

AN ACT concerning animals.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 10. The Animal Welfare Act is amended by changing Sections 2, 3, 3.2, 3.3, 7, 20.5, and 21 as follows:

(225 ILCS 605/2) (from Ch. 8, par. 302)

Sec. 2. Definitions. As used in this Act unless the context otherwise requires:

"Department" means the Illinois Department of Agriculture.

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

"Pet shop operator" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State. However, a person who sells only such animals that he has produced and raised shall not be considered a pet shop operator under this Act, and a veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 shall not be considered a pet shop operator under this Act.

"Dog dealer" means any person who sells, offers to sell, exchange, or offers for adoption with or without charge or

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

"Secretary of Agriculture" or "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

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

"Kennel operator" means any person who operates an establishment, other than an animal control facility, veterinary hospital, or animal shelter, where dogs or dogs and cats are maintained for boarding, training or similar purposes for a fee or compensation.

"Boarding" means a time frame greater than 12 hours or an overnight period during which an animal is kept by a kennel operator.

"Cat breeder" means a person who sells, offers to sell, exchanges, or offers for adoption with or without charge cats that he or she has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a cat breeder.

"Dog breeder" means a person who sells, offers to sell, exchanges, or offers for adoption with or without charge dogs that he has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a dog breeder.

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

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

its customary purposes.

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

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

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

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

"Return" in return to field or trap, neuter, return program means to return the cat to field after it has been sterilized and vaccinated for rabies.

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

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

"Owner" means any person having a right of property in an animal, who keeps or harbors an animal, who has an animal in his or her care or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return or ~~release~~ program.

(Source: P.A. 99-310, eff. 1-1-16; 100-842, eff. 1-1-19; 100-870, eff. 1-1-19; revised 10-22-18.)

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

Sec. 3. (a) Except as provided in subsection (b) of this Section, no person shall engage in business as a pet shop operator, dog dealer, kennel operator, day care operator, dog breeder, or cat breeder or operate a guard dog service, an animal control facility, or animal shelter, ~~or any combination thereof,~~ in this State without a license therefor issued by the Department. If one business conducts more than one such operation, each operation shall be licensed separately. Only

~~one license shall be required for any combination of businesses at one location, except that a separate license shall be required to operate a guard dog service.~~ Guard dog services that are located outside this State but provide services within this State are required to obtain a license from the Department. Out-of-state guard dog services are required to comply with the requirements of this Act with regard to guard dogs and sentry dogs transported to or used within this State.

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

(Source: P.A. 100-842, eff. 1-1-19.)

(225 ILCS 605/3.2)

Sec. 3.2. Foster homes. A person shall not operate a foster home without affiliating by formal written agreement with an animal shelter or animal control facility for which that person will operate the foster home ~~first obtaining a permit from the animal shelter or animal control facility for which that person will operate the foster home.~~ The written agreement shall include a clause allowing for the Department to inspect the foster home. The animal shelter or animal control facility shall be responsible for the records and have the obligation of

~~stewardship for animals in the foster home with which it affiliates. Upon application and payment of the required fees by the animal shelter, the Department shall issue foster home permits to the animal shelter. The animal shelter shall be responsible for the records and have all the obligations of stewardship for animals in the foster homes to which it issues permits.~~

Foster homes shall provide the care for animals required by this Act and shall report any deviation that might affect its adherence to its written agreement with the affiliating animal shelter or animal control facility ~~the status of the license or permit to the animal shelter.~~ If the subject of a complaint, a foster home may be inspected by the Department under the Department's licensing authority relative to the affiliating animal shelter or animal control facility. Refusal of the Department's inspection may result in revocation of the license.

A foster home shall not care for more than 4 foster animals or more than 2 litters under 8 weeks of age at any one time.

(Source: P.A. 100-870, eff. 1-1-19.)

(225 ILCS 605/3.3)

Sec. 3.3. Adoption of dogs and cats.

