



AKC Government Relations USDA/APHIS Regulations Information

September 2013

USDA/APHIS Regulations – What Do They Mean for Responsible Dog Owners and Breeders?

The release of the final version of the new USDA/APHIS rule to redefine “retail pet stores” has prompted a lot of questions and confusion. Concerned dog breeders are asking: *What does it mean for me?*

Over the last 18 months, AKC Government Relations (GR), AKC’s federal representatives, and other partners have worked hard to provide constructive critiques and commentary, express concerns to key decision makers, and to propose effective alternatives to the proposed rule. Although the final rule is substantially unchanged from what was proposed in May 2012, we are pleased that APHIS’s official commentary addresses some of the concerns expressed by the AKC. It also creates many more “gray areas” than before. While there is an understandable desire to rush into some action – any action; the truth is, that we cannot know all the impacts and options until we see how this legal measure is implemented and enforced. Our future and the reputation of responsible breeders is too important to threaten with reactionary responses based only on emotion and partial information.

Specific questions should be directed to Dr. Gerald Rushin at APHIS – (301) 851-3751. For the most up-to-date news and details, visit AKC’s Regulatory Resource Page.

Here is some information on the new regulations:

- If you have more than 4 “breeding females” and you sell pets sight unseen, you may be subject to USDA licensing and regulations. *The “and” is important!* Please also note that “breeding females” includes several species of pets—not just dogs.
- We remain concerned that the term “breeding female”—the foundation for a key part of the new regulation—lacks a clear definition. This makes it difficult for breeders to determine whether they would be subject to licensing and regulation. For now, a safe assumption is to consider a “breeding female” to be a female capable of reproduction.
- There are certain exemptions. You **DO NOT** have to be USDA licensed if **ANY ONE** of these exemptions applies:
 - If you maintain 4 or fewer “breeding females” on your premises, regardless of how you sell their offspring, you do not have to be USDA licensed.
 - If you always sell pets to new owners in face-to-face transactions, you do not have to be USDA licensed, no matter how many breeding females you have. “Face-to-face” means the buyer physically sees the animal prior to taking custody. Photos, videos or Skype do not count as face-to-face.
 - If you breed and sell puppies for purposes other than as pets (for example, as breeding stock, hunting dogs, service dogs, or for the preservation of bloodlines), you do not have to be USDA licensed. This may be an option if you are heavily involved in breed-based activities or working to preserve a rare breed and are not marketing your dogs as pets.

However, this exemption may not apply if puppies/dogs are sold for these purposes AND as pets. Contact APHIS for more information on these exemptions

- The new rule goes into effect November 18. Representatives of APHIS have stated they understand that breeders who sell pets sight unseen may need time to come into compliance with regulations. Going forward, investigations could be prompted by publicly-available information (such as the internet) and complaints.
- This is a federal rule that applies to all US breeders and pet sellers. It does not replace or eliminate any state, county or local laws or regulations.

Turn page over for the chart “Does the New USDA Rule Affect Me?”

Updates current as of September 26, 2013

For more information and the latest developments, visit www.akc.org/governmentrelations/usda_aphis.cfm



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Does the New USDA Rule Affect Me?

Answer the questions below to determine whether you satisfy the most common conditions subject to the new USDA/APHIS Pet Seller Rule*

Do you sell pets, including dogs, cats, hamsters, etc., or any combination of these?

If you are selling a dog solely as a breeding prospect, to maintain bloodlines, or for hunting, working, or security, you may be exempt. If you are selling the dog as a pet, you are likely not exempt. It is important that the seller be able to clearly demonstrate their intent in selling the dog at the time of sale. If you sell animals for a combination of purposes, contact USDA for more information.

If **YES**, go to next question.

If **NO**, then...

Do you require all buyers to physically observe the animal before taking custody of it?

Face-to-face transactions are those in which the seller, buyer, and the animal available for sale are physically present so that every buyer may personally observe the animal prior to purchasing and/or taking custody of the animal. Buyers include certain agents/proxies. Sales may take place at any location agreed upon by the seller and the buyer.

If **NO**, go to next question.

If **YES**, then...

Do you maintain more than four "breeding females" on your premises?

USDA has not defined "breeding female" in writing; this is currently determined on a case-by-case basis. "Breeding female" appears to mean female animals with the capacity to breed. Females that an APHIS inspector decides cannot breed due to age, infirmity, illness, or other issues are not included. All breeding females on a premises will be considered, regardless of ownership.

If **YES**, then...

If **NO**, then...

You may need to be licensed by the USDA.

For more information, contact:
Dr. Gerald Rushin, Veterinary Medical Officer, Animal Care, APHIS
4700 River Road, Unit 84, Riverdale, MD 20737-1236
(301) 851-3751

You may be EXEMPT from the new USDA/APHIS rule.

You are expected to remain knowledgeable of all applicable laws and regulations dealing with the keeping and maintenance of dogs, and to comply with them as required.

*For informational purposes only. This is designed as a guide to the most common circumstances for breeders. Other exemptions and requirements exist. If you are uncertain about your status, contact USDA/APHIS to discuss your specific case.

American Kennel Club Government Relations

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