

**WISCONSIN STATE  
LEGISLATURE COMMITTEE  
HEARING RECORDS**

**2007-08**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on  
Small Business,  
Emergency  
Preparedness,  
Workforce  
Development,  
Technical Colleges &  
Consumer Protection**

**(SC-SBEPWDTCCP)**

**COMMITTEE NOTICES ...**

➤ Committee Reports ... CR  
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➤ Executive Sessions ... ES  
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➤ Public Hearings ... PH  
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**INFORMATION COLLECTED BY  
COMMITTEE FOR AND AGAINST  
PROPOSAL ...**

➤ Appointments ... Appt  
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Name:

➤ Clearinghouse Rules ... CRule  
\*\*

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

(companion bill: \_\_\_\_\_)

➤ Miscellaneous ... Misc  
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# WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

Date ?

Testimony of Senator Jeff Plale and Representative Tom Lothian

Senate Committee on Small Business, Emergency Preparedness, Workforce Development,  
Technical Colleges and Consumer Protection  
Assembly Committee on Consumer Protection and Personal Privacy

## Senate Bill 308 and Assembly Bill 567

Thank you Chairman Wirch and members of both committees for hearing this bill. We are very proud of this legislation because it not only helps protect man's best friend, but also protects Wisconsin consumers.

We began work on this bill early last year after receiving hundreds of constituent contacts asking us to act. Similar legislation in past sessions has failed. After examining legislation from many other states, we have a bill that we are confident will work for Wisconsin.

The bill is intended to protect the pet buying public and help them to obtain a dog that is of the utmost health and quality. Breeders and/or sellers will be responsible for providing certain remedies for purchasers (refund, replacement, or reimbursement) should the dog become ill or die from a condition contracted prior to the purchase. The bill requires breeders/sellers to provide buyers with a written bill of sale detailing the condition of the dog, any vaccinations it has received, any pre-existing animal-specific or breed-specific health issues, remedies available to the purchaser, and the responsibilities of both the buyer and the seller. Remedies are still available to consumers, even if they do not buy a dog directly from a breeder and instead purchase a dog from a retail store. Additionally, the bill prohibits retail stores from buying dogs from a commercial breeder if the purchaser knows that the commercial breeder is not licensed and should be or whose license is revoked.

This legislation makes it unprofitable to sell dogs of poor health and quality. One of the main reasons that puppy mills continue to exist is because it is a profitable business. One part of this bill makes it unprofitable to continually sell dogs of poor quality and health to consumers. The bill requires that, as part of the license application, the commercial breeder fill out an annual report. This annual report must include the number of dogs sold in the previous year and the number of dogs the person sold which a purchaser received a remedy for. If the number of dogs that purchasers received remedies for is over 15 percent of the total number sold in the past year, the commercial breeder's license is revoked for one year.

Senate Bill 308 and Assembly Bill 567 provide oversight. The legislation informs the state where large scale operations are and allows for monitoring. The bill requires that those selling over 50 dogs per year to obtain a license through the Department of Agriculture, Trade and Consumer Protection (DATCP), and this license will be tied to their seller's permit, which is issued through the Department of Revenue. Additionally under the bill, local law enforcement

have the ability to investigate complaints of violations of provisions of the bill and report their findings to DATCP.

DATCP will be the agency responsible for establishing rules that set minimum standards for facilities and standards for humane care. Any licensed facility that is not in compliance with the standards risks losing their license. Anyone who violates the requirements of the licensure or DATCP's rules not only faces a monetary penalty or imprisonment, but most importantly has the possibility of their license to sell dogs being revoked for a period of time or permanently.

When we set out to craft this bill, we wanted a bill that protected not only the welfare of animals, but the Wisconsin pet buying public as well. While states, like Colorado, have erred on the side of protecting the rights of the animals without offering any remedies for consumers, our bill strikes a balance. This bill improves the health and conditions of animals and offers consumers greater protection when they purchase a pet. This issue is a combination of a humane issue and a consumer protection issue. We believe if we hit these commercial operations where it counts the most, in their pocketbooks, the animals will in turn be protected because it will not be profitable to keep them in such horrid conditions.

We do understand that most breeders do an excellent job and offer excellent, healthy dogs to their buyers. Without regulation, Wisconsin has become a haven for commercial operations, and we are trying to solve the problem of the bad actors. With that said, as you can see in the Substitute Amendment, we have made changes to the bill to protect the small breeders in the state.

The eight breeding females as one of the benchmarks for licensure was removed. Additionally, more protections for small breeders were inserted specifically, allowing the seller of the puppy to provide a list of potential breed-specific or individual puppy-specific health issues/problems associated with that dog or breed. If a purchaser receives this list provided by the seller, they would then NOT be eligible for a right to remedy for the issues laid out before the sale by the seller. Also, under the substitute amendment, the seller would have the right to a second opinion from a veterinarian of their own choosing prior to providing a remedy. Finally, the bill clarifies that any communicable disease the puppy contracts after leaving the care of the seller is not eligible for a right to remedy. Likewise, any action or inaction by the purchaser causing damage or harm to the health of the animal is specifically exempt from the right to remedy. Both these provisions address the concern of owner negligence being the responsibility of the seller.

