

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on  
Agriculture and  
Insurance  
(SC-AI)

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr\_AC-Ed\_RCP\_pt01a
- 05hr\_AC-Ed\_RCP\_pt01b
- 05hr\_AC-Ed\_RCP\_pt02

*Published Documents*

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ \*\*

➤ Committee Reports ... CR

➤ \*\*

➤ Executive Sessions ... ES

➤ \*\*

➤ Record of Comm. Proceedings ... RCP

➤ \*\*

*Information Collected For Or  
Against Proposal*

➤ Appointments ... Appt

➤ \*\*

➤ Clearinghouse Rules ... CRule

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➤ Hearing Records ... HR (bills and resolutions)

➤ **05hr\_ab0527\_SC-AI\_pt01**

➤ Miscellaneous ... Misc

➤ \*\*

## Vote Record Committee on Agriculture and Insurance

Date: \_\_\_\_\_

Moved by: Erpenbach

Seconded by: Hansen

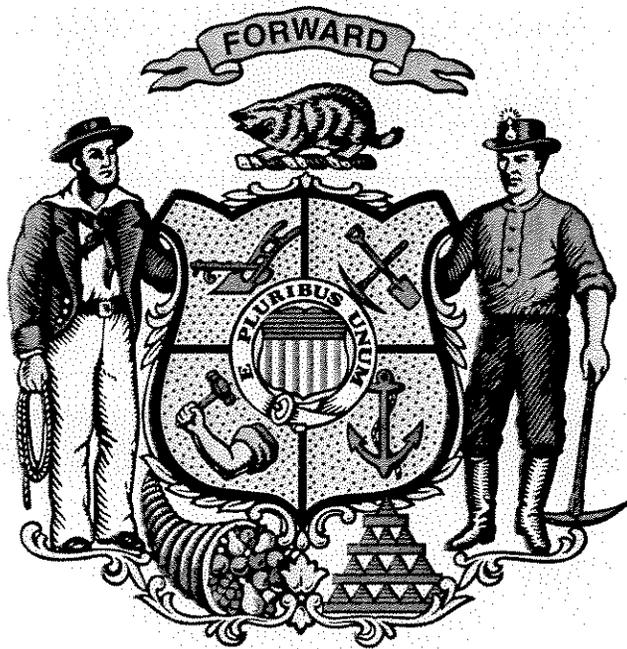
AB 527      SB \_\_\_\_\_      Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_      SJR \_\_\_\_\_      Appointment \_\_\_\_\_  
 AR \_\_\_\_\_      SR \_\_\_\_\_      Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement  
 Introduction       Rejection       Tabling       Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Dan Kapanke, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Ronald Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator David Hansen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	_____	_____	_____	_____

Motion Carried       Motion Failed



**Perlich, John H.**

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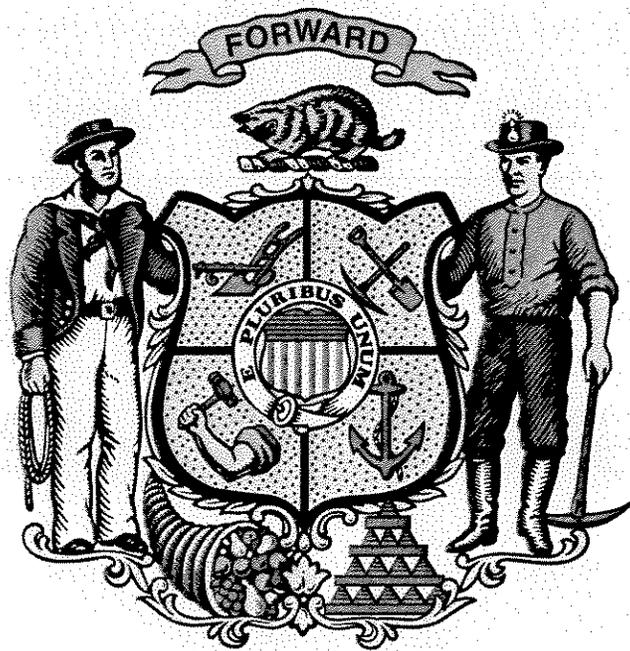
**From:** Joy Brand [jbrand@greatlakesrubber.com]  
**Sent:** Thursday, January 26, 2006 11:21 AM  
**To:** Sen.Kapanke  
**Subject:** AB-527 Exemption to the Mandatory Rabies Vaccination

