

Legislation – What’s Hot

By Kelly Crouch, CFA Legislative Information Liaison

Sharon Coleman, CFA Legislative Legal Analyst

September 2021

Illinois Pet Shop Law Amendments Signed; Horry County, South Carolina: Proposed Ordinance Revisions Include Pet Shop Sale Ban with Restricted Rescue Definition.

Illinois Governor JB Pritzker signed House Bill 1711 allowing pet stores to buy cats and dogs from licensed “humane sources” for resale in addition to hosting showcase adoptions.

In August, Horry County, South Carolina proposed an animal ordinance “update” with a number of provisions including a pet shop sales ban and the “new” restricted style of rescue definition we first saw in 2019 in North Myrtle Beach, a city within Horry County, South Carolina prohibiting relationships with breeders as a general definition not limited to the context of pet shops.

Illinois

House Bill 1711

On August 27, 2021, Illinois Governor JB Pritzker signed [House Bill 1711](#) into law, making Illinois the fifth state since 2017 to enact a version of the “pet shop bans.” Illinois amended its Animal Welfare Act that already contained definitions and a licensing scheme for pet stores and animal control facilities or animal shelters, including rescues, that will be the only authorized source of sales of cats and dogs to pet shops for resale to the public. The amendment included a new Section 3.9 of the pet shop provision containing the now common prohibitions on suppliers to pet shops having any association with breeders and new provisions to substantiate this. Pet shops are also allowed to “showcase” cats and dogs owned by animal control facilities and animal shelters for direct adoption to the public by these entities. When pet shops themselves sell to the public, the consumer and warranty requirements in the statute will apply to these sales in addition to these new provisions. What’s Hot, [August 2021](#) covered HB 1711 in detail.

Horry County, South Carolina

Horry County (pronounced O’Ree,) at the Northeast corner of South Carolina has proposed an animal ordinance update being considered by Horry County Public Safety Committee and Horry County Council. At the August 17, 2021, County Council meeting where the [proposed ordinance](#) was to be introduced on the Consent Calendar, it was referred back to the Public Safety Committee for additional consideration. In response to community concerns, the County established a dedicated email inbox for the submission of animal ordinance-related feedback that was open through Friday, September 3. Among the proposed amendments were further regulation of commercial breeding by amending §4.12 (§4.10 in the proposed ordinance) on cat and dog breeding operations to include restrictions on the sale of animals. Under current law, breeding operations include anyone “that offers twenty-five (25) or more dogs or cats for sale during a 365-day period,” and this would remain unchanged. Offer for sale would be defined to include all transactions, including giveaways. The proposal is a ban on pet stores selling cats and dogs. However, pet shops and commercial establishments could showcase the animals provided they have no ownership or financial interest in the activity. A commercial establishment is defined as an “establishment involving an activity with goods, merchandise, or services for sale or involving a rental fee.” Animals are goods under the law.

New in this Section's definitions is "Animal Rescue Organization" with the exact language first seen in 2019 in [North Myrtle Beach](#), a city within Horry County, where there had been no pet shops selling dogs and cats. Nevertheless, that revised ordinance included the rescue definition prohibiting relationships with breeders as the general definition of rescue not limited to the context of sales and pet shops as in this County draft:

"Animal Rescue Organization means any not-for-profit organization having tax-exempt status under Sections 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or significant part, the rescue and placement of animals into permanent homes, and which does not breed animals. Animal rescue organizations do not include any entity which:

- a. Is located on the same premises as a person or entity that breeds dogs or cats;
- b. Has any personnel in common with such person or entity, including but not limited to, any employee, manager, or board member;
- c. Obtains any dogs or cats from such person; or
- d. Facilitates the sale of dogs or cats that were obtained from such a person."

This distinctive and restrictive new definition of rescue was developed to prevent the unintended consequences of early pet store restriction laws in Chicago (2014) and California (2017) that allowed pet stores to buy animals from rescues for resale. Instead, commercial breeders created their own rescue organizations to pass through puppies for retail pet shop sales to consumers in the guise of rescue. However, these legislative efforts to curtail this limited practice appeared to be an overly broad restriction on traditional rescues for purebred dogs and pedigreed cats that might have some association with breeders through shared affiliation rather than commercial subterfuge.

In addition to the restriction on sales of cats and dogs, the proposed amendments would place care requirements on all animal owners, including a requirement that animals have a constant supply of water without accounting for instances when a veterinarian may require water to be withheld. It also creates provisions for community cats.

Recent CFA Legislative Group Blog Posts:

What's Hot..... Illinois Pet Shop Ban and Proposed Animal Welfare Act Regulation Amendments. New Hampshire's Animal Database Registry

Please report legislation happening in your area to the Legislative Group – legislation@cfa.org
Visit the [CFA Legislative News](#) Facebook page and the [CFA Legislative Group Blog](#) to see the current legislative news.