under this Act, and  
2 a veterinary hospital or clinic operated by a veterinarian or  
3 veterinarians licensed under the Veterinary Medicine and  
4 Surgery Practice Act of 2004 shall not be considered a pet shop  
5 operator under this Act.

6 "Dog dealer" means any person who sells, offers to sell,  
7 exchange, or offers for adoption with or without charge or  
8 donation dogs in this State. However, a person who sells only  
9 dogs that he has produced and raised shall not be considered a  
10 dog dealer under this Act, and a veterinary hospital or clinic  
11 operated by a veterinarian or veterinarians licensed under the  
12 Veterinary Medicine and Surgery Practice Act of 2004 shall not  
13 be considered a dog dealer under this Act.

14 "Dog breeder" means any person who owns, has possession of,  
15 or harbors 6 or more female dogs capable of reproduction for  
16 the purpose of the sale of their offspring. "Dog breeder" does  
17 not mean:

18 (1) a hobby or show breeder who has 5 or fewer female  
19 dogs capable of reproduction; or

20 (2) a breeder who raises his or her dogs for the sole  
21 purpose of hunting and who has 5 or fewer female dogs  
22 capable of reproduction.

23 "Secretary of Agriculture" or "Secretary" means the  
24 Secretary of Agriculture of the United States Department of  
25 Agriculture.

26 "Person" means any person, firm, corporation, partnership,

1 association or other legal entity, any public or private  
2 institution, the State of Illinois, or any municipal  
3 corporation or political subdivision of the State.

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

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

22 "Animal control facility" means any facility operated by or  
23 under contract for the State, county, or any municipal  
24 corporation or political subdivision of the State for the  
25 purpose of impounding or harboring seized, stray, homeless,  
26 abandoned or unwanted dogs, cats, and other animals. "Animal

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

6 "Animal shelter" means a facility operated, owned, or  
7 maintained by a duly incorporated humane society, animal  
8 welfare society, or other non-profit organization for the  
9 purpose of providing for and promoting the welfare, protection,  
10 and humane treatment of animals. "Animal shelter" also means  
11 any veterinary hospital or clinic operated by a veterinarian or  
12 veterinarians licensed under the Veterinary Medicine and  
13 Surgery Practice Act of 2004 which operates for the above  
14 mentioned purpose in addition to its customary purposes.

15 "Foster home" means an entity that accepts the  
16 responsibility for stewardship of animals that are the  
17 obligation of an animal shelter, not to exceed 4 animals at any  
18 given time. Permits to operate as a "foster home" shall be  
19 issued through the animal shelter.

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

25 "Guard dog" means a type of dog used primarily for the  
26 purpose of defending, patrolling, or protecting property or

1 life at a commercial establishment other than a farm. "Guard  
2 dog" does not include stock dogs used primarily for handling  
3 and controlling livestock or farm animals, nor does it include  
4 personally owned pets that also provide security.

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

8 "Probationary status" means the 12-month period following  
9 a series of violations of this Act during which any further  
10 violation shall result in an automatic 12-month suspension of  
11 licensure.

12 (Source: P.A. 95-550, eff. 6-1-08.)

13 (225 ILCS 605/3) (from Ch. 8, par. 303)

14 Sec. 3. (a) Except as provided in subsection (b) of this  
15 Section, no person shall engage in business as a pet shop  
16 operator, dog dealer, dog breeder, kennel operator, cattery  
17 operator, or operate a guard dog service, an animal control  
18 facility or animal shelter or any combination thereof, in this  
19 State without a license therefor issued by the Department. Only  
20 one license shall be required for any combination of businesses  
21 at one location, except that a separate license shall be  
22 required to operate a guard dog service. Guard dog services  
23 that are located outside this State but provide services within  
24 this State are required to obtain a license from the  
25 Department. Out-of-state guard dog services are required to

1 comply with the requirements of this Act with regard to guard  
2 dogs and sentry dogs transported to or used within this State.

