Homing Companion Animals from Laboratories in the United States
An overview of state and federal laws and legislation

Approximately 60,000 dogs, 18,000 cats and 140,000 rabbits are used in experiments in the US every year. While many of these animals die during the experiment or are deliberately killed so that their tissues can be examined as part of the protocol, some do survive and could be homed. Additionally, some animals are held in institutions for breeding, and some may be born and never used at all and eventually considered “surplus” to the laboratory. Both survivors and surplus animals may be killed and discarded if they are considered no longer useful to the laboratory, even if they could be released for adoption into loving homes.

Studies show that animals formerly used in laboratories often thrive when adopted into homes, and the benefit of releasing animals to homes does not lie solely with the animal being homed. People who have taken in animals released by laboratories all speak of the joy and sense of satisfaction that giving a loving home to these often damaged and sensitive animals brings. A recent survey revealed that 92% of those who adopted a dog from a laboratory said they would do it again.

Shelters and rescue organizations across the United States place thousands of dogs, cats and rabbits into good homes each year. Many are eager to do the same for laboratory survivors, and animal-lovers all over the US are eager to adopt them. However, the extent to which US laboratories that use companion animals home survivors and other “surplus” animals is unknown, and most states do not have mechanisms in the law to track this information and it is not collected by the USDA or any other federal authority. While thirteen states have passed laws relevant to post-research placement of dogs and cats from some types of research institutions, information on law compliance and the number of animals released for adoption in these states is lacking.

Cruelty Free International is concerned that few institutions routinely home animals they no longer consider needed. Homing appears to be largely ad hoc and may be highly dependent upon the initiative of individual staff members rather than a regular or required protocol. Institutions that do not have adoption policies that actively encourage homing and do not allocate resources to processing adoptable animals themselves or build partnerships with third parties to assist in the process, are probably less likely to regularly home laboratory survivors.
Federal Legislation

Currently, the two primary regulatory instruments governing animals used in research, the Public Health Services Policy (PHS Policy) and the Animal Welfare Act are silent on the issue of private adoption of animals no longer desired for use in research. The 9 CFR recordkeeping regulations and official policies offer institutions the option of developing and implementing an adoption policy. The Office of Laboratory Animal Welfare (OLAW) and the American College of Laboratory Animal Medicine are supportive of the adoption of animals formerly used in research.

“The American College of Laboratory Animal Medicine (ACLAM) fully supports the concept of adoption of healthy, post-study research animals into long-term caring private homes or farms that can provide appropriate and humane living conditions for these animals as pets. The development of an institutionally-formulated and – administered adoption policy is strongly encouraged. Adoption of research animals is valued by the public, laboratory animal professionals, and the entire research community.”

In 2013, the CHIMP Act was passed and allowed for the retirement of hundreds of primates that were formerly being used in National Institute of Health (NIH) experiments. In addition, the Departments of Defense, Veterans Affairs, and NIH recently enacted animal retirement policies for animals used in those federal laboratories. However, there are still many federal agencies, including the Departments of Agriculture, Interior, Commerce, NASA, and the Environmental Protection Agency that lack formal policies for animals who have been used in experiments. In the past few years, legislation aimed at increasing homing of animals used in either federally owned laboratories (intramural research) or non-government laboratories that receive federal funding (extramural research) has been introduced. Notably:


“Humane Retirement Act of 2019” was a bill that sought to amend the Public Health Services Act and applied to dogs and cats and solely to the laboratories of 3 federal agencies under the Department of Health and Human Services - CDC, FDA, and NIH (intramural).

“Companion Animal Release from Experiments (CARE) Act” H.R.5726 applies to the hundreds of non-federally owned laboratories that receive federal funding for research (extramural). The CARE Act applies to animals most kept as companion animals— dogs, cats, and rabbits. The bill also requires facilities to maintain records of the animals used for research and to make those numbers and their adoption available on their websites. The CARE Act is the bill that most closely mirrors the state-level bills that have been passed in 13 states.
State Laboratory Adoption Laws


The existing state laws are broadly similar. All apply solely to dogs and cats. Most apply to facilities that receive public funds such as institutes of higher education, although some also include product testing facilities and, in a few instances, all testing and research facilities in the state are included. All stipulate that the animals can be placed privately through the facilities’ own program or offer animals to shelters and rescue organizations (definitions differ). Most include language stipulating the animals must be healthy and suitable for adoption, and about half include language providing research facilities with immunity from civil liability following the adoption of such animals.

States with noteworthy additional stipulations include.

Nevada: limits the length of time a dog or cat can be used in research to two years.

Illinois: requires that the research facility post its adoption policy on its website.

