

CHAPTER 95

ANIMAL HEALTH

95.001	Definitions.	95.32	Valuation; appraisers; fees.
95.01	Administration of drugs to horses.	95.33	Tubercular animals that do not react.
95.10	Feeding garbage to swine.	95.34	Slaughter on premises.
95.11	Livestock branding.	95.35	Scrapie eradication: indemnities.
95.12	False pedigree.	95.36	Indemnity not allowed.
95.13	Misrepresenting breed of domestic animal.	95.37	Claims for indemnity.
95.14	Corporations to improve livestock.	95.38	Altering records; tampering with ear tags.
95.15	Mink research funds.	95.39	Biological products.
95.17	Animal diseases; cooperation with United States.	95.40	Neutralizing cattle test.
95.175	Animal health and disease research.	95.41	Tuberculin; ear tags.
95.177	Lyme disease research.	95.42	Revocation of permit to test.
95.18	Animals in transit.	95.43	Application of brucellosis test.
95.19	Diseased animals.	95.45	Interstate certificates; tests.
95.195	Paratuberculosis; implied warranty in sale of animals.	95.46	Brucellosis vaccination; official vaccinates.
95.20	Embargo on animals from infected districts.	95.48	Brucellosis indemnity restrictions.
95.21	Rabies control program.	95.49	Movement; sale.
95.22	Reports of animal diseases.	95.50	Disposition of carcasses.
95.23	Disease investigation and enforcement.	95.64	Livestock remedies; definition, sales.
95.232	Confidentiality of paratuberculosis records.	95.65	Livestock remedies; registration; fee.
95.235	Sale of certain painted utensils.	95.66	Samples.
95.24	Living vaccine, hog cholera, anthrax, swine erysipelas.	95.67	Proper use of animal care and disease control products.
95.25	Tuberculosis control program.	95.70	Livestock dealers', truckers' and market licenses.
95.26	Brucellosis control program.	95.72	Transportation, processing and disposal of dead animals.
95.27	Pseudorabies control program; indemnities.	95.80	Humane slaughtering.
95.30	Disposal of cattle infected with tuberculosis.	95.99	Penalties.
95.31	Condemnation of diseased animals.		

Cross Reference: See definitions in 93.01.

95.001 Definitions. (1) As used in this chapter:

(a) "Net salvage" means the salvage value of an animal plus any federal indemnity paid for the animal.

(b) "Official vaccinate" means any female bovine animal officially reported to the department as having been vaccinated by an approved veterinarian at an age and in accordance with the procedures the department prescribes and which was properly tattooed at the time of vaccination as required by law or rules of the department.

(c) "Paratuberculosis" means the disease of domestic ruminants, commonly known as Johne's disease, that is caused by mycobacterium paratuberculosis.

(2) The department shall promulgate rules defining the term "contagious or infectious diseases" as used in this chapter.

History: 1979 c. 129 s. 11; 1981 c. 20; 1983 a. 189; 1989 a. 277.

95.01 Administration of drugs to horses. (1) No person may administer a drug to a horse, either internally or externally, for the purpose of altering the performance of the horse in a horse pulling contest.

(2) Persons in charge of a horse pulling contest may require as a condition of participation in the contest that the exhibitor submit his horse for examination by a licensed veterinarian to determine the presence of drugs under sub. (1).

History: 1973 c. 191.

95.10 Feeding garbage to swine. (1) Beginning July 1, 1968, it is unlawful for any person to feed public or commercial garbage to swine, or to deposit or receive such garbage on any premises where swine are kept, and no swine having fed on such garbage may be sold or removed from the premises.

(3) "Public or commercial garbage" as used in this section means putrescible animal or vegetable wastes containing animal parts, resulting from the handling, preparation, processing, cooking or consumption of food and which is collected from any source, and includes dead animals as defined in s. 95.72 (1) (c). The term does not apply to private

household wastes not removed from the premises where produced.

(4) No indemnity shall be paid to the owner of any swine condemned or destroyed because of any infectious or communicable disease if such swine were located, at any time, on any premises receiving public or commercial garbage. No person shall fail or refuse to conform with the department order specifying the manner of disposal of such infected swine. The definition of "communicable disease" in s. 990.01 (5g) does not apply to this subsection.

(5) No person shall remove or permit the removal of any swine from any premises where public or commercial garbage is received, except to federally inspected slaughtering establishments and other slaughtering establishments approved by the state to receive diseased animals, and only if such swine are accompanied by a health certificate issued by a veterinarian.

(6) No person shall bring into this state any raw public or commercial garbage for feeding purposes or for deposit on any premises where swine are kept. Any garbage from vehicles serving food to passengers, if deposited in this state, shall be incinerated.

History: 1981 c. 66, 291; 1981 c. 391 s. 210.

95.11 Livestock branding. (1) DEFINITIONS. As used in this section:

(a) "Brand" means an identification mark which is burned, tattooed or otherwise permanently marked onto livestock in accordance with department rules. A brand shall consist of a symbol, letter, or combinations of symbols, letters or numbers in a specific location but does not include ear notches or similar disfigurement, a mark which is solely a numeral or a mark required by law for official identification in disease control programs.

(b) "Livestock" means cattle and horses.

(2) **ADOPTION AND USE.** Any person may adopt an exclusive brand by recording such brand under sub. (3).

(3) **RECORDING; FEES.** (a) Any person desiring to adopt any brand, not the recorded brand of another person, shall forward to the department a facsimile of the desired brand,

together with a written application and a recording fee. Upon receipt the department shall record the brand, unless the brand is of record as that of some other person or conflicts with the recorded brand of any person. If the brand does not qualify for recording, or there is a conflict between applications received on the same date, the facsimile and fee shall be returned to the applicant. If the brand is accepted, the ownership thereof shall vest from the date of filing.

(b) In 1984 and every 10th year thereafter, every owner of a brand shall re-record the brand according to department rules. At the expiration of each recording period the department shall notify every owner of a brand at his address of record that the brand has not been re-recorded and that the brand must be re-recorded within 90 days. Failure to re-record the brand is an abandonment of the brand, and it can be recorded by another applicant thereafter.

(c) Any recorded brand is subject to transfer as personal property. Instruments evidencing transfer of a brand shall be recorded by the department upon payment of a transfer fee.

(d) The fee for initial recording is \$20, and for re-recording and transfer is \$10. When any brand is recorded, the owner is entitled to one certified copy of the recorded brand. Additional certified copies may be obtained upon the payment of \$2 for each copy.

(4) **SUIT BY OWNER.** An owner of a recorded brand may sue for injunctive relief and damages arising from an unauthorized use of his brand on livestock and a judgment in his favor may include costs and reasonable attorney's fees.

History: 1973 c. 239.

95.12 False pedigree. No person with intent to defraud shall obtain from any corporation, association, society or company organized for the purpose of improving breeds of domestic animals, a false certificate of registration of any such animal in the herd or other register of any such corporation, association, society or company, or the transfer of any such certificate, or shall, with intent to defraud, give a false pedigree of any such animal.

95.13 Misrepresenting breed of domestic animal. No person shall sell or barter or cause to be sold or bartered any domestic animal and represent, or cause to be represented that such animal is a pure bred animal, when in fact such animal is not registered, or entitled to registry, in any pure breed registry maintained for such animals; nor shall any person knowingly utter, pass or deliver to any person as true, any false, or altered pedigree; nor shall any person refuse to deliver proper certificate of registry for any animal sold or transferred by him, having represented at the time of sale or transfer, and as an inducement thereto, that such animal was registered and that he possessed and would deliver a certificate of registry as evidence thereof, or that such animal was entitled to registry and that he would secure such certificate and deliver the same.

95.14 Corporations to improve livestock. (1) Three or more adult persons of this state may form a corporation, without capital stock, to be managed and directed as herein provided, for the purpose of improving the breeding of livestock by such means and methods as may be deemed most advisable, and to receive and manage contributions therefor made from time to time by way of gifts, deed, devise, bequest or otherwise, and to expend the income thereof for the purpose of the corporation. The work of any such corporation shall be entirely educational and designed by practical work with the breeder upon the farm to result in a better understanding and practical application of the scientific and technical principles taught in agricultural colleges and experi-

ment stations, so as to effect the greatest possible coordination between the science and the art or practice of breeding, but such work shall not be merged with the work of any educational institution. Any corporation organized hereunder shall have authority to pay all necessary expenses properly incurred in carrying out the purposes of the corporation, including compensation to employees and to directors for services actually rendered in conducting the affairs of the corporation, but no pecuniary profit shall ever be paid to any incorporator or director.

