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Details:

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2009-10

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on ... Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection (SC-SBEPTCCP)

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Testimony of Jodi Habush Sinykin, on behalf of the Wisconsin Humane Society

At the 9-23-09 Joint Public Hearing of the Assembly and Senate Committees on  
Consumer Protection

*In Favor* of Assembly Bill 250 and Senate Bill 208

Good morning, Senator Wirsch, Representative Hintz and committee members, thank you for this opportunity to speak on behalf of the Wisconsin Humane Society, our state's largest humane society, in support of Assembly Bill 250/ Senate Bill 208, which we believe provides an intelligent, thoughtful answer to a problem which is proving itself to be an increasingly intolerable consumer protection concern in Wisconsin—the growing class of unregulated, sub-par breeding operations commonly referred to as “puppy mills.”

While the term “puppy mills” might call to mind a large-scale, factory-like breeding operation, what the term is intended to encompass are those breeding facilities in our state, some large but more commonly, small-in-size, located in basements, sheds, barns or trailers, whose deplorable and abusive conditions are absolutely out of sync with Wisconsin consumer values and business standards.

Before drafting the companion bills under consideration today, Representative Jeff Smith and Senator Pat Kreitlow, researched this growing problem and saw first-hand that unscrupulous breeders, or “puppy millers,” here in our state and elsewhere, generally perpetuate the same poor practices and inhumane conditions regardless of the size of their facilities, including the long-term, even permanent confinement of breeding dogs in small cages or enclosures; insufficient protection from the elements; cruelly inadequate medical care; and unhealthy, unsanitary living conditions.

We've all seen the headlines, seen the stomach-turning photographs of the dogs found in these filthy, inhumane conditions...in *our* state. We all know people and families in our communities, ordinary Wisconsin consumers, who've unknowingly purchased a puppy from one of these unregulated “businesses,” and who as a result have been forced to spend exorbitant sums on veterinarian costs or intractable behavioral problems. We ask ourselves, why does this seem to a problem that is worsening with every passing year? Why are more and more unsuspecting, *unprotected* Wisconsin consumers being affected?

The reason, we know, for this growing scourge is that Wisconsin still has no state law or regulatory program in place to regulate commercial breeders to ensure consumer protection and animal welfare. The state laws we do have do not provide DATCP with the authority it needs to address the problems at hand, to establish basic standards of care, to conduct inspections, or to investigate and regulate puppy mill facilities. It is due to this regulatory vacuum that our state has become a magnet for “bad actor” breeders nationwide, with notably high migration from the state of Pennsylvania ever since that state enacted its own commercial breeder law last November.

As such, where things stand in Wisconsin is that commercial breeders, i.e. those actively engaged in the business of selling puppies, are conducting their businesses in a completely unregulated environment, with no oversight, no consistent husbandry standards and no requirement to notify any state agency that they even exist.

Regrettably, this has resulted in a business climate where the “good actors,” that is, upstanding breeders who maintain healthy, humane conditions for their adult breeding dogs and puppies, are having to compete against “bad actors,” whose poor practices, cheap food and inadequate veterinarian care enable them to undercut the reputable breeders while harming the reputation of Wisconsin’s breeding community overall.

AB 250 and SB 208 will answer this business and consumer concern in two important ways. First, the licensure and inspection program outlined in the bill’s provisions will be able to target the unconscionable breeding practices so utterly repugnant and costly to Wisconsin consumers while at the same time setting in motion the regulatory authority necessary to provide a long-term, reasonable solution to our state’s puppy mill problem.

Second, the bill’s licensure program will serve to level the playing field, protecting quality Wisconsin breeders who already meet, or exceed, the standards and practices outlined in the bill’s provisions, from the bad actor breeders who are not meeting these basic standards of care. Truly, a common sense question to ask is why would any breeder who is confident in the practices he or she employs actively oppose a regulatory program that aims to regulate sub-par breeders and to relieve the suffering of dogs currently in puppy mill conditions?

What must be further appreciated by your committees is the remarkable extent to which Representative Smith and Senator Kreitlow have reached out to interested stakeholders—humane societies, hunters, sportsmen, dog breeders, and other interest groups—and not only listened to their concerns but successfully resolved critical issues raised, most impressively, the issue of the bill’s regulatory threshold.

