Subject: Use of Leased Animals by Licensees Policy #4

References: AWA Sections 12, 13

9 CFR, Part 2, Section 2.6

History: This replaces the March 6, 1992 memo entitled "Use of Leased or Rented

Animals by Licensees."

Justification: When leased animals are used by another licensee, the responsible party or

parties need(s) to be consistently identified in the event of alleged Animal Welfare Act (AWA) violations involving those animals. This policy serves to

clarify this issue.

Policy: Animals are subject to AWA jurisdiction when they are used in regulated activities. Animals that are leased are still regulated, even if they are not in the

activities. Animals that are leased are still regulated, even if they are not in the

custody of their owners.

Both lessee and lessor must be licensed, as indicated in 9 CFR, Section 2.6, which describes that lessee and lessor shall both pay a fee as dealer, or lessee and lessor shall both include the animals held when calculating the required

fees as an exhibitor.

Exhibitors and dealers must keep records which identify animals they own,

hold for others, or keep in their possession or under their control.

The Regional Director is authorized to grant an exemption from licensing when issuing a license would not effectuate the purposes of the Animal Welfare Act, e.g., one-time use of a non-performing animal for the purpose of making an

advertisement.

AC 4.1