(2) Any corporation organized under this section shall be managed and directed by a self-perpetuating board of directors of 5 members, consisting of the dean of the college of agricultural and life sciences of the university of Wisconsin-Madison, who shall be permanent chairperson of the board, and 4 others to be appointed in the first instance by the incorporators; at least 3 of the 5 members shall always be representative livestock breeders of the state. If the dean of the college of agricultural and life sciences fails to act as a member of the board by reason of refusal, disability or vacancy in the chair of the dean, the remaining members of the board shall appoint a representative livestock breeder to act in his or her place on the board until the time as such refusal, disability or vacancy in the chair ceases to exist. Whenever the dean of the college of agricultural and life sciences becomes a member of the board of directors after any such interim, the dean shall automatically become chairperson of the board.

(3) The term of office of all members of the board, except the permanent chairman, shall expire one each year by lot. The remaining members shall elect a member to succeed the person whose term shall have thus expired. Vacancies occurring during the year may be filled at once by the remaining members.

(4) Any such corporation shall have the general powers of other corporations and its articles of organization shall conform to s. 181.31 with such modifications as this section requires.

History: 1973 c. 335 s. 12; 1979 c. 32.

95.15 Mink research funds. The department shall use the funds appropriated under s. 20.115 (2) (i) for the purpose of promoting research in the breeding and raising of domestic mink. Such funds may be used for gifts, grants, compensation, awards or other payment to any person or institution in the manner which the secretary deems will best promote such research.

History: 1975 c. 394 s. 24; Stats 1975 s. 95 15.

95.17 Animal diseases; cooperation with United States. Whenever it is determined by the department and the state constitutional officers that it is necessary to combat dangerous diseases among domestic animals in this state in cooperation with the U.S. department of agriculture and to destroy animals affected with or which have been exposed to any such disease or to destroy property in the disinfection of the premises or to do any other act or incur any other expense reasonably necessary in suppressing or combating such disease, the department may accept, on behalf of the state, the rules and regulations prepared by the U.S. department of agriculture under authority of an act of congress relating to the suppression of any such disease and cooperate with the authorities of the U.S. in the enforcement of their provisions; or it may follow such procedure as to inspection, vaccination, condemnation, appraisal, disinfection and other acts reasonably necessary in the suppression of such diseases as may be agreed upon and adopted by the department and the state constitutional officers with the representatives of the U.S.

95.17 ANIMAL HEALTH

department of agriculture. Within the amount which may, subsequent to March 23, 1915, be appropriated for this purpose, the state shall pay such proportion of the expense incurred in suppressing or combating any such disease and in compensating owners of animals slaughtered under this section as shall be determined by and mutually agreed upon with the U.S. department of agriculture.

History: 1975 c. 308.

95.175 Animal health and disease research. (1) ANIMAL HEALTH AND DISEASE RESEARCH COUNCIL. (a) The animal health and disease research council shall, at least semiannually, meet, review and evaluate problems of animal health and disease currently or potentially present in farm poultry, farm animals and fur-bearing animals in this state. The council shall identify the priority areas for research and the approximate percentages of research project effort, within the limit of available funds, to be allocated to the areas of highest priority. The council shall recommend its findings to the animal health and disease research board for final determination.

(b) The council shall, at least annually, compile information and data sufficient to evaluate the progress of research projects funded by the animal health and disease research board under sub. (2) and may recommend to the board that changes be made in the scope or direction of any funded research project.

(2) ANIMAL HEALTH AND DISEASE RESEARCH BOARD. (a) The animal health and disease research board shall determine priority areas for animal health and disease research and the appropriate percentage of necessary research effort from recommendations of the council under sub. (1) and shall encourage members of the faculty of the university of Wisconsin system to submit applications for funding of research projects in those areas.

(b) For each of the priority research areas for which applications are received under par. (a), annually on May 15 the board shall appoint a review panel consisting of a minimum of 5 members of the faculty of the university of Wisconsin system for the purposes of reviewing and evaluating the applications received in the 12-month period preceding appointment. No person who submitted an application during the preceding 12 months may be a member of a panel appointed to review applications in the same research area as his or her application. Each appointed review panel shall review and rank the research proposal applications in order of highest merit for funding and shall submit a list of ranked applications to the board for final determination.

(c) The board shall evaluate the ranked listing of research applications received from the review panels. The board shall award funds to applicants for pure research or applied research projects from the appropriation under s. 20.115 (2) (gb). All funded research projects shall be conducted in this state. The board shall monitor the fiscal status of research projects funded by the board.

(d) Upon receipt of the evaluations of the progress of the currently funded research projects from the council under sub. (1) (b), the board may change the scope or direction of any funded project.

(e) The board shall accept gifts, donations, grants and bequests made for the purpose of funding animal health and disease research and effect the specific purpose of the gift, donation, grant or bequest.

History: 1987 a. 281.

95.177 Lyme disease research. The animal health and disease research board shall award funds appropriated under s. 20.115 (2) (d) to applicants for research on Lyme disease in

farm animals, as defined in s. 951.01 (3). All funded research projects shall be conducted in this state. The board shall monitor the fiscal status of research projects funded under this section.

History: 1989 a. 31.

95.18 Animals in transit. Animals in transit in the state are subject to all the provisions of law relating to contagious or infectious diseases of animals, and to the regulations and orders of the department.

95.19 Diseased animals. (1) DEFINITIONS. In this section, "knowingly" means that the actor believes that the specified fact exists.

(2) PROHIBITIONS. No person may do any of the following:

(a) Import, sell, transport or exhibit an animal that is exposed to a contagious or infectious disease, except as provided in sub. (3) (a).

(b) Import, sell, transport or exhibit an animal that is infected with a contagious or infectious disease, except as provided in sub. (3) (a).

(c) Knowingly conceal that an animal that is imported, sold, transported or exhibited has been exposed to or infected with a contagious or infectious disease.

(d) Knowingly misrepresent that an animal has not been exposed to or infected with a contagious or infectious disease.

(e) Knowingly permit an animal that has been exposed to or infected with a contagious or infectious disease to commingle with other animals under conditions that may cause the disease to spread to an animal owned by another person.

(3) RULE MAKING. The department may promulgate rules:

(a) Authorizing the transport under a department permit of an animal exposed to or infected with a contagious or infectious disease for slaughter or other purposes prescribed by the department.

(b) Specifying those contagious or infectious diseases to which the prohibitions of sub. (2), and the rules promulgated under par. (a), apply.

(4) DAMAGES. A person who violates this section is liable to any person injured for damages sustained as a result of the violation.

History: 1989 a. 277.

95.195 Paratuberculosis; implied warranty in sale of animals. (1) IMPLIED WARRANTY. Notwithstanding s. 402.316 (3) (c), in each contract for the sale of an animal, there is an implied warranty that the animal is not infected with paratuberculosis unless the seller does any of the following:

(a) Notifies the buyer in writing before the sale that the animal is not warranted as being uninfected with paratuberculosis.

(b) Complies with paratuberculosis testing and disclosure requirements established in rules promulgated by the department under sub. (2).

(2) RULE MAKING. The department shall promulgate rules prescribing all of the following:

(a) Test procedures to determine whether an animal is infected with paratuberculosis for purposes of sub. (1) (b).

(b) Requirements for disclosure of the results of test procedures under par. (a) to a prospective buyer of an animal.

History: 1989 a. 277.

95.20 Embargo on animals from infected districts. When there is reason to believe that there is danger of the introduction into this state of any communicable disease prevailing among domestic animals outside this state or of its spread in this state, the department shall investigate the existing conditions, and if it concludes that danger exists to the livestock interests of this state therefrom, it may prohibit the importa-

tion of animals of the diseased kind from the infected district into this state, or the removal of them from one part of the state to another, under such regulations as the department may establish. The definition of "communicable disease" in s. 990.01 (5g) does not apply to this section.

History: 1981 c. 291; 1981 c. 391 s. 210

95.21 Rabies control program. (1) DEFINITIONS. As used in this section:

(am) "Isolation facility" means a humane society shelter, veterinary hospital, municipal pound or other place specified by an officer which is equipped with a pen or cage which isolates the animal from contact with other animals.

(b) "Officer" means a peace officer, full-time health officer, humane officer, warden, an employe designated by the department or other person designated by the governing body of the county, city, village or town.

