



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1053/P2
MPG:eev&jld:jf

DOA:.....Byrnes, BB0362 - Transfer Veterinary Examining Board from
DSPS to DATCP.

FOR 2015-2017 BUDGET - NOT READY FOR INTRODUCTION

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1. AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

Under current law, the Veterinary Examining Board (board) regulates the practice of veterinarians and veterinary technicians in Wisconsin. Currently, the board is under the umbrella of the Department of Safety and Professional Services. This bill transfers the board to the Department of Agriculture, Trade and Consumer Protection.

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:

2. SECTION 1. 15.135 (5) (title) of the statutes is created to read:

3. 15.135 (5) (title) VETERINARY EXAMINING BOARD.

4. SECTION 2. 15.405 (12) of the statutes is renumbered 15.135 (5) (a) (intro.) and
5. amended to read:

1 15.135 (5) (a) ~~VETERINARY EXAMINING BOARD.~~ (intro.) There is created a
2 veterinary examining board in the department of ~~safety and professional services~~
3 agriculture, trade and consumer protection. The veterinary examining board shall
4 consist of the following 8 members appointed for staggered 4-year terms:

5 1. ~~Five of the members shall be licensed veterinarians~~ licensed in this state.

6 2. ~~One member shall be a~~ veterinary technician certified in this state.

7 3. ~~Two members shall be~~ public members.

8 (b) No member of the examining board may in any way be financially interested
9 in any school having a veterinary department or a course of study in veterinary or
10 animal technology.

11 **SECTION 3.** 20.115 (2) (jm) of the statutes is created to read:

12 20.115 (2) (jm) *Veterinary examining board.* All moneys received from issuing
13 and renewing credentials under ch. 89 for the licensing, rule-making, and
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 ****NOTE: This SECTION involves a change in an appropriation that must be
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15 **SECTION 4.** 29.736 (1) (b) of the statutes is amended to read:

16 29.736 (1) (b) “Qualified inspector” means a veterinarian licensed under ch.
17 ~~453~~ 89 or a person who is qualified to provide evidence of fish health under s. 95.60
18 (4s) (c).

19 **SECTION 5.** 45.44 (1) (a) 5. of the statutes is amended to read:

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23 **SECTION 6.** 54.15 (8) (a) 3. of the statutes is amended to read:

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5 89.02 (3d) “Department” means the department of agriculture, trade and
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9 license, certification, and permit issued under ss. 89.06 and 89.072, and, if
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11 based on the department’s administrative and enforcement costs under this chapter.

12 **SECTION 9.** 89.085 of the statutes is created to read:

13 **89.085 Unauthorized practice.** (1) The department may conduct
14 investigations, hold hearings, and make findings as to whether a person has engaged
15 in a practice or used a title without a credential required under this chapter.

16 (2) If, after holding a public hearing, the department determines that a person
17 has engaged in a practice or used a title without a required credential, the
18 department may issue a special order enjoining the person from continuing the
19 practice or use of the title.

20 (3) In lieu of holding a public hearing, if the department has reason to believe
21 that a person has engaged in a practice or used a title without a required credential,
22 the department may petition the circuit court for a temporary restraining order or
23 an injunction as provided in ch. 813.

24 (4) (a) Any person who violates a special order issued under sub. (2) may be
25 required to forfeit not more than \$10,000 for each offense. Each day of continued

1 violation constitutes a separate offense. The attorney general or any district
2 attorney may commence an action in the name of the state to recover a forfeiture
3 under this paragraph.

4 (b) Any person who violates a temporary restraining order or an injunction
5 issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor
6 more than \$5,000 or imprisoned for not more than one year in the county jail or both.

7 **SECTION 10.** 93.135 (1) (a) of the statutes is renumbered 93.135 (1) (ag).

8 **SECTION 11.** 93.135 (1) (ab) of the statutes is created to read:

9 93.135 (1) (ab) A license, certification, or permit under ch. 89.

10 **SECTION 12.** 93.20 (1) of the statutes is amended to read:

11 93.20 (1) **DEFINITION.** In this section, “action” means an action that is
12 commenced in court by, or on behalf of, the department of agriculture, trade and
13 consumer protection to enforce chs. 88, 89, 91 to 100, or 126.

14 **SECTION 13.** 93.22 (1) of the statutes is amended to read:

15 93.22 (1) In cases arising under chs. 88, 89, and 93 to 100, the department may
16 be represented by its attorney.

17 **SECTION 14.** 93.22 (2) of the statutes is amended to read:

18 93.22 (2) The department may, with the approval of the governor, appoint
19 special counsel to prosecute or assist in the prosecution of any case arising under chs.
20 88, 89, and 93 to 100. The cost of such special counsel shall be charged to the
21 appropriation for the department.