Virginia: requires research facilities that develop their own adoption program to maintain the same records on animal acquisition and placement that records that animal shelters must keep, and requires that facilities offer animals for a “reasonable length of time, up to three weeks,” before killing the animal.

Oregon: requires research facilities to submit an annual report to the Secretary of State that includes information on the number of dogs and cats owned and used by the research facility, the number released to animal shelters for adoption as well as the names and addresses of those shelters.

The inclusion of requirements such as the website posting of adoption policies included in the Illinois law and the record keeping requirements in the Virginia and Oregon laws could serve to increase public transparency and laboratory accountability that may aid in measuring the laws’ impact. Similar elements were also included 2021 legislation in Michigan and a bill in New York that seeks to strengthen the existing law. Specifically, Michigan bill HB 4881 also known as “Teddy’s Law”, in addition to requiring dealers and research facilities that receive state or local funding to offer dogs and cats no longer wanted for research to a rescue or animal shelter for adoption, research facilities would be required to submit an annual report to the Michigan Department of Agriculture and Rural Development on “the purchase, sale, transportation and handling of dogs and cats for laboratory research, as the director may prescribe and any other information required by the department”. The bill also requires the department to “maintain and make available on its website a list of all research facilities operating in this state”.

Further, HB 4882 is a companion bill to 4881 and would require research facilities to submit
annual reports to the Department of Agriculture and Rural Development including the following information:

(a) The total number of laboratory animals owned by the research facility.
(b) The total number of laboratory animals that are used for laboratory research conducted at the research facility.
(c) The total number of laboratory animals released by the research facility.
(d) The name and address of each animal control shelter or animal protection shelter to which a laboratory animal was released under subdivision (c).
(e) A list of the names and addresses for the animal control shelters and animal protection shelters with which the research facility has entered into an agreement under section 8a.

In New York, bill A.636 would amend the existing law to require research facilities to share information on dogs and cats available for adoption with Department of Education in order to help facilitate placement, and requires research facilities make such animals available for at least 14 days.

Without specific reporting requirements and publicly available information about research facilities, their adoption policies and availability of adoptable animals, it could be difficult if not impossible, to enforce such laws or to measure their life-saving impact.

**Case study: California laboratory adoption program survey**

Cruelty Free International submitted Freedom of Information requests to laboratories in California covered by the laboratory adoption law (institutes of higher education) to respond to a series of questions aimed at measuring the laws’ impact. Nine universities in California that, according to the USDA APHIS have active class R [Research] licenses indicating that animals may be used for research, were contacted: UC Berkeley, UC Davis, UC Irvine, UC Los Angeles, UC Riverside, UC San Diego, UC Santa Barbara, UC Santa Cruz, and UC San Francisco.

Section 66017.7 of the California Education Code requires any public postsecondary educational institution, or independent institution of higher education as defined, that confines dogs or cats for science or research purposes and intends to destroy the dog or cat used for those purposes, to first offer the dog or cat to an animal adoption or rescue organization. Dogs, cats, and other animals may also be placed in adoptive homes by the institution’s internal process.

While only dogs and cats are covered under the state law, information pertaining to the use and adoption of rabbits was also requested. Each university was asked for the following information for years 2017, 2018, 2019, and 2020.

1. A copy (or link if available) of the university’s post-research adoption policy or protocol for dogs and cats or other animals no longer wanted for use in research.
2. The number of dogs, cats and rabbits used or held for use in research at the university broken down by species for each year.
3. The number of dogs, cats, and rabbits used or held for use in research who were released for adoption.
4. The number of dogs, cats and rabbits no longer wanted for use in research who were
Recommendations for State Laws:

Individual state laboratory adoption laws could be improved to provide greater public transparency and accountability that could result in a greater live release and adoption.

- Requiring covered research entities develop an adoption policy and make the policy publicly available on their websites.
- Including mechanisms to ensure accountability and measure success by requiring covered facilities to maintain records on the number of covered animals used by the research entity, the number of these animals released for adoption and the number of animals destroyed. This information should be made available on the facility’s website or reported annually to a designated agency.
- Making information on shelters and rescue organizations working with the facility to place animals be publicly available (like Oregon law and the Michigan bill).
- Expanded to include rabbits (and other animals).

Additionally, research facilities working with third party rescue organizations to home animals should:

- Disclose the type of testing the animals were involved in to aid in determining what type of medical care or behavioral rehabilitation may be needed.
- Provide spaying and neutering services for the released animals or provide funding for the procedures.
- Make additional funding available to cover the costs of disease testing, vaccines, and other medical care.