This bill will give consumers confidence in buying Wisconsin dogs, and it will give us all confidence that man's best friend is being treated humanely. This legislation will result in marked improvement to the living conditions and care for dogs across Wisconsin. Wisconsin is behind on enacting legislation such as this. Wisconsin has to do better, and Wisconsin can do better. The time to act is now. Again, we thank you for hearing this bill. We are happy to take any questions you may have.



Senator Robert Wirch  
Senate Committee Chair on... Consumer Protection  
and  
Representative Thomas Lothian  
Assembly Committee Chair on Consumer Protection...



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Chair Wirch, Chair Lothian, and Committee members,

We provided comments on the original draft of SB 308/AB 567, and are pleased to see some improvements in the proposed substitute amendments. However, we have concerns with the amendment, and feel the approach this bill is taking to regulate mass producers of dogs **will not** achieve the desired results and **will** negatively affect reputable and conscientious breeders of quality dogs.

We have had Irish Setters since 1968 and are actively involved in showing our dogs in the breed ring, obedience, and field. We breed an occasional litter: we breed only our best—those individuals who have earned titles, are structurally sound, have passed all health tests recommended by our national breed club, and have outstanding traits and features we are looking to continue in the breed. We belong to the Irish Setters Club of America, Irish Setters Club of Milwaukee, and Badger Kennel Club (DeForest, Wisconsin).

### **Concerns with the substitute amendment**

- **An apparent requirement to license all breeders regardless if the “Commercial dog breeder” threshold is met.**
  - A commercial dog breeder is defined as one who sells or offers to sell **at least 50** dogs per year, yet the licensing fee structure requires a license for anyone selling **fewer than 100** per year. This inconsistent **173.35 (2)(a)** which states that no person can act as a “commercial dog breeder” without a license. If this inconsistency is not a drafting error, our concerns with this are as follows:
    - Many conscientious breeders may not have a litter every year or plan litters that do not result in pregnancy. An annual license requirement for occasional litters in no way addresses puppy mills and squeezes little revenue out of the lowest volume breeders presumably to monitor commercial breeders.
    - This requirement would treat breeders who produce very few dogs the same as what this bill considers the threshold for potential “puppy mill” (i.e. commercial dog breeder)
    - There is concern that a publicly available list of Wisconsin dog breeders might used inappropriately by disgruntled neighbors, potential dog thieves (which may include stock suppliers to “puppy mills”), or groups or individuals with a history of releasing/poisoning/killing dogs to target breeders.

- **173.37 (e)1 The definition of “unfit for sale” is so broad and vague that it lends itself to variable interpretation.**
  - The line between what is a hereditary versus developmental problem is not clear cut.
  - There are relatively few genetic tests available to predict, with certainty, hereditary problems
  - The phrase “severely affecting the health of the dog” is open to interpretation.
  - This bill may encourage breeders to put down dogs with relatively minor defects to avoid any potential hassles with buyers who may purchase a puppy knowing it has a defect and then seeking remedy from the seller.
- **173.37 (2) The impact of this bill on common practices, such as using written contracts, is unclear**
  - Many conscientious breeders—as recommended by the American Kennel Club and most national breed clubs—use written contracts when selling a dog. Many of these contracts are far more detailed and stronger than the requirements in the amendment, and are enforceable in the civil court system. If a contract discloses a health condition, and the buyer signs/agrees to the terms of the contract, is the buyer still entitled to a remedy?
- **173.37(3) Right to Remedy**
  - The amendment has no requirement for the seller to have the pupp(ies) examined by the vet prior to sale, nor is there a requirement for the buyer to have the puppy examined by a vet immediately after purchase.
  - If a remedy is pursued under (a) how can any vet certify that the dog was “unfit for sale” if there is no baseline for comparison? Similarly, it will be difficult in many cases for a vet to assess the environmental factors or owner’s interaction with the dog that may have contributed to an untimely death.
  - Remedies pursued under (b) rely on the expression of symptoms. The same symptoms can often indicate several possibilities for diagnosis. Symptoms are not necessarily an indication of hereditary or congenital causes, nor are they the same as a definitive diagnosis. Remedies should not be provided for undiagnosed conditions; a vet cannot retroactively diagnose that a dog was “unfit for sale” based on current symptoms.
  - The right to a remedy up to a year from the time of purchase is too long.
  - The right to a remedy outlined in subsections (c), (d), and (e) is too long. In two weeks a dog can easily contract a disease, be injured, poisoned, etc after it has left the breeder.
- **173.37 (4)(h) Right to Remedy**
  - There are often different treatment options for the same condition. Some owners spare no expense in treatments, others have a lower tolerance.

## ***Concerns with this bill's approach to dog regulation***

### **There is no distinction in the law, or protection, for conscientious hobby breeders**

The true distinction between conscientious breeders and mass producer of dogs is the motivation for breeding. Conscientious breeders are breeding to a breed standard to produce desired qualities (structure, temperament, health, breed type, functionality to do the job for which the breed was intended). Often conscientious breeders are investing tremendous amounts of time,

money, and effort in their dogs including earning titles (in the conformation, obedience, field or other events) where their dog's structure and abilities are evaluated by judges, health screening tests, routine veterinary care, stud fees and related breeding costs. Conscientious breeders may break even on a litter, or lose money on a litter. The main objective and reward for conscientious breeders is to have their choice of puppies that possess the attributes one hoped to get from the breeding. The current approach this bill uses offers no distinction between conscientious hobby breeders, regulated commercial breeders, and "puppy mills." The bill does not provide any exemptions for any actions that are hallmarks of responsible breeding (health clearances on the parentage, use of contracts etc.) that are common practice for many conscientious breeders.

