



## 2009 SENATE BILL 110

March 11, 2009 – Introduced by Senator DARLING, cosponsored by Representatives J. OTT, A. OTT, VAN ROY, BIES, SPANBAUER and HONADEL. Referred to Committee on Agriculture and Higher Education.

1     **AN ACT to amend** 20.115 (2) (j); and **to create** 173.35 of the statutes; **relating**  
2           **to:** regulation of certain dog breeders, granting rule-making authority, making  
3           an appropriation, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill requires certain persons who breed and sell dogs (commercial dog breeders) to be licensed by the Department of Agriculture, Trade and Consumer Protection (DATCP). The licensing requirement applies to a person who is engaged in the business of breeding dogs and who sells or offers to sell at least 100 dogs in a year for resale.

The bill authorizes DATCP to inspect a location for which a commercial dog breeder license is required before issuing an initial license. The bill also authorizes DATCP to inspect a location for which a commercial dog breeder license is required when DATCP has reason to believe that there is a violation of this state's criminal laws relating to the treatment of animals or of the federal Animal Welfare Act. The bill requires DATCP to promulgate rules setting fees for commercial dog breeder licenses. The bill provides civil and criminal penalties for operating without a required license and authorizes DATCP to suspend or revoke a license if it finds a violation of this state's criminal laws relating to the treatment of animals or of the federal Animal Welfare Act.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.115 (2) (j) of the statutes is amended to read:

2           20.115 (2) (j) *Dog licenses, rabies control, and related services.* All moneys  
3 received under ss. 95.21 (9) (c), 173.27, 173.35, and 174.09 (1) and (3), to provide dog  
4 license tags and forms under s. 174.07 (2), to perform other program responsibilities  
5 under ch. 174, to administer the rabies control program under s. 95.21, to help  
6 administer the rabies control media campaign, and to carry out activities under s.  
7 93.07 (11) and ch. 173.

8           **SECTION 2.** 173.35 of the statutes is created to read:

9           **173.35 Regulation of commercial dog breeders.** (1) In this section,  
10 “commercial dog breeder” means a person who is engaged in the business of breeding  
11 dogs and who sells or offers to sell at least 100 dogs for resale in a year.

12           (2) No person may act as a commercial dog breeder without a license from the  
13 department. A person shall obtain a license under this subsection for each separate  
14 location at which the person is engaged in the business of dog breeding. Licenses  
15 issued under this subsection expire on October 31 of each even-numbered year.

16           (3) The department shall promulgate rules specifying fees for licenses under  
17 sub. (2). The department may promulgate rules specifying fees that must be paid  
18 when an inspection by the department under sub. (4) reveals conditions that require  
19 correction and reinspection.

20           (4) The department may inspect a location for which a commercial dog breeder  
21 is required to obtain a license under sub. (2) before issuing the initial license. In

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1 addition, the department may inspect a location for which a commercial dog breeder  
2 is required to obtain a license under sub. (2) when the department has reason to  
3 believe that there is a violation of ch. 951 or of the federal Animal Welfare Act, 7 USC  
4 2131 to 2159.

5 (5) If the department determines that a violation of ch. 951 or of the federal  
6 Animal Welfare Act, 7 USC 2131 to 2159, has occurred at a location for which a  
7 license is required under sub. (2), the department may suspend or revoke the license  
8 issued under sub. (2) for that location.

9 (6) (a) A person who violates sub. (2) may be fined not more than \$1,000 or  
10 imprisoned for not more than 6 months or both.

11 (b) In lieu of the penalties under par. (a), a person who violates sub. (2) may be  
12 required to forfeit not less than \$200 nor more than \$5,000 for the first offense and  
13 may be required to forfeit not less than \$400 nor more than \$5,000 for the 2nd or  
14 subsequent offense.

15 **SECTION 3. Effective date.**

16 (1) This act takes effect on the first day of the 18th month beginning after  
17 publication.

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(END)