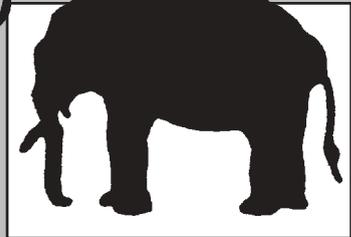
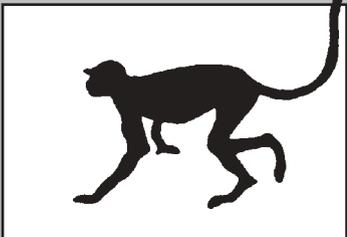
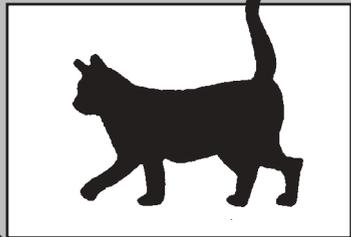
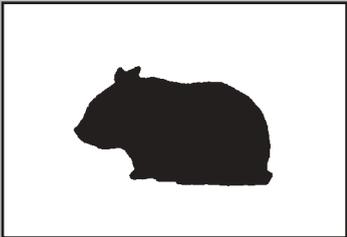
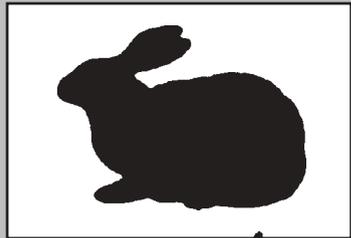
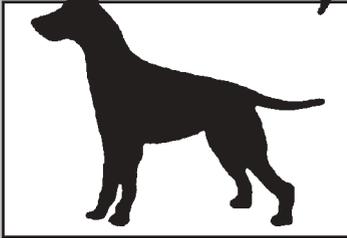
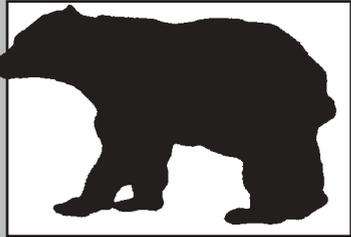
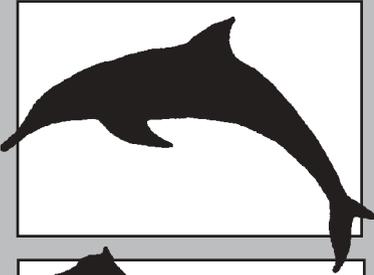




United States
Department of
Agriculture

Licensing and Registration Under the Animal Welfare Act

Guidelines for Dealers, Exhibitors,
Transporters, and Researchers



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Introduction

Ensuring the humane treatment of animals is good business and is required by law under the Animal Welfare Act. Passed by Congress more than 50 years ago, the law seeks to ensure the humane treatment of many animals not raised for food or fiber. It also prohibits animal-fighting ventures and the importation of under-aged, ill, or unvaccinated dogs intended for resale in the United States.

Many businesses that buy or sell warmblooded animals, exhibit them to the public, transport them commercially, or use them for research, teaching, testing, or experimentation purposes must be licensed and/or registered by the U.S. Department of Agriculture (USDA). Normal farm-type operations that raise, or buy, or sell animals only for food and fiber, and businesses that use only fish and other coldblooded animals are exempt by law. Rabbit, mink, and chinchilla businesses are exempt from regulation if they are intended only for food or fiber. If any rabbits, mink, or chinchillas are designated for use in the pet, exhibit, or laboratory-animal trade, the business is regulated, unless exempt from the licensing requirements. Certain other types of businesses are specifically excluded by law or exempt by regulation. No exempt business has to be licensed or registered.

This pamphlet lists the major types of regulated and exempt businesses, but it does not cover all cases. If in doubt about your status, telephone or write the appropriate office of the USDA, Animal and Plant Health Inspection Service (APHIS), Animal Care (AC) for your area (see pages 19–20). AC personnel will answer your questions and help you obtain a copy of the Code of Federal Regulations, Title 9, Chapter 1, Subchapter A, which gives the legal requirements for businesses regulated by the Animal Welfare Act.