3 (b) This Act does not apply to a private detective agency  
4 or private security agency licensed under the Private  
5 Detective, Private Alarm, Private Security, Fingerprint  
6 Vendor, and Locksmith Act of 2004 that provides guard dog or  
7 canine odor detection services and does not otherwise operate a  
8 kennel for hire.

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

10 (225 ILCS 605/18) (from Ch. 8, par. 318)

11 Sec. 18.

12 The licensee shall:

13 a. Maintain sanitary conditions.

14 b. Insure proper ventilation.

15 c. Provide access to sufficient nutritious food at least  
16 once a day sufficient to maintain good health; and continuous  
17 access to potable water that is not frozen, and is free of  
18 debris, feces, algae, and other contaminants ~~adequate~~  
19 ~~nutrition.~~

20 d. Provide humane care and treatment of all animals under  
21 his or her jurisdiction.

22 d-5. Provide necessary veterinary care which means, at a  
23 minimum, examination at least once yearly by a licensed  
24 veterinarian; prompt treatment of any illness or injury by a  
25 licensed veterinarian; and, where needed, humane euthanasia by

1 a licensed veterinarian using lawful techniques deemed  
2 "Acceptable" by the American Veterinary Medical Association.

3 d-10. Maintain current rabies vaccination records of all  
4 dogs 16 weeks of age and older in the possession of the  
5 licensee.

6 d-15. For female dogs being bred, provide adequate rest  
7 between breeding cycles which means, at a minimum, ensuring  
8 that dogs are not bred to produce more than 2 litters in any 18  
9 month period.

10 d-20. Provide sufficient space for each dog to turn and  
11 stretch freely, lie down, and extend his or her limbs without  
12 touching the side of an enclosure or another dog.

13 e. Take reasonable care to release for sale, trade, or  
14 adoption only those animals which are free of disease, injuries  
15 or abnormalities. A health certificate, meeting the  
16 requirements of the Department and issued by a licensed  
17 veterinarian for any such animal within 5 days before such  
18 sale, trade or adoption is prima facie evidence that the  
19 licensee has taken reasonable care, as required by this  
20 paragraph.

21 f. Inspection of the premises of a licensee to determine  
22 compliance with this Act may be made only by the Department.

23 (Source: P.A. 78-900.)

24 (225 ILCS 605/18.05 new)

25 Sec. 18.05. Commercial dog breeders; requirements. A



1 commercial dog breeder shall, in addition to the requirements  
2 set forth in Section 18 of this Act, meet the following  
3 requirements:

4 1. Provide sufficient housing, including protection  
5 from the elements, which means constant and unfettered  
6 access to an indoor enclosure that has a solid floor; is  
7 not stacked or otherwise placed on top of or below another  
8 animal's enclosure; is cleaned of waste at least once a day  
9 while the dog is outside the enclosure; and does not fall  
10 below 45 degrees Fahrenheit, or rise above 85 degrees  
11 Fahrenheit.

12 2. Provide sufficient space, which means having the  
13 following:

14 A. sufficient indoor space for each dog to turn in  
15 a complete circle without any impediment (including a  
16 tether);

17 B. enough indoor space for each dog to extend his  
18 or her limbs and stretch freely and lie down without  
19 touching the side of an enclosure or another dog;

20 C. at least one foot of headroom above the head of  
21 the tallest dog in the enclosure; and

22 D. at least 12 square feet of indoor floor space  
23 for each dog under 25 inches; at least 20 square feet  
24 of indoor floor space for each dog between 25 and 34  
25 inches long; and at least 30 square feet of indoor  
26 floor space for each dog 35 inches or longer (with the

1           length of the dog measured from the tip of the nose to  
2           the base of the tail).

3           3. Provide regular exercise that includes constant and  
4           unfettered access to an outdoor exercise area that (i) is  
5           composed of a solid, ground-level surface with adequate  
6           drainage, (ii) provides some protection against sun, wind,  
7           rain, and snow, and (iii) provides each dog at least twice  
8           the square footage of the indoor floor space provided to  
9           that dog.