Sir,

I know that I am not in your district, however, this bill is very important to the pet owners in the state of Wisconsin. I understand that your staff hasn't recommended a public hearing for this bill. Please understand that this bill has been researched and has the approval of the top rabies researchers in regards to rabies and the medical exemptions that are needed. In fact our Wisconsin state humane officer testified for this bill. This bill does not create a public health threat. Rabies is misunderstood by many individuals, is it a terrible disease yes, however, the dogs that are undergoing repeat vaccinations and are becoming ill are not a threat to the general public. The confirmed cases of rabies in this state are from bats and a cat (and cats are not required by state law to be vaccinated). Most of the dogs that are in need of medical exemptions have been vaccinated many times in the past. Research shows that these animals have immunity for many years past the 3 years that is required for revaccination. Representative Strachota has introduced this bill on my behalf and on behalf of all the other pet owners whose dogs have had reactions to this vaccine.

Please schedule a public hearing for this bill. Thank you.

Joy Brand  
498 Glacier Pass  
Slinger, WI 53086



**Perlich, John H.**

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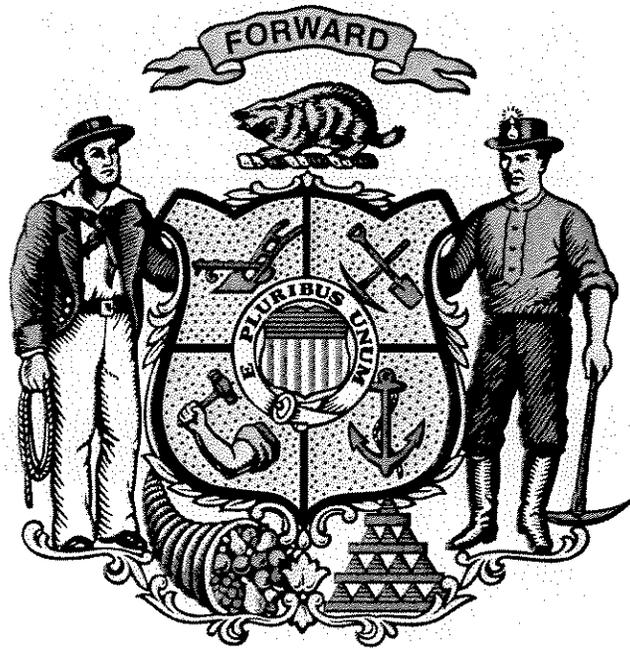
**From:** Clyde Surles [clydesurles@sbcglobal.net]  
**Sent:** Wednesday, February 15, 2006 3:25 PM  
**To:** Sen.Miller; Sen.Kapanke; Sen.Kedzie; Sen.Brown; Sen.Olsen; Sen.Erpenbach; Sen.Hansen  
**Subject:** AB527

Hello Senators,

I'm emailing you to encourage you to vote in favor of Bill AB527 tomorrow morning. I feel it is very important legislation and I encourage you to listen very closely to what Dr. Ron Schultz of the University of Wisconsin has to say.

Thank you,

Clyde Surles  
Nashotah, WI





# PAT STRACHOTA

STATE REPRESENTATIVE

***Testimony by Representative Pat Strachota  
In favor of AB 527 – Rabies Vaccination Exemption for Dogs  
February 16, 2006***

Thank you Chairman Kapanke for holding this hearing today on Assembly Bill 527.

This bill was drafted after my constituent, Joy Brand, who I have here testifying with me today, approached me with a concern she had with a reaction her dog had to the rabies vaccine.

Currently, according to state statute in order to be licensed dogs must have proof of a rabies vaccination. In certain circumstances due to age or illness it may not be medically advisable for dogs to receive the vaccination. However, currently this statute does not allow for the any exemptions

Municipalities can enact local ordinances to allow for exemptions but if you are a local municipality that adopts state law such as the municipality Joy lives in, your only option is a change in the statutes.

