



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3633

Introduced 2/11/2010, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

225 ILCS 605/3.1	from Ch. 8, par. 303.1
225 ILCS 605/3.5 new	
225 ILCS 605/3.15 new	
815 ILCS 505/2Z	from Ch. 121 1/2, par. 262Z

Amends the Animal Welfare Act. Sets forth disclosure requirements for any dog or cat made available for adoption or sale by an animal shelter, animal control facility, or pet shop operator, including adoptions or sales available over the internet. Sets forth certain requirements concerning an acknowledgement of disclosures form which must be signed by the customer or adopter and the pet shop operator or authorized representative of the animal shelter or animal control facility. Makes other changes. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that any person who knowingly violates the disclosure requirements for a pet shop operator who sells a dog or cat under the Animal Welfare Act commits an unlawful practice. Effective January 1, 2011.

LRB096 20177 ASK 35734 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 3.1 and by adding Sections 3.5 and 3.15 as follows:

6 (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)

7 Sec. 3.1. Information on dogs and cats for sale by a dog
8 dealer or cattery operator. Every ~~pet shop operator,~~ dog
9 dealer~~,~~ and cattery operator shall provide the following
10 information for every dog or cat available for sale:

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

12 (b) The breed of the animal.

13 (c) A record of vaccinations and veterinary care and
14 treatment.

15 (d) A record of surgical sterilization or lack of surgical
16 sterilization.

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

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

20 (Source: P.A. 87-819.)

21 (225 ILCS 605/3.5 new)

22 Sec. 3.5. Information on dogs and cats available for

1 adoption by an animal shelter or animal control facility.

2 (a) An animal shelter or animal control facility must
3 provide to the adopter prior to the time of adoption the
4 following information, to the best of its knowledge, on any dog
5 or cat being offered for adoption:

6 (1) The breed, age, date of birth, sex, and color of
7 the dog or cat if known, or if unknown, the animal shelter
8 or animal control facility shall estimate to the best of
9 its ability.

10 (2) The dates of any inoculation or medical treatment
11 administered to the dog or cat at any time while under the
12 possession of the animal shelter or animal control
13 facility.

14 (3) If the dog or cat received any inoculation or
15 medical treatment from a veterinarian, then the name and
16 business address of the veterinarian who performed the
17 examination and administered any treatment or medication.

18 (4) If the dog or cat received any inoculation or
19 medical treatment from an animal shelter or animal control
20 facility, then the name of the manager who authorized the
21 administration of the treatment or medication, his or her
22 title, and employer.

23 (5) The adoption fee and any additional fees or
24 charges.

25 (6) If the dog or cat was returned by an adopter, then
26 the date and reason for the return.

1 (7) Any known citations or warnings issued to the
2 animal shelter or animal control facility by the Illinois
3 Department of Agriculture, or other regulatory or
4 governmental agency relating to the health or welfare of
5 dogs or cats held or placed for adoption by an animal
6 shelter or animal control facility.

7 (8) The policy of the animal shelter or animal control
8 facility regarding any returns of the adopted dog or cat,
9 warranties, guarantees, or any other policy related to the
10 adopted dog or cat.

11 (9) Whether the dog or cat (i) was found as a stray,
12 (ii) was an owner surrender, (iii) was transferred from
13 another animal control facility, or (iv) otherwise how the
14 dog or cat came to the animal shelter or animal control
15 facility.

16 (b) The information required in subsection (a) shall be
17 provided to the adopter in written form by the animal shelter
18 or animal control facility and shall on its last page have an
19 acknowledgement of disclosures form, which must be signed by
20 the adopter and an authorized representative of the animal
21 shelter or animal control facility at the time of the adoption.
22 The acknowledgement of disclosures form shall include the
23 following:

24 (1) A blank space for the dated signature and printed
25 name of the authorized representative handling the
26 adoption on behalf of the animal shelter or animal control

1 facility, which shall be immediately beneath the following
2 printed statement: "I hereby attest that all of the above
3 information is true and correct to the best of my
4 knowledge, and I have made a diligent effort to obtain this
5 information.".

6 (2) A blank space for the dated signature and printed
7 name of the adopter, which shall be immediately beneath the
8 following statement: "I hereby attest that this disclosure
9 was posted with the dog or cat for adoption and that I have
10 read all the disclosures. I further understand that I am
11 entitled to keep a signed copy of this disclosure.".

12 (c) A copy of the disclosures and the signed
13 acknowledgement of disclosure form shall be provided to the
14 adopter and the original copy shall be maintained by the animal
15 shelter or animal control facility for a period of 2 years from
16 the date of adoption.

