

108TH CONGRESS
2D SESSION

S. 2346

To amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2004

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pet Safety and Protec-
5 tion Act of 2004”.

6 **SEC. 2. PROTECTION OF PETS.**

7 (a) RESEARCH FACILITIES.—Section 7 of the Animal
8 Welfare Act (7 U.S.C. 2137) is amended to read as fol-
9 lows:

1 **“SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FA-**
 2 **CILITIES.**

3 “(a) DEFINITION OF PERSON.—In this section, the
 4 term ‘person’ means any individual, partnership, firm,
 5 joint stock company, corporation, association, trust, es-
 6 tate, pound, shelter, or other legal entity.

7 “(b) USE OF DOGS AND CATS.—No research facility
 8 or Federal research facility may use a dog or cat for re-
 9 search or educational purposes if the dog or cat was ob-
 10 tained from a person other than a person described in sub-
 11 section (d).

12 “(c) SELLING, DONATING, OR OFFERING DOGS AND
 13 CATS.—No person, other than a person described in sub-
 14 section (d), may sell, donate, or offer a dog or cat to any
 15 research facility or Federal research facility.

16 “(d) PERMISSIBLE SOURCES.—A person from whom
 17 a research facility or a Federal research facility may ob-
 18 tain a dog or cat for research or educational purposes
 19 under subsection (b), and a person who may sell, donate,
 20 or offer a dog or cat to a research facility or a Federal
 21 research facility under subsection (c), shall be—

22 “(1) a dealer licensed under section 3 that has
 23 bred and raised the dog or cat;

24 “(2) a publicly owned and operated pound or
 25 shelter that—

26 “(A) is registered with the Secretary;

1 “(B) is in compliance with section 28(a)(1)
2 and with the requirements for dealers in sub-
3 sections (b) and (c) of section 28; and

4 “(C) obtained the dog or cat from its legal
5 owner, other than a pound or shelter;

6 “(3) a person that is donating the dog or cat
7 and that—

8 “(A) bred and raised the dog or cat; or

9 “(B) owned the dog or cat for not less
10 than 1 year immediately preceding the dona-
11 tion;

12 “(4) a research facility licensed by the Sec-
13 retary; and

14 “(5) a Federal research facility licensed by the
15 Secretary.

16 “(e) PENALTIES.—

17 “(1) IN GENERAL.—A person that violates this
18 section shall be fined \$1,000 for each violation.

19 “(2) ADDITIONAL PENALTY.—A penalty under
20 this subsection shall be in addition to any other ap-
21 plicable penalty.

22 “(f) NO REQUIRED SALE OR DONATION.—Nothing
23 in this section requires a pound or shelter to sell, donate,
24 or offer a dog or cat to a research facility or Federal re-
25 search facility.”.

1 (b) FEDERAL RESEARCH FACILITIES.—Section 8 of
2 the Animal Welfare Act (7 U.S.C. 2138) is amended—

3 (1) by striking “Sec. 8. No department” and
4 inserting the following:

5 **“SEC. 8. FEDERAL RESEARCH FACILITIES.**

6 “Except as provided in section 7, no department”;

7 (2) by striking “research or experimentation
8 or”; and

9 (3) by striking “such purposes” and inserting
10 “that purpose”.

11 (c) CERTIFICATION.—Section 28(b)(1) of the Animal
12 Welfare Act (7 U.S.C. 2158(b)(1)) is amended by striking
13 “individual or entity” and inserting “research facility or
14 Federal research facility”.

15 **SEC. 3. EFFECTIVE DATE.**

16 The amendments made by section 2 take effect on
17 the date that is 90 days after the date of enactment of
18 this Act.

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