(c) "Owner" includes a person who owns, harbors, keeps or controls an animal.

(d) "Peace officer" has the meaning designated under s. 939.22 (22).

(e) "Veterinarian" has the meaning designated under s. 453.02 (7).

(f) "Warden" has the meaning designated under s. 24.01 (11).

(2) RABIES VACCINATION REQUIRED FOR DOGS. (a) *Requirement for vaccination.* Except as provided in s. 174.054, the owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 4 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination.

(b) *Issuance of certificate of rabies vaccination.* A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the department stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the center for disease control of the U.S. department of health and human services and the city, village or town where the dog is required to be licensed.

(c) *Copies of certificate.* The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated whichever occurs first.

(e) *Rabies vaccination tag.* After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

(f) *Tag to be attached.* The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined

indoors, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under sub. (2) (a).

(g) *Duplicate tag.* The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.

(h) *Cost.* The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

(3) DISTRICT QUARANTINE (a) *Dogs confined.* If a district is quarantined for rabies, all dogs within the district shall be kept securely confined, tied, leashed or muzzled. Any dog not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The clerk of every town, city or village wholly or partly within the quarantine district shall promptly post in at least 3 public places in the town, city or village, notices of quarantine furnished by the department for posting.

(b) *Exemption of vaccinated dog from district quarantine.* A dog which is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence is exempt from the district quarantine provisions of par. (a) if a rabies vaccination tag or substitute tag is attached to the dog's collar.

(4) QUARANTINE OR SACRIFICE OF AN ANIMAL SUSPECTED OF BITING A PERSON OR BEING INFECTED OR EXPOSED TO RABIES. (a) *Quarantine or sacrifice of dog or cat.* An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(b) *Sacrifice of other animals.* An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies. If livestock is killed under this paragraph, the owner is eligible for an indemnity payment in an amount equal to the indemnity provided under this chapter for livestock destroyed because of unknown or unidentified diseases. If the decision is made by an employe of the department, the indemnity shall be paid from the appropriation under s. 20.115 (2) (b). If the decision is made by another officer, the indemnity shall be paid from the dog license fund.

(c) *Sacrifice of a dog or cat.* An officer may order killed or may kill a dog or cat if the owner of the dog or cat violates sub. (5) (a), (b) or (c).

(5) QUARANTINE OF DOG OR CAT. (a) *Delivery to isolation facility or quarantine on premises of owner.* An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

95.21 ANIMAL HEALTH

(b) *Health risk to humans.* If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.

(c) *Risk to animal health.* 1. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.

2. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

(d) *Sacrifice of a dog or cat exhibiting symptoms of rabies.* If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

(6) **DELIVERY OF CARCASS; PREPARATION; EXAMINATION BY LABORATORY OF HYGIENE.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the state laboratory of hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The laboratory of hygiene shall examine the specimen and determine if the animal was infected with rabies. The state laboratory of hygiene shall notify the department, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or that person's physician.

(7) **COOPERATION OF VETERINARIAN.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the department, the laboratory of hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

(8) **RESPONSIBILITY FOR QUARANTINE AND LABORATORY EXPENSES.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory exami-

nation. If the owner is unknown, the county is responsible for these expenses.

(9) **LOCAL PROGRAMS.** (a) This section does not prohibit or restrict a county, city, village or town from imposing a rabies control program with more restrictive provisions.

(b) This section does not prohibit a county, city, village or town from imposing its own rabies control program if the department approves the program upon the recommendation of the council on local rabies control programs. The department may not approve a program unless it provides for at least 2 examinations of the quarantined animal by a veterinarian or a trained individual with veterinarian involvement during a 10-day isolation period. The department shall promulgate rules establishing criteria for the approval of programs under this paragraph and defining "trained individual" and "veterinarian involvement".

NOTE: Par. (b) is shown as created by 1985 Wis. Act 184, section 3. Section 3m. amends par. (b) eff. 7-1-91 to read:

"(b) This section does not prohibit a county, city, village or town from imposing its own rabies control program if the department approves the program. The department may not approve a program unless it provides for at least 2 examinations of the quarantined animal by a veterinarian or a trained individual with veterinarian involvement during a 10-day isolation period. The department shall promulgate rules establishing criteria for the approval of programs under this paragraph and defining 'trained individual' and 'veterinarian involvement'."

(10) **PENAL TIES.** (a) *Failure to obtain rabies vaccination.* An owner who fails to have a dog vaccinated against rabies as required under sub. (2) (a) may be required to forfeit not less than \$50 nor more than \$100.

(b) *Refusal to comply with order or quarantine.* An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than \$100 nor more than \$1,000 or imprisoned not more than 60 days or both.

(c) *Other violation.* A person who violates any provision of this section not specified under pars. (a) and (b) may be required to forfeit up to \$50.

History: 1979 c. 129, 289, 357; 1981 c. 285; 1981 c. 314 s. 144; 1983 a. 189 s. 329 (18); 1983 a. 451; 1985 a. 135, 184.

95.22 Reports of animal diseases. (1) Each veterinarian shall immediately report to the department the existence among animals of any communicable disease coming to his knowledge. The report shall be in writing and shall include a description of the diseased animal, the name and address of the owner or person in charge of the animal, if known, and the location of the animal. The definition of "communicable disease" in s. 990.01 (5g) does not apply to this subsection.

History: 1981 c. 291; 1981 c. 391 s. 210.

95.23 Disease investigation and enforcement. (1) Authorized inspectors and agents of the department may enter at reasonable times any premises, building or place to investigate the existence of animal diseases or to investigate violations of or otherwise enforce the laws relating to animal health. Any animals or materials suspected of being infected may be examined or tested. No person shall obstruct or interfere with such investigation or enforcement work, or attempt to do so, in any manner, by threat or otherwise.

(2) Upon request of an authorized inspector or agent of the department, sheriffs and police officers shall assist in the enforcement of the laws relating to animal health.

(3) Upon reasonable notice from the department, owners or persons in charge of animals shall cause them to be restrained or confined so that they may be identified, examined and tested or otherwise treated or disposed of as authorized by law.

(4) When any animals or materials infected or suspected of being infected have been quarantined, no person shall remove them from the premises, or otherwise fail to comply with the terms of the quarantine, except upon written permit from the department.

95.232 Confidentiality of paratuberculosis records. Any information kept by the department that identifies the owners of livestock herds infected, or suspected of being infected, with paratuberculosis is not subject to inspection or copying under s. 19.35 except as the department determines is necessary to protect the public health, safety or welfare.

History: 1989 a. 31.

95.235 Sale of certain painted utensils. Any person who sells, for the purpose of feeding livestock, any utensil painted with a substance having a toxic effect upon livestock when taken orally shall be punished under s. 95.99 (1).

History: 1975 c. 41; 1979 c. 129 s. 15; 1981 c. 66 s. 8.

95.24 Living vaccine, hog cholera, anthrax, swine erysipelas. (1) No person shall have in his possession or furnish to another any live virus hog cholera vaccine, including vaccines produced from a modified or attenuated strain of hog cholera virus, except that such vaccines may be in the possession of a biological laboratory inspected and licensed by the federal government, persons having written approval from the department for its experimental use, or veterinarians having a permit from the department for its use in vaccinating or treating swine as necessary for export or for such other uses as are authorized by the department for the control of serious outbreaks of the disease.

(3) (a) No type of living vaccine for immunizing against anthrax or swine erysipelas may be administered to any domestic animal, including fowl, or sold or dispensed in this state without first having obtained the written approval of the chief veterinarian of the department. Approval to administer such vaccine shall be granted to licensed veterinarians only, and then only after it has been established: 1. that the animals to be so treated are infected, or 2. are on premises known to be contaminated, or 3. have been exposed within 40 days to infection with the disease for which the living vaccine is prescribed as a proper immunizing agent, or 4. to qualify the animal or fowl for export.

(b) Every veterinarian who so administers such living vaccine shall render to the department a report of the use and the results thereof at such time and in such manner as it may require.

95.25 Tuberculosis control program. (1) In order to detect and control bovine tuberculosis the department may test for tuberculosis those cattle where indication of possible infection is disclosed by means of the slaughter cattle identification program and any other cattle or herds the department has reason to believe may be infected or exposed or deems necessary to test for any other reason. Tuberculosis tests authorized by the department shall be made at such times and in such manner as the department determines, in the light of the latest and best scientific and practical knowledge and experience.

