Licensing Rule (APHIS-2017-0062)

Last Modified:

This page provides a general overview of the licensing rule that was published in the Federal Register on May 13, 2020. The rule takes effect on November 9, 2020. These changes aim to promote compliance, reduce licensing administrative burdens, and strengthen safeguards to ensure humane care for animals covered under the Animal Welfare Act (AWA).

Inspection and Licensing Information

Implementation Timeline

By 2023, all AWA licensees will receive a 3-year license, which will cost a flat processing fee of $120. Licensees will need to demonstrate compliance during an announced inspection before receiving a new, 3-year license.

APHIS will phase in the transition of licensees from 1-year to 3-year terms. Approximately 1/3 of current licensees will be transitioned each year, beginning in 2021. This phased approach will help AC and licensees successfully transition to the new process without overwhelming the licensed community or inspectors.

Officials with APHIS' Animal Care (AC) program will contact each licensee in August 2020, with information regarding their re-licensing timeframe, as well as copies of

the new “Animal Welfare Act and Regulations” book.

The transition date will be the license expiration date. To ensure fairness, AC has randomly assigned licensees to go through the new process in either years 1, 2, or 3. AC will continue to issue 1-year licenses—for a $40 processing fee—until they are all converted to 3-year licenses.

- Licensees in the year 1 group will switch to 3-year licenses on their renewal date beginning October 1, 2021.
- Licensees in the year 2 group will renew their licenses as usual the first year and pay their $40 processing fee, transitioning to 3-year licenses beginning October 1, 2022.
- Licensees in the year 3 group will renew their licenses as usual the first 2 years, paying $40 renewal fees each of those years. Year 3 licensees will transition to 3-year licenses beginning October 1, 2023.

Summary of Licensing Changes

Licensing Process

Applicants for 3-year licenses must submit applications and license fees ($120) at least 90 days before the expiration date of their current licenses. Under the new rule, new applicants also will need to provide additional information as part of their application package, as well as the $120 license fee. Under Section §2.1, applicants will need to include the total number of animals they expect to hold or use during the licensing period and indicate whether any overnight travel is part of their activities. Applicants will also be required to provide information about any violations or animal cruelty charges filed against them under local, State, or Federal law. In addition, any person who has been or is an officer, agent, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the activity upon which the suspension or revocation was based will not be licensed within the period during which the order of suspension or revocation is in effect.

Once the first pre-licensing inspection is scheduled, the applicant has up to three attempts to pass the inspection by demonstrating full compliance with the AWA. Pre-licensing inspections must be completed within 60 days of the first inspection. If the applicant does not pass the pre-licensing inspections or time runs out, the

applicant forfeits the license fee and must wait at least 6 months to submit a new application.

Current and new licensees can appeal the 3rd pre-license inspection to the AC Deputy Administrator if they do not pass. If the appeal is denied, it can be submitted for legal review provided that the applicant held a valid license when he or she submitted the license application, and, provided that the Animal Care Deputy Administrator received the license application 90 days prior to the expiration of the valid license. Appeals for current licensees will be expedited for review. Licensees can continue to participate in regulated activities until the Deputy Administrator issues a decision on the appeal. New applicants cannot conduct any regulated activity until they have a valid license.

When is a new license needed?

A new license is needed whenever:

- Your 3-year license expires
- You change the total number of animals you hold, which elevates the total number of animals to a new category (categories are set up in 50-animal increments)
- You change ownership, location, or type of activity
- You want to acquire an animal type from the list below that you have never had before:
    - Wild/exotic big cats (lions, tigers, leopards, jaguars, cheetah, hybrids, etc.)
    - Wild/exotic canids (wolves, hyena, etc.)
    - Bears
    - Megaherbivores (elephants, rhino, hippopotamus, giraffe, etc.)
    - Group 5 & 6 nonhuman primates (gorilla, chimps, orangutan, etc.)

Any change to a license must be submitted to AC 90 days prior to the change taking place.

Other

Lists of licensees and registrants will no longer be published in the Federal Register. These lists will now be maintained on the USDA AC website.

Related Links

Licensing Changes Under the 2020 Licensing Rule [Tech Note] (1022.08 KB)

Animal Welfare Act and Regulations [The “Blue Book”] (3.67 MB)

Licensing Rule: Veterinary Care for Dogs

Licensing Rule: Watering Standards

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