



KENDALL COUNTY
ANIMAL CONTROL

**Kendall County Office Building
County Board Room 210
111 W. Fox Street Yorkville IL
Wednesday, December 27, 2017 – 8:30a.m.
A G E N D A**

- 1. Call to Order**
- 2. Roll Call:** Lynn Cullick (Vice Chair), Matt Kellogg, Matthew Prochaska, John Purcell, Elizabeth Flowers (Chair)
- 3. Approval of Agenda**
- 4. Approval of Minutes from November 22, 2017**
- 5. Monthly Reports**
 - Census Log
 - Bite Report
 - Operations Report
 - Accounting Report
- 6. Old Business**
 - *Update on the Dog Running at Large Ordinance*
- 7. New Business**
 - *Discussion regarding puppy mills and supporting a state proposed measure that would prohibit pet store operators from selling a dog, cat or rabbit acquired from a commercial breeder*
 - *Discussion regarding support of the “Good Samaritan Law” to protect pets left unattended in automobiles*
- 8. Public Comment**
- 9. Executive Session**
- 10. Action Items for County Board**
- 11. Adjournment**

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630- 553-4171, a minimum of 24-hours prior to the meeting time



KENDALL COUNTY
ANIMAL CONTROL

Wednesday, November 22, 2017 at 8:30AM
Historic Courthouse, East Wing Conference Room
109 W. Ridge Street, Yorkville, IL

MEETING MINUTES

Call to Order – The meeting was called to order by Committee Chair Elizabeth Flowers at 8:33 a.m.

Roll Call

Committee Members Present: Matt Kellogg - yes, Lynn Cullick – here (arrived at 8:40 a.m.), Elizabeth Flowers – present, John Purcell – here, Matt Prochaska – here (arrived at 8:35 a.m.).

With five members present, a quorum was established to conduct committee business.

Others present: Scott Koeppel, Laura Pawson,

Approval of Agenda – Motion made by Member Kellogg to approve the agenda, second by Member Purcell. **With three members in agreement, the motion carried, 3-0.**

Approval of Minutes – Member Purcell made a motion to approve the October 25, 2017 meeting minutes, second by Member Kellogg. **With three members in agreement, the motion carried 3-0.**

Monthly Report – Laura Pawson reviewed the census report with the committee. Written reports provided.

Available Dogs for Adoption: 3

Available Cats for Adoption: 9 (3 cats, 6 kittens)

Bite Report – Total: 22 (4 cats, 18 dogs)

Visitors viewing animals for October - 64

Events/News

Saturday, December 9 Pet Supplies Adoption Event 11 am- 2 p.m.
Friday, December 15 Annual Volunteer and Staff Appreciation Dinner.
Thursday, December 19 Volunteer Orientation 6:30 p.m. – 9:00 p.m.
Weekly “Pet of the Week” ad in Shaw Media Newspapers
Monthly adoption appearance on WSPY Television

Operations Report – Ms. Pawson stated the Name Your Price Adoption event went well, with the lowest amount being \$20. The Committee was excited of here it, and discussed making the event a more regular event.

Accounting Report – The committee reviewed the financial statements, fund balance report, vouchers paid, and the statement of revenues and expenditures. Written report provided

Old Business

Discussion of the Dog Running at Large Ordinance –Ms. Pawson stated she gathered the information of dogs running at large tickets over the last 12 months. There has been 7. In addition, she stated there had been 44 calls for dogs running at large made to the Kendall County Sheriff. She stated that she suspects there is not more tickets due to most not knowing that the County has an ordinance.

The Committee thanked her for the research, and decided to take up the issue in January.

New Business

Member Prochaska left the meeting at 8:56 a.m.

Donation from the estate of Nancy Miller in the amount of \$2,500 – Mr. Koeppel stated that a donation had been made to Animal Control from the estate of Nancy Miller. To finish the matter legally there needed to be a signature of receipt. Chairman Gryder asked that it come to the Committee and then the Board as he would be the signer. The Committee agreed. Member Kellogg made the motion to move it to the County Board for approval and Chairman Gryder’s signature. **Member Cullick seconded. With four members in agreement, the motion passed 4-0.**

Member Prochaska returned to the meeting at 9:01 a.m.

Seek approval to update Spay/Neuter Voucher Program based on changes made to Animal Control Act 510 ILCS 5 Sec. 3.5 – Ms. Pawson stated with the new changes added into the program, the Vouchers could be expanded to include rabies vaccines as well. The Committee discussed it, and decided they would add the program in with the stipulation that the rabies tag be paid at the time the voucher is redeemed. Ms. Pawson also asked to add SSD to the voucher eligibility. The Committee agreed. Motion to move to the County Board with tentative approval of Dr. Schlapp made by Member Kellogg, seconded by Member Cullick. **With five member voting aye, the motion passed 4-0.**

Executive Session – Not needed

Action Items for the County Board

Approval to update Spay/Neuter Voucher Program based on changes made to Animal Control Act 510 ILCS 5 Sec. 3.5

Public Comment – None

Adjournment – Member Purcell made a motion to adjourn the meeting, second to the motion by Member Cullick. **With all in agreement, the meeting was adjourned at 9:13a.m.**

Respectfully Submitted,

Andrez Beltran
Economic Development and Special Projects Coordinator



December 26, 2017
Kendall County Animal Control Census

November Visitors AM: 18
November Visitors PM: 32

Total: 50

November 2017 Dog

Dog Intakes: 12
Dogs Adopted: 6
Reclaimed: 7
Transferred: 3
Euthanized: 1 11/11/17 "Sasha" Rottweiler, Reason: Behavior

November 2017 Cat

Cat Intakes: 2
Cats Adopted: 7
Cats Reclaimed: 0
Transferred: 2
Euthanized: 2 11/06/17 "Sting" Cat, Reason: Behavior
11/21/17 "Gilligan", Cat, Reason: Health

December 2017 - Month to Date/Year to Date/2016 Comparison YTD

Dog Intakes to Date: 23/303/264

Dogs Adopted: 6/75/57

Reclaimed: 18/179/167

Transferred to Rescue: 1/26/24

Euthanized: 0/13/8

Total Available Dogs for Adoption: 3/3

Total Unavailable Dogs: 4/14

Cat Intakes to date: 2/93/85

Cats Adopted: 5/55/37

Cats Reclaimed: 0/4/3

Transferred to Rescue: 0/17/26

Euthanized: 0/10/9

Total Adoptable Cats: (3cats /1 kitten)/ 5 (5 cats)

Total Unavailable Cats: 3 (2 cats/1 kitten - including 1 kitten in foster) / 5 (4 cats/1 kitten)

EVENTS AND MEDIA:

Upcoming: Pet of the Week, Record Newspaper "Shadow" 2 year old American Pit Bull Terrier

Upcoming: Thursday, January 11, 2017 Volunteer Orientation 6:30-8pm

Upcoming: Saturday, January 13, 2017 Pet Supplies Plus Adoption Event 11am-2pm

93 Days

Lucy

Spay Female Boxer Mix





KENDALL COUNTY
ANIMAL CONTROL

December 2017

ANIMAL BITES TO HUMANS REPORTED TO KCAC

| DATE | OWNER | BITING ANIMAL | PERSON BITTEN |
|----------|-------|--|---------------|
| 11/2/17 | OWNER | "KANE" PIT BULL MIX (ALTERED/UTD) | OWNER |
| 11/5/17 | OWNER | "CHLOE" MALTESE (UTD) | OWNER |
| 11/9/17 | OWNER | CAT (NOT UTD/UNKNOWN) | OWNER |
| 11/13/17 | OWNER | "POOPER" CHIHUAHUA/DACHSHUND (UTD/ALTERED) | OTHER |
| 11/13/17 | OWNER | "GARLAND" CAT (NOTUTD/ALTERED) | OWNER |
| 11/14/17 | OWNER | "BEAR" SHIH TZU (UTD/INTACT) | OTHER |
| 11/16/17 | OWNER | "CIAUS" AM STAFFORDSHIRE TERR. (UTD/ALTERED) | OWNER |
| 11/19/17 | OWNER | "BUSTER" GREAT PYRENESE ((UTD/ALTERED) | OTHER |
| 11/20/17 | OWNER | "PEEWEE" CHIHUAHUA (ALTERED/UTD) | OWNER |
| 11/21/17 | OWNER | "GINGER" VIZSLA (UTD/ALTERED) | OTHER |
| 11/21/17 | OWNER | "BENTLEY" AM. PIT BULL TERRIER (UTD/ALTERED) | OWNER |
| 11/22/17 | OWNER | POODLE (NOT UTD/ INTACT) | OTHER |
| 11/23/17 | OWNER | "BENTLEY" HUSKY (UTD/ALTERED) | OTHER |
| 11/23/17 | OWNER | "LADDIE" SHELTLAND SHEEPDOG (UTD/ALTERED) | OWNER |
| 11/27/17 | OWNER | "BESO" HANOVERIAN HORSE(UTD/GELDED) | OWNER |
| 11/27/17 | OWNER | "BUDDY" LABRADOR MIX (UTD/ALTERED) | OTHER |
| 11/28/17 | OWNER | UNKNOWN STRAY | OTHER |
| 11/29/17 | OWNER | "LUKE" PIT BULL MIX (ALTERED/UTD) | OTHER |

| | |
|--------------------------------|---|
| PIT BULL MIX | 2 |
| MALTESE | 1 |
| CHIHUAHUA/DACHSHUND | 1 |
| SHIH TZU | 1 |
| AMERICAN STAFFORDSHIRE TERRIER | 1 |
| GREAT PYRENESE | 1 |
| CHIHUAHUA | 1 |
| VIZSLA | 1 |
| AMERICAN PIT BULL TERRIER | 1 |
| POODLE | 1 |
| HUSKY | 1 |
| SHETLAND SHEEPDOG | 1 |
| LABRADOR MIX | 1 |
| UNKNOWN STRAY | 1 |
| HORSE | 1 |
| CAT | 2 |

Total: 18

Multiple Bites: 0

Louie's Law Talking Points

More than 240 localities across the country, and the state of California, have enacted pet shop laws similar to the one we are presenting in Springfield this spring.

In Illinois alone, Chicago, Cook County, Warrenville, Waukegan, and Romeoville have enacted their own pet shop ordinances. Half a dozen more are in the works as we speak.

As of date, pet shop ordinances have been upheld on constitutional grounds 6 times in federal district courts (in Rhode Island, Florida, Arizona, New York and **twice** in Illinois) and once in Florida state court, and have never been struck down.

Louie's Law will protect consumers from a deceptive sales model

Numerous hidden-camera investigations¹²³ consistently reveal that pet stores supply unsuspecting consumers with puppies and kittens from inhumane large-scale commercial breeders, despite claims by pet stores that they would “never obtain dogs from puppy mills.”

Across the board, pet stores claim that they obtain animals from small-scale, humane breeders. The reality is that pet stores do not have the option to obtain dogs from responsible breeders because responsible breeders do not sell puppies to pet stores or online. The HSUS reviewed Codes of Ethics for the National Breed Clubs representing all 178 dog breeds recognized by the AKC, and found that 96% of those National Clubs include statements to the effect that their breeders should not and/or do not sell to pet stores.