22 **SECTION 15.** 93.22 (3) of the statutes is amended to read:

23 93.22 (3) In any criminal or civil action under chs. 88, 89, and 93 to 100, any
24 exception, exemption, proviso, excuse, or qualification contained in any of said
25 chapters, or in any order, standard, or regulation thereunder, may be proved by the

1 defendant, but need not be specified or negated in the information or complaint,
2 and, if so specified or negated, no proof in relation to the matters so specified or
3 negated, shall be required of the plaintiff.

4 **SECTION 16.** 94.67 (33m) of the statutes is amended to read:

5 94.67 (33m) “Veterinarian” means an individual who is licensed as a
6 veterinarian under ch. ~~453~~ 89.

7 **SECTION 17.** 94.67 (33t) of the statutes is amended to read:

8 94.67 (33t) “Veterinary technician” means an individual who is certified as a
9 veterinary technician under ch. ~~453~~ 89.

10 **SECTION 18.** 95.21 (1) (e) of the statutes is amended to read:

11 95.21 (1) (e) “Veterinarian” has the meaning designated under s. ~~453.02~~ 89.02
12 (7).

13 **SECTION 19.** 95.21 (1) (em) of the statutes is amended to read:

14 95.21 (1) (em) “Veterinary technician” has the meaning designated under s.
15 ~~453.02~~ 89.02 (12).

16 **SECTION 20.** 95.21 (2) (a) of the statutes is amended to read:

17 95.21 (2) (a) *Requirement for vaccination.* Except as provided in s. 174.054 or
18 sub. (9) (d), the owner of a dog shall have the dog vaccinated against rabies by a
19 veterinarian or, if a veterinarian is physically present at the location the vaccine is
20 administered, by a veterinary technician, pursuant to s. ~~453.05~~ 89.05 (2) (d), at no
21 later than 5 months of age and revaccinated within one year after the initial
22 vaccination. If the owner obtains the dog or brings the dog into this state after the
23 dog has reached 5 months of age, the owner shall have the dog vaccinated against
24 rabies within 30 days after the dog is obtained or brought into the state unless the
25 dog has been vaccinated as evidenced by a current certificate of rabies vaccination

1 from this state or another state. The owner of a dog shall have the dog revaccinated
2 against rabies by a veterinarian or, if a veterinarian is physically present at the
3 location the vaccine is administered, by a veterinary technician, pursuant to s.
4 ~~453.05~~ 89.05 (2) (d), before the date that the immunization expires as stated on the
5 certificate of vaccination or, if no date is specified, within 3 years after the previous
6 vaccination.

7 **SECTION 21.** 169.01 (35) (a) of the statutes is amended to read:

8 169.01 (35) (a) A veterinarian who is licensed in this state to practice
9 veterinary medicine under ch. ~~453~~ 89 and who is certified under rules promulgated
10 by the department of agriculture, trade and consumer protection.

11 **SECTION 22.** 173.05 (1) (b) of the statutes is amended to read:

12 173.05 (1) (b) A person to whom par. (a) applies who is a veterinarian licensed
13 under ch. ~~453~~ 89 is not required to complete a course of training approved by the
14 department if he or she takes an examination given by the department and passes
15 the examination on the first attempt.

16 **SECTION 23.** 173.41 (2) (e) of the statutes is amended to read:

17 173.41 (2) (e) A veterinarian licensed under ch. ~~453~~ 89 practicing in the normal
18 course of veterinary business within the scope of the license is not required to obtain
19 a license under this subsection.

20 **SECTION 24.** 173.41 (12) (a) 4. of the statutes is amended to read:

21 173.41 (12) (a) 4. If persons sell or offer to sell dogs at the temporary dog market
22 for 2 or more consecutive days, employ or contract with a veterinarian licensed under
23 ch. ~~453~~ 89 to conduct an examination of the dogs offered for sale at the temporary dog
24 market on each day on which dogs are offered for sale and to review the information
25 provided under par. (b).

1 **SECTION 25.** 257.01 (5) (a) of the statutes is amended to read:

2 257.01 (5) (a) An individual who is licensed as a physician, a physician
3 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed
4 practical nurse, or nurse–midwife under ch. 441, licensed as a dentist under ch. 447,
5 licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a
6 veterinary technician under ch. ~~453~~ 89, or certified as a respiratory care practitioner
7 under ch. 448.

8 **SECTION 26.** 257.01 (5) (b) of the statutes is amended to read:

9 257.01 (5) (b) An individual who was at any time within the previous 10 years,
10 but is not currently, licensed as a physician, a physician assistant, or a podiatrist
11 under ch. 448, licensed as a registered nurse, licensed practical nurse, or
12 nurse–midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a
13 pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary
14 technician under ch. ~~453~~ 89, or certified as a respiratory care practitioner under ch.
15 448, if the individual’s license or certification was never revoked, limited, suspended,
16 or denied renewal.

