



Joint Task Force on Breeders and Pet Stores

December 21, 2009

Illinois General Assembly Members
Illinois State Capitol
Springfield, Illinois

Members of the General Assembly,

On June 1, 2009, the General Assembly adopted Senate Joint Resolution No. 56 establishing a Joint Task Force on Breeders and Pet Stores. The Task Force was instructed to investigate and make recommendations regarding the two industries as it relates to the care, health, and well-being of dogs. Included in the Resolution are seven issues recommended for examination.

The Task Force consisted of a diverse number of individuals representing a broad cross-section of dog breeders, pet stores, animal shelters, animal welfare groups, veterinarians, and members of the Illinois General Assembly. The Task Force held four meetings. In addition to the expertise of the Task Force members, testimony was solicited from constituent groups and the public on the mandates outlined in the Resolution.

The final product of this Task Force consists of accompanying memorandums and proposed legislation. As with most contentious and complex issues, there are points that could not be resolved and are discussed in the various reports. One point that did receive universal consensus was that adequate resources must also be devoted in order to enforce the law and regulations.

The health and welfare of animals is of primary importance as well as assisting the public in making an informed decision when purchasing a new pet. Members of the Task Force devoted an extraordinary amount of time and effort in this important endeavor. These issues must also be balanced with the needs of the breeder and pet store owner. It is the desire of the Task Force that these recommendations provide a solid foundation for animal welfare in Illinois.

Sincerely,

A handwritten signature in cursive script that reads "Mark J. Ernst".

Mark J. Ernst, D.V.M.
State Veterinarian
Chairman, Joint Task Force on Breeders and Pet Stores

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Members of the Joint Task Force on Breeders and Pet Stores

Dr. Mark Ernst, Task Force Chair, Illinois Department of Agriculture

Ronald Berning, Owner of Happiness is Pets

Dr. Steve Dullard, Ancare Veterinary Clinic, PC

Michele Kasten, Belle City Kennel Club

Christina Lee, Illinois Professional Breeders Association

Jordan Matyas, Humane Society of the United States

Cori Menken, American Society for the Prevention of Cruelty to Animals

Mary Jo Trimble, Illinois Federation for Outdoor Resources

Tom Van Winkle, Animal Care League

Erika Walsh, American Sloughi Association

Sally Westerhoff, Quincy Humane Society

Legislative Ombudspersons

Senator Pamela Althoff, 32nd Senate District

Senator Dan Kotowski, 33rd Senate District

Representative Susana Mendoza, 1st House District

Representative Ron Stephens, 102nd House District

Joint Task Force on Breeders and Pet Stores

Schedule of Meetings

June 22, 2009

1st Open Meeting

Artisan's Building- Illinois State Fair Grounds
Springfield, IL

August 25, 2009

2nd Open Meeting

Illinois Department of Agriculture- Auditorium
Springfield, IL

September 29, 2009

3rd Open Meeting

Artisan's Building- Illinois State Fair Grounds
Springfield, IL

October 27, 2009

4th Open Meeting

Illinois Department of Agriculture- Auditorium
Springfield, IL

EXECUTIVE SUMMARY

The 96th General Assembly created the Joint Task Force on Breeders and Pet Stores (Task Force) to investigate and make recommendations regarding the two industries. During this session, various legislation was introduced regarding the humane care and treatment of animals and animal welfare. The current laws that govern dog breeders and pet stores are the Animal Welfare Act (AWA) (225 ILCS 605), the AWA administrative rules (8 Ill. Admin. Code 25), the Humane Care for Animals Act (HCA) (510 ILCS 70), and the HCA administrative rules (8 Ill. Admin. Code 35).¹

To date in the 96th General Assembly, four bills were enacted that revised the HCA: 1) Public Act 96-224 increased penalties for offenses pertaining to animal fighting; 2) Public Act 96-494 implemented cross-reporting requirements for Illinois Department of Children and Family Services and Illinois Department of Agriculture investigators in regard to child and animal abuse; 3) Public Act 96-712 implemented property forfeiture provisions for offenses involving animal fighting; and 4) Public Act 96-780 implemented guidelines for carbon monoxide euthanasia by a licensed veterinarian.

Several bills were introduced in the 96th General Assembly to amend the AWA, but due to the inability to reach a consensus, no changes have been enacted. The Task Force was created to address the issues raised in the proposed bills pertaining to the Animal Welfare Act. Representatives from various associations representing the animal welfare community, small and large scale dog breeders, sporting dog community, pet stores, humane societies, animal shelters and animal rescues were appointed to serve on the Task Force. The Task Force was chaired by an appointee of the Director of Agriculture.

Under the AWA, the Illinois Department of Agriculture (Department) is authorized to impose fines for violations to entities required to be licensed under the act. The Department may also revoke licenses for violations of the AWA and administrative rules. Required licensees include pet shop operators, dog dealers, kennel operators, cattery operators, animal control facilities, animal shelters, and guard dog services. Violations of the HCA are criminally prosecuted by state's attorneys. The Department has six staff assigned to investigate complaints regarding the 1991 facilities it licenses under the AWA. In addition, those same six staff are also tasked to investigate alleged violations of the HCA by any offender in the State of Illinois.

In addressing the issues set forth in Senate Joint Resolution Number 56, the Task Force held four open meetings, reviewed and debated prior legislative proposals, reviewed several other states' standards to serve as a guideline during the revision process, and heard testimony from the public. Testimony was presented by over thirty individuals at the public meetings.

Per the request of Senators Althoff and Kotowski, the Department drafted proposed changes to the Animal Welfare Act and rules. The representatives of the Task Force were seldom in

¹ The Humane Care for Animals Act applies to all animal owners; the Animal Welfare Act applies to entities licensed under that Act.

agreement on any of the suggested changes to the current Illinois law or rules. The Task Force agreed the Department needs additional resources including personnel to enforce the AWA and rules. One area of consensus by Task Force members was to create a special fund where all monies received by the Department for licensing fees and violations of the AWA would be deposited for the purpose of increasing the resources and personnel of the Department. The Task Force also recognized that legislatively such a fund would likely be subject to fund sweeps.

The Task Force was given seven specific charges to investigate and make recommendations to the members of the 96th General Assembly. The following report serves as a guideline as to some of the findings of the Task Force and as a basis as to why a consensus could not be reached on making any recommendations.

I. HUMANE CARE AND TREATMENT FOR DOGS AT PET STORES AND BREEDING FACILITIES

News reports document problems of “puppy mills” in other states, prompting the question of whether a similar issue exists in Illinois. The Task Force noted that Illinois law does not dictate a maximum number of animals allowed per owner, but rather requires that every animal receive proper care.²

In analyzing the issue of whether pet stores and breeders are violating the AWA and HCA, the following data was compiled from the 2008-2009 license period of citations issued by the Department: 1) nine citations for the selling of sick animals; 2) seven citations for unsanitary conditions; 3) three citations for failure to make proper repairs; 4) twenty-four citations for failure to test sires for canine brucellosis; and 5) fourteen citations for inadequate records. These numbers demonstrate there were not a large number of citations issued to pet stores or dog breeders for committing AWA or HCA violations.

At the September 29, 2009, hearing, the Task Force requested public testimony as to the seven issues it was charged with investigating. Over thirty individuals testified at that hearing. There was testimony from an assistant state’s attorney in regard to the challenges associated with prosecuting violators under the AWA and HCA. No evidence was presented of inhumane treatment of animals by Illinois breeders. No testimony was presented at the public hearing regarding “puppy mills” in Illinois. Most presenters raised issues with language that was proposed to revise the AWA, and in particular, concerns were raised on fee increases and the impact it would have on small businesses or not-for-profit corporations.

The Task Force members recognize that a difference exists between hobby breeders and large scale breeders, not only in the number of dogs harbored and bred but in the purpose for breeding, the care and environment provided to the dogs, and the disposition of any puppies produced. This difference must be recognized in the treatment of hobby and large-scale breeders both under the AWA and rules.

The Task Force found that there are some licensees and non-licensed entities in the state that are not providing the necessary care for the animals as required by the AWA and HCA. The Task Force wants the Department to have an enhanced ability to impede these individuals; however, no consensus was reached by the Task Force as to how to accomplish this goal.

² Some local units of government place restrictions on the number and type of animals that may be owned by residents.

II. CREATING MORE SPECIFIC REQUIREMENTS FOR INDOOR AND OUTDOOR KENNEL FACILITIES TO ENSURE THE HEALTH AND WELFARE OF DOGS USED FOR COMMERCIAL PURPOSES

The AWA and rules lack specificity as to the standards for kennel facilities. At the request of the legislative members of the Task Force, the Department drafted proposed changes to the administrative rules. The Department used the Federal Animal Welfare Act rules as a guideline for its proposed changes. Due to varying views on the proposed changes to the rules, the Department is not recommending any changes to the rules at this time. In the event any new legislation is enacted amending the AWA, the Department will draft proposed changes to accommodate the new revisions to the law.

III. ESTABLISHING MORE DETAILED SPECIFICATIONS SO THAT INDOOR AND OUTDOOR FACILITIES PROVIDE DOGS WITH PROPER SHELTER, TEMPERATURE CONTROL, VENTILATION, AIR MOVEMENT, LIGHTING, BEDDING SANITATION, SLOPE OF GROUND AND RUN AND FLOORING MATERIALS

The AWA and rules lack specificity as to the standards for indoor and outdoor housing requirements. At the request of the legislative members of the Task Force, the Department drafted proposed changes to the administrative rules. The Department used the Federal Animal Welfare Act rules as a guideline for its proposed changes. Again, due to the varying views on these recommendations by several Task Force members and the groups they represent, the Department is not introducing any proposed changes to the rules at this time.