(2) Upon reasonable notice the department, its authorized agents and all inspectors and persons appointed or authorized to assist in the work of applying the tuberculin test, may enter any buildings or inclosures where cattle are, for the purpose of making inspection and applying the tuberculin test, and any person who interferes therewith or obstructs them in their work or attempts to obstruct or prevent by force the inspection and the testing (in addition to the penalty

prescribed therefor) shall be liable for all damages caused thereby to the state or to any person lawfully engaged in the work of inspection and testing.

(3) The department shall provide all the necessary equipment and supplies and inspectors and make all arrangements necessary for the carrying on and completion of the work authorized by this section. If any such equipment or supplies are no longer needed, they may be disposed of by the department of administration, and the proceeds derived from the sale shall be paid into the state treasury and credited to the appropriation for such testing.

(4) Retests of infected herds shall be made by the department at such intervals as the department deems necessary to protect the work already done and to preserve the modified accredited or tuberculosis free status of the state under the specifications and regulations of the U.S. department of agriculture and the agreements among the various states.

(5) For each animal condemned and slaughtered, unless otherwise provided by law, the owner shall receive and, upon certificate of the department, the state shall pay two-thirds of the difference between the net salvage and the appraised or agreed value of the animal, but such payment may not exceed \$600 for an animal.

(6) The department may, with the owner's consent, condemn animals which have been exposed to tuberculosis or which are suspected of being infected, although such animals have not reacted to the tuberculosis tests.

History: 1971 c. 125; 1975 c. 306; 1983 a. 361.

95.26 Brucellosis control program. (1) In order to detect and control bovine brucellosis the department shall conduct milk and cream tests and blood tests as provided in this section. Milk and cream shall be tested by the brucellosis ring test, hereafter referred to as the B.R.T. test. Blood shall be tested by blood serum agglutination or other test methods approved by the department, hereafter referred to as the brucellosis test.

(2) All milk and cream received at every dairy plant shall be tested at not more than 6-month intervals by the B.R.T. test, and brucellosis tests shall be applied promptly to cattle when the milk or cream therefrom discloses a positive reaction to the B.R.T. test or to cattle and American bison when other indications of possible infection are disclosed. All cattle and American bison, except steers and spayed heifers, shall be subject to the brucellosis test, but official vaccinates not older than the maximum age prescribed by rules of the department need not be tested except when deemed necessary by the department or the attending veterinarian. Brucellosis tests and official vaccination provided for in this section shall be performed by a veterinarian approved by the department. When brucellosis tests are not conducted by any such veterinarian within 15 days of the date notice to test is mailed to the cattle or American bison owner, the department shall conduct such tests. Except where compensated by the federal government, approved veterinarians performing testing and vaccination under this section shall be paid by the state at uniform rates established by the department. Blood samples drawn for the brucellosis test shall be submitted to the department promptly for laboratory examination.

(3) If the existence of brucellosis within the state results in the termination of its status as a certified brucellosis-free area by the U.S. department of agriculture, the department shall request the release of funds by the joint committee on finance from the appropriation under s. 20.865 (4) (a) to pay for official vaccination, as provided in s. 95.46 (2), of all female calves located within any county where the incidence of brucellosis disqualifies it for such designation.

95.26 ANIMAL HEALTH

89-90 Wis. Stats. 2032

(4) Cattle and American bison which are classified as "reactors" to the brucellosis test (whether or not conducted pursuant to this section) shall be slaughtered. A report of any test disclosing reactors shall be mailed to the owner thereof. The reactors shall be identified by a reactor tag and permanent mark as prescribed by the department. The owner shall effect slaughter of the reactors within 15 days of the date they are so identified, except that the department, for cause shown, may extend such time an additional 15 days. In the event the owner of reactors shall fail to comply with this subsection within the time limited, the department shall cause the removal and slaughter of such reactors. No indemnity shall be paid on any reactors disposed of by the department. No milk shall be sold from any reactors or from any herd of cattle in which reactors are kept contrary to the provisions of this section.

(5) When reactors to any brucellosis test are disclosed in a herd of cattle or American bison the department shall quarantine the entire herd by serving written notice thereof, either personally or by mail, on the owner or person in charge, but such quarantine shall not be imposed if the department, upon the basis of the clinical history of the herd with respect to brucellosis and the recommendation of the attending veterinarian, determines it is improbable that the cattle or American bison will contract brucellosis. No cattle or American bison subject to the quarantine shall be removed from the premises where the cattle or American bison are quarantined, except upon written permit of the department. The quarantine shall remain in full force until removed by the department. Such retests shall be conducted as the department finds necessary to eliminate all reactors or other evidence of infection in the herd.

(6) The department may acquire, equip and maintain laboratories, including mobile units and promulgate rules and regulations not inconsistent with law so as to effectively execute its functions under the brucellosis control program.

(7) For each animal condemned and slaughtered, unless otherwise provided by law, the owner shall receive and, upon certificate of the department, the state shall pay two-thirds of the difference between the net salvage and the appraised or agreed value of the animal, but such payment shall not exceed \$300 for an animal. With the consent of the owner the department may condemn, in infected herds, animals which have been exposed and which are suspected of being infected, although such animals have not reacted to the brucellosis tests.

History: 1971 c. 125, 211; 1973 c. 333; 1975 c. 39, 308; 1977 c. 29; 1979 c. 34 s. 2102 (29) (a); 1981 c. 20.

95.27 Pseudorabies control program; indemnities. (1) In order to detect, control and eradicate pseudorabies the department shall obtain blood or tissue samples from Wisconsin swine on a systematic basis. The department shall test the samples for pseudorabies.

(2) In the eradication and control of pseudorabies, the department may, whenever such action is necessary to prevent or reduce the spread of disease, quarantine or condemn and order the destruction of any swine which in the opinion of the department are infected with or have been exposed to pseudorabies.

(2m) The department may enter into agreement with a herd owner, under which the department agrees to pay costs of testing and vaccinating swine for pseudorabies. The department may pay the entire cost of testing and vaccinating an infected herd, and up to 50% of the cost of testing and vaccinating high-risk herds which are not yet known to be infected.

(3) The department may enter into cooperative agreements with the federal government or any department or other agency for the control and eradication of pseudorabies in this state, including the payment of indemnities authorized under this section.

(4) Subject to sub. (5), the department shall indemnify from state or federal funds the owner of swine that have been condemned and destroyed under this section. For breeding swine over 6 months of age, the department shall pay to the owner \$25 for each animal. For other swine condemned and destroyed before July 1, 1991, under this section, the department shall pay an amount determined under s. 95.31. State payments shall be made from the appropriation under s. 20.115 (2) (b) for breeding swine over 6 months of age. State payments shall be made from the appropriation under s. 20.115 (2) (cm) for other swine condemned and destroyed before July 1, 1991, under this section.

(5) Indemnities may not be paid under this section unless the owner of affected swine enters into, and acts in accordance with, an agreement with the department for the eradication of pseudorabies. An agreement entered into under this section shall contain a plan for the eradication of pseudorabies and shall be based upon scientifically accepted methods. The department shall monitor the implementation of an agreement to determine compliance and to determine whether the agreement needs to be modified.

(6) The owner of any swine affected by this section may appeal an order made under this section by filing with the department a request for a hearing under s. 93.18 within 5 days after receipt of notice of the order.

(7) A person in control of any premises on which swine have died of pseudorabies shall promptly dispose of the carcasses as provided under s. 95.50 or have the carcasses removed by a renderer licensed under s. 95.72.

(8) The department may adopt rules that are necessary to administer this section.

History: 1983 a. 132; 1987 a. 399; 1989 a. 31.

95.30 Disposal of cattle infected with tuberculosis. The owner of cattle tested and found to be afflicted with bovine tuberculosis shall ship them under the direction of the department to some place designated by it for immediate slaughter under U.S. government inspection, or under the inspection approved by the department.

95.31 Condemnation of diseased animals. (1) The department shall have general power and authority to condemn and order the slaughter or destruction of animals affected with or exposed to contagious and infectious diseases as necessary to prevent or control the spread of dangerous diseases among domestic animals of this state. The department shall pay indemnities to the owners of animals condemned and destroyed as provided in this chapter.

