

Cat Fanciers' Association -- Rescue Alert

The "Pet Animal Welfare Statute of 2005" (PAWS) Senate Bill 1139/House Bill 2669 - July 2005

Will the PAWS act have a detrimental effect on individuals or organizations who rescue ? YES!

The "Pet Animal Welfare Statute" (PAWS) is a bill to amend the federal Animal Welfare Act (AWA). For almost forty years the AWA has been used by the United States Department of Agriculture (USDA) to regulate commercial activity in pets. Rescue groups have never been mentioned in the AWA.

The AWA currently exempts any person, including rescuers who place/sell pets directly with the public and do not sell animals at wholesale in commerce. PAWS would regulate anyone who places/sells more than 25 animals a year and accepts any "compensation" (such as a donation or adoption fee) for the pets. The PAWS bill *puts rescue activity in jeopardy*. There is NO exemption for those who rescue cats/dogs and the likelihood is uncertain. Shelters are not mentioned in PAWS but would probably be exempted as a "public retail establishment that sells animals" if operating from a building open to the public.



The AWA requires federal licensing and inspection of "dealers", who are defined as anyone who delivers, transports, buys, or sells, or negotiates the purchase or sale of any animal as a pet "...for compensation **OR** profit..." Note the word "or." It is not necessary that a group be profit-making to fall under the statutory definition of a dealer. Nonprofits groups and individuals will be dealers if they accept any compensation for the adoptions, even though they make no profit. The plain language of the law states that rescue groups will be deemed dealers, even if they are nonprofit corporations, if they accept any "compensation" in the exchange for the pet.



Experience has shown that people value pets more when a modest adoption fee (often called a donation) is charged. Rescue groups rely on adoption fees to partially offset expenses and care for the pets they place. PAWS would put nonprofit rescue groups in a dilemma: give away the pets "free to a good home" or endure federal regulation.



As a result of PAWS rescue groups would be regulated if they sell or place (other than "free to a good home") more than 25 pets per year. Rescue groups may be held to the standard of commercial animal facilities or have to cut back on rescue to stay under the threshold



The AWA and its regulations assume inspection of large, commercial activities. For example, USDA regulations describe separate caging in sterile environments, and all but prohibit carpet and furniture in areas occupied by the cats and dogs! The AWA is unsuited to foster care and rescue situations, where the pets are often kept in a home. Home based rescue and foster care may also face zoning and other local restrictions when they become a federally regulated activity.

There is no provision anywhere in the PAWS bill to exempts rescue, foster care, or nonprofit groups who accept adoption fees or other compensation in exchange for pets.

Contact both your U.S. Senators and your Congressmen to let them know you oppose the PAWS bill as it is written. See the CFA Website (www.cfa.org) for contact information, Legislative Alerts and Action Updates. Your help is critical.