Based on the statements by various Task Force members, it may not be practical to set standards that are the same for hobby breeders, commercial breeders, pet stores, animal shelters and animal rescues based on the differing functions of each of group.

IV. CREATING MORE DETAILED RECORD KEEPING REQUIREMENTS FOR BREEDERS AND STORES

The AWA and regulations require records to be available for inspection to the Department. The proposed changes to the AWA require more detailed record keeping requirements for licensees.

V. ENSURING THAT CONSUMERS ARE PROVIDED ADEQUATE INFORMATION PRIOR TO THE TIME OF SALE OF DOGS

The AWA requires pet shops, dog dealers and cattery operators to provide the following information for every dog or cat available for sale: the breed, age, sex, weight of animal, records of vaccinations and record of veterinary care and treatment received, record (or lack thereof) of surgical sterilization, the name and address of the breeder, and the name

and address of any other person who owned or harbored the animal between its birth and point of sale. The proposed changes to the AWA and rules would require additional information be provided as well as a copy of a brochure entitled “Buying or Adopting a New Pet.” The proposed changes also require dog breeders to provide this information.

Humane societies request this information be disclosed on cages and the internet so it is available regardless of whether there is an interest in purchasing or adopting the animal. They also request disclosure of all fees and financing details for dogs that may be purchased on payment plans.

Pet stores and dog breeders agree with the proposed changes but do not want the information posted on cages and the internet due to fear of fraudulent use of license numbers and of stores and breeders being targeted by animal rights activists.

VI. ENSURING THAT DOGS BEING SOLD ARE HEALTHY

Ensuring that dogs being sold are healthy is a common goal of all task force members and the associations they represent. Task Force members provided proposed legislation or recommendations for ensuring animals being sold are healthy. Task Force members Matyas and Menkin proposed revisions based on SB 53. Task Force member Dullard provided a draft of HB 3888, commonly referred to as the “Pet Lemon Law.” There is opposition by some Task Force members as to this being the appropriate venue for the discussion of the “Pet Lemon Law.”

Attached as an appendix is a consumer brief prepared by the New Jersey Division of Consumer Affairs, which outlines the rights of consumers who purchase pets in New Jersey.

VII. AMENDING ANIMAL WELFARE LAWS TO ADDRESS THESE SPECIFIC ISSUES THAT COULD BE ADDRESSED THROUGH SUCH LAWS

At the request of the legislative Task Force members, the Department proposed improvements to the AWA, attempting to balance the Department’s enforcement needs with the concerns that were expressed by the various interest groups. Additionally, the Department presented changes to the AWA rules that were based on the Federal Animal Welfare Act rules. The Department utilized the federal standards of care as a guideline for developing requirements for cage size, sanitation, ventilation etc. In the event the current Illinois laws or rules were more stringent than the federal standards, the federal version was not incorporated into the proposed changes. Again, the proposals to the rules are tabled at this time.

The proposals were distributed to the Task Force members for their review. Many comments were received from Task Force members as well as the general public in regard to the proposed changes. The Department incorporated suggestions of Task Force

members and the public when feasible. No consensus was reached on the proposed changes. The following are examples of areas where agreement could not be reached:

- Cage size, ventilation, exercise, sanitation, and wire flooring.
- Increase in licensing fees.
- Information that should be provided on animals for sale in pet stores and how that information should be available.
- Whether hobby breeders should be subject to the same standards as commercial breeders and kennel operators.
- Whether animal shelters and animal rescues should be held to the same standards as pet stores and breeders.

While the Task Force was unable to reach an agreement, given the very different and often opposing agendas of the groups, this may not be a feasible goal. All Task Force members want a good standard of care for dogs, but opinions vary on how to achieve those standards.

CONCLUSION

The Joint Task Force on Breeders and Pet Stores strongly believes additional resources, including personnel, are needed to enforce the current Animal Welfare Act and rules. The Task Force also believes however there are some areas where the law could be strengthened to better serve the well-being of the dogs in Illinois and encourages legislators to review the attached proposals.

Due to the inability to reach a consensus on the issues as set forth in Senate Joint Resolution Number 56, there are accompanying memorandums to this report that reflect the views of various Task Force members and the associations they represent.

MEMORANDUMS

To: Members of the Illinois General Assembly
From: Jordan Matyas, Cori Menkin, Erica Walsh, Sally Westerhoff, Tom Van Winkle
Regarding: Response to Report of Joint Task Force on Breeders and Pet Stores
From: December 14, 2009

A great deal of time and effort went into the task force meetings. Unfortunately the report and the draft legislation that are being presented by the Department of Agriculture are insufficient to protect the animals and the consumers of Illinois, and do not represent a consensus viewpoint among task force members. There are a number of areas where the report and legislative recommendations issued by the Department of Agriculture are unsatisfactory. Each of those areas is addressed in detail below.

I. Enforcement:

The report notes that only a handful of citations have been issued for violations of the Animal Welfare Act and the Humane Care for Animals Act. This incredibly low number is couched as evidence that there are no problems in Illinois. We, the members of the task force representing the animal welfare community, believe instead that the numbers show: 1) the law and regulations are so vague that the Department is not able to enforce humane standards, with the low number of citations reflecting the fact that investigators are not clear on what to enforce; 2) the Department rarely issues citations but instead gives numerous warnings and; 3) the Department is not properly staffed and some employees are not sufficiently enforcing existing law.

II. Definitions:

The report uses the terms “hobby breeder,” “small scale breeder” and “commercial breeder” repeatedly. No consensus has been reached on a definition for these terms. Under the Department’s draft legislation a “small scale breeder” means any person who has possession of, or harbors 12 or more but fewer than 26 female dogs. This definition is unacceptable to task force members representing the animal welfare community. By our estimates, 26 female dogs can produce at least 260 puppies a year (2 litters a year, each with an average of 5 pups per litter), as a very conservative estimate. A breeder selling in excess of 200 puppies a year is clearly running a commercial enterprise. If selling for a modest \$400 per puppy such breeders could be grossing more than \$100,000 a year (260 pups X \$400 = \$104,000). The term “hobby” seems to imply that these breeders would not be responsible for sales or income tax, which is inaccurate. We recommend that the definition of "Commercial dog breeder" be changed to mean: “any person who owns, has possession of, or harbors 6 or more female dogs capable of reproduction and

breeds or whelps dogs and: (1) sells or transfers any dog to a wholesale dog dealer or to a pet shop; or (2) sells or transfers more than 30 dogs per calendar year” for the reasons stated above.

Moreover, while the department suggests defining the three terms, there is no correlating recommendation that large scale breeders be required to implement different standards than small scale breeders. One of the main purposes of our discussions during the task force meetings was to differentiate between these two classes of breeders in order to ensure that dogs held in large scale breeding operations were protected from abuses common within that sector of the industry. The typical practices of a large scale breeder vary greatly from those of true hobby breeders. In large scale facilities, dogs are typically kept in small cages 24 hours a day and bred at every opportunity in order to maximize profit. As a result, it is crucial that the law dictate humane standards of care for those dogs, including, but not limited to sufficient cage space, access to outdoor exercise areas, adequate veterinary care, and flooring that does not injure or hurt the dogs’ paws.

III. Use of USDA Standards as a Guideline:

While we agree with the Department’s view that the current law lacks specificity, the Department originally suggested the adoption of federal guidelines. We are strongly opposed to codifying existing federal standards into Illinois law or regulations. Adopting the federal Animal Welfare Act rules will create an open invitation to unscrupulous operators who consider man’s best friend as nothing more than a “cash crop”. The federal standards are merely survival standards for dogs. Even the USDA does not believe these standards are sufficient. The USDA has repeatedly asserted that their regulations and standards are *minimum* requirements and can be built upon by the states (See 7 U.S.C. § 2143(A)(8), stating that the federal Animal Welfare Act does not preempt state laws.).

Additionally, in its Animal Welfare Act Fact Sheet, USDA APHIS states:

“Although Federal requirements establish acceptable standards, they are not ideal. Regulated businesses are encouraged to exceed the specified minimum standards.” (See http://www.aphis.usda.gov/publications/animal_welfare/content/printable_version/fs_awayact.pdf)

The federal rules are insufficient for many reasons, including:

- Cage size need only be six inches larger than the length of the dog in all directions.
- Dogs may be kept in indoor kennels at all times, never experiencing sunlight or fresh air, which are critical for the health and welfare of the dogs.

- Dogs may be kept in wire-floored enclosures, which can lead to entrapment and foot and leg discomfort and injuries.
- Up to 12 dogs can be housed in one cage.
- There is no limit to the number of dogs a facility can house, and no requirement for adequate staffing levels to care for those dogs.
- There is no limit on the number of times a dog may be bred in a year or a lifetime, nor is there any breeding age restriction to protect adolescent and geriatric dogs.
- Cages may be stacked on top of each other, allowing waste from top cages to seep through to the cages below and encouraging overcrowding, ventilation and lighting problems.
- Loopholes allow dogs to be exposed to below-freezing temperatures or other extremes of temperature as long as there is extra bedding, or a vet has signed off that they are “acclimated to withstand” them.

