



Amendment #84
(Revised)

**AMENDMENT TO H.R. 2419, AS REPORTED
OFFERED BY MR. ISRAEL OF NEW YORK**

At the end of title XI add the following new sections:

1 **SEC. ____ . PROHIBITION ON USE OF LIVE ANIMALS FOR**
2 **MARKETING MEDICAL DEVICES; FINES**
3 **UNDER THE ANIMAL WELFARE ACT.**

4 (a) PROHIBITION ON USE OF ANIMALS FOR MAR-
5 KETING OF MEDICAL DEVICES.—The Animal Welfare Act
6 (7 U.S.C. 2131 et seq.) is amended by inserting after sec-
7 tion 17 the following new section:

8 “PROHIBITION ON USE OF LIVE ANIMALS FOR
9 MARKETING MEDICAL DEVICES

10 “SEC. 18. (a) IN GENERAL.—No person may use a
11 live animal to—

12 “(1) demonstrate a medical device or product to a
13 sales representative for the purpose of marketing such
14 medical device or product;

15 “(2) train a sales representative to use a medical de-
16 vice or product;

17 “(3) demonstrate a medical device or product in a
18 workshop or training session for the purpose of marketing
19 a medical device or product; or

1 “(4) create a multimedia recording (including a video
2 recording) for the purpose of marketing a medical device
3 or product.

4 “(b) EXCEPTION.—Subsection (a) shall not apply to
5 the training of medical personnel for a purpose other than
6 marketing a medical device or product.

7 “(c) DEVICE DEFINED.—In this section, the term
8 ‘device’ has the meaning given the term in section 201(h)
9 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
10 321(h)).”.

11 (b) FINES FOR VIOLATIONS OF THE ANIMAL WEL-
12 FARE ACT.—Section 19(b) of the Animal Welfare Act (7
13 U.S.C. 2149(b)) is amended—

14 (1) in the first sentence by striking “not more
15 than \$2,500 for each such violation” and inserting
16 “not more than \$10,000 for each such violation”;
17 and

18 (2) by striking the second sentence and insert-
19 ing the following: “Each violation, each day during
20 which a violation continues, and, in the case of a vio-
21 lation with respect to animals, each animal that is
22 the subject of such a violation shall be a separate of-
23 fense.”.

24 (c) REPORTS ON ACTIVITIES UNDER THE ANIMAL
25 WELFARE ACT.—The Animal Welfare Act (7 U.S.C. 2131

1 (b) RESEARCH FACILITIES.—Section 7 of the Animal
2 Welfare Act (7 U.S.C. 2137) is amended to read as fol-
3 lows:

4 **“SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FA-
5 CILITIES.**

6 “(a) DEFINITION OF PERSON.—In this section, the
7 term ‘person’ means any individual, partnership, firm,
8 joint stock company, corporation, association, trust, es-
9 tate, pound, shelter, or other legal entity.

10 “(b) USE OF DOGS AND CATS.—No research facility
11 or Federal research facility may use a dog or cat for re-
12 search or educational purposes if the dog or cat was ob-
13 tained from a person other than a person described in sub-
14 section (d).

15 “(c) SELLING, DONATING, OR OFFERING DOGS AND
16 CATS.—No person, other than a person described in sub-
17 section (d), may sell, donate, or offer a dog or cat to any
18 research facility or Federal research facility.

19 “(d) PERMISSIBLE SOURCES.—A person from whom
20 a research facility or a Federal research facility may ob-
21 tain a dog or cat for research or educational purposes
22 under subsection (b), and a person who may sell, donate,
23 or offer a dog or cat to a research facility or a Federal
24 research facility under subsection (c), shall be—

1 “(1) a dealer licensed under section 3 that has
2 bred and raised the dog or cat;

3 “(2) a publicly owned and operated pound or
4 shelter that—

5 “(A) is registered with the Secretary;

6 “(B) is in compliance with section 28(a)(1)
7 and with the requirements for dealers in sub-
8 sections (b) and (c) of section 28; and

9 “(C) obtained the dog or cat from its legal
10 owner, other than a pound or shelter;

11 “(3) a person that is donating the dog or cat
12 and that—

13 “(A) bred and raised the dog or cat; or

14 “(B) owned the dog or cat for not less
15 than 1 year immediately preceding the dona-
16 tion;

17 “(4) a research facility licensed by the Sec-
18 retary; and

19 “(5) a Federal research facility licensed by the
20 Secretary.

21 “(e) PENALTIES.—

22 “(1) IN GENERAL.—A person that violates this
23 section shall be fined \$1,000 for each violation.

1 “(2) **ADDITIONAL PENALTY.**—A penalty under
2 this subsection shall be in addition to any other ap-
3 plicable penalty.

4 “(f) **NO REQUIRED SALE OR DONATION.**—Nothing
5 in this section requires a pound or shelter to sell, donate,
6 or offer a dog or cat to a research facility or Federal re-
7 search facility.”.

8 (c) **FEDERAL RESEARCH FACILITIES.**—Section 8 of
9 the Animal Welfare Act (7 U.S.C. 2138) is amended—
10 (1) by striking “Sec. 8. No department” and
11 inserting the following:

12 **“SEC. 8. FEDERAL RESEARCH FACILITIES.**

13 “Except as provided in section 7, no department”;

14 (2) by striking “research or experimentation
15 or”; and

16 (3) by striking “such purposes” and inserting
17 “that purpose”.

18 (d) **CERTIFICATION.**—Section 28(b)(1) of the Animal
19 Welfare Act (7 U.S.C. 2158(b)(1)) is amended by striking
20 “individual or entity” and inserting “research facility or
21 Federal research facility”.

22 (e) **EFFECTIVE DATE.**—The amendments made by
23 subsections (b), (c), and (d) take effect on the date that
24 is 90 days after the date of the enactment of this Act.