



2023 SENATE BILL 892

January 5, 2024 - Introduced by Senator QUINN, cosponsored by Representatives PRONSCHINSKE, DALLMAN, ARMSTRONG, BEHNKE, O'CONNOR, SCHMIDT and WICHGERS. Referred to Committee on Agriculture and Tourism.

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

Analysis by the Legislative Reference Bureau

Current law specifies animal welfare standards for persons responsible for confining animals, including requirements to provide such animals with sufficient food and water and standards for providing proper shelter. Current law also identifies and prohibits a number of crimes against animals and requires rabies vaccinations and local dog licenses and tags for dogs. Under current law, a city, village, town, or county (political subdivision) may appoint humane officers who may, in addition to law enforcement officers, investigate and enforce these state laws as well as local ordinances relating to animals.

This bill prohibits political subdivisions from adopting certain regulations for animal facilities in areas that are zoned exclusively or primarily for agricultural use, unless the activity being regulated presents a substantial threat to public health or safety. Specifically, the bill prohibits political subdivisions from establishing animal welfare standards that are more stringent than those contained in state law or from requiring or prohibiting animal medications or vaccinations that are not otherwise required or prohibited under state law. The bill also prohibits political subdivisions from regulating the use to which an animal will be put, either on a farm or facility or after it leaves the farm or facility. In addition, under the bill, political subdivisions may not regulate the species of animals that are allowed to be raised within an area that is zoned exclusively or primarily for agricultural use. Under the bill, a political subdivision may not enforce any existing regulations that conflict with the

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provisions of the bill, unless the activity being regulated presents a substantial threat to public health or safety.

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

1 **SECTION 1.** 173.90 of the statutes is created to read:

2 **173.90 Preemption of local animal regulations. (1) DEFINITIONS.** In this
3 section:

4 (a) “Animal” has the meaning given in s. 951.01 (1).

5 (b) “Animal facility” means a farm or other commercial operation that raises
6 or confines animals as a commercial enterprise.

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

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

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

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

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

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

8 **(4) CONSTRUCTION.** Nothing in this section shall be construed as limiting a
9 political subdivision's authority to enforce the provisions of this chapter, s. 59.69, or
10 ch. 174 or any provisions under state law relating to animal feeding operations.

11 **SECTION 2. Effective date.**

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

13

(END)