As a result, the members of the task force representing the animal welfare community cannot and will not support any proposal to codify USDA standards in the state of Illinois. To protect animals from inhumane treatment and protect consumers from purchasing sick animals, Illinois must adopt standards that address humane care, disease, infection, stress, and similar concerns in a meaningful way. Several states enacted new laws addressing puppy mills that substantially exceed the USDA standards during their 2009 legislative sessions, and a number of other states have legislation pending to do the same. Anything less in Illinois would be widely regarded as woefully inadequate and out-of-date. Additionally, it will make Illinois that much more appealing to breeders wishing to circumvent stronger regulation in other states. Illinois should strive to be a leader in combating cruel breeding practices, rather than trying to duplicate a law that even the USDA itself encourages breeders to exceed.

Any legislation that is considered in 2010 must include the following provisions:

- Provide each dog with sufficient space to turn about freely, stand and sit and to lie down without the head, face, tail, legs or feet of the dog touching the sides of the enclosure or touching any other dog. Illinois law should require that the cages be double the size required by the USDA standards.
- Provide each dog with an enclosure that:
 - Has a solid floor without slats or gaps and ensure that wire floors are never used;

- Is placed so that the floor of the enclosure is no more than 30 inches above the floor of the room or ground, if elevated above the floor of a room or ground,; and
 - Is not stacked or otherwise placed above or below any other dog enclosure.
- Provide each dog with constant, unfettered access at all times to an outdoor run. The run must be attached to the primary enclosure and should be twice the size of the required primary enclosure space.
- Provide basic grooming as needed to prevent soiling and matting of the fur, curled toenails, and other conditions that can severely impact the dog's health and well-being.
- Not breed any dog during more than two out of three of the dog's consecutive cycles.
- Maintain no more than 50 adult dogs with intact sexual organs over the age of six months at any one time or ensure the presence of at least one on-site caretaker per 16 dogs for at least eight hours per day.
- Require that Dogs be examined by a veterinarian at least once a year, or for females dogs, before each attempt at pregnancy, whichever occurs more frequently. A dog should not be bred if a veterinarian determines that the animal is unhealthy.
- Prohibit female dogs from being bred before 18 months or after 8 years of age.

IV. Disclosure Requirements:

Under the proposed legislation, the Department would allow pet stores to conceal information about the origin of a dog unless the information is requested. In many cases, consumers will not even know what information to ask for, or be aware that information is available to them. Consumers cannot make informed choices if they are only given information about their pet's origins after the sale. The draft legislation allows consumers to request information, however consumers should not have to know they must request specific information, rather all information should be accessible. Existing law must be changed to reflect the Department's current interpretation, which requires that information on dogs for sale must be available to potential consumers prior to sale. Furthermore, the information provided should be more substantial so that consumers can be adequately educated before purchasing a pet that will be a part of their family for years.

V. Puppy Mills in Illinois:

The report states that at the September 29, 2009 meeting, there was no "evidence presented of inhumane treatment of animals by Illinois breeders. No testimony was presented regarding "puppy mills" in Illinois." On numerous occasions, task force members showed clear examples of inhumane treatment,

and the Department has admitted that there are sub-standard facilities. The statement in the report is misleading.

VI. Conclusion:

The Department was charged with drafting legislative recommendations to reflect the task force's discussions. The Department admits that consensus was not reached on a variety of issues, but has seemingly ignored the views of task force members in proposing draft legislation and rules with wholly unacceptable standards. Indeed, dozens of specific changes suggested by task force members have not been incorporated into the Department's drafts. We, the members of the Task Force representing the animal welfare community, therefore respectfully request that the issues raised in this memorandum be considered, alongside the report issued by the Department of Agriculture, before any legislative changes are proposed by the Illinois General Assembly.

To: Illinois Department of Agriculture
RE: Final Task Force Documents

I have no complaint with the summary Reports stating the various disagreements.

I was VERY disturbed to see that IDOA had taken the liberty of adding another license category to the Animal Welfare Act without any discussion of such a category by the Task Force. I know HSUS stated they wanted a commercial category starting at 16. Supposedly, during a break at one of the meetings, the legislators compromised with HSUS and ASPCA and arrived at a number of 26 instead of the original suggested number which was in the 30's and suggested by IDOA. When asked where the 26 came from, Senator Althoff said , "That was a compromise." We lived with it. No one complained.

Now in a **final draft**, we see the 16 appear in a totally new category never before mentioned. I now ask,
Where did this one come from???? It seems you state in the report, we do not have a problem and yet you have bent over backward to appease the people who say we do. We were told HSUS wanted the number set at 16. Is this another compromise with the breeder groups left out of the discussion.

I am very disappointed in this provision for a new license category and feel it is a personal affront to those
of us who are volunteers, not paid by anyone, to be left out in the cold when the final decisions for this most important change was placed in the Act for legislative consideration. We have not concluded what regulations should be enforced on hobby breeders vs commercial breeders and now we have a totally new category! I feel it should be removed.
Mary Jo Trimble
Sporting Dog Representative



HAPPINESS IS PETS

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(708) 403-3223 (630) 271-1929 (847) 593-7330 630) 388-5301 (630) 261-9400 (708) 857-9900

November 30, 2009

Illinois Department of Agriculture
State Fairgrounds
PO Box 19281
Springfield, Il 62794-19281

Re: Task Force Comments

Animal Welfare Act.

I. Definition of large scale breeder

“Any breeder who sells, offers to sell, exchange, or offers for adoption with or without charge dogs which he has produced and raised to a pet shop shall be licensed as a Large Scale Breeder.”

Why must there be a distinction if a breeder offers to sell directly to the public or to a pet store? This is nothing more than an attempt from the HSUS and ASPCA to place a stigma on both pet stores and breeders. “Large Scale Breeder” should apply to the number of dogs the breeder owns, not to whom the breeder chooses to place their puppies with. Can you please explain the exact intent of this?

II. Task Force Issues. (Ensuring that dogs being sold are healthy).

I would like to go on record stating that the proposed legislation and recommendations with respect to HB 3888 (“Pet Lemon Law”) are irrelevant to this specific task force. That proposed legislation is a consumer protection act and has nothing to do with this task force.

Ronald Berning, President
Happiness Is Pets

To: Dr. Mark Ernst, Chair, Illinois Joint Task Force on Breeders and Pet Stores

From: Michele Kasten, Belle City Kennel Club and Task Force Member

Re: **Final Comments on Department on Task Force report and proposed changes to the Illinois Animal Welfare Act.**

Date: December 16, 2009

Thank you for this opportunity to provide comments and suggestions regarding the task force report and the proposed changes to the AWA.

We would like to begin by stating that the task force has produced no evidence that Illinois has a "puppy mill" problem. In fact, data exists that negates the assumption that Illinois has many breeders with more than 100 animals. Although there is always room for improvement, the laws on the books in Illinois regarding animal welfare and regulating breeders are sound. Among the national dog breeding community, they are acknowledged as among the best in the United States. Any new laws, rules or regulations should keep this fact in mind so anything introduced will not overreach and negatively affect the majority of good, responsible breeders.

We would also like to underline the points made by several of those testifying and speaking at the task force meetings: buyers need to assume responsibility for their choices ~~in where~~ when they purchase a pet. We urge the legislative members of the task force to embrace shared responsibility by breeders, sellers, shelters and consumers, and to keep that principle in mind as they review proposed changes to the AWA.

Relative to the task force report, version dated 12/7/09, we have the following comments:

- On Page 6, Roman numeral I, the report was changed from the previous version to state "These numbers demonstrate there were not a large number of citations issued to pet stores or dog breeders for committing AWA or HCA violations." The previous version stated "These numbers suggest there is not substantial evidence that pet stores or dog breeders are committing AWA or HCA violations." We believe that the original statement better reflects the data that was collected from the IDOA complaint and inspection reports.

Relative to the proposed changes to the Animal Welfare Act submitted with the task force report dated 12/7/09, we have the following comments:

- Definitions. We stand by our original recommendations regarding definitions, which did not include a definition of the very ambiguous term "adoption." We also question why the definition of "adoption" (which we believe was provided by the HSUS/ASPCA) does not make reference to fees.

The term “harbor” also needs to be defined, as there are many instances where an individual is caring for a dog owned by another individual on a short-term basis, and because the term is used throughout the AWA.

The following definitions are preferred by the hobby breeding community for inclusion in the AWA:

“Adult female dog capable of reproduction” means an intact female dog that is over one (1) year of age and less than eight (8) years of age.

“Dog Breeder” means any person other than an animal control facility, veterinary hospital, animal shelter, or records-only animal shelter who sells, offers to sell, exchange, or offers for adoption with or without charge dogs which he has produced and raised. A person who owns, has possession of, or maintains 5 or fewer females capable of reproduction shall not be considered a dog breeder unless that person is required by the USDA Animal Welfare Act to be federally licensed.

“Hobby Breeder” means any person who possesses or maintains, under his or her immediate control, between 6 and 26 adult female dogs capable of reproduction for primary reasons other than the purpose of selling the offspring as companion animals.

“Large Scale Breeder” means any person who possesses or maintains, under his or her immediate control, 27 or more adult female dogs capable of reproduction for the purpose of selling the offspring as companion animals; or sells one (1) dog wholesale.

