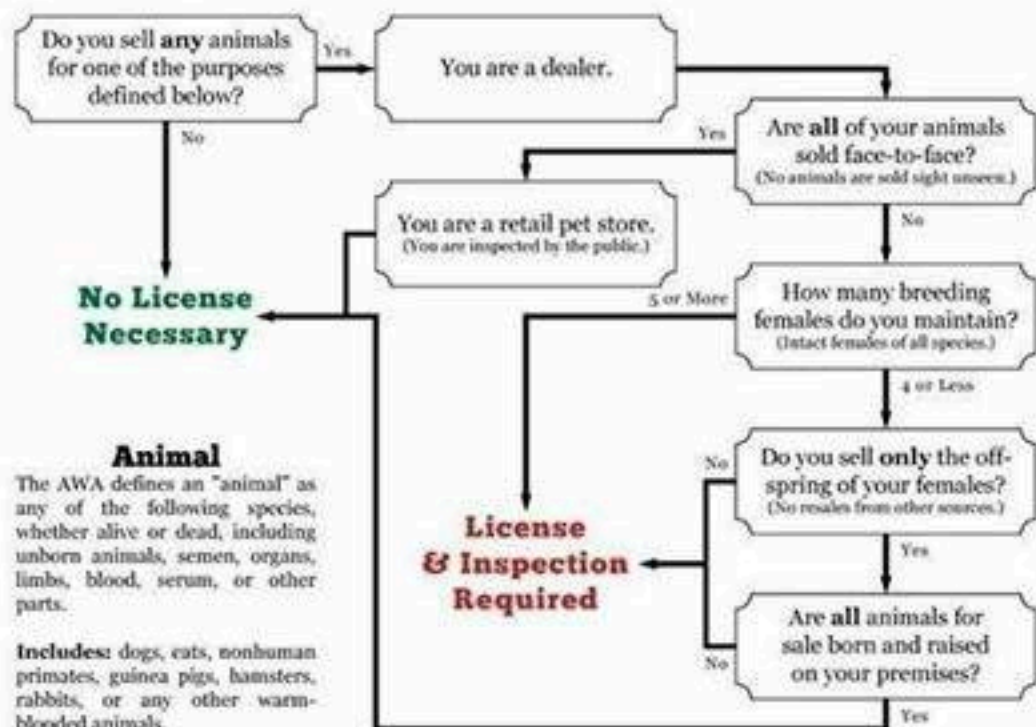


Do you need a USDA license?



Animal

The AWA defines an "animal" as any of the following species, whether alive or dead, including unborn animals, semen, organs, limbs, blood, serum, or other parts.

Includes: dogs, cats, nonhuman primates, guinea pigs, hamsters, rabbits, or any other warm-blooded animals.

Excludes: birds, rats and mice used for research, horses not used for research, and livestock or poultry used for food or fiber.

Breeding Female

A "breeding female" is any intact female animal of any age. Only an APHIS inspector can determine that an intact female is not a breeding female due to health concerns, infertility, age, or other reasons. Until such a decision is made, all intact females qualify.

Maintenance

A breeding female is considered to be "maintained at the premises" if she resides at that premises, even if temporarily. The regulations fail to define what it means to reside at a premises, but it is the author's opinion that at a minimum it includes an overnight stay.

Offspring Born and Raised on Premises

The "offspring" of a breeding female may be exempt sales if "born and raised on premises." This excludes animals that were imported or purchased from another breeder, received as payment for stud services, or born at the home of a co-owner. Only an APHIS inspector can determine that an animal born off site (e.g. at the vet's office) qualifies.

Purpose

All animals marketed and sold for one of the following "purposes" are protected by the AWA. An animal which is sold for multiple purposes is protected if any of its purposes are listed below.

- Research
- Teaching
- Testing
- Experimentation
- Exhibition
- Pet

Dogs sold at wholesale for breeding, hunting, or security are also protected.

Exhibition

Public display of animals at the following venues or events is considered "exhibition."

Includes: animal acts, carnivals, circuses, zoos, and educational exhibits.

Excludes: retail pet stores, horse and dog races, state and county fairs, livestock shows, rodeos, field trials, coursing events, pure-bred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences.

Sale vs Adoption

Any change of ownership with compensation for the animal is considered a "sale." Compensation includes, but is not limited to, sales, adoption fees, and donations. No distinction is made for non-profit organizations or sales.

Dealer

Anyone who sells or negotiates the sale of an animal for one of the intended purposes on the left is a "dealer."

Buyer

The "buyer" of an animal is the person who takes the animal into custody from the seller. The buyer does not need to be the final owner of that animal and may be a proxy, "Carriers" who operate airlines or railroads and "intermediate handlers" who make a business of transporting animals do not qualify.

Face-to-Face or Sight Unseen

A "face-to-face" sale is one which the seller, buyer, and the animal available for sale are physically present at the same location. All other sales, even if photographs or video are provided by the seller, are considered "sight unseen."