**This bill does not place any responsibility on prospective dog owners to make informed choices when looking for a puppy**

Based on our years of teaching dog training classes, participating in educational events for potential dog owners, and screening potential puppy buyers for our own litters, puppy mills exist to fulfill a consumer demand. These may be buyers who want a puppy at their convenience, are impulse buyers, are comparison shopping by the lowest price, or to whom a conscientious breeder will not sell a puppy.

We spend a tremendous amount of time educating the public about our breed, its qualities, and questions they should be asking of breeders. There are numerous resources available for prospective dog owners to research the breed, understand what health tests are recommended, check on health test results of parents, and ask questions of breeders prior to purchasing a puppy. The approach of this bill does not place any responsibility on potential dog owners; in fact it seems to reward those folks that have made poor decisions by providing them with a financial reward.

**Existing laws that protect consumers and animals are currently unenforced or inadequate**

Additional regulation does not necessarily result in better consumer choices or changes in breeding practices. Rather than creating additional law, working within the existing framework is much more efficient and cost effective. The USDA already regulates large scale producers of dogs under the Animal Welfare Act. If citizens are dissatisfied with how the Federal government is enforcing their laws, which is not the state's fault. The civil court system offers recourse for both buyer and seller in disputes. Local governments enforce local kennel ordinances and cruelty complaints. Wisconsin's current animal cruelty laws are very general and offer inadequate protection. The American Kennel Club has a Kennel inspection program (<http://www.akc.org/about/depts/investigations.cfm>) that inspects breeders who register seven or more litters per year, and also randomly selects some breeders who register between four and six litters a year for inspection.

We have included a list of suggested improvements to Wisconsin dog regulations that build off existing laws, accepted American Kennel Club programs, and common practices of conscientious breeders.

Thank you for your efforts on this issue.  
Sincerely,

Gail Jackson

John Jackson

Tamara Jackson

## Suggested improvements to Wisconsin dog regulations

- **Adopt a state inspection program similar to the current American Kennel Club (AKC) inspection program criteria** as the threshold that can trigger kennel inspections.

*(See Appendix A for full language of AKC's inspection criteria  
<http://www.akc.org/about/depts/investigations.cfm> )*

Language should specify that inspection criteria applies to litters registered with AKC, UKC, or any registry and to unregistered mixed breeds (including so called "designer dogs"). We encourage that AKC field agents be allowed to continue their inspection activities and report any findings to appropriate state or federal regulatory agencies.

- **Incorporate the AKC's Deficiencies in the Care and Condition of Dogs guidelines** into Wisconsin's Animal cruelty statutes

*(See Appendix B for a comparison of Wisconsin's current statute and AKC's guidelines  
<http://www.akc.org/rules/policymanual.cfm?page=7#Deficiencies>)*

- **Prohibit the sale of puppies before seven weeks of age.**
- **Require retailers (pet stores) to provide potential buyers with factsheets about each breed they sell, and require a waiting period (no less than one day) before a prospective buyer can purchase a puppy. Factsheets should include information about the characteristics of the breed (what it was bred to do, energy level and exercise requirements, size, personality traits, etc.).**

AKC has information about all AKC breeds ([http://www.akc.org/breeds/index.cfm?nav\\_area=breeds](http://www.akc.org/breeds/index.cfm?nav_area=breeds)) and an expansive educational section for potential dog owners (see [http://www.akc.org/future\\_dog\\_owner/about\\_buying\\_a\\_dog.cfm](http://www.akc.org/future_dog_owner/about_buying_a_dog.cfm) ).

Some responsible pet stores in Wisconsin already provide information and require a waiting period before selling a puppy.

Most National Breed Clubs and all-breed clubs specify in their codes of ethics that breeders shall not sell puppies to wholesalers or pet shops. Conscientious hobby breeders do not sell to pet store or wholesalers.

- **Prohibit all dog auctions consistent with AKC's policy on dog auctions.**

*(See Appendix C for AKC's dog auction policy  
<http://www.akc.org/rules/policymanual.cfm?page=7>)*

- **Require a written contract between puppy buyer and seller. Specify that contracts should include the following:**
  - Itemization of all health screening tests recommended by national breed clubs for that specific breed