If you are an owner or the person in charge of a regulated business, the law requires you to be licensed or registered with USDA. Failure to become licensed or registered is a violation of the Animal Welfare Act.

Based on the information you supply, APHIS determines whether your business should be licensed, registered, or both. Licensing involves a yearly fee; registration is free. The owner, operator, or manager has responsibility for knowing about licensing or registration requirements.

The annual license fee for licensed animal dealers (Class A or B) ranges from \$30 to \$750, depending on your annual dollar volume of business in regulated animals. (Class A licensees are breeders and deal only in animals they breed and raise. Class B licensees include brokers, random source dealers, and operators of auction sales.)

The annual license fee for licensed animal exhibitors (Class C) ranges from \$30 to \$300, depending on the number of regulated animals held. In addition to the annual license fee, an application fee of \$10 must be paid with all yearly license applications.

The same standards of animal care apply to all registered and licensed businesses, and APHIS inspectors make periodic unannounced visits to all locations where animals are held to see that regulations and standards are followed.

Basically, the Federal animal care standards cover humane handling, housing, space, feeding and watering, sanitation, ventilation, shelter from extremes of weather, adequate veterinary care, separation of incompatible animals, transportation, and handling in transit.

If your facilities or practices do not meet Federal standards when you apply, you will receive up to three inspections within a period not to exceed 90 days to correct any deficiencies. Licenses are not issued until all deficiencies are corrected. If you do not pass inspection within the 90-day period, you must wait at least 6 months before reapplying for a license. If you operate a regulated business without a license, you may be subject to penalties and other sanctions, after notice and an opportunity for a hearing.

Animal Dealers

You must be licensed according to what type of activity is your predominant business. When first contacting APHIS, indicate the species you handle, the type of business you are in, and the type of business to which you sell animals. You can hold one type of license only. If your business falls under any of the categories of “dealers” listed below, you must be licensed by USDA. You cannot be licensed or registered as an exhibitor if the majority of your business is selling animals.

Regulated Businesses

Pet Wholesalers—Anyone buying, selling, or trading pets in wholesale channels (e.g. to another dealer or retailer) must be licensed. Some small-scale wholesalers may qualify for an exemption (see “Hobby Dealers”). Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Pet Breeders—Anyone breeding pets for the wholesale trade (e.g., to a pet store) must be licensed. You also may have to be licensed if you sell dogs as breeding stock to other breeders. Some small-scale breeders can qualify for an exemption (see “Hobby Dealers”). Annual license fees are based on 50 percent of gross sales of regulated animals.

Laboratory Animal Dealers—Anyone buying, selling, or trading laboratory animals, either directly to research institutions or through other dealers, must be licensed (except for “Hobby Dealers”). This licensing requirement includes random source dealers, who supply research facilities with regulated animals collected from random sources; however, due to Congressional direction, a Class B dealer’s license cannot be used to sell dogs or cats for use in research, experimentation, teaching, or testing. This licensing requirement also includes research institutions (except State or Federal facilities) that sell or trade surplus animals to others. Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Laboratory Animal Breeders—Anyone breeding regulated animals for laboratory-animal trade must be licensed (except for “Hobby Dealers”). Annual license fees are based on 50 percent of gross sales of regulated animals.

Animal Brokers—Anyone who deals in regulated animals but does not take physical possession must be licensed (except for “Hobby Dealers”). If you are a broker, you are exempt from certain regulations imposed on dealers who handle animals, but you need the same type of license. Annual license fees are based on income from commissions and brokerage fees (with no deductions).

Private Shelters and Rescues—Animal shelters operated by humane societies and other private groups are treated the same as any other dealer. If the private shelter or group charges adoption fees or receives other compensation for their animals, then they need a license, unless they fall under one of the exemptions.

Auction Operators—Anyone who operates an auction at which regulated animals are sold must be licensed. For example, licenses must be acquired by radio and television stations that conduct auctions with telephone bids on regulated animals—whether or not the proceeds go to charity. Annual license fees for auction operators are based on income from commissions and fees from selling regulated animals.