17 **SECTION 27.** 321.60 (1) (a) 6m. of the statutes is created to read:

18 321.60 (1) (a) 6m. A license, certification, or permit issued under s. 89.06 or
19 89.072.

20 **SECTION 28.** 440.03 (13) (b) 73. of the statutes is repealed.

21 **SECTION 29.** 440.03 (13) (b) 74. of the statutes is repealed.

22 **SECTION 30.** 440.08 (2) (a) 70. of the statutes is repealed.

23 **SECTION 31.** 440.08 (2) (a) 71. of the statutes is repealed.

24 **SECTION 32.** 450.03 (1) (e) of the statutes is amended to read:

1 450.03 (1) (e) Any person lawfully practicing within the scope of a license,
2 permit, registration, certificate or certification granted to practice professional or
3 practical nursing or nurse–midwifery under ch. 441, to practice dentistry or dental
4 hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice
5 optometry under ch. 449 or to practice veterinary medicine under ch. ~~453~~ 89, or as
6 otherwise provided by statute.

7 **SECTION 33.** 450.10 (3) (a) 8. of the statutes is amended to read:

8 450.10 (3) (a) 8. A veterinarian licensed under ch. ~~453~~ 89.

9 **SECTION 34.** 450.11 (1m) of the statutes is amended to read:

10 450.11 (1m) **ELECTRONIC TRANSMISSION.** Except as provided in s. ~~453.068~~ 89.068
11 (1) (c) 4., a practitioner may transmit a prescription order electronically only if the
12 patient approves the transmission and the prescription order is transmitted to a
13 pharmacy designated by the patient.

14 **SECTION 35.** 450.125 of the statutes is amended to read:

15 **450.125 Drugs for animal use.** In addition to complying with the other
16 requirements in this chapter for distributing and dispensing, a pharmacist who
17 distributes or dispenses a drug for animal use shall comply with s. ~~453.068~~ 89.068.

18 ~~**SECTION 36.** 450.19 (1) (ar) of the statutes is amended to read:~~

19 ~~450.19 (1) (ar) “Practitioner” has the meaning given in s. 450.01 (17) but does~~
20 ~~not include a veterinarian licensed under ch. ~~453~~ 89.~~

21 **SECTION 37.** Chapter 453 (title) of the statutes is renumbered chapter 89 (title).

22 **SECTION 38.** 453.02 of the statutes is renumbered 89.02.

23 **SECTION 39.** 453.03 of the statutes is renumbered 89.03, and 89.03 (1), as
24 renumbered, is amended to read:

1 89.03 (1) The examining board shall promulgate rules, within the limits of the
2 definition under s. ~~453.02~~ 89.02 (6), establishing the scope of practice permitted for
3 veterinarians and veterinary technicians and shall review the rules at least once
4 every 5 years to determine whether they are consistent with current practice. The
5 examining board may promulgate rules relating to licensure qualifications, denial
6 of a license, ~~certificate~~ certification, or temporary permit, unprofessional conduct,
7 and disciplinary proceedings.

8 **SECTION 40.** 453.04 of the statutes is renumbered 89.04.

9 **SECTION 41.** 453.05 of the statutes is renumbered 89.05, and 89.05 (2) (g), as
10 renumbered, is amended to read:

11 89.05 (2) (g) Employees of a school of veterinary medicine in this state who
12 practice veterinary medicine on privately owned animals only as a part of their
13 employment and who are licensed under s. ~~453.06~~ 89.06 (2m).

14 **SECTION 42.** 453.06 of the statutes is renumbered 89.06, and 89.06 (1), as
15 renumbered, is amended to read:

16 89.06 (1) Except as provided under s. ~~453.072~~ 89.072, veterinary licenses shall
17 be issued only to persons who successfully pass an examination conducted by the
18 examining board and pay the fee ~~specified in~~ established under s. ~~440.05 (1)~~ 89.063.
19 An applicant for an initial license shall be a graduate of a veterinary college that has
20 been approved by the examining board or have successfully completed either the
21 educational commission for foreign veterinary graduates certification program of the
22 American Veterinary Medical Association or the program for the assessment of
23 veterinary education equivalence offered by the American Association of Veterinary
24 State Boards. Persons who qualify for examination may be granted temporary
25 permits to engage in the practice of veterinary medicine in the employment and

1 under the supervision of a veterinarian until the results of the next examination
2 conducted by the examining board are available. In case of failure at any
3 examination, the applicant shall have the privilege of taking subsequent
4 examinations, upon the payment of another fee for each examination.

5 SECTION 43. 453.062 of the statutes is renumbered 89.062, and 89.062 (1), as
6 renumbered, is amended to read:

7 89.062 (1) RENEWAL. The renewal ~~dates~~ date for veterinary licenses and
8 veterinary technician certifications ~~are specified under s. 440.08 (2) (a) is December~~
9 15 of each odd-numbered year, and the renewal fees for such licenses and
10 certifications are determined by the department under s. 440.03 (9) (a) 89.063.

