



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2829/1

RCT:lmk:sh

soon (in 7/30)

✓ stays RMY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Reisen

✓

1 AN ACT to amend 20.115 (2) (j) and 93.20 (1); and to create 173.35 and 173.37
2 of the statutes; relating to: the sale of dogs, regulation of dog breeders,
3 granting rule-making authority, making an appropriation, and providing a
4 penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

Analysis
insert →

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

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

1 SECTION 2. 93.20 (1) of the statutes is amended to read:

2 93.20 (1) DEFINITION. In this section, "action" means an action that is
3 commenced in court by, or on behalf of, the department of agriculture, trade and
4 consumer protection to enforce chs. 88, 91 to 100 ~~or~~, 126, or 173.

5 SECTION 3. 173.35 of the statutes is created to read:

6 173.35 Regulation of dog breeders. (1) DEFINITIONS. In this section:

7 (a) "Adequate food" means wholesome food that is accessible to an animal, is
8 appropriate for the type of animal, and is sufficient in amount to maintain the animal
9 in good health.

10 (b) "Adequate water" means potable water that is accessible to an animal and
11 is sufficient in amount to maintain the animal in good health.

12 (c) "Dog breeder" means a person who is engaged in the business of breeding
13 dogs and who either sells or offers to sell at least 60 dogs in a year or has at least 8
14 breeding female dogs.

15 (d) "Humane care" includes the provision of adequate heating, cooling,
16 ventilation, sanitation, shelter, and medical care consistent with the normal
17 requirements of an animal's size and breed, adequate food, and adequate water.

18 (2) LICENSE. (a) No person may act as a dog breeder without an annual license
19 from the department. A person shall obtain a license under this subsection for each
20 separate location at which the person is engaged in the business of dog breeding.

21 (b) The department may not issue a license to a person under this subsection
22 unless the person submits an application that includes evidence satisfactory to the
23 department that the person holds a current seller's permit under s. 77.52 (9) ~~and an~~
24 affidavit stating that the person complies with the rules under sub. (6) (a) to (f). ~~and~~

more here

(25) (3) FEE. The fee for a license under sub. (2) is \$100 as follows:

Insert
2-25

1 (4) ANNUAL REPORT. (a) Annually, a person holding a license under sub. (2) shall
2 submit to the department a report that includes all of the following information:

3 1. The number of dogs at the locations at which the person is engaged in the
4 business of dog breeding on the date on which the report is prepared.

5 2. The number of dogs that the person sold in the preceding calendar year.

6 3. The number of dogs that the person sold for which a purchaser received a
7 remedy under s. 173.37 (5) during the preceding calendar year.

8 (b) If an annual report under par. (a) for a dog breeder shows that the number
9 of dogs under par. (a) 3. is 15 percent or more of the number of dogs under par. (a) 2.,
10 the department shall revoke the dog breeder's license under sub. (2) and the dog
11 breeder is ineligible for a license for 12 months from the date of revocation.

12 (5) PURCHASE FOR RETAIL SALE. No person who sells dogs at retail may purchase
13 a dog from a dog breeder if the person knows that the dog breeder is not licensed
14 under sub. (2).

15 (6) RULES. The department shall promulgate rules that specify all of the
16 following:

17 (a) Minimum standards for facilities at which dog breeders operate.

18 (b) Minimum requirements for humane care to be provided by dog breeders.

19 (c) Requirements relating to the transportation of dogs by dog breeders.

20 (d) Minimum ages for the sale of puppies by dog breeders.

21 (e) Requirements relating to space and opportunity for exercise to be provided
22 to dogs by dog breeders.

23 (f) Requirements for record keeping by dog breeders.

24 (g) Reinspection fees, ^{↑ designed not to exceed the cost of performing a reinspection;} to be charged when an inspection by the department
25 under this section reveals conditions that require correction and reinspection.

(h) Grounds for the department to issue orders prohibiting a dog breeder from selling or moving a dog.

(i) Grounds for revocation of licenses issued under sub. (2).

(7) PENALTIES. (a) A person who violates this section or a rule promulgated

under this section or falsifies information on an application for a license under sub.

(2) or on an annual report under sub. (4) is subject to the following penalties:

1. For a first offense, a forfeiture of not more than \$3,000.

2. For a second offense committed 365 days or more after conviction for a first

offense, a fine of not more than \$5,000 or imprisonment for not more than 30 days

or both.

