



MIKE DRISCOLL  
county attorney

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Opinion Committee - Opinion Committee

April 30, 1993

MBJ

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CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED

Honorable Dan Morales  
Attorney General of Texas  
Supreme Court of Texas  
P. O. Box 12548  
Austin, Texas 78711-2548

FILE #

~~MB 20159 93~~  
RQ-00534-DM

I.D.#

20137

**RQ-534**

Re: Whether a county-owned animal pound or shelter can sell animals to a private or public research facility without a 5-day hold over period; and if not, what does the 5-day hold over period encompass?  
C. A. File 43,213

Ladies and Gentlemen:

Dr. Dawn Blackmar, D.V.M, Chief Veterinarian for Harris County Rabies/Animal Control, requests your advice and asks, in substance, the following:

1. Does 22 U.S.C. § 2158(1) (1993) require that a county owned pound or shelter hold all dogs and cats for five days, regardless of whether they are sold to dealers?
2. Does the five-day holding period requirement apply to all animals acquired by the facility, or just those animals which are sold to dealers?
3. How much time is actually involved in the five-day holding period under 7 U.S.C. § 2158(a)?
4. Who is a dealer under 7 U.S.C. § 2158(1)?
  - a. Is a county-owned shelter that sells animals to research facilities a "dealer?"

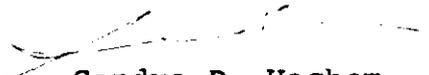
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- b. Is a public research facility that only uses animals for research purposes a "dealer?"
- c. Is a private research facility that uses animals for research purposes a "dealer?"

Our Memorandum Brief is enclosed. If we can provide you with additional information, please do not hesitate to contact us.

Sincerely,

MIKE DRISCOLL  
COUNTY ATTORNEY



Sandra D. Hachem