11 SECTION 44. 453.065 of the statutes is renumbered 89.065.

12 SECTION 45. 453.068 of the statutes is renumbered 89.068.

13 SECTION 46. 453.07 of the statutes is renumbered 89.07, and 89.07 (1) (b), (2)
14 (intro.) and (3), as renumbered, are amended to read:

15 89.07 (1) (b) Violating this chapter ~~or ch. 440~~ or any federal or state statute or
16 rule ~~which~~ that substantially relates to the practice of veterinary medicine.

17 (2) (intro.) Subject to subch. II of ch. 111 ~~and the rules adopted under s. 440.03~~
18 (1), the examining board may, by order, reprimand any person holding a license,
19 certificate, or permit under this chapter or deny, revoke, suspend, limit, or any
20 combination thereof, the person's license, ~~certificate~~ certification, or permit if the
21 person has:

22 (3) In addition to or in lieu of a reprimand or denial, limitation, suspension, or
23 revocation of a license, ~~certificate~~ certification, or permit under sub. (2), the
24 examining board may assess against the applicant for or the holder of the license,

1 certificate certification, or permit a forfeiture of not more than \$5,000 for each
2 violation of s. ~~453.068~~ 89.068.

3 SECTION 47. 453.072 of the statutes is renumbered 89.072 and amended to
4 read:

5 **89.072 Licensees of other jurisdictions.** (1) Upon application and payment
6 of the fee ~~specified in~~ established under s. 440.05 ~~(2)~~ 89.063, the examining board
7 may issue a license to practice veterinary medicine to any person licensed to practice
8 veterinary medicine in another state or territory of the United States or in another
9 country if the applicant is not currently under investigation and has never been
10 disciplined by the licensing authority in the other state, territory or country, has not
11 been found guilty of a crime the circumstances of which are substantially related to
12 the practice of veterinary medicine, is not currently a party in pending litigation in
13 which it is alleged that the applicant is liable for damages for acts committed in the
14 course of practice and has never been found liable for damages for acts committed
15 in the course of practice which evidenced a lack of ability or fitness to practice.

16 (2) Upon application and payment of the fee ~~specified in~~ established under s.
17 440.05 ~~(6)~~ 89.063, the examining board may issue a temporary consulting permit to
18 practice veterinary medicine in this state for up to 60 days per year to any
19 nonresident licensed to practice veterinary medicine in another state or territory of
20 the United States or in another country.

21 SECTION 48. 453.075 of the statutes is renumbered 89.075.

22 SECTION 49. 453.08 of the statutes is renumbered 89.08.

23 SECTION 50. 978.05 (6) (a) of the statutes is amended to read:

24 978.05 (6) (a) Institute, commence or appear in all civil actions or special
25 proceedings under and perform the duties set forth for the district attorney under ch.

1 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, 89.08, 103.50 (8),
2 103.92 (4), 109.09, 343.305 (9) (a), ~~453.08~~, 806.05, 938.09, 938.18, 938.355 (6) (b) and
3 (6g) (a), 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties
4 in connection with court proceedings in a court assigned to exercise jurisdiction
5 under chs. 48 and 938 as the judge may request and perform all appropriate duties
6 and appear if the district attorney is designated in specific statutes, including
7 matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this
8 paragraph limits the authority of the county board to designate, under s. 48.09 (5),
9 that the corporation counsel provide representation as specified in s. 48.09 (5) or to
10 designate, under s. 48.09 (6) or 938.09 (6), the district attorney as an appropriate
11 person to represent the interests of the public under s. 48.14 or 938.14.

12 **SECTION 9138. Nonstatutory provisions; Safety and Professional**
13 **Services.**

14 (1) TRANSFER OF VETERINARY EXAMINING BOARD.

15 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
16 liabilities of the department of safety and professional services primarily related to
17 the functions of the veterinary examining board, as determined by the secretary of
18 administration, shall become the assets and liabilities of the department of
19 agriculture, trade and consumer protection.

20 (b) *Tangible personal property.* On the effective date of this paragraph, all
21 tangible personal property, including records, of the department of safety and
22 professional services that is primarily related to the functions of the veterinary
23 examining board, as determined by the secretary of administration, is transferred
24 to the department of agriculture, trade, and consumer protection.

1 (c) *Contracts*. All contracts entered into by the department of safety and
2 professional services in effect on the effective date of this paragraph that are
3 primarily related to the functions of the veterinary examining board, as determined
4 by the secretary of administration, remain in effect and are transferred to the
5 department of agriculture, trade and consumer protection. The department of
6 agriculture, trade and consumer protection shall carry out any obligations under
7 such a contract until the contract is modified or rescinded by the department of
8 agriculture, trade and consumer protection to the extent allowed under the contract.