3. For a second offense committed fewer than 365 days after conviction for a

first offense, for a third offense, or for a subsequent offense, a fine of not more than

\$10,000 or imprisonment for not more than 90 days or both.

(b) If a person convicted of a violation under par. (a) does not have a license

under sub. (2), the person is ineligible for a license for 12 months following the

conviction. If a person convicted of a violation under par. (a) has a license under sub.

(2), the department shall revoke the license and the person is ineligible for a new

license for 12 months after the conviction.

SECTION 4. 173.37 of the statutes is created to read:

173.37 Protection for purchasers of dogs. (1) DEFINITIONS. In this section:

(a) "Purchaser" means a person who buys a dog as a pet.

(b) "Seller" means a person who sells a dog as a pet.

(c) "Unfit for sale" means either of the following:

1. Having a condition that is congenital or hereditary and that severely affects

the health of the dog.

SRET

1 2. Having an injury, defect, or illness that was obvious or able to be diagnosed
2 before the purchaser received the dog from the seller or that is likely to have been
3 acquired before the purchaser received the dog from the seller.

4 (2) INFORMATION FOR PURCHASERS. (a) When a person sells a dog as a pet, the
5 person shall provide all of the following to the purchaser, in writing:

6 1. A description of any vaccinations and any treatments for parasites that the
7 dog has received.

8 2. A description of the remedies under this section for the sale of a dog that is
9 unfit for sale.

10 (b) A person who sells a dog as a pet shall obtain the signature of the purchaser
11 on a copy of the document under par. (a) 2. containing the written description of
12 remedies and retain a copy of the signed document for inspection by the department.

13 (c) When a person sells a dog for resale as a pet, the person shall provide the
14 buyer with a written description of any vaccinations and any treatments for
15 parasites that the dog has received.

*covered ✓
of a covered dog*

16 (3) RIGHT TO REMEDY. A purchaser is entitled to a remedy specified under sub.

17 (4) if any of the following applies:

18 (a) The dog dies before the ^{366th} ~~181st~~ day after the day on which the purchaser
19 received the dog from the seller, a veterinarian certifies that the dog was unfit for sale
20 due to a condition that is congenital or hereditary, and, if the seller complied with
21 sub. (2) (a) 2. and (b), the purchaser presents the certification to the seller before the
22 ^{373rd} ~~188th~~ day after the day on which the purchaser received the dog from the seller.

23 (b) The dog shows symptoms, before the ^{366th} ~~181st~~ day after the day on which the
24 purchaser received the dog from the seller, of a condition that is congenital or
25 hereditary, a veterinarian certifies that the dog was unfit for sale due to that

1 condition, and, if the seller complied with sub. (2) (a) 2. and (b), the purchaser
2 presents the certification to the seller before the ^{373rd}~~188th~~ day after the day on which
3 the purchaser received the dog from the seller.

4 (c) The dog dies before the 15th day after the day on which the purchaser
5 received the dog from the seller, a veterinarian certifies that the dog was unfit for
6 sale, and, if the seller complied with sub. (2) (a) 2. and (b), the purchaser presents the
7 certification to the seller before the 22nd day after the day on which the purchaser
8 received the dog from the seller.

9 (d) The dog dies before the 15th day after the day on which the purchaser
10 received the dog from the seller, a veterinarian certifies that the dog died from causes
11 other than an accident or injury suffered after the purchaser received the dog from
12 the seller, and, if the seller complied with sub. (2) (a) 2. and (b), the purchaser
13 presents the certification to the seller before the 22nd day after the day on which the
14 purchaser received the dog from the seller.

15 (e) The dog shows symptoms of a an injury, ~~illness, or~~ defect ^{or illness} before the 15th day
16 after the day on which the purchaser received the dog from the seller, a veterinarian
17 certifies that the dog was unfit for sale due to the injury, ~~illness, or~~ defect ^{or illness}, and, if the
18 seller complied with sub. (2) (a) 2. and (b), the purchaser presents the certification
19 to the seller before the 22nd day after the day on which the purchaser received the
20 dog from the seller.