Promoters Giving Animal Prizes—A carnival concessionaire or other promoter who gives regulated animals as prizes must be licensed. Annual license fees are based on the amount paid to the promoter to offer animal prizes less the amount paid for these animals.

Exotic Animal Dealers—Anyone buying, selling, or trading animals foreign to the United States (wild or domesticated) for research, teaching, testing, experimentation, or exhibition purposes, or as a pet, must be licensed (except for "Hobby Dealers"). You also must be licensed if you sell domestically bred exotic animals for such regulated purposes. Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Wild Animal Dealers—A business or individual selling wild animals for regulated purposes must be licensed (except for "Hobby Dealers"). "Wild animal" means any animal that is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as deer, skunk, raccoon, mink, coyote, fox, and wolf. If you sell any wild or exotic animals, you are not eligible to claim exemption as a retail pet store. If you do not fall under another exemption, you become a full-fledged dealer, and you must comply with standards of care for all regulated animals—not just wild or exotic animals. Annual license fees are based on the amount received from the sale of regulated animals less the amount paid for these animals.

Suppliers of Specimens—Anyone who sells dead animals that are regulated or who sells the blood, serum, or parts of these animals for regulated purposes (such as for research) must be licensed. Annual license fees are based on income from specimens less cost of the specimens or the animals from which they were prepared.

Exempt Businesses

Retail Pet Stores—Anyone whose entire business consists of selling domestic animals to pet owners in person, at a place where the seller, buyer, and animal are physically present, is exempt. However, if as part of your business you exhibit animals, you are not considered a retail pet store and may have to be licensed as an exhibitor. For example, you are not considered a retail pet store if you take animals outside the store for teaching or promotion or if you set up a petting display, sell wild or exotic animals, or sell regulated animals to other retailers, research institutions, exhibitors, or other animal dealers. You need to be licensed as an exhibitor if you display a monkey or other wild animal inside the store.

Exemptions for retail pet stores are on an all-or-nothing basis. If you qualify for exemption, none of your business is regulated or inspected. If you do not qualify as a retail pet store and do not qualify for any other exemption, you are a full-fledged dealer, and all your regulated animals are inspected.

Direct Sales—Anyone who only sells domestic pets directly to pet owners in person, at a place where the seller, buyer, and animal are all physically present, is exempt, regardless of sales volume.

Hobby Dealers—Small-scale breeders and other dealers with gross sales under \$500 per year are exempt, as long as these sales do not include wild or exotic animals, dogs, or cats. If you own no more than four breeding female pet animals, "pocket pets", and/or domesticated farm-type animals, and sell only their offspring, which were born and raised on your premises for pets or exhibition, you are exempt. ("Pocket pets" are small, nondangerous exotic or wild mammals, such as sugar gliders, hedgehogs, degus, spiny mice, prairie dogs, flying squirrels, and jerboas.) Also, you are exempt if you sell fewer than 25 dogs and/or cats each year, which were born and raised on your premises, for research, teaching, or testing purposes or to any research facility. These exemptions do not extend to anyone acting in concert with others where they maintain a total of more than four breeding females (in case of pet or exhibition sales) or more than 25 dogs and/or cats (in the case of research).

Public Pounds—Animal shelters that are part of State, county, or local governments are exempt. The exemption covers only the pound's own activities. You must have a dealer's license if you purchase animals from pounds for resale or acquire them on contract for resale. The Animal Welfare Act places some restrictions on pounds and shelters, such as a specific holding period for animals before they may be sold to a dealer.

Trade-Day Sales Sponsors—Anyone arranging occasions for people to make private sales or trades of animals is exempt. The exemption holds only if the sponsor does not act as intermediary in the transaction. The buyers, sellers, and traders at trade-day sales, however, must be licensed if they meet the definition of a dealer.