Louie's Law will protect consumers from ending up with sick and behaviorally challenged puppies

Animal welfare groups and local humane societies receive a constant stream of complaints from consumers who have spent thousands of dollars in veterinary bills caring for their sick pet store puppies. Puppies in pet stores are often sick because they are born into deplorable conditions, taken from their mothers very early, exposed to a wide range of diseases, and very susceptible to genetic disorders. Yet, repeatedly, customers report that pet shops claim all their animals are healthy and came from only the highest quality breeders.

A 2013 study published in the *Journal of American Veterinary Medicine*, entitled “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,”⁴ concluded that obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a wide range

¹http://www.humanesociety.org/news/news/2011/11/ny_puppy_mill_110911.html#.UvkvXWJdWAg

²http://www.humanesociety.org/news/press_releases/2012/12/puppy-mill-investigation-chicago-121012.html

³http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/investigation-report-texas.pdf

⁴ McMillan, Franklin D, DVM, DACVIM; James A. Serpell, PhD; Deborah L. Duffy, PhD; Elmabrok Masaoud, PhD; Ian R. Dohoo, DVM, PhD, “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,” *Journal of the American Veterinary Medical Association* 242, No.10 (2013), 1359-1363.

of undesirable behavioral characteristics, especially aggressive behavior and biting. Due to the results of the study, the authors stated that they cannot recommend that puppies be obtained from pet stores.

Louie's Law will help prevent public health risks

In October 2017, the Center for Disease Control alerted the public to the “Multistate Outbreak of Multidrug Resistant *Campylobacter* Infections Linked to Contact with Pet Store Puppies.”⁵ Sixty-seven people over 15 states were infected, including 18 Petland employees. **There are four cases reported in Illinois at this time, but the investigation is ongoing.** Seventeen of those infected with the virus were hospitalized, and the strains of the disease in the outbreak “appear to be resistant to commonly recommended, first-line antibiotics.”⁶ It is not surprising that a virus linked to pet store puppies is resistant to common antibiotics, as it is common practice for puppy mills and pet stores to overdose puppies with antibiotics to hide sicknesses.

Louie's Law is business friendly

Louie's Law is designed to require pet shops to adhere to a humane business model, not to put pet stores out of business. In fact, the largest and most successful pet store chains in the country (PetSmart and PetCo) do not sell puppies and kittens, but rather partner with local shelters and rescues to hold adoption events and house animals available for adoption at their stores. PetSmart claims that consumers who adopt a dog or cat at one of their events spend 5 times more than the average consumer at their store and often become loyal customers.

The puppy-selling pet store model is outdated and socially unacceptable. Of the top 25 pet store chains in North America, only one sells puppies and kittens.⁷ The others are thriving by selling products and offering quality services, such as grooming, training and boarding. Even stores that used to sell puppy mill puppies are thriving on the humane model. For instance, the owner of Pet Rush in California changed his business model after learning the truth about where his puppies came from. He started offering boarding and daycare services, and was so successful that he expanded to a larger location.⁸

Louie's Law supports responsible breeders

This bill will prohibit the sale of pet shop dogs and cats acquired from puppy mills and catteries. It does not affect responsible breeders. We find that across the country responsible breeders are in favor of pet shop ordinances because they understand better than anyone how horrible the pet shop and puppy mill industries are for dogs and consumers. Responsible breeders would never sell their puppies to pet shops because responsible breeders want to know where their puppies will end up. Responsible breeders and rescue organizations also offer a safety net for any animal they place in the event the owner/adopter is no longer able to care for the animal. This is a

⁵ <https://www.cdc.gov/campylobacter/outbreaks/puppies-9-17/index.html>

⁶ *Id.*

⁷ <http://www.petbusiness.com/February-2016/The-Top-25-Pet-Retailers-in-North-America/>

⁸ <http://petrush.net/about-us/>

service that traditional pet stores do not offer, which contributes to pet overpopulation and places the burden on the rescue community

Pet stores that sell puppy mill puppies are contributing to damaging bloodlines, registry integrity, and the genetic future of dog breeds. The responsible breeding community has devoted itself to weeding inheritable disorders out of bloodlines in an attempt to produce healthier, longer-lived generations of dogs. But due to sloppy breeding practices at puppy mills, poor selection of breeding stock, and the ease of registering dogs by mail or email, unscrupulous breeders are unraveling those efforts. Generations of dogs suffer from the health impacts of careless and indiscriminate breeding. Registrations of poorly produced purebred dogs or dogs of dubious DNA make a mockery of the very standards the registries and their parent clubs purport to champion.

The HSUS established a Breeder Advisory and Resource Council (BARC)⁹, comprised of responsible dog breeders from around the nation who share an interest in curbing the mistreatment of dogs in puppy mills. Even the AKC, who is funded by the puppy mill industry, agrees with the HSUS and responsible breeders everywhere, that “the best way for a person to obtain a new pet is through personal interaction with the pet’s breeder and the pet under consideration.” When purchasing a puppy from a pet store or online, this is simply not possible.

Louie’s Law supports shelters and rescues

This bill will support shelters by encouraging consumers to adopt and requiring pet stores to obtain dogs and cats from shelters and rescues, rather than from puppy mills and catteries. Also, ordinances lessen the burden on shelters that take in pet store animals. Many pet store animals end up in shelters because they come with a wide range of behavioral problems—a result of a lack of necessary socialization. Data shows that shelter intake and euthanasia rates decline in cities that prohibit the sale of puppy mill dogs. In some cities, such as Albuquerque, NM and Los Angeles, CA these declines are dramatic.

Federal and state laws do not protect consumers or dogs

Pet stores claim that they do not obtain dogs from puppy mills because they only source from USDA certified facilities. But, as the USDA explains on its website’s FAQ page, “we do not ‘certify’ establishments. . . a USDA license is not a ‘seal of approval’ but rather a legal designation that a facility has successfully passed its pre-license inspection and is legally entitled to use regulated animals for regulated activities.”¹⁰ The USDA has repeatedly asserted that their regulations and standards are *minimum* requirements that should be built upon by the states and that regulated businesses should exceed.¹¹ Moreover, the last time the USDA audited itself, the Inspector General reported that the USDA does a horrible job of enforcing these minimum

⁹ http://www.humanesociety.org/issues/puppy_mills/facts/breeders_advisory_resource_council.html#UqI9IBXTnVQ

¹⁰ <https://acisearch.aphis.usda.gov/LPASearch/faces/CustomSearch.jspx>

¹¹ See 7 U.S.C. § 2143(A)(8), stating that the federal Animal Welfare Act does not preempt state laws; U.S. Department of Agriculture, Animal Plant and Health Inspection Service, “Fact Sheet: Animal Care. The Animal Welfare Act,” in <http://ca-biomed.org/pdf/media-kit/oversight/USDAAWA.pdf> (accessed 5 Dec, 2013).

standards. The USDA “was not aggressively pursuing enforcement actions against violators” and “assessed minimal monetary penalties” against violators.¹²

USDA standards for commercially bred animals are not the same as those for companion animals, but fall under the Animal Welfare Act guidelines for livestock animals. USDA standards allow commercial breeders to keep animals in cramped, stacked, wire cages for their entire lives. Dogs never receive toys, bedding, treats or any of the comforts that our own pets enjoy. The USDA does not require that animals be regularly let outside of their cages for exercise, nor does it mandate socialization – even for large breeds. Animals can be kept in extreme temperatures for prolonged periods of time. Females are bred as early and often as possible and personnel without veterinary training often perform surgical births. Breeders are not required to vaccinate animals from many highly infectious deadly diseases or to provide regular dental or veterinary care – even when the animal is in obvious pain or discomfort. Commercially bred animals do not receive grooming, resulting in painful matting and skin irritations. When animals are no longer able to reproduce, breeders often abandon, auction off or inhumanely euthanize them. Thus, even if a breeder complies with all USDA requirements, a breeder can keep animals in extremely inhumane conditions.

Animal welfare inspection reports were removed from the USDA’s website in February 2017, making it nearly impossible to verify whether a licensed dog breeding facility is compliant or noncompliant under the Animal Welfare Act. There is the option to file a Freedom of Information Act request, but the agency has a backlog of these requests so it could take years to have one fulfilled. Additionally, requests that have been fulfilled include records with redacted information rendering the reports meaningless. Some of the records have been reposted online, but many remain missing, and many of those provided online lack the breeder or facilities name, so it is impossible to know which breeders have violations and which ones do not.

This is not just an animal welfare issue, but also a transparency issue. The public should have access to this data developed at a taxpayer’s expense because it helps ensure accountability for the agency’s enforcement of these laws and allows for informed consumer decision making and deterrence against violations.

Conclusion

The morals and values of Will and DuPage counties cannot be represented by allowing the sale of dogs and cats from puppy mills and catteries – an industry so intrinsically linked to unnecessary animal suffering and consumer fraud. Our residents should not be duped into supporting the cruel puppy mill industry and into buying sick and behaviorally challenged puppies. Our residents should not have to accept the importing of puppies from puppy mills or kittens from catteries while their tax dollars are spent sheltering, providing medical care for, and euthanizing homeless animals.

¹² U.S. Department of Agriculture, Office of Inspector General, “Animal and Plant Health Inspection Service Animal Care Program Inspections of Problematic Dealers,” Audit Report 33002-4-SF (May 2010), 1.

Pet Protection Ordinance

Will County eyes proposal to tightly regulate area pet shops in push against 'puppy mills'

By **Susan DeMar Lafferty**
Daily Southtown

DECEMBER 14, 2017, 5:22 PM

Will County's legislative agenda for 2018 includes a variety of issues, ranging from elections and the environment to transportation and tax assessments.

But the issue that generated a lengthy discussion at the county board's recent Legislative and Policy Committee meeting was one dealing with puppies and dogs. Officials want a proposed measure to tightly regulate pet shops.

The state proposed measure would prohibit any pet shop operator in Will or DuPage counties from selling a dog, cat or rabbit unless it was obtained from a licensed animal shelter, rescue organization or animal control facility.

The goal of the proposal is an attempt to curb "puppy mills," officials said.

Local pet shop owners said the planned measure could put them out of business, while those with the Humane Society and rescue organizations called the plan a step in the right direction.

Committee chairwoman Suzanne Hart, R-Naperville, said the legislation only includes the two counties because they have been working together on this issue, but could be amended to add more counties or to make it a statewide bill.

"This needs to be stopped," she said of the mass breeding of animals for profit.

It also would require store operators to sell only pets that are at least eight weeks old, document the source of each pet and post a sign listing the name of the agency from which it was obtained.

Jonathan Berning, of Happiness is Pets in Naperville, said "this will force my family business to close." The law will not change the demand or the behavior of consumers, but will shift the market to unregulated sources and online fraudulent schemes since the proposed law only applies to pet stores, he said.

According to a new law passed this summer, stores are allowed to buy from licensed breeders with no health-related violations or no more than two non-health citations in the previous two years, he said.

Illinois also has a "lemon law," allowing a customer to return a pet within a year for a full refund if there is a major health issue, he said.