“Sale” means an exchange in ownership of an animal for a fee.

- Section 2.3 – We question why this section was changed to specify that pet stores may only purchase from “large scale” dog breeders rather than “dog breeders”. While it is true that most responsible hobby breeders will not sell to pet stores, we believe it is the intention of the law to encourage the pet industry to support responsible breeding practices. Precluding a responsible pet store from purchasing from a responsible hobby breeders will not support that goal.
- Section 3 – Licensing. The breeding community still objects to the requirement for separate licenses. In addition to the associated cost increase, requiring separate licensure for each purpose (breeder, boarding kennel, shelter) ~~will have~~ has the potential to apply different and contradictory regulations to one operator.
- Section 3.1 – Disclosure. While a number of our previous issues have been addressed, we would like to provide comment on the requirement to provide Illinois Licensure and

USDA Certification numbers. Not all breeders will necessarily have both, so the two should not be linked. Rather, they should be willing to provide either or both, if applicable.

With regard to providing information for animals eligible for registration with a pedigree registry, not all animals that are eligible will necessarily be registered. In cases where an animal is sold as a pet “without papers,” it should not be necessary to provide registry information for the parents. The more important reason is to ensure that show breeders who have deemed an animal not worthy of breeding have proof of alteration prior to releasing registration papers.

Finally, we would suggest that the following language be considered for inclusion in Section 3.1:

- (225 ILCS 605/3.1) (from Ch. 8, par. 303.1)
Sec. 3.1. Information on dogs and cats for sale. Every pet shop operator, dog dealer, dog breeder, animal shelter, records-only animal shelter, shall provide to the purchaser the following information prior to sale for every dog available for sale:
- (a) The age, sex, color, and weight of the animal.
 - (b) The breed(s) of the animal.
 - (c) A record of vaccinations, veterinary care, and treatment.
 - (d) A record of surgical sterilization or lack of surgical sterilization.
 - (e) The geographical provenance of the animal. The name, address, Illinois (or other state) license number, USDA certificate number (if applicable) of the breeder or initial sheltering agency.
 - (f) The name, address, and Illinois license number or USDA certificate number of any other person who owned or maintained the animal between its birth and the point of sale.
 - (g) If the dog was returned/surrendered for any reason, the date and the reason for return.

Rationale for inclusion:

Animals are /returned/surrendered for a wide variety of reasons. These may or may not be related to behavioral or health issues. In addition, these animals are also often shipped from one part of the country to another and exposed to diseases or parasites that may not be prevalent in their final destination. It is important for veterinarians who will render care to these animals to know their exposure and behavioral history as much as is feasible. For example, some areas of the country have high levels of Lyme disease, heartworm, pesticide resistant fleas, strongyloides and other parasites, as well as emerging infections like canine flu. The quality of

veterinary care would be greatly enhanced by that knowledge so that appropriate screening, preventive care and/or treatment can be provided based on known or suspected health risks. ~~In addition, don't we presume that shelters upstate are getting dogs from shelters downstate, for example? Probably too late to include, so....nevermind.~~

- Section 3.2 – Foster homes. We question the reasoning behind limiting foster homes to four animals at any one time. Our research shows that no complaints were lodged against foster homes. Also, veterinarians and owners need to know if dogs were brought in from out of state or even out of the country. This data should be in the permanent records and divulged to prospective owners or adopters.
- Section 3.3 – Adoption of dogs and cats. Recent data has shown that there are many problems associated with pediatric spay/neuter, including incontinence and growth and development issues. We would recommend that the language allow for an agreement to spay/neuter within 14 days after a licensed veterinarian certifies the dog or cat is healthy and/or mature enough for sterilizing and microchipping.
- Section 3.5 *new* – We would suggest that the Department consider the inclusion of the following statutory language in the AWA relative to tracking of animals in shelters:

Section 3.5. Tracking of animals in shelters, animal control facilities.

Animal Shelters, Animal Control Agencies, Rescue Organizations and Records Only
Shelters must track each animal from the time it enters the system until it is placed in a permanent home or euthanized. This shall include any pertinent information regarding the source of the animal including but not limited to: specific locations, living conditions, medical care provided, and behavior modifications or training. This information must be updated any time the animal is transferred to a new foster home or shelter. This information must be readily available and disclosed to prospective new owners. The name of an owner surrendering the animal is not disclosed to an adoptive owner but shall remain in the animals' file of the intake shelter.

Rationale for inclusion:

Animals in rescue are surrendered for a wide variety of reasons. These may or may not be related to behavioral or health issues. In addition, these animals are also often shipped from one part of the country to another and exposed to diseases or parasites that may not be prevalent in their final destination. It is important for veterinarians who will render care to these animals to know their exposure and behavioral history as much as is feasible. For example, some areas of the country have high levels of Lyme disease, heartworm, pesticide resistant fleas, strongyloides and other parasites, as well as emerging infections like canine flu. The quality of veterinary care would be greatly enhanced by that knowledge so that appropriate screening, preventive care and/or

treatment can be provided based on known or suspected health risks. This tracking will also aid in the control of zoonotic diseases.

- Section 13. We **strongly** request that this due process language remain in the AWA. We urge the department to reinstate this language and will oppose its removal from the final draft.
- Section 16. We request that rather than giving a licensee two weeks to transfer animals, they be given a time frame in business day, to address situations involving holidays, weekends and other circumstances. We would recommend that the language allow for 30 business days for the transfer of animals.

We also have questions regarding the Department's change to this section from the first draft to the subsequent drafts. Is the "tipping point" at 3 months suspension less severe than the previous language? It does not address the serious concerns of our members regarding the time allowed to re-home animals, and in fact, cuts the previous two weeks by one week. We strongly oppose the changes to this section of the AWA.

- Section 18. In subsection (g), we would like to see the Department elaborate on the type of records that must be maintained.
- Section 21 – Licenses and fees. We recognize the Department's attempt to address a drastic increase in licensure fees with the language mandating a maximum fee of \$250. Nevertheless, the new recommendations still constitute a steep increase in the cost of licensure, particularly to hobby breeders and foster homes. We have been informed by members of the breeder community that an increase of this magnitude will in fact force some breeders who maintain related businesses such as boarding kennels and foster animals to relinquish some or all of their licenses. Additionally, we recommend that boarding kennel and dog daycare should be a single license. Having separate licensure for boarding kennels and dog daycare is redundant and unnecessary. Should we mention multiple licenses specifically?

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Illinois Breeder Task Force

Professional Breeder response on the Illinois SJR-56 received November 17, 2009

General Comments

The public and dog industry personnel alike fervently agree that those in the dog industry have a moral and ethical obligation to ensure the physical and emotional well-being of puppies and dogs while in their care. These two groups also agree that effective legislation should be enacted to establish responsible dog husbandry standards and oversight, to protect the rights of those in the dog industry who abide by those rules and regulations, and to appropriately penalize persons in violation of those standards.

The means to achieve these legislative goals however, is not through the passage of Part 25 of the Animal Welfare Act in its current form. While aspects of this proposal are valid as currently written, certain items, if enacted, would financially make it prohibitive to own and operate dog breeding kennels in the state of Illinois.

The intended focus of this bill is to protect the well-fare of animals bred and raised to be household pets prior to their placement into private homes. Its practical effect should be to legally and legislatively support those responsible and dedicated kennel owners whom have devoted their livelihood and who strive to maintain those same values and standards this bill seeks to protect.

When addressing such emotionally charged topics as the health and well-being of dogs and puppies, one must allow scientific findings and sound animal husbandry practices to prevail over emotionally charged pictures, anecdotes and horrific exceptions-to-the-rule when developing legislative policy. The Humane Society of the United States (HSUS), the nation's largest animal rights organization, People for the Ethical Treatment of Animals (PETA), American Society for the Prevention of Cruelty to Animals (ASPCA), and other animal activist groups have devoted millions of dollars and countless hours of paid and volunteer labor to eliminate all animal production in the United States. While we agree that the inhumane conditions exemplified in the animal activists' ad campaigns should be banned and the responsible parties punished according to the levity of the offenses, we strive to keep in the public's awareness the realization that those examples represent an extreme minority of kennel owners and dog breeders.

The nightmarish examples of these animal activist groups do not represent the vast majority of dog breeders and kennels. However, the excessive requirements and severe restrictions proposed in the current version of Part 25 Animal Welfare Act will make it financially prohibitive for the majority of humanely operated, conscientiously maintained dog breeding operations to remain in business. These private kennel owners have dedicated their lives to caring for their breeding stock, promoting the integrity, quality and standards for their breeds, and providing genetically sound and physically and emotionally healthy puppies to the public; if this bill passes in its current form, they will be forced out of business.

A more effective alternative to the need to actively legislate and oversee the professional animal breeders of Illinois would be through the establishment of a Commercial Animal Care Standards Board, fashioned after the Livestock Care Standards Board of Ohio (*see Exhibit A: Ohio 2 Proposed Constitutional Amendment, Passed November 3, 2009.*) Ohio was also faced with animal activist supported legislation very similar to that in Part 25 of the Animal Welfare Act. The Ohio citizens and animal breeders alike recognized the slippery slope that would be created if the legislation being promoted by the HSUS were to pass in their state (*see Exhibit B: "Ohioans Have Spoken", Buckeye Farm News, November 12, 2009.*) Respecting the need to protect the well-being of professionally bred animals in their state but wanting to ensure that the policies and laws devised to do so would be based on scientific findings and sound animal husbandry practices, the state developed the above mentioned board. The function of this board is to "provide a comprehensive approach to addressing animal care needs", "while avoiding emotionally driven, inflexible and unreasonable regulations." It will be through the establishment of a board such as this one that the state of Illinois will achieve its goal to appropriately and humanely ensure the health and well-being of animals in this state.

