State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 05/04/2009 (Per: RCT)

☞ Appendix A ... Part 02 of 02

☞ The 2009 drafting file for LRB–2375/2 (For: Senator Kreitlow)

has been copied/added to the drafting file for

2009 LRB–2448 (For: Representative Smith)

☞ Are These "Companion Bills" ?? ... Yes

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: Charles Saxler (Senator Krielow's Office)

☞ The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2009 drafting file. The drafting file was then returned, intact, to its folder and filed.

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2375/P2 1
RCT:cjs:jf

Today

Stays YMT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Roger Cat

1 AN ACT ***to amend*** 20.115 (2) (j); and ***to create*** 173.41 and 778.25 (1) (a) 8. of the
2 statutes; **relating to:** regulation of persons who sell dogs or operate animal
3 shelters or animal control facilities, granting rule-making authority, making
4 an appropriation, and providing a penalty.

Analysis by the Legislative Reference Bureau

Licensing of dog sellers, animal shelters, and animal control facilities

This bill requires certain persons who sell dogs or operate animal shelters or animal control facilities to be licensed by the Department of Agriculture, Trade and Consumer Protection (DATCP), beginning 18 months after the bill is enacted into law.

The bill requires all of the following to obtain licenses, with limited exceptions:

1. A person who sells 25 or more dogs in a year (including a nonresident who brings dogs into this state for sale).

2. A person who operates a dog breeding facility (a place at which dogs are bred and raised) from which 25 or more dogs are sold in a year.

3. A person who operates an auction at which 50 or more dogs are sold or offered for sale in a year.

4. A person who operates an animal shelter that is used to shelter at least 25 dogs in a year.

5. A person who operates an animal control facility under a contract with a city, village, town, or county.

The bill requires DATCP to inspect each location in this state at which a person who applies for a license operates before issuing an initial license and at least once every two years thereafter, except that during the first 12 months in which licenses are required DATCP may issue a temporary initial license before conducting the required inspection. The bill allows DATCP to make additional inspections during regular business hours to ensure compliance with requirements established in the bill.

The bill specifies fees for licenses, generally based on the number of dogs sold, and authorizes DATCP to set higher fees by rule if necessary to cover the costs of administering the program.

Sale of dogs

This bill prohibits a licensee from transferring a dog to a buyer before the dog is seven weeks old. The bill requires a licensee to provide the purchaser of a dog with a copy of the dog's vaccination records and with a statement from a veterinarian who examined the dog stating that the dog had no infectious or contagious diseases at the time of examination.

The bill prohibits any person from selling at auction a dog that is not spayed or neutered unless the dog has tested negative for brucellosis.

The bill also requires a person who sells or offers to sell a dog at a temporary dog market, such as a flea market, to provide information about the dog to the operator of the temporary dog market. It requires the operator of a temporary dog market to register with DATCP, review and keep the information provided by sellers, and, if dogs are sold or offered for sale on two or more consecutive days, have a veterinarian examine the dogs.

Standards of care

The bill requires licensees to provide dogs with adequate food, water, veterinary care, shelter, and opportunity for exercise. The bill requires enclosures for dogs to be of appropriate size and structurally sound. It requires licensees to keep enclosures clean and to follow restrictions on the use of wire flooring. Under the bill, a licensee must ensure that each dog is observed every day in order to monitor the health and temperament of the dog and provide care as needed.

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A person who fails to obtain a license required under this bill may be fined not more than $10,000 or imprisoned not more than nine months or both. Violations of other requirements in the bill are punishable by forfeitures (civil monetary penalties). The bill authorizes the use of a citation, which is similar to a traffic ticket, in case of a violation that is punishable by a forfeiture.

The bill provides DATCP with authority to deny, revoke, or refuse to renew a license for cause. It also authorizes DATCP to summarily suspend a license if an inspection reveals a condition that imminently threatens an animal or there is evidence that an animal has been criminally mistreated.

The bill authorizes DATCP to seize a dog from a person required to be licensed if there are reasonable grounds to believe that the dog is being criminally mistreated.

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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.

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

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

2 20.115 **(2)** (j) *Dog licenses, rabies control, and related services.* All moneys
3 received under ss. 95.21 (9) (c), 173.27, 173.41, and 174.09 (1) and (3), to provide dog
4 license tags and forms under s. 174.07 (2), to perform other program responsibilities
5 under ch. 174, to administer the rabies control program under s. 95.21, to help
6 administer the rabies control media campaign, and to carry out activities under s.
7 93.07 (11) and ch. 173.

8 **SECTION 2.** 173.41 of the statutes is created to read:

9 **173.41 Regulation of persons who sell dogs or operate animal shelters.**
10 **(1)** DEFINITIONS. In this section:

11 (a) "Animal control facility" means a facility for the care of animals operated
12 under a contract with a political subdivision under s. 173.15 (1).

13 (b) "Animal shelter" means a facility that is operated for the purpose of
14 providing for and promoting the welfare, protection, and humane treatment of
15 animals, that is used to shelter at least 25 dogs in a year, and that is operated by a
16 humane society, animal welfare society, animal rescue group, or other nonprofit
17 group.

1 (c) "Dog breeder" means a person who sells 25 or more dogs in a year that the
2 person has bred and raised.
3 (d) "Dog breeding facility" means a place at which dogs are bred and raised and
4 from which 25 or more dogs are sold in a year.
5 (e) "Dog dealer" means a person, other than an out-of-state dog dealer, who
6 sells, distributes, or trades, or offers for sale, distribution, or trade, 25 or more dogs
7 in a year that the person has not bred and raised or who operates an auction at which
8 50 or more dogs are sold or offered for sale in a year.
9 (f) "Out-of-state dog dealer" means a person who is not a resident of this state
10 who brings 25 or more dogs into this state for sale in this state in a year.
11 (g) "Temporary dog market" means a place at which persons sell dogs, and may
12 sell other items, from booths or other spaces that are rented from or provided at no
13 cost by the person operating the place.
14 (h) "Transfer" means to grant physical possession to another.
15 **(2)** LICENSE REQUIRED. (a) Except as provided in par. (e), (f), or (g), beginning
16 on the first day of the 18th month beginning after the effective date of this paragraph
17 .... [LRB inserts date], no person may do any of the following without an annual
18 license from the department:
19 1. Operate an animal shelter.
20 2. Operate an animal control facility.
21 3. Operate as a dog breeder.
22 4. Operate a dog breeding facility.
23 5. Operate as a dog dealer.
24 6. Operate as an out-of-state dog dealer.

(b) A person operating as an out-of-state dog dealer shall obtain one license under this subsection. Any other person required to obtain a license under this subsection shall obtain one license for each premises at which the person operates an animal shelter, animal control facility, or dog breeding facility or operates as a dog breeder or dog dealer.

(c) A person shall apply for an initial license under par. (a) on a form provided by the department and shall provide information reasonably required by the department. An applicant shall submit the applicable fees required under sub. (3) with the application.

(d) The department shall grant or deny an application for an initial license within 30 days after the application is complete and the applicable fees have been submitted.

(e) A veterinarian licensed under ch. 453 practicing in the normal course of veterinary business within the scope of the license is not required to obtain a license under this subsection.

(f) An individual providing foster care to a dog in the individual's home at the request of a person operating an animal shelter that is licensed under this subsection is not required to obtain a license under this subsection.