Puppy mills want to maximize profits without concern for the health of the dog, said Berning, adding, "our breeders are not puppy mills."

"Accusations that we buy from puppy mills are false," said Carl Swanson, president of Illinois Pet Lovers Association and owner of PetLand in Naperville, adding that they also want to put such operations out of business.

The law would have "zero impact" on people, but "lasting impacts" on stores such as Happiness is Pets and PetLand, that are "doing the right thing," Swanson said.

According to Swanson, 80 percent of his sales are from the sale of dogs and forcing him to sell only rescue dogs — which have "challenges" — will reduce his income, but not his expenses.

Mark Ayers, Illinois state director of the Humane Society of the United States, said it would not be difficult to change business models to match stores, such as PetSmart, that host adoption events.

"If this becomes law, rescue organizations could sell dogs instead of euthanizing them. This would keep them out of shelters and save taxpayer dollars," he said.

Others argued that reputable breeders don't need a middle man, such as a pet shop, and without puppy mills, there would be fewer unwanted pets in shelters and rescues.

Hart said she consulted with Dr. Lee Schild, director of Will County's Animal Control Department and several breeders, and learned that reputable breeders "would never sell to a pet shop."

"If they don't buy from puppy mills, then why are they scared," said committee member Ray Tuminello, R-New Lenox, referring to the pet shop owners.

Kurt Fiedler, a lobbyist for the Illinois Pet Lovers Association said he worked with Ayers on the law passed this summer, which also requires pet stores to microchip dogs or cats prior to sale and to obtain copies of USDA inspection reports either from the USDA website (if posted online) or directly from the breeder prior to purchase.

"We wanted the strongest possible standards to keep puppy mills out of Illinois," he said, suggesting that they give this new law a "chance to work."

Will County also is advocating for a Good Samaritan law for pets that are left in cars, by allowing any one to enter a locked or unattended car if they believe an animal is in a life-threatening situation. The

law currently only allows animal control or law enforcement officials to remove a dog from a private vehicle.

According to Ayers, 25 other states have such a law, and he fully supports it.

According to the legislation drafted by Will County State's Attorney James Glasgow, a person who attempts to save a dying pet by entering an unattended vehicle would be immune from civil and criminal liability if they notify an animal control officer or police or the Department of Agriculture before entering the vehicle. A person also could then move the pet to a safe location and turn it over to authorities.

Hart said state Sen. Mike Connelly, R-Naperville, is expected to sponsor both measures.

Other issues on the county's legislative agenda that was approved by the committee included:

- Senate Bill 851 would increase the general homestead and senior exemptions on the property tax assessments. The county opposes this, saying it would seriously impair all taxing bodies by reducing its revenues.
- An appellate court appeal to ensure clean construction and demolition debris facilities are monitoring groundwater and stormwater.
- Funding to add lanes on I-55 from I-80 south to Illinois Route 129, and to construct lanes on I-80 from U.S. 30 west to Ridge Road.
- Full funding for probation services without diminishing other county revenues.
- Requiring ballots and election materials to be printed in foreign languages — which the county opposes.
- Requiring school districts to have a teacher institute day on election days, so the buildings can be safely used for polling places.
- Legislation granting counties zoning and planning authority over cell towers.

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Committee on License and Consumer Protection

ORDINANCE

WHEREAS, the City of Chicago (the "City") is a home rule unit of government under Section 6(a), Article VII of the 1970 Constitution of the State of Illinois and as such may legislate as to matters which pertain to its local government and affairs;

WHEREAS, pet stores selling live animals have traditionally been a sales outlet for young dogs and cats bred in "puppy mills" and "kitten mills" both within the United States and abroad. According to the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet store puppies and many pet store kittens come from puppy mills and kitten mills, respectively. According to Illinois Department of Agriculture records, in the City alone, City pet stores purchased approximately 1,500 – 2,000 dogs from out-of-state breeders for sale to the public in 2011 and 2012. The number of dogs purchased for sale, and sold to the public, is likely higher as these records do not reflect dogs purchased from in-state breeders. When consumers buy puppies and kittens from pet stores, there is a strong likelihood that consumers are unknowingly supporting the puppy mill or kitten mill industry;

WHEREAS, the documented abuses of puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate food, water and shelter; lack of socialization; lack of adequate space; and the euthanization of unwanted animals. The inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues with animals, which many consumers are unaware of when purchasing animals from retailers due to both a lack of education on the issue and misleading tactics of retailers in some cases. These health and behavioral issues, which may not present themselves until years after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers;

WHEREAS, the lack of enforcement resources at local, state and federal levels allow many inhumane puppy and kitten mills to operate with impunity. According to a spokesman from the United States Department of Agriculture, due to budget constraints, the Illinois Department of Agriculture employs only seven inspectors that are charged with overseeing more than 1,300 dog dealers, kennel operators and pet shop operators. The Puppy Mill Project, a City based non-profit organization, has identified at least ten retailers in the City that have acquired cats and dogs from commercial breeding facilities;

WHEREAS, the Chicago Animal Care and Control (the "CACC") impounds approximately 20,000 animals each year. In 2011, the CACC euthanized 9,624 dogs and cats out of 21,085 (46%). Based on the CACC's estimated cost to euthanize a dog and cat, the City spent between \$234,864 – \$303,188 euthanizing dogs and cats in 2011. In 2012, the CACC euthanized 7,652 dogs and cats out of 19,523 (39%) spending an estimated \$199,124 – \$251,384;

WHEREAS, each year thousands of dogs and cats are euthanized in the City, because they are not wanted. In 2011, 6,328 dogs and cats taken in by the CACC were owner surrenders, which was 30% of the CACC's dog and cat intake. In 2012, 6,130 dogs and cats taken in were owner surrenders (31%). Owner surrenders were the second largest source of dogs and cats taken into the CACC behind strays in 2011 and 2012. By promoting the adoption of such dogs and cats, this Ordinance will reduce the financial burden on City taxpayers who pay much of the cost to care for and euthanize many thousands of animals. In addition, by stopping the sale of puppy mill puppies and kitten mill kittens in the City (animals that are known to have health and behavioral issues as discussed above), this Ordinance should reduce the amount of unwanted animals brought to organizations like the CACC, which would also reduce the financial burden on City taxpayers;

WHEREAS, the City incurs significant costs caring for and treating animals brought into the CACC. Since 2010, the CACC's annual budget appropriated over \$300,000 in food; supplies; and drugs, medicine and chemical materials alone to care for its animals;

WHEREAS, because the CACC receives adoption fees of \$65 per animal, there is a significant financial incentive for the City to promote the rehabilitation and adoption of rescue cats and dogs by prohibiting the retail sales of commercially-bred cats and dogs by business establishments located in the City. In 2011, only 1,404 (7%) dogs and cats were adopted directly out of the CACC and only 1,341 (7%) were adopted directly out in 2012. Consumers may be more likely to adopt a dog or a cat if dogs and cats were not readily available for purchase in pet stores. Moreover, there is a large financial benefit to consumers who adopt animals, as the \$65 fee charged by CACC is in many cases significantly lower than the cost of purchasing a dog or cat from a pet store;

WHEREAS, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal shelter and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises;

WHEREAS, this ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breeder, a breed-specific rescue or a shelter;

WHEREAS, in the United States and Canada alone, over 40 cities have enacted ordinances addressing the sale of puppy and kitten mill dogs and cats, including in Los Angeles, California; San Diego, California; Albuquerque, New Mexico; Austin, Texas; Toronto, Canada; and Brick, New Jersey;

WHEREAS, current federal, Illinois and City laws and regulations do not properly address the sale of puppy and kitten mill dogs and cats in City business establishments;

WHEREAS, the City Council believes it is in the best interests of the City to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs from a pet store or other business establishment, help prevent these inhumane conditions, promote community awareness of animal welfare, and foster a more humane environment in the City; and

WHEREAS, the City desires to amend and restate Section 4-384 of the Municipal Code of the City (the "Municipal Code") to prohibit the retail sale of cats and dogs in the City by adding the language shown below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are incorporated herein by reference and made the findings of the City Council.

SECTION 2. Section 4-384-015 of the Municipal Code is hereby adopted in its entirety:

4-384-015 Retail Sale of Dogs and Cats

(a) Notwithstanding any provision in the Chicago Municipal Code to the contrary, a pet shop, retail business or other commercial establishment may display, sell, deliver, offer for sale or adoption, barter, auction, give away, or otherwise dispose of cats or dogs in the City only when those cats or dogs are obtained from those entities or organizations described in the following subsections 4-384-015(a)(i) or (ii):

i. an (i) animal control center or (ii) animal care facility, kennel, pound or training facility, in each case, operated by any subdivision of local, state or federal government; or

ii. a private, charitable, nonprofit humane society or animal rescue organization.

(b) Section 4-384-015(a) shall not apply to entities or organizations described in Sections 4-384-015(a)(i) and (ii) above.

(Omitted text is unaffected by this ordinance)

SECTION 4. This ordinance shall take full force and effect upon passage and publication.

Legislation Approved by the General Assembly | Spring 2017

Updated September 29, 2017

Agriculture, Animals and Hunting

Agriculture Task Force (SB 1991/PA 100-0118): Establishes the Agriculture Education Shortage Task Force.

Animal Protections (HB 2810/PA 100-0504): Allows for the removal and possession of companion animals during the course of an arrest for certain animal abuse/cruelty-related crimes. The legislation is intended to prevent companion animals from being returned to their abuser, either directly or indirectly.

Animal Welfare (SB 1882/PA 100-0322): Provides for a statewide pet sourcing standard for IL pet stores, while maintaining local control. Prohibits pet stores from acquiring dogs and cats from sources that are not licensed by the USDA. Requires pet stores to obtain copies of breed inspection reports prior to purchasing a cat or dog. Requires pet stores to microchip all dogs sold.

Commercial Fishing Device Restrictions (HB 3272/PA 100-0168): States that lake trout, salmon, and Lake Whitefish may not be taken using commercial fishing devices like gill or pound nets in order to clean-up the statute.

Commercial Fishing Licenses (HB 3273/PA 100-0169): Cleans up language in the Fish and Aquatic Life Code regarding commercial fishing licenses. Five licenses will still be available, but DNR must now advertise a public drawing for qualified applicants which will determine ranking for waiting list for unfilled licenses.

Control Funds for Feral Cats (SB 641/PA 100-0405): Changes the Animal Control Act by allowing a county animal population control fund to be used to support feral cat spay, neuter, and vaccinate programs which are

recognized by the county or municipality, but exempts Cook County.

Crossbow Hunting (HB 2893/PA 100-0489): Allows anyone to use a crossbow to take any animal during archery seasons.

Department of Agriculture Inspection Requests (HB 3058/PA 100-0112): Provides that upon receipt of an inspection request from any municipality, park board, or other board or person in control of public grounds the Department of Agriculture shall review the application and may comply with it as deemed appropriate. Repeals section regarding consignees' notifying the Department of receiving shipments of nursery stock from foreign countries.

Department of Ag Rental Facilities (SB 1902/PA 100-0325): Allows the Department of Agriculture to establish locally held funds to receive and disburse security deposits for the rental of facilities.