9 (d) *Pending matters*. Any matter pending with the department of safety and
10 professional services on the effective date of this paragraph that is primarily related
11 to the functions of the veterinary examining board, as determined by the secretary
12 of administration, is transferred to the department of agriculture, trade and
13 consumer protection and all materials submitted to or actions taken by the
14 department of safety and professional services with respect to the pending matters
15 are considered as having been submitted to or taken by the department of
16 agriculture, trade and consumer protection.

17 (e) *Fees*. All fees for initial licenses, certifications, and other credentials, and
18 for renewals of those licenses, certifications, and other credentials, under chapter
19 453 of the statutes that are in effect on the day before the effective date of this
20 paragraph shall remain in effect until modified by the department of agriculture,
21 trade and consumer protection under section 89.063 of the statutes, as created by
22 this act.

23 **SECTION 9238. Fiscal changes; Safety and Professional Services.**

24 (1) **TRANSFER OF CREDENTIALING FEES**. The unencumbered balance in the
25 appropriation account under section 20.165 (1) (g) of the statutes that is primarily

1 related to the functions of the veterinary examining board, as determined by the
2 secretary of administration, is transferred to the appropriation account under
3 section 20.115 (2) (jm) of the statutes, as created by this act.

4 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

15-0433/P5dn

MPG:...

Date

1053/P3

✓ ✓

This draft reconciles LRB-0433 and LRB-1053. Both of these drafts should continue to appear in the compiled bill.

Michael Gallagher
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MPG:kjfjf

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5 1. Five of the members shall be licensed veterinarians licensed in this state.

6 2. One member shall be a veterinary technician certified in this state.

7 3. Two members shall be public members.

8 (b) No member of the examining board may in any way be financially interested
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12 20.115 (2) (jm) *Veterinary examining board.* All moneys received from issuing
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14 investigations, hold hearings, and make findings as to whether a person has engaged
15 in a practice or used a title without a credential required under this chapter.

16 (2) If, after holding a public hearing, the department determines that a person
17 has engaged in a practice or used a title without a required credential, the
18 department may issue a special order enjoining the person from continuing the
19 practice or use of the title.

20 (3) In lieu of holding a public hearing, if the department has reason to believe
21 that a person has engaged in a practice or used a title without a required credential,
22 the department may petition the circuit court for a temporary restraining order or
23 an injunction as provided in ch. 813.

24 (4) (a) Any person who violates a special order issued under sub. (2) may be
25 required to forfeit not more than \$10,000 for each offense. Each day of continued

SECTION 9

1 violation constitutes a separate offense. The attorney general or any district
2 attorney may commence an action in the name of the state to recover a forfeiture
3 under this paragraph.

4 (b) Any person who violates a temporary restraining order or an injunction
5 issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor
6 more than \$5,000 or imprisoned for not more than one year in the county jail or both.

7 **SECTION 10.** 93.135 (1) (a) of the statutes is renumbered 93.135 (1) (ag).

8 **SECTION 11.** 93.135 (1) (ab) of the statutes is created to read:

9 93.135 (1) (ab) A license, certification, or permit under ch. 89.

10 **SECTION 12.** 93.20 (1) of the statutes is amended to read:

11 93.20 (1) **DEFINITION.** In this section, “action” means an action that is
12 commenced in court by, or on behalf of, the department of agriculture, trade and
13 consumer protection to enforce chs. 88, 89, 91 to 100, or 126.

14 **SECTION 13.** 93.22 (1) of the statutes is amended to read:

15 93.22 (1) In cases arising under chs. 88, 89, and 93 to 100, the department may
16 be represented by its attorney.

17 **SECTION 14.** 93.22 (2) of the statutes is amended to read:

18 93.22 (2) The department may, with the approval of the governor, appoint
19 special counsel to prosecute or assist in the prosecution of any case arising under chs.
20 88, 89, and 93 to 100. The cost of such special counsel shall be charged to the
21 appropriation for the department.

22 **SECTION 15.** 93.22 (3) of the statutes is amended to read:

23 93.22 (3) In any criminal or civil action under chs. 88, 89, and 93 to 100, any
24 exception, exemption, proviso, excuse, or qualification contained in any of said
25 chapters, or in any order, standard, or regulation thereunder, may be proved by the

1 defendant, but need not be specified or negated in the information or complaint,
2 and, if so specified or negated, no proof in relation to the matters so specified or
3 negated, shall be required of the plaintiff.

4 **SECTION 16.** 94.67 (33m) of the statutes is amended to read:

5 94.67 (33m) “Veterinarian” means an individual who is licensed as a
6 veterinarian under ch. 453 89.

7 **SECTION 17.** 94.67 (33t) of the statutes is amended to read:

8 94.67 (33t) “Veterinary technician” means an individual who is certified as a
9 veterinary technician under ch. 453 89.

10 **SECTION 18.** 95.21 (1) (e) of the statutes is amended to read:

11 95.21 (1) (e) “Veterinarian” has the meaning designated under s. ~~453.02~~ 89.02
12 (7).