Boarding Kennels—Anyone housing animals for others is exempt, except for intermediate handlers and holding facilities. You must be registered as an intermediate handler if, as part of your services, you receive shipment of regulated animals traveling on public carriers. You have to agree in writing to observe USDA's standards of animal care if you operate a holding facility—meaning that you board regulated animals for licensed dealers or exhibitors or registered research facilities. APHIS inspects regulated animals in holding facilities to ensure that they receive the required care; dealers or research facilities need prior APHIS approval to board regulated animals with you.

Dealers in a Nonregulated Species—There is a blanket exemption for anyone handling only those animals not included under Federal law or regulations (see Introduction). Examples of businesses not needing licensing or registration include fish, reptiles, and amphibians.

Animal Transporters

If you are involved in the transportation of regulated animals as part of your business operation, you must be registered as an intermediate handler or carrier. When contacting APHIS, indicate whether you are applying for a registration as an intermediate handler or carrier, as described below.

Regulated Businesses

Carriers—Anyone transporting regulated animals for hire (e.g., as a common carrier or by contract or agreement) must be registered as a carrier. This includes airlines, railroads, motor carriers, shipping lines, and other enterprises, as well as anyone hired to transport animals to and from airports, pet stores, veterinarian offices, etc. As a carrier, all your facilities where animals are kept or held are regulated, including terminals and freight storage. You are responsible for enforcing all restrictions on animals that can be legally shipped by your customers. You also are responsible for proper crating, whether the shipper or receiver is a private pet owner, a business, an institution, or a Government agency. Pets transported by their owners as carry-on baggage are not subject to these restrictions.

Intermediate Handlers—Anyone taking custody of regulated animals in connection with transporting them on public carriers must be registered as an intermediate handler. This requirement covers boarding kennels that take responsibility for shipping animals or receiving them after or during shipment, as well as freight forwarders and freight handlers.

Exempt Businesses

Transporters of Nonregulated Species—There is a blanket exemption for anyone transporting only animals not included under Federal law or regulations (see Introduction). Examples of carriers not needing licensing or registration are those restricting their services to fish, reptiles, and amphibians.

Animal Exhibitors

If you have animals on display to the public or conduct performances featuring animals, you must become licensed as an exhibitor. When first contacting APHIS about a license, indicate the number and species of exhibit animals you have on hand because the license fee is determined by the number of animals held or exhibited. Also, indicate the annual income you receive from exhibiting animals and from trading in animals. The annual license fees for an exhibitor are based on the number of animals held or exhibited.

If you have a traveling animal show, send your itinerary along with your license application to the AC office in the area where you have your permanent office or winter quarters. Itineraries must be provided any time your animals are exhibited at a location other than your approved site (unless the exhibition involves no overnight stay).

Regulated Businesses

Zoological Parks—Animal exhibits open to the public must be licensed whether they are owned by States, counties, or other local governments; corporations; foundations; or private individuals. Zoos run by agencies of the Federal Government are not licensed, but the animals in these zoos are inspected and are subject to these same USDA standards of animal care. Petting zoos with regulated animals must be licensed and are subject to special regulations protecting animals and the public. Some small-scale exhibitors may qualify for an exemption (see "Hobby Exhibitors").

Marine Mammal Shows—Exhibits, shows, and acts with marine mammals must be licensed. This includes public aquariums, amusement parks, and zoos. However, exhibits in which free-living marine mammals are viewed in their natural state are exempt; examples are coastal seal rookeries or commercial whale sightseeing tours. Marine mammals include polar bears, sea otters, whales, porpoises, dolphins, manatees, dugongs, seals, sea lions, walruses, and other mammals that have fins or flippers. Marine mammals are protected by a separate set of standards for care and handling.

Animal Performances—Any owner exhibiting animals doing tricks or shows must be licensed (except "Hobby Exhibitors"). This includes each person owning animals performing in circuses, marine mammal shows, amusement parks, carnivals, independent animal acts, television shows, movies, or educational exhibits. All animals must receive the same quality of housing and other care, regardless of whether they are currently performing.

Roadside Zoos—Tourist attractions exhibiting regulated animals must be licensed (except "Hobby Exhibitors").