21 (4) CERTIFICATION. A certification from a veterinarian satisfies the
22 requirements under sub. (3) if it contains all of the following:

23 (a) The name of the purchaser.

24 (b) The date or dates on which the veterinarian examined the dog.

25 (c) The dog's breed, color, sex, and age.

1 (d) A statement of the veterinarian's findings concerning the condition of the
2 dog.

3 (e) If the dog died, a statement of the probable cause of death.

4 (f) A statement that at the time of sale the dog was unfit for sale or, if the dog
5 died before the 15th day after the day on which the purchaser received the dog, that
6 the dog died from a cause other than an accident or injury suffered after the
7 purchaser received the dog from the seller.

8 (g) An itemized statement of the veterinary fees incurred for examination and
9 treatment of the dog as of the date of certification.

10 (h) If the dog did not die and may be curable, an estimate of the cost of
11 attempting to cure the dog.

12 (i) The name and address of the veterinarian and the date of the certification.

13 (5) REMEDIES AVAILABLE. (a) A purchaser who is entitled under sub. (3) to a
14 remedy due to the death of ^{the dog covered} the dog may obtain all of the following:

15 1. A full refund of the amount that the purchaser paid for the dog, including
16 sales tax, or another dog of equivalent value that is selected by the purchaser.

17 2. Reimbursement for veterinary fees incurred with respect to the dog, subject
18 to par. (c).

19 (b) A purchaser who is entitled under sub. (3) to a remedy due to the illness of
20 the dog may do one of the following, as determined by the purchaser:

21 1. Return the dog and receive a full refund of the amount that the purchaser
22 paid for the dog, including sales tax, and reimbursement for veterinary fees incurred
23 with respect to the dog, subject to par. (c).

1 2. Retain the dog and receive reimbursement for veterinary fees incurred with
2 respect to the dog plus the future cost of veterinary fees for curing or attempting to
3 cure the dog, as estimated in the veterinarian's certification, subject to par. (c).

4 3. Return the dog and receive another dog of equivalent value that is selected
5 by the purchaser plus reimbursement for veterinary fees incurred with respect to the
6 dog, subject to par. (c).

7 (c) The total amount of reimbursement for past and future veterinary fees
8 under this subsection is limited to twice the amount that the purchaser paid for the
9 dog, including sales tax.

10 **(6) PROCEDURE.** (a) When a purchaser presents a certification that complies
11 with sub. (4) to a seller, the purchaser shall notify the seller of the purchaser's choice
12 of remedy. The seller shall prepare a document confirming the choice to be signed
13 by the seller and the purchaser. The seller shall give a copy of the confirmation to
14 the purchaser and shall retain a copy of the document.

15 (b) A seller that receives a veterinarian's certification and a confirmation of
16 choice of remedy shall provide the purchaser with the chosen remedy no later than
17 the 10th day after the day of receipt, unless the seller contests the purchaser's right
18 to the remedy by filing a request for a hearing with the department no later than the
19 5th day after the day of receipt.

20 (c) If the department receives a request under par. (b), the department shall
21 hold a hearing on the matter. Following the hearing, the department shall issue a
22 decision in writing. A seller or purchaser who is aggrieved by the decision may
23 appeal the decision to circuit court.

24 **(7) RECOURSE FOR SELLER.** A person who sold a dog to a seller is liable to the
25 seller if the seller provides a remedy under sub. (5) to the purchaser of the dog and

1 the dog had a condition that is congenital or hereditary and that severely affects the
2 health of the dog or the dog had an injury, illness, or defect ^{or illness} that was obvious, able to
3 be diagnosed, or likely to have been acquired before the person sold the dog to the
4 seller.

5 (8) RULES. The department shall promulgate rules for the administration of
6 this section, including rules specifying the information that a seller must provide
7 under sub. (2) (a) 2. and the form for confirming the choice of remedies under sub.
8 (6) (a).

9 (9) PENALTIES. ^(a) A person who sells a dog that is unfit for sale knowing that the
10 dog is unfit for sale is subject to the following penalties:

- 11 1. (a) For a first offense, a forfeiture of not more than \$3,000.
- 12 2. (b) For a second offense committed 365 days or more after conviction for a first
13 offense, a fine of not more than \$5,000 or imprisonment for not more than 30 days
14 or both.

