H.R. 2850

“Humane Retirement Act”

“To amend the Public Health Service Act to ensure that healthy research dogs and cats are adopted into suitable homes.”

INTRODUCTION

- Introduced in the House as H.R. 2850 on 05/20/2019 by Rep. Kathleen Rice (D-NY) and currently has 15 cosponsors, of which 13 are Democrats and 2 are Republicans. Full cosponsor list can be viewed here: https://www.congress.gov/bill/116th-congress/house-bill/2850/cosponsors?q=%7B%22search%22%3A%5B%22h.r.+2850%22%5D%7D&r=1&s=1.
- Referred to the House Committee on Energy and Commerce on 05/20/2019.
- No Senate companion bill has been filed.
- Likely inspired by the success of adoption bills at the state level but has not had the momentum of the AFTER Act.

BILL SUMMARY

- Humane Retirement Act would amend Section 495 of the Public Health Service Act (42 U.S.C. 289d) to include a section about adoption. The section reads as follows:
  “Establishment Of Adoption Policy For Public Health Service Agencies With Respect To Retired Dogs And Cats.— Beginning one year after the date of the enactment of this subsection, guidelines of the Secretary under subsection (a)(3) shall require animal care committees described in such subsection that conduct biomedical and behavioral research at Public Health Service funded Federal agencies to, after the completion of any testing or research involving a dog or cat and prior to euthanizing such dog or cat, make a reasonable effort to offer such dog or cat for adoption, if suitable.”
- The animal care committee shall, “after the completion of such testing or research involving a dog or cat and prior to euthanizing such dog or cat, assess the health and temperament of the dog or cat and determine whether it is suitable for adoption.”
- The attending veterinarian is not named or included in this process explicitly, unless the AV is a member of the IACUC.
- The Humane Retirement Act does not prohibit an intuition, “from euthanizing a dog or cat if the requirements of this subsection are otherwise met.”
- The bill does have a section on civil liability which states, “An animal care committee described in paragraph (1) and any officer, director, employee, or agent of such committee are immune
from civil liability for any act or omission relating to the adoption of a dog or cat pursuant to this subsection.”

- The bill defines the term “adopting party” as, “an individual adopting a dog or cat through private placement,” “an animal rescue organization,” “an animal shelter organization,” “a society for the prevention of cruelty to animals,” “a humane society,” or “an animal protective association that operates physical animal sheltering facilities and offers households pets to the public for adoption by way of an established adoption program.” Beyond this section, there is no further definition of what these parties mean.

IMPLICATIONS

- This bill would apply only to PHS-covered cats and dogs.
- When compared to mandatory adoption bills at the state level, the Humane Retirement Act is less prescriptive in the methods of adoption, however, taking the process from the attending veterinarian and placing the responsibility in the hands of the IACUC may be problematic.
- The Humane Retirement Act does allow for individual adoption. The Humane Retirement Act also includes civil liability protections.
- Ultimately, the Humane Retirement Act, like the AFTER Act, is superfluous and unnecessary. It proscribes what the vast majority of PHS-funded institutions already do. However, it is concerning that the responsibility for determining suitability for adoption and engaging in the adoption process rests with an institution’s IACUC, a committee not designed for such a process.
- The Humane Retirement Act is unlikely to move forward in Congress. It has no current Senate companion and the more sweeping species coverage of the AFTER Act seems to be drawing more support from various animal rights groups.