This bill is a simple bill that is based on language from several other states and local municipalities, including Milwaukee County. We worked with both DATCP and the Wisconsin Veterinary Medical Association to ensure that any concerns they may have were addressed so in actuality the language of AB 527 is stronger than most of the other states and local ordinances.

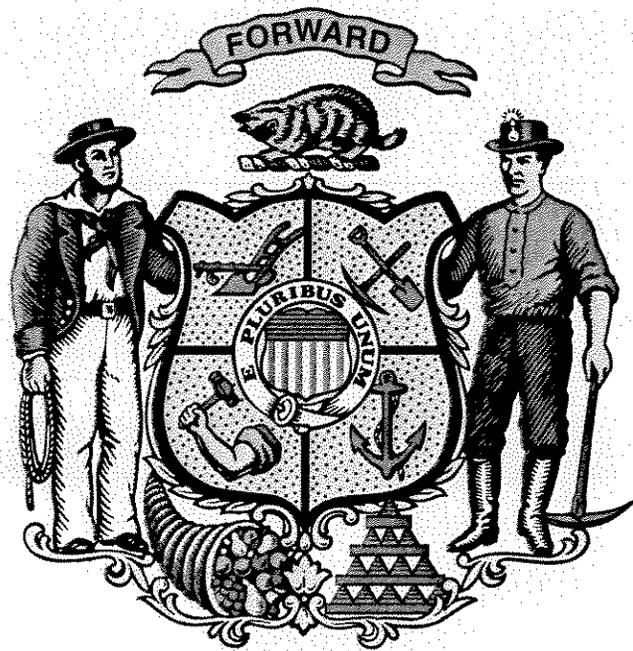
AB 527 would give dog owners the ability to submit a letter from their veterinarian to their local municipality indicating they do not advise the dog to receive a rabies vaccination and allow the municipality the option of licensing the dog without the vaccination. The owner is also required to annually resubmit a letter from their veterinarian to continue to receive the exemption.

Under the bill, exempted dogs would be treated as an unvaccinated dog and subject to the current statutory quarantine requirements in an isolation facility if they came in contact with rabies or bit someone.

The bill also makes clear that the owner can choose their veterinarian's office (at their expense) as the isolation facility rather than a local shelter as the current statute does not clearly state that an isolation facility can be a vet's office. Because an exempted dog may have special medical and dietary needs it is important to clearly allow the owner this choice. Please note, this bill does not mandate that veterinarians must accept unvaccinated dogs for quarantine, it merely allows the owner to choose that option if their vet is willing.

In addition to being supported by the Wisconsin Veterinary Medical Association, this bill is supported by the ASPCA, WI Dog Federation and the United States Humane Society, there is no known opposition to this bill. AB 527 passed the Assembly unanimously.

Thank you again, Chairman Kapanke for the opportunity to come before the committee today.





State of Wisconsin  
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection  
Rod Nilsestuen, Secretary

Hearing Testimony  
Senate Committee on Agriculture and Insurance  
February 16, 2006  
330 NW  
State Capital

Chairman Kapanke and members of the committee, thank you for this opportunity to testify in favor of AB 527.

I am Dr. Yvonne Bellay, the State Humane Officer and a staff epidemiologist with DATCP. One of my responsibilities is the department's rabies program. As the rabies epidemiologist, I respond to literally hundreds of calls and inquiries regarding rabies and the rabies control program. Each year I conduct a popular full day seminar on rabies for health departments, law enforcement agencies, humane officers and others who may deal with rabies questions and problems in their jobs. I also give numerous presentations on rabies to veterinarians and vet students, veterinary technicians and students, health departments and other interested groups as well as write informational articles for a variety of newsletters. I believe that it would be difficult to find another person in this state who works harder to get animals vaccinated for rabies and to educate people about rabies.

One question that comes up with some regularity from veterinarians, pet owners, and licensing officials is what to do in situations where the veterinarian determines that it would be contraindicated to administer a rabies vaccine to a dog. This question is not addressed in current statutory language. Wisconsin statute s.95.21(2)(a) states that the owner of a dog shall have the dog vaccinated against rabies by a veterinarian at no later than 5 months of age and revaccinated within one year after the initial vaccination. The only exemption to this requirement is for dogs used for educational or scientific purposes.