(a) An animal shelter or animal control facility shall not adopt out any dog or adopt out or return to field any cat unless it has been sterilized and microchipped. However, an

animal shelter, ~~or~~ animal control facility may adopt out a dog or cat that has not been sterilized and microchipped if:

(1) Blank; ~~or the adopting owner has executed a written agreement agreeing to have sterilizing and microchipping procedures performed on the animal to be adopted within a specified period of time not to exceed 30 days after the date of the adoption, or~~

(2) the adopting owner has executed a written agreement to have sterilizing and microchipping procedures performed within 14 days after a licensed veterinarian certifies the dog or cat is healthy enough for sterilizing and microchipping procedures, and a licensed veterinarian has certified that the dog or cat is too sick or injured to be sterilized or it would be detrimental to the health of the dog or cat to be sterilized or microchipped at the time of the adoption.

(b) An animal shelter or animal control facility may adopt out any dog or cat that is not free of disease, injury, or abnormality if the disease, injury, or abnormality is disclosed in writing to the adopter, and the animal shelter or animal control facility allows the adopter to return the animal to the animal shelter or animal control facility.

(c) The requirements of subsections (a) and (b) of this Section do not apply to adoptions subject to Section 11 of the Animal Control Act.

(Source: P.A. 96-314, eff. 8-11-09.)

(225 ILCS 605/7) (from Ch. 8, par. 307)

Sec. 7. Applications for renewal licenses shall be made to the Department in a manner prescribed by the Department, shall contain such information as will enable the Department to determine if the applicant is qualified to continue to hold a license, shall report beginning inventory and intake and outcome statistics from the previous calendar year, and shall be accompanied by the required fee, which shall not be returnable. The report of intake and outcome statistics shall include the following:

(1) The total number of dogs, cats, and other animals, divided into species, taken in by the animal shelter or animal control facility, in the following categories:

(A) surrendered by owner;

(B) stray;

(C) impounded other than stray;

(D) confiscated under the Humane Care for Animals Act;

(E) transfer from other licensees within the State;

(F) transferred into or imported from out of the State;

(G) transferred into or imported from outside the country; and

(H) born in shelter or animal control facility.

(2) The disposition of all dogs, cats, and other animals taken in by the animal shelter or animal control facility, divided into species. This data must include dispositions by:

- (A) reclamation by owner;
- (B) adopted or sold;
- (C) euthanized;
- (D) euthanized per request of the owner;
- (E) died in custody;
- (F) transferred to another licensee;
- (G) transferred to an out-of-State nonprofit agency;
- (H) animals missing, stolen, or escaped;
- (I) cats returned ~~animals released~~ in field; ~~trapped, neutered, released;~~ and
- (J) ending inventory; shelter count at end of the last day of the year.

The Department shall not be required to audit or validate the intake and outcome statistics required to be submitted under this Section.

(Source: P.A. 100-870, eff. 1-1-19.)

(225 ILCS 605/20.5)

Sec. 20.5. Administrative fines. The following administrative fines may ~~shall~~ be imposed by the Department upon any person or entity who violates any provision of this

Act or any rule adopted by the Department under this Act:

(1) For the first violation, a fine of \$1,000 ~~\$500~~.

(2) For a second violation that occurs within 2 ~~3~~ years after the first violation, a fine of \$2,500 ~~\$1,000~~.

(3) For a third violation that occurs within 2 ~~3~~ years after the first violation, mandatory probationary status and a fine of \$3,000 ~~\$2,500~~.

If a person or entity fails or refuses to pay an administrative fine authorized by this Section, the Department may prohibit that person or entity from renewing a license under this Act until the fine is paid in full. Any penalty of \$500 or more not paid within 120 days of issuance by the Department shall be submitted to the Department of Revenue for collection as provided under the Illinois State Collection Act of 1986.

(Source: P.A. 98-855, eff. 8-4-14.)

(225 ILCS 605/21) (from Ch. 8, par. 321)

Sec. 21. The following fees shall accompany each application for a license, which fees shall not be returnable:

a. for an original license to an individual \$350 ~~\$25~~

b. for an original license to a partnership, animal shelter, or animal control facility or

corporation..... \$350 ~~\$25~~

c. for an annual renewal license \$100 ~~\$25~~

d. for each branch office license \$100 ~~\$25~~

- e. for the renewal of any license not renewed by
 July 1 of the year \$400 ~~\$40~~
- f. (blank) ~~for a permit for a foster home~~ ~~\$25~~
- g. (blank) ~~for renewal of a permit for a foster home~~ .. ~~\$25~~

(Source: P.A. 89-178, eff. 7-19-95.)