- Listing of established, canine health databases such as the Orthopedic Foundation for Animals ([www.offa.org](http://www.offa.org)) and the Canine Health Information Center (<http://www.caninehealthinfo.org>) where buyers can confirm health screening on a puppy's sire and dam
- Itemization of all recorded health testing that has been done on the puppy's sire and dam
- Itemization and documentation of any vaccinations, worming, or medications given by the breeder or a licensed Wisconsin veterinarian prior to transfer of ownership from breeder/rescue or animal shelter/retailer to owner.
- Require disclosure of any health conditions known at the time of sale.
- Breeder/rescue or animal shelter/or retailer requirements on the expectations of care for the puppy by the buyer
- A take back or replacement clause should a health problem be discovered by a Wisconsin licensed veterinarian within one week of puppy placement, or the buyer is unable to keep the puppy within 6 months of purchase.
- Specify under what conditions the puppy may not be bred or may be bred (Note: many conscientious breeders use AKC limited registration when placing pets to prevent breeding, or spay/neuter contracts)
- A five generation pedigree verifiable by the AKC, UKC, or other registry, if available. The cited registry should be clearly noted on the pedigree.
- A take back clause should the buyer be unable to keep the dog
- For breeders, rescue groups, or animal shelters placing adult dogs where the parentage or full health history may not be known, known health history can be substituted for the requirements above.

AKC and most national breed clubs advise breeders to have contracts or bill of sales (see Appendix D). Buyers and breeders have recourse through the civil courts. Complaints can also be filed with DATCP, AKC, national and local breed clubs.

- **Require that contracts be signed and dated on each page of the contract by both buyer and seller at the time of the transfer of ownership of the dog.**
- **Require both buyer and seller retain copies of signed contracts.**
- **Require the Department of Agriculture, Trade, and Consumer Protection (DATCP) to develop a contract template accessible to breeders and potential buyers.**
- **Require the breeder to provide documentation of a veterinary exam for every puppy at the time of sale.** Exams must be done by licensed Wisconsin veterinarian.

The entire litter should be seen by the vet with each pup clearly identified by sex, colored ribbon collar, clipping pattern, coat color/pattern etc. so there is no confusion about which vet report goes with each puppy.

- **Require a copy of the puppy's veterinary exam should be provided by the breeder for the buyer.**
- **Require new puppy owners to have a veterinary exam by licensed Wisconsin veterinarian other than the breeder's vet within one week of purchasing the puppy.** If the two veterinary exams do not agree, the buyer should be able to return the puppy within the week for a full refund.

Note: not all puppies are "perfect." A vet exam prior to sale may discover potential health issues undetectable to the breeder (a heart murmur, cataracts, etc.) and unpredictable with current health screening tests. These types of health issues may or may not be significant to the overall quality of life for the dog, for example a malocclusion (bad bite).

- **Require breeder/rescue group or animal shelter/retailer to disclose health issues, if any, to the buyer prior to sale.**

If the buyer is informed of any health or other conditions prior to the sale of the dog, and health or other conditions are itemized within the buyer/sellers contract (as suggested above), the buyer should not be entitled to a remedy under the law unless the condition is significantly more severe (pending veterinary confirmation) than represented by the seller at the time of sale.

## Appendix A: AKC's inspection criteria

The AKC is the only purebred registry in the United States with an ongoing routine kennel inspection program. The AKC has a dedicated team of field inspectors who visit kennels to ensure the proper care and conditions of AKC-registered dogs and verify that breeders are maintaining accurate records for their dogs. In 2006, AKC field inspectors conducted approximately 5,000 inspections nationwide. The AKC dedicates nearly \$6 million annually to its compliance programs to ensure the accuracy of its registry and the care and conditions of dogs raised by breeders of AKC dogs.

### Investigations and Inspections

- Routine AKC field inspections involve several steps. Inspectors begin by examining the dogs as well as the condition of their environment. Inspectors check to ensure all the dogs have proper identification. They review breeder records, which must be maintained for at least five years.
- AKC inspects breeders who register seven or more litters per year. AKC also randomly selects some breeders who register between four and six litters a year for inspection.
- In addition, AKC inspects breeders based on written, signed and substantiated complaints.
- Inspectors enforce the AKC Care and Conditions policy to ensure that dogs have access to adequate food, water and shelter and that kennel space provided them is appropriately constructed and not overcrowded. If a dog appears to have a health issue, inspectors make sure it is being addressed.
- Through kennel visits, inspectors seek to work with breeders to help correct any deficiencies, as well as help new breeders develop effective practices and procedures.
- If an inspector finds minor deficiencies, the issues are noted and discussed with the breeder, and AKC expects the issues to be taken care of before the next inspection. While the AKC does not have penal or regulatory authority, breeders who have major kennel deficiencies may lose AKC privileges (ability to register dogs or compete in events). In some cases, fines will be imposed, AKC privileges may be suspended and appropriate law enforcement authorities contacted.
- AKC automatically imposes a 10-year suspension and a \$2,000 fine on anyone convicted of animal cruelty involving dogs.

### DNA Testing

- DNA testing is conducted during inspections as a way to verify the parentage of a litter of puppies. Employing this technology confirms that breeders are maintaining accurate pedigrees and maintains the integrity of the AKC registry.
- DNA testing is non-invasive — it is obtained by swabbing a dog's cheek.
- As part of the AKC's Frequently Used Sire program (FUS), DNA tests are mandatory for dogs that sire seven or more litters in a lifetime or more than three litters in a calendar year. On average, 45 percent of all AKC litters registered each year come from an FUS dog. The AKC has over 425,000 DNA profiles in its DNA database.

