



By Jason J. Crean

On February 11, 2005, the AFA notified me that there was pending legislation in the Illinois House of Representatives that, if passed, would greatly affect the way we keep birds. If that was not bad enough, we only had three days in which to respond. As President of The Avicultural Society of Chicagoland ([www.tasc-chicago.org](http://www.tasc-chicago.org)), I am an active aviculturist and leader to individuals who attend our club events and meetings in order to learn more about our feathered friends. This includes pet bird owners, breeders and those concerned for species in the wild. However, I was surprised when it came to my attention that a bill had been proposed and was making its way up through our state's legislative branch. Thanks to the AFA's legislation watchdog representatives, I was alerted to the potential danger to aviculture this bill presented. As I reviewed the legislation, I was confused by the generalizations listed in the bill that could make it difficult to share homes with our birds in Illinois.

In 2004, the Avian Regional Cooperative (ARC) was formed to better communicate with our fellow bird groups. The ARC consists of representatives from each of the local bird organizations in our area. Last year, this group proved invaluable when sending our comments in response to the changes to the Animal Welfare Code. The ARC was also vital in responding to this local threat. This bill was discussed with the ARC representatives so the information could be passed onto their respective club members. After reading HB0707, many people became alarmed due

to the generalized rules, and wondered how this could affect the common bird owner. What was frightening was the way that this bill was put into motion – it was quietly slipped in without the knowledge of the avicultural community or the general public.

The ARC communicated this concern to all of their members and the response was overwhelming. We received the names, addresses and emails of the legislators who sponsored this bill and we mobilized our members to email and write letters to the associated representatives. Some legislators responded, while others did not. On February 25, we received an email from the representative who sponsored the bill. She stated "at this time, I have decided not to move the bill forward."

Days later, a local Town Hall meeting was hosted by Representative Elaine Nekritz (D) from the 57th District in the State of Illinois. Although the meeting was geared for local constituents, we felt this might be a perfect opportunity to find out specific facts on the status of this bill, as well as its origin. Northern Illinois Parrot Society ([www.nipsparrot.org](http://www.nipsparrot.org)) President Sheryl Robinson and Treasurer Judy Kramer, both members of ARC, and I attended the meeting. Due to the meeting being a general session with an open forum, we needed to wait our turn. Since Ms. Robinson is a resident of Representative Nekritz' District, it was decided she would ask the pertinent question: "What is the status of HB0707?" Representative Nekritz responded that, due to the overwhelming response from bird

owners, she decided not to call the bill as previously planned. This was what we had waited and hoped for! Finally, a factual response to the question we all wanted answered. After the session, we talked with her briefly and inquired on the origin of the bill. She explained that the legislation was proposed by “a bird rescuer in Northbrook,” a northern Chicago suburb. We were surprised to learn that one individual could propose laws which could have affected so many bird owners.

We continue to keep in contact with Representative Nekritz, who has been most gracious and fair in her responses. We were very happy to have the opportunity to speak with her. However, the looming shadow of the extremists is still present and we need to be vigilant in keeping our eyes and ears open to any potential problems that may arise in our avicultural community. We must also watch other states to be sure these bills are not copied and proposed, since this is a common ploy of extremist groups. Once a bill is written in one state, it becomes very easy to copy it and propose it another state. Recently this occurred when a law prohibiting exotic animals, which originated in New York, was brought to the City of Chicago. Thanks to many vocal animal owners and breeders, this bill was not passed. We must be aware and stay awake to watch for any future potential dangers.

