

demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 2143 of this title: *Provided, however*, That a dealer or exhibitor shall not be required to obtain a license as a dealer or exhibitor under this chapter if the size of the business is determined by the Secretary to be de minimis. The Secretary is further authorized to license, as dealers or exhibitors, persons who do not qualify as dealers or exhibitors within the meaning of this chapter upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this chapter and the regulations promulgated by the Secretary hereunder.

(Pub. L. 89-544, §3, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §4, Dec. 24, 1970, 84 Stat. 1561; Pub. L. 113-79, title XII, §12308(a)(2), Feb. 7, 2014, 128 Stat. 990.)

#### Editorial Notes

##### AMENDMENTS

2014—Pub. L. 113-79 substituted “: *Provided, however*, That a dealer or exhibitor shall not be required to obtain a license as a dealer or exhibitor under this chapter if the size of the business is determined by the Secretary to be de minimis.” for “: *Provided, however*, That any retail pet store or other person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells any such dog or cat to a dealer or research facility shall not be required to obtain a license as a dealer or exhibitor under this chapter.”

1970—Pub. L. 91-579 inserted references to exhibitors and retail pet stores.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

#### § 2134. Valid license for dealers and exhibitors required

No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, in commerce, to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation, in commerce, to or from another dealer or exhibitor under this chapter any animals, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

(Pub. L. 89-544, §4, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §5, Dec. 24, 1970, 84 Stat. 1561; Pub. L. 94-279, §5, Apr. 22, 1976, 90 Stat. 418.)

#### Editorial Notes

##### AMENDMENTS

1976—Pub. L. 94-279 substituted “in commerce” for “affecting commerce” in two places.

1970—Pub. L. 91-579 inserted references to exhibitors, offers to sell, and offers to transport, and substituted references to animals for references to dogs and cats.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

#### § 2135. Time period for disposal of dogs or cats by dealers or exhibitors

No dealer or exhibitor shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal or within such other period as may be specified by the Secretary: *Provided*, That operators of auction sales subject to section 2142 of this title shall not be required to comply with the provisions of this section.

(Pub. L. 89-544, §5, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §6, Dec. 24, 1970, 84 Stat. 1561.)

#### Editorial Notes

##### AMENDMENTS

1970—Pub. L. 91-579 inserted references to exhibitors and inserted proviso that operators of auction sales subject to section 2142 of this title shall not be required to comply with the provisions of this section.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

#### § 2136. Registration of research facilities, handlers, carriers and unlicensed exhibitors

Every research facility, every intermediate handler, every carrier, and every exhibitor not licensed under section 2133 of this title shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

(Pub. L. 89-544, §6, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §7, Dec. 24, 1970, 84 Stat. 1561; Pub. L. 94-279, §6, Apr. 22, 1976, 90 Stat. 418.)

#### Editorial Notes

##### AMENDMENTS

1976—Pub. L. 94-279 inserted “, every intermediate handler, every carrier,” after “research facility”.

1970—Pub. L. 91-579 inserted reference to exhibitors not licensed under section 2133 of this title.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

#### § 2137. Purchase of dogs or cats by research facilities prohibited except from authorized operators of auction sales and licensed dealers or exhibitors

It shall be unlawful for any research facility to purchase any dog or cat from any person except an operator of an auction sale subject to section 2142 of this title or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this chapter unless

such person is exempted from obtaining such license under section 2133 of this title.

(Pub. L. 89-544, §7, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §8, Dec. 24, 1970, 84 Stat. 1561.)

#### Editorial Notes

##### AMENDMENTS

1970—Pub. L. 91-579 added licensed exhibitors and operators of auction sales subject to section 2142 of this title to the enumeration of persons from whom research facilities may purchase dogs or cats.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

#### § 2138. Purchase of dogs or cats by United States Government facilities prohibited except from authorized operators of auction sales and licensed dealers or exhibitors

No department, agency, or instrumentality of the United States which uses animals for research or experimentation or exhibition shall purchase or otherwise acquire any dog or cat for such purposes from any person except an operator of an auction sale subject to section 2142 of this title or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this chapter unless such person is exempted from obtaining such license under section 2133 of this title.

(Pub. L. 89-544, §8, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §9, Dec. 24, 1970, 84 Stat. 1562.)

#### Editorial Notes

##### AMENDMENTS

1970—Pub. L. 91-579 inserted reference to instrumentalities of the United States which use animals for exhibition and added operators of auction sales subject to section 2142 of this title and licensed exhibitors to the enumeration of persons from whom United States Government facilities may acquire dogs or cats.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

#### § 2139. Principal-agent relationship established

When construing or enforcing the provisions of this chapter, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 2133 of this title, or an operator of an auction sale subject to section 2142 of this title, or an intermediate handler, or a carrier, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, operator of an auction sale, intermediate handler, or carrier, as well as of such person.

(Pub. L. 89-544, §9, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §10, Dec. 24, 1970, 84 Stat. 1562; Pub. L. 94-279, §7, Apr. 22, 1976, 90 Stat. 418.)

#### Editorial Notes

##### AMENDMENTS

1976—Pub. L. 94-279 inserted “or an intermediate handler, or a carrier,” after “section 2142 of this title,” and substituted “operator of an auction sale, intermediate handler, or carrier, as well as of such person.” for “or an operator of an auction sale as well as of such person.” after “research facility, dealer, exhibitor, licensee,”.

1970—Pub. L. 91-579 inserted references to persons acting for or employed by exhibitors, persons licensed as exhibitors, and operators of auction sales subject to section 2142 of this title.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

#### § 2140. Recordkeeping by dealers, exhibitors, research facilities, intermediate handlers, and carriers

Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. At the request of the Secretary, any regulatory agency of the Federal Government which requires records to be maintained by intermediate handlers and carriers with respect to the transportation, receiving, handling, and delivery of animals on forms prescribed by the agency, shall require there to be included in such forms, and intermediate handlers and carriers shall include in such forms, such information as the Secretary may require for the effective administration of this chapter. Such information shall be retained for such reasonable period of time as the Secretary may prescribe. If regulatory agencies of the Federal Government do not prescribe requirements for any such forms, intermediate handlers and carriers shall make and retain for such reasonable period as the Secretary may prescribe such records with respect to the transportation, receiving, handling, and delivery of animals as the Secretary may prescribe. Such records shall be made available at all reasonable times for inspection and copying by the Secretary.

(Pub. L. 89-544, §10, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §11, Dec. 24, 1970, 84 Stat. 1562; Pub. L. 94-279, §8, Apr. 22, 1976, 90 Stat. 418.)

#### Editorial Notes

##### AMENDMENTS

1976—Pub. L. 94-279 struck out “, upon forms supplied by the Secretary” after “ownership of animals as the Secretary may prescribe” and inserted provisions dealing with the records required to be maintained by intermediate handlers and carriers relating to the transportation, receiving, handling and delivery of animals.

1970—Pub. L. 91-579 extended recordkeeping requirements to include exhibitors and to include animals, as defined, rather than only dogs and cats, except that re-