13 **SECTION 19.** 95.21 (1) (em) of the statutes is amended to read:

14 95.21 (1) (em) “Veterinary technician” has the meaning designated under s.
15 ~~453.02~~ 89.02 (12).

16 **SECTION 20.** 95.21 (2) (a) of the statutes is amended to read:

17 95.21 (2) (a) *Requirement for vaccination.* Except as provided in s. 174.054 or
18 sub. (9) (d), the owner of a dog shall have the dog vaccinated against rabies by a
19 veterinarian or, if a veterinarian is physically present at the location the vaccine is
20 administered, by a veterinary technician, pursuant to s. ~~453.05~~ 89.05 (2) (d), at no
21 later than 5 months of age and revaccinated within one year after the initial
22 vaccination. If the owner obtains the dog or brings the dog into this state after the
23 dog has reached 5 months of age, the owner shall have the dog vaccinated against
24 rabies within 30 days after the dog is obtained or brought into the state unless the
25 dog has been vaccinated as evidenced by a current certificate of rabies vaccination

1 from this state or another state. The owner of a dog shall have the dog revaccinated
2 against rabies by a veterinarian or, if a veterinarian is physically present at the
3 location the vaccine is administered, by a veterinary technician, pursuant to s.
4 ~~453.05~~ 89.05 (2) (d), before the date that the immunization expires as stated on the
5 certificate of vaccination or, if no date is specified, within 3 years after the previous
6 vaccination.

7 **SECTION 21.** 169.01 (35) (a) of the statutes is amended to read:

8 169.01 (35) (a) A veterinarian who is licensed in this state to practice
9 veterinary medicine under ch. ~~453~~ 89 and who is certified under rules promulgated
10 by the department of agriculture, trade and consumer protection.

11 **SECTION 22.** 173.05 (1) (b) of the statutes is amended to read:

12 173.05 (1) (b) A person to whom par. (a) applies who is a veterinarian licensed
13 under ch. ~~453~~ 89 is not required to complete a course of training approved by the
14 department if he or she takes an examination given by the department and passes
15 the examination on the first attempt.

16 **SECTION 23.** 173.41 (2) (e) of the statutes is amended to read:

17 173.41 (2) (e) A veterinarian licensed under ch. ~~453~~ 89 practicing in the normal
18 course of veterinary business within the scope of the license is not required to obtain
19 a license under this subsection.

20 **SECTION 24.** 173.41 (12) (a) 4. of the statutes is amended to read:

21 173.41 (12) (a) 4. If persons sell or offer to sell dogs at the temporary dog market
22 for 2 or more consecutive days, employ or contract with a veterinarian licensed under
23 ch. ~~453~~ 89 to conduct an examination of the dogs offered for sale at the temporary dog
24 market on each day on which dogs are offered for sale and to review the information
25 provided under par. (b).

1 **SECTION 25.** 257.01 (5) (a) of the statutes is amended to read:

2 257.01 (5) (a) An individual who is licensed as a physician, a physician
3 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed
4 practical nurse, or nurse-midwife under ch. 441, licensed as a dentist under ch. 447,
5 licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a
6 veterinary technician under ch. 453 89, or certified as a respiratory care practitioner
7 under ch. 448.

8 **SECTION 26.** 257.01 (5) (b) of the statutes is amended to read:

9 257.01 (5) (b) An individual who was at any time within the previous 10 years,
10 but is not currently, licensed as a physician, a physician assistant, or a podiatrist
11 under ch. 448, licensed as a registered nurse, licensed practical nurse, or
12 nurse-midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a
13 pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary
14 technician under ch. 453 89, or certified as a respiratory care practitioner under ch.
15 448, if the individual's license or certification was never revoked, limited, suspended,
16 or denied renewal.

17 **SECTION 27.** 321.60 (1) (a) 6m. of the statutes is created to read:

18 321.60 (1) (a) 6m. A license, certification, or permit issued under s. 89.06 or
19 89.072.

20 **SECTION 28.** 440.03 (13) (b) 73. of the statutes is repealed.

21 **SECTION 29.** 440.03 (13) (b) 74. of the statutes is repealed.

22 **SECTION 30.** 440.08 (2) (a) 70. of the statutes is repealed.

23 **SECTION 31.** 440.08 (2) (a) 71. of the statutes is repealed.

24 **SECTION 32.** 450.03 (1) (e) of the statutes is amended to read:

1 450.03 (1) (e) Any person lawfully practicing within the scope of a license,
2 permit, registration, certificate or certification granted to practice professional or
3 practical nursing or nurse–midwifery under ch. 441, to practice dentistry or dental
4 hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice
5 optometry under ch. 449 or to practice veterinary medicine under ch. ~~453~~ 89, or as
6 otherwise provided by statute.