## Appendix B

### ***AKC's Deficiencies in the Care and Condition of Dogs Guidelines***

When in the course of routine on-site records inspections, AKC Inspectors discover dogs in a clearly compromised condition (including, but not limited to, dogs that are grossly underweight, severely dehydrated, with serious untreated injuries or having severe external parasitic infestation), AKC Investigators may then initiate *referral* of AKC privileges for conduct prejudicial to the best interests of purebred dogs. Offenders shall be given 45 days to correct deficiencies with the possibility of ending the referral by request and passing a complete reinspection.

In cases where deficiencies are not corrected or reinspections are not requested, the AKC may proceed with disciplinary action leading to suspension of all AKC privileges. When suspensions occur, agencies shall be notified by AKC (and whenever, during the above process, dogs are found in conditions that place them in immediate danger, agencies with jurisdiction shall be notified at once).

**Note:** These guidelines (adapted from drafts produced by Investigations and Inspections) are intended to help individuals correct deficiencies that have triggered notification of animal care agencies under current AKC policy and/or to help those people whose AKC registration privileges have been placed on referral because of such deficiencies. They are **not** meant to serve as minimum standards for breeding facilities, but rather as a basis for helping individuals correct specific deficiencies found during routine inspections.

#### A. Kennel Conditions (Housing)

1. The shelter must be large enough so the dogs can sit, stand, lie down or turn around comfortably, with no overcrowding.
2. The shelter shall be constructed and maintained so that dogs are securely confined and the shelter does not cause injury to the dogs.
3. Protection from adverse weather conditions must be provided.
4. Dogs must have access to daily exercise.
5. If wire is used, it must be an appropriate size for the breed to prevent injury, especially to feet.

#### B. Kennel Conditions (General)

1. Dogs should have access to fresh water on a daily basis.
2. Dog food should be fresh and appropriate.
3. Feces should be picked up and disposed of as frequently as necessary so as to not pose a threat to the health of the dogs.
4. Dogs should have access to a play area on a daily basis.

#### C. Deficiencies in the Condition of Dogs

1. Dogs at immediate risk.
2. Grossly underweight dogs.
3. Serious wounds that require veterinary care, but appear untreated.
4. Obvious, severe external parasitic infestation.
5. Collars that are too tight.
6. Severe skin lesions.

These guidelines are not intended to be all-inclusive or definitive, but rather to serve as a working outline that can be expanded and refined as needed while lending uniform application

to this policy.

The above is in addition to the policy adopted at the July 1990 Board meeting to notify federal, state or local agencies of unsanitary and/or unhealthy conditions found by AKC field agents during inspections/investigations of kennels; that the US Department of Agriculture (APHIS) will be notified when such conditions prevail at kennels regulated by that department under the provisions of the U.S. Animal Welfare Act; and that other state/local governmental or humane agencies will be notified when such conditions are observed at kennels not regulated by federal law.

### ***Wisconsin's current animal cruelty statutes***

#### **Wis. Stats. Ch. 951.**

**951.01(2)** "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

**951.02** Mistreating animals. No person may treat any animal, whether belonging to the person or another, in a cruel manner. This section does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinary practices.

**951.13** Providing proper food and drink to confined animals. No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

(1) Food. The food shall be sufficient to maintain all animals in good health.

(2) Water. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

**951.14** Providing proper shelter. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

#### **951.14(1)**

(1) Indoor standards. Minimum indoor standards of shelter shall include:

(a) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.

(b) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

#### **951.14(2)**

(2) Outdoor standards. Minimum outdoor standards of shelter shall include:

(a) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the

animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.

(b) Shelter from inclement weather.

1. 'Animals generally.' Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

2. 'Dogs.' If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

**951.14(3)**

(3) Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:

(a) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(b) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

**951.14(4)**

(4) Sanitation standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

## Appendix C: AKC's Dog Auction Policy

1. "The American Kennel Club considers auctions and raffles not to be reasonable and appropriate methods to obtain or transfer dogs."
2. "AKC's current inspection program shall include kennels/individuals offering dogs for sale at auctions."
3. "Any dog sold at auctions that is under 8 weeks of age or without microchip identification will be ineligible for AKC registration and shall be placed on permanent referral."
4. "The American Kennel Club discourages Parent Club rescue groups from purchasing dogs at auctions. Although Parent Clubs may be doing good things for individual dogs purchased at auctions, it perpetuates the problem and tends to create a seller's market. Reciprocally, auctioneers seek more dogs of those breeds to offer at auctions. AKC applauds the work of Parent Club rescue groups on many fronts. However, AKC believes that the purchasing of dogs at auctions is not overall in the best interest of purebred dogs."

## **Appendix D**

### ***AKC's statement on Protection for Puppy Purchasers***

The American Kennel Club supports reasonable laws and regulations intended to protect the pet-buying public in obtaining a sound dog of the breed represented.

Breeders and/or sellers should be responsible for providing certain refunds, replacements or reimbursements should the dog sold become ill or die from a condition contracted prior to the purchase.

Such remedies should be conditioned upon the buyer's scrupulous adherence to the care and feeding program prescribed by the breeder and/or seller, as well as a timely examination by a state licensed veterinarian.