(g) An individual is not required to obtain a license for the purpose of conducting a one-time kennel liquidation, if all of the following apply:

1. The individual sells no more than 30 dogs and makes all of the dogs initially available for sale at the same time.

2. The individual sells only dogs that he or she owns.

3. The individual does not intend to engage in activities for which a license is required under this subsection in the next year.

1 4. The individual was not licensed under this subsection during the previous
2 year.
3 5. The individual notifies the department at least 30 days before offering the
4 dogs for sale.
5 (h) A person licensed under par. (a) 1. to 5. shall post a copy of the license in a
6 location visible to any person coming onto the licensed premises.
7 **(3)** LICENSE FEES. (a) Except as provided under par. (b) or (c), the annual fee
8 for a license under sub. (2) is as follows:
9 1. For a person who sells or offers to sell at least 25 but fewer than 50 dogs per
10 year, $250.
11 2. For a person who sells or offers to sell at least 50 but fewer than 100 dogs per
12 year, $500.
13 3. For a person who sells or offers to sell at least 100 but fewer than 250 dogs
14 per year, $750.
15 4. For a person who sells or offers to sell 250 or more dogs per year, $1,000.
16 5. For a person who operates an animal shelter or animal control facility, $125.
17 (b) Except as provided under par. (c), the annual license fee for an out-of-state
18 dog dealer is 150 percent of the fee determined under par. (a), based on the number
19 of dogs sold in this state.
20 (c) The department may promulgate rules specifying fees for licenses under
21 sub. (2) that are higher than the fees in pars. (a) and (b) if necessary to cover the costs
22 of administering this section.
23 **(4)** LICENSE DENIAL OR REVOCATION. (a) The department may deny, refuse to
24 renew, or revoke any license under sub. (2) if the applicant or licensee is not fit,
25 qualified, or equipped to conduct the activity for which the license is required, has

1 violated or failed to obey any applicable law, order, or regulation, or has
2 misrepresented or intentionally failed to disclose a material fact in applying for the
3 license. In determining whether any person is fit, qualified, or equipped, the
4 department shall consider, among other things, the person's character and conduct,
5 including past compliance or noncompliance with the law.

6 (b) The department may issue any license under sub. (2) conditioned upon
7 relevant circumstances or acts. If a license is conditioned upon compliance within
8 a specified period and the condition is not met within the specified period, the license
9 is void.

10 **(5)** SUMMARY LICENSE SUSPENSION. (a) The department may, by written notice,
11 without prior notice or hearing, suspend a license issued under sub. (2) if, upon
12 inspection of the licensed premises, the department finds any condition that
13 imminently threatens the health, safety, or welfare of any animal on the licensed
14 premises or there is evidence that an act of animal cruelty in violation of ch. 951 has
15 been committed by the licensee or has occurred on the licensed premises.

16 (b) In the notice under par. (a), the department shall state the reasons for the
17 suspension and specify conditions that must be met for reinstatement.

18 (c) The department shall specify in the notice under par. (a) a date after which
19 a reinspection of the licensed premises may take place. The department may conduct
20 a reinspection without notice to the licensee. The department may reinstate a license
21 following a summary suspension if the department finds, based upon reinspection
22 or evidence presented by the licensee, that circumstances warrant reinstatement.
23 The department may specify a reinstatement date that it considers appropriate.

24 (d) A licensee may request a hearing contesting a summary suspension under
25 par. (a), by written appeal to the department, within 10 days of receiving the notice

of summary suspension. The department shall describe the right of hearing in the notice to the licensee under par. (a). The department shall promptly initiate proceedings to hear the appeal.

(6) INSPECTIONS. (a) The department shall inspect the premises at which a person who is required to obtain a license under sub. (2) (a) 1. to 5. operates before issuing the initial license and at least once every 2 years after the year in which the person is first licensed. The department is not required to inspect the out-of-state premises at which an out-of-state dog dealer operates.

(b) The department may enter and inspect the premises for which a person is required to obtain a license under sub. (2) to ensure compliance with this section at any time during normal business hours.

move

(c) The department may charge a fee for an inspection that it undertakes to determine whether a previous violation of this section or rules promulgated under this section has been corrected.

(d) An inspection fee under par. (c) is due upon written demand from the department. Unless otherwise specified by the department by rule, the fee for an inspection under par. (c) is $150.

(7) OUT-OF-STATE DEALERS. The department may not issue a license under sub. (2) to a person who is an out-of-state dog dealer unless the person provides to the department a copy of any license required by the person's state of residence and any license required under federal law.

(8) HEALTH REQUIREMENTS FOR SELLING DOGS. (a) No person who is required to be licensed under sub. (2) may sell a dog without providing all of the following to the purchaser:

1. A certificate of veterinary inspection from a licensed veterinarian stating that the veterinarian has examined the dog and found that it has no infectious or contagious diseases as of the date of the examination.

2. A copy of all vaccination records for the dog showing the date the vaccine was administered and the name of the person who administered the vaccine.

(b) A person may not sell at auction a dog that is not spayed or neutered without providing written proof that the dog has tested negative for brucellosis using a test approved by the department that was conducted no more than 30 days before the day of sale.

(9) AGE FOR TRANSFER OF PUPPY. A person required to be licensed under sub. (2) may not transfer a dog to a buyer until the dog is 7 weeks of age.

(10) STANDARDS OF CARE. A person who is required to be licensed under sub. (2) shall do all of the following with respect to each dog kept by the person:

(a) Provide sufficient food to maintain the dog in good health.

(b) Provide sufficient water to maintain the dog in good health. If fresh water is not available to the dog at all times, the person shall provide fresh water daily and in sufficient quantity for the health of the dog.

(c) Ensure that necessary and standard veterinary care is provided in a timely manner.

(d) Ensure that the dog is not kept in an enclosure unless all of the following apply:

1. The enclosure is of an appropriate size, as determined by the department, based on the size, age, and number of dogs kept in the enclosure and the length of time the dog is kept in the enclosure.

1 2. The enclosure is structurally sound and maintained in good repair to protect
2 the dog from injury.
3 3. If wire flooring is used, it is coated, is of a sufficient gauge to ensure that it
4 will not cause injury to the dog, and is used only in the manner specified by the
5 department.
6 4. The enclosure is maintained in a clean and sanitary condition.
7 (e) Ensure that the dog is not kept in an enclosure for a period that the
8 department determines to be excessive, considering the size of the enclosure and any
9 other factors that the department considers relevant.
10 (f) Ensure that the dog is kept outdoors only if all of the following apply:
11 1. The dog is of a breed or type that is typically kept outdoors.
12 2. The dog is acclimated to the outdoors.
13 3. The person provides adequate shelter from the sun and inclement weather.
14 4. Any other requirements specified by the department for the keeping of dogs
15 outdoors are met.
16 (g) Ensure that all facilities in which the person keeps the dog have adequate
17 lighting and ventilation and that a proper temperature is maintained for the dog,
18 considering its type or breed.
19 (h) Ensure that the dog is provided adequate daily access to exercise, as
20 determined by the department.
21 (i) Ensure that the dog is observed every day by the caretaker of the premises
22 at which the person operates or an individual under the direct supervision of the
23 caretaker to monitor the health and temperament of the dog and to provide care to
24 the dog as needed.