With regard to that pivotal issue, early on, Representative Smith and Senator Kreitlow recognized the wisdom and practicality of triggering the bill’s licensure program at the sale of 25 or more dogs a year. This decision was based in part upon lessons learned from other states, who have relied upon this threshold to establish successful regulatory programs that target, not hobby breeders, but people engaged in the *business* of dog breeding. Also, the 25 dog threshold determination was based on findings and trends in our state indicating that some of the worst facilities, with the most heinous conditions, have been uncovered at the smaller-scale, commercial breeder level.

Nonetheless, both legislative authors heard concerns raised by sportsmen and breeders relating to large-breed dogs, and after numerous meetings and hard-won compromises, crafted a statutory provision that allows a person to sell up to three litters a year, conceivably 30-35 dogs given the size of large breed litters, yet still remain outside the scope of the state’s licensure and inspection program. Through this statutory accommodation, the concerns of the hobby breeder and sportsmen breeder have been taken into account and appropriately satisfied, while still retaining the bill’s original 25 dog threshold and ability to regulate those Wisconsin facilities most in need of regulation.

Notwithstanding this accommodation already reached with hobby breeders who, as explained, would be free to breed and to sell three litters a year as they wish, there is talk of an amendment to raise the bill’s regulatory threshold to the sale of 50 dogs a year. This is a bad idea, and one that would do more to worsen Wisconsin’s puppy mill problems than to help fix them. Not only would a 50 dog threshold be at odds with nearly every other state program, it defies the advice and experiences of DATCP staff, law enforcement personnel and humane societies across the state who have seen with their own eyes that, in fact, it is the smaller-size breeding operations, those selling in the range of 20 to 30 dogs a year, who have often stood out as the worst cases of abuse and neglect. Finally, rather than regulating the

problem where it already exists, a 50 dog threshold would simply encourage the proliferation of smaller-size but equally deplorable puppy mill operations, who could remain unlicensed, uninspected, and unknown. In essence, the regulatory program would be gutted, the law's value to Wisconsin citizens severely compromised.

In closing, for all these reasons and in view of Representative Smith and Senator Kreitlow' steadfast efforts and productive stakeholder engagement culminating in the current substitute amendment, there is no value, and certainly no need, for any further amendments to either AB 250 or SB 208. On this basis, we ask that your committee members vote each bill as they are currently amended out of committee and onto the floor, without any additional changes or amendments being made.

Thank you again for the privilege of speaking today.





State of Wisconsin  
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection  
Rod Nilsestuen, Secretary

Hearing Testimony

Assembly Committee on Consumer Protection

Senate Committee on Small business, Emergency Preparedness, Technical Colleges, and  
Consumer Protection

Wednesday, September 23, 2009

10:00 AM

412 East, State Capital

Chairmen Hintz and Wirch and Committee Members:

I am Dr. Yvonne Bellay, the State Humane Veterinarian and a staff epidemiologist with the Department of Agriculture, Trade and Consumer Protection – Division of Animal Health. I am testifying on behalf of DATCP today in support of companion bills AB 250 and SB 208 as amended. The department believes that legislation dealing with the regulation of pet facilities is sorely needed in Wisconsin, and this bill, the culmination of 10 years of effort, presents a workable approach to address the problems. I would like to thank the sponsors of the bill and their staff for working so closely and diligently with a broad coalition of individuals representing a number of interests, including DATCP, to produce this bill.

#### Current Situation

Currently in Wisconsin there is no state regulation, licensing or inspection of what can be referred to as “pet facilities”. This would include breeders, kennels, pet stores, shelters, or pounds. This complete lack of regulation puts Wisconsin in the minority of states. At least 27 states have some form of regulation including the surrounding states of Iowa, Michigan, and Illinois, and proposed legislation is currently in the legislature in Minnesota. This lack of regulation has actually made Wisconsin a desirable destination to those not willing to be regulated in other states and has increased the number of calls and complaints I receive. According to one tracking source (AKC), this year there were 41 bills introduced in 25 states regarding this issue.

You will likely hear arguments that there are existing laws in place that establish standards and/or deal with any problem breeders. However, the only state law in place at this time is a criminal statute, Chapter 951, Crimes Against Animals, which is enforced by local law enforcement. Because this is a criminal statute, it specifies only the minimum standards of care that must be provided to an animal before an owner or responsible person can be found guilty of a crime. Typically, conditions are quite bad and there are considerable animal welfare problems before a jurisdiction is willing to prosecute under this statute.