With this being said, the following are our rebuttals to those sections of the Part 25 Animal Welfare Act that we strongly recommended being revised, reconsidered or rejected as currently written:

Regarding Temperature and Humidity Controls

Section 25.10 Definitions

"Indoor housing facility"

"(1) It must be capable of controlling the temperature within the building or structure within the limits set forth for that species of animal, of maintaining humidity levels of 30 to 70 percent and of rapidly eliminating odors from within the building;"

Section 25.21 Facilities and Operating Standards

a) 2) A) Heating, cooling, and temperature

"The ambient temperature must not fall below 45 [deg]F (7.2[deg]C) for more than 4 consecutive hours when dogs or cats are present, and must not rise above 85 [deg]F (29.5[deg]C) for more than 4 consecutive hours when dogs or cats are present.

a) 2) B) Auxiliary ventilation, such as fans, blowers, or air conditioning must be provided when the ambient temperature is 85 [deg]F (29.5[deg]C) or higher.

Per the National Climate Data Center (www.ncdc.noaa.gov), the average annual humidity range for the state of Illinois was between 52 – 89% for 2009. (See Exhibit C in attachments.) On a typical rainy day, the outside humidity level is 100 percent. This temporary increase in humidity is part of a natural phenomenon and within the normal range of environmental conditions. Additionally, in accordance with the daily cleaning and sanitation requirements set forth in Section 25.22 a) 5) A) of this bill, the interior humidity of the kennels would experience temporary increases to almost 100% during the cleaning and sanitizing of the facilities. Humans and animals have lived with these humidity fluctuations without ill effects for thousands of years. While we strive to keep the humidity within our hospitals, homes, and schools at levels less than 100%, it is at times an elusive goal. According to excessive and inflexible parameters of this bill, a kennel owner would be in violation of the law if the humidity level within his

kennel exceeded 70%, regardless of weather conditions, the natural humidity level in that region of the state, or the current cleaning activities in progress at the time of inspection. Compounding this injustice, he would be cited multiple times for that same offense for each and every dog present within his facility at the time of the infraction.

To further demonstrate the harsh and excessive nature of this bill, let us consider a building with the dimensions of 40 feet by 100 feet (please see page 1 of Exhibit D.) The amount of HVAC equipment necessary to contain the interior humidity levels within these unrealistic parameters while providing for a reasonable number of air exchanges per hour (10 air changes per hour) is professionally estimated electrical and propane costs of costs of \$48,976.00 annually. This is far above the average profit level of 90% of most kennels in Illinois and does not account for the climate control equipment of installation.
(See exhibit B)

These regulations must apply specifically to the dog's primary enclosure and not the entire building facility. Radiant or infrared heat is routinely used in the dog's primary enclosure for the greatest degree of comfort coupled with proper utilization our nation's energy resources.

Regarding the application of fines and maintenance of licensure

Section 25.16 Initial License

a) Each applicant must demonstrate that its premises and any animals, facilities, and equipment used or intended for use in the business comply with the regulations set forth in the Animal Welfare Act and Regulations.

As currently written, any and each animal not in compliance with the regulations would constitute a violation of this legislation. In effect, if a facility was inspected on a rainy day and the internal facility humidity level was 81%, that kennel owner would receive a citation for each and every dog present at the time of that inspection. Additionally, if continued licensure is dependant upon having not more than 3 or 4 violations in a minimum number of years period, that kennel owner would lose his or her license based on the first offense, simply because each dog present would be in violation of the law. Additionally, to set the president of lifetime criminal charges for a clerical paperwork error, or if a dog chewed or scratch the side of their pen clearly shows the animal activists intent to not "raise the bar", but rather to eliminate the pet breeding and retailing industry of Illinois.

Regarding Veterinary Care

Section 25.10 Definitions

"Officially Vaccinated' means the inoculation of a dog with a vaccine as set forth in 8 Ill. Adm. Code 30.90 of the Animal Control Regulations: administered by a licensed veterinarian by the route and in the amount recommended by the producer of the vaccine and for which a certificate of vaccination issued shall specify the producer of the vaccine and the recognized duration of the immunity."

Section 25.91 Medical

b) Medication shall only be dispensed by or on the order of a licensed veterinarian. Prescribing information including identification of the animal, medication name, dosage

and prescribing instructions and the name of the prescribing veterinarian shall be included on the medication label.

It has long been the standard of care for dog breeders, under the general guidance of their veterinarians, to administer to their stock as needed routine worming medication, commonly prescribed and appropriate oral antibiotic medication when necessary, and to give those vaccinations other than rabies virus vaccine at the appropriate ages and intervals. This practice evolved as: 1) the small animal veterinarian became busier thus making the time honored tradition of “house call” visits by vets to professional animal breeders for routine medical care impractical, and 2) the veterinarians began to appreciate the professional animal breeders’ ability to competently manage the routine medical care of their stock.

As more animal activists have influenced or entered the ranks of veterinary medicine, increasingly more legislation has been proposed or passed insisting that routine medical care only be administered by licensed veterinarians. This legislation dictates that dogs and puppies only receive their basic routine medical care from a licensed veterinarian. In doing so, the state is forcing animal breeders to unnecessarily subject their puppies during critical times in their immunological development to the increased risk of exposure to the multitude of viruses and bacteria present at animal hospitals. The excessively demanding requirements of this section not only will cause undue stress on the health and well-being of the puppies governed, it will also add further unnecessary financial burden to the dog breeders and kennel owners as well.

Regarding Transportation Crates

Section 25.50 Shipment of Mammals and Birds

a) 3) Animals shall be transported in crates constructed of a smooth, durable material which is easily cleaned and shall: Have openings on 2 sides *and the top* to assure adequate ventilation.

b) In all cases, the crates shall be large enough to provide space for the animals to *lie down in an extended position* and to allow ease of movement when standing or turning around as prescribed in the rules for the federal Animal Welfare Act (9 CFR 3.13 – 3.19; **2008**). **When the temperature is over 85°F., increased space shall be provided within reason.**

This proposal rigidly requires the crates used to transport dogs to have ventilation openings “*on the top*” and be large enough to allow the dog to lie down in “*an extended position*”. These specifications exceed even the U.S. Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS) requirements for size and ventilation requirements for crates used to transport dogs on commercial airlines. (See Exhibits C)

The dog crates authorized for commercial airlines have undergone structural testing and humane analysis regarding the space and ventilation needs of dogs. This category of crates is accepted as the most safe and ethical to use when transporting animals. (See Exhibits D and E) However, under this legislation, conscientious dog breeders who appropriately use this category of crates would be found in violation of the law. This is yet again another example of the unrealistic and extreme standards this proposal seeks to inflict on the professional animal breeders of Illinois.

Regarding Quarantine

Section 25.80 Quarantine

- a) The Director of the Illinois Department of Agriculture may order a quarantine placed on the entire premises of the licensee, on a specific species of animals, or on a specific group of animals for any one of the following:
- 1) Excessive parasitism
- e) Methods for quarantine release may include, but shall not be limited to:
1. Complete and total depopulation of affected animals
- f) Within 90 days of the issuance of quarantine, the Department will provide the owner with a protocol whereby the quarantine will be released.

Many parasites, such as fleas, round worm, tape worm, hook worm, are easily acquired and of which may be easily rid. To subject an entire facility to quarantine, to remove all animals from the facility, or to subject those affected animals to the stress of removal from the facility while in a potentially weakened state are all examples of excessive and inflexible requirements and of inhumane treatment.

Additionally, we feel strongly that if conditions exist which legitimately warrant quarantine, for the sake of the well-being of the animals, the Department should be made to *“provide the owner with a protocol whereby the quarantine will be released”* within 48 hours, not *“within 90 days”* of the issuance of quarantine. A small family business cannot operate not knowing what to do for 90 days.

Regarding the Cleaning and Sanitation of Self-Feeding Dry Food Containers

Section 25.22 Animal Health and Husbandry Standards

a) 3) B) Food receptacles

Self-feeders may be used for the feeding of dry food. If self-feeders are used, they must be kept clean and must be sanitized in accordance with Section 5 (B) of this subpart.

a) 5) B) ii) Hard surfaces of primary enclosures and food and water receptacles must be sanitized using one of the following methods at least once daily:

Hotel rooms, school cafeterias, restaurants, nursing homes all are not required to “sanitize” all hard surfaces at least once daily. They should be thoroughly cleaned and sanitized once a week, but not daily. This again is a clear attempt by the animal activists to raise the bar higher than any standard used for our children, elderly persons, or the general public.

Self-feeding dry food dispensers contain dry kibble and are used to provide dogs and puppies access to nutritious sustenance through out the day and night. In order to prevent kibble spoilage or mold growth, the self-feeders must be moisture free prior to filling them with the dry food kibble. The inflexible insistence of this subsection to demand that these dry food feeders be cleaned and sterilized *“at least once daily”* is unreasonable, unnecessary and excessive. Because these containers dispense dry kibble, it is well within good husbandry principles to require them to be placed away from the wet food and water containers and to require them to be thoroughly cleaned and sanitized once weekly.