Diseased Animals Records (HB 2998/PA 100-0111): Allows the Department of Agriculture to keep the agency's rules on their website. Currently, these records are required to be printed.

Farm Nuisance Suits and Horses (SB 1529/PA 100-0447): Adds the action of "keeping" livestock to the definition of the term "farm" in the Farm Nuisance Suit Act. Adds "horse keeping" and "horse breeding" to the activities included under the definition of the term "farm" in the nuisance suits brought by new neighbors to the farm.

Illinois Brand Documentation (HB 3090/PA 100-0114): Provides that the Illinois Department of Agriculture must make available, in electronic format, all recorded livestock brands. This is a way for the Department to



Illinois General Assembly

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Bills & Resolutions

Bill Status of SB1882 *100th General Assembly*

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Short Description: ANIMAL WELFARE-MICROCHIPPING

[IL Constitution](#)

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Last Action

| Date | Chamber | Action |
|-----------|---------|-------------------------------|
| 8/24/2017 | Senate | Public Act 100-0322 |



Statutes Amended In Order of Appearance

- [225 ILCS 605/3.1](#) from Ch. 8, par. 303.1
- [225 ILCS 605/3.5](#)
- [225 ILCS 605/3.6](#)
- [225 ILCS 605/3.8 new](#)
- [225 ILCS 605/3.15](#)

Synopsis As Introduced

Amends the Animal Welfare Act. Provides that every dog dealer and cattery operator shall provide for every dog or cat available for sale documentation that indicates that the dog or cat has been microchipped. Requires an animal shelter or animal control facility to provide information to an adopter prior to the time of adoption whether the dog or cat to be adopted was microchipped prior to being placed in the animal shelter or animal control facility. Provides that if a dog or cat turned into an animal shelter has a microchip and the primary contact or owner refuses to reclaim the cat or dog, the shelter shall contact the pet shop operator or rescue organization identified on the microchip and request they claim the dog or cat. Provides that a pet shop operator, dog dealer, or cattery operator may not obtain a dog or cat for resale or sell or offer for sale any dog or cat obtained from a person who has committed violations of certain federal laws or regulations, as tracked by the United States Department of Agriculture. Provides for certain exceptions. Requires pet shop operators to microchip all dogs and cats. Requires pet shop operators to include a disclosure that a dog or cat for sale has been microchipped. Denies home rule powers. Effective immediately.

Senate Committee Amendment No. 1

Provides that the amendatory Act may be referred to as the Best Practices and Uniform Standards to Ensure Consumer Protection and Safe Pets Act. In provisions requiring every dog dealer and cattery operator to provide documentation that indicates every dog or cat available for sale has been microchipped, includes that the documentation shall also indicate that the microchip has been enrolled with a searchable national database. In provisions prohibiting a pet shop operator, dog

dealer, or cattery operator from obtaining a dog or cat for resale or sale if certain conditions are met, removes references to inspection reports posted on the Animal Care Information System online search tool maintained by the United States Department of Agriculture. Provides that a pet shop operator, dog dealer, or cattery operator may comply with certain provisions by obtaining the latest inspection report available from the licensed breeder or the Animal and Plant Health Inspection Service (rather than the Animal Care Information System) online search tool. Provides that a pet shop operator, dog dealer, or cattery operator is presumed to have acted in good faith and to have satisfied its obligation if it is determined that the licensed breeder altered or falsified the inspection report provided at the time of sale. Make other changes.

Senate Floor Amendment No. 2

Deletes reference to:

225 ILCS 605/3.5

Adds reference to:

510 ILCS 5/10

from Ch. 8, par. 360

Replaces everything after the enacting clause. Reinserts the introduced bill with the following changes: Provides that the amendatory Act may be referred to as the Best Practices and Uniform Standards to Ensure Consumer Protection and Safe Pets Act. In provisions amending the Animal Welfare Act concerning requirements for every dog dealer and cattery operator to provide documentation that indicates every dog or cat available for sale has been microchipped, includes that the documentation shall also indicate that the microchip has been enrolled with a searchable national database. Removes provisions concerning information on dogs and cats available for adoption by an animal shelter or animal control facility. Makes changes in the acceptance of stray dogs and cats. In provisions concerning sourcing of dogs and cats sold by pet shops, removes references to dog dealers and cattery operators. Makes changes to the conditions required when prohibiting a pet shop operator from obtaining a dog or cat for resale or sale. Removes language denying home rule powers. Amends the Animal Control Act. In provisions concerning impoundment and redemption, provides that prior to transferring to a pet store, a dog or cat shall be scanned a second time for the presence of a microchip and examined for other means of identification. Makes other changes. Effective immediately.

Actions

| Date | Chamber | Action |
|-----------|---------|---|
| 2/10/2017 | Senate | Filed with Secretary by Sen. Michael E. Hastings |
| 2/10/2017 | Senate | First Reading |
| 2/10/2017 | Senate | Referred to Assignments |
| 2/14/2017 | Senate | Added as Chief Co-Sponsor Sen. Emil Jones, III |
| 2/14/2017 | Senate | Added as Co-Sponsor Sen. William R. Haine |
| 2/15/2017 | Senate | Added as Co-Sponsor Sen. Linda Holmes |
| 2/15/2017 | Senate | Added as Co-Sponsor Sen. Wm. Sam McCann |
| 2/16/2017 | Senate | Sponsor Removed Sen. Linda Holmes |
| 2/16/2017 | Senate | Added as Co-Sponsor Sen. Jil Tracy |
| 2/28/2017 | Senate | Sponsor Removed Sen. Wm. Sam McCann |
| 2/28/2017 | Senate | Assigned to Licensed Activities and Pensions |
| 3/2/2017 | Senate | Senate Committee Amendment No. 1 Filed with Secretary by Sen. Michael E. Hastings |
| 3/2/2017 | Senate | Senate Committee Amendment No. 1 Referred to Assignments |
| 3/7/2017 | Senate | Senate Committee Amendment No. 1 Assignments Refers to Licensed Activities and Pensions |
| 3/7/2017 | Senate | Sponsor Removed Sen. Emil Jones, III |
| 3/15/2017 | Senate | Senate Committee Amendment No. 1 Adopted |
| 3/16/2017 | Senate | Do Pass as Amended Licensed Activities and Pensions ; 010-001-000 |
| 3/16/2017 | Senate | Placed on Calendar Order of 2nd Reading March 28, 2017 |
| 3/16/2017 | Senate | Sponsor Removed Sen. Jil Tracy |
| 3/17/2017 | Senate | Added as Co-Sponsor Sen. Steven M. Landek |

RETAIL PET ORDINANCES TALKING POINTS

- Over 240 local governments have passed pet shop sales bans, including the state of California that prohibit the sale of commercially-bred dogs and cats in pet stores.
- Pet shop bans have been upheld in 6 federal district courts (in Rhode Island, Florida, Arizona, New York, and twice in Illinois) and once in Florida state court and have never been struck down.
- Shelter intake and euthanasia rates decline in cities that prohibit the sale of commercially bred puppies in pet shops, and in some cities these declines are dramatic.
- Eliminating puppy mill puppies from local markets encourages adoption of homeless animals and also encourages customers to seek out reputable breeders who take excellent care of their dogs and whose own breed clubs' ethics codes typically include a provision that they shouldn't sell to pet shops.
- Bans protect local consumers. HSUS investigations show that pet stores lie about where they obtain their dogs. Consumers are essentially tricked into supporting the cruel puppy mill industry and buying sick and behaviorally challenged dogs.
- A study from the Journal of Veterinary Medicine concluded that puppies in pet stores are more likely to exhibit undesirable behavioral characteristics including aggression and biting therefore they cannot recommend purchasing puppies from pet stores.
- Studies also show that pet store puppies are likely to be sick. At HSUS we receive a constant stream of complaints from consumers who purchased sick puppies at pet stores and spent thousands of dollars on veterinary costs.
- A majority of sales from pet shops are financed through predatory lending schemes similar to payday loans. Families are talked into financing the cost of a \$500 puppy and end up paying upwards of 5 times that amount.
- USDA licensed breeders are not humane breeders. USDA admits that its laws are not humane standards, but merely survival standards and that a USDA license is not a seal of approval. USDA also admits that it does not enforce its laws.
- The USDA removed animal welfare inspection reports from its online database making it nearly impossible to research a dog breeder's compliance or noncompliance under the Animal Welfare Act. Some reports have been restored, but many remain missing, and pertinent information like the breeder or facilities name aren't provided making the reports useless.
- These ordinances are business-friendly. Stores that have switched to a humane, adoption-based business model are thriving. The HSUS has actively helped several stores transition and is ready to help the pet shops in your area.
- Media coverage of bans has been overwhelmingly positive in all other cities and serves as an important educational tool, encouraging people to adopt from their local shelter and avoid puppy mill cruelty.

**Press Conference Introducing “Louie’s Law”
December 22, 2017
12:00pm
Naperville Area Humane Society**

Welcome and Introductions

Brian Krajewski – DuPage County Animal Control Committee Chairman

Evolution of SB2280

Suzanne Hart – Will County Legislative Chairwoman

Testimonial

Keyonce Barrett – Louie’s Owner (mom: Quiana Barrett)

Formal Announcement and Introduction of Louie’s Law

Senator Michael Connelly – Illinois State Senator, 21st District

Additional Remarks By:

Anna Payton – Naperville Area Humane Society

James Glasgow – Will County State’s Attorney

Robert Berlin – DuPage County State’s Attorney

Cari Meyers – The Puppy Mill Project

Louie's Law Talking Points

More than 240 localities across the country, and the state of California, have enacted pet shop laws similar to the one we are presenting in Springfield this spring.

In Illinois alone, Chicago, Cook County, Warrenville, Waukegan, and Romeoville have enacted their own pet shop ordinances. Half a dozen more are in the works as we speak.

As of date, pet shop ordinances have been upheld on constitutional grounds 6 times in federal district courts (in Rhode Island, Florida, Arizona, New York and **twice** in Illinois) and once in Florida state court, and have never been struck down.

Louie's Law will protect consumers from a deceptive sales model

Numerous hidden-camera investigations¹²³ consistently reveal that pet stores supply unsuspecting consumers with puppies and kittens from inhumane large-scale commercial breeders, despite claims by pet stores that they would “never obtain dogs from puppy mills.”

Across the board, pet stores claim that they obtain animals from small-scale, humane breeders. The reality is that pet stores do not have the option to obtain dogs from responsible breeders because responsible breeders do not sell puppies to pet stores or online. The HSUS reviewed Codes of Ethics for the National Breed Clubs representing all 178 dog breeds recognized by the AKC, and found that 96% of those National Clubs include statements to the effect that their breeders should not and/or do not sell to pet stores.

Louie's Law will protect consumers from ending up with sick and behaviorally challenged puppies

Animal welfare groups and local humane societies receive a constant stream of complaints from consumers who have spent thousands of dollars in veterinary bills caring for their sick pet store puppies. Puppies in pet stores are often sick because they are born into deplorable conditions, taken from their mothers very early, exposed to a wide range of diseases, and very susceptible to genetic disorders. Yet, repeatedly, customers report that pet shops claim all their animals are healthy and came from only the highest quality breeders.