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Also, contrary to a common misperception, the USDA does not regulate the vast majority of breeders and kennels within the state. That agency regulates only those facilities that meet very specific criteria, such as selling puppies wholesale. According to the current USDA-Animal Care web site, the agency regulates only 72 kennels in Wisconsin.

Additionally, voluntary programs do not work, and ceasing or refusing to participate in such programs does not prevent problems from continuing or take care of animals. For instance, AKC regulation is insufficient. It is important to note that the AKC kennel inspection program does not apply to breeders selling less than seven litters per year. According to the information I received in a phone conversation with a representative of the AKC kennel inspection program, the emphasis of the inspection is on record keeping. The AKC cannot suspend a breeder for poor conditions. They will simply contact local authorities for further investigation into animal cruelty or public health concerns. Another example of an ineffective voluntary program is the Blue Ribbon Kennel Program within the Missouri state kennel inspection program. After being in place for approximately 4 years, this incentive program, designed to encourage kennels to improve their standards for promotional advantages, has only 10 facilities in the program out of nearly 3500 licensed entities.

#### Proposed Legislation

In essence, AB 250 and SB 208 as amended will require a person who sells 25 or more dogs per year from more than three litters to be licensed and inspected by DATCP. It also requires DATCP to establish by rule standards of care for facilities that must be licensed.

#### Benefits of Proposal

- Threshold for regulation

The threshold of 25 dogs or three litters is critical for the effectiveness of the program. We believe that requiring those who sell 25 or more dogs in one year to be licensed and inspected will insure that the majority of problem situations will be addressed. Based upon statistics from other states with inspection programs and my experience with routine calls and complaints, the largest category of licensees will be those that sell between 25 and 50 dogs per year. This is the category that also generates the most complaints. In one report (Animal People) published in March of this year, it was found that from 28 cases involving prosecuted dog breeders in the first four months of 2008, approximately 60% had fewer than 50 dogs including puppies, essentially "backyard breeders". Although there has been a great deal of press regarding large "puppy mills", the majority of complaints I receive involve breeders who sell smaller numbers of dogs. Those with 10 dogs in the basement are often more of a problem than large breeders, and conditions are often much worse than in large operations. This is not a situation where small is good and large is bad. Please keep in mind that this bill does not impact the ownership of 25 or more dogs.



- Establishment of consistent standards of care

At this time, this unregulated industry has no oversight and no consistent animal care standards. Conditions and standards range from excellent to deplorable. This bill provides for the development of standards of care for dogs maintained in regulated facilities. These standards will be developed through the administrative rule writing process with input from an advisory committee composed of a variety of individuals representing groups impacted by the legislation.

Under the present situation, there is often little guidance for evaluating conditions when law enforcement is required to respond to a complaint. The provisions in the only law in place, the criminal statute, Chapter 951, Crimes Against Animals, are the very most minimal requirements and not useful when evaluating most complaints. Consequently, the current situation does not address the majority of problems.

In addition, by establishing standards of care, conditions are not permitted to deteriorate to the level of an expensive criminal case and animals are not forced to live in deplorable conditions. Nearly every time I have been requested by local law enforcement or other local officials to assist them in evaluating the conditions in a problem kennel, I am disheartened to know that the situation could have been prevented if facilities were required to be inspected and maintain specified standards. In addition, many of you may be aware of at least two recent high profile cases in Wisconsin where conditions in kennel facilities were so bad that law enforcement had to seize the animals and proceed with criminal charges. Again, these expensive, abusive cases could have been prevented if there had been an inspection program in place.

- Impact on local governments

This legislation will be beneficial to local jurisdictions, potentially saving them the expense of very costly seizures and court cases. As mentioned before, the only law currently in place to deal with many of the problems seen is Chapter 951, a criminal statute. When situations have deteriorated to the degree of a criminal case, the result is inevitably a costly animal seizure and court case. I believe that all you have to do is ask a local jurisdiction that has found itself in such a predicament to verify these facts. By having a program in place that requires routine inspections and maintenance of standards of care, problems are not allowed to persist and deteriorate, and law enforcement is not required to expend resources responding to many of the complaints that they currently do.

