

Am I Regulated Under APHIS' New Retail Pet Rule?

Webinar

USDA APHIS Animal Care

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Overview

- **Rule Overview and Background**
- **Who Needs a License?**
- **The Most Commonly Asked Questions**
- **Resources**
- **Question and Answer Session**

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RULE OVERVIEW AND BACKGROUND

Retail Pet Store Final Rule

The original definition of “retail pet store” was intended to exempt traditional brick and mortar pet stores and other facilities whose animals are subject to a certain degree of oversight from customers who enter their shop.

Retail Pet Store Final Rule

Based on the original intent of the Animal Welfare Act (AWA), dealers who sell animals sight unseen shouldn't qualify for an exemption from federal regulation because the public doesn't have the opportunity to observe the health and welfare of the animals prior to purchase and/or taking custody of them.

Retail Pet Store Final Rule

By revising the definition of “retail pet store” to require retailers engaging in sight-unseen sales to be regulated, we are bringing more pet animals sold at retail under the protection of the AWA.

We are also ensuring that the definition of “retail pet store” within our regulations is consistent with the meaning of the term implicit within the AWA.

Retail Pet Store Final Rule

The new definition of a retail pet store:

Means a place of business or residence at which the seller, buyer, and the animal available for sale are physically present so that every buyer may personally observe the animal available for sale prior to purchasing and/or taking custody of that animal after purchase and where only (certain animals are sold or offered for sale, at retail, for use as pets.)

Retail Pet Store Final Rule

By personally observing the animal, the buyer is exercising public oversight over the animal and in this way is helping to ensure its health and humane treatment.

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WHO NEEDS A LICENSE?

Retail Pet Store Final Rule

Retailers who sell their pet animals to customers in face-to-face transactions do not have to obtain an AWA license because their animals are subject to such public oversight.

Retail Pet Store Final Rule

A facility that has four or fewer breeding female dogs, cats, and/or small exotic or wild mammals, would not be subject to federal regulation as long as the animals offered for sale were born and raised on the dealer's premises.

Retail Pet Store Final Rule

Female animals with the capacity to breed are considered “breeding females”. Females that an APHIS inspector decides cannot breed due to age, infirmity, illness, or other issues are not considered “breeding females” when determining the need for a license.

Retail Pet Store Final Rule

Breeders that sell working dogs at retail do not need a license.

Working dogs are generally understood to be dogs that are not sold for use as pets but for purposes such as herding, guarding, racing, sledding, service, therapy, hunting, breeding, and security.

Retail Pet Store Final Rule

APHIS will use various methods to determine who may need an AWA license.

APHIS will accept an individual dealer's designation of a retail sale of working dogs unless we can show otherwise.

Retail Pet Store Final Rule

In addition, the final rule exempts from regulation anyone who sells or negotiates the sale or purchase of any animal, except wild or exotic animals, dogs, or cats, and who derives no more than \$500 gross income from the sale of such animals. (e.g., rabbits).

Retail Pet Store Final Rule

“Rescue” groups that participate in “face-to-face” transactions such as off-site adoptions are subject to public oversight. They do not need to obtain a license for that reason.

Some “rescue” groups may need to be licensed if they have any animal transactions for use as a pet which are not “face-to-face.”

Retail Pet Store Final Rule

The activity taking place, or the “business model” of the group, is what determines whether or not a facility will be regulated.

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THE MOST COMMONLY ASKED QUESTIONS

Retail Pet Store Final Rule

Buyer/Agent

If a person cannot personally observe an animal before buying it, can someone else stand in?

Yes. We consider the buyer of a pet animal sold at retail to be the person who takes custody of the animal after purchase, even if this person is not the ultimate owner of the animal.

This person cannot, however, be a commercial transporter or intermediate handler. The veterinarian that is issuing the health certificate for shipping is not considered an agent for the buyer or seller.

Retail Pet Store Final Rule

Breeding Female

Under the final rule, what constitutes a breeding female?

Only intact female animals with the capacity to breed are considered “breeding females.” Females that an APHIS inspector decides cannot breed due to age, infirmity, illness, or other issues are not considered “breeding females.”

Retail Pet Store Final Rule

Farm Animals as pets

What will this rule mean for domestic farm animals and coldblooded species?

APHIS does not regulate the sale of farm animals as pets. And coldblooded species are not regulated under the AWA.

The final rule does not change our regulation of breeders who sell rabbits or other animals for use as food or fiber (including fur). Anyone selling animals only for food or fiber is exempt under the AWA. People selling rabbits at retail for breeding purposes (such as preservation of bloodlines) are not regulated.

4-H participants who sell their rabbits for food or fiber (including fur) or in face-to-face transactions at county fairs, rabbit shows, and other agricultural shows do not have to be licensed.

Retail Pet Store Final Rule

Occasional sale of pet from show dogs

If I breed and sell dogs to be shown, do I need a license?

Maybe. If you breed and sell dogs to be shown you may need a license depending on your business model (i.e. sight unseen sales). However, dogs that are sold exclusively for the preservation of bloodlines (i.e., breeding purpose) at retail are not required to be licensed regardless of your business model. If you sell some puppies for breeding purposes and sell more than an occasional puppy for a pet, a license will be needed if your transactions are not face-to-face.

Retail Pet Store Final Rule

Advertising on the Internet

The new rule does not regulate advertising.

Anyone can advertise animals for sale through any form of media including the internet, newspapers, magazines, etc.

Retail Pet Store Final Rule

Skype and Webcam

Skype/FaceTime or any other video program does not meet the definition of “face-to-face” where the buyer, the seller, and the animal to be sold are in the same place at the same time.

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RESOURCES

QUESTION AND ANSWER SESSION

Retail Pet Store Final Rule

For more information on the Rule including links to FAQs, the docket itself, the analysis, and other information:

https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_awa/ct_retail_pet_rule

This page can also be accessed from the APHIS home page.

www.aphis.usda.gov