7 **SECTION 33.** 450.10 (3) (a) 8. of the statutes is amended to read:

8 450.10 (3) (a) 8. A veterinarian licensed under ch. ~~453~~ 89.

9 **SECTION 34.** 450.11 (1m) of the statutes is amended to read:

10 450.11 (1m) ELECTRONIC TRANSMISSION. Except as provided in s. ~~453.068~~ 89.068
11 (1) (c) 4., a practitioner may transmit a prescription order electronically only if the
12 patient approves the transmission and the prescription order is transmitted to a
13 pharmacy designated by the patient.

14 **SECTION 35.** 450.125 of the statutes is amended to read:

15 **450.125 Drugs for animal use.** In addition to complying with the other
16 requirements in this chapter for distributing and dispensing, a pharmacist who
17 distributes or dispenses a drug for animal use shall comply with s. ~~453.068~~ 89.068.

18 **SECTION 36.** Chapter 453 (title) of the statutes is renumbered chapter 89 (title).

19 **SECTION 37.** 453.02 of the statutes is renumbered 89.02.

20 **SECTION 38.** 453.03 of the statutes is renumbered 89.03, and 89.03 (1), as
21 renumbered, is amended to read:

22 89.03 (1) The examining board shall promulgate rules, within the limits of the
23 definition under s. ~~453.02~~ 89.02 (6), establishing the scope of practice permitted for
24 veterinarians and veterinary technicians and shall review the rules at least once
25 every 5 years to determine whether they are consistent with current practice. The

1 examining board may promulgate rules relating to licensure qualifications, denial
2 of a license, ~~certificate~~ certification, or temporary permit, unprofessional conduct,
3 and disciplinary proceedings.

4 **SECTION 39.** 453.04 of the statutes is renumbered 89.04.

5 **SECTION 40.** 453.05 of the statutes is renumbered 89.05, and 89.05 (2) (g), as
6 renumbered, is amended to read:

7 89.05 (2) (g) Employees of a school of veterinary medicine in this state who
8 practice veterinary medicine on privately owned animals only as a part of their
9 employment and who are licensed under s. ~~453.06~~ 89.06 (2m).

10 **SECTION 41.** 453.06 of the statutes is renumbered 89.06, and 89.06 (1), as
11 renumbered, is amended to read:

12 89.06 (1) Except as provided under s. ~~453.072~~ 89.072, veterinary licenses shall
13 be issued only to persons who successfully pass an examination conducted by the
14 examining board and pay the fee ~~specified in~~ established under s. ~~440.05 (1)~~ 89.063.
15 An applicant for an initial license shall be a graduate of a veterinary college that has
16 been approved by the examining board or have successfully completed either the
17 educational commission for foreign veterinary graduates certification program of the
18 American Veterinary Medical Association or the program for the assessment of
19 veterinary education equivalence offered by the American Association of Veterinary
20 State Boards. Persons who qualify for examination may be granted temporary
21 permits to engage in the practice of veterinary medicine in the employment and
22 under the supervision of a veterinarian until the results of the next examination
23 conducted by the examining board are available. In case of failure at any
24 examination, the applicant shall have the privilege of taking subsequent
25 examinations, upon the payment of another fee for each examination.

1 **SECTION 42.** 453.062 of the statutes is renumbered 89.062, and 89.062 (1), as
2 renumbered, is amended to read:

3 89.062 (1) RENEWAL. The renewal ~~dates~~ date for veterinary licenses and
4 veterinary technician certifications ~~are specified under s. 440.08 (2) (a) is December~~
5 15 of each odd-numbered year, and the renewal fees for such licenses and
6 certifications are determined by the department under s. ~~440.03 (9) (a)~~ 89.063.

7 **SECTION 43.** 453.065 of the statutes is renumbered 89.065.

8 **SECTION 44.** 453.068 of the statutes is renumbered 89.068.

9 **SECTION 45.** 453.07 of the statutes is renumbered 89.07, and 89.07 (1) (b), (2)
10 (intro.) and (3), as renumbered, are amended to read:

11 89.07 (1) (b) Violating this chapter ~~or ch. 440~~ or any federal or state statute or
12 rule ~~which~~ that substantially relates to the practice of veterinary medicine.

13 (2) (intro.) Subject to subch. II of ch. 111 ~~and the rules adopted under s. 440.03~~
14 ~~(1)~~, the examining board may, by order, reprimand any person holding a license,
15 certificate, or permit under this chapter or deny, revoke, suspend, limit, or any
16 combination thereof, the person's license, ~~certificate~~ certification, or permit if the
17 person has:

18 (3) In addition to or in lieu of a reprimand or denial, limitation, suspension, or
19 revocation of a license, ~~certificate~~ certification, or permit under sub. (2), the
20 examining board may assess against the applicant for or the holder of the license,
21 ~~certificate~~ certification, or permit a forfeiture of not more than \$5,000 for each
22 violation of s. ~~453.068~~ 89.068.