Carnivals—Concessionaires who exhibit regulated animals must be licensed as exhibitors (except "Hobby Exhibitors"). (If you give live regulated animals as prizes, you must be licensed as an exhibitor.) Carnivals cannot be included in the exemption of an agricultural show, such as a fair with a midway.

Promotional Exhibits—Anyone who uses regulated animals to promote or advertise goods and services must be licensed (except "Hobby Exhibitors"). (If you give away or sell animals as a prize, you must be licensed as an exhibitor.) You must be licensed even if you do promotions with only a single animal, such as a bear at a gasoline service station or a monkey at a trade show. You also must be licensed if you use animals to promote photographs or photography, except for photography of free-living animals in their native habitats.

Animal-Fighting Ventures—Staged dogfights, bear or raccoon baiting, and similar animal-fighting ventures are prohibited by the Animal Welfare Act, with stiff penalties for convicted sponsors and promoters, among others. Cockfights are only allowed in States and U.S. territories and possessions that have no law against them, and only if the birds were not knowingly acquired in interstate or foreign commerce for cockfighting purposes. Animal-fighting ventures cannot be licensed or registered under the Act.

Exempt Businesses

Private Collections—Anyone who collects animals but does not exhibit them to the public is exempt. The exemption does not apply, however, if you sell (for other than food or fiber) any animal in the collection.

Hobby Exhibitors—Anyone who maintains eight or fewer pet animals, "pocket pets," and/or domesticated farm-type animals for exhibition is exempt from licensing. ("Pocket pets" are small, nondangerous exotic or wild mammals, such as sugar gliders, hedgehogs, degus, spiny mice, prairie dogs, flying squirrels, and jerboas.) This exemption does not apply to anyone acting in concert with others where they collectively maintain more than 8 of these animals or anyone exhibiting other types of animals.

Amusement Parks—Amusement parks not owning animals are exempt. A person owning animals that perform in an amusement park must be licensed as an exhibitor and must comply with USDA requirements for facilities, conditions, and situations where animals are exhibited. Amusement parks exhibiting their marine mammals must be licensed, and their facilities must be inspected by USDA.

Farm Animal Exhibition—Anyone who arranges and takes part in showing only domesticated farm-type animals at agricultural shows, fairs, and exhibits is exempt (e.g. petting zoos with only sheep, rabbits, and llamas, exhibits of only racing pigs, etc.). Also exempt are exhibitions of art portraying traditional farming and agricultural settings (such as nativity scenes with a camel and domesticated farm-type animals displayed in a barn, and traditional agricultural displays of working animals, like reindeer pulling a sled or working on a farm). However, anyone exhibiting other regulated animals along with domesticated farm-type animals for nonagricultural purposes (e.g. camel rides at carnivals) must be licensed.

Booking Agents—*Licensed Acts*: Anyone booking or arranging animal acts without owning any animals is exempt. However, as an agent you should realize that the exhibitors you book must comply with USDA requirements for facilities, conditions, and situations where animals are exhibited. *Unlicensed Acts (foreign)*: If foreign circuses, acts, or shows enter the United States to exhibit, their U.S. agent is required to be licensed and be responsible for the show.

Purebred Dog and Cat Shows—Sponsors and participants at purebred dog or cat shows, are exempt by law.

Horse Shows—Trainers, owners, riders, and sponsors of horse shows are not regulated under the Animal Welfare Act. APHIS does regulate them, however, under the Horse Protection Act, which forbids the inhumane practice of making a horse sore to enhance its performance. This law does not require registration or licensing.

Rodeos—Competitive events featuring only farm animals and horses are exempt from both the Animal Welfare Act and the Horse Protection Act. Two examples would be bull riding and barrel racing. Circus-type acts performed at rodeos must be licensed (except "Hobby Exhibitors").

Animal Preserves and Hunts—Game and hunting preserves and events and similar enterprises that keep animals in the wild state are exempt. However, if you maintain special exhibits for compensation or promotional activities, you must be licensed as an exhibitor. If you sell animals to exhibits, research, or the pet trade, you must be licensed as a dealer.