1 **(10m)** VACCINATIONS. A person who is required to be licensed under sub. (2) may
2 have a dog kept by the person vaccinated by an individual who is not a veterinarian
3 unless that is prohibited by law.

4 **(11)** RECORD KEEPING. A person who is required to be licensed under sub. (2)
5 shall keep a record of each dog that comes into the person's possession that includes
6 all of the following information:

7 (a) A description of the dog including the dog's breed or type, sex, date of birth
8 or approximate age, color, and any distinctive markings.

9 (b) The dog's official federal department of agriculture tag number or tattoo or
10 microchip information, if any.

11 (c) A statement that the dog was born in the person's possession or the name
12 and address of the person from whom the dog was acquired and that person's federal
13 department of agriculture license or registration number or, if the person is not
14 licensed or registered by the federal department of agriculture, the person's state of
15 residence.

16 (d) If the dog was not born in the person's possession, the date on which the
17 person acquired the dog.

18 (e) The date and method of disposition of the dog.

19 (f) Any other information required by the department.

20 **(12)** TEMPORARY DOG MARKETS. (a) *Operator responsibilities.* A person who
21 operates a temporary dog market shall do all of the following:

22 1. Register with the department.

23 2. Take reasonable steps to ensure that all persons selling or offering to sell
24 dogs at the temporary dog market comply with par. (b).

1 3. Obtain, review, and keep, for at least 5 years, copies of the information
2 provided under par. (b) and make the information available to the department for
3 inspection and copying upon request.
4 4. If persons sell or offer to sell dogs at the temporary dog market for 2 or more
5 consecutive days, employ or contract with a veterinarian licensed under ch. 453 to
6 conduct an examination of the dogs offered for sale at the temporary dog market on
7 each day on which dogs are offered for sale and to review the information provided
8 under par. (b).
9 (b) *Seller responsibilities.* A person who sells or offers to sell a dog at a
10 temporary dog market shall provide all of the following information to the operator
11 of the temporary dog market:
12 1. The person's name and address.
13 2. If the person is required to be licensed under sub. (2), the person's license
14 number.
15 3. A description of each dog sold or being offered for sale, including the dog's
16 breed or type, sex, date of birth or approximate age, color, and any distinctive
17 markings, and either a statement that the dog was born in the person's possession
18 or the name and address of the person from whom the dog was acquired.
19 4. Documentation showing that the person complied with s. 95.21 (2) and with
20 any applicable rules of the department relating to bringing dogs into this state.
21 (c) *Inspection.* The department may inspect a temporary dog market and the
22 information provided under par. (b) at any time during normal business hours.
23 **(13)** SEIZURE OF DOGS. The department may seize a dog in the possession of a
24 person required to be licensed under sub. (2) if the department has reasonable
25 grounds to believe that the dog is being mistreated in violation of ch. 951. The

1 department may place a dog that it has seized with any person licensed under sub.
2 (2) who agrees to accept the dog.

3 **(14)** RULES. (a) The department, in consultation with the advisory committee
4 established under par. (b), shall promulgate rules to implement and administer this
5 section.

6 (b) Before the department promulgates rules under par. (a), it shall establish
7 an advisory committee to assist in writing the rules that consists of at least one
8 representative from each of the following groups but that does not consist of more
9 than 10 members:

10 1. Persons selling dogs at retail.

11 2. Dog breeders selling fewer than 50 dogs per year.

12 3. Dog breeders selling more than 50 dogs per year.

13 4. Sporting associations whose primary activities involve dogs.

14 5. Humane societies.

15 6. Veterinarians.

16 7. Animal control facilities.

17 8. Breed rescue groups.

18 (c) The department shall select any member of an advisory committee under
19 par. (b) who represents veterinarians from nominations made by the Wisconsin
20 Veterinary Medical Association and shall select each other member from
21 nominations made by one or more organizations representing the group that the
22 member represents.

23 (d) An advisory committee under par. (b) does not expire until 12 months after
24 the rules are promulgated and shall make recommendations to the department for
25 amendments to the rules.

1 **(15)** PENALTIES. (a) A person who operates without a license required under
2 sub. (2) may be fined not more than $10,000 or imprisoned for not more than 9
3 months or both.
4 (b) 1. Except as provided under par. (a), a person who violates this section or
5 a rule promulgated under this section may be required to forfeit not more than $1,000
6 for the first offense and may be required to forfeit not less than $200 nor more than
7 $2,000 for the 2nd or any subsequent offense within 5 years.
8 2. If a violation under subd. 1. involves the keeping of animals, each animal
9 with respect to which the statute or rule is violated constitutes a separate violation.
10 (c) In addition to the penalties under pars. (a) and (b), a court may order a
11 person who violates this section to pay the expenses of caring for dogs that are
12 removed from the person's possession because of mistreatment.
13 **SECTION 3.** 778.25 (1) (a) 8. of the statutes is created to read:
14 778.25 **(1)** (a) 8. Under s. 173.41 (15) (b).
15 **SECTION 4. Nonstatutory provisions.**
16 (1) POSITION AUTHORIZATION. The authorized FTE positions for the department
17 of agriculture, trade and consumer protection are increased by 6.0 PR positions to be
18 funded from the appropriation under section 20.115 (2) (j) of the statutes to inspect
19 and respond to complaints concerning dog facilities.
20 (2) TEMPORARY LICENSE. The department of agriculture, trade and consumer
21 protection may issue a temporary license to a person applying for a license under
22 section 173.41 of the statutes, as created by this act, before the first day of the 30th
23 month beginning after the effective date of this subsection. Notwithstanding section
24 173.41 (6) (a) of the statutes, as created by this act, the department is not required
25 to conduct an inspection of the premises at which the person operates before issuing

1 a temporary license under this subsection. A temporary license remains in force
2 until the department takes final action on the person's license application, including
3 conducting an inspection of the premises. The holder of a temporary license acquires
4 no rights beyond those conferred by the temporary license under this subsection.
5 **(END)**

2 d

The time limit in section 173.41 (2) (d) of the statutes, as created by this act, does not apply to the department in taking final action on a license application from a person to whom the department issues a temporary license under this subsection.

Tradewell, Becky

From: Saxler, Charles
Sent: Thursday, March 26, 2009 9:08 AM
To: Tradewell, Becky
Cc: Matthias, Mary; Wahl, Andrea
Subject: Bill Change- LRB 2375/1

Hi Becky-

Thank you for turning our bill around so fast, we appreciate it!

There is one quick change we need- on the top of page 7, lines 3-5, we would like to remove where it says ." In determining whether any person is fit, qualified, or equipped, the department shall consider, among other things, the person's character and conduct, including past compliance or noncompliance with the law."

Conferring with DATCP we found that language to be redundant to their already existing authority so we'd like to remove it from our bill.

Thank you,

Charlie Saxler

Charles Saxler
Office of Senator Pat Kreitlow
Wisconsin State Senate - 23rd District
Room 10 South - State Capitol
PO Box 7882
Madison, WI 53703-7882
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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2375/~~1~~ 2
RCT:cjs:rs
stays rmr

Today

2009 BILL

See p.7

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Regen Cat

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13 (b) "Animal shelter" means a facility that is operated for the purpose of
14 providing for and promoting the welfare, protection, and humane treatment of
15 animals, that is used to shelter at least 25 dogs in a year, and that is operated by a
16 humane society, animal welfare society, animal rescue group, or other nonprofit
17 group.