Regarding Pest Control

Section 25.22 Animal Health and Husbandry Standards

a) 5) D) Pest Control

An effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination of pests in animal areas.

Try as many establishments do, whether they are our schools, daycare facilities, nursing homes, restaurants, department stores, or even hospitals, none are entirely successful at the absolute “*control of insects, ... and mammals that are pests*” within their facilities. Once again, this legislation is setting unrealistic and unachievable requirements for the professional animal breeders to maintain. While the intent of this bill may have been to protect the health and well-being of animals, the unrealistically high standards it is setting are ensuring the failure of the professional animal breeders.

Regarding Exercise for Dogs Housed in Group

Section 25.21 Facilities and Operation Standards

a) 5) C) i) a) Additional Requirements for Dogs -- Space

Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then divide the product by 144 = required floor space in square feet.

We concur that this formula provides for a humane and appropriate amount of primary enclosure space for a single dog.

Sec 25.22 Animal Health and Husbandry Standards

a) 2) A) Dogs housed individually. Dogs over 12 weeks of age... as indicated by Sec. 3.6(c)(1) of this subpart.

We have been unable to identify where this subpart exists and therefore respectfully request that its reference be eliminated until Sec 3.6(c)(1) can be read and evaluated.

a) 2) B) Dogs housed in groups. Dogs over 12 weeks of age housed, held, or maintained in groups by a licensee, do not require additional opportunity for exercise regularly if they are maintained in cages, pens, or runs that provide in total at least 100 percent of the required space for each dog if maintained separately.

The requirement that “at least 100 percent of the required space for each dog if maintained separately” be provided in primary enclosure housing dogs in groups is excessive even by the Department of Agriculture standards. More appropriate to the dogs social behavior and activity level when housed as groups would be a primary enclosure area increase of 50% of that required for each additional dog housed in groups, not to exceed 5 dogs per enclosure. (See Exhibit F)

Closing Comments and Recommendations

As demonstrated in the above document, the proposed version of Part 25 Animal Welfare Act is filled with unattainable standards, exceedingly inflexible parameters, and excessively harsh requirements and consequences. While the proposed intent of this legislation is to protect the well-being of animals, it can be easily argued that its functional goal appears to be aimed at shutting down the professional animal breeding industry.

There are loving individuals dedicated to the well being of their breeding stock and the breeding of healthy, happy puppies that exemplify the standards and ideals for their breed. These individuals provide a quality product to the breed enthusiasts and a loving companion to the pet-adoring public. The contributions these professionals provide to the continuation of the breeds they honor, to the public in general and to the economy of the state should be valued and protected from the political campaigns of the animal activists.

We feel that the best way to achieve the legislative goals of ensuring the physical and emotional well-being of animals involved in the professional animal breeding industry, while also protecting the individuals dedicated to this profession, is not through the passage of this emotionally-driven Act. We believe the most effective, efficient, and responsive solution to this legislative need will be through the creation of an Animal Care Standards Board “for the purpose of establishing standards governing the care and well-being of” animals professionally bred and maintained in the state of Illinois (see exhibit #####).

Modeled after the Livestock Care Standards Board of Ohio, this board would be comprised of Illinois citizens representing various personal, professional and political views regarding these issues. The Board would “have the authority to establish standards governing the care and well-being of” animals professionally bred and maintained in the state and “subject to the authority of the General Assembly.” If the legislature is sincere in their desire to enact legislative protection and oversight of animal well-being, then they must reject Part 25 Animal Welfare Act and give their sincere and concerted consideration to the development of a Animal Care Standards Board of Illinois. This would ensure a balanced, factually-based, and logical approach to animal welfare issues while protecting the process from the emotionally-driven campaigns of the animal activists. (See Exhibits F, G, H)

In conclusion, Pennsylvania’s Puppy Protection Buyers Act of 1997 been proven to be a model for non-partisan consumer protection and fair checks and balances. (See Attachment I). Finally, the Department fails to give appropriate attention to animal science. Regulations without context are arbitrary, and many of the provisions of SJR-56 have no scientific basis for their enactment.

Christina Lee
Task Force Representative

APPENDIXES

PROFESSIONS AND OCCUPATIONS
(225 ILCS 605/) Animal Welfare Act.

(225 ILCS 605/1) (from Ch. 8, par. 301)

Sec. 1.

This Act shall be known and may be cited as the Animal Welfare Act.

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

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

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

"Adoption" means the acceptance of ownership of an animal that is in the custody of an animal shelter, animal rescue, humane society, foster home, or animal control; or, that is no longer considered saleable or being offered for sale by a pet shop or breeder.

"Department" means the Illinois Department of Agriculture.

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

"Pet shop operator" means any person other than an animal control facility, veterinary hospital, animal shelter, or records-only animal shelter 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.

a) A Type I Licensee may sell, offer to sell, exchange, or offer for adoption with or without charge or donation dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this State.

b) A Type II Licensee may sell, offer to sell, exchange, or offer for adoption with or without charge or donation 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 other than an animal control facility, animal shelter, or records-only animal shelter who

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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 (USDA).

"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 24 continuous hours or longer for boarding, training or similar purposes for a fee or compensation, ~~or who sells, offers to sell, exchange, or offers for adoption with or without charge dogs or dogs and cats which 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 kennel operator.~~

"Dog daycare" means any person other than an animal control facility, veterinary hospital, animal shelter, or records-only animal shelter who operates an establishment for a fee or compensation where dogs are maintained in a communal environment with dogs from other households for fewer than 24 continuous hours.

"Dog breeder" means any person other than an animal control facility, veterinary hospital, animal shelter, or records-only animal shelter who sells, offers to sell, exchange, or offers for adoption with or without charge dogs which he has produced and raised. A person who owns, has possession of, or harbors 5 or fewer females capable of reproduction shall not be considered a dog breeder unless that person is required by the USDA Animal Welfare Act to be federally licensed.

"Hobby breeder" means any person who has possession of, or harbors 6 or more but fewer than 26 female dogs capable of reproduction and who sells, offers to sell, exchange, or offers for adoption with or without charge dogs which he has produced and raised.

"Large scale breeder" means any person who has possession of,

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or harbors 26 or more female dogs capable of reproduction and who sells, offers to sell, exchange, or offers for adoption with or without charge dogs which he has produced and raised. Any dog breeder who sells, offers to sell, exchange, or offers for adoption with or without charge dogs which he has produced and raised to a pet shop shall be licensed as a Large Scale Breeder.

"Female capable of reproduction" means any intact female over the age of one year and under the age of 8 years.

"Cattery operator" means any person other than an animal control facility, veterinary hospital, animal shelter, or records-only animal shelter who ~~operates an establishment, other than an animal control facility or animal shelter, where cats are maintained for boarding, training or similar purposes for a fee or compensation, or~~ sells, offers to sell, exchange, or offers for adoption with or without charges cats which 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 cattery operator.

"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. "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.

"Records-only animal shelter" means 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

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whereby all animals are housed and maintained at foster homes permitted through the licensed records-only animal shelter, veterinary clinics or hospitals, or other facilities licensed under this Act.

"Foster home" means an entity that accepts the responsibility for stewardship of animals that are the obligation of an animal shelter or records-only animal shelter, or animal control facility. Permits to operate as a "foster home" shall be issued through the animal shelter or records-only 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.

"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.

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

(225 ILCS 605/2.1) (from Ch. 8, par. 302.1)

Sec. 2.1. The Department may cooperate with the Secretary of Agriculture in carrying out Public Law 89-544, entitled, "An Act to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for purposes of research or experimentation, and for other purposes", and the rules and regulations issued by the Secretary under that Act. The Director may promulgate regulations to facilitate the cooperation, and to avoid any unnecessary duplication or any conflict of activities by the Department and the Secretary in regulating the activities or areas covered by this Act and Public Law 89-544. The regulations may be in addition to other

regulations authorized by this Act.

(Source: Laws 1967, p. 3079.)

(225 ILCS 605/2.2) (from Ch. 8, par. 302.2)

Sec. 2.2. No dog dealer, dog breeder, pet shop, or cattery operator shall sell any puppy or kitten until such puppy or kitten has attained the age of 8 weeks.

All licensees under this Act shall maintain records of the origin and sale or adoption of all dogs and cats, and such records shall be made available for inspection by the Secretary or the Department upon demand. Such records must contain proof in proper form of purebreds and their pedigree, and evidence of such proof must be provided to any person acquiring a dog or cat from a licensee under this Act. In addition, guard dog services shall be required to maintain records of transfer of ownership, death, or disappearance of a guard dog or sentry dog used by that guard dog service.

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

(225 ILCS 605/2.3) (New)

Sec. 2.3. Pet shop operators shall only purchase dogs or cats from dog dealers, large scale dog breeders, cattery operators, or pet shop operators licensed under this Act or U.S. Code Title 7, Chapter 54, (USDA Animal Welfare Act).

(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, dog daycare, hobby breeder, large scale breeder, cattery operator, or operate a guard dog service, an animal control facility, animal shelter, or records-only animal shelter, in this State without a license therefor issued by the Department. A separate license shall be required to operate each of the businesses listed above. 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

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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. 95-613, eff. 9-11-07.)