23 **SECTION 46.** 453.072 of the statutes is renumbered 89.072 and amended to
24 read:

1 **89.072 Licensees of other jurisdictions.** (1) Upon application and payment
2 of the fee ~~specified in~~ established under s. 440.05 ~~(2) 89.063~~, the examining board
3 may issue a license to practice veterinary medicine to any person licensed to practice
4 veterinary medicine in another state or territory of the United States or in another
5 country if the applicant is not currently under investigation and has never been
6 disciplined by the licensing authority in the other state, territory or country, has not
7 been found guilty of a crime the circumstances of which are substantially related to
8 the practice of veterinary medicine, is not currently a party in pending litigation in
9 which it is alleged that the applicant is liable for damages for acts committed in the
10 course of practice and has never been found liable for damages for acts committed
11 in the course of practice which evidenced a lack of ability or fitness to practice.

12 (2) Upon application and payment of the fee ~~specified in~~ established under s.
13 440.05 ~~(6) 89.063~~, the examining board may issue a temporary consulting permit to
14 practice veterinary medicine in this state for up to 60 days per year to any
15 nonresident licensed to practice veterinary medicine in another state or territory of
16 the United States or in another country.

17 **SECTION 47.** 453.075 of the statutes is renumbered 89.075.

18 **SECTION 48.** 453.08 of the statutes is renumbered 89.08.

19 **SECTION 49.** 978.05 (6) (a) of the statutes is amended to read:

20 978.05 (6) (a) Institute, commence or appear in all civil actions or special
21 proceedings under and perform the duties set forth for the district attorney under ch.
22 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, 89.08, 103.50 (8),
23 103.92 (4), 109.09, 343.305 (9) (a), ~~453.08~~, 806.05, 938.09, 938.18, 938.355 (6) (b) and
24 (6g) (a), 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties
25 in connection with court proceedings in a court assigned to exercise jurisdiction

1 under chs. 48 and 938 as the judge may request and perform all appropriate duties
2 and appear if the district attorney is designated in specific statutes, including
3 matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this
4 paragraph limits the authority of the county board to designate, under s. 48.09 (5),
5 that the corporation counsel provide representation as specified in s. 48.09 (5) or to
6 designate, under s. 48.09 (6) or 938.09 (6), the district attorney as an appropriate
7 person to represent the interests of the public under s. 48.14 or 938.14.

8 **SECTION 9138. Nonstatutory provisions; Safety and Professional**
9 **Services.**

10 (1) TRANSFER OF VETERINARY EXAMINING BOARD.

11 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
12 liabilities of the department of safety and professional services primarily related to
13 the functions of the veterinary examining board, as determined by the secretary of
14 administration, shall become the assets and liabilities of the department of
15 agriculture, trade and consumer protection.

16 (b) *Tangible personal property.* On the effective date of this paragraph, all
17 tangible personal property, including records, of the department of safety and
18 professional services that is primarily related to the functions of the veterinary
19 examining board, as determined by the secretary of administration, is transferred
20 to the department of agriculture, trade, and consumer protection.

21 (c) *Contracts.* All contracts entered into by the department of safety and
22 professional services in effect on the effective date of this paragraph that are
23 primarily related to the functions of the veterinary examining board, as determined
24 by the secretary of administration, remain in effect and are transferred to the
25 department of agriculture, trade and consumer protection. The department of

1 agriculture, trade and consumer protection shall carry out any obligations under
2 such a contract until the contract is modified or rescinded by the department of
3 agriculture, trade and consumer protection to the extent allowed under the contract.

4 (d) *Pending matters.* Any matter pending with the department of safety and
5 professional services on the effective date of this paragraph that is primarily related
6 to the functions of the veterinary examining board, as determined by the secretary
7 of administration, is transferred to the department of agriculture, trade and
8 consumer protection and all materials submitted to or actions taken by the
9 department of safety and professional services with respect to the pending matters
10 are considered as having been submitted to or taken by the department of
11 agriculture, trade and consumer protection.

12 (e) *Fees.* All fees for initial licenses, certifications, and other credentials, and
13 for renewals of those licenses, certifications, and other credentials, under chapter
14 453 of the statutes that are in effect on the day before the effective date of this
15 paragraph shall remain in effect until modified by the department of agriculture,
16 trade and consumer protection under section 89.063 of the statutes, as created by
17 this act.

18 **SECTION 9238. Fiscal changes; Safety and Professional Services.**

19 (1) **TRANSFER OF CREDENTIALING FEES.** The unencumbered balance in the
20 appropriation account under section 20.165 (1) (g) of the statutes that is primarily
21 related to the functions of the veterinary examining board, as determined by the
22 secretary of administration, is transferred to the appropriation account under
23 section 20.115 (2) (jm) of the statutes, as created by this act.

24 (END)