



OLR RESEARCH REPORT

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USDA-LICENSED COMMERCIAL BREEDERS

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You asked for information about commercial dog and cat breeders. Specifically, you want to know (1) if commercial breeders need a license from the U.S. Department of Agriculture (USDA), (2) what standards of care USDA-licensed breeders have to comply with, and (3) how many USDA-licensed breeders there are in Connecticut. (For more information about federal and state laws that establish standards of care for commercial breeders, see OLR Research Report [2013-R-0309](#)).

SUMMARY

The federal Animal Welfare Act (AWA) and accompanying USDA regulations set minimum standards for animal dealers, including commercial dog and cat breeders (i.e., those that breed and sell animals to pet stores, brokers, or research facilities) (7 U.S.C. § 2131 et seq. and 9 CFR § 1.1 et seq.). The AWA requires these breeders to obtain a license from USDA's Animal and Plant Health Inspection Service (APHIS). Before APHIS issues a license, the applicant must comply with all USDA requirements and standards. To ensure that licensed facilities comply with the AWA, APHIS inspectors perform pre-license inspections, unannounced post-license compliance inspections, and inspections following complaints.

Currently, there are no USDA-licensed breeders located in Connecticut, according to Joseph Nelson, program manager at USDA APHIS's Animal Care division.

USDA LICENSE REQUIREMENT

Under the AWA, commercial dog and cat breeders are a type of dealer that must obtain a USDA license (7 U.S.C. § 2133). A “dealer” is any person who, in commerce, for compensation or profit, buys or sells (1) any dog or other animal for research, teaching, exhibition, or use as a pet or (2) any dog for hunting, security, or breeding purposes (7 U.S.C. § 2132). Before APHIS will issue a license, the dealer must demonstrate that his or her facilities comply with the standards of care adopted in regulation (see below).

“Dealer” excludes a (1) retail pet store, unless the store sells animals to a research facility, an exhibitor, or a dealer, and (2) person who does not sell or negotiate the purchase or sale of any wild or exotic animal, dog, or cat and derives no more than \$500 in gross income from the sale of animals other than wild or exotic animals, dogs, or cats in any calendar year (9 CFR § 1.1).

Revised Definition of “Retail Pet Store”

On September 10, 2013, USDA announced it is revising its regulatory definition of “retail pet store,” effective November 18, 2013, to bring more animals sold at retail under the protection of the AWA. In its final rule adopting the revision, the agency explains that it is narrowing the definition of “retail pet store” to mean 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 before purchasing it or taking it into custody (9 CFR Parts 1 and 2, Docket No. APHIS-2011-0003). The previous definition was broader and included nearly all retail outlets selling animals by any means, including “sight unseen” sales conducted over the Internet or by mail. Thus, under the new rule, businesses selling pets sight unseen to buyers must be licensed and inspected by APHIS.

USDA’s final rule also increases, from three to four, the number of breeding female animals that a person may maintain on his or her premises and be exempt from the licensing and inspection requirements.

Table 1 provides examples of who the new rule impacts.

Table 1: Impact of the New Retail Pet Store Rule on Dog and Cat Breeders

Scenario	If Yes...	If No...
Do you sell dogs, cats, or exotic pets that are born or raised on your premises where buyers can physically observe the animals before or during purchase?	You do not need a USDA license.	If you do not sell your animals in face-to-face transactions, you may need a USDA license.
Do you have four or fewer breeding female dogs, cats, or exotic pets on your premises and sell only the offspring of those animals?	You are not regulated by this rule and do not need a USDA license.	You may need a USDA license.
If you are a rescue group, do you hold face-to-face adoptions with the public?	You are not regulated by this rule and do not need a USDA license.	If you do not adopt out your animals in face-to-face transactions, you may need a USDA license.
If you are a pound, shelter, humane society, or similar organization, are you state-, county-, or municipal-owned and operated or operating under a contract with these jurisdictions?	You are not regulated by this rule. These agencies and organizations are not regulated under the AWA as long as all of their activities are under the jurisdiction of the state, county, or municipality.	You may need a USDA license.

Source: USDA APHIS http://www.aphis.usda.gov/publications/animal_welfare/2013/retail_pets_checklist.pdf

STANDARDS OF CARE

All USDA-licensed breeders must comply with the standards of care outlined in federal regulations (9 CFR §§ 2.40 and 3.1-3.19). These standards set minimum requirements for humane handling, shelter, space requirements, feeding, watering, sanitation, ventilation, veterinary care, and transport, among other things. APHIS encourages licensees to provide care that exceeds the minimum standards. Table 2 provides examples of the federal standards.

Table 2: Federal Minimum Standards of Care for Animal Breeders

Category	General Standard
Housing and Primary Enclosures	Animals must be housed in structurally sound facilities and enclosures that are in good repair and meet APHIS' minimum space requirements. The facility must contain the animals and protect them from other animals and extreme weather and temperatures. Drainage systems must be in good repair. Floors must protect the animals from injury. Cages must be dry and clean and allow animals easy access to food and water. If the shelter is outdoors, it must protect animals from sunlight, precipitation, and extreme temperatures.
Ventilation	Animals must be provided with (1) cool air or increased ventilation if the ambient temperature is above 85 degrees Fahrenheit or (2) heat if the temperature falls below 45 degrees Fahrenheit.
Lighting	Facilities must be lit well enough to allow safe and easy access for feeding, cleaning, and complete inspection.
Interior Surfaces	The interior of a facility must be substantially impervious to moisture and able to be easily cleaned and sanitized.
Cleaning and Sanitation	Excreta and food waste must be removed and disposed of at least daily and as often as necessary. Primary cages or enclosures and food and water receptacles must be sanitized at least once every two weeks. Facilities must not allow trash to accumulate.

Table 1 (continued)

Category	General Standard
Pest Control	Facility managers must have an effective program to control insects, ectoparasites, and avian and mammalian pests.
Feeding and Watering	At least once each day, animals must be provided with nutritious, palatable food that is free from contamination, properly stored, and served in a clean receptacle. Potable water must be made available twice daily for one hour if it is not available all the time.
Compatibility	Female animals in heat must be separated from male animals except for breeding purposes. Additionally, (1) animals with vicious dispositions should be housed apart from other animals, (2) puppies and kittens should be separated from adult animals other than their mothers, and (3) different species of animals should not be housed together unless compatible.
Veterinary Care	Programs of disease control and prevention, euthanasia, and veterinary care must be established and maintained under the supervision and assistance of a veterinarian. Additionally, a caretaker must observe the animals daily.
Handling	Every licensee is required to handle animals properly at all times whether he or she is petting, working, feeding, crating, or transferring them.
Transportation	Licensees must provide animals with adequate space, ventilation, and shipping containers during transportation.

Source: USDA APHIS

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