

Legislation – What’s Hot

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

If signed by Illinois Governor JB Pritzker, House Bill 1711 would mark the 5th state to ban pet stores from selling cats and dogs. HB 1711 amends and adds to the Animal Welfare Act to limit pet stores to obtaining dogs and cats for resale only if the dog or cat is obtained from an animal control facility or animal shelter. Facilities supplying pet stores, whether in-state or out-of-state, must be in compliance with the newly added Section 3.9 prohibiting sources involving breeders. The Illinois Department of Agriculture is also proposing changes to its Animal Welfare Act Regulations.

New Hampshire enacted House Budget Bill 2 that creates an Animal Database Registry requiring certificates of transfer for cats, dogs, and ferrets that are transferred in the state.

Illinois

House Bill 1711

The Illinois legislature passed House Bill 1711 to amend the state Animal Welfare Act by placing requirements on pet stores and the animal control facilities or animal shelters that supply them. The bill amends the definition of animal control facilities and animal shelters to require tax-exempt status under Section 501(c)(3) of the Internal Revenue Code. The definition of animal shelters applies to “a facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other non-profit organization” that is broad enough to include those typically called “rescue” without using this word. On June 29, 2021, H.B.1711 was sent to the governor, who has 60 days to sign or veto it before it becomes law due to inaction. If the bill becomes law, pet shop operators may only offer for sale cats and dogs obtained from animal control facilities or animal shelters, wherever located, that comply with revisions to §3.8 as to the prohibitions on sourcing cats and dogs for resale and the new §3.9. Section 3.9 requires that animal facilities selling cats and dogs to pet shops not be breeders, obtain their animals from breeders, or sell animals at auction. Both pet shop operators and the animal control facilities and animal shelters that sell to them must maintain documentation that includes the ownership history of the animal, the circumstances leading to the shelter’s ownership of the animal, and any other information supporting compliance with §3.9. Consumer protection provisions of the Animal Welfare Act remain in effect. A pet shop operator who fails to comply with the new restrictions can no longer sell dogs and cats regardless of where the dog or cat involved was obtained. Pet shops can still provide space to showcase animals owned by animal welfare organizations.

Proposed Regulations

The Illinois Department of Agriculture has proposed rule changes to the regulations used to enforce the Animal Welfare Act that regulates cat and dog breeders and other entities. The state law defines a cat breeder as “a person who sells, offers to sell, exchanges, or offers for adoption with or without charge cats that he or she has produced and raised. A person who owns, has possession of, or harbors 5 or less females capable of reproduction shall not be considered a cat breeder.” Substitute dog for cat for the definition of a dog breeder. The new rules propose changes to indoor and outdoor enclosures, animal care, exercise, and veterinary care requirements. The proposed rules are available on pages 8-20 of the July 16, 2021 [Illinois Register Rules of Government Agencies](#)

New Hampshire

This year in the New Hampshire Legislature, two competing bills to create a state electronic animal records database applicable to anyone transferring a cat, dog, or ferret in the state, SB 127 and HB 532, were advancing with the latter favored by dog fanciers. Through the House Ways and Means Committee, the HB 532 was included in the House Budget Bill, HB 2, then it also was included on the Senate side and through the conference committee on amended HB 2. After passing both houses, it was sent to the Governor who signed it into law on June 25, 2021.

Item 71 in the Budget Bill described the new program as:

“71. Creates a database for animal records; renames animal health certificates as certificates of transfer; authorizes the commissioner of the department of agriculture, markets, and food to transfer money to and from certain funds in order to establish the animal record database and to repay monies transferred from other funds; and establishes a position in the department of information technology for the building and management of the animal records database.”

This repeals Section 437:8 Health Certificates for Dogs, Cats, and Ferrets, originally enacted in 2017, with later amendments, and reenacts it as 437:8 Certificates of Transfer for Dogs, Cats, and Ferrets. It now contains revisions to conform with the new electronic database provisions enacted within Title 437: Sale Of Pets And Disposition Of Unclaimed Animals, immediately following Section 437.8 as the new 437:8-a Animal Records Database Established. Thus, the familiar “certificates” are preserved with the addition of a new waiver provisions for failing the veterinary examination for the health certificate for specified conditions, and the electronically submitted certificate of transfer shall be considered the official certificate of transfer.

The law still provides that any out-of-state animal intended for transfer in-state must be held for at least 48 hours at a pet vendor or animal shelter facility licensed pursuant to RSA 437, Sale of Pets and Disposition of Unclaimed Animals. Alternatively, a facility operated by a licensed veterinarian could hold the animal provided it is kept away from other animals on the premises. However, Section 437:8 now has a new provision, “VI. No animal shelter shall transfer any dog, cat or ferret that is received from outside of the state until the quarantine requirements in 437:8, V have been met and without an official transfer certificate.” No one can offer for transfer or bring into the state for transfer any cat, dog, or ferret less than eight weeks of age.

The Department of Agriculture, Markets, and Food is responsible for implementing the database and creating the system for electronically transmitted records. The Department must remove records after four years. The law mandates that the Department implement procedures to “ensure the privacy and confidentiality of animal and animal owner information.” The information submitted is exempt from “public” disclosure and is “not subject to discovery, subpoena, or other means of legal compulsion for release.” This does not apply to information disclosures to government officials or de-identified information or information in the aggregate used for reports, analysis, and other authorized uses.

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