

State of Wisconsin



2023 Assembly Bill 957

Date of enactment:
Date of publication*:

2023 WISCONSIN ACT

AN ACT *to create* 173.90 of the statutes; **relating to:** preemption of certain local animal ordinances.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 173.90 of the statutes is created to read:
173.90 Preemption of local animal regulations.

(1) **DEFINITIONS.** In this section:

- (a) "Animal" has the meaning given in s. 951.01 (1).
- (b) "Animal facility" means a farm or other commercial operation that raises or confines animals as a commercial enterprise.

(2) **PROHIBITIONS.** A political subdivision may not, by ordinance, resolution, order, or otherwise, do any of the following to regulate an animal facility in an area that is zoned exclusively or primarily for agricultural use, unless the activity affected by the ordinance, resolution, or order presents a substantial threat to public health or safety or unless otherwise specifically authorized:

(a) *Animal welfare standards.* Establish animal welfare standards that are more stringent than those in ss. 951.13 and 951.14 or in any rules promulgated by the department.

(b) *Medications and vaccinations.* Require or prohibit any medications or vaccinations that are not required or prohibited under ch. 95 or under any rules promulgated by the department.

(c) *Use of animals.* Limit the use to which an animal may be put while in an animal facility or after it leaves an animal facility, except as otherwise provided in this chapter, s. 944.18, chs. 174 and 951, and any rules promulgated by the department.

(d) *Species of animals.* Limit the species of animals that may be raised or kept in an area zoned exclusively or primarily for agricultural use.

(3) **EXISTING REGULATIONS.** If a political subdivision has in effect on the effective date of this subsection ... [LRB inserts date], an ordinance, resolution, or order that conflicts with sub. (2), the ordinance, resolution, or order does not apply and may not be enforced, unless the activity affected by the ordinance, resolution, or order presents a substantial threat to public health or safety.

(4) **CONSTRUCTION.** Nothing in this section shall be construed as limiting a political subdivision's authority to use its zoning authority or power or to enforce the provisions of this chapter, s. 59.69, 60.61, 60.62, 61.35, or 62.23, or ch. 174 or any provisions under state law relating to livestock facilities.

SECTION 2. Effective date.

(1) This act takes effect on the 90th day after publication.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."