- Adequate provisions for DATCP administration

This bill includes the provisions DATCP needs to administer the program. Specifically, the program will be self funded through program fees with no request for GPR funds. The bill provides adequate flexibility in allowing DATCP rule writing authority, but establishes solid

guidance in the statute itself. And very importantly, the bill provides staffing necessary to implement the program.

- Benefits to breeders

There are many excellent dog breeders who are operating under standards far above anything this legislation will require. However, often these responsible breeders are negatively impacted by being painted with the same broad brush as the irresponsible breeders. A program that requires that all breeders maintain acceptable conditions and standards of care will help change that perception. Over the course of the past 10 years working on this issue, I have spoken to the administrators of similar programs in a number of other states and have asked them what in their experience the main advantages of having such programs are. Of particular interest is the response of Colorado, probably the most successful program I found. The major benefit that state has seen is to get rid of the worst facilities, and that those who are not willing to comply with the program do not even apply. In Nebraska, the administrator told me several times that since consumers can check with the department on the compliance record of regulated facilities before making a purchase, good breeders sell more dogs.

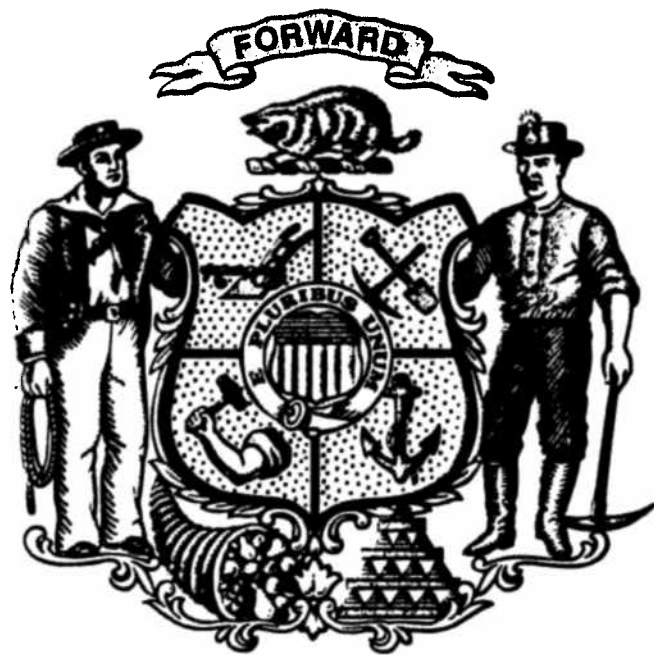
- Benefits to consumers

DATCP routinely receives complaints regarding kennels, breeders and other pet facilities. I think it is fair to say that I probably receive more of these complaints than any other individual in the state. Without fail, each complainant is incredulous that the department does not currently regulate and inspect these facilities. Consumers deserve to know that the dog they purchase has come from a facility that is required to provide acceptable conditions and humane care to the dogs they sell. This basic consumer protection currently does not exist.

- Benefits to dogs

The dogs coming from the regulated facilities will certainly benefit from this legislation. By requiring a standard of care for all dogs in regulated facilities, the cruelty and neglect that have existed in a number of situations will be more quickly dealt with and stopped, or all together avoided by being prevented from occurring in the first place.

Consequently, DATCP strongly supports this legislation.





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**Senate Committee on Small Business, Emergency Preparedness,  
Technical Colleges and Consumer Protection  
and  
Assembly Committee on Consumer Protection**

**Testimony In Support of Substitute Amendments to  
Senate Bill 208/Assembly Bill 250  
September 23, 2009**

Good morning Chairpersons Wirch and Hintz and distinguished members of the committees. My name is Dr. Bob Klostermann. I am a companion animal veterinarian practicing in Middleton and serve as chair of the Legislative Committee of the Wisconsin Veterinary Medical Association. On behalf of the WVMA, and the more than 90 percent of Wisconsin's veterinarians who are members, I am here to support substitute amendments 1 to Senate Bill 208 and its companion, Assembly Bill 250.