1 (c) "Dog breeder" means a person who sells 25 or more dogs in a year that the
2 person has bred and raised.
3 (d) "Dog breeding facility" means a place at which dogs are bred and raised and
4 from which 25 or more dogs are sold in a year.
5 (e) "Dog dealer" means a person, other than an out-of-state dog dealer, who
6 sells, distributes, or trades, or offers for sale, distribution, or trade, 25 or more dogs
7 in a year that the person has not bred and raised or who operates an auction at which
8 50 or more dogs are sold or offered for sale in a year.
9 (f) "Out-of-state dog dealer" means a person who is not a resident of this state
10 who brings 25 or more dogs into this state for sale in this state in a year.
11 (g) "Temporary dog market" means a place at which persons sell dogs, and may
12 sell other items, from booths or other spaces that are rented from or provided at no
13 cost by the person operating the place.
14 (h) "Transfer" means to grant physical possession to another.
15 **(2)** LICENSE REQUIRED. (a) Except as provided in par. (e), (f), or (g), beginning
16 on the first day of the 18th month beginning after the effective date of this paragraph
17 .... [LRB inserts date], no person may do any of the following without an annual
18 license from the department:
19 1. Operate an animal shelter.
20 2. Operate an animal control facility.
21 3. Operate as a dog breeder.
22 4. Operate a dog breeding facility.
23 5. Operate as a dog dealer.
24 6. Operate as an out-of-state dog dealer.

1 (b) A person operating as an out-of-state dog dealer shall obtain one license
2 under this subsection. Any other person required to obtain a license under this
3 subsection shall obtain one license for each premises at which the person operates
4 an animal shelter, animal control facility, or dog breeding facility or operates as a dog
5 breeder or dog dealer.

6 (c) A person shall apply for a license under par. (a) on a form provided by the
7 department and shall provide information reasonably required by the department.
8 An applicant shall submit the applicable fees required under sub. (3) with the
9 application.

10 (d) The department shall grant or deny an application for an initial license
11 within 30 days after the application is complete and the applicable fees have been
12 submitted.

13 (e) A veterinarian licensed under ch. 453 practicing in the normal course of
14 veterinary business within the scope of the license is not required to obtain a license
15 under this subsection.

16 (f) An individual providing foster care to a dog in the individual's home at the
17 request of a person operating an animal shelter that is licensed under this subsection
18 is not required to obtain a license under this subsection.

19 (g) An individual is not required to obtain a license for the purpose of
20 conducting a one-time kennel liquidation, if all of the following apply:

21 1. The individual sells no more than 30 dogs and makes all of the dogs initially
22 available for sale at the same time.

23 2. The individual sells only dogs that he or she owns.

24 3. The individual does not intend to engage in activities for which a license is
25 required under this subsection in the next year.

1 4. The individual was not licensed under this subsection during the previous
2 year.
3 5. The individual notifies the department at least 30 days before offering the
4 dogs for sale.
5 (h) A person licensed under par. (a) 1. to 5. shall post a copy of the license in a
6 location visible to any person coming onto the licensed premises.
7 **(3)** LICENSE FEES. (a) Except as provided under par. (b) or (c), the annual fee
8 for a license under sub. (2) is as follows:
9 1. For a person who sells or offers to sell at least 25 but fewer than 50 dogs per
10 year, $250.
11 2. For a person who sells or offers to sell at least 50 but fewer than 100 dogs per
12 year, $500.
13 3. For a person who sells or offers to sell at least 100 but fewer than 250 dogs
14 per year, $750.
15 4. For a person who sells or offers to sell 250 or more dogs per year, $1,000.
16 5. For a person who operates an animal shelter or animal control facility, $125.
17 (b) Except as provided under par. (c), the annual license fee for an out-of-state
18 dog dealer is 150 percent of the fee determined under par. (a), based on the number
19 of dogs sold in this state.
20 (c) The department may promulgate rules specifying fees for licenses under
21 sub. (2) that are higher than the fees in pars. (a) and (b) if necessary to cover the costs
22 of administering this section.
23 **(4)** LICENSE DENIAL OR REVOCATION. (a) The department may deny, refuse to
24 renew, or revoke any license under sub. (2) if the applicant or licensee is not fit,
25 qualified, or equipped to conduct the activity for which the license is required, has

1 violated or failed to obey any applicable law, order, or regulation, or has
2 misrepresented or intentionally failed to disclose a material fact in applying for the
3 license. In determining whether any person is fit, qualified, or equipped, the
4 department shall consider, among other things, the person's character and conduct,
5 including past compliance or noncompliance with the law.

6 (b) The department may issue any license under sub. (2) conditioned upon
7 relevant circumstances or acts. If a license is conditioned upon compliance within
8 a specified period and the condition is not met within the specified period, the license
9 is void.

10 **(5)** SUMMARY LICENSE SUSPENSION. (a) The department may, by written notice,
11 without prior notice or hearing, suspend a license issued under sub. (2) if, upon
12 inspection of the licensed premises, the department finds any condition that
13 imminently threatens the health, safety, or welfare of any animal on the licensed
14 premises or there is evidence that an act of animal cruelty in violation of ch. 951 has
15 been committed by the licensee or has occurred on the licensed premises.

16 (b) In the notice under par. (a), the department shall state the reasons for the
17 suspension and specify conditions that must be met for reinstatement.

18 (c) The department shall specify in the notice under par. (a) a date after which
19 a reinspection of the licensed premises may take place. The department may conduct
20 a reinspection without notice to the licensee. The department may reinstate a license
21 following a summary suspension if the department finds, based upon reinspection
22 or evidence presented by the licensee, that circumstances warrant reinstatement.
23 The department may specify a reinstatement date that it considers appropriate.

24 (d) A licensee may request a hearing contesting a summary suspension under
25 par. (a), by written appeal to the department, within 10 days of receiving the notice

1 of summary suspension. The department shall describe the right of hearing in the
2 notice to the licensee under par. (a). The department shall promptly initiate
3 proceedings to hear the appeal.

4 **(6)** INSPECTIONS. (a) The department shall inspect the premises at which a
5 person who is required to obtain a license under sub. (2) (a) 1. to 5. operates before
6 issuing the initial license and at least once every 2 years after the year in which the
7 person is first licensed. The department is not required to inspect the out-of-state
8 premises at which an out-of-state dog dealer operates.

9 (b) The department may enter and inspect the premises for which a person is
10 required to obtain a license under sub. (2) at any time during normal business hours
11 to ensure compliance with this section.

12 (c) The department may charge a fee for an inspection that it undertakes to
13 determine whether a previous violation of this section or rules promulgated under
14 this section has been corrected.

15 (d) An inspection fee under par. (c) is due upon written demand from the
16 department. Unless otherwise specified by the department by rule, the fee for an
17 inspection under par. (c) is $150.

18 **(7)** OUT-OF-STATE DEALERS. The department may not issue a license under sub.
19 (2) to a person who is an out-of-state dog dealer unless the person provides to the
20 department a copy of any license required by the person's state of residence and any
21 license required under federal law.

22 **(8)** HEALTH REQUIREMENTS FOR SELLING DOGS. (a) No person who is required to
23 be licensed under sub. (2) may sell a dog without providing all of the following to the
24 purchaser:

1. A certificate of veterinary inspection from a licensed veterinarian stating that the veterinarian has examined the dog and found that it has no infectious or contagious diseases as of the date of the examination.

