

# APHIS – Animal Welfare Act – Retail Pet Store Rule (RPS Rule)

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## 10/1/15 Guidance for Breeders, Brokers and Importers

The complete AWA and current regulations (Blue Book) are available at <http://tinyurl.com/largc6w>

AWA – passed in 1966, sets general standards for humane care and treatment required for certain animals sold at wholesale, through a broker, publicly exhibited, used in biomedical research, or commercially transported.

The AWA does not apply to coldblooded animals or farm animals used or exhibited for agricultural purposes.

The USDA has authority over animal abuse only by those whom USDA regulates or require regulation under the AWA. Individual state laws control all other animal abuse.

The AWA (as reinterpreted) focuses on the welfare of the animal; it's not a consumer protection law.

By using face-to-face transactions, the buyer provides public oversight and helps to insure the animal's health and humane treatment. The goal is to ensure that the USDA monitors pets sold to the public, at retail, sight-unseen for health care and humane treatment.

A Retail Pet Store (RPS) is a place of business or residence at which the seller, buyer, and the animal available for purchase are physically present so that the buyer may observe the animal in person before purchasing and taking custody of it.

### **Retail Pet Stores don't need a USDA license because the animals are already subject to public oversight.**

- The number of breeding females you have on your premises isn't relevant if all pet animals are sold in face to face transactions
- A facility with four or fewer breeding female dogs (etc) isn't subject to USDA regulation as long as all of the animals offered for sale were born and raised on the seller's premises
- Rescue groups that participate in face-to-face transactions, such as off site adoptions, are subject to public oversight. If the group handles transactions that are not face to face or are wholesale, they will need a license.
- Shipping even one animal sight unseen can disqualify the seller/adopter from the RPS exemption.

### **“Commercial” USDA Regulated Transactions**

- No change to “brick and mortar” store – they are still exempt
- No change for current USDA licensees
- No change for boarding kennels

### **Rescue:**

- There is no definition for rescue in the AWA or regulations; the same regulations apply to the activity or the group's method of sale or placement. Groups that participate in face to face transactions are subject to public oversight and won't need a license. Any group that has any transactions regarding dogs for use as pets

that are not face to face may need a license.

- The final rule doesn't apply to government owned or operated shelters or to agents of the government.
- The USDA considers most rescue groups to fall under the definition of dealer, including transporting of animals for compensation.
- Compensation includes any remuneration for the animal, regardless of whether it is for profit or not for profit.
- Rescue groups using sight unseen transactions and utilizing foster homes would have to list all of the sites housing animals so that USDA could conduct inspections. If all sales are face to face, they would be exempt from licensing.
- Volunteers that transport regulated animals may need to register as Intermediate Handlers or Carriers. Volunteers will need to register if they receive any remuneration for the transport, including reimbursement for expenses.

### **Breeders who assist Rescue:**

- Breeders would need a license (even if they are otherwise exempt) if they assist rescue groups who conduct sight unseen transactions.
- Breeders who assist via transport for any compensation may need to register as an Intermediate Handler.

### **Breeders do NOT need a license IF:**

- They have four or fewer breeding females on their premises
- They have more than four breeding females, but sell all pets face-to-face
- They have more than four breeding females, but do not sell to the public (preservation of bloodlines)
- They sell or adopt dogs not raised on their premises only in face to face transactions

### **Breeders DO need a license IF:**

- They have a combination of more than four breeding females and dogs for adoption, and sell or adopt some of those animals sight unseen
- They sell or adopt dogs not born and raised on their premises and sell them sight unseen
- They sell pets sight unseen to buyers outside of the US

### **Details:**

- Face to face transactions do not have to take place at the kennel or residence of the seller. The buyer, seller, and animal may meet at any mutually agreeable location
- Video doesn't constitute face to face
- The rule doesn't regulate advertising; only the final sale
- The buyer must be the purchaser or a family member or friend, but they may not be a veterinarian, dealer, transporter, intermediate handler, agent or employee and must meet the requirements for a face to face transfer
- Breeding Female is defined as intact females with the capacity to breed; owner must provide evidence of age/infirmary to exempt an intact female
- The number of Breeding Females includes visiting breeding females

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## ANIMAL WELFARE ACT – RETAIL PET STORE RULE CONTINUED FROM PAGE 18

- Premises are defined as any single address
- Co-ownerships are defined based on the intact female's place of residence, but the non-resident co-owner may not be exempt dependent on their involvement with the negotiation or sale of the animals on regulated sales

### **Imports/Exports:**

- Imports as pets must be over 6 months, have current rabies and other vaccinations, and not show signs of infectious disease
- Breeders may import dogs younger than 6 months to use in their breeding program

### **Exemptions:**

- Working dogs (herding, guarding, hunting, breeding, racing, sled-dog, security, therapy, etc)

- Breeders of working dogs are exempt as long as all pet animals are sold face to face (or have four or fewer breeding females)
- Breeding and working dogs may be shipped sight unseen

### **Inspections: Home vs Kennel**

- Inspectors are trained to recognize the differences between home and kennel, with the focus on the health of the animals and direct hazards to their health or safety

**There are restrictions: READ THE FINE PRINT!**