Generally, in these situations the veterinarian is asked to give the dog owner a letter stating the medical reasons why the veterinarian believes the dog should not be vaccinated. The dog owner then presents the letter to the local licensing official. In effect, the letter is requesting that the owner not be cited for failing to vaccinate their dog, and that the dog be licensed. Because rabies vaccination requirements and licensing are locally enforced, it is the local treasurer's decision whether or not to accept the letter. Because this situation is not addressed in statute, local officials are frequently at a loss to know how to handle it.

Under these circumstances, the dog owner is informed that the dog will be treated like any other unvaccinated dog if it should bite a person or itself be exposed to rabies. In these situations the quarantine requirements are much stricter than if the dog is current on its vaccination.

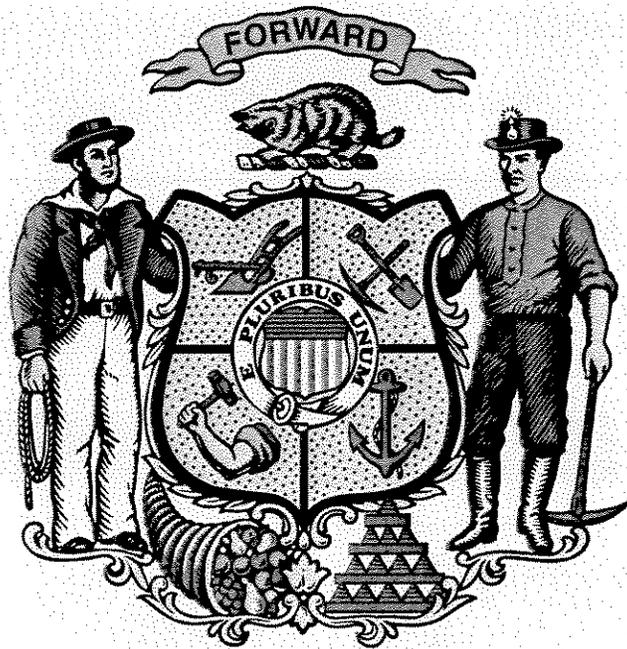
Although rabies vaccine is generally considered a safe and effective vaccine, as with all vaccines there is always a potential for adverse reactions. These reactions range from local reactions of pain, tenderness or lameness to life threatening systemic anaphylaxis. There is also a problem of animals with depressed immune systems, either from disease or cancer treatment that can not mount an adequate response to the vaccine. Although many practitioners have experienced situations where this has happened, there are no reliable statistics to quantify the problem. According to the Centers for Disease Control, no controlled epidemiological studies have ever been conducted that would provide such information. I personally have had the frightening experience of vaccinating a dog that I had never seen before and had no history on that within minutes of receiving a rabies vaccination collapsed and nearly died. Had I known that the dog had a history of problems with vaccines in the past, I would never have vaccinated it.

AB 527 does not discourage vaccination. Those individuals who are seeking the exemption are most likely conscientious, responsible pet owners who want to follow the law. Without the exemption, pet owners who are concerned about the health of their animals as well as veterinarians who determine that it may be harmful to vaccinate an animal often just don't vaccinate and don't apply for dog licenses. Often there is little concern about licensing the dog, because in reality, dog licensing requirements are poorly enforced around the state and most individuals don't face consequences.

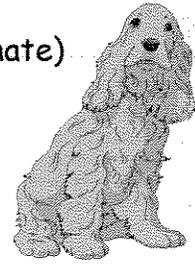
The language in AB 527 does not endanger public health. The language in the bill is specific and limits the use of the exemption. Specifically, it requires that a veterinarian make the determination that vaccinating a dog is contraindicated for medical reasons. The veterinarian is responsible for justifying this decision. However, no veterinarian is required to write a letter for any owner, especially if the veterinarian does not believe an exemption is justified. In addition, a letter must be provided yearly. Consequently, if the medical problem is resolved, no further exemption is needed. If the problem is deemed to be life-long, then the owner must seek, and the veterinarian must be willing to provide, the letter of justification yearly. The risk of abuse is addressed by the fact that veterinarians must protect their license to practice and their actions are accountable to the Veterinary Examining Board. Also, and importantly, if the unvaccinated dog should bite a person or itself be exposed to rabies, it is treated as an unvaccinated animal as is required for any unvaccinated animal by law currently.