2. A copy of all vaccination records for the dog showing the date the vaccine was administered and the name of the person who administered the vaccine.

(b) A person may not sell at auction a dog that is not spayed or neutered without providing written proof that the dog has tested negative for brucellosis using a test approved by the department that was conducted no more than 30 days before the day of sale.

(9) AGE FOR TRANSFER OF PUPPY. A person required to be licensed under sub. (2) may not transfer a dog to a buyer until the dog is 7 weeks of age.

(10) STANDARDS OF CARE. A person who is required to be licensed under sub. (2) shall do all of the following with respect to each dog kept by the person:

(a) Provide sufficient food to maintain the dog in good health.

(b) Provide sufficient water to maintain the dog in good health. If fresh water is not available to the dog at all times, the person shall provide fresh water daily and in sufficient quantity for the health of the dog.

(c) Ensure that necessary and standard veterinary care is provided in a timely manner.

(d) Ensure that the dog is not kept in an enclosure unless all of the following apply:

1. The enclosure is of an appropriate size, as determined by the department, based on the size, age, and number of dogs kept in the enclosure and the length of time the dog is kept in the enclosure.

1 2. The enclosure is structurally sound and maintained in good repair to protect
2 the dog from injury.
3 3. If wire flooring is used, it is coated, is of a sufficient gauge to ensure that it
4 will not cause injury to the dog, and is used only in the manner specified by the
5 department.
6 4. The enclosure is maintained in a clean and sanitary condition.
7 (e) Ensure that the dog is not kept in an enclosure for a period that the
8 department determines to be excessive, considering the size of the enclosure and any
9 other factors that the department considers relevant.
10 (f) Ensure that the dog is kept outdoors only if all of the following apply:
11 1. The dog is of a breed or type that is typically kept outdoors.
12 2. The dog is acclimated to the outdoors.
13 3. The person provides adequate shelter from the sun and inclement weather.
14 4. Any other requirements specified by the department for the keeping of dogs
15 outdoors are met.
16 (g) Ensure that all facilities in which the person keeps the dog have adequate
17 lighting and ventilation and that a proper temperature is maintained for the dog,
18 considering its type or breed.
19 (h) Ensure that the dog is provided adequate daily access to exercise, as
20 determined by the department.
21 (i) Ensure that the dog is observed every day by the caretaker of the premises
22 at which the person operates or an individual under the direct supervision of the
23 caretaker to monitor the health and temperament of the dog and to provide care to
24 the dog as needed.

1 **(10m)** VACCINATIONS. A person who is required to be licensed under sub. (2) may
2 have a dog kept by the person vaccinated by an individual who is not a veterinarian
3 unless that is prohibited by law.

4 **(11)** RECORD KEEPING. A person who is required to be licensed under sub. (2)
5 shall keep a record of each dog that comes into the person's possession that includes
6 all of the following information:

7 (a) A description of the dog including the dog's breed or type, sex, date of birth
8 or approximate age, color, and any distinctive markings.

9 (b) The dog's official federal department of agriculture tag number or tattoo or
10 microchip information, if any.

11 (c) A statement that the dog was born in the person's possession or the name
12 and address of the person from whom the dog was acquired and that person's federal
13 department of agriculture license or registration number or, if the person is not
14 licensed or registered by the federal department of agriculture, the person's state of
15 residence.

16 (d) If the dog was not born in the person's possession, the date on which the
17 person acquired the dog.

18 (e) The date and method of disposition of the dog.

19 (f) Any other information required by the department.

20 **(12)** TEMPORARY DOG MARKETS. (a) *Operator responsibilities.* A person who
21 operates a temporary dog market shall do all of the following:

22 1. Register with the department.

23 2. Take reasonable steps to ensure that all persons selling or offering to sell
24 dogs at the temporary dog market comply with par. (b).

1 3. Obtain, review, and keep, for at least 5 years, copies of the information
2 provided under par. (b) and make the information available to the department for
3 inspection and copying upon request.

4 4. If persons sell or offer to sell dogs at the temporary dog market for 2 or more
5 consecutive days, employ or contract with a veterinarian licensed under ch. 453 to
6 conduct an examination of the dogs offered for sale at the temporary dog market on
7 each day on which dogs are offered for sale and to review the information provided
8 under par. (b).

9 (b) *Seller responsibilities.* A person who sells or offers to sell a dog at a
10 temporary dog market shall provide all of the following information to the operator
11 of the temporary dog market:

12 1. The person's name and address.

13 2. If the person is required to be licensed under sub. (2), the person's license
14 number.

15 3. A description of each dog sold or being offered for sale, including the dog's
16 breed or type, sex, date of birth or approximate age, color, and any distinctive
17 markings, and either a statement that the dog was born in the person's possession
18 or the name and address of the person from whom the dog was acquired.

19 4. Documentation showing that the person complied with s. 95.21 (2) and with
20 any applicable rules of the department relating to bringing dogs into this state.

21 (c) *Inspection.* The department may inspect a temporary dog market and the
22 information provided under par. (b) at any time during normal business hours.

23 **(13)** SEIZURE OF DOGS. The department may seize a dog in the possession of a
24 person required to be licensed under sub. (2) if the department has reasonable
25 grounds to believe that the dog is being mistreated in violation of ch. 951. The

1 department may place a dog that it has seized with any person licensed under sub.
2 (2) who agrees to accept the dog.

3 **(14)** RULES. (a) The department, in consultation with the advisory committee
4 established under par. (b), shall promulgate rules to implement and administer this
5 section.

6 (b) Before the department promulgates rules under par. (a), it shall establish
7 an advisory committee to assist in writing the rules that consists of at least one
8 representative from each of the following groups but that does not consist of more
9 than 10 members:

10 1. Persons selling dogs at retail.

11 2. Dog breeders selling fewer than 50 dogs per year.

12 3. Dog breeders selling more than 50 dogs per year.

13 4. Sporting associations whose primary activities involve dogs.

14 5. Humane societies.

15 6. Veterinarians.

16 7. Animal control facilities.

17 8. Breed rescue groups.

18 (c) The department shall select any member of an advisory committee under
19 par. (b) who represents veterinarians from nominations made by the Wisconsin
20 Veterinary Medical Association and shall select each other member from
21 nominations made by one or more organizations representing the group that the
22 member represents.

23 (d) An advisory committee under par. (b) does not expire until 12 months after
24 the rules are promulgated and shall make recommendations to the department for
25 amendments to the rules.

