



ARBA Legislative Update

Check Your Town Zoning Laws

Rabbits occupy an interesting space in the pet/livestock world in that they are "multi-use" animals. They are one of the only, if not THE only, pet that we also use as food. This cross-over plays havoc with town zoning laws, and depending upon the town, and the way its laws are written, this can impact your rabbit ownership.

For instance, one North Haven, CT pet owner recently found themselves being asked to remove their rabbit from their property because rabbits are zoned livestock, and to own livestock there, you must have a minimum of 2 acres. ([Link to an article](#))

Check with your town/city's zoning board on how they view rabbits. If rabbits are not zoned properly--for instance, as only pets-- then you do have several options. One is to ask for a zoning variance, which means that you're allowed certain exemptions from the standing laws. Another is to ask to the zoning board to revisit the laws, and possibly submit a change which correctly reflects the various uses rabbits may have. Finally, conform to whatever laws are in place.

Whatever you decide to do, your Legislative Committee is more than happy to work with you and your town.

What is going on with this USDA thing? What's the bottom line?

In May 2012, the USDA proposed three changes to the Pet Retail Regulation of the Animal Welfare Act:

1. Internet sales will be included in the \$500 threshold
2. Dogs and cats (and other animals requiring a permit to own) will need a license if breeding more than 4 females
3. All entities selling pets will now be classified as Pet Retail

These changes, while only minutely affecting rabbit breeders, have brought to the attention of most breeders a long standing law: the need for a license if your sell more than \$500 worth of animals.

The reason this law has not impacted our industry over the last 42 years is the existence of an exemption for direct sales. Any sale made out of the animal's place of origin or out of the place of business is exempt from the \$500. The definition of "direct sale" is any sale completed "face-to-face" between the seller and the buyer. The location--your rabbitry, a McDonalds' parking lot, or a rabbit show room--is not important. The USDA has upheld this by stating the most important factor of a direct sale is whether the buyer has the right to refuse the sale once they see the animal and its condition. If that right does not exist in the sale, then in their minds, the sale is not exempt.

If you hand the animal to a 3rd party to deliver the animal is an extremely grey area. We've heard second hand that the USDA told some individuals it was not exempt. On a call between ARBA Executive Direct, the Legislative Committee Chair and the USDA, we were told very explicitly that animals being delivered to a show or another breeder are exempt. The reason being is that oversight of the sale exists through the breeding and showing community. However, and very explicitly, any animal knowingly sold to a pet home and is shipped there via 3rd party (flight or use of pet transport) is not exempt.

Does this even affect show rabbits?

Herein lies the catalyst for the various understandings.

To confuse things more, there exists a question over what is a pet. Rabbits, unlike many other animals, are fairly fluid in their definition. A single animal may start as show, become a pet, work in wool production and ultimately end up as food. There are multiple extant legal opinions on this classification, but most hold that during the show and breeding career, rabbits are pets. The USDA largely agrees with this statement, as is precedence over the first 42 years of this regulation.

Unfortunately, there really is no "bottom line" to any piece of legislation. Example: You can not kill, well, unless

you're insane (for a moment or permanently), the defendant attacked you or your family, or any number of other situations.

The closest we can come to an answer is: If you do not sell more than \$500 worth of pet stock, via wholesale, then you will not need a pet retail license.

If you have any questions, do feel free to reply to this email.

[Summary of Proposed Regulation Change](#)

[Frequently Asked Questions](#)

[Federal Comment Portal](#)

How to Report Your Legislative Concerns

Please report any legislative concerns you may have to either your District Director or Karen Horn, kjhorn@gmail.com. We're a small team and need your help to follow any upcoming legislation.

Can I Be Included in the Legislative Update?

Absolutely--ARBA Members and nonmembers may submit pieces for consideration. Please ensure the piece is finalized upon submission.

Animal Related Legislative Snippets From Around the US

Iowa

Sen. Steve King (Rep) is opposing federal level animal fighting laws stating state laws are strong enough, no further federal oversight is needed.

Massachusetts

New Animal Control law just took affect removing breed specific regulations on "vicious dogs", strengthening laws around their cat and dog "spay and neuter" program; and improves training for animal control officers. ([The Official Text to S.2192](#))

New York

New York State Veterinary Medicine Society is proposing a state level law which will ensure further oversight of the various non-profit animal shelters which have popped up throughout the state.

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