If passed, this exemption would not be unique in the states. Other states including, Florida, New York, Maine, New Jersey and Massachusetts already have such exemptions. I recently spoke to the public health veterinarian with the Maine Department of Public Health about the exemption to get an opinion on how the provision was working. The language in the Maine law is very similar to that in AB 527. I was told that there were no problems or abuses with the law and no objections to its use.

In summary, DATCP supports passage of AB 527 because it will address circumstances that are not currently addressed in statute and help clarify procedures that are now in limbo. It will provide veterinarians, dog owners and local licensing officials with clear procedures to follow on a case-by-case basis.



Public Hearing Testimony (AB-527) February 16, 2006 (Senate)  
Medical Exemptions for Rabies Vaccine



Testimony of:  
Joy Brand  
498 Glacier Pass  
Slinger, WI 53086

I am here today to ask your committee to recommend passage of AB527 (The Medical Exemption Bill for Rabies).

This bill has taken me from being a passive pet owner in my community to a spokesperson for the dogs in my care and dogs in similar situations.

On January 15, 2005, Twink'e received her AKC Rally Novice Title. January 29, 2005 (14 days later). A simple trip to the vet to get a state mandated rabies vaccination for my cocker spaniel named Twink'e turned into an 9-month ordeal to save her sight. Her vet had checked her eyes and did a wellness check and marked in her chart that her eyes were clear. She then was given her rabies vaccination. Within 2 days (48 hours) Twink'es eyes had developed a cloudiness. She also developed a large lump where the vaccine was injected.

On Monday the 31<sup>st</sup> (2 days later) we went to our usual weekly training class and for the first time Twink'e refused to go over the jumps. On the 9<sup>th</sup> of February 2005 - Our vet told us that Twink'e had developed cataracts in both eyes.

Her first surgery was April 9<sup>th</sup>. Even though the cataract was ready (in less than 5 weeks), we had to wait for the swelling on the inside of the eye to subside. After this surgery, on May 12<sup>th</sup> (4 weeks later) she developed Horner's Syndrome (similar to Bells Palsy in humans).

Her 2<sup>nd</sup> cataract was removed on July 13, 2005. On September 11<sup>th</sup> (2 months later) she suffered facial paralysis on the left side of her face.

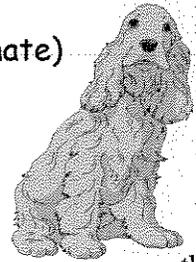
We were able to consult with (2) researchers, Dr. Jean Dodds of California. She is a leader both (nationally and internationally) in canine immunology research. And, Dr. Ronald Schultz, Professor and Chair of the Department of Pathobiological Sciences at the School of Veterinary Medicine, at the University of Wisconsin-Madison. After consulting with them in regard to the situation with Twink'e and her history both agreed that future vaccinations were inadvisable.

Since Twink'e is currently (6), state law would require her to endure another rabies vaccination in now less than 3 years. On placing a call to our village we found out that our village adopted state statutes and that there were NO exceptions to the mandatory rabies law. They would not allow me to license her and they could fine me if she is not licensed. I asked our village if the vet could write a letter stating that vaccinating her would be inadvisable, if we could get a license and they said NO.

We began talking to other individuals from our training classes, dog shows etc. about what they did to protect their dogs. Most said that they didn't vaccinate and they hid their pets. Most said they just didn't license. This disturbed me..... Here I was trying to do the right thing, but the right thing would cause me to hurt my dog further.

The other thing that disturbed me was the number of dogs having reactions to this vaccine. I asked Dr. Dodds if it was possible to get the ingredients for the vaccines so we could determine which manufacturers' vaccination would be safe for Twink'e (because of all her allergies) and we were told that it was proprietary

Public Hearing Testimony (AB-527) February 16, 2006 (Senate)  
Medical Exemptions for Rabies Vaccine



information. This isn't just a cocker issue, this is an all breed issue. Dogs are developing tumors, having life threatening reactions and dying.