1 **(15)** PENALTIES. (a) A person who operates without a license required under
2 sub. (2) may be fined not more than $10,000 or imprisoned for not more than 9
3 months or both.
4 (b) 1. Except as provided under par. (a), a person who violates this section or
5 a rule promulgated under this section may be required to forfeit not more than $1,000
6 for the first offense and may be required to forfeit not less than $200 nor more than
7 $2,000 for the 2nd or any subsequent offense within 5 years.
8 2. If a violation under subd. 1. involves the keeping of animals, each animal
9 with respect to which the statute or rule is violated constitutes a separate violation.
10 (c) In addition to the penalties under pars. (a) and (b), a court may order a
11 person who violates this section to pay the expenses of caring for dogs that are
12 removed from the person's possession because of mistreatment.
13 **SECTION 3.** 778.25 (1) (a) 8. of the statutes is created to read:
14 778.25 **(1)** (a) 8. Under s. 173.41 (15) (b).
15 **SECTION 4. Nonstatutory provisions.**
16 (1) POSITION AUTHORIZATION. The authorized FTE positions for the department
17 of agriculture, trade and consumer protection are increased by 6.0 PR positions to be
18 funded from the appropriation under section 20.115 (2) (j) of the statutes to inspect
19 and respond to complaints concerning dog facilities.
20 (2) TEMPORARY LICENSE. The department of agriculture, trade and consumer
21 protection may issue a temporary license to a person applying for a license under
22 section 173.41 of the statutes, as created by this act, before the first day of the 30th
23 month beginning after the effective date of this subsection. Notwithstanding section
24 173.41 (6) (a) of the statutes, as created by this act, the department is not required
25 to conduct an inspection of the premises at which the person operates before issuing

1 a temporary license under this subsection. A temporary license remains in force
2 until the department takes final action on the person's license application, including
3 conducting an inspection of the premises. The time limit in section 173.41 (2) (d) of
4 the statutes, as created by this act, does not apply to the department in taking final
5 action on a license application from a person to whom the department issues a
6 temporary license under this subsection. The holder of a temporary license acquires
7 no rights beyond those conferred by the temporary license under this subsection.
8 **(END)**

State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2375/2
RCT:cjs:ph

2009 BILL

1 AN ACT *to amend* 20.115 (2) (j); and *to create* 173.41 and 778.25 (1) (a) 8. of the
2 statutes; **relating to:** regulation of persons who sell dogs or operate animal
3 shelters or animal control facilities, granting rule-making authority, making
4 an appropriation, and providing a penalty.

Analysis by the Legislative Reference Bureau

Licensing of dog sellers, animal shelters, and animal control facilities

This bill requires certain persons who sell dogs or operate animal shelters or animal control facilities to be licensed by the Department of Agriculture, Trade and Consumer Protection (DATCP), beginning 18 months after the bill is enacted into law.

The bill requires all of the following to obtain licenses, with limited exceptions:

1. A person who sells 25 or more dogs in a year (including a nonresident who brings dogs into this state for sale).

2. A person who operates a dog breeding facility (a place at which dogs are bred and raised) from which 25 or more dogs are sold in a year.

3. A person who operates an auction at which 50 or more dogs are sold or offered for sale in a year.

4. A person who operates an animal shelter that is used to shelter at least 25 dogs in a year.

5. A person who operates an animal control facility under a contract with a city, village, town, or county.

The bill requires DATCP to inspect each location in this state at which a person who applies for a license operates before issuing an initial license and at least once every two years thereafter, except that during the first 12 months in which licenses are required DATCP may issue a temporary initial license before conducting the required inspection. The bill allows DATCP to make additional inspections during regular business hours to ensure compliance with requirements established in the bill.

The bill specifies fees for licenses, generally based on the number of dogs sold, and authorizes DATCP to set higher fees by rule if necessary to cover the costs of administering the program.

Sale of dogs

This bill prohibits a licensee from transferring a dog to a buyer before the dog is seven weeks old. The bill requires a licensee to provide the purchaser of a dog with a copy of the dog's vaccination records and with a statement from a veterinarian who examined the dog stating that the dog had no infectious or contagious diseases at the time of examination.

The bill prohibits any person from selling at auction a dog that is not spayed or neutered unless the dog has tested negative for brucellosis.

The bill also requires a person who sells or offers to sell a dog at a temporary dog market, such as a flea market, to provide information about the dog to the operator of the temporary dog market. It requires the operator of a temporary dog market to register with DATCP, review and keep the information provided by sellers, and, if dogs are sold or offered for sale on two or more consecutive days, have a veterinarian examine the dogs.

Standards of care

The bill requires licensees to provide dogs with adequate food, water, veterinary care, shelter, and opportunity for exercise. The bill requires enclosures for dogs to be of appropriate size and structurally sound. It requires licensees to keep enclosures clean and to follow restrictions on the use of wire flooring. Under the bill, a licensee must ensure that each dog is observed every day in order to monitor the health and temperament of the dog and provide care as needed.

Enforcement and administration

A person who fails to obtain a license required under this bill may be fined not more than $10,000 or imprisoned not more than nine months or both. Violations of other requirements in the bill are punishable by forfeitures (civil monetary penalties). The bill authorizes the use of a citation, which is similar to a traffic ticket, in case of a violation that is punishable by a forfeiture.

The bill provides DATCP with authority to deny, revoke, or refuse to renew a license for cause. It also authorizes DATCP to summarily suspend a license if an inspection reveals a condition that imminently threatens an animal or there is evidence that an animal has been criminally mistreated.

The bill authorizes DATCP to seize a dog from a person required to be licensed if there are reasonable grounds to believe that the dog is being criminally mistreated.

The bill requires DATCP to promulgate rules for the administration of the program. It also requires DATCP to appoint an advisory committee for the rule making.

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.

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

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

2 20.115 **(2)** (j) *Dog licenses, rabies control, and related services.* All moneys
3 received under ss. 95.21 (9) (c), 173.27, 173.41, and 174.09 (1) and (3), to provide dog
4 license tags and forms under s. 174.07 (2), to perform other program responsibilities
5 under ch. 174, to administer the rabies control program under s. 95.21, to help
6 administer the rabies control media campaign, and to carry out activities under s.
7 93.07 (11) and ch. 173.

8 **SECTION 2.** 173.41 of the statutes is created to read:

9 **173.41 Regulation of persons who sell dogs or operate animal shelters.**
10 **(1)** DEFINITIONS. In this section:

11 (a) "Animal control facility" means a facility for the care of animals operated
12 under a contract with a political subdivision under s. 173.15 (1).

13 (b) "Animal shelter" means a facility that is operated for the purpose of
14 providing for and promoting the welfare, protection, and humane treatment of
15 animals, that is used to shelter at least 25 dogs in a year, and that is operated by a
16 humane society, animal welfare society, animal rescue group, or other nonprofit
17 group.

1 (c) "Dog breeder" means a person who sells 25 or more dogs in a year that the
2 person has bred and raised.
3 (d) "Dog breeding facility" means a place at which dogs are bred and raised and
4 from which 25 or more dogs are sold in a year.
5 (e) "Dog dealer" means a person, other than an out-of-state dog dealer, who
6 sells, distributes, or trades, or offers for sale, distribution, or trade, 25 or more dogs
7 in a year that the person has not bred and raised or who operates an auction at which
8 50 or more dogs are sold or offered for sale in a year.
9 (f) "Out-of-state dog dealer" means a person who is not a resident of this state
10 who brings 25 or more dogs into this state for sale in this state in a year.
11 (g) "Temporary dog market" means a place at which persons sell dogs, and may
12 sell other items, from booths or other spaces that are rented from or provided at no
13 cost by the person operating the place.
14 (h) "Transfer" means to grant physical possession to another.
15 **(2)** LICENSE REQUIRED. (a) Except as provided in par. (e), (f), or (g), beginning
16 on the first day of the 18th month beginning after the effective date of this paragraph
17 .... [LRB inserts date], no person may do any of the following without an annual
18 license from the department:
19 1. Operate an animal shelter.
20 2. Operate an animal control facility.
21 3. Operate as a dog breeder.
22 4. Operate a dog breeding facility.
23 5. Operate as a dog dealer.
24 6. Operate as an out-of-state dog dealer.

