ILLINOIS CONSIDERS NEW DOG BREEDER LICENSING LAW LIMITING POSSESSION TO 20 DOGS

** Hearing Set for February 10th **

The Issue.

Companion bills introduced in both the Illinois House and Senate creating the “Dog Breeder License Act” would impose comprehensive new requirements on breeders, as well as restrictions on pet stores selling dogs. House Bill 198 and Senate Bill 53 mandate licensure and establish criminal penalties for violators. The bill also limits to 20 the number of adult dogs a breeder may own.

The Impact.

LICENSING

These bills call for all dog breeders in the state to obtain licensing through the Illinois Department of Financial and Professional Regulation Division of Professional Regulation (Division). The act states that anyone who owns more than three breeding females and sells their offspring must be licensed, but simply defines a “dog breeders” as “any person who is, or should be licensed under the Dog Breeder License Act”.

Applications for original licenses must be in writing, signed by the applicant and come with a nonrefundable fee, to be determined. The application may include information pertaining to facility location, description of facilities, present and previous business connections, bank and personal references, whether or not the applicant has had any previous state licenses revoked relating to handling dogs and cats and if the applicant is a convicted felony. Applicants will also be required to submit their fingerprints to the Illinois State Police for a criminal history record check.

A person is ineligible for licensure if he or she has been convicted of any of the following:

- A felony under any Section of the Humane Care for Animals Act;
- Dog fighting;
- Sexual conduct or sexual contact with an animal; or
- A criminal offense in another jurisdiction of the United States that is substantially similar to any of the offenses listed here.

Also, if a person owns two or more dog breeding physical facilities that are separated by ¼ mile or more each facility must be licensed separately.
RECORDKEEPING REQUIREMENTS
Anyone who obtains a license will be required to maintain records of the origin and sale of all dogs, and the records must be made available for inspection upon demand by the Division, the Illinois Department of Agriculture, the appropriate county animal control agency, or the appropriate local law enforcement. Such records must be maintained for at least 5 years and must include the following:

- The date on which a dog enters the operation;
- The person from whom the dog was purchased or obtained, including the address and phone number of that person;
- A description of the dog, including the species, color, breed, sex, and approximate age and weight upon arrival;
- Any tattoo, microchip number, or other identification number carried by or appearing on the dog;
- Each date that puppies were born to that dog and the number of puppies;
- All medical care and vaccinations provided to the dog;
- The disposition of each dog and the date;
- Records that show compliance with this Act; and
- Copies of disclosures required under this Act.

DISCLOSURE REQUIREMENTS
NOTE: This Act makes the following disclosure requirements applicable to pet stores as well as licensees. Therefore, pet shops that sell dogs in Illinois will also be responsible for providing these disclosures to purchasers.

The Act provides disclosure requirements that licensees must provide prior to the sale of a dog. For internet sales the disclosure must be posted in conjunction with the information about the individual dog for sale. The licensee and the consumer must sign the disclosure and the licensee must maintain a copy for two years. The disclosure must include all of the following:

- The breed, age, date of birth, sex, and color of the dog;
- The dates of any inoculations and medical treatments administered to the dog at any time prior to the sale, including the name and address of the individual who performed the examination and administered any treatments or medications;
- The name of the breeder and the facility where the dog was bred, including the address and phone number. (NOTE: If the breeder is located in Illinois, the breeder's license number must be included. If the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal identification number must be provided.);
- The name and address of any other person who owned or harbored the dog between its birth and the point of sale;
- The retail price of the dog, including any additional fees or charges. (NOTE: If financing is being offered for the purchase of the dog, the disclosure must also include the following information: name of the company financing the sale, annual percentage rate, monthly payment amount, term of the loan, total finance charge, and total amount paid at the end of the loan.);
- Any known congenital or hereditary diseases of the parents of the dog;
- Any known illness or medical condition of the dog at the time of sale;
- If the dog is being sold as being capable of registration with a pedigree registry organization, the name and registration numbers of the mother and father and the name and address of the pedigree registry organization where the mother and father are registered;
- If the dog was returned by a retail customer, the date and reason for the return;
- The disclosure must also include the following statement and circle the corresponding answer:
  "The facility in which the dog was born has produced: (1) 1-2 litters in the past calendar year, (2)
3-10 litters in the past calendar year, (3) 11-39 litters in the past calendar year, or (4) more than 40 litters in the past calendar year”;