Shows of Nonregulated Animals—Anyone with exhibits limited to species of animals not covered by law or regulated is exempt. Typical examples would be reptile houses, and aquariums not showing marine mammals.

Research Facilities

Institutions using any regulated live animals for research, testing, teaching, or experimentation must register with the USDA as “research facilities.” If the institution is part of a larger organization, the parent organization must acquire the registration. Individual researchers and their attending veterinarians should make sure their institution is legally registered and all USDA regulations and standards are followed.

Included under research, testing, teaching, or experimentation are:

- Investigations on animal propagation and control—such as wildlife ecology;
- Laboratory tests—including pregnancy tests, allergy tests, and other diagnostic procedures;
- Quality-control studies—such as studies on the safety, effectiveness, durability, or other quality tests of commercial products; and
- College instruction—whether for research, or education for the improvement of medical treatment techniques and methods.

Registration is required to ensure that laboratory animals are provided with care and comfort meeting USDA standards. The law and regulations require the use of appropriate pain-relieving drugs **wherever possible**. Registered research facilities and all agencies of the Federal Government using animals in research must submit an annual report stating how many regulated animals were used and if any painful experiments were conducted. The report must include the number and species of animals used in painful procedures and an explanation as to why it **was necessary** to omit pain relief.

Regulated Institutions

State-Owned and Local Government Facilities—Public research institutions administered and/or funded by a State or local government must be registered. State-run or locally run institutions do not have to be licensed as dealers even if they sell or trade regulated animals, but they must be licensed as exhibitors if they exhibit animals.

Private research or testing institutions must be registered as research facilities. If private institutions sell, exhibit, or trade regulated animals to others, the institutions must be licensed as animal dealers or exhibitors.

Drug Firms—Manufacturers of vaccines, drugs, and other medicines must be registered as research facilities if they do research, development, or quality-control tests on regulated animals. Institutions must be registered under the Animal Welfare Act even if they have USDA establishment licenses to produce biologics under the Virus–Serum–Toxin Act.

Teaching Institutions—Facilities involved in using animals for teaching purposes above the secondary-school level must be registered under the Animal Welfare Act—for example, college or university medical schools, veterinary schools, biology departments, etc.

Diagnostic Laboratories—All diagnostic laboratories using regulated animals must be registered.

Marine Mammal Facilities—Facilities using marine mammals for behavioral, biomedical, and related studies must be registered. (If the facility is open as an exhibit to the public, it must also be licensed as an exhibitor.) The same standards of animal care required for exhibitors apply to marine mammal research facilities.

Exempt Institutions

Federal Facilities—Agencies of the Federal Government that do research are not required to register with USDA and are not inspected by APHIS, but each Federal agency is responsible for complying with all USDA standards of animal care and for submitting an annual report to USDA on the use of regulated laboratory animals. Federal agencies that exhibit regulated animals are not required to be licensed but are inspected by USDA.

School Laboratories—Elementary, secondary, and all other schools below the college level are by law exempt from registration.

Agricultural Research Institutions—Research institutions that perform work involving food, fiber, or agriculture and that use horses and domestic farm animals, including rabbits, are exempt by regulation and do not have to be registered. However, if such institutions are doing nonagricultural research, they do need to be registered.

Institutions Using Only Biologic Specimens—If only dead biologic specimens—no live animals—are used, an institution is exempt.

Suppliers of dead specimens made from regulated animals or dead animals, however, have to be licensed as dealers.

Institutions Using Only Nonregulated Species—A research institution is exempt if it uses only laboratory animals exempted by law or regulation. Examples are reptiles, fish, and amphibians, as well as birds and rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research. Wild species of rats and mice are regulated.

Further Information

If you need more information about the Animal Welfare Act or your responsibilities in animal care under this legislation, please contact the Animal Care Office for your State. You may also email us at the address below, or visit our website.

Email: ace@aphis.usda.gov

Website: www.aphis.usda.gov/animal-welfare

Animal Care Offices

Raleigh Office

The Raleigh Office provides services to facilities in the following States: Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin

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