

Legislation – *What’s Hot*

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Chicago Lawmakers Contemplate Licensing All Breeders in Lieu of Better Solutions Just to Fix a Loophole in the 2014 Ordinance on Retail Pet Shops

Chicago’s lawmakers are once again considering *licensing all cat, dog, and rabbit breeders* in the city to close a loophole they created when requiring pet shops to acquire the animals they sold from so-called “humane sources.” As we reported in *What’s Hot*, issue June 2020 (<https://cfalegislativegroup.wordpress.com/2020/06/>), some “rescues” exploited the loophole allowing pet shops to continue selling purebred dogs as rescues for purebred prices (“Designer and purebred puppies from other states sold as rescue dogs in Chicago, outsmarting city ordinance,” <https://www.chicagotribune.com/news/breaking/ct-met-pet-store-rescue-puppies-20180430-story.html>). The enacted 2014 ordinance also required licensing animal care facilities. Exempted from the definition of animal care facilities are those who own or have five or fewer female dogs or cats capable of reproduction and anyone with isolated sales of animals they produce and raise. Instead of licensing every single breeder, other aldermen support a different approach to rectifying the 2014 ordinance issue.

Proposed ordinance SO2020-2827, sponsored by Alderman Brian Hopkins, is the overkill approach of licensing all breeders. Another 21 of the 50 aldermen have joined Alderman Hopkins in sponsoring the ordinance, which is on the April 12, 2021 agenda of the Committee on Health and Human Relations. The multi-pronged approach to fixing the beleaguered 2014 ordinance includes classifying *every cat or dog breeder* in Chicago as “engaged in the business of breeding” and subject to licensing for the act of harboring a female cat or dog that reproduces. Licensees are subject to inspection to ensure compliance with the standards outlined in the 2014 ordinance. Anyone who breeds cats, dogs, or rabbits for the purpose of selling the offspring is classified as a “commercial producer.” The exemption for anyone with five or fewer female dogs or cats capable of reproduction is also removed from the pet shop and animal care facility definitions. These changes work in concert with the proposed amendments to Section 4-384-015 (b), restrictions on the retail sale of dogs, cats, and rabbits (currently called restrictions on the retail sale of animals). The proposal would gut the existing section and replace it with a total prohibition of sales of cats, dogs, and rabbits. Pet shops would be allowed to showcase animals from shelters or rescues with tax-exempt status under §501(c)(3) of the Internal Revenue Code. The new definition of rescue organization would also preclude a laundry list of connections to commercial producers to prevent bogus rescues from selling animals through pet shops. In a final kick to the teeth of small in-home breeders, this proposal would allow breeders to avoid licensing by surrendering the offspring and the offspring’s mother to animal control, a humane society, or a rescue organization within 30 days of birth. Dog breeders have a second

unappealing option. They can tender documentation from a state veterinarian that the female dog and its offspring have been microchipped and sterilized within three months of the birth of the offspring.

Aldermen Lopez, Coleman, and Sadlowski Garza sponsored an alternative proposal that eliminates the issues created by the 2014 ordinance while preserving the exemptions in the current pet shop and animal care facility definitions. Rather than loading a cannon with grapeshot and shooting everything in sight, proposed ordinance O2020-5717 takes a more reasonable approach to the issue by authorizing specific sources, including humane sources, for the retail sale of these animals. Retailers, defined as pet shops, humane societies, or rescuer organizations licensed under Chicago law, would be allowed to offer for sale cats, dogs, and rabbits obtained from facilities operated by any subdivision of local, states, or federal governments, humane societies, rescues, dealers or qualified commercial breeders. Dealers include, in part, any person who, “in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of (1) any dog or other animal...to use as a pet”. A qualified commercial breeder is a USDA licensee meeting specified requirements. This proposal maintains the existing pet shop exemptions for people with five or fewer female cats or dogs capable of breeding and the occasional sale of animals produced and raised by the seller. It would also establish a consumer protection provision that will apply to any person, dealer, or retailer who sells, transfers, or adopts a cat, dog, or rabbit to consumers.

Lawmakers have the option of painting all breeders with the same brush or adopting a solution more narrowly tailored to address the problem. As we have seen with the 2014 pet shop ordinance, what happens in Chicago likely will not stay in Chicago. Local governments that adopted Chicago’s ordinance for themselves will probably be keeping a close eye on what happens here.

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