

UNDERSTANDING USDA DOG BREEDER LICENSING



AMERICAN
KENNEL CLUB®

AKC GOVERNMENT RELATIONS
DOGLAW@AKC.ORG
919-816-3720

Am I Subject to USDA Licensing for Dog Breeders?

The USDA retail pet store rule governs whether many individual dog breeders are subject to USDA licensing. Concerned dog breeders are asking: *What does it mean for me?*

Here is some information on the new regulations:

- If you have more than four “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.
- AKC remains concerned that the term “breeding female”—the foundation for a key part of the regulation—lacks a clear definition. This makes it difficult for breeders to determine whether they would be subject to licensing and regulation. 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 four 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 possession. Photos, videos, or a virtual meeting platform 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 may 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.
- 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 USDA RULE AFFECT ME?**



AM I SUBJECT TO USDA LICENSING FOR DOG BREEDERS?

The USDA Retail Pet Store rule exempts certain dog breeders from USDA licensing and identifies which breeders may be subject to USDA licensing. Answer the questions below to determine whether you meet the most common conditions requiring a USDA license.



Do you breed and sell dogs, cats, hamsters, other small mammals (or any combination of these) as pets?

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.

YES

NO



Do you require all buyers to physically observe the animal before taking possession 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 possession of it. Buyers include certain agents/proxies. Sales may take place at any location agreed upon by the seller and the buyer.

NO

YES



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.

**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.*

YES, YOU MAY NEED TO BE LICENSED BY THE USDA!

For more information, visit <https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare>

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.