A 2013 study published in the *Journal of American Veterinary Medicine*, entitled “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,”⁴ concluded that obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a wide range

¹http://www.humanesociety.org/news/news/2011/11/ny_puppy_mill_110911.html#UykvXWJdWAg

²http://www.humanesociety.org/news/press_releases/2012/12/puppy-mill-investigation-chicago-121012.html

³http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/investigation-report-texas.pdf

⁴ McMillan, Franklin D, DVM, DACVIM; James A. Serpell, PhD; Deborah L. Duffy, PhD; Elmabrok Masaoud, PhD; Ian R. Dohoo, DVM, PhD, “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,” *Journal of the American Veterinary Medical Association* 242, No.10 (2013), 1359-1363.

of undesirable behavioral characteristics, especially aggressive behavior and biting. Due to the results of the study, the authors stated that they cannot recommend that puppies be obtained from pet stores.

Louie’s Law will help prevent public health risks

In October 2017, the Center for Disease Control alerted the public to the “Multistate Outbreak of Multidrug Resistant *Campylobacter* Infections Linked to Contact with Pet Store Puppies.”⁵ Sixty-seven people over 15 states were infected, including 18 Petland employees. **There are four cases reported in Illinois at this time, but the investigation is ongoing.** Seventeen of those infected with the virus were hospitalized, and the strains of the disease in the outbreak “appear to be resistant to commonly recommended, first-line antibiotics.”⁶ It is not surprising that a virus linked to pet store puppies is resistant to common antibiotics, as it is common practice for puppy mills and pet stores to overdose puppies with antibiotics to hide sicknesses.

Louie’s Law is business friendly

Louie’s Law is designed to require pet shops to adhere to a humane business model, not to put pet stores out of business. In fact, the largest and most successful pet store chains in the country (PetSmart and PetCo) do not sell puppies and kittens, but rather partner with local shelters and rescues to hold adoption events and house animals available for adoption at their stores. PetSmart claims that consumers who adopt a dog or cat at one of their events spend 5 times more than the average consumer at their store and often become loyal customers.

The puppy-selling pet store model is outdated and socially unacceptable. Of the top 25 pet store chains in North America, only one sells puppies and kittens.⁷ The others are thriving by selling products and offering quality services, such as grooming, training and boarding. Even stores that used to sell puppy mill puppies are thriving on the humane model. For instance, the owner of Pet Rush in California changed his business model after learning the truth about where his puppies came from. He started offering⁸ boarding and daycare services, and was so successful that he expanded to a larger location.

Louie’s Law supports responsible breeders

This bill will prohibit the sale of pet shop dogs and cats acquired from puppy mills and catteries. It does not affect responsible breeders. We find that across the country responsible breeders are in favor of pet shop ordinances because they understand better than anyone how horrible the pet shop and puppy mill industries are for dogs and consumers. Responsible breeders would never sell their puppies to pet shops because responsible breeders want to know where their puppies will end up. Responsible breeders and rescue organizations also offer a safety net for any animal they place in the event the owner/adopter is no longer able to care for the animal. This is a

⁵ <https://www.cdc.gov/campylobacter/outbreaks/puppies-9-17/index.html>

⁶ *Id.*

⁷ <http://www.petbusiness.com/February-2016/The-Top-25-Pet-Retailers-in-North-America/>

⁸ <http://petrush.net/about-us/>

service that traditional pet stores do not offer, which contributes to pet overpopulation and places the burden on the rescue community

Pet stores that sell puppy mill puppies are contributing to damaging bloodlines, registry integrity, and the genetic future of dog breeds. The responsible breeding community has devoted itself to weeding inheritable disorders out of bloodlines in an attempt to produce healthier, longer-lived generations of dogs. But due to sloppy breeding practices at puppy mills, poor selection of breeding stock, and the ease of registering dogs by mail or email, unscrupulous breeders are unraveling those efforts. Generations of dogs suffer from the health impacts of careless and indiscriminate breeding. Registrations of poorly produced purebred dogs or dogs of dubious DNA make a mockery of the very standards the registries and their parent clubs purport to champion.

The HSUS established a Breeder Advisory and Resource Council (BARC)⁹, comprised of responsible dog breeders from around the nation who share an interest in curbing the mistreatment of dogs in puppy mills. Even the AKC, who is funded by the puppy mill industry, agrees with the HSUS and responsible breeders everywhere, that “the best way for a person to obtain a new pet is through personal interaction with the pet’s breeder and the pet under consideration.” When purchasing a puppy from a pet store or online, this is simply not possible.

Louie’s Law supports shelters and rescues

This bill will support shelters by encouraging consumers to adopt and requiring pet stores to obtain dogs and cats from shelters and rescues, rather than from puppy mills and catteries. Also, ordinances lessen the burden on shelters that take in pet store animals. Many pet store animals end up in shelters because they come with a wide range of behavioral problems—a result of a lack of necessary socialization. Data shows that shelter intake and euthanasia rates decline in cities that prohibit the sale of puppy mill dogs. In some cities, such as Albuquerque, NM and Los Angeles, CA these declines are dramatic.

Federal and state laws do not protect consumers or dogs

Pet stores claim that they do not obtain dogs from puppy mills because they only source from USDA certified facilities. But, as the USDA explains on its website’s FAQ page, “we do not ‘certify’ establishments. . . a USDA license is not a ‘seal of approval’ but rather a legal designation that a facility has successfully passed its pre-license inspection and is legally entitled to use regulated animals for regulated activities.”¹⁰ The USDA has repeatedly asserted that their regulations and standards are *minimum* requirements that should be built upon by the states and that regulated businesses should exceed.¹¹ Moreover, the last time the USDA audited itself, the Inspector General reported that the USDA does a horrible job of enforcing these minimum

⁹ http://www.humanesociety.org/issues/puppy_mills/facts/breeders_advisory_resource_council.html#UqI9IBXTnVQ

¹⁰ <https://acisearch.aphis.usda.gov/LPASearch/faces/CustomSearch.jspx>

¹¹ See 7 U.S.C. § 2143(A)(8), stating that the federal Animal Welfare Act does not preempt state laws; U.S. Department of Agriculture, Animal Plant and Health Inspection Service, “Fact Sheet: Animal Care. The Animal Welfare Act,” in <http://ca-biomed.org/pdf/media-kit/oversight/USDAAWA.pdf> (accessed 5 Dec, 2013).

standards. The USDA “was not aggressively pursuing enforcement actions against violators” and “assessed minimal monetary penalties” against violators.¹²

USDA standards for commercially bred animals are not the same as those for companion animals, but fall under the Animal Welfare Act guidelines for livestock animals. USDA standards allow commercial breeders to keep animals in cramped, stacked, wire cages for their entire lives. Dogs never receive toys, bedding, treats or any of the comforts that our own pets enjoy. The USDA does not require that animals be regularly let outside of their cages for exercise, nor does it mandate socialization – even for large breeds. Animals can be kept in extreme temperatures for prolonged periods of time. Females are bred as early and often as possible and personnel without veterinary training often perform surgical births. Breeders are not required to vaccinate animals from many highly infectious deadly diseases or to provide regular dental or veterinary care – even when the animal is in obvious pain or discomfort. Commercially bred animals do not receive grooming, resulting in painful matting and skin irritations. When animals are no longer able to reproduce, breeders often abandon, auction off or inhumanely euthanize them. Thus, even if a breeder complies with all USDA requirements, a breeder can keep animals in extremely inhumane conditions.

Animal welfare inspection reports were removed from the USDA’s website in February 2017, making it nearly impossible to verify whether a licensed dog breeding facility is compliant or noncompliant under the Animal Welfare Act. There is the option to file a Freedom of Information Act request, but the agency has a backlog of these requests so it could take years to have one fulfilled. Additionally, requests that have been fulfilled include records with redacted information rendering the reports meaningless. Some of the records have been reposted online, but many remain missing, and many of those provided online lack the breeder or facilities name, so it is impossible to know which breeders have violations and which ones do not.

This is not just an animal welfare issue, but also a transparency issue. The public should have access to this data developed at a taxpayer’s expense because it helps ensure accountability for the agency’s enforcement of these laws and allows for informed consumer decision making and deterrence against violations.

Conclusion

The morals and values of Will and DuPage counties cannot be represented by allowing the sale of dogs and cats from puppy mills and catteries – an industry so intrinsically linked to unnecessary animal suffering and consumer fraud. Our residents should not be duped into supporting the cruel puppy mill industry and into buying sick and behaviorally challenged puppies. Our residents should not have to accept the importing of puppies from puppy mills or kittens from catteries while their tax dollars are spent sheltering, providing medical care for, and euthanizing homeless animals.

¹² U.S. Department of Agriculture, Office of Inspector General, “Animal and Plant Health Inspection Service Animal Care Program Inspections of Problematic Dealers,” Audit Report 33002-4-SF (May 2010), 1.

What's a puppy farm/mill?

A business that raises dogs as livestock....

...and sells them to pet stores, breeders, and other people who sell dogs to the public. They are often sold to people who don't know where they come from.



Have you ever spotted a puppy, breeder/mill pup?

100% of people who bought their dogs from breeders said they knew about puppy mills or puppy farms.

100% of people who bought their dogs from breeders said they knew where they came from.

in expected places like the mall or unexpected places like a private home that has puppies shipped in from elsewhere. Guess where they come from. Yup, puppy farms.

don't ship their puppies to retailers to be sold to strangers

Survey Says...

17% of people who bought their dogs from breeders said they knew about puppy mills or puppy farms. 100% of people who bought their dogs from breeders said they knew where they came from. Yup, puppy farms. don't ship their puppies to retailers to be sold to strangers

What's wrong with that?

My pup will be fine if he lives in a kennel for a bit, won't he? Regardless of how "modern" they are, puppy farms still frequently produce sick, diseased, and/or temperamentally unsound puppies. **Why?**

Because of the effects of...

Puppy Farm Practices

- Dogs and puppies are housed in kennels or cages.** Not inside the home. This deprives puppy farm puppies of the critical socialization they need to grow into mentally healthy adult dogs.
- Parent dogs' health and temperament aren't considered when breeding.** Dogs with behavior and health issues are repeatedly bred, producing lots of puppies likely to have the same problems.
- Owners often play "doctor" instead of bringing puppies to a licensed veterinarian.** As with other agricultural cash crops, veterinary standards are minimal, even if USDA licensed.
- Dogs are often housed in unsanitary and crowded conditions.** The high number of animals and lack of sanitation make puppy farms prime places for the development of behavior problems and diseases.

USDA REGULATIONS

The United States Department of AGRICULTURE (USDA) regulates puppy farm production. This includes overseeing puppy farms. If a "breeder" is USDA licensed, they are, by definition, running a puppy farm.

Puppy farms licensed by the USDA are supposed to meet the standards of care set forth by the Animal Welfare Act (AWA).

This sounds great, but PupQuest wants you to know that...

» **Animal Welfare Act requirements are minimal.**

Dogs and puppies housed in total compliance with the AWA are still not getting what they need to be healthy in body or mind. "Accepted husbandry practices" are agricultural practices for raising livestock on a FACTORY farm. They are not appropriate for raising puppies to be family pets. Check out the [requirements for housing and exercise](#).