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

Sec. 3.1. Information on dogs and cats for sale or adoption. Every pet shop operator, dog dealer, dog breeder, animal shelter, records-only animal shelter, and cattery operator shall provide the following information for every dog or cat available for sale or adoption upon request:

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

(b) The breed of the animal.

(c) A record of vaccinations, veterinary care, and treatment. If vaccinations or veterinary care are provided by a veterinarian, the date examined and date(s) medication administered, the name and business address of the veterinarian providing the services must be provided.

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

(e) The name, address, Illinois license number, and USDA certificate number, if applicable, of the breeder of the animal.

(f) The name, address, and Illinois license number or USDA certificate number of any other person who owned or harbored the animal between its birth and the point of sale.

(g) If eligible for registration with a pedigree registry, the name and registration numbers of the sire and dam and the address of the pedigree registry where the sire and dam are registered.

(h) A copy of the "Buying or Adopting a New Pet" pamphlet. The pamphlet shall be created by and be in such format as decided by the Department. The purchaser or adopter must initial a statement verifying that they have received and read the pamphlet prior to the sale. A copy of the initialed statement shall be maintained by the licensee for a period of 12 months after the sale.

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

(225 ILCS 605/3.2)

Sec. 3.2. Foster homes. A person shall not operate a foster home without first obtaining a permit from the animal shelter, records-only animal shelter, or animal control for which that person will operate the foster home. Upon application and payment of the required fees by the animal shelter, records-only animal shelter, or animal control the Department shall issue foster home permits to the animal shelter records-only animal shelter, or animal control. The animal shelter, records-only animal shelter, or animal control shall be responsible for the records and have all the obligations of stewardship for animals in the foster homes to which it issues permits. By issuing a foster home permit, the animal shelter, records-only animal shelter, or animal control certifies that the foster home meets the requirements of this Act and Regulations.

Foster homes shall provide the care for animals required by this Act and shall report any deviation that might affect the status of the license or permit to the animal shelter, records-only animal shelter, or animal control.

A foster home shall not care for more than 4 fostered animals at any one time. Mothers and offspring under 3 months of age shall be considered one unit. Equine mothers and offspring under the age of 1 year shall be considered one unit.

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

(225 ILCS 605/3.3) NEW

Sec. 3.3. Adoption of dogs and cats.

(a) An animal shelter or animal control facility shall not adopt out any dog or 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) 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

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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) A pet shop operator, dog breeder, or cattery operator may adopt out, after diagnosis by an Illinois licensed veterinarian, any dog or cat that is not free of disease (other than infectious or communicable disease), injury or abnormality if the disease, injury or abnormality is disclosed in writing to the adopter and the adopter is allowed to return the animal within 7 days of the date of the adoption. The dog or cat must be microchipped, spayed or neutered prior to release. Costs associated with these procedures may be passed on the adopter.

(d) The requirements of subsections (a) and (b) of this

Section does not apply to adoptions subject to Section 11 of the Animal Control Act.

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

(225 ILCS 605/3.4) NEW

Sec. 3.4. Release of animals to shelters. An animal shelter or animal control facility may not release any animal to an individual representing an animal shelter, unless the recipient animal shelter has been licensed or has a foster care permit issued by the Department or the individual is a representative of a not-for-profit, out-of-State organization.

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

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(225 ILCS 605/5) (from Ch. 8, par. 305)

Sec. 5. Applications by individuals for original licenses shall be made to the Department, shall be in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Incomplete applications will be returned to the applicant for completion. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. It shall include, but need not be limited to information concerning age, citizenship, present residence, location of the business where a license is being applied for under this Act, including the location of all proposed foster homes, description of facilities to be used, present and previous business connections and experience, ~~bank and~~ professional references, whether any license of the applicant under this Act or any federal, state, county or local law, ordinance or regulation, relating to dealing in or handling dogs or cats, ever was suspended or revoked and whether the applicant ever has been convicted of a felony. Such felony conviction may be taken into consideration by the Department in determining qualifications for licensing ~~but shall not operate as a bar to licensing.~~ The Department must complete a pre-licensing inspection to determine compliance with this Act. A license may not be issued until the applicant is in full compliance with this Act. No license shall be issued until all citations issued under this act have been satisfied.
(Source: P.A. 89-178, eff. 7-19-95.)

(225 ILCS 605/6) (from Ch. 8, par. 306)

Sec. 6. Applications by partnerships or corporations for original licenses shall be made to the Department, shall be in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Incomplete applications will be returned to the applicant for completion. Any such application shall list, but need not be limited to, the name of each partner, if a partnership, each director and officer, if a corporation, its address, its financial resources, and shall indicate and list the partners, directors or officers, as the case may be, or other persons authorized to represent or act for it under this Act. The Department must complete a pre-licensing inspection to determine compliance with this Act. A license may not be issued until the applicant is in full compliance with this Act. No license shall be issued until all citations issued

under this act have been satisfied.

(Source: P.A. 81-198.)

(225 ILCS 605/6.5)

Sec. 6.5. Termination of application; forfeiture of license fee. Failure of any applicant to meet all of the requirements for compliance within 60 days ~~of~~ after the first inspection conducted by the Department ~~receipt of a license application~~ shall result in termination of the application and forfeiture of the license fee.

(Source: P.A. 90-385, eff. 8-15-97; 90-403, eff. 8-15-97.)

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

Sec. 7. Applications for renewal licenses shall be made to the Department, shall be in writing on forms 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 and shall be accompanied by the required fee, which shall not be returnable. Incomplete applications will be returned to the applicant for completion.

(Source: P.A. 81-198.)

(225 ILCS 605/8) (from Ch. 8, par. 308)

Sec. 8. Each non-resident applicant for an original license or renewal license, except a foreign corporation, shall file with the Department an irrevocable consent that actions against the applicant may be filed in any appropriate court of any county or municipality of this State in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving 2 copies thereof with the Director. Such consent shall stipulate and agree that such service of process shall be taken and held to be valid and binding for all purposes. The Director shall send forthwith one copy of such process to the applicant at the address shown on the records of the Department by registered mail. No foreign corporation shall receive a license under this Act until it has been authorized to do business in this State by the Secretary of State. All non-resident applicants shall provide proof of licensure in

their home state by the licensing authority of that state or a USDA license number.

(Source: Laws 1965, p. 2956.)

(225 ILCS 605/9) (from Ch. 8, par. 309)

Sec. 9. Each license shall be issued for the term of one fiscal year or for such part thereof as remains at the time of the issuance of the license. Each license shall be renewed during the month of June of each year. Each license not renewed during June of each year shall expire on June 30 of that year.

A license must be prominently displayed at each place of business of the licensee. Where the licensee conducts business at more than one address, branch office licenses shall be issued on payment of the required fee.

Each license shall be signed by the Director of the Department or his or her designee and shall be issued under the seal of the Department.

(Source: P.A. 79-997.)

(225 ILCS 605/10) (from Ch. 8, par. 310)

Sec. 10. Grounds for discipline.

The Department may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

1) a . Material misstatement or intentional misrepresentation of fact in the application for original license or in the application for any renewal license under this Act;

2) b . A violation of this Act or of any regulations or rules issued pursuant thereto;

3) e . Aiding or abetting another in the violation of this Act or of any regulation or rule issued pursuant thereto;

4) d . Allowing one's license under this Act to be used by an unlicensed person;

5) e . Conviction of any crime an essential element of which is misstatement, fraud or dishonesty or conviction of any felony, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

6) f . Conviction of a violation of any law of Illinois,

except minor violations such as traffic violations and violations not related to the disposition of dogs, cats and other animals, or any rule or regulation of the Department relating to dogs or cats and sale thereof;

7)✘. Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the business of a licensee under this Act;

8)✘. Pursuing a continued course of misrepresentation of or making false promises through advertising, salesman, agents or otherwise in connection with the business of a licensee under this Act;

9)✘. Failure to possess the necessary qualifications or to meet the requirements of the Act for the issuance or holding a license; or

10)✘. Proof that the licensee is guilty of gross negligence, incompetency, or cruelty with regard to animals.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

The Department may order any licensee to cease operation for a period not to exceed 72 hours to correct deficiencies in order to meet licensing requirements.

(Source: P.A. 89-178, eff. 7-19-95; 90-385, eff. 8-15-97; 90-403, eff. 8-15-97.)

(225 ILCS 605/11) (from Ch. 8, par. 311)

Sec. 11. The Department may upon its own motion and shall upon the verified complaint in writing of any person who has been the recipient of an animal through purchase, gift or adoption setting forth facts which if proved would constitute grounds for refusal to issue or renew or for suspension or revocation of a license under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date

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set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference hereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department.

At the time and place fixed in the notice, the Department shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Department may continue such hearing from time to time.

The Department, over the signature of the Director is authorized to subpoena and bring before the Department any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this state.

Any authorized agent of the Department may administer oaths to witnesses at any hearing which the Department is authorized by law to conduct.

(Source: P.A. 83-338.)

(225 ILCS 605/12) (from Ch. 8, par. 312)

Sec. 12. Record of hearing. In accordance with Section 10-35 of the Illinois Administrative Procedure Act, the Department shall preserve a record of all proceedings at the hearing of any case involving refusal to issue or renew a license, or the suspension or revocation of a license, or the referral of a case for criminal prosecution. The record of any such proceeding consists of the notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the report and orders of the Department. Copies of the transcript of the record may be obtained from the Department in accordance with the Illinois Administrative Procedure Act.