Breeders and/or sellers should provide buyers with a written bill of sale detailing the responsibilities of both the buyer and seller. This bill of sale should also detail any exclusions to refunds, replacements or reimbursements.

Found In  
SB 308  
Folder

## Breeder Comparison Matrix

Characteristic	Backyard Breeder	Puppy Mill	Commercial Breeder	Hobby Breeder
Has a specific breeding goal	To produce puppies	To make money	To supply the demand	To better the breed
Belongs to and works with breed club	May masquerade as a member	Hardly ever	Has a network of business contacts	Extremely dedicated
Has at least one mentor	Works independently, lacks guidance	Not interested in breed improvement	Does not specialize in specific breed	Invites knowledge
Understands and breeds to the standard	May not even know what it is.	Uses any available stock.	focuses on general appearance	Strives towards the ideal
Active in dog related activities (shows, trials, rescues)	Often rescues only to attain more stock. Rarely attends shows or trials	Does not need to promote establishment; sells to brokers--pet shops, etc.	Does not need to promote establishment, sells to brokers, pet shops etc.	Shows and trials to prove worth. Shows & trials to objectively test breeding stock.
Knows the true history of the breed	May share false/incomplete info	Often pretends to know some.	Claims that it's not important.	Studies continuously
Sells pups with spay/neuter contract and tries to stay in touch with new owners	May charge more for "breeding" papers	Often issues papers via generic "registries"	All pups sold have full breeding rights.	Yes, and diligently follows up on progeny
Keeps up with health and temperament issues affecting the breeding and provides in depth guarantees	May refuse to acknowledge most problems. Considers shows and trials as too "political".	No need to, mostly supplies brokers and pet shops	Meets minimum standards as required by state law.	Goes above and beyond standard requirement
All breeding stock is tested for genetic diseases affecting the particular breed.	Some occasionally may be to impress consumers.	Only as demanded by consumers -- may give papers as proof of quality.	May provide undocumented paperwork for appearances sake.	Intensive testing always a priority
Maintains carrier records on all dogs in gene pool including effected progeny.	Focuses mostly on phenotype--unfamiliar with genotype.	Often supplies broker and pet shops, records unavailable.	Dogs and puppies are often auctioned off in lots, records unavailable	Attempts to continuously track every puppy produced
Clean, sterile environment always maintained	Conditions may vary greatly depending on available income.	Often tries to maintain minimum standards	Cleanest and best organized; state inspected	Usually "home raised with love" and well cared for.
Expected longevity with any particular breed	Unrealistic expectations-- easily disillusioned.	Will continue as long as the sales are coming	Depends on popularity of specific breeds	On a mission--plans to stay for the long haul.

| Puppy Producers: What Are They | Choosing a Breeder |

## Breeder Comparison Matrix

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**MEMORANDUM IN SUPPORT  
WISCONSIN SB 308**

The American Society for the Prevention of Cruelty to Animals (ASPCA) and its 9,000 Wisconsin State supporters urge you to enact Senate Bill 308/Assembly Bill 567, the Pet Facilities Licensing and Inspection Act.

SB 308/AB 567 would give the Department of Agriculture, Trade and Consumer Protection the much-needed ability to inspect and license large commercial kennels, individuals selling more than 50 dogs a year. It would give the Department the authority to promulgate rules regarding humane care of animals in these facilities. The Department would also be able to establish minimum ages for the sale of animals to prevent animals from being removed from their mother before they are weaned. The bill prohibits pet shops from selling dogs from unlicensed breeders and protects consumers by providing remedies for individuals who have the misfortune to purchase a sick puppy.

National news programs have focused on the horrendous conditions that dogs and puppies must endure in some puppy mills. Strong state regulation is also needed to supplement federal oversight of these facilities. Many other states including Illinois and Missouri already have inspection and licensing programs at animal facilities. These programs are crucial for they not only protect the animals housed in these establishments, but can also benefit consumers. Puppies that are raised in unsanitary conditions can have health problems. Some canines in puppy mills have even been diagnosed with brucellosis. Dogs that are inbred can produce puppies with congenital deformities. This is why the puppy lemon law provisions of this legislation are so important.

The ASPCA has been inundated by calls from our members asking us to help stop the inhumane conditions that exist in puppy mills. It should be the Department of Agriculture, Trade and Consumer Protection's responsibility to regulate commercial breeders and ensure that animals are kept in sanitary, humane conditions and provided with adequate food and water. This legislation should be strengthened to also apply to dog brokers who sell puppies to pet stores.

The ASPCA urges you to support this important humane legislation.



To Wisconsin Legislators:

The recent Puppy Mill tragedy reported by the Fond du Lac Reporter (attached) is yet another flag that legislation to control this inhumane industry is long over due. The chain of events in this latest incident was as big a tragedy as the abuse itself. Why this woman, who had previous neglect charges, is allowed to pack up her inhumane operation, and practices, and move it to another county is unimaginable. The decision to allow this to happen without exhausting all available local rescue resources is something that Fond du Lac County and its Humane organizations will have to talk out.... it didn't make sense.