» **There is a serious lack of enforcement of even these minimum standards.** [USDA Puppy Mill Violations No Longer Freely Accessible](#).

» **Early in 2010, the USDA Office of the Inspector General released a report** on an audit of USDA puppy farm inspections across the country. The audit found that...

- ➔ The "Enforcement Process Was Ineffective Against Problematic Dealers"
- ➔ "Inspectors Did Not Cite or Document Violations Properly To Support Enforcement Actions"
- ➔ The "New Penalty Worksheet Calculated Minimal Penalties."
- ➔ Guidelines were "misused" to "Lower Penalties for AWA Violators."
- ➔ "Some Large Breeders Circumvented AWA by Selling Animals Over the [internet](#)."

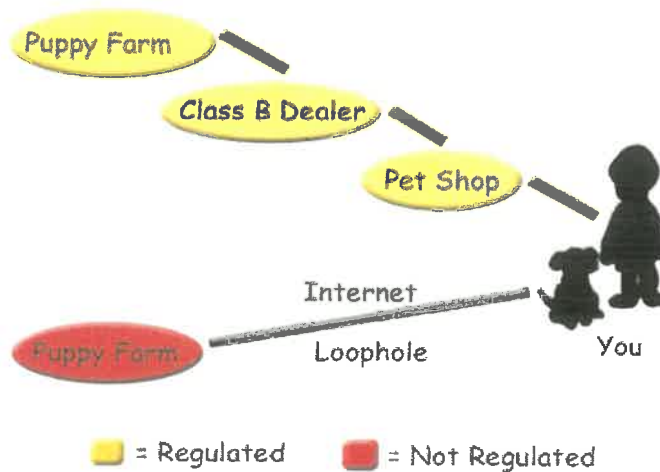
Loophole that allows breeders to avoid the AWA

Under the Animal Welfare Act, any business who sells animals directly to consumers is exempt from this act and from USDA licensing.

This exemption creates a HUGE loophole for puppy farms to sell their pups to people over the Internet and avoid regulation altogether.

This is why it is so [risky to buy online](#).

USDA APHIS [factsheet](#) (Note "Direct Sales" exception on page 4)





THE HUMANE SOCIETY
OF THE UNITED STATES

How to find a responsible dog breeder

Note: The Humane Society of the United States encourages you to consider adoption from a shelter or rescue. If you choose to purchase a dog from a breeder, the following guidelines will help you make sure your dog comes from a responsible breeder instead of a puppy mill.

A responsible breeder:

- Allows you to visit and willingly shows you all areas where puppies and breeding dogs spend their time. Those areas are clean, spacious, and well-maintained
- Has dogs who appear lively, clean, and healthy, and don't shy away from visitors
- Keeps their breeding dogs as you feel a responsible person would keep their pets: not overpopulated, crowded, dirty, or continually confined to cages
- Keeps their dogs in roomy spaces that meet the needs of their particular breed; for example, most small breeds will be housed in the home, sporting breeds will have plenty of space for exercise, etc. (National breed clubs can provide input on the specific needs of each breed of dog)
- Breeds only one or a few types of dogs and is knowledgeable about the breeds and their special requirements
- Doesn't always have puppies available but may keep a list of interested people for the next available litter or refer people to other responsible breeders or breed clubs
- Meets psychological, as well as physical, needs of their dogs by providing toys, socialization, exercise, and enrichment as befits the specific breed
- Encourages you to spend time with the puppy's parents—at a minimum, the pup's mother—when you visit
- Has a strong relationship with one or more local veterinarians and shows you individual records of veterinary visits for your puppy
- Explains in detail the potential genetic and developmental problems inherent to the breed and provides documentation that the puppy's parents and grandparents have been professionally evaluated in an effort to breed those problems out of their puppies. (This will include testing for genetic diseases for which there are valid testing protocols available)
- Offers guidance for the care and training of your puppy and is available for assistance after you take your puppy home
- Provides references from other families who have previously purchased one of their puppies
- Is often actively involved with local, state, and national clubs that specialize in the specific breed; responsible breeders may also compete with the dogs in conformation events, obedience trials, tracking and agility trials, or other performance events



- Sells puppies only to people he/she has met in person, not to pet stores or to unknown buyers over the internet
- Encourages multiple visits and wants your entire family to meet the puppy
- Provides you with a written contract and health guarantee and allows plenty of time for you to read it thoroughly
- Doesn't require that you use a specific veterinarian













A responsible breeder requires you to:

- Explain why you want a dog
- Explain who in your family will be responsible for the pup's daily care and training; where the dog will spend most of his or her time; and what "rules" have been decided upon for the puppy—for example, whether the dog will be allowed on furniture
- Provide proof from your landlord or condominium board (if you rent or live in a condominium complex) that you are allowed to have a dog
- Provide a veterinary reference if you have had other pets
- Sign a contract that you will spay or neuter the dog unless you will be actively showing him or her
- Sign a contract stating that you will return the dog to the breeder should you be unable to keep the dog at any point in the dog's life

humanesociety.org/puppymills



Tip-Offs A Seller Should Be Avoided
Please don't be fooled by words or photos.
If ANY of these describe the seller, it's best to avoid them!

-  Sells puppies over the internet.
-  Doesn't encourage you to meet the puppies.
-  Doesn't allow you to see where the puppies are raised.
They may be hiding unsanitary or otherwise unacceptable conditions.
-  Doesn't allow you to meet the parents, or at least the mother.
-  Doesn't socialize their pups to everyday people, places, and things.
-  Raises puppies outside or in a kennel.
-  Doesn't ask many questions about you, your family, or your lifelong commitment to the pup.
-  Wants to arrange to ship the puppy to you or to meet you in a parking lot or other public location to exchange money for the pup. What about this doesn't sound sketchy?
-  Is licensed by the USDA and/or has many breeds available.
This is a huge warning sign that the seller is a puppy farm.
-  Provides no legitimate proof of [vaccinations, examinations, or screenings](#) for inherited disorders performed by a licensed veterinarian.
Learn how to recognize misleading documents.
-  Won't take a pup back after a certain length of time or at all.
Reputable breeders commit to their pups for life.
-  Shows no interest in the breed other than selling them, no active association with national breed clubs, no participation in breed activities such as herding, agility, showing, etc.



Signs of a Reputable Breeder

Be puppy-shopping savvy!

These are all things truly reputable breeders will do:

- Requires you to meet the puppy in person.
#1 most important step you can take to make sure you're getting a great puppy
- Insists on meeting you and your family in person and wants to know about you, a lot about you! Reputable breeders NEVER sell their beloved pups to strangers.
- Socializes the puppies to people, places, and things.
- Has a veterinarian individually examine and vaccinate each puppy and has verifiable proof of this.
- Knows about the breed's predispositions to certain genetic problems and has had their dogs tested for them.
- Raises the puppies in the home, not a kennel.
- Happily and proudly introduces you to the parents of the puppies.
The parents are a sneak-peek of the dog your puppy will be.
- Has healthy, long-lived adult dogs and contact info for previous buyers.
- Will take their pups back at any point in their lives.
This shows a lifelong commitment to the puppies and to you.
- Is able to knowledgeably answer all of your questions.
- Is involved with local and national breed clubs and abides by their Code of Ethics.

What to look for in a Pet Shop the...



**Pet shop puppies are from puppy farms.
No reputable breeder sells their puppies to pet stores. Ever...**

What are you saying? Don't invest big bucks in puppy farms and a potentially sick pup. Support professionals who are doing it right: USDA licensed or reputable breeders.

Does this mean that every puppy that comes out of a pet store is a sick, under-socialized mess?

No, of course not. But do you want to take such a big risk? And do you want to give your money to people who raise puppies like livestock- or worse? Didn't think so.



Remember...
USDA licensed "breeders" means the puppy was born on a puppy farm.

What if...

- Pet shop employees will most likely tell you the puppies are from "breeders". But remember, anybody whose dog becomes pregnant can call themselves a "breeder". If they aren't knowingly lying to you, they may not know their pups are from farms, either.
- Don't be fooled by cute photos. It's all too easy (and common) for puppy farms to provide pet shops with misleading pictures for customers. Clean a puppy up, plop her on the front lawn next to the kids, and snap a shot. Just like a fancy website, anyone can do it.
- USDA certification means that the "breeder" is a puppy farm.
- Regardless of the quality of the "socialization" for the week or so the pup is at the store, as former puppy farm dogs, they've missed critical socialization for the first 8 weeks of their lives.
- The reason behind a pet shop purchase doesn't matter. The truth is the only thing your financial support is saving is this cruel industry.

Survey Says...

87% of people who bought puppies thought they were about puppy mills, and 18% said bought from a pet store. PetQuest hopes to make this percentage by health connecting the dots.

Click to use Flash

The worst place to purchase a puppy isn't a place at all ... it's CYBERSPACE!

Click to use Flash



Responsible breeders and puppy farms are responsible. However, buying a puppy over the Internet is not. You can't see the puppy or its parents, and you can't see where the puppy was raised. You can't see the puppy's health records.

Top 2 Reasons the Internet is No Place to Get a Puppy

#1: You don't get to meet your puppy and see where it was raised. And this is the most important (and fun) part of getting a pup!

» Will your puppy be energetic and playful? Scared and defensive? Aggressive? Healthy? Were the parents well cared for? You can't even begin to guess without visiting.

» Is he coming from a responsible breeder? A puppy farm? Backyard yahoos with a computer? There is no way to know without visiting in person.

#2: Most puppies sold over the Internet are from puppy farms.

» Responsible breeders wouldn't dream of selling pups over the Internet. They don't ship their beloved puppies to strangers. Would you?

» The internet provides a loophole that allows disreputable breeders to sell puppies completely unregulated.



Just in case you still need more reasons not to purchase a pup online. See more.

This fraud can happen to anyone, even well-meaning people who really believe they are being careful, and may have even gotten recommendations from others. Your friends or neighbors may have dodged the bullet but you and your pup may not.

If I shouldn't buy a dog online then where?

For a successful PupQuest, think about a pup from:

» Responsible breeders (PupQuest always encourages adoption!)

» Puppy mills

» Backyard breeders

What about rescues and shelters on the internet?

It's fantastic that you want to adopt! Be aware that much of the info on this page is applicable to adoption too. Check out our adoption page to find out more.

Survey Says....

81% of people who bought from breeders researched dog ownership before getting their dog. BUT none of them thought USDA licensing was a red flag.

JUST IN CASE YOU STILL NEED MORE REASONS NOT TO PURCHASE A PUP ONLINE:

- Many puppies are very sick upon arrival.
- You know how kids get sick more easily when they are “run down”? To a puppy with an immature system, the stress of shipping has the same effect. They’re at risk for much more than a sniffle, though. Many pups shipped by “breeders”, pet shops and shelters develop potentially deadly diseases.
- Shipping young puppies long distances during the most sensitive period of behavioral development can result in insecure, fearful dogs.
- Often buyers get puppies that are not the breed/age/sex they “ordered”.
- Sellers suddenly become impossible to get in contact with after the purchase of a sick, behaviorally unsound, or non-existent pup.
- Scams abound – Many people pay for puppies and never get them.