For the past several years, the Department of Agriculture, Trade and Consumer Protection has received an increasing number of complaints regarding the lack of care and mistreatment of animals by some breeders and sellers. Unfortunately, DATCP does not currently have the necessary regulatory oversight to respond. Under the proposed legislation, DATCP will appropriately be the agency to develop and administer the commercial dog breeding licensure program and perform the inspections. DATCP has the expertise, experience and knowledge to ensure minimum standards of care are being enforced among Wisconsin's commercial dog breeding facilities.

**WVMA EXECUTIVE BOARD**

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The WVMA is ready to work with DATCP and other stakeholders as part of the advisory committee established in the bill to develop an efficient set of standards and rules. We believe these rules should be based on industry best practices and sound science. As veterinarians we are uniquely qualified to bring this critical perspective to the rule-making process. The bill gives specific instructions to DATCP to provide for the different sizes and breeds of dogs. Dogs that are accustomed to the outdoors are recognized to have different needs than indoor dogs. Small breeds are recognized to have different requirements than large breeds.

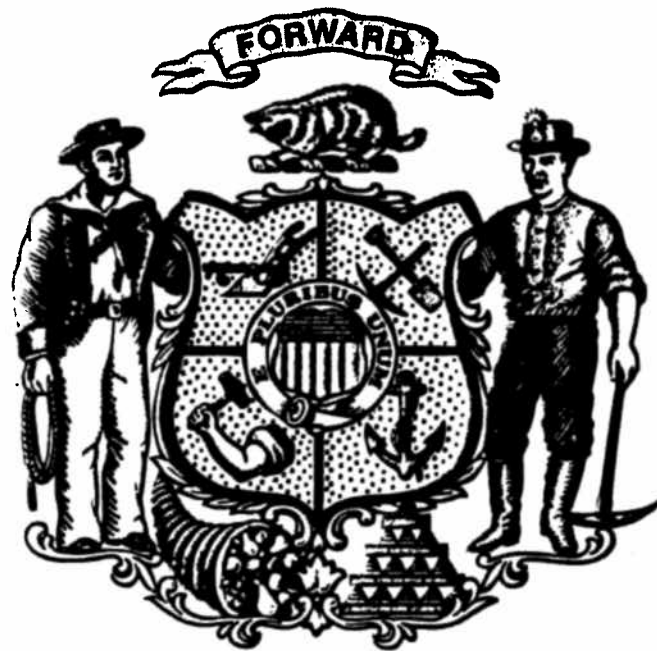
This bill provides that DATCP MAY perform a complaint-based inspection. However, the program will only have 4 staff members for the entire state. Further, DATCP cannot enter anyone's residence unless they strongly suspect wrongdoing and this can only be done in cooperation with local law enforcement.

This bill strictly deals with commercial dog licensing and will not affect the agricultural community. Though all animals should be treated humanely and have good standards of care, Wisconsin already has strong husbandry laws in place. This bill does not include any other provisions or establish any other standards other than those specifically relating to the breeding and selling of dogs.

Importantly, pet stores, humane societies and breed rescue groups are held to the same standards. This creates a level playing field and ensures that a consumer buying from a pet store will have the same guarantees as someone buying from a licensed breeder.

With respect to any impact on humane societies, they should already be operating under the supervision of a veterinarian so that the required certificates of veterinary inspection can be accomplished at little cost to the facility. The WVMA has started working with the Wisconsin Federation of Humane Societies to educate their members on the important relationship that should be in place between veterinarians and their local humane societies.

Again, this legislation is necessary to help ensure the protection of animals and relieve suffering. The WVMA commends the authors, Senator Pat Kreitlow and Representative Jeff Smith, our state humane officer, Dr. Yvonne Bellay, and many others for their work in bringing it to this point of consideration. We urge that it be approved and signed into law. Thank you for your consideration. I would be happy to answer any questions.



Loretta Baughan, N1166 High Ridge Rd, Merrill WI 54452  
speaking on behalf of the Dog Federation of Wisconsin (DFOW)  
Wisconsin Legislative Joint Committee Hearing on AB.250/SB.208, September 23, 2009

## LICENSING OF DOG SELLERS, ANIMAL SHELTERS AND ANIMAL CONTROL FACILITIES

Representative Smith offered substantial changes to AB.250 with his *Assembly Substitute Amendment 1 (ASA 1)*. The Dog Federation of Wisconsin (DFOW) is pleased that he has succeeded in addressing