



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

Report From Agency

DATE: August 14, 2023

TO: The Honorable Chris Kapenga
President, Wisconsin State Senate
Room 220 South, State Capitol
PO Box 7882
Madison, WI 53707-7882

The Honorable Robin Vos
Speaker, Wisconsin State Assembly
Room 217 West, State Capitol
PO Box 8953
Madison, WI 53708-8953

FROM: Randy Romanski, Secretary
Department of Agriculture, Trade and Consumer Protection

SUBJECT: Clearinghouse Rule 22-081 Final Draft Rule regarding ATCP 10 relating to dog import rabies vaccination

Proposed Rule

The proposed rule is attached.

Reference to Applicable Forms

There are no applicable forms.

Fiscal Estimate and EIA

The fiscal estimate and EIA are attached.

Detailed Statement Explaining the Basis and purpose of the Proposed Rule, Including How the Proposed Rule Advances Relevant Statutory Goals or Purposes

The current language of s. ATCP 10.80 (2) (a) conflicts with s. 95.21 (2) (a), Stats., with regards to rabies vaccination of dogs. The current rule requires a rabies vaccination prior to import of dogs five (5) months of age or older, whereas the statute allows for rabies vaccination within 30 days after import.

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The department reported the rule on the 2021 biennial review of rules, as required under s. 227.29, Stats. The department is currently not enforcing the unauthorized portion of the rule. The proposed rule amends s. ATCP 10.80 (2) to align with s. 95.21, Stats.

Summary of Public Comments and the Department's Responses, Explanation of Modifications to Proposed Rules Prompted by Public Comments

The department held a public hearing on the preliminary rule draft on January 10, 2023, with comments accepted through January 24, 2023. The hearing offered a combination of in-person access and remote access. There were no attendees at the public hearing and there were no written comments received.

Response to Legislative Council Staff Recommendations

The department modified the rule to address all Clearinghouse comments.

In response to to address Clearinghouse comments related to form, style and placement in Administrative Code, the department modified the placement of new language from s. ATCP 10.80 (2) (d) to s. ATCP 10.80 (2) (bm).

In response to Clearinghouse comments related to conflict with or duplication of existing rules, the department added the term “rabies vaccination” for clarification in s. ATCP 10.80 (2) (bm).

The statement of scope (SS 055-22) is specific to s. ATCP 10.80 (2) and rabies vaccination requirements, and does not include Certificates of Veterinary Inspection (CVIs). Section ATCP 10.80 (2) (bm) refers to s. 95.21 (2), Stats., which pertains to rabies vaccination requirements and not CVIs. Sections ATCP 10.80 (1) (intro.) and (3) refer to CVIs. A CVI is a written certificate that indicates that a veterinarian has examined an animal and found that there are no signs of an infectious or contagious disease, except where noted. A CVI is typically required for import into the State, except as stated under s. ATCP 10.80 (3). If a dog is required to be vaccinated under s. 95.21 (2), Stats., then the vaccination information is noted on the CVI.

Section 95.21 (2) (a), Stats., includes an exemption to rabies vaccination requirements as provided in s. 95.21 (9) (d), Stats., which states that “A city, village, or town may exempt the owner of a dog from the requirement to have the dog vaccinated against rabies for a year based on a letter from a veterinarian stating that vaccination is inadvisable because of a reaction to a previous vaccination, a physical condition, or a regiment of therapy that the dog is undergoing. The city, village, or town shall require the owner to provide a new letter for each year in which the owner seeks an exemption under this paragraph.” In the rare event that an unvaccinated dog is imported directly to a veterinary facility for treatment lasting longer than 30 days, the dog would likely qualify for exemption under s. 95.21 (9) (d), Stats.

Report from the SBRRB and Final Regulatory Flexibility Analysis

The Small Business Regulatory Review Board did not issue a report on this rule. The Final Regulatory Flexibility Analysis is attached.