Section 1: Enforcement

Finding 1: AC's Enforcement Process Was Ineffective Against Problematic Dealers

During FYs 2006-2008, Animal Care's (AC) enforcement process was ineffective in achieving dealer compliance with the Animal Welfare Act (AWA) and regulations. This occurred because the agency believed that compliance achieved through education and cooperation would result in long-term dealer compliance. Accordingly, the agency chose to take little or no enforcement actions against violators. However, taking this position against serious or repeat violators weakened the agency's ability to protect the animals. As a result, 2,416 of 4,250 violators repeatedly violated AWA, including some that ignored minimum care standards, which are intended to ensure the humane care and treatment of animals.

AWA authorizes APHIS to take remedial action against AWA violators by assessing monetary penalties, suspending or revoking licenses, or pursuing criminal penalties.¹⁷ The *Dealer Inspection Guide* (Guide), AC's field standards, further elaborates on these enforcement actions.

AC administers AWA through the licensing and inspection of dealers (i.e., breeders and brokers). The enforcement process begins when violations¹⁸ are identified during an inspection of a dealer's facility. If AC decides to take enforcement action, it may refer the case to APHIS' Investigative and Enforcement Services (IES) unit. The resulting investigation can lead to a stipulation (an agreement between APHIS and the violator, where the violator can pay a reduced penalty by giving up his right to a formal administrative hearing), suspension or revocation of license, or confiscation of animals. However, AC may elect to take no action or a lesser action, such as a letter of information or an official warning.¹⁹

During the 3-year period, AC inspected 8,289 licensed dealers and found that 5,261 violated AWA (see exhibit C for the number and types of violations that occurred). At the re-inspection of 4,250 violators,²⁰ inspectors found that 2,416 repeatedly violated AWA, including 863 that continued to violate the same subsections.

To evaluate the adequacy of AC's controls over dealer compliance with AWA, we reviewed guidelines, management policies, the inspectors' practices, and enforcement actions against AWA violators. We identified four practices that demonstrate AC's leniency towards dealers that violate AWA:

- **No Enforcement Action for First-time Violators.** Typically, AC does not take enforcement action against first-time violators, even if the inspector identifies a direct violation (i.e., one that has a high potential for adversely affecting the health of an animal). The Guide states that inspectors "may recommend an enforcement action" for violations that are direct or serious, although the Guide does not define serious.²¹ Based

¹⁷ 7 U.S.C. §2149 (January 3, 2007).

¹⁸ APHIS synonymously used the terms violations, alleged violations, and noncompliant items in its documents. For simplicity, we used the term violations in this report.

¹⁹ *Dealer Inspection Guide*, ch. 9.3 (May 2002). In 2007, AC discontinued "letter of information" as an enforcement option.

²⁰ AC did not re-inspect 1,011 violators because some were not scheduled for re-inspection until FY 2009, while others were no longer licensed.

²¹ *Dealer Inspection Guide*, ch. 9.3 (May 2002).

on our observations and analysis, since inspectors were given the choice of not recommending an action, generally they did not.

- Inadequate Enforcement for Repeat Violators. The Guide states that inspectors “**must** recommend an enforcement action” for repeat violators; however, one of the choices is to take no action,²² which is what the inspectors did in 52 percent of the repeat violations we reviewed.

Also, AC narrowly defines a repeat violator as one that consecutively violates the same subsection of the animal welfare regulations. This means that on successive inspections a dealer can violate different sections of the regulations without being labeled a repeat violator and, therefore, the inspector is not required to recommend an enforcement action.

- Written Instructions Not Always Followed. In 2007, the national office provided instructions entitled, “Animal Care Enforcement Action Guidance for Inspection Reports,” to aid its inspectors in selecting enforcement actions. These instructions were never incorporated in AC’s Guide and, therefore, supervisors and regional management did not always ensure that the inspectors followed them. When instructions specified a stronger action, such as a stipulation or litigation, the inspectors were allowed to recommend a more lenient option.
- Delayed Confiscation. AWA allows APHIS to confiscate any animal found to be suffering as a result of a failure to comply with AWA.²³ APHIS added a provision requiring that the violator be given a final opportunity to take corrective action before confiscation can occur,²⁴ even in extreme cases where animals are dying or suffering.²⁵

To evaluate the effect of these practices, we selected 8 States and visited 50 breeders and 18 brokers (68 in total) that had been cited for at least one violation in their previous 3-year inspection history.²⁶ AC generally took little or no enforcement actions against these facilities during the period (see chart 1).

²² *Dealer Inspection Guide*, ch. 9.3 (May 2002).

²³ 7 U.S.C. § 2146(a) (January 3, 2007).

²⁴ 9 *Code of Federal Regulations* (CFR) §2.129(a) (January 1, 2005) and *Dealer Inspection Guide*, ch. 8.6.1 (April 2000).

²⁵ AC defines suffering as “any condition that causes pain or distress . . . Examples [include]: animals with serious medical problems that are not receiving adequate veterinary care; animals without adequate food or water; animals exposed to temperature extremes without adequate shelter or bedding; and animals held in enclosures that are filthy. Animals do not need to be in jeopardy of dying to be in a state of suffering.” AC Policy No. 8 (May 8, 2001).

²⁶ We visited a total of 81 dealers in 8 States but 13 had no history of violations and, therefore, were not part of our sample for determining the effectiveness of AC’s enforcement process.

hair loss over their entire bodies and raw, irritated spots on their skin.²⁷ Despite the continuing violations, AC did not take enforcement actions due to its lenient practices against repeat violators.

During our visit to the facility in July 2008, AC cited the breeder for another 11 violations (including 1 repeat and 3 directs). One of the direct violations involved a dog that had been bitten by another dog. The first dog was left untreated for at least 7 days, which resulted in the flesh around the wound rotting away to the bone (see figure 2).

Figure 2: Live Dog With Mutilated Leg



The breeder admitted the dog had been in this condition for at least 7 days. The inspector correctly required the dog to be taken to a local veterinarian who immediately euthanized it.

AC did refer the case to IES for investigation, but only after another direct violation was documented in a subsequent inspection after our visit. Based on the results of the investigation, AC recommended a stipulation. However, as of early June 2009—11 months after our visit—the violator had not yet been fined.²⁸

Also, although AWA states that “the Secretary is authorized to cooperate with the officials of the various States . . . in carrying out the purpose of [AWA],”²⁹ AC did not establish procedures to forward animal cruelty cases to these officials. In this case, AC did not notify the State of Oklahoma (which has first-offense felony laws for animal cruelty) of the inhumane treatment the dog received.

²⁷ After the direct violation was cited in December 2007, the inspector re-inspected the facility in January 2008 and found that the attending veterinarian prescribed treatment for the dogs.

²⁸ For stipulation cases closed between October 2006 and April 2008, it took IES an average of 10 months to issue a stipulation.

²⁹ 7 U.S.C. §2145(b) (January 3, 2007).

Example 2: At another facility in Oklahoma with 96 adult dogs, AC cited the breeder for 23 violations (including 12 repeats) during 4 inspections from August 2005 to September 2007. Although national office instructions state, “if compliance [is] not attained quickly, proceed to other enforcement steps,” AC could not explain why it took no enforcement action.³⁰

During our visit to the facility in July 2008, AC cited the breeder for another 11 violations (including 1 repeat). We found numerous dogs infested with ticks. In one case, the ticks completely covered the dog’s body (see figure 3). The dog appeared extremely tired and stressed and did not move, even when we approached it.

Figure 3: Dog with Excessive Ticks



The inspector required the breeder to take only eight of the numerous infested dogs to a veterinarian.³¹ However, since the inspector did not identify the dogs in the inspection report, it is uncertain if this dog was treated.

Although the inspector was concerned that the dogs might be anemic, she cited the ticks as an indirect violation (i.e., not affecting the animal’s health).³² AC referred the case to IES for investigation. As of early June 2009—11 months after our visit—the case was still under investigation.

Example 3: At a facility in Ohio with 88 adult dogs, AC cited the breeder for 23 violations (including 7 repeats) during 3 inspections from August 2005 to January 2008. In July 2007, AC sent an official warning to correct the identified care and cleanliness violations or face a “more severe penalty.” In January 2008, AC found the same violations but, instead of imposing a more severe penalty, sent another official warning.

³⁰ *Animal Care Enforcement Action Guidance for Inspection Reports* distributed to AC staff in 2007.

³¹ According to APHIS, the inspector documented and photographed the violation for enforcement action. However, we did not observe her taking any photos when we were there, and afterwards she could not produce them.

³² See Finding 2 for additional information about indirect and direct violations.

We found that 4 of the 19 inspectors incorrectly reported at least one direct violation as an indirect. After reviewing some of the examples, AC regional management responded that the inspectors may need additional training in identifying violations. Examples follow:

Example 1: At a breeder facility in Oklahoma with 96 adult dogs, we observed numerous dogs infested with ticks. One dog's face was covered with ticks (see figure 5).⁴²

Figure 5: Dog Covered with Feeding Ticks



The inspector required the breeder to take only eight of the infested dogs to a veterinarian. However, she did not identify the dogs in the inspection report or require documentation of the treatment. Therefore, we were not able to determine what happened to this dog.

The inspector reported the ticks as an indirect violation, even though excessive ticks are classified as a direct violation in AC's Guide.⁴³ The inspector told us that "without doing a physical exam on the dogs, it would be hard to tell exactly how detrimental the ticks were." Even so, she reported that some of the dogs "have enough ticks to be concerned about their hematocrit [a red blood cell ratio indicating anemic conditions]."

When we showed figure 5 to a senior veterinarian at AC's national office and the western regional director, they disagreed with the inspector's judgment of the violation. Both stated that it should have been reported as a direct violation in the inspection report.

Several months later, we asked for the treatment records to determine if the tick-infested dogs had received appropriate care, since AC's policy states that "every facility is expected to have a system of health records sufficiently comprehensive to demonstrate the delivery of adequate

⁴² See figure 3 in finding 1 for another dog in this facility with ticks completely covering the dog's body.

⁴³ *Dealer Inspection Guide*, ch. 7.6.1 (April 2000).

Figure 7: Excessive Accumulation of Feces and Urine



The inspector cited the breeder for failure to clean and sanitize the kennel, although this area was not included in the citation. Because the breeder was not cited for any direct violations, the inspector will not return for a re-inspection for a year.

In conclusion, by incorrectly reporting direct violations as indirects, AC re-inspected the violators less frequently, leaving the animals at a higher risk for neglect, illness, and ill-treatment.

REPEAT VIOLATIONS WERE NOT REPORTED CORRECTLY

The Guide defines a repeat violation as “a noncompliance cited on the previous inspection or previous consecutive inspections, which has not been corrected, and/or a new noncompliance of the same . . . subsection cited [in] the previous inspection.”⁴⁹ We found that 4 of the 19 inspectors did not follow the Guide in reporting repeat violations.⁵⁰

Example 4: At a facility in Oklahoma with 55 adult dogs, an inspector cited the breeder for 21 violations during 4 inspections from October 2005 to June 2008. One inspection identified a

⁴⁹ *Dealer Inspection Guide*, ch.7.3 (April 2000).