15 3. (c) For a second offense committed fewer than 365 days after conviction for a
16 first offense, for a third offense, or for a subsequent offense, a fine of not more than
17 \$10,000 or imprisonment for not more than 90 days or both.

18 **SECTION 5. Effective date.**

19 (1) This act takes effect on the first day of the 25th month beginning after
20 publication.

21 (END)

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Insert
9-17

Analysis insert

Licensing of dog breeders

This bill requires certain persons who breed and sell dogs (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 either sells 60 dogs in a year or has at least eight breeding female dogs.

The bill requires DATCP to promulgate rules setting minimum standards for facilities at which dog breeders operate and that specify requirements for humane care to be provided by dog breeders. To obtain a license a dog breeder must have a seller's permit issued by the Department of Revenue and must submit an affidavit stating that the dog breeder complies with DATCP's rules.

The bill prohibits a person who sells dogs at retail from purchasing a dog from a dog breeder if the person knows that the dog breeder is not licensed.

A person who violates the requirements concerning licensure or who violates DATCP's rules is subject to a forfeiture (a civil monetary penalty) for a first or second offense and criminal penalties (a fine or imprisonment, or both) for a third or subsequent offense. A person convicted of a third offense is permanently barred from licensure as a dog breeder.

Remedies for purchasers

This bill provides remedies for a person who buys a dog as a pet (purchaser) if the purchaser buys the dog from a dog breeder or, if the purchaser buys the dog from someone who is not a dog breeder, the dog is not more than 18 months old when purchased. A purchaser of such a dog (covered dog) is entitled to a remedy if any of the following happens:

1. The dog dies within ¹²twelve months of purchase and a veterinarian certifies that the dog had a congenital or hereditary condition that severely affected the health of the dog.

2. Within 12 months of purchase, the dog shows symptoms of a congenital or hereditary condition that severely affects the health of dogs and a veterinarian certifies that the dog has that condition.

3. The dog dies within two weeks of purchase and a veterinarian certifies that the dog had an injury, defect, or illness that was obvious or able to be diagnosed before the purchaser received the dog or that is likely to have been acquired before the purchaser received the dog.

4. The dog dies within two weeks of purchase and a veterinarian certifies that the dog died from causes other than accident or injury suffered after the purchaser received the dog.

5. Within two weeks of purchase, the dog shows symptoms of an injury, defect, or illness that was obvious or able to be diagnosed before the purchaser received the dog or that is likely to have been acquired before the purchaser received the dog and a veterinarian certifies that the dog has that injury, defect, or illness.

A purchaser who is entitled to remedies because of the death of a covered dog may obtain a refund of the purchase price and reimbursement of veterinary fees. A purchaser who is entitled to remedies because of the injury, defect, or illness of a covered dog may do any of the following:

1. Return the dog and obtain a refund of the purchase price and reimbursement of veterinary fees.
2. Return the dog, receive another dog of equivalent value, and obtain reimbursement of veterinary fees.
3. Keep the dog and obtain reimbursement of veterinary fees plus the estimated future cost of veterinary fees for attempting to cure the dog.

In each situation, the total amount of reimbursement for past and future veterinary fees is limited to twice the purchase price of the dog. ✓

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Information for purchasers

This bill requires each person who sells a dog as a pet, or for resale as a pet, to provide a written description of any vaccinations and any treatment for parasites that the dog has received. The bill also requires a person who sells a covered dog to provide a written description of the remedies provided to purchasers under the bill. ✓

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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.

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

Insert 2-25

(a) For a person who sells or offers to sell at least 60 but fewer than 100 dogs in a year, \$75. ✓

(b) For a person who sells or offers to sell at least 100 but fewer than 150 dogs in a year, \$100.

(c) For a person who sells or offers to sell at least 150 dogs in a year, \$125.

