

**Subject:** Licensing Sales of Dead Animals

**Policy #28**

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**References:** AWA Section 1(b)  
9 CFR, Part 1

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**History:** This is a new policy statement.

**Justification:** The definition of “dealer” in the Animal Welfare Act (AWA) states that a dealer “is any person who . . . buys or sells . . . any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet . . . .” Some confusion has arisen concerning when sales of dead animals should be regulated to meet Congressional intent. Section 1(b) of the AWA clearly states that the intent of the Act is:

- (1) to ensure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment.
- (2) to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen.

In order to meet these goals, we must ensure humane euthanasia of all covered live animals. Therefore, persons who acquire live animals, kill them, and then sell them for covered purposes must be licensed. Regulatory coverage of animals that are already dead when obtained is aimed at preventing stolen pets from being sold for covered purposes. Since pounds are an unlikely source of stolen animals, persons who obtain dead dogs/cats from pounds do not need to be regulated. Likewise, dead animals obtained from USDA licensed dealers come from a documented source and requiring further regulation would serve no purpose. This policy is to clarify when persons who sell dead animals or animal parts need to be licensed.

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**Policy:** The following persons who sell dead animals or animal parts **do** require a license:

- (1) Any person who acquires any live covered animal that subsequently dies and is then sold for research, teaching, or exhibition.
  - (2) Any person who acquires a dead dog/cat (or parts) from any source
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other than:

- a) a USDA licensed dealer
- b) a municipal, county, or state pound/shelter and then sells the dog/cat for research, teaching, or exhibition.

Any person who acquires a dead dog or cat from a private, unlicensed source is required to obtain a USDA license to sell that animal for covered purposes.

The following persons who sell dead animals **do not** require a license:

- (1) Any person who acquires an animal (other than a dog or cat) that is already dead and then sells it.
- (2) Any person who acquires a dead dog or cat from a USDA licensed dealer or municipal, county, or state pound/shelter and then sells it.