When I asked who should be notified about the reaction I was told that you could notify the USDA, however, good luck as their budget was cut and there aren't enough people to investigate all the reactions.

In my research to help understand why this was happening, I started learning about vaccines. Most HEALTHY dogs shouldn't have reactions to the vaccines. In fact, on the packaging of the rabies vaccine it indicates by the manufacturer (FOR HEALTHY DOGS ONLY). Dogs that are sick, undergoing medical treatment, have chronic illnesses and/or are elderly are more susceptible to having adverse reactions.

Most pet owners are not trying to avoid getting their dogs vaccinated. We want to protect the health and safety of our pets. Medical research is showing that immunity to rabies is lasting longer than three years. There was a French "challenge" study done in 1992 showing immunity to rabies on vaccinated dogs is over 5 years. Dr. Dodds is in the process of raising money to fund a Rabies "Challenge" Study here in the United States for a 5 and 7-year challenge.

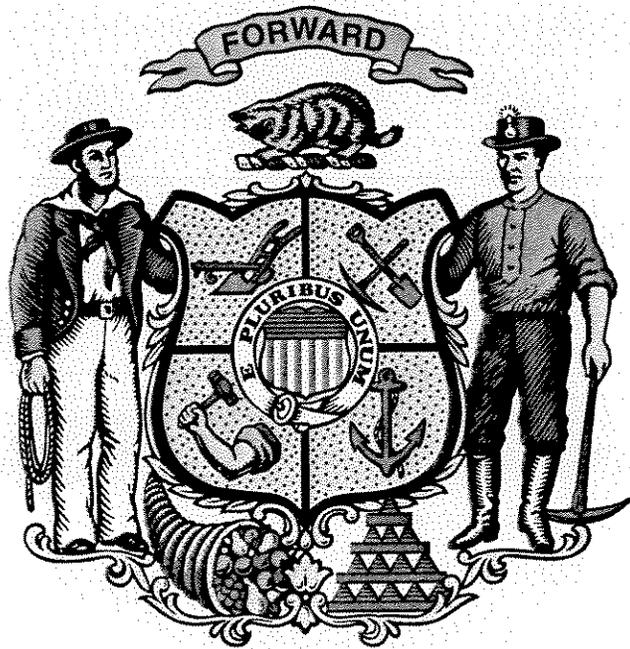
Currently I own and care for a 13 year old cocker by the name of Tink'r She developed Immune Mediated Hemolytic Anemia and Thrombocytopenia at the age of 3. She almost died that year. After 9 months of drug therapy, hospitalization and many, many blood tests .....she struggled to survive....However, she hasn't been a truly healthy dog since then. She suffers from high liver enzymes (liver damage) from the medications that saved her life. She has the start of congestive heart failure. She had developed cataracts at the age of (1) and glaucoma claimed her sight by the age of (8). She had one eye enucleated and one eye injected. This little girl doesn't leave the house except to go to the vet or to go outside. However, in order to license her and make her a good citizen she would need another rabies vaccination. Since the time of her illness at age 3, research has shown that Immune Mediated Hemolytic Anemia is a known adverse reaction of vaccination.

I believe that the bill we have before us will not only protect the health of the general public, but the health of the pets we own. We will be making legitimate canine citizens out of the dogs, currently hidden. Cities, villages and towns will have accurate licensing information about the pets in their communities. The local pet owners won't be subject to fines for doing the right thing and protecting their pets health.

Here is the opportunity for government to do the right thing and protect dogs in the state of Wisconsin. Now is the time to make use of the medical research available today and reflect that by recommending the passage of this bill.

We hope that the State of Wisconsin will be proactive when it comes to protecting the health of the companion animals within its borders by recommending passage of AB-527.

I thank you for your time today.



## **AB 527: Medical Exemption for Rabies Vaccination**

By Representatives Strachota, Pridemore, Loeffelholz, Jeskewitz, Albers and Kerkman; cosponsored by Senator Grothman.

### **BACKGROUND**

Under current law, the owner of a dog is required to have the dog vaccinated against rabies. The owner of a dog must obtain a dog license annually from the city, village, or town in which the dog is kept and must provide proof of rabies vaccination in order to obtain a dog license. Municipalities can, however, enact local ordinances to allow for exemptions to this requirement.