My main concern, however, is what's (not) happening in Madison. Legislators have been politicizing Puppy Mill Legislation attempts so long that their recent proposal seems like they're proposing something so they can say they did something. The proposal calls for the Dept of Agriculture to establish standards of care, defines penalties for non-compliance, and punitive damages for persons who purchase a defective a puppy or adult dog. Sounds like all the bases are covered? Not quite!

'There is no provision for facility inspections. That's right. none! Their logic is that "someone" will report abuse and then local authorities will respond with due diligence and take appropriate action. Well, due to the recent event, I guess that last part may leave room for debate. Anyway, that's right, no inspections! It's like speed limits without radar, baseball without umpires.... you do the other analogies.

Bottom line is, it "ain't gonna work." Any legislator who professes this will control Puppy Mill abuse should send his thoughts to the Burlington Liar's Club....I'm betting he'll be the 2008 winner. My suggestion for your readers is to contact your local Humane Professionals and ask their opinion on this important issue. After that take the time to contact your state representatives and let them know what needs to be done to control Puppy Mills and end the abuse. Tell them to not only get the job done, tell them to DO IT RIGHT THE FIRST TIME.

Thank you!  
Frank Schemberger  
1732 Coolidge Court  
Eau Claire WI 54701

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SB 308  
Folder

Date  
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# Lamartine puppy mill: A scene of neglect

Owner able to move dogs to Kenosha

January 6, 2008

By **Sharon Roznik**

*Gannett Wisconsin Newspapers*

The future of 150 labradoodles found living in deplorable conditions in the town of Lamartine is now someone else's concern.

Although the Fond du Lac County Sheriff's Department has referred charges against a 69-year-old woman with a history of animal neglect to the District Attorney's Office, the woman was allowed to move the dogs to a residence in Kenosha.

Members of the Wisconsin Puppy Mill Project said they would have been ready and willing to offer assistance in rescuing the dogs from what a veterinarian at the scene described as "inhumane conditions."

"Our experience with these operations is: What is bad today will be seriously bad tomorrow," said Puppy Mill Project Director Eilene Ribbons Rohde of Eikhart Lake.

The decision to allow the dogs to remain with the owner was made with the best interest of everyone in mind, said Fond du Lac County Sheriff's Department Detective Charlie Sosinski, who specializes in animal cruelty and neglect cases. He cited costs involved with seizing 100 dogs, a veterinarian's report that deemed the dogs were well fed and the insistence of volunteers helping the woman move who said they would be diligent in finding the dogs new homes, as factors that carried weight.

"She's (the dog owner) come under our radar more than once. We aren't taking the position that she isn't our problem but it's what I think I can enforce," Sosinski said.

## **Anonymous complaint**

Sheriff's Department investigators first visited the residence on Town Line Road on Dec. 17 after receiving an anonymous complaint that numerous animals had been abandoned and the house was vacant, according to a Sheriff's Department report. Workers installing a new boiler in the residence told investigators there were several cats and a caged chinchilla inside the house. They said there was no food or water for the animals, along with an overwhelming odor of "cat waste."

A tour of the property by sheriff's officers revealed a large puppy mill-type operation, with 100 dogs housed in kennels with no bedding and no food or water. Animal waste was piled up everywhere, and the situation was reported to be similar to when the elderly dog breeder was investigated for alleged animal neglect in December 2005, according to authorities.

Two puppies, estimated to be a day old, were found dead in a kennel. Officers placed blankets and water in the kennels where two female labradoodles had recently given birth and were caring for litters of puppies, the report stated.

The worst pen contained eight puppies weighing about 40 pounds each, whose coats were caked with fecal matter, according to Waupun veterinarian Al Martens, who was called in as a consultant at the scene. He described the dogs as appearing frightened, and the older animals unable to interact with humans "as if they'd never been let out of a cage."

## **'Inhumane puppy mill'**

"In my opinion, it was a very inhumane puppy mill being run with the express desire to produce as many crossbred puppies as possible," Martens wrote in a letter included in the Sheriff's Department report as part of the investigation.

On the morning of Dec. 18, Sosinski contacted the woman by cell phone and she told the detective that she would meet him at the property later that afternoon, according to the report. A short time later, Sosinski found the woman already in the barn. When asked why she hadn't been honest about the meeting time, the woman told him, "By afternoon, the dogs would have been gone."

The dog owner also told Sosinski she had been traveling four hours a day to care for the dogs and had been evicted from the Lamartine property for failure to pay the rent. A search warrant was obtained after the woman refused to allow law enforcement authorities access to the dogs or the house.

Several people helping the woman move expressed concern about the animals, stating things had "gone too far" and they would be diligent in getting the dogs placed in new homes. A man told officers that he had already removed 50 dogs from the property on Dec. 14, according to the report.

The woman was cited, according to the report, for obstructing an officer, and failing to provide food, shelter and ventilation for the dogs. She was not taken into custody.

### **Shocked neighbor**

Neighbor Jodi Dietsche, who lives on Town Line Road, said she was shocked to learn there were more than 100 dogs on the property.

"We knew she had quite a bit, but not to that extent. Sometimes her dogs would get loose and we'd return them to her," Dietsche said. "A few years back, my kids worked there part-time to help with animals. She had tons, birds in every room and it was awful, a complete mess and I told them they couldn't work there anymore."