(2) Whenever it is deemed necessary by the department to condemn diseased animals, the department shall, in all cases where the payment of indemnities is authorized under this chapter, appraise the condemned animals and agree in writing with the owner as to the value of the animals condemned or destroyed. In the absence of an agreement with the owner, written notice of the condemnation shall be given to the owner, his or her agent or the person in charge of the animals, and to the circuit court of the county in which the animals are located. The notice shall include the number and description of the animals and the name of the owner.

(3) In addition to the indemnities for specific animal diseases provided under ss. 95.25, 95.26, 95.27 and 95.35 or under special emergency programs, the department shall pay indemnities on livestock condemned and destroyed because

of unknown or unidentified contagions or infections, the cause or nature of which cannot be fully determined at the time of condemnation. Indemnities for unknown or unidentified diseases shall be equal to the difference between net salvage and appraised or agreed values, but not to exceed \$600. As used in this subsection, "livestock" means bovines, equines, swine, sheep, goats and poultry.

(4) In the event of a major or serious outbreak of dangerous diseases affecting the health of domestic animals requiring special control measures, the department may request the joint committee on finance to release funds appropriated under s. 20.115 (2) (b) as needed to conduct emergency control programs independently or in cooperation with federal or local units of government and to pay indemnities on animals condemned and slaughtered or destroyed under the emergency control programs. For all indemnities paid under this subsection, the state shall pay two-thirds of the difference between the net salvage and the appraised value of an animal, except that no payment may exceed the maximum amount prescribed by the department for the species type of the destroyed animal.

History: 1977 c. 146; 1977 c. 449 s. 497; 1981 c. 20; 1989 a. 31.

95.32 Valuation; appraisers; fees. (1) Notice given under s. 95.31 (2) shall be entered on the court record and the circuit court shall immediately notify the owner, agent or possessor of the animals and summon 3 disinterested citizens of the county not residents of the immediate neighborhood in which the animals are owned or kept to appraise the value of the animals. Every appraiser shall have had experience in the raising and care of livestock and shall be familiar with the value of livestock and competent to appraise the livestock. The appraisers shall, before entering upon the discharge of their duties, be sworn by the circuit court to make a true appraisal without prejudice or favor of the market value of the animals. The appraisers shall immediately make a verified report to the circuit court giving the number of animals appraised and the value of each, and if slaughtered on the premises, the appraisers shall certify in their return that they saw the appraised animals slaughtered.

(3) The appraisers shall receive \$10 a day for each day actually employed as such, which shall be paid out of the county treasury upon the certificate of the circuit court by whom they were summoned. Officers who perform any duty hereunder shall have the same fees as are allowed by law in circuit courts, and shall be paid by the county in which their services are performed.

History: 1977 c. 146; 1977 c. 449 s. 497; 1981 c. 20.

95.33 Tubercular animals that do not react. Whenever in the opinion of the department a bovine is afflicted with tuberculosis, although failing to react to the tubercular test, such animal shall be condemned and the appraisal and all subsequent procedure shall be the same as in the case of reactors.

95.34 Slaughter on premises. The slaughter of diseased animals on the premises of the owner shall be made under the supervision and direction of the department or an assistant. If upon inspection of the carcass it is found, according to rules of inspection of the U.S. department of agriculture, to be unfit for human food, the inspector shall destroy it or cause it to be buried and covered with a sufficient quantity of lime to destroy it. The hide shall be disinfected and otherwise cared for according to said rules. If the carcass is fit to be used for human food it may be disposed of in accordance with the provisions made by the department.

History: 1975 c. 308.

95.35 Scrapie eradication; indemnities. (1) In the eradication and control of scrapie, the department may, whenever such action is necessary to prevent or reduce the spread of the disease, condemn and order the destruction of any sheep or goats which in the opinion of the department are infected with or have been exposed to scrapie and pay indemnities to the owner of the animals under this section.

(2) With the consent of the owner, the department may condemn sheep or goats reasonably suspected of being infected with scrapie or of having been exposed to scrapie where any danger of infection or reinfection exists.

(3) The department may enter into cooperative agreements with the federal government or any department or other agency for the control and eradication of scrapie in this state, including the sharing of payments for indemnities authorized by this section.

(4) The department shall appraise all animals condemned and destroyed under this section according to current market values and the state shall pay the owner two-thirds of the difference between the appraised value and any indemnity received from the federal government, but such payment may not exceed \$150 for an animal. No payment may be made under this section unless the owner has received, or will receive, a federal indemnity for the destroyed animal.

(5) The owner of any sheep or goats affected by this section may appeal from any order or appraisal made under this section by filing with the department a request for a hearing under s. 93.18 within 5 days after receipt of notice of the order or appraisal.

(6) Every person in control of premises on which sheep or goats have died of scrapie shall promptly bury or dispose of the carcasses in accordance with rules prescribed by the department.

History: 1981 c. 20.

95.36 Indemnity not allowed. The owners of animals condemned and slaughtered under the provisions of this chapter shall receive no indemnity therefor in the following cases:

(1) Animals owned by the United States, this state or any county, city, town or village.

(2) Animals brought into this state contrary to any provisions of law.

(3) Animals which the owner at the time of coming into possession of them knew or had reason to believe to be afflicted with contagious or infectious disease.

(4) Animals diseased at the time of arrival in this state.

(5) Animals which the owner has negligently or willfully exposed to contagious or infectious disease.

(6) Animals brought into this state that fail to pass successfully the retests subsequent to importation as required by regulation of the department.

(7) When the infected premises have not been disinfected, to the satisfaction of the department in such manner as to prevent the further spread of the disease.

(8) Unless the animal condemned and slaughtered was owned by the claimant at least 30 days prior to the test which discloses the reaction.

(9) Where the owner has received indemnity as a result of a former inspection or test, and has thereafter introduced into his herd any bovine contrary to law or the regulations of the department.

95.37 Claims for indemnity. (1) Claims against the state arising from the condemnation of animals shall be made by delivering to the department, to be forwarded to the department of administration, a copy of the condemnation notice, and of the notice to the circuit court and return of the

appraisers certified by the court, giving the name and place of residence of the owner, the date on which such animals were condemned and the tag number of each animal, and also a statement of the salvage received and of the sum due from the state and any additional information as the department requires. If the value was fixed by agreement the claim shall be made by delivering to the department to be forwarded to the department of administration the agreement or a sworn copy thereof and a statement of the salvage received and of the amount due from the state and any additional information demanded. The department shall promptly transmit all claims to the department of administration and accompany the same with a report of the sum due from the state and thereupon the claims may be audited and paid.

(2) Claims for indemnity based on condemnation and appraisal may be paid notwithstanding the death of the animal by means other than slaughter if satisfactory proof of death is filed with such claim.

History: 1977 c. 216; 1977 c. 449 s. 497.

95.38 Altering records; tampering with ear tags. (1) It shall be unlawful for any person to in any manner change any test record, falsely record any test, misrepresent the identification of any animal or any other material fact on any test record, interstate health certificate, vaccination record, claim for indemnity, or any disease control report or application to the department. It shall be unlawful for any person to induce or to conspire with another, either directly or indirectly, to do any of the said prohibited acts.

(2) No person is permitted to in any way tamper with, insert or remove from the ear of any animal any ear tag or registration mark which is or may be used for identification in disease control work except upon authorization from the department.

(3) The department may adopt rules that are necessary to administer this section.

History: 1983 a 132.

95.39 Biological products. (1) It is unlawful for any person to sell, furnish, give away or supply any tuberculin or any biological product containing *Brucella* organisms for use in this state unless (a) the label on the container thereof states the name and address of the manufacturer and the date of expiration; (b) the vendor, within 15 days, reports to the department the name of the recipient, the date and amount delivered; and (c) such products are sold or delivered only to veterinarians licensed to practice in this state.

(2) It shall be unlawful for any person to use or dispose of any tuberculin until assured in writing by the person from whom received that its sale or delivery to said person has been reported to the department.

(3) Biological products produced or packed outside this state for the treatment, diagnosis or prevention of animal diseases and licensed by the federal government under experimental or special licenses may be sold, distributed or used only under such conditions as the department prescribes. The department may make such rules governing the conditions of manufacture, sale, distribution or use of biological products for the treatment, diagnosis or prevention of animal diseases as are necessary for the protection of animal health, including permit requirements or other restrictions on the importation, sale or experimental use of such products.

95.40 Neutralizing cattle test. (1) No person shall use or cause to be used tuberculin or any other agent upon cattle, by injection or otherwise, for the purpose of preventing a proper reaction when a tuberculin test is made.