1 (b) A person operating as an out-of-state dog dealer shall obtain one license
2 under this subsection. Any other person required to obtain a license under this
3 subsection shall obtain one license for each premises at which the person operates
4 an animal shelter, animal control facility, or dog breeding facility or operates as a dog
5 breeder or dog dealer.

6 (c) A person shall apply for a license under par. (a) on a form provided by the
7 department and shall provide information reasonably required by the department.
8 An applicant shall submit the applicable fees required under sub. (3) with the
9 application.

10 (d) The department shall grant or deny an application for an initial license
11 within 30 days after the application is complete and the applicable fees have been
12 submitted.

13 (e) A veterinarian licensed under ch. 453 practicing in the normal course of
14 veterinary business within the scope of the license is not required to obtain a license
15 under this subsection.

16 (f) An individual providing foster care to a dog in the individual's home at the
17 request of a person operating an animal shelter that is licensed under this subsection
18 is not required to obtain a license under this subsection.

19 (g) An individual is not required to obtain a license for the purpose of
20 conducting a one-time kennel liquidation, if all of the following apply:

21 1. The individual sells no more than 30 dogs and makes all of the dogs initially
22 available for sale at the same time.

23 2. The individual sells only dogs that he or she owns.

24 3. The individual does not intend to engage in activities for which a license is
25 required under this subsection in the next year.

1 4. The individual was not licensed under this subsection during the previous
2 year.
3 5. The individual notifies the department at least 30 days before offering the
4 dogs for sale.
5 (h) A person licensed under par. (a) 1. to 5. shall post a copy of the license in a
6 location visible to any person coming onto the licensed premises.
7 **(3)** LICENSE FEES. (a) Except as provided under par. (b) or (c), the annual fee
8 for a license under sub. (2) is as follows:
9 1. For a person who sells or offers to sell at least 25 but fewer than 50 dogs per
10 year, $250.
11 2. For a person who sells or offers to sell at least 50 but fewer than 100 dogs per
12 year, $500.
13 3. For a person who sells or offers to sell at least 100 but fewer than 250 dogs
14 per year, $750.
15 4. For a person who sells or offers to sell 250 or more dogs per year, $1,000.
16 5. For a person who operates an animal shelter or animal control facility, $125.
17 (b) Except as provided under par. (c), the annual license fee for an out-of-state
18 dog dealer is 150 percent of the fee determined under par. (a), based on the number
19 of dogs sold in this state.
20 (c) The department may promulgate rules specifying fees for licenses under
21 sub. (2) that are higher than the fees in pars. (a) and (b) if necessary to cover the costs
22 of administering this section.
23 **(4)** LICENSE DENIAL OR REVOCATION. (a) The department may deny, refuse to
24 renew, or revoke any license under sub. (2) if the applicant or licensee is not fit,
25 qualified, or equipped to conduct the activity for which the license is required, has

1 violated or failed to obey any applicable law, order, or regulation, or has
2 misrepresented or intentionally failed to disclose a material fact in applying for the
3 license.

4 (b) The department may issue any license under sub. (2) conditioned upon
5 relevant circumstances or acts. If a license is conditioned upon compliance within
6 a specified period and the condition is not met within the specified period, the license
7 is void.

8 **(5)** SUMMARY LICENSE SUSPENSION. (a) The department may, by written notice,
9 without prior notice or hearing, suspend a license issued under sub. (2) if, upon
10 inspection of the licensed premises, the department finds any condition that
11 imminently threatens the health, safety, or welfare of any animal on the licensed
12 premises or there is evidence that an act of animal cruelty in violation of ch. 951 has
13 been committed by the licensee or has occurred on the licensed premises.

14 (b) In the notice under par. (a), the department shall state the reasons for the
15 suspension and specify conditions that must be met for reinstatement.

16 (c) The department shall specify in the notice under par. (a) a date after which
17 a reinspection of the licensed premises may take place. The department may conduct
18 a reinspection without notice to the licensee. The department may reinstate a license
19 following a summary suspension if the department finds, based upon reinspection
20 or evidence presented by the licensee, that circumstances warrant reinstatement.
21 The department may specify a reinstatement date that it considers appropriate.

22 (d) A licensee may request a hearing contesting a summary suspension under
23 par. (a), by written appeal to the department, within 10 days of receiving the notice
24 of summary suspension. The department shall describe the right of hearing in the

1 notice to the licensee under par. (a). The department shall promptly initiate
2 proceedings to hear the appeal.

3 **(6)** INSPECTIONS. (a) The department shall inspect the premises at which a
4 person who is required to obtain a license under sub. (2) (a) 1. to 5. operates before
5 issuing the initial license and at least once every 2 years after the year in which the
6 person is first licensed. The department is not required to inspect the out-of-state
7 premises at which an out-of-state dog dealer operates.

8 (b) The department may enter and inspect the premises for which a person is
9 required to obtain a license under sub. (2) at any time during normal business hours
10 to ensure compliance with this section.

11 (c) The department may charge a fee for an inspection that it undertakes to
12 determine whether a previous violation of this section or rules promulgated under
13 this section has been corrected.

14 (d) An inspection fee under par. (c) is due upon written demand from the
15 department. Unless otherwise specified by the department by rule, the fee for an
16 inspection under par. (c) is $150.

17 **(7)** OUT-OF-STATE DEALERS. The department may not issue a license under sub.
18 (2) to a person who is an out-of-state dog dealer unless the person provides to the
19 department a copy of any license required by the person's state of residence and any
20 license required under federal law.

21 **(8)** HEALTH REQUIREMENTS FOR SELLING DOGS. (a) No person who is required to
22 be licensed under sub. (2) may sell a dog without providing all of the following to the
23 purchaser:

1. A certificate of veterinary inspection from a licensed veterinarian stating that the veterinarian has examined the dog and found that it has no infectious or contagious diseases as of the date of the examination.

2. A copy of all vaccination records for the dog showing the date the vaccine was administered and the name of the person who administered the vaccine.

(b) A person may not sell at auction a dog that is not spayed or neutered without providing written proof that the dog has tested negative for brucellosis using a test approved by the department that was conducted no more than 30 days before the day of sale.

(9) AGE FOR TRANSFER OF PUPPY. A person required to be licensed under sub. (2) may not transfer a dog to a buyer until the dog is 7 weeks of age.

(10) STANDARDS OF CARE. A person who is required to be licensed under sub. (2) shall do all of the following with respect to each dog kept by the person:

(a) Provide sufficient food to maintain the dog in good health.

(b) Provide sufficient water to maintain the dog in good health. If fresh water is not available to the dog at all times, the person shall provide fresh water daily and in sufficient quantity for the health of the dog.

(c) Ensure that necessary and standard veterinary care is provided in a timely manner.

(d) Ensure that the dog is not kept in an enclosure unless all of the following apply:

1. The enclosure is of an appropriate size, as determined by the department, based on the size, age, and number of dogs kept in the enclosure and the length of time the dog is kept in the enclosure.

