



NEWLY INTRODUCED ANIMAL WELFARE AMENDMENTS TO REGULATE PET STORES

The Issue.

Legislation introduced today in the United States Senate by Senators Rick Santorum (R-PA) and Richard Durbin (D-IL) would amend the Animal Welfare Act (AWA) with a number of substantive provisions that would have a dramatic impact on USDA regulation of pet dealers in the United States. Included among them are several amendments that could significantly expand the AWA to include nearly all stores selling pet animals. A companion bill has been introduced in the House by Representatives Jim Gerlach (R-PA) and Sam Farr (D-CA).

The Impact.

The *Pet Animal Welfare Statute of 2005* (PAWS) is the progeny of Senator Santorum's *Puppy Protection Act*, which PIJAC helped defeat. The new proposal has little semblance to that bill, but does include language PIJAC helped craft to aid in enforcement of dealers who are required to be licensed under current law but are not. Unfortunately, PIJAC was not given the opportunity to offer suggestions for revising other provisions to the new bill prior to its introduction.

PAWS would amend several provisions of the AWA, as follows:

- The existing definition of a dealer (which requires licensure with USDA) is expanded to include anyone importing "any dog...from outside the United States" except one that is imported solely for the person's use and enjoyment.
- The dealer definition also encompasses any pet store selling imported dogs, even if the pet store didn't import the dogs itself.
- A new exemption from the dealer definition is created for persons selling fewer than 25 dogs or cats in a year as well as those who breed or raise no more than six litters and sell only those dogs or cats at retail (not for resale).
- "Retail pet store" is defined to mean "a public retail establishment that sells animals commonly kept as pets in households in the United States." Retail pet stores are generally exempt from regulation under the AWA, **except** the bill includes exclusions that would require licensure for the following groups:
 - anyone breeding animals for sale to the public as pets.
 - anyone selling hunting, breeding, or security dogs.
 - anyone selling "wild animals."



- A new provision requires dealers and pet stores selling dogs and cats to keep records on the source of those animals. The records must indicate whether the source is required to be licensed as a dealer under the AWA, and these records must be made available to the USDA.
- An existing provision allowing a 21-day temporary suspension of a license is amended to permit USDA to extend that suspension period for up to 60 days if the licensee is engaged in violations that “will place the health of any animal in serious danger.”
- A provision is added to grant USDA direct authority to gain an injunction against someone who is acting as a dealer without a license.
- A conforming amendment eliminates an existing de minimis exemption for those raising dogs or cats on their own premises.

This legislation would accomplish, to some degree, what DDAL was unable to achieve through its extended lawsuit against USDA; obviating of the retail exemption for breeders. However, even as it explicitly redefines a pet store to exclude breeders, PAWS creates a new exemption for breeders (those selling no more than 25 dogs/cat, or no more than six litters). But several of the other provisions would bring even “public retail establishments” (i.e. “traditional” pet stores) under the AWA.

Any pet store selling dogs, that happen to sell a puppy originally imported into the U.S., must become licensed. This would be true even though the pet store didn’t know the dog was imported. But pet stores selling other animals would be covered as well. The exemption for breeding animals applies to all animals, and it does not require deliberate breeding. Therefore, any pet store with animals (such as rodents or other small animals) that happen to breed, even without knowledge or deliberate action of the pet store operator or owner, must be licensed under this new provision. Finally, all pet stores selling “wild animals” must be licensed under this bill. Wild animals can be defined as any species that lives in the wild (irrespective of whether the particular animal was captive bred or came from the wild).

Recommended Action

Although this bill has just been introduced, opponents should make the sponsor aware of its flaws. PIJAC has been in ongoing contact with Senator Santorum’s office, and is seeking specific amendments to the bill. Opponents should contact his office to voice concerns.

By phone at 202-224-6324

By email through his Website at <http://santorum.senate.gov/>

You may wish to make the following points in your own words:

- The exemption for retail pet stores was explicitly written into the AWA and has always been there since that act was amended to cover pets. Because pet stores are regulated at the state level now more than ever before, this exemption is more appropriate than ever.

- While the existing “\$500 exemption” refers to wild animals, the federal courts have established that this reference does not limit the general retail exemption in existing law. However, the PAWS amendment would subject all pet stores to the wild animal exclusion.

- Although it may be reasonable to require those importing dogs for resale to be licensed under the AWA, pet stores who buy dogs from licensed dealers should not have to be licensed themselves irrespective of where the puppies originally came from. In fact, most pet stores will be unaware that the puppies were imported from abroad.

- Incidental reproduction by animals in pet stores should not subject those pet stores to licensure under the AWA.

- Extending the AWA to pet stores as proposed by this bill would substantially increase the work load of that agency and compromise its ability to effectively enforce the act. Rather than promoting animal welfare, these provisions would actually hurt that cause.

The Senate bill, S. 1139, was assigned to the Senate Committee on Agriculture, Nutrition and Forestry (on which Senator Santorum sits). The House bill, H.R. 2669, was sent to the House Agriculture Committee.

PIJAC will continue to work on negotiating amendments to this legislation, and will update members with any change in status. Those having questions about PAWS, or desiring additional information, should contact PIJAC’s Michael Maddox or Marshall Meyers at 202-452-1525.

NOT YET A PIJAC MEMBER?

PIJAC is the national association in the business of keeping the pet industry in business. Retail stores may join for as little as \$50 per year. To join, or simply to learn more about PIJAC, visit our Website at www.pijac.org. If you have further questions, contact PIJAC by email at info@pijac.org, or phone us at 1-800-553- PETS (1-800-553-7387).