(Source: P.A. 91-357, eff. 7-29-99.)

225 ILCS 605/13) (from Ch. 8, par. 313)

~~Sec. 13. In any case involving the refusal to issue or renew a license, or the suspension or revocation of a license, or the referral of a case for criminal prosecution, a copy of the Department's report shall be served upon the respondent, either personally or by registered or certified mail as provided in this Act, for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the report. If the respondent orders and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.
(Source: P.A. 81-198.)~~

(225 ILCS 605/14) (from Ch. 8, par. 314)

Sec. 14. Any circuit court may upon application of the Director or of the applicant or licensee against whom proceedings under Section 11 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under that Section. The court may compel obedience to its order by proceedings for contempt.
(Source: Laws 1965, p. 2956.)

(225 ILCS 605/15) (from Ch. 8, par. 315)

Sec. 15. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit court of the county wherein such person resides, or in the case of a corporation, wherein the registered office is located. If the plaintiff in the review proceeding is not a resident of this state, the venue shall be in Sangamon County. The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final

administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

The Department shall not be required to certify the record of the proceeding unless the plaintiff in the review proceedings has purchased a copy from the certified shorthand reporter who prepared the record. Exhibits shall be certified without cost.

(Source: P.A. 82-783.)

(225 ILCS 605/16) (from Ch. 8, par. 316)

Sec. 16. Upon the relinquishment, revocation, or suspension of any license, the licensee shall forthwith surrender the license and any branch office licenses to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

At the direction of the Department any licensee whose license is relinquished, revoked or if the license is suspended for more than three months has up to 1 week from the relinquishment, revocation, or suspension to relinquish ownership and control of all animals to a licensed facility under the Animal Welfare Act. Animals may be relinquished or transferred to other persons or facilities with written permission from the Department. Failure to comply will result in the immediate seizure of all the animals by the Department to a licensee or licensees designated by the Department. Licensees who voluntarily relinquish their license because they no longer desire to be licensed nor do they meet the necessary licensing requirements, are exempt from this provision.

(Source: Laws 1965, p. 2956.)

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

Sec. 18.

The licensee shall:

- a. Maintain sanitary conditions.
- b. Insure proper ventilation.
- c. Provide adequate nutrition.
- d. Provide humane care and treatment of all animals under his or her jurisdiction.

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e. Seek veterinary care for seriously ill or injured animals, which may include euthanasia.

f. Maintain current rabies vaccination records of all dogs 16 weeks of age and older in possession of the licensee.

g. Maintain records as prescribed by the Department.

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

i. Inspection of the premises of a licensee to determine compliance with this Act may be made only by the Department. (Source: P. A. 78-900.)

(225 ILCS 605/18.1)

Sec. 18.1. Sale or gift of reptiles and other animals.

(a) A pet shop shall not sell a reptile, offer a reptile for sale or adoption, or offer a reptile as a gift or promotional consideration unless a notice regarding safe reptile-handling practices that meets the requirements in subsection (b) is (i) prominently displayed at each location in the pet shop where reptiles are displayed, housed, or held and (ii) distributed to the purchaser or recipient.

(b) The notice regarding safe reptile-handling practices shall be one of the following:

(1) a notice provided at no charge by the Illinois

Department of Public Health; or

(2) a notice that has the dimensions of at least 8.5

inches by 11 inches, that uses fonts that are clearly visible and readily draw attention to the notice, and that contains all of the following statements:

(A) "As with many other animals, reptiles carry salmonella bacteria, which can make people sick. Safe reptile-handling steps should be taken to reduce the chance of infection."

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(B) "Always wash your hands thoroughly after you handle your pet reptile, its food, and anything it has touched."

(C) "Keep your pet reptile and its equipment out of the kitchen or any area where food is prepared. Kitchen sinks should not be used to bathe reptiles or wash their dishes, cages, or aquariums. If a bathtub is used for these purposes, it should be cleaned thoroughly and disinfected with bleach."

(D) "Don't nuzzle or kiss your pet reptile."

(E) "Keep reptiles out of homes where there are children under 5 years of age or people with weakened immune systems. Children under 5 years of age or people with weakened immune systems should avoid contact with reptiles."

(F) "Pet reptiles should not be allowed in child care centers."

(G) "Pet reptiles should not be allowed to roam freely throughout the home or living area."

(Source: P.A. 91-741, eff. 1-1-01.)

(225 ILCS 605/19) (from Ch. 8, par. 319)

Sec. 19. The Director may issue regulations, consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

(Source: Laws 1965, p. 2956.)

(225 ILCS 605/20) (from Ch. 8, par. 320)

Sec. 20. Any person violating any provision of this Act or any rule, regulation or order of the Department issued pursuant to this Act is guilty of a Class C misdemeanor. ~~and every day a violation continues constitutes a separate offense.~~ A second or subsequent violation is a Class B misdemeanor.

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

(225 ILCS 605/20.5)

Sec. 20.5. Administrative fines. The following administrative fines ~~shall will~~ be imposed ~~by upon~~ the licensee as a result of the Department issuing a citation ~~upon~~ to any person or entity who violates any provision of this Act or any rule adopted by the Department under this Act.+

A warning may be issued in lieu of a citation if deemed appropriate by the Department.

(1) For the first violation, a fine of \$200.

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

(3) For a third violation that occurs within 3 years after the first violation, mandatory probationary status and a fine of \$1,000.

(4) For a fourth violation and subsequent violations that occur within 3 years after the first violation, a fine of \$5,000 and an immediate 12-month suspension.

(5) Fines shall be paid within 30 days of issuance upon entry of the final administrative decision by the Department .

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

(New) Sec. 20.6 Suspension

An animal welfare license shall be immediately suspended for a 12 month period as a result of a fourth violation occurring within 3 years of a first violation.

(New) Sec. 20.7 Revocation

An animal welfare license shall be revoked for 5 years as a result of fifth violation~~s~~ occurring within 3 years following a suspension.

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(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. Pet Shop Operator
 - 1. ~~for an original license to an individual~~ Type I license ~~\$25~~200
 - 2. ~~for an original license to a partnership or corporation~~ Type II license \$100
- b. Dog Breeder
 - 1. ~~for an annual renewal~~ Breeder license.....\$50
 - 2. ~~for each branch office~~ Large Scale Breeder license \$150
- c. Cattery operator \$50
- d. Dog Dealer\$150
- e. Dog Daycare \$150
- f. Boarding Kennel Operator.....\$150
- g. Animal Shelter\$100
- h. Animal Shelter (Records-only).....\$100
- i. Animal Control \$50
- ~~e~~-j. Fee for the renewal of any license not renewed by July 1 of the year..... Double the initial license fee
- ~~f~~k. for a permit for a foster home \$25
- ~~g~~l. for renewal of a permit for a foster home\$25

When multiple licenses are issued to a licensee, the maximum fee charged shall not exceed \$250.

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

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(225 ILCS 605/22) (from Ch. 8, par. 322)

Sec. 22.

All fees and other money received by the Department under this Act shall be paid into the General Revenue Fund in the State Treasury.

(Source: Laws 1965, p. 2956.)

New Jersey's Pet Purchase Protection Law

Purchasing a Pet

consumer**brief**

Consumers who purchase a cat or dog that becomes seriously ill or dies may be entitled to restitution under New Jersey's Pet Purchase Protection Law.

The complete law may be read by clicking here: [Pet Purchase Protection Act](#)



PET SHOP REQUIREMENTS UNDER THE LAW

- An animal must be examined by a veterinarian within 5 days of being offered for sale;
- Examination results must be included in the animal history and health certificate;
- Each cage must have a label with the sex, breed, date and place of birth and date of initial vet examination of the animal; *AND*
- If an animal was examined more than 14 days before it is purchased, the pet must be re-examined within 3 days of delivery to the consumer (unless the consumer declines the re-examination in writing).



CONSUMERS' RIGHTS UNDER THE LAW

The consumer may be entitled to restitution if an animal becomes sick or dies after purchase and a veterinarian certifies that the animal was unfit for purchase.

It is the consumer's responsibility to have the animal examined by a veterinarian and to obtain the written certification. **This certification is required** in order to apply for restitution and must be presented to the pet store where the animal was purchased.

CONSUMER RESTITUTION

Different types of restitution are available to the consumer. **It is the consumer's decision about what form of restitution to accept.**

The restitution choices include returning the animal and receiving a refund or a replacement animal, or keeping the animal and being reimbursed for veterinary fees.

After the consumer selects restitution, the pet store must provide the restitution within 10 days.

Consumers can call Consumer Affairs to file complaints against pet stores – **1-800-242-5846** (toll free within N.J.) or **973-504-6200**.

New Jersey Office of the Attorney General DIVISION OF CONSUMER AFFAIRS

NEWARK

124 Halsey Street
P.O. Box 45025
Newark, NJ 07101
973-504-6200

800-242-5846 (toll free within New Jersey)

CHERRY HILL

2201 Route 38
Suite # 202
Cherry Hill, NJ 08002
856-482-4380

E-Mail: AskConsumerAffairs@lps.state.nj.us

Web site:

www.NJConsumerAffairs.gov

800-242-5846 • www.NJConsumerAffairs.gov

Office of the Attorney General



**New Jersey Division of
Consumer
Affairs**