



# Animal Care Tech Note

## Licensing Changes Under the 2020 Licensing Rule

In 2020, the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) published the Licensing Rule, changing the license application process and terms of licenses for dealers, exhibitors, and auction sale operators under the Animal Welfare Act (AWA). As a current licensee, you need to know how these changes impact you. Below is a summary of the changes.

### Transitioning From 1- to 3-Year Licenses

The most significant change for current licensees is the shift from 1- to 3-year licenses. Before obtaining a 3-year license, you must demonstrate AWA compliance during an announced inspection. Once you have a 3-year license, you must repeat the licensing process every 3 years before your license expires.

To transition existing licensees to a 3-year license, APHIS randomly generated licensing cohorts. Each cohort will go through the 3-year licensing process as follows:

- Cohort 1: October 1, 2021–September 30, 2022
- Cohort 2: October 1, 2022–September 30, 2023
- Cohort 3: October 1, 2023–September 30, 2024

Until you complete the 3-year licensing process, you should continue to renew your 1-year license for \$40 annually using the previous renewal system. However, if your operation changes ownership, location, or type of activity or if your license expires because you fail to renew it, you must apply for a 3-year license as a new applicant, regardless of your cohort's transition dates.



### The Licensing Process

The licensing process is now the same for current licensees transitioning from a 1- to 3-year license, licensees that already have 3-year licenses, and new applicants.

1. APHIS Animal Care will prompt current licensees to submit a new 3-year license application with a \$120 application fee before your license expires. New applicants and current licensees who are changing licenses (see "Conditions That Require a New License Application" on the next page) must contact APHIS Animal Care to start the application process.
2. After we receive your application, we will assign an inspector to initiate the licensing process.
3. The inspector will contact you to confirm that a license is still required, verify the type of license needed, and schedule a prelicense phone call. We will process your license application fee at this time.
4. During the prelicense phone call, the inspector will ask questions about your facility, including previous inspection reports; review relevant regulations; and go over what to expect and how to prepare for the in-person prelicense inspection. At the end of the call, if you're ready, the inspector will schedule your first licensing inspection. If you need time to make improvements or changes, you should contact the inspector when you're ready to schedule the inspection. Existing licensees must correct all non-compliant items identified during previous inspections, regardless of previously established correction deadlines, before you schedule an inspection.

- At the scheduled time, the inspector will inspect your facility. If you do not demonstrate 100-percent compliance during the first inspection, you may schedule up to 2 additional inspections within 60 days.

If you are unable to demonstrate 100-percent compliance within 3 prelicense inspections and in 60 days, APHIS will cancel your application, and you must wait a minimum of 6 months before applying again. For information on how to appeal a third prelicense inspection report, go to [aphis.usda.gov](http://aphis.usda.gov) and search “inspection report appeals process.”

## Changes to the License Application

As a current licensee, you will notice some changes to the license application. Specifically, you must now provide the following additional information:

- Total number and types of animals expected to be held or used at any one time during the licensing period, including whether overnight travel is part of the expected activities
- Information about violations or animal cruelty charges filed against the applicant under local, State, or Federal law

## Application Denials

Under the 2020 Licensing Rule, APHIS can deny a license application when an applicant:

- was substantially involved in activities for which an individual or business has had its license suspended or revoked,
- has pled guilty or no contest to animal cruelty charges in the last 3 years or longer,
- has made false or fraudulent statements to APHIS or other government agencies, or
- APHIS' Administrator otherwise determines the applicant unfit to hold a license.



Anyone denied a license can request a hearing to demonstrate why the denial should be reversed. The denial will stand until the final decision is rendered. If the denial is upheld, you must wait 1 year before applying for a new license, unless otherwise ordered in the denial.

## Conditions That Require a New License Application

The 3-year license authorizes you to keep up to a maximum number (in increments of 50) of animals at your facility. It also allows you to keep certain categories of animals. During your prelicense inspection, the inspector will evaluate you and your facility's overall ability to safely house and care for both the number and types of animals you wish to be licensed for. Three-year licensees must apply for a new license when:

- you increase the total number of animals on hand at any time above the authorized number for your license.
- you acquire animal(s) in the following categories for which you were not previously authorized:
  - wild/exotic big cats and any hybrids thereof (lions, tigers, leopards, jaguars, cheetah, cougars, lynx, servals, bobcats, caracals)
  - wild/exotic canids and any hybrids thereof (wolves, coyotes, foxes, jackals, hyenas)
  - bears
  - megaherbivores (elephants, rhinoceros, hippopotamuses, giraffes)
  - group 5 and 6 nonhuman primates (baboons, chimpanzees, gorillas, orangutans, etc.)

Additionally, as with 1-year licenses, if your operation changes ownership or type of activity, you must apply for a new license. A location change may or may not require a new license. Contact your APHIS Animal Care inspector or email us at [animalcare@usda.gov](mailto:animalcare@usda.gov) to find out when a location change requires a new license.

## For More Information

To learn more about the Licensing Rule, go to [aphis.usda.gov](http://aphis.usda.gov) and search for “2020 Licensing Rule.” To download a license application or apply online, go to [aphis.usda.gov](http://aphis.usda.gov) and search for “apply for a license or registration.”

You may also contact your APHIS Animal Care inspector, call us at (970) 494-7478, or email us at [animalcare@usda.gov](mailto:animalcare@usda.gov).