Here is a synopsis of the bill, HB0707, as it was introduced:

Amends the Animal Welfare Act. Replaces the term “pet shop operator” with “animal caretaker” throughout the Act. Provides that licensees under the Act shall provide for their animals a sufficient quantity of good quality, wholesome food and water, adequate shelter and protection from the weather, annual and necessary veterinary care, and a stimulating and enriching environment. Provides that an individual who violates any provision of the Act or a Department rule or order is guilty of a Class A misdemeanor (now, a Class C misdemeanor). Amends the Humane Care for Animals Act. Changes the definition of “companion animal hoarder”. Provides that each owner or animal caretaker shall provide for each of his or her animals’ annual veterinary care, sanitary conditions, proper ventilation, and a stimulating and enriching environment. Provides that a person convicted of violating the Section of the Act concerning owner’s and animal caretaker’s duties is guilty of a Class A misdemeanor (now, a Class B misdemeanor). Also, adds definitions. Effective immediately.” (from [www.ilga.gov](http://www.ilga.gov))

Much of our concern was generated from the attempt to regulate so many people, which would be difficult to accomplish. At first glance, like so many other proposed bills, this legislation sounded like it would

be a good idea that could only benefit the animals. Instead, when read thoroughly, the need for control is apparent, like many bills that are proposed by animal rights organizations.

These were a few of our concerns with the wording of this particular legislation:

One concern was the statement that said this bill “replaces the term ‘pet shop operator’ with ‘animal caretaker’ throughout the Act.” Did this now mean that anyone who cares for an animal, whether business or pleasure, must abide by the AWA’s procedure for inspections and other regulations? By changing this term, the government could now enter our homes, not just pet stores to carry out inspections. This general term would be far-reaching and could be interpreted in numerous ways. Would the government officials who regulate this law be educated about the keeping of birds and the many different species with all their different requirements? How could these regulations be carried out when so many species have different needs and ways to satisfy those needs? Since research into avian nutrition and behavioral enrichment is still in its infancy, how would it be possible to enforce rules that include the numerous varieties of species kept in aviculture?

Another concern was the statement that explained that this law “provides that licensees under the Act shall provide for their animals a sufficient quantity of good quality, wholesome food and water, adequate shelter and protection from the weather, annual and necessary veterinary care, and a stimulating and enriching environment.” Again, this sounds great for the animals, but just who decides what type of food is ‘wholesome’ and why must annual veterinary care be mandatory? Many breeders who have healthy breeding pairs may not be able to afford to have every bird see an avian veterinarian. This is a method we have seen before from animal rights organizations; if they can make it difficult to breed and own animals, they believe people will give them up. What entails an “enriching” environment? Softbills and finches obviously have totally different nutrition and enrichment needs than do psittacines species. The bill also states that “good quality, wholesome food” is a diet prescribed by an avian veterinarian. Dogs and cats are not required to eat a diet prescribed by a veterinarian so why would birds, especially when each species has very different dietary needs? This section of the bill also talks about proper full-spectrum lighting. Full-spectrum lighting is a general term since there is no agreement as to which wavelengths would be best for each species of bird. One must also note that the word “licensee” is used, meaning every ‘animal caretaker’ would need to obtain a license. Of course

there would be associated fees involved!

This bill also lists that it "changes the definition of 'companion animal hoarder.' Once again, trying to compare someone who has multiple dogs and cats to someone that may have an aviary of birds leaves no comparison. Just how many birds does one need to share their home with to be considered a "hoarder?" And does this magic number remain the same whether someone has finches or macaws? One of our TASC members owns numerous large parrots she has rescued and she gives them the ultimate in care and maintenance. Most importantly, she provides a permanent home regardless of any emotional baggage each bird may have. Would this person be called a "hoarder" even though she provides the very best care for her birds? And would she fall into the same category as someone who has a few breeding pairs of finches? Who would decide this? And will the decision-making body also be educated in the care and maintenance of birds?

As anyone can see, the more one reads these regulations, the more troubling and vague they appear.

These are just a few of the reasons why we opposed this particular legislation. With the watchful guidance from AFA, and the hard work of local club members, were able to work together and let legisla-

tors know where we stood on this issue. Since the bill was not called as planned, we know they heard us loud and clear!

About the author:

Jason Crean is a biologist that teaches and aids in research for Brookfield Zoo's Genetics Lab in Brookfield, IL. He is also the founding President of The Avicultural Society of Chicagoland and works in connecting the public to aviculture in the Chicago area. For more information, please visit [www.tasc-chicago.org](http://www.tasc-chicago.org).



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