17 (d) An animal shelter or animal control facility shall post
18 in a conspicuous place in writing on or near the cage of any
19 dog or cat available for adoption the information required by
20 subsection (a) of this Section 3.5. An animal shelter or animal
21 control facility that makes dogs or cats available for adoption
22 over the internet must post the same disclosures required by
23 subsection (a) of this Section 3.5 in conjunction with the
24 information about the individual dog or cat for adoption.

1 Sec. 3.15. Disclosures for dogs and cats being sold by pet
2 shops.

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

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

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

11 (3) The dates of any inoculations or medical treatments
12 administered to the dog or cat at any time prior to the
13 sale.

14 (4) If the dog or cat received any inoculation or
15 medical treatment from a veterinarian, then the name and
16 business address of the veterinarian who performed the
17 examination and administered any treatment or medication.

18 (5) If the dog or cat received any inoculation or
19 medical treatment from a pet shop, then the name of the
20 licensee or manager who authorized the administration of
21 the treatment or medication, his or her title, and
22 employer.

23 (6) If the dog or cat received any inoculation or
24 medical treatment from a dog dealer or cattery operator,
25 then the name of the licensee or manager who authorized the
26 administration of the treatment or medication, his or her

1 title, and employer.

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

8 (8) Any known citations or warnings issued to the
9 breeder by the USDA, respective state Department of
10 Agriculture, or other regulatory or governmental agency
11 relating to the health or welfare of the dogs or cats owned
12 or bred by that breeder.

13 (9) The name and business address of any other person
14 who owned, harbored, transported, or facilitated the sale
15 of the dog or cat between its birth and the point of sale.

16 (10) Any known congenital or hereditary diseases of the
17 parents of the dog or cat, or the parents' other offspring.

18 (11) If eligible for registration with a pedigree
19 registry, then the name and registration numbers of the
20 sire and dam and the address of the pedigree registry where
21 the sire and dam are registered.

22 (12) If the dog or cat was returned by a customer, then
23 the date and reason for the return.

24 (13) The total number of puppies or kittens that were
25 born at the breeder's facility in the prior calendar year.

26 (14) The licensee's policy regarding any guarantees,

1 warranties, refunds or returns.

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

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

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 with the dog or cat for sale and that
18 I have read all of the disclosures. I further understand
19 that I am entitled to keep a signed copy of this
20 disclosure."

21 (c) A copy of the disclosures and the signed
22 acknowledgement of disclosure 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.

26 (d) A pet shop operator shall post in a conspicuous place

1 in writing on or near the cage of any dog or cat available for
2 sale the information required by subsection (a) of this Section
3 3.15. A pet shop operator that makes dogs or cats available for
4 sale over the internet must post the same disclosures required
5 by subsection (a) of this Section 3.15 in conjunction with the
6 information about the individual dog or cat for sale.

7 (e) A pet shop operator who makes a false or misleading
8 statement in connection with any disclosure required by
9 subsection (a) of this Section 3.15 has committed a violation
10 of Section 2Z of the Consumer Fraud and Deceptive Business
11 Practices Act.

12 Section 10. The Consumer Fraud and Deceptive Business
13 Practices Act is amended by changing Section 2Z as follows:

14 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

15 Sec. 2Z. Violations of other Acts. Any person who knowingly
16 violates subsection (a) of Section 3.15 of the Animal Welfare
17 Act, the Automotive Repair Act, the Automotive Collision Repair
18 Act, the Home Repair and Remodeling Act, the Dance Studio Act,
19 the Physical Fitness Services Act, the Hearing Instrument
20 Consumer Protection Act, the Illinois Union Label Act, the Job
21 Referral and Job Listing Services Consumer Protection Act, the
22 Travel Promotion Consumer Protection Act, the Credit Services
23 Organizations Act, the Automatic Telephone Dialers Act, the
24 Pay-Per-Call Services Consumer Protection Act, the Telephone

1 Solicitations Act, the Illinois Funeral or Burial Funds Act,
2 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and
3 Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High
4 Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage
5 Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the
6 Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the
7 Cigarette Use Tax Act, the Electronic Mail Act, the Internet
8 Caller Identification Act, paragraph (6) of subsection (k) of
9 Section 6-305 of the Illinois Vehicle Code, Section 18d-115,
10 18d-120, 18d-125, 18d-135, or 18d-150 of the Illinois Vehicle
11 Code, Article 3 of the Residential Real Property Disclosure
12 Act, the Automatic Contract Renewal Act, or the Personal
13 Information Protection Act commits an unlawful practice within
14 the meaning of this Act.

15 (Source: P.A. 95-413, eff. 1-1-08; 95-562, eff. 7-1-08; 95-876,
16 eff. 8-21-08; 96-863, eff. 1-19-10.)

17 Section 99. Effective date. This Act takes effect January
18 1, 2011.