⁵⁰ Two of the inspectors were among the four that did not correctly cite direct violations.

Exhibit D: Additional Photos Taken During Site Reviews



Missouri breeder violated AWA: This dog had an injured leg, raw flesh and bones exposed. The inspector correctly cited the breeder for lack of adequate veterinary care (9 CFR §2.40). The dog was eventually treated by a veterinarian.



Texas breeder violated AWA: This dog had an oozing sore on its head. The inspector correctly cited the breeder for lack of adequate veterinary care (9 CFR §2.40), and required the breeder to take the dog to a veterinarian.



Ohio breeder violated AWA: This was an unsuitable kennel for puppies because their paws slipped through the wires, allowing regular contact with feces. The inspector correctly cited the breeder for failure to protect the dogs' feet from injury (9 CFR §3.6).



Texas breeder violated AWA: This dog had cloudy eyes covered with a heavy discharge, matted hair, and skin irritations. The inspector cited the breeder for lack of adequate veterinary care (9 CFR §2.40) and required the breeder to take the dog to a veterinarian for treatment. The inspector did not consider this a direct violation.

AMOR & DAVID DIENER

R R 5 BOX 116 B

Type: ROUTINE INSPECTION

MC LEANSBORO, IL 62859

Date: 09 July 2013

2.40 (b)(2) DIRECT NCI REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS)

The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care

Within the past 3 weeks 6-7 dogs were killed by the licensee using a metal pipe to strike the animal in the back of the head. This method of euthanasia is not in accordance to the PVC and was not done by a veterinarian.

All regulated animals must be euthanized in accordance with the Program of Vet Care procedures under the direction of a veterinarian and according to the AVMA standards.

The licensee must contact the veterinarian to properly euthanize any regulated animals.

2.75 (a)(1)(v)

RECORDS: DEALERS AND EXHIBITORS

Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor.

****(v)The date a dog or cat was acquired or disposed of, including by euthanasia

There have been 6-7 dogs that were disposed of by the licensee that were not identified on the records. There is no date of death recorded on the 7005 forms.



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

2280

INTRODUCED _____, BY

Connelly

SYNOPSIS AS INTRODUCED:

225 ILCS 605/3.8
225 ILCS 605/3.9 new

Amends the Animal Welfare Act. Provides restrictions on the retail sale of cats, dogs, and rabbits by pet shop operators in Will County and DuPage County. Provides that pet shop operators may offer a dog, cat, or rabbit for sale only if the pet shop operator has obtained the dog, cat, or rabbit from an animal control facility, animal shelter, animal care facility, kennel, pound, or training facility operated by a subdivision of local, State, or federal government or a specified animal rescue organization. Provides that a pet shop operator shall not offer for sale a dog, cat, or rabbit that is younger than 8 weeks old. Provides that a pet shop operator shall maintain specified records of each dog, cat, or rabbit sold. Provides for civil penalties for each violation of the provisions. Provides that the provisions do not prohibit the county or a municipality in Will County or DuPage County from adopting requirements that are more protective of animal welfare than those set forth in the provisions. Provides that the home rule units in Will County or DuPage County may adopt an ordinance explicitly exempting itself from the provisions and requires a copy of the ordinance to be filed with the Index Department of the Secretary of State's Office. Limits the concurrent exercise of power by home rule units.

LRB100 16405 SMS 31533 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

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

4 Section 5. The Animal Welfare Act is amended by changing
5 Section 3.8 and by adding Section 3.9 as follows:

6 (225 ILCS 605/3.8)

7 Sec. 3.8. Sourcing of dogs and cats sold by pet shops.

8 (a) A pet shop operator may not obtain a dog or cat for
9 resale or sell or offer for sale any dog or cat obtained from a
10 person who is required to be licensed by the pet dealer
11 regulations of the United States Department of Agriculture
12 under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.) if
13 any of the following applies to the original breeder:

14 (1) The person is not currently licensed by the United
15 States Department of Agriculture under the federal Animal
16 Welfare Act.

17 (2) During the 2-year period before the day the dog or
18 cat is received by the pet shop, the person received a
19 direct or critical non-compliant citation on a final
20 inspection report from the United States Department of
21 Agriculture under the federal Animal Welfare Act.

22 (3) During the 2-year period before the day the dog or
23 cat is received by the pet shop, the person received 3 or

1 more non-compliant citations on a final inspection report
2 from the United States Department of Agriculture for
3 violations relating to the health or welfare of the animal
4 and the violations were not administrative in nature.

5 (4) The person received a no-access violation on each
6 of the 3 most recent final inspection reports from the
7 United States Department of Agriculture.

8 (b) A pet shop operator is presumed to have acted in good
9 faith and to have satisfied its obligation to ascertain whether
10 a person meets the criteria described in subsection (a) of this
11 Section if, when placing an order to obtain a dog or cat for
12 sale or resale, the pet shop operator conducts a search for
13 inspection reports that are readily available of the breeder on
14 the Animal Care Information System online search tool
15 maintained by the United States Department of Agriculture. If
16 inspection reports are not readily available on the United
17 States Department of Agriculture website, the pet shop operator
18 must obtain the inspection reports from the person or persons
19 required to meet the criteria described in subsection (a) of
20 this Section.

21 (c) Notwithstanding subsections (a) and (b) of this
22 Section, a pet shop operator may obtain a dog or cat for resale
23 or sell or offer for sale any dog or cat obtained from: (1) a
24 person that sells dogs only he or she has produced and raised
25 and who is not required to be licensed by the United States
26 Department of Agriculture, (2) a publicly operated pound or a

1 private non-profit humane society or rescue, or (3) an animal
2 adoption event conducted by a pound or humane society.

3 (d) A pet shop operator shall maintain records verifying
4 its compliance with this Section for 2 years after obtaining
5 the dog or cat to be sold or offered for sale. Records
6 maintained pursuant to this subsection (d) shall be open to
7 inspection on request by a Department of Agriculture inspector.

8 (e) The provisions of this Section do not apply to pet shop
9 operators in Will County and DuPage County to which Section 3.9
10 applies.

11 (Source: P.A. 100-322, eff. 8-24-17.)

12 (225 ILCS 605/3.9 new)

13 Sec. 3.9. Restrictions on the retail sale of animals; Will
14 County and DuPage County. Notwithstanding any other provision
15 of law, in Will County or DuPage County:

16 (a) A pet shop operator:

17 (1) may offer a dog, cat, or rabbit for sale only if
18 the pet shop operator has obtained the dog, cat, or rabbit
19 from:

20 (A) an animal control facility, animal shelter,
21 animal care facility, kennel, pound, or training
22 facility operated by a subdivision of local, State, or
23 federal government; or

24 (B) an animal rescue organization that is a
25 not-for-profit organization, that has tax-exempt

1 status under Section 501(c)(3) of the United States
2 Internal Revenue Code of 1986, and that has a mission
3 and practice of, in whole or in significant part,
4 rescuing animals and placing those animals in
5 permanent homes; "animal rescue organization" as used
6 in this subparagraph (B) does not include any entity
7 that is, or is housed on the premises of, a breeder or
8 broker, obtains dogs from a breeder or broker in
9 exchange for payment or compensation, or resells dogs
10 obtained from a breeder or broker and provides payment
11 or compensation to the breeder or broker;

12 (2) shall not offer for sale a dog, cat, or rabbit that
13 is younger than 8 weeks old;

14 (3) shall maintain records sufficient to document the
15 source of each dog, cat, or rabbit the pet shop operator
16 sells or provides space for, for at least one year
17 following the date of acquisition; and

18 (4) shall post, in a conspicuous location on the cage
19 or enclosure of each animal, a sign listing the name of the
20 public animal control facility or animal shelter or
21 not-for-profit organization from which the dog, cat, or
22 rabbit was obtained.

23 (b) A public animal control facility or animal shelter may
24 periodically require a pet shop operator engaged in the sale of
25 dogs, cats, or rabbits to provide access to the records
26 required in paragraph (3) of subsection (a).

1 (c) A pet shop operator who violates this Section shall be
2 subject to a civil penalty of \$500. Each animal offered for
3 sale in violation of this Section shall constitute a separate
4 violation.

5 (d) This Section does not prohibit a municipality or county
6 from adopting requirements that are more protective of animal
7 welfare than those set forth in this Section.

8 (e) A home rule unit may adopt an ordinance explicitly
9 exempting itself from this Section. A copy of such ordinance
10 and a notice of its adoption shall be filed by the home rule
11 unit with the Index Department of the Secretary of State's
12 Office.

13 (f) Except as otherwise provided in subsection (e) of this
14 Section, a home rule may not regulate the retail sale of
15 animals in a manner less restrictive than under this Section.
16 This subsection is a limitation under subsection (i) of Section
17 6 of Article VII of the Illinois Constitution on the concurrent
18 exercise by home rule units of powers and functions exercised
19 by the State.



RETAIL PET ORDINANCES TALKING POINTS

- Over 240 local governments have passed pet shop sales bans, including the state of California that prohibit the sale of commercially-bred dogs and cats in pet stores.
- Pet shop bans have been upheld in 6 federal district courts (in Rhode Island, Florida, Arizona, New York, and twice in Illinois) and once in Florida state court and have never been struck down.
- Shelter intake and euthanasia rates decline in cities that prohibit the sale of commercially bred puppies in pet shops, and in some cities these declines are dramatic.
- Eliminating puppy mill puppies from local markets encourages adoption of homeless animals and also encourages customers to seek out reputable breeders who take excellent care of their dogs and whose own breed clubs' ethics codes typically include a provision that they shouldn't sell to pet shops.
- Bans protect local consumers. HSUS investigations show that pet stores lie about where they obtain their dogs. Consumers are essentially tricked into supporting the cruel puppy mill industry and buying sick and behaviorally challenged dogs.
- A study from the Journal of Veterinary Medicine concluded that puppies in pet stores are more likely to exhibit undesirable behavioral characteristics including aggression and biting therefore they cannot recommend purchasing puppies from pet stores.
- Studies also show that pet store puppies are likely to be sick. At HSUS we receive a constant stream of complaints from consumers who purchased sick puppies at pet stores and spent thousands of dollars on veterinary costs.
- A majority of sales from pet shops are financed through predatory lending schemes similar to payday loans. Families are talked into financing the cost of a \$500 puppy and end up paying upwards of 5 times that amount.
- USDA licensed breeders are not humane breeders. USDA admits that its laws are not humane standards, but merely survival standards and that a USDA license is not a seal of approval. USDA also admits that it does not enforce its laws.
- The USDA removed animal welfare inspection reports from its online database making it nearly impossible to research a dog breeder's compliance or noncompliance under the Animal Welfare Act. Some reports have been restored, but many remain missing, and pertinent information like the breeder or facilities name aren't provided making the reports useless.
- These ordinances are business-friendly. Stores that have switched to a humane, adoption-based business model are thriving. The HSUS has actively helped several stores transition and is ready to help the pet shops in your area.
- Media coverage of bans has been overwhelmingly positive in all other cities and serves as an important educational tool, encouraging people to adopt from their local shelter and avoid puppy mill cruelty.