Two of the nine universities failed to respond to the FOIA request. Three universities did not use dogs, cats, or rabbits for research during the years requested. Just one third of the universities contacted provided post research adoption policies. Only one (UC Davis) reported having released dogs and cats for adoption (no rabbits were released). There were no associated costs reported by any responding university and none indicated that they had worked with animal rescue or shelter organizations. [See index for additional detail].

For the one university (UC Davis) that released animals for adoption, dogs were the animals most frequently released; between 54% and 80% of dogs used for research for the years requested were released for adoption. Cats were less frequently released with a low of 13% and a high of 23% of those used for research for the years requested released for adoption. No rabbits used in research were released for adoption in the years evaluated. While the university stated that “animals that are euthanized at the end of a study are done for study purposes”, it is unknown why few cats and no rabbits survive studies or whether some do survive but are re-used for additional experiments until ultimately destroyed in a terminal study. The law only requires that dogs and cats who are no longer needed are evaluated for adoption before being destroyed; it does not preclude dogs and cats from being re-used or sold to another laboratory and does not require rabbits or other animals to be evaluated for adoption prior to destruction if no longer wanted.
Cruelty Free International wants to see an end to all animal experiments; however, until that day is achieved, we support efforts such as homing to ensure that animals who are no longer required can have a good life.

It is not enough to permit the homing of animals on a case-by-case basis, for example when a member of staff requests it, or when animals are used in a particular experiment that garners public scrutiny. A systematic homing policy needs to be a mandatory requirement to ensure all animals have a chance to live a happy life. With specific consideration to companion animals, a national requirement is needed to ensure that research institutions that receive taxpayer funding establish adoption policies for companion animals that are no longer used for research, including finding such animals a home and adopting transparent policies concerning the success of the program.

We believe that passage of the CARE Act H.R.5726 meets this need and fills the gaps in other important bills that focus solely on intramural research. By covering federally funded extramural research the bill has the potential to save hundreds of dogs, cats and rabbits. Specifically, the bill:

- Requires all research facilities that receive funding from the NIH to develop and implement policies for the adoption of dogs, cats, or rabbits no longer wanted for research.
- Requires research facilities make their adoption policies publicly available on their website.
- Requires research facilities to maintain records on the number of dogs, cats, or rabbits used by the research entity, the number of animals released for adoption and the number of animals destroyed; and to make this information available on their website.

In addition to passing the CARE Act, we believe funding should be made available to aid in the rehabilitation and placement of animals used in government-funded research projects. Further, grant recipients should be allowed and even required to use portions of grant funding to home animals at the conclusion of the experiment.

Finally, homing consideration should not be limited to dogs, cats, and rabbits. Other companion animals such as horses, guinea pigs and rats used in laboratories have been successfully placed in domestic homes. While it is beyond the scope of this report, we also encourage placement of other animals including primates, birds, ferrets and farmed animals in species-appropriate environments with knowledgeable caretakers.
University FOIA Response detail:

UC Berkeley:
1. A copy (or link if available) of the University's post-research adoption policy or protocol for dogs and cats or other animals no longer wanted for use in research.
   Provided link.
2. The number of dogs, cats and rabbits used or held for use in research at the University broken down by species for each year. Provided link to USDA data.
3. The actual or estimated annual cost for implementing post-research adoption or placement of animals no longer wanted for use in research. No responsive records.
4. The names of any animal adoption organizations, shelters, or animal rescue organizations that the University has worked with to place animals no longer wanted for research.
   “Animals that are euthanized at the end of a study are done for study purposes.”
5. The actual or estimated annual cost for implementing post-research adoption or placement of animals no longer wanted for use in research.
6. The names of any animal adoption organizations, shelters, or animal rescue organizations that the University has worked with to place animals no longer wanted for research.
   “No records exist.”

UC Irvine:
1. A copy (or link if available) of the University’s post-research adoption policy or protocol for dogs and cats or other animals no longer wanted for use in research. No policy.
2. The number of dogs, cats and rabbits used or held for use in research at the University broken down by species for each year. Provided link to USDA data.
3. The number of dogs, cats and rabbits used or held for use in research who were destroyed and determined to be unsuitable for adoption. “Animals that are euthanized at the end of a study are done for study purposes.”
4. The actual or estimated annual cost for implementing post-research adoption or placement of animals no longer wanted for use in research.
5. The names of any animal adoption organizations, shelters, or animal rescue organizations that the University has worked with to place animals no longer wanted for research.
   “No records exist.”