(2) No person shall at any time or in any manner apply tuberculin to any animal except for the purpose of applying a tuberculin test. The result of every such test shall be reported to the department.

95.41 Tuberculin; ear tags. (1) The department shall furnish and distribute tuberculin and circulars containing the rules and regulations for applying the tuberculin test upon application to all persons authorized to make such test.

(2) The department shall provide ear tags to be used for identifying cattle tested for purposes of disease control, and shall distribute the tags to persons authorized by the department to identify cattle.

History: 1977 c. 216; 1979 c. 129.

95.42 Revocation of permit to test. Only veterinarians approved by the department may apply the tuberculin test to cattle, and no veterinarian applying the test may tag or brand reactors except as specifically authorized or directed by the department. Any veterinarian who fails to comply with this section and the rules and instructions furnished by the department shall forfeit all right to apply the tuberculin test.

History: 1977 c. 216; 1979 c. 129.

95.43 Application of brucellosis test. (1) The brucellosis test shall be applied to cattle and American bison only by approved veterinarians. Any veterinarian who fails to comply with the laws or regulations of the department relating to disease control may be denied such approval.

(2) Every veterinarian who applies the brucellosis test shall promptly reactor tag and permanently mark all reactors in conformity with the law and the regulations of the department, and shall promptly report the result of each test to the department. No person shall interfere in any way with the identification of reactors as required herein.

History: 1981 c. 20.

95.45 Interstate certificates; tests. (1) Tests to determine the health status of animals for the purpose of interstate shipment shall be made only by licensed graduate veterinarians approved by the department. Such veterinarians shall report the results of every such test to the department in triplicate.

(2) The department may refuse to approve any interstate health certificate requested by any person who is not a resident vendor, shipper or assembler.

(3) The department may refuse to approve any interstate health certificate requested by any applicant who has violated or failed to obey any law or regulation relating to disease control or has misrepresented or failed to disclose any material fact in relation to such certificate.

95.46 Brucellosis vaccination; official vaccinates. (1) It is unlawful for any person other than an approved veterinarian to treat any bovine animal with any biological product containing *Brucella* organisms.

(2) No bovine animals may be vaccinated against brucellosis except calves within age ranges prescribed by department rules. Such calves may be vaccinated by approved veterinarians if officially reported to the department and permanently identified as official vaccinates as required under this section and rules of the department.

(3) All animals vaccinated by approved veterinarians shall be identified by a tattoo on the inner surface of the right ear of each such animal, using such symbols as the department by rule prescribes.

(4) All veterinarians shall use only vaccine provided under federal regulations or produced by or under the direction or supervision of the department. They shall identify the

vaccinates as required in sub. (3) and record in triplicate on forms prepared by the department the information it requires. The veterinarian shall transmit one copy of the vaccination record to the department within 15 days after the date of vaccination, furnish one copy to the owner of the animals, and retain one copy for the veterinarian's own file.

(6) Official vaccinates need not be identified as reactors until they are past 20 months of age unless there is other evidence of infection in the herd.

History: 1973 c. 123; 1979 c. 129.

95.48 Brucellosis indemnity restrictions. (1) No indemnity for brucellosis shall be paid:

- (a) On steers.
- (b) On any animal unless reactor tagged and permanently marked as required by department regulation and unless the claim is accompanied by such proof, as the department may require, of (1) slaughter within the time limited, (2) actual salvage and (3) cleaning and disinfection of the premises.
- (c) On any animal vaccinated against brucellosis, other than official vaccinates, unless it can be established that such animal, subsequent to vaccination, returned to a negative status as established by a negative test conducted not less than 30 days prior to the test on which the claim is based but more than 30 days after vaccination.
- (d) Except as provided in sub. (2), on any animal which was a member of a herd into which was introduced any animal which failed to first pass a completely negative brucellosis test prior to movement as required by s. 95.49.
- (e) Except as provided in sub. (2), on any animal other than an official vaccinate which was a part of a herd any member of which, when above the maximum qualifying age for official vaccination, was treated with any biological product containing *Brucella* organisms.

(2) Notwithstanding the provisions of sub. (1) (d) and (e), indemnity shall be paid on such animals if the reaction is disclosed on any test conducted subsequent to the elimination without claim of all reactors disclosed on a complete herd test conducted after the time of making any addition or treating any animal as therein described.

95.49 Movement; sale. (1) No person may sell or move from one place to another any cattle or American bison born on or after June 1, 1984, unless it is accompanied by a report of complete negative brucellosis test conducted within 30 days prior to movement, but this subsection shall not apply to the following:

- (a) Official vaccinates.
- (b) Steers and spayed heifers.
- (c) Animals consigned directly to slaughter establishments if the animals are moved and held in conformity with department rules.
- (d) Male animals under 6 months of age and female animals under the maximum age allowable for vaccination as defined by rule.
- (e) Animals not known to be reactors moved to the premises of a livestock market or dealer licensed and inspected under s. 95.70, for sale and removal as provided in sub. (2).

(f) Animals which are moved for exhibition purposes if accompanied by a report of a negative brucellosis test conducted within 90 days.

(g) Animals moved by the owner between farm premises owned or operated by him or her.

(h) Feeder cattle sold or moved to an approved feedlot if the cattle are moved and held in conformity with department rules.

(i) Female beef breed cattle under one year of age if sold or moved for feeding purposes.

(2) Cattle moved to the premises of a livestock market or dealer pursuant to the exemption from brucellosis test in sub. (1) (e) may be removed only in compliance with the brucellosis test requirements in sub. (1).

(3) This section shall not be construed to authorize the movement of any animals in violation of any other provision of this chapter or of any quarantine or animal health regulation issued by the department as authorized by law.

History: 1973 c. 123; 1981 c. 390 s. 252; 1983 a. 127.

95.50 Disposition of carcasses. (1) No person shall deposit or throw or allow to be deposited or thrown into any stream, lake or swale, or leave or deposit or cause to be left or deposited upon any public highway or other place the carcass of any animal; nor deposit or leave or permit to be deposited or left upon any premises under his control any dead animal exposed in such manner as to be reached by dogs or wild animals for a longer period than 24 hours in the months of April to November, or 48 hours during the months of December to March. The owner of such a carcass or any other person may report to the proper county officials or the contracting private rendering plant pursuant to s. 59.07 (84) for removal and burial or other disposition of a carcass within the time specified in this subsection.

(2) No person shall transport, haul or drag or permit to be transported, hauled or dragged along any public highway in this state the carcass of any animal suspected of having died from anthrax, blackleg, foot and mouth disease, sleeping sickness or glanders or any other disease which the department may designate as highly dangerous. All such carcasses shall be burned or be buried at least 6 feet below the surface of the ground and shall be completely covered so as to prevent their being reached by wild animals or dogs. Whenever it is necessary to transport any such carcass across any public highway for burial, it shall be transported in such manner as not to contaminate any part of the public highway. The carcasses of animals dying from other communicable diseases may be transported to and disposed of under such regulations as are prescribed by the department. The definition of "communicable disease" in s. 990.01 (5g) does not apply to this subsection.

(3) Any dead animal found upon a public highway or other public place shall, in case the owner of such animal cannot be found, be buried or otherwise disposed of at public expense by the proper health officer of the town, city or village wherein such animal is found. This subsection applies only to a county which does not exercise its authority under s. 59.07 (84).

(4) In a county which does not exercise its authority under s. 59.07 (84), the owner of a carcass is obligated to dispose of it as specified in this section.

History: 1981 c. 291; 1981 c. 391 s. 210.

95.64 Livestock remedies; definition, sales. (1) The term "livestock remedy" as used in ss. 95.64 to 95.66 shall include all devices, remedies, cures, tonics, powders, proprietary medicines, condimental feeds, medicated stock foods and similar preparations for the treatment or prevention of any disease of livestock, poultry or other domestic animals and administered internally for their stimulating, invigorating, curative or other powers; but excluding all medicines manufactured, sold and recommended primarily for human use.

