

search or experimentation or exhibition shall purchase or otherwise acquire any dog or cat for such purposes from any person except an operator of an auction sale subject to section 2142 of this title or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this chapter unless such person is exempted from obtaining such license under section 2133 of this title.

(Pub. L. 89-544, § 8, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, § 9, Dec. 24, 1970, 84 Stat. 1562.)

#### AMENDMENTS

1970—Pub. L. 91-579 inserted reference to instrumentalities of the United States which use animals for exhibition and added operators of auction sales subject to section 2142 of this title and licensed exhibitors to the enumeration of persons from whom United States Government facilities may acquire dogs or cats.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

### § 2139. Principal-agent relationship established

When construing or enforcing the provisions of this chapter, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 2133 of this title, or an operator of an auction sale subject to section 2142 of this title, or an intermediate handler, or a carrier, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, operator of an auction sale, intermediate handler, or carrier, as well as of such person.

(Pub. L. 89-544, § 9, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, § 10, Dec. 24, 1970, 84 Stat. 1562; Pub. L. 94-279, § 7, Apr. 22, 1976, 90 Stat. 418.)

#### AMENDMENTS

1976—Pub. L. 94-279 inserted “or an intermediate handler, or a carrier,” after “section 2142 of this title,” and substituted “operator of an auction sale, intermediate handler, or carrier, as well as of such person.” for “or an operator of an auction sale as well as of such person.” after “research facility, dealer, exhibitor, licensee.”

1970—Pub. L. 91-579 inserted references to persons acting for or employed by exhibitors, persons licensed as exhibitors, and operators of auction sales subject to section 2142 of this title.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

### § 2140. Recordkeeping by dealers, exhibitors, research facilities, intermediate handlers, and carriers

Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe. Research facilities shall make and retain such records only with re-

spect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. At the request of the Secretary, any regulatory agency of the Federal Government which requires records to be maintained by intermediate handlers and carriers with respect to the transportation, receiving, handling, and delivery of animals on forms prescribed by the agency, shall require there to be included in such forms, and intermediate handlers and carriers shall include in such forms, such information as the Secretary may require for the effective administration of this chapter. Such information shall be retained for such reasonable period of time as the Secretary may prescribe. If regulatory agencies of the Federal Government do not prescribe requirements for any such forms, intermediate handlers and carriers shall make and retain for such reasonable period as the Secretary may prescribe such records with respect to the transportation, receiving, handling, and delivery of animals as the Secretary may prescribe. Such records shall be made available at all reasonable times for inspection and copying by the Secretary.

(Pub. L. 89-544, § 10, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, § 11, Dec. 24, 1970, 84 Stat. 1562; Pub. L. 94-279, § 8, Apr. 22, 1976, 90 Stat. 418.)

#### AMENDMENTS

1976—Pub. L. 94-279 struck out “, upon forms supplied by the Secretary” after “ownership of animals as the Secretary may prescribe” and inserted provisions dealing with the records required to be maintained by intermediate handlers and carriers relating to the transportation, receiving, handling and delivery of animals.

1970—Pub. L. 91-579 extended recordkeeping requirements to include exhibitors and to include animals, as defined, rather than only dogs and cats, except that research facilities shall continue to keep required records only for live dogs and cats.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2143, 2146, 2154 of this title.

### § 2141. Marking and identification of animals

All animals delivered for transportation, transported, purchased, or sold, in commerce, by a dealer or exhibitor shall be marked or identified at such time and in such humane manner as the Secretary may prescribe: *Provided*, That only live dogs and cats need be so marked or identified by a research facility.

(Pub. L. 89-544, § 11, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, § 12, Dec. 24, 1970, 84 Stat. 1562; Pub. L. 94-279, § 5, Apr. 22, 1976, 90 Stat. 418.)

#### AMENDMENTS

1976—Pub. L. 94-279 substituted “in commerce” for “affecting commerce”.

1970—Pub. L. 91-579 applied marking and identification requirements to dealers and exhibitors for animals, as defined, instead of only to dogs and cats when movements are affecting commerce, but limited such requirements for research facilities to only live dogs and cats.