UC Los Angeles:
1. A copy (or link if available) of the University’s post-research adoption policy or protocol for dogs and cats or other animals no longer wanted for use in research. No policy.
2. The number of dogs, cats and rabbits used or held for use in research at the University broken down by species for each year. Provided link to USDA data.
3. The number of dogs, cats and rabbits used or held for use in research who were destroyed and determined to be unsuitable for adoption. “Animals that are euthanized at the end of a study are done for study purposes.”
4. The actual or estimated annual cost for implementing post-research adoption or placement of animals no longer wanted for use in research.
5. The names of any animal adoption organizations, shelters, or animal rescue organizations that the University has worked with to place animals no longer wanted for research. No responsive records.

References:
1. USDA Research Facility Annual Summary and Archive Reports Available at: https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_obtain_research_facility_annual_report/cx_research_facility_annual_summary_reports
2. Cruelty Free International prefers the term ‘homing’ as we do not believe the laboratory can ‘adopt’ or ‘place’ an animal as ‘homing’ is a more descriptive term.
5. The number of dogs, cats and rabbits used or held for use in research who were destroyed and determined to be unsuitable for adoption. “Animals that are euthanized at the end of a study are done for study purposes.”
6. The actual or estimated annual cost for implementing post-research adoption or placement of animals no longer wanted for use in research.
7. The names of any animal adoption organizations, shelters, or animal rescue organizations that the University has worked with to place animals no longer wanted for research. No responsive records.
8. According to USDA data UC Berkeley did not use any dogs, cats or rabbits for the years requested.
11. USDA Research Facility Annual Summary and Archive Reports Available at: https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_obtain_research_facility_annual_summary_reports
12. The number of dogs, cats and rabbits used or held for use in research who were destroyed and determined to be unsuitable for adoption. “Animals that are euthanized at the end of a study are done for study purposes.”
13. The actual or estimated annual cost for implementing post-research adoption or placement of animals no longer wanted for use in research.
14. The names of any animal adoption organizations, shelters, or animal rescue organizations that the University has worked with to place animals no longer wanted for research. No responsive records.
5. The number of dogs, cats and rabbits no longer wanted for use in research who were destroyed and were determined to be unsuitable for adoption. Claimed question was duplicative of 3 & 4. [Question 5 is not duplicative, it asked specifically about whether a determination about the animals’ adoptability had been made. The response suggests that the University may not be evaluating animals for adoptability.]

6. The actual or estimated annual cost for implementing post-research adoption or placement of animals no longer wanted for use in research. None.

7. The names of any animal adoption organizations, shelters, or animal rescue organizations that the University has worked with to place animals no longer wanted for research. None.

UC Santa Cruz:
1. A copy (or link if available) of the University’s post-research adoption policy or protocol for dogs and cats or other animals no longer wanted for use in research. Provided.

2. The number of dogs, cats and rabbits used or held for use in research at the University broken down by species for each year. USDA records check. No dogs, cats, or rabbits used during the requested years.

3. The number of dogs, cats and rabbits used or held for use in research who were released for adoption. No records provided.

4. The number of dogs, cats, and rabbits no longer wanted for use in research who were destroyed. No records provided.

5. The number of dogs, cats and rabbits no longer wanted for use in research who were destroyed and were determined to be unsuitable for adoption. No records provided.

6. The actual or estimated annual cost for implementing post-research adoption or placement of animals no longer wanted for use in research. No records provided.

7. The names of any animal adoption organizations, shelters, or animal rescue organizations that the University has worked with to place animals no longer wanted for research. No responsive records.

UC San Francisco:
1. A copy (or link if available) of the University’s post-research adoption policy or protocol for dogs and cats or other animals no longer wanted for use in research. No responsive records.

2. The number of dogs, cats and rabbits used or held for use in research at the University broken down by species for each year. Provided: 2017 – 0 Dogs, 4 Cats, 1239 Rabbits, 2018 - 5 Dogs, 4 Cats, 1120 Rabbits, [note: USDA records differ – show 0 dogs and 0 cats for 2018]. 2019 – 0 Dogs, 0 Cats, 942 Rabbits, 2020 – 0 Dogs, 0 Cats, 470 Rabbits.

3. The number of dogs, cats and rabbits used or held for use in research who were released for adoption. No responsive records.

4. The number of dogs, cats and rabbits no longer wanted for use in research who were destroyed. No responsive records.

5. The number of dogs, cats and rabbits no longer wanted for use in research who were destroyed and were determined to be unsuitable for adoption. No responsive records.

6. The actual or estimated annual cost for implementing post-research adoption or placement of animals no longer wanted for use in research. No responsive records.

7. The names of any animal adoption organizations, shelters, or animal rescue organizations that the University has worked with to place animals no longer wanted for research. No responsive records.