Insert 4-3

(7) INVESTIGATIONS. If a local law enforcement agency receives a complaint alleging a violation of this section or otherwise has reason to believe that a violation has occurred, the local law enforcement agency may conduct an investigation and report its findings to the department. ✓

Insert 4-18

2. If a dog breeder convicted of a 3rd violation under par. (a) does not have a license under sub. (2), the dog breeder is permanently ineligible for a license. If a dog breeder convicted of a 3rd violation under par. (a) has a license under sub. (2), the department shall revoke the license and the dog breeder is permanently ineligible for a new license. ✓

Insert 4-20

(a) "Covered dog" means one of the following:

1. A dog sold to a purchaser by a dog breeder. ✓
2. A dog sold to a purchaser by a person other than a dog breeder if the dog is not more than 18 months of age at the time of sale. ✓

(b) "Dog breeder" has the meaning given in s. 173.35 (1) (c). ✓

Insert 9-17

(b) A person who violates sub. (2) is subject to a forfeiture of not more than \$500. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2829/1dn

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(date)

While completing this redraft I realized that the draft lacked a penalty for failure to provide the required information to the purchaser of a dog. This would apply to anyone selling a dog, not just breeders or pet stores. I added a forfeiture of up to \$500. Please let me know if you would prefer a different penalty. ✓

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2829/1dn
RCT:lmk:rs

August 3, 2007

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Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

Tradewell, Becky

From: August, Tyler
Sent: Wednesday, August 22, 2007 3:32 PM
To: Tradewell, Becky
Subject: LRB 2829/1

Hi Becky,

We've gone through the draft and we're basically there.

We had one small change. Where we call them 'dog breeders' everywhere in statute, we'd like to change that to 'commercial dog breeders' and define that the same way we defined the 'dog breeders' in the bill. Simply put 'commercial' in with them everywhere.

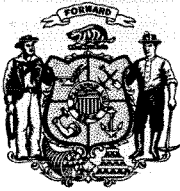
Lastly, we did have one question about rule-making authority. When we say on page 5 line 10 that 'THE DEPARTMENT SHALL PROMULGATE RULES THAT SPECIFY ALL OF THE FOLLOWING:' does that mean DATCP may only make rules within the boundaries we set for them in lines a-h, or can they make rules relating to the implementation of the program not specifically outlined in those letters?

Thanks so much again for your help.

Tyler

Sincerely,

Tyler August
Legislative Aide
State Representative Tom Lothian
32nd Assembly District
608-266-1190
tyler.august@legis.state.wi.us



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2829/1

RCT:lmk:rs

SOA (in 8/23)

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EJGf

2007 BILL

Regen

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 2 of the statutes; **relating to:** the sale of dogs, regulation of ^{certain} dog breeders,
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① *commercial* **Analysis by the Legislative Reference Bureau**

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A person who violates the requirements concerning licensure or who violates DATCP's rules is subject to a forfeiture (a civil monetary penalty) for a first or second offense and criminal penalties (a fine or imprisonment, or both) for a third or

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Remedies for purchasers

Commercial
This bill provides remedies for a person who buys a dog as a pet (purchaser) if the purchaser buys the dog from a dog breeder or, if the purchaser buys the dog from someone who is not a dog breeder, the dog is not more than 18 months old when purchased. A purchaser of such a dog (covered dog) is entitled to a remedy if any of the following happens:

1. The dog dies within 12 months of purchase and a veterinarian certifies that the dog had a congenital or hereditary condition that severely affected the health of the dog.
2. Within 12 months of purchase, the dog shows symptoms of a congenital or hereditary condition that severely affects the health of dogs and a veterinarian certifies that the dog has that condition.
3. The dog dies within two weeks of purchase and a veterinarian certifies that the dog had an injury, defect, or illness that was obvious or able to be diagnosed before the purchaser received the dog or that is likely to have been acquired before the purchaser received the dog.
4. The dog dies within two weeks of purchase and a veterinarian certifies that the dog died from causes other than accident or injury suffered after the purchaser received the dog.
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In each situation, the total amount of reimbursement for past and future veterinary fees is limited to twice the purchase price of the dog.

Information for purchasers

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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

BILL

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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5 under ch. 174, to administer the rabies control program under s. 95.21, to help
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9 93.20 (1) **DEFINITION.** In this section, "action" means an action that is
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13 **173.35 Regulation of ^{commercial} dog breeders.** (1) **DEFINITIONS.** In this section:

14 (a) "Adequate food" means wholesome food that is accessible to an animal, is
15 appropriate for the type of animal, and is sufficient in amount to maintain the animal
16 in good health.

17 (b) "Adequate water" means potable water that is accessible to an animal and
18 is sufficient in amount to maintain the animal in good health.