Section 15. The Animal Control Act is amended by changing Sections 2.01, 2.07, 2.16, 11, 24, and 35 and by adding Sections 2.19-3 as follows:

(510 ILCS 5/2.01) (from Ch. 8, par. 352.01)

Sec. 2.01. Administrator. "Administrator" means a veterinarian licensed by the State of Illinois and appointed pursuant to this Act, or ~~in the event a veterinarian cannot be found and appointed pursuant to this Act,~~ a non-veterinarian may serve as Administrator under this Act. In the event the Administrator is not a veterinarian, the Administrator shall defer to the Deputy Administrator ~~veterinarian~~ regarding all medical decisions.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.07) (from Ch. 8, par. 352.07)

Sec. 2.07. Deputy Administrator. "Deputy Administrator" means a veterinarian licensed by the State of Illinois, appointed by the Administrator or the County Board.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/2.16) (from Ch. 8, par. 352.16)

Sec. 2.16. Owner. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, vaccinate for rabies, and return ~~or release~~ program.

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

(510 ILCS 5/2.19-3 new)

Sec. 2.19-3. Return. "Return" in return to field or trap, neuter, return program means to return the cat to field after it has been sterilized and vaccinated for rabies.

(510 ILCS 5/11) (from Ch. 8, par. 361)

Sec. 11. Animal placement. When not redeemed by the owner, agent, or caretaker, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner or chip purchaser if the purchaser was a nonprofit organization, animal shelter, animal control facility, pet store, breeder, or veterinary office must be notified. After contact has been made or attempted, dogs ~~or cats~~ deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed animal shelter, ~~humane society~~ or

rescue group. After contact has been made or attempted, the animal control facility may either: (1) offer the cat for adoption; (2) return to field or transfer the cat after sterilization; or (3) make the cat available to a licensed animal shelter or animal control facility. ~~The~~ ~~if no placement is available,~~ the animal may be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act. An animal control facility or animal pound or animal shelter shall not adopt or release any dog or cat to anyone other than the owner or a foster home unless the animal has been rendered incapable of reproduction and microchipped. ~~, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such service performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal pound or shelter, and any monies which have been deposited shall be forfeited and submitted to the county Pet Population Control Fund on a yearly basis.~~ This Act shall not prevent humane societies or animal shelters from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and other existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group, unless the group has been licensed ~~or has a foster care permit issued by the~~

~~Illinois~~ Department of Agriculture or is a representative of a not-for-profit out-of-state organization, animal shelter, or animal control facility. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this Section or that fails to report its intake and euthanasia statistics as required by law each year.

(Source: P.A. 100-870, eff. 1-1-19.)

(510 ILCS 5/24) (from Ch. 8, par. 374)

Sec. 24. Limitations. Nothing in this Act shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit animals from running at large, nor shall anything in this Act be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision provided that no regulation, policy or ordinance is specific to breed.

(Source: P.A. 93-548, eff. 8-19-03.)

(510 ILCS 5/35)

Sec. 35. Liability.

(a) Any municipality, ~~or~~ political subdivision, or State university or community college allowing feral cat colonies and trap, sterilize, vaccinate for rabies, and return programs to

help control cat overpopulation shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from a feral cat. Any municipality or political subdivision allowing dog parks shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from occurrences in the dog park.

(b) Any veterinarian, ~~or~~ animal shelter, or animal control facility who in good faith contacts the registered owner, agent, or caretaker of a microchipped animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

(c) Any veterinarian who sterilizes feral cats and any feral cat caretaker who traps cats for a trap, sterilize, vaccinate for rabies, and return program shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

(d) Any animal shelter or animal control facility worker who microchips an animal shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

(Source: P.A. 97-240, eff. 1-1-12.)

Section 99. Effective date. This Act takes effect upon

Public Act 101-0295

SB0061 Enrolled

LRB101 06747 SLF 51774 b

becoming law.