1 2. The enclosure is structurally sound and maintained in good repair to protect
2 the dog from injury.
3 3. If wire flooring is used, it is coated, is of a sufficient gauge to ensure that it
4 will not cause injury to the dog, and is used only in the manner specified by the
5 department.
6 4. The enclosure is maintained in a clean and sanitary condition.
7 (e) Ensure that the dog is not kept in an enclosure for a period that the
8 department determines to be excessive, considering the size of the enclosure and any
9 other factors that the department considers relevant.
10 (f) Ensure that the dog is kept outdoors only if all of the following apply:
11 1. The dog is of a breed or type that is typically kept outdoors.
12 2. The dog is acclimated to the outdoors.
13 3. The person provides adequate shelter from the sun and inclement weather.
14 4. Any other requirements specified by the department for the keeping of dogs
15 outdoors are met.
16 (g) Ensure that all facilities in which the person keeps the dog have adequate
17 lighting and ventilation and that a proper temperature is maintained for the dog,
18 considering its type or breed.
19 (h) Ensure that the dog is provided adequate daily access to exercise, as
20 determined by the department.
21 (i) Ensure that the dog is observed every day by the caretaker of the premises
22 at which the person operates or an individual under the direct supervision of the
23 caretaker to monitor the health and temperament of the dog and to provide care to
24 the dog as needed.

1 **(10m)** VACCINATIONS. A person who is required to be licensed under sub. (2) may
2 have a dog kept by the person vaccinated by an individual who is not a veterinarian
3 unless that is prohibited by law.

4 **(11)** RECORD KEEPING. A person who is required to be licensed under sub. (2)
5 shall keep a record of each dog that comes into the person's possession that includes
6 all of the following information:

7 (a) A description of the dog including the dog's breed or type, sex, date of birth
8 or approximate age, color, and any distinctive markings.

9 (b) The dog's official federal department of agriculture tag number or tattoo or
10 microchip information, if any.

11 (c) A statement that the dog was born in the person's possession or the name
12 and address of the person from whom the dog was acquired and that person's federal
13 department of agriculture license or registration number or, if the person is not
14 licensed or registered by the federal department of agriculture, the person's state of
15 residence.

16 (d) If the dog was not born in the person's possession, the date on which the
17 person acquired the dog.

18 (e) The date and method of disposition of the dog.

19 (f) Any other information required by the department.

20 **(12)** TEMPORARY DOG MARKETS. (a) *Operator responsibilities.* A person who
21 operates a temporary dog market shall do all of the following:

22 1. Register with the department.

23 2. Take reasonable steps to ensure that all persons selling or offering to sell
24 dogs at the temporary dog market comply with par. (b).

1 3. Obtain, review, and keep, for at least 5 years, copies of the information
2 provided under par. (b) and make the information available to the department for
3 inspection and copying upon request.
4 4. If persons sell or offer to sell dogs at the temporary dog market for 2 or more
5 consecutive days, employ or contract with a veterinarian licensed under ch. 453 to
6 conduct an examination of the dogs offered for sale at the temporary dog market on
7 each day on which dogs are offered for sale and to review the information provided
8 under par. (b).
9 (b) *Seller responsibilities.* A person who sells or offers to sell a dog at a
10 temporary dog market shall provide all of the following information to the operator
11 of the temporary dog market:
12 1. The person's name and address.
13 2. If the person is required to be licensed under sub. (2), the person's license
14 number.
15 3. A description of each dog sold or being offered for sale, including the dog's
16 breed or type, sex, date of birth or approximate age, color, and any distinctive
17 markings, and either a statement that the dog was born in the person's possession
18 or the name and address of the person from whom the dog was acquired.
19 4. Documentation showing that the person complied with s. 95.21 (2) and with
20 any applicable rules of the department relating to bringing dogs into this state.
21 (c) *Inspection.* The department may inspect a temporary dog market and the
22 information provided under par. (b) at any time during normal business hours.
23 **(13)** SEIZURE OF DOGS. The department may seize a dog in the possession of a
24 person required to be licensed under sub. (2) if the department has reasonable
25 grounds to believe that the dog is being mistreated in violation of ch. 951. The

1 department may place a dog that it has seized with any person licensed under sub.
2 (2) who agrees to accept the dog.

3 **(14)** RULES. (a) The department, in consultation with the advisory committee
4 established under par. (b), shall promulgate rules to implement and administer this
5 section.

6 (b) Before the department promulgates rules under par. (a), it shall establish
7 an advisory committee to assist in writing the rules that consists of at least one
8 representative from each of the following groups but that does not consist of more
9 than 10 members:

10 1. Persons selling dogs at retail.

11 2. Dog breeders selling fewer than 50 dogs per year.

12 3. Dog breeders selling more than 50 dogs per year.

13 4. Sporting associations whose primary activities involve dogs.

14 5. Humane societies.

15 6. Veterinarians.

16 7. Animal control facilities.

17 8. Breed rescue groups.

18 (c) The department shall select any member of an advisory committee under
19 par. (b) who represents veterinarians from nominations made by the Wisconsin
20 Veterinary Medical Association and shall select each other member from
21 nominations made by one or more organizations representing the group that the
22 member represents.

23 (d) An advisory committee under par. (b) does not expire until 12 months after
24 the rules are promulgated and shall make recommendations to the department for
25 amendments to the rules.

1 **(15)** PENALTIES. (a) A person who operates without a license required under
2 sub. (2) may be fined not more than $10,000 or imprisoned for not more than 9
3 months or both.
4 (b) 1. Except as provided under par. (a), a person who violates this section or
5 a rule promulgated under this section may be required to forfeit not more than $1,000
6 for the first offense and may be required to forfeit not less than $200 nor more than
7 $2,000 for the 2nd or any subsequent offense within 5 years.
8 2. If a violation under subd. 1. involves the keeping of animals, each animal
9 with respect to which the statute or rule is violated constitutes a separate violation.
10 (c) In addition to the penalties under pars. (a) and (b), a court may order a
11 person who violates this section to pay the expenses of caring for dogs that are
12 removed from the person's possession because of mistreatment.
13 **SECTION 3.** 778.25 (1) (a) 8. of the statutes is created to read:
14 778.25 **(1)** (a) 8. Under s. 173.41 (15) (b).
15 **SECTION 4. Nonstatutory provisions.**
16 (1) POSITION AUTHORIZATION. The authorized FTE positions for the department
17 of agriculture, trade and consumer protection are increased by 6.0 PR positions to be
18 funded from the appropriation under section 20.115 (2) (j) of the statutes to inspect
19 and respond to complaints concerning dog facilities.
20 (2) TEMPORARY LICENSE. The department of agriculture, trade and consumer
21 protection may issue a temporary license to a person applying for a license under
22 section 173.41 of the statutes, as created by this act, before the first day of the 30th
23 month beginning after the effective date of this subsection. Notwithstanding section
24 173.41 (6) (a) of the statutes, as created by this act, the department is not required
25 to conduct an inspection of the premises at which the person operates before issuing

1 a temporary license under this subsection. A temporary license remains in force
2 until the department takes final action on the person's license application, including
3 conducting an inspection of the premises. The time limit in section 173.41 (2) (d) of
4 the statutes, as created by this act, does not apply to the department in taking final
5 action on a license application from a person to whom the department issues a
6 temporary license under this subsection. The holder of a temporary license acquires
7 no rights beyond those conferred by the temporary license under this subsection.
8 **(END)**