BILL

1 (c) ^{Commercial} "Dog breeder" means a person who is engaged in the business of breeding
2 dogs and who either sells or offers to sell at least 60 dogs in a year or has at least 8
3 breeding female dogs.

4 (d) "Humane care" includes the provision of adequate heating, cooling,
5 ventilation, sanitation, shelter, and medical care consistent with the normal
6 requirements of an animal's size and breed, adequate food, and adequate water.

7 (2) LICENSE. (a) No person may act as a ^{commercial} dog breeder without an annual license
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9 separate location at which the person is engaged in the business of dog breeding.

10 (b) The department may not issue a license to a person under this subsection
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12 person complies with the rules under sub. (6) (a) to (f) and ^{includes} evidence satisfactory to
13 the department that the person holds a current seller's permit under s. 77.52 (9).

14 (3) FEE. The fee for a license under sub. (2) is as follows:

15 (a) For a person who sells or offers to sell at least 60 but fewer than 100 dogs
16 in a year, \$75.

17 (b) For a person who sells or offers to sell at least 100 but fewer than 150 dogs
18 in a year, \$100.

19 (c) For a person who sells or offers to sell at least 150 dogs in a year, \$125.

20 (4) ANNUAL REPORT. (a) Annually, a person holding a license under sub. (2) shall
21 submit to the department a report that includes all of the following information:

22 1. The number of dogs at the locations at which the person is engaged in the
23 business of dog breeding on the date on which the report is prepared.

24 2. The number of dogs that the person sold in the preceding calendar year.

BILL

1 3. The number of dogs that the person sold for which a purchaser received a
2 remedy under s. 173.37 (5) during the preceding calendar year.

3 (b) If an annual report under par. (a) for a ^{commercial} dog breeder shows that the number
4 of dogs under par. (a) 3. is 15 percent or more of the number of dogs under par. (a) 2.,
5 the department shall revoke the ^{commercial} dog breeder's license under sub. (2) and the ^{commercial} dog
6 breeder is ineligible for a license for 12 months from the date of revocation.

7 (5) PURCHASE FOR RETAIL SALE. No person who sells dogs at retail may purchase
8 a dog from a ^{commercial} dog breeder if the person knows that the ^{commercial} dog breeder is not licensed
9 under sub. (2).

10 (6) RULES. The department shall promulgate rules that specify all of the
11 following:

12 (a) Minimum standards for facilities at which ^{commercial} dog breeders operate.

13 (b) Minimum requirements for humane care to be provided by dog breeders.

14 (c) Requirements relating to the transportation of dogs by dog breeders. ^{Commercial}

15 (d) Minimum ages for the sale of puppies by dog breeders.

16 (e) Requirements relating to space and opportunity for exercise to be provided
17 to dogs by dog breeders. ^{Commercial}

18 (f) Requirements for record keeping by dog breeders.

19 (g) Reinspection fees, designed not to exceed the cost of performing a
20 reinspection, to be charged when an inspection by the department under this section
21 reveals conditions that require correction and reinspection.

22 (h) Grounds for revocation of licenses issued under sub. (2).

23 (7) INVESTIGATIONS. If a local law enforcement agency receives a complaint
24 alleging a violation of this section or otherwise has reason to believe that a violation

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1 has occurred, the local law enforcement agency may conduct an investigation and
2 report its findings to the department.

3 (8) PENALTIES. (a) A person who violates this section or a rule promulgated
4 under this section or who falsifies information on an application for a license under
5 sub. (2) or on an annual report under sub. (4) is subject to the following penalties:

6 1. For a 1st offense, a forfeiture of not more than \$3,000.

7 2. For a 2nd offense committed 365 days or more after conviction for a 1st
8 offense, a fine of not more than \$5,000 or imprisonment for not more than 30 days
9 or both.

10 3. For a 2nd offense committed fewer than 365 days after conviction for a 1st
11 offense, for a 3rd offense, or for a subsequent offense, a fine of not more than \$10,000
12 or imprisonment for not more than 90 days or both.

13 *commercial* (b) 1. If a dog breeder convicted of a 1st or 2nd violation under par. (a) does not
14 have a license under sub. (2), the dog breeder is ineligible for a license for 12 months
15 following the conviction. If a dog breeder convicted of a 1st or 2nd violation under
16 par. (a) has a license under sub. (2), the department shall revoke the license and the
17 dog breeder is ineligible for a new license for 12 months after the conviction.