Wisconsin court records show that five charges against the woman were dismissed in August 2007. The charges related to alleged animal neglect date back to December 2005. She was charged three times in 2004 with allowing animals to run at large, and found guilty twice. Another charge for the same offense was filed in 2005, but dismissed. Among the numerous civil cases filed was an unpaid veterinary bill.

In all cases, the Kenosha residence was listed as the woman's address.

Fond du Lac Humane Society Shelter Manager Lucy Mathers called it a typical puppy mill operation. She said she was initially contacted by the Sheriff's Department and told the dogs were safe and the woman was expected back the next day.

"If we thought they were in danger, we would certainly have gone there and got them that night and worried about the cost later. This particular place has been an issue and the county has been out there numerous times, but it's hard to convict when they are always just 'this side of the law,'" she said.

### **Puppy mills not illegal**

Sosinski said each township sets its own standards for kennel permits, animal regulations and enforcement. Some townships have not implemented any standards, he noted, so as not to impede farmers.

"First of all, puppy mills aren't illegal and are no different (by law) than a bull farm or any large animal breeding operation," Sosinski said. "In these cases, the animals are under the government entity of the townships. We have no authority to make them establish limits and often they don't want to deal with it because they have nothing on the books."

When contacted by authorities, Town of Lamartine Constable Harold Birschbach said he had no place to care for that many dogs. Birschbach and Town of Lamartine Chairman Frank Bartzan did not return phone calls to The Reporter.

In this case, Sosinski said he believes the dogs are being taken to "a new clean and neat place where a lot of people are trying to help them."

"They were not being starved, they weren't in bad health, just neglected. And we notified the county where they are going. Kenosha is very organized and has strict animal control," he said.

### **Concern about case**

Rohde calls the way the situation was handled unfortunate for the dogs.

Sosinski said dogs taken into custody as part of a pending court case can't be placed in rescue groups because the animals are the responsibility of the Sheriff's Department, but Rohde said her group is well-versed and well-resourced in handling puppy mill situations.

"Sheboygan has 10 certified humane officers who understand the custody of evidence. We (members of the Wisconsin Puppy Mill Project) have been trained to understand evidence, what needs to be handled and what needs to be done. Why did they not take advantage of resources one county over? Now Fond du Lac's problem has become Kenosha's problem," she said.

The real problem lies in the need for stricter laws and regulations dealing with puppy mill operations, Mathers said. She relates a story about a recent visit she made to a residence near Dundee that had too many small dogs and animals, but there was nothing she could do because there was adequate food, water and shelter, and that's all the law requires, she said.

"We also have some people in the city breeding smaller dogs in situations that are very questionable, but there just isn't enough evidence," she said.

Sosinski said it's his job to try to understand what the animal owner is doing and find the best solution. He, too, is frustrated with the lack of local enforcement and with dealing with improperly cared-for animals.

"You can force the law but that's doing it the hard way. I try to have a dialogue with these people and take a path of least resistance," he said.

Rohde said the woman already had a long history of neglecting the animals in her care.

"Allowing animals to languish in filth and abuse over the sake of the buck makes the government as bad as the puppy miller," she said.



I'm not a public speaker but I do appreciate the opportunity to express my opinion on this legislation - I've looked at the amended version and believe that some changes could be made to strengthen the law and make it more effective in protecting <sup>doxy</sup> puppies in sad & abusive situations. The changes I define are the following: <sup>using</sup> <sup>LRBS 0163/11</sup>

Found In SB 308 Folder

No Date?

Page 4 Line 11 - add exercise to the list of "humane care" and define "adequate".

Page 4 Line 14 - define "person" to help close loopholes that may ensue.

Page 4 Line 18 - define who can provide an affidavit and what the person's qualifying background must be.

page 4 Line 24 - increase fee from 75<sup>00</sup> to 150<sup>00</sup>

page 5 Line 2 - increase fee from 100<sup>00</sup> to 200<sup>00</sup>

page 5 Line 3 - increase fee from 125<sup>00</sup> to 250<sup>00</sup>

these are in line with the fees assessed by the state of Pennsylvania.

page 5 Line 21 - insert "Humane" in front of minimum STANDARDS. Include in that sentence that each animal will have a unique Id number that traces back to that dog and all dog records must be maintained & current with ~~health~~ information on health history & euthanize records ~~once dog is no longer~~ put down. A copy of the <sup>health</sup> record should follow the dog if sold at an auction. DATCP will determine the <sup>specific</sup> content of the records.

increases

page 5 Line 24 - add second sentence "These requirements must take into account the physical & mental <sup>well</sup> being of every dog in the breeder's kennel".

by Cindy Lease 219-7284 (608)



of business totally will certainly help in this humane fight. We definitely don't need the added burden of pet overpopulation that these abusive puppy factories bring. Let the good breeders that breed for the betterment of their breed as professionals put quality puppies into the consumers hands. ~~1 \$ Thank you.~~

If the purchaser protection ~~part of~~ ~~needs~~ part of the bill needs further development I would recommend that the Commercial Licensing part of the bill be separated, so the regulation of commercial breeders can be done as soon as possible. The "lemon law" part of it can be worked on as an amendment or a secondary bill.