### **SUMMARY OF AB 527**

Assembly Bill 527 authorizes a city, village, or town – without enacting a separate local ordinance – to exempt the owner of a dog from the requirement to have the dog vaccinated against rabies if the owner provides a letter from a veterinarian stating that vaccination is inadvisable for reasons related to the dog's health. The owner may obtain a dog license for a dog that is exempt from the vaccination requirement, but the owner must provide a new letter for each year that the owner seeks an exemption.

Under the bill, exempted dogs would be treated as an unvaccinated animal and subject to the current statutory quarantine requirements in an isolation facility if they come in contact with rabies or bite a person. Should isolation be necessary, the bill also clarifies that the owner can choose their veterinarian's office – rather than a local shelter – as an isolation facility. The bill does not, however, mandate that veterinarians must accept unvaccinated dogs for quarantine.

### **FISCAL EFFECT**

A fiscal estimate was not required for Assembly Bill 527.

### **PROS**

1. AB 527 will help ensure dogs that are too sick to be vaccinated for rabies will still be licensed as required by law. Dog owners, with the approval of the veterinarian, will be able to legally license their dogs without putting them at risk for an adverse reaction to the vaccination.
2. The bill provides veterinarians, dog owners and local licensing officials with clear procedures to follow if a vaccination is inadvisable given the animal's health. Similar exemptions are in place in Florida, New York, Maine, New Jersey, and Massachusetts.
3. AB 527 will not endanger public health. The use of the vaccination exemption is strictly limited. Veterinarians are highly unlikely to abuse the exemption as their actions – and their license to practice – are accountable to the Veterinary Examining Board. Further, it takes two doses of vaccine to build immunity to rabies. Because adverse reactions generally do not appear until after the second dose of vaccine, most of the dogs under this exemption would not likely be a risk for spreading rabies.

### **CONS**

None apparent.

### **SUPPORTERS**

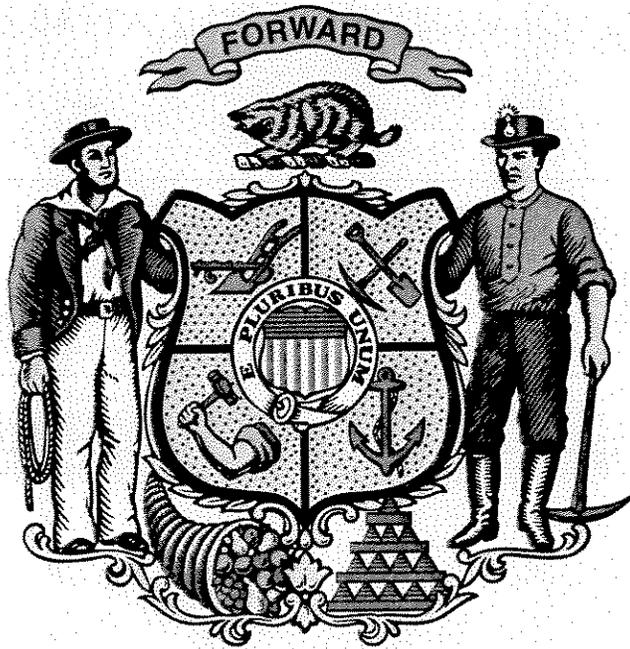
Rep. Pat Strachota, author; Sen. Glenn Grothman, lead co-sponsor; Joy Brand; Dr. Yvonne Bellay, Wisconsin Department of Agriculture, Trade & Consumer Protection; Dr. Ronald Schultz, University of Wisconsin School of Veterinary Medicine; Clyde Surlis; Kelly McDowell, Wisconsin Veterinary Medical Association; Kelly Wichmon, Dog Federation of Wisconsin.

### **OPPOSITION**

No one testified or registered in opposition to Assembly Bill 527.

### **HISTORY**

AB 527 passed the Agriculture Committee 14-0 and passed the Assembly 96-0



# Dog Brand -

- allows - license of  
Dog w/o rabies -

- Med. Exemption -

1 - 1000 ) CATS  
1 - 10,000 ) dogs -

## Expense -

AB926 - SB 517