# How will APHIS Implement the Retail Pet Store Rule?

USDA APHIS Animal Care

November 14, 2013

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How will APHIS Implement the Retail Pet Store Rule?

# RECAP (WHO NEEDS A LICENSE?)

# 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.)

9 CFR Chapter I, Subchapter A, Part 1, 1.1 Definition of Terms

# 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

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.

How will APHIS Implement the Retail Pet Store Rule?

# HOW USDA APHIS ANIMAL CARE IS ORGANIZED

# Retail Pet Store Final Rule

USDA is organized into several agencies, Animal Care is part of the Animal and Plant Health Inspection Service (APHIS), the Agency which protects and promotes animal and plant health, and administers the Animal Welfare Act (AWA) and the Horse Protection Act (HPA). APHIS has a number of program units. Some of these include:

**Animal Care**

(animal welfare, humane treatment of animals)

**Veterinary Services**

(animal disease prevention)

**Investigative and Enforcement Service**

(investigates violations of animal welfare laws or other APHIS program regulations)

# Retail Pet Store Final Rule

Animal Care enforces the Animal Welfare Act. This law requires the humane care and transportation of animals used for:

- Research, teaching, testing, experimentation

  (Biomedical Research Facilities)
- Exhibition

  (Circuses and Zoos)
- Sold for use as pets or exhibition

  (Breeders and Brokers)

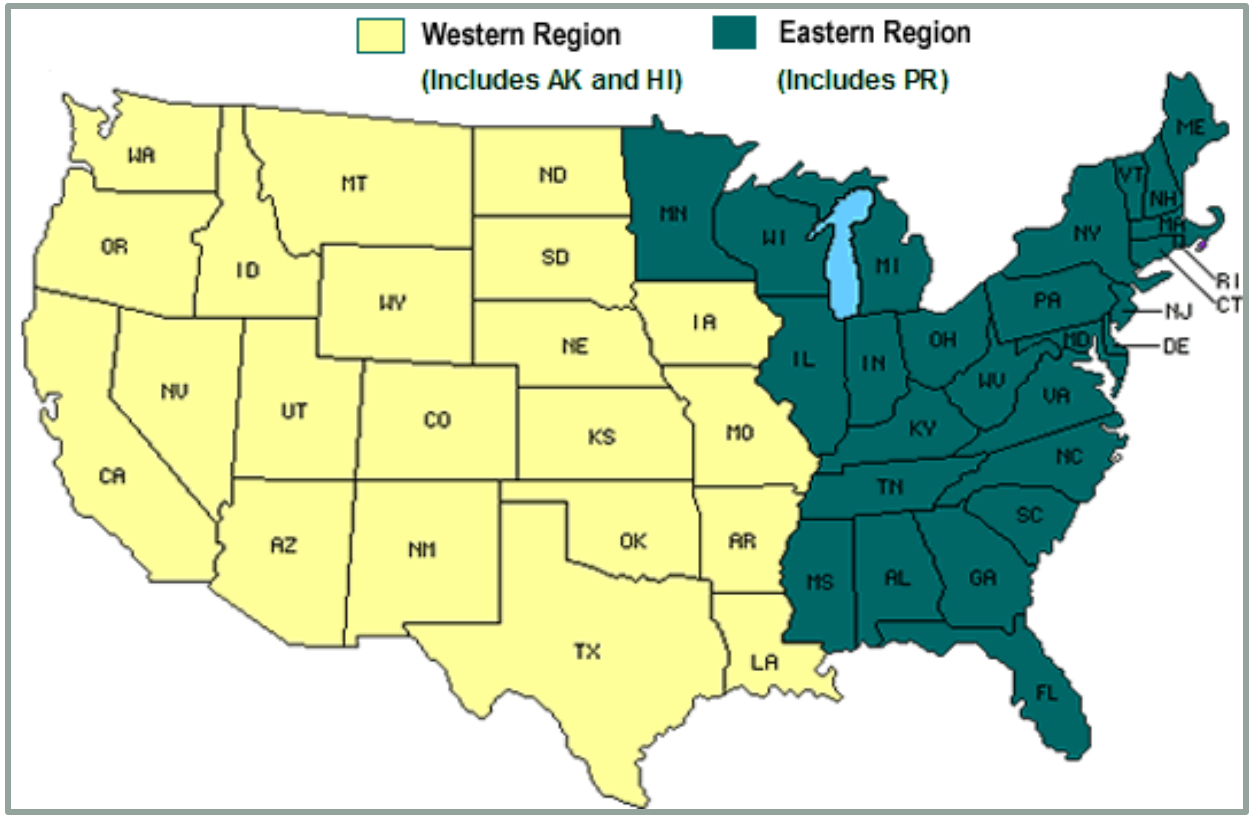
# Retail Pet Store Final Rule

Animal Care is organized into four main offices:

- **Headquarters** office in Riverdale, Maryland
- **Center of Animal Welfare** in Kansas City, MO
- **Eastern Region** in Raleigh, NC
- **Western Region** in Fort Collins, CO

Inspectors are located throughout the country.

# Retail Pet Store Final Rule



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# APHIS ANIMAL CARE PERSONNEL

# Retail Pet Store Final Rule

APHIS employs more than 120 inspectors nationwide. They are experts on animal care and husbandry with formal training and a background in animal related fields, such as veterinary medicine, animal science, and biology.  They have extensive animal handling experience.

# Retail Pet Store Final Rule

Inspectors receive extensive training on:

- Inspection of all types of facilities
- Recognition of pain and suffering
- New information related to animal welfare and health

# Retail Pet Store Final Rule

Inspectors receive continual on-the-job evaluations to ensure that their inspections are fair, consistent and accurate.

# Retail Pet Store Final Rule

In addition to inspectors, Animal Care also employs experts on the care and handling of:

- Dogs and cats in kennels
- Birds
- Elephants
- Marine mammals
- Large exotic cats
- Non-humane primates

How will APHIS Implement the Retail Pet Store Rule?

# APPLYING FOR A LICENSE

# Retail Pet Store Final Rule

License information packets are available from Animal Care. You can request them from the regional office serving your State.

You may request an application packet electronically at the following link:

https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA_Regulated_Businesses

Or contact your respective regional office for assistance (Eastern Region at 919-855-7100 and Western Region at 970-494-7478).

# Retail Pet Store Final Rule

## Mailing address for the Regional offices:

**Western Region:**

USDA-APHIS-AC

2150 Centre Ave.

Building B, Mailstop 3W11

Fort Collins, CO 80526

970-494-7478

**Eastern Region:**

USDA-APHIS-AC

920 Main Campus Drive

Suite 200

Raleigh, NC 27606

919-855-7100

# Retail Pet Store Final Rule

The application packet from Animal Care contains the information you need to apply for a license.

It will have a copy of the Animal Welfare Act and Regulations, forms you need to apply for a license, instructions for applying for a license, guidance on making sure your facility is in compliance with the AWA and a checklist of items to ensure your application is complete.

How will APHIS Implement the Retail Pet Store Rule?

# EFFECTIVE DATE

# Retail Pet Store Final Rule

The final rules becomes effective Nov. 18, 2013, and we are encouraging all breeders who think they may need a license to request and complete a licensing application.

It may take some time before a pre-licensing inspection is conducted at your facility once you have submitted your application.

# Retail Pet Store Final Rule

All breeders who proactively complete applications for licensure may continue to conduct regulated activities while waiting for our inspectors to conduct the pre-licensing process.

# Retail Pet Store Final Rule

Additional factors that will be considered when determining the order of pre-licensing inspections include whether a person is already subject to some degree of State, county, or local oversight, and the nature of that oversight; whether a person is the subject of a legitimate complaint and the nature or severity of that complaint.

How will APHIS Implement the Retail Pet Store Rule?

# THE MOST COMMONLY ASKED QUESTIONS

# Retail Pet Store Final Rule

**Q.** Is this license different from the State license?

**A.** Yes. Regardless of whether you are licensed with your State, if you meet the qualification requiring licensing under the AWA, you will need to obtain an AWA license. While many States also have animal welfare regulations, Animal Care is charged with enforcing the AWA.

# Retail Pet Store Final Rule

**Q.** How do you plan to deal with breeders who might require USDA licensing?

**A.** Animal Care will continue to provide outreach to breeders (e.g., webinars, responding to phone calls, emails, FAQs, and etc.)

# Retail Pet Store Final Rule

**Q.** Why is this law being implemented in the first place?

**A.** To ensure that animals sold as pets at retail sight unseen receive humane care and treatment.

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# RESOURCES

# Retail Pet Store Final Rule

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

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

Additional Animal Welfare Act information can be accessed from the APHIS home page.

**www.aphis.usda.gov**