(2) No person by himself, his servant or agent shall sell, offer or expose for sale or have in his possession with intent to sell any livestock remedy which is not registered as provided in s. 95.65, or which:

95.64 ANIMAL HEALTH

(a) Is sold under a name, brand or trademark which is misleading or deceptive;

(b) Purports to cure Bang's disease (commonly called contagious abortion), hog cholera, fowl cholera, tuberculosis, foot and mouth disease, roup, white diarrhoea or any other disease of domestic animals for which no genuine cure is known;

(c) Does not have printed or written upon the label of each package as sold at retail, in type not less than one-fourth the largest type on the package:

1. The common name in English of all ingredients;

2. The percentage of each diluent, filler or inert ingredient;

3. A statement of the quantity or proportion of any alcohol, morphine, opium, cocaine, cocaine base, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide or any derivative or preparation of any such substance contained therein;

4. The net contents, by weight or measure, of such package;

5. The name and principal address of the manufacturer or person responsible for placing such livestock remedy on the market;

(d) Does not contain all the contents of the package as originally put up, without addition.

(3) No label of a package in which a livestock remedy is sold at retail shall state that the remedy has been registered by the department unless such statement is immediately followed in at least equally large and conspicuous type in the same color by the words: "This statement does not indicate or imply directly or indirectly any indorsement by the department"

History: 1989 a 121

95.65 Livestock remedies; registration; fee. (1) Upon application of the manufacturer or distributor and payment of the registration fee of \$6 for each remedy, the department shall register any livestock remedy which does not violate s. 95.64 (2) (a) to (d) or (3). Such registration shall expire December 31 unless sooner canceled or a change is made in the ingredients or formula of manufacture or in the name, brand or trademark under which such livestock remedy is sold. In the event of any such change, it shall be necessary to register such remedy again, and in the same manner as upon original application.

(2) The department may make regulations governing applications for registration, the submission of samples for analysis and all other matters necessary to give effect to this section, but no such regulation shall impose any requirement for registration other than as provided by this chapter.

95.66 Samples. All samples for analysis shall be taken from stocks in the state, or intended for sale in the state, and the department may call upon the manufacturer or distributor applying for the registration of a remedy to supply samples thereof for analysis.

95.67 Proper use of animal care and disease control products. No person may use chemical, biological or disease control products in the treatment or care of food producing animals without substantially complying with instructions, warnings and directions for use on the product label. No animal or food product including milk of the animal shall be marketed for processing or use as food prior to the time specified on the label of a product used in the treatment or care of the animal. This section applies neither to licensed veterinarians who prescribe or administer drugs in conformity with federal restrictions nor to persons using drugs in a manner prescribed by a licensed veterinarian. This section

shall not prevent a farmer from administering animal disease control products to livestock in compliance with instructions on the product label.

History: 1971 c. 240

95.70 Livestock dealers', truckers' and market licenses.

(1) DEFINITIONS. In this section:

(a) "Livestock dealer" means any person who engages in the business of buying for resale, selling or exchanging cattle, sheep or swine as principal or agent, or who holds himself out as so engaged, but does not include employes of a licensed livestock dealer doing business in the name of such dealer, or the owner or operator of a farm who sells only cattle, sheep or swine which have been kept by him solely for dairy, breeding or feeding purposes and who does not hold himself out as engaged as a livestock dealer.

(b) "Livestock market" means any premises open to the public for the purpose of trading in cattle, sheep or swine and on which facilities are maintained for the yarding, feeding and watering of animals prior to sale.

(c) "Livestock trucker" means any person engaged in the business of transporting cattle or swine for hire by any conveyance whatsoever.

(2) LICENSE REQUIREMENT, FEES. No person shall engage as a livestock dealer, livestock trucker or operator of a livestock market without a license. The operator of a livestock market licensed under this section shall not be required to be licensed as a livestock dealer. Each license shall expire June 30 next following its issuance. Application shall be made upon forms provided by the department. An application for a livestock dealer's license shall be accompanied by a fee of \$25. An application for a livestock trucker's license shall be accompanied by a fee of \$10. An application for a livestock market license shall be accompanied by a fee of \$50. The license shall bear the name of the licensee and his business address. No person whose license has been revoked may be issued another license within one year of the revocation.

(3) RULES AND REGULATIONS. The department pursuant to s. 93.18 shall issue rules governing conduct of the business of livestock markets, livestock dealers and livestock truckers, including sanitary requirements for premises, facilities and operations. It shall require persons so engaged to make and preserve records of their business and to make reports thereof to the department. The department shall inspect the premises, facilities and vehicles of licensees under this section.

(4) PENALTIES. Any person conducting a business regulated by this section after revocation of his or her license shall be fined not less than \$500 nor more than \$1,000 or imprisoned not to exceed 6 months or both.

History: 1983 a. 111, 189

95.72 Transportation, processing and disposal of dead animals. (1) DEFINITIONS. In this section:

(a) "Animal food processor" means a person, other than a renderer, engaged in the business of slaughtering animals or collecting or receiving dead animals in a raw or uncooked state for processing into animal food.

(b) "Collector" means a person engaged only in the business of collecting or receiving dead animals for sale or delivery to a renderer, animal food processor, grease processor or operator of a fur farm and who does not otherwise process the dead animals.

(c) "Dead animal":

1. Means any dead animal or part of a dead animal other than an animal slaughtered as food for humans.

2. Means an animal slaughtered as food for humans but which becomes unsuitable as food for humans.

3. Includes animals slaughtered or processed as food for animals and all inedible parts and by-products of animals slaughtered or processed as food for humans.

4. Does not include commercial feed as defined under s. 94.72 (1) (b) or fully rendered products of dead animals.

(cm) "Grease processor" means any person engaged in the business of collecting or receiving and melting or refining previously cooked materials containing dead animal fat or tallow or a combination of dead animal fat or tallow and vegetable oil to produce grease.

(d) "Renderer" means a person engaged in the business of collecting or receiving dead animals for rendering or processing into grease or other products.

(e) "Rendering or processing plant" means a plant or facility for slaughtering animals or collecting dead animals and rendering or processing them to produce grease or other products or a plant or facility for collecting or receiving and melting or refining previously cooked materials containing dead animal fat or tallow or a combination of dead animal fat or tallow and vegetable oil to produce grease.

(2) LICENSES; FEES. (a) *Requirement.* Except as provided in par. (b), no person may engage in the business of collecting or processing dead animals as a renderer, animal food processor, grease processor or collector unless the person pays a license fee and is issued an annual license by the department for that specific type of business operation.

(b) *Exemptions.* 1. A license is not required for a person who operates a slaughtering establishment licensed under s. 97.42 or inspected under the federal meat and poultry inspection acts if the establishment renders or disposes of offal or dead animals resulting from its operations only, but a person who operates a slaughtering establishment is subject to the transportation requirements under sub. (7) (b).

2. A license is not required for a person who operates a fur farm which collects or receives dead animals as food for fur-bearing animals produced by the fur farm, but a person who operates a fur farm is subject to transportation requirements under sub. (7) (b) and (c).

3. A license is not required for a person who is engaged solely in the collection or disposal of public or commercial garbage without the separate collection or retrieval of dead animals or dead animal parts for further sale, use or processing.

4. A license is not required for a person who collects or receives individual animal parts exclusively for the manufacture of glue, gelatin, pharmaceuticals or other specialty products.

5. A license is not required for a person who collects, receives or processes hides.

6. An animal food processor, grease processor or collector license is not required for a person who is licensed as a renderer.

7. A grease processor or collector license is not required for a person who is licensed as an animal food processor.

8. A collector license is not required for a person who is licensed as a grease processor.

9. A renderer or animal food processor license is not required for a person who is licensed as a grease processor if he or she does not render or process dead animals other than incidental solid animal parts that are commingled with previously cooked materials containing dead animal fat or tallow or a combination of dead animal fat or tallow and vegetable oil.

(c) *Application, fees, expiration, renewal.* 1. An applicant for a license shall submit a completed application form prescribed by the department which states the type of operation for which a license is desired, the business or plant

location where operations are to be conducted and other information required by the department.

2. An applicant for a license as a renderer, grease processor or an animal food processor shall submit a fee of \$100 for each separate plant where processing operations are to be conducted, and an applicant for an initial license shall submit the inspection fee required under par. (e).

3. An applicant for a license as a collector shall submit a fee of \$50 for each separate business location from which operations are to be conducted.

4. Each license expires on February 28.

5. A person may renew a license by submitting the required license fee and renewal form.

(d) *Issuance, standards.* The department may not issue a license unless the applicant's plant or business location is suitably located, constructed and equipped for the type of operation for which a license is required, all vehicles, facilities and equipment are maintained in a clean and sanitary condition and all processing and other operations are conducted in compliance with this section and rules promulgated under sub. (5).