- State the licensee's policy regarding any guarantees, warranties, refunds, and returns;
- The signature and printed name of the licensee and the date beneath the following statement: "I hereby attest that all of the above information is true and correct to the best of my knowledge, and I have made a diligent effort to obtain this information"; and
- Provide a blank space for the customer to sign and print their name and print the date beneath the following statement: "I hereby attest that this disclosure was posted with the dog for sale and that I have read all the disclosures. I further understand that I am entitled to keep a signed copy of this disclosure”.

Every licensee will also be required to make copies and provide a copy of the "Buying a New Dog" pamphlet, provided by the Department of Agriculture, to each purchaser. The purchaser must initial that they have read the pamphlet prior to the completion of the sale. A copy of the signed pamphlet must be maintained by the licensee and a copy must be given to the consumer.

Additionally, for pet shops, every pet shop operator must post in a conspicuous place in writing on or near the cage of every dog available for sale the information set forth above. Also, pet shop operators may only obtain dogs from breeders that are licensed by the Dog Breeder License Act or are licensed as a breeder by the United States Department of Agriculture.

These bills cover a wide range of issues. It also sets forth enclosure specifications for both outdoor and indoor breeding facilities (everything from flooring requirements to care standards), as well as, euthanasia standards.

Inspections may be conducted at any time during normal business hours, and with the breeder or his agent present, but there is no requirement for notice of the inspection. Veterinarians, peace officers, local animal control authorities or humane agents may also be requested to assist in the inspection.

In addition to standards of care already established by law, the bill would impose the following requirements:

- Cats must not be housed in outdoor confinement areas;
- Animals exercised in groups must be compatible and free of illness;
- Females in estrus must not be housed with unneutered males, except for breeding purposes;
- Animals must be provided daily socialization with human beings and compatible animals;
- Animals must not be sold, traded, or given away before the age of eight weeks;
- The breeder must provide identification and tracking for each animal, which is not transferable to another animal;
- The breeder must provide adequate staff to maintain the facility and properly care for the animals;

**Recommended Action.**

House Bill 198 has already been set for hearing in the House Committee on Business and Occupational Licenses, even though members haven’t actually been assigned to this committee. PIJAC urges all concerned parties to contact the committee (see committee contact information below) for a list of committee members. **Contact each of those committee members, and have customers, family and friends contact each of the committee members, to voice your objection to this bill!** This proposal is NOT in the best interests of animals, pet owners or the public at large. PIJAC will update the status of both these bills on its website at [www.pijac.org](http://www.pijac.org) under Breaking news. Visit the website regularly for new
hearing and committee information, as well as suggestions for further action. You may also review a copy of the actual bill on the website.

If you have any further questions concerning this bill, please contact PIJAC’s Michael Maddox by phone at 202-452-1525 or by email at michael@pijac.org.

State of Illinois
House Committee on Business & Occupational Licenses
State Capitol
Springfield, IL 62701
217/782-2458 or 217/782-3944

Committee Members yet to be appointed...

State of Illinois
Senate Committee on Licensed Activities
Capitol Building, Room 124
Springfield, IL 62706
217/782-9415

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Not Yet a PIJAC Member?

For more than thirty-five years, the Pet Industry Joint Advisory Council (PIJAC) has ensured the prosperity of the pet industry. To learn more about PIJAC, please visit our website at www.pijac.org. For further information, please send an e-mail to Members@pijac.org or phone 1-800-553-PETS (1-800-553-7387).