18 *commercial* 2. If a dog breeder convicted of a 3rd violation under par. (a) does not have a
19 license under sub. (2), the dog breeder is permanently ineligible for a license. If a dog
20 breeder convicted of a 3rd violation under par. (a) has a license under sub. (2), the
21 department shall revoke the license and the *commercial* dog breeder is permanently ineligible
22 for a new license.

23 SECTION 4. 173.37 of the statutes is created to read:

24 **173.37 Protection for purchasers of dogs.** (1) DEFINITIONS. In this section:

25 *Insert from p. 7* (a) ^b "Covered dog" means one of the following:

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- 1. A dog sold to a purchaser by a ^{commercial} dog breeder.
- 2. A dog sold to a purchaser by a person other than a ^{commercial} dog breeder if the dog is not more than 18 months of age at the time of sale.

Move to p. 6

(b) ^{a commercial} "Dog breeder" has the meaning given in s. 173.35 (1) (c).

(c) "Purchaser" means a person who buys a dog as a pet.

(d) "Seller" means a person who sells a dog as a pet.

(e) "Unfit for sale" means either of the following:

- 1. Having a condition that is congenital or hereditary and that severely affects the health of the dog.
- 2. Having an injury, defect, or illness that was obvious or able to be diagnosed before the purchaser received the dog from the seller or that is likely to have been acquired before the purchaser received the dog from the seller.

(2) INFORMATION FOR PURCHASERS. (a) When a person sells a dog as a pet, the person shall provide all of the following to the purchaser, in writing:

- 1. A description of any vaccinations and any treatments for parasites that the dog has received.
- 2. A description of the remedies under this section for the sale of a dog that is unfit for sale.

(b) A person who sells a dog as a pet shall obtain the signature of the purchaser on a copy of the document under par. (a) 2. containing the written description of remedies and retain a copy of the signed document for inspection by the department.

(c) When a person sells a dog for resale as a pet, the person shall provide the buyer with a written description of any vaccinations and any treatments for parasites that the dog has received.

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1 **(3) RIGHT TO REMEDY.** A purchaser of a covered dog is entitled to a remedy
2 specified under sub. (4) if any of the following applies:

3 (a) The dog dies before the 366th day after the day on which the purchaser
4 received the dog from the seller, a veterinarian certifies that the dog was unfit for sale
5 due to a condition that is congenital or hereditary, and, if the seller complied with
6 sub. (2) (a) 2. and (b), the purchaser presents the certification to the seller before the
7 373rd day after the day on which the purchaser received the dog from the seller.

8 (b) The dog shows symptoms, before the 366th day after the day on which the
9 purchaser received the dog from the seller, of a condition that is congenital or
10 hereditary, a veterinarian certifies that the dog was unfit for sale due to that
11 condition, and, if the seller complied with sub. (2) (a) 2. and (b), the purchaser
12 presents the certification to the seller before the 373rd day after the day on which
13 the purchaser received the dog from the seller.

14 (c) The dog dies before the 15th day after the day on which the purchaser
15 received the dog from the seller, a veterinarian certifies that the dog was unfit for
16 sale, and, if the seller complied with sub. (2) (a) 2. and (b), the purchaser presents the
17 certification to the seller before the 22nd day after the day on which the purchaser
18 received the dog from the seller.

19 (d) The dog dies before the 15th day after the day on which the purchaser
20 received the dog from the seller, a veterinarian certifies that the dog died from causes
21 other than an accident or injury suffered after the purchaser received the dog from
22 the seller, and, if the seller complied with sub. (2) (a) 2. and (b), the purchaser
23 presents the certification to the seller before the 22nd day after the day on which the
24 purchaser received the dog from the seller.

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1 (e) The dog shows symptoms of a an injury, defect, or illness before the 15th day
2 after the day on which the purchaser received the dog from the seller, a veterinarian
3 certifies that the dog was unfit for sale due to the injury, defect, or illness, and, if the
4 seller complied with sub. (2) (a) 2. and (b), the purchaser presents the certification
5 to the seller before the 22nd day after the day on which the purchaser received the
6 dog from the seller.

7 (4) CERTIFICATION. A certification from a veterinarian satisfies the
8 requirements under sub. (3) if it contains all of the following:

9 (a) The name of the purchaser.

10 (b) The date or dates on which the veterinarian examined the dog.

11 (c) The dog's breed, color, sex, and age.

12 (d) A statement of the veterinarian's findings concerning the condition of the
13 dog.

14 (e) If the dog died, a statement of the probable cause of death.

15 (f) A statement that at the time of sale the dog was unfit for sale or, if the dog
16 died before the 15th day after the day on which the purchaser received the dog, that
17 the dog died from a cause other than an accident or injury suffered after the
18 purchaser received the dog from the seller.

19 (g) An itemized statement of the veterinary fees incurred for examination and
20 treatment of the dog as of the date of certification.

21 (h) If the dog did not die and may be curable, an estimate of the cost of
22 attempting to cure the dog.

23 (i) The name and address of the veterinarian and the date of the certification.

24 (5) REMEDIES AVAILABLE. (a) A purchaser who is entitled under sub. (3) to a
25 remedy due to the death of a covered dog may obtain all of the following:

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1 1. A full refund of the amount that the purchaser paid for the dog, including
2 sales tax, or another dog of equivalent value that is selected by the purchaser.

3 2. Reimbursement for veterinary fees incurred with respect to the dog, subject
4 to par. (c).

5 (b) A purchaser who is entitled under sub. (3) to a remedy due to the injury,
6 defect, or illness of the dog may do one of the following, as determined by the
7 purchaser:

8 1. Return the dog and receive a full refund of the amount that the purchaser
9 paid for the dog, including sales tax, and reimbursement for veterinary fees incurred
10 with respect to the dog, subject to par. (c).

11 2. Retain the dog and receive reimbursement for veterinary fees incurred with
12 respect to the dog plus the future cost of veterinary fees for curing or attempting to
13 cure the dog, as estimated in the veterinarian's certification, subject to par. (c).

14 3. Return the dog and receive another dog of equivalent value that is selected
15 by the purchaser plus reimbursement for veterinary fees incurred with respect to the
16 dog, subject to par. (c).

17 (c) The total amount of reimbursement for past and future veterinary fees
18 under this subsection is limited to twice the amount that the purchaser paid for the
19 dog, including sales tax.

20 **(6) PROCEDURE.** (a) When a purchaser presents a certification that complies
21 with sub. (4) to a seller, the purchaser shall notify the seller of the purchaser's choice
22 of remedy. The seller shall prepare a document confirming the choice to be signed
23 by the seller and the purchaser. The seller shall give a copy of the confirmation to
24 the purchaser and shall retain a copy of the document.

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1 (b) A seller that receives a veterinarian's certification and a confirmation of
2 choice of remedy shall provide the purchaser with the chosen remedy no later than
3 the 10th day after the day of receipt, unless the seller contests the purchaser's right
4 to the remedy by filing a request for a hearing with the department no later than the
5 5th day after the day of receipt.

6 (c) If the department receives a request under par. (b), the department shall
7 hold a hearing on the matter. Following the hearing, the department shall issue a
8 decision in writing. A seller or purchaser who is aggrieved by the decision may
9 appeal the decision to circuit court.

10 **(7) RECOURSE FOR SELLER.** A person who sold a dog to a seller is liable to the
11 seller if the seller provides a remedy under sub. (5) to the purchaser of the dog and
12 the dog had a condition that is congenital or hereditary and that severely affects the
13 health of the dog or the dog had an injury, defect, or illness that was obvious, able to
14 be diagnosed, or likely to have been acquired before the person sold the dog to the
15 seller.

16 **(8) RULES.** The department shall promulgate rules for the administration of
17 this section, including rules specifying the information that a seller must provide
18 under sub. (2) (a) 2. and the form for confirming the choice of remedies under sub.
19 (6) (a).

20 **(9) PENALTIES.** (a) A person who sells a dog that is unfit for sale knowing that
21 the dog is unfit for sale is subject to the following penalties:

- 22 1. For a first offense, a forfeiture of not more than \$3,000.
- 23 2. For a second offense committed 365 days or more after conviction for a first
24 offense, a fine of not more than \$5,000 or imprisonment for not more than 30 days
25 or both.