(e) *Inspection, fee.* An applicant for an initial license as a renderer, grease processor or animal food processor shall submit an inspection fee of \$25 for each separate plant to be operated by the applicant. The department may grant a temporary permit pending final action on the application, but the department may not issue the license unless it finds that the applicant's plant, premises, facilities and equipment are in compliance with the requirements of this section and rules promulgated under sub. (5). The department may not refund the inspection fee if the application is denied. Inspection fees are not required for the annual renewal of a license.

(f) *Nontransferable.* No license issued under this section is transferable. In the case of any transfer of ownership of a plant or business for which a license is issued, the new owner shall apply for a new license.

(3) RENDERING OR PROCESSING PLANT LOCATION. No person may establish a rendering or processing plant within one-eighth mile of a dwelling, business building or public highway, but a rendering or processing plant is not required to cease operations because a highway is relocated or a dwelling or business building is constructed closer than one-eighth mile to an existing plant. This subsection does not prohibit the continued operation of the plant of a renderer, animal food processor or grease processor in existence on November 26, 1981, or the erection of new or improved rendering or processing plant facilities on the existing premises subject to provisions of any local ordinances.

(4) RENDERING AND PROCESSING PLANTS; CONSTRUCTION AND OPERATION. (a) *New plants.* No person may construct a rendering or processing plant unless it is constructed and equipped according to rules promulgated under sub. (5). No person may operate a rendering or processing plant unless the plant has sewage facilities and floor drains, all areas of the building and premises on which the plant is situated are kept in a clean and sanitary condition, and all operations are conducted to prevent the creation of a nuisance.

(b) *Closed vessels.* A person who operates a rendering or processing plant shall conduct all rendering in closed vessels.

(c) *Disposal of dead animals.* 1. A person who operates a rendering or processing plant shall deposit all dead animals received for rendering or processing within the plant or other enclosed structure immediately upon their arrival.

2. A person who operates a rendering or processing plant shall dispose of an animal within 24 hours after its arrival during the days of Sunday to Friday, or within 48 hours after

95.72 ANIMAL HEALTH

its arrival on a Saturday or a Sunday followed by a holiday, unless any of the following occurs:

a. The department issues a permit allowing a longer amount of time.

b. The carcass is received in a frozen condition and is disposed of within a reasonable period of time.

c. Disposal of the animal within the time period is impossible and the department is so notified by telephone.

(d) *Diseased or contaminated animals.* The department may detain or hold for further inspection dead animals or animal hides it suspects are affected with a highly contagious or infectious disease, or any dead animal products suspected of containing any poisonous or deleterious substance which may render the products unfit for use as food for animals. The department shall order the destruction of dead animals or any animal hides or products determined to be infected with a highly contagious or infectious disease or unfit for use as food for animals.

(5) **RULES.** The department shall promulgate rules governing the collection, transportation, processing, rendering and disposal of dead animals, entrails and paunch materials, the slaughtering of animals for animal food processing or rendering, the location, construction and maintenance of all buildings, facilities and equipment used in collecting, slaughtering and processing operations, the sale or use of dead animal products as food for animals, the issuance of licenses or permits and other rules for the conduct of operations subject to a license under this section.

(6) **INSPECTION.** (a) *Initial inspection.* Upon receipt of an application for an initial license as a renderer, grease processor or animal food processor, the department shall inspect the plant, premises, facilities and equipment to be used in conducting the business.

(b) *Annual inspection.* The department shall inspect all plants, premises, facilities, equipment and transport vehicles used by each licensee at least once each year, and more often if necessary, to ensure that the licensee conducts the business operations in conformity with this section and rules promulgated under sub. (5).

(c) *Deficiencies.* If the department finds that any of the applicant's or licensee's plants, premises, facilities, equipment or transport vehicles do not comply with the requirements of this section or rules promulgated under sub. (5), it shall notify the applicant or licensee in writing of the deficiencies and shall order the applicant or licensee to make appropriate changes. The department shall allow a reasonable time not exceeding 90 days for the applicant or licensee to make the changes. The department shall conduct a reinspection to determine compliance with the department's order or the need to order further changes. The department may allow an additional 90 days if it is necessary for the applicant or licensee to correct deficiencies discovered during the reinspection. Failure to correct deficiencies within the time allowed is grounds for the denial, suspension or revocation of the license or temporary permit.

(7) **TRANSPORTATION OF DEAD ANIMALS.** (a) *License requirement.* No person may transport dead animals on public highways in this state without a license issued under this section. A licensee may not transport dead animals under conditions not authorized by the license. This paragraph does not apply to persons exempt from obtaining a license under this section, a farmer transporting dead animals raised on his or her farm, the transportation of hides or fully rendered or processed dead animal products, the transportation of dead animals by government agencies or private agencies engaged in scientific research, persons transporting dead animals for destruction or burial, or livestock truckers

transporting animals which have died in transit if the dead animals are transported directly to a licensed renderer, animal food processor or collector.

(b) *Enclosure or covering of dead animals.* No person may transport a dead animal on a public highway unless it is transported in a closed vehicle or container or unless it is completely covered with a tarpaulin or other suitable material. Vehicles or containers used for the transportation of dead animals shall be leakproof to prevent spilling or dripping of liquid waste. This paragraph does not apply to the transportation of animal hides or to a farmer transporting dead animals raised on his or her farm.

(c) *Permit.* No licensee or fur farmer may operate any vehicle for the transportation of dead animals unless the person is issued a vehicle permit by the department. There is no charge for this permit. An applicant for a vehicle permit shall submit a completed application form prescribed by the department which states the applicant's name and address, vehicle identification and other information required by the department. The permit holder shall keep the permit with the vehicle for which it was issued.

(d) *Interstate transport.* Except as provided in reciprocal agreements between this state and contiguous states, no dead animals or parts of dead animals which are raw or unrendered, except green or salted hides, may be transported into this state unless the requirements of this subsection and rules promulgated under sub. (5) relating to the transportation of dead animals are complied with.

(8) **TRUCK TRANSFER STATIONS; PERMITS.** No person may own or operate a truck transfer station for the unloading or reloading of dead animals unless the person is issued a permit by the department. The department shall issue permits only to persons licensed under this section. Truck transfer stations may be used only for unloading or reloading dead animals for delivery to licensees under this section. No person may operate a truck transfer station unless the building is constructed, maintained and operated according to rules promulgated under sub. (5) and water and sewerage facilities are provided on the premises.

(9) **MISREPRESENTATION.** No person may represent that he or she is engaged in or offer to provide services in connection with an activity for which a license is required under this section unless the person holds a license or permit for the activity issued under this section. All advertising by a person licensed under this section shall specify the activity for which the license was issued.

(10) **HUMANE HANDLING.** Live downer animals picked up for animal food processing or rendering shall be slaughtered before loading for transport to a processing or rendering plant. Slaughtering shall be done by humane methods as defined in s. 95.80 (1) (a).

(11) **PENALTIES.** Any person who violates this section or any rule promulgated under this section shall forfeit not less than \$500 nor more than \$1,000.

History: 1981 c. 66, 314; 1983 a. 111, 115; 1983 a. 189 s. 329 (20); 1989 a. 56.

95.80 Humane slaughtering. (1) DEFINITIONS. As used in this section:

(a) "Humane method" means:

1. Any method of slaughtering livestock which normally causes animals to be rendered insensible to pain by a single blow or shot of a mechanical instrument or by electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

2. The method of slaughtering, including handling and other preparation for slaughtering, required by or used in connection with the ritual of any religious faith, whereby the

animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(b) "Livestock" means cattle, horses, swine, sheep, goats and other species of animals susceptible of use in the production of meat and meat products.

(c) "Slaughterer" means any person operating a slaughterhouse licensed under s. 97.42, or registered under s. 97.44.

(2) PROHIBITION. No slaughterer may slaughter livestock except by a humane method.

History: 1971 c. 40 s. 93; 1973 c. 206; 1983 a. 111, 189.

95.99 Penalties. (1) Any person who violates this chapter, or an order issued or a rule adopted under this chapter, for which a specific penalty is not prescribed shall, for the first offense, be fined not more than \$1,000; and for any subsequent offense fined not less than \$500 nor more than \$1,000, or imprisoned not more than 6 months or both.

(2) The department may seek an injunction restraining any person from violating this chapter or any rule promulgated under this chapter.

History: 1977 c. 216; 1979 c. 129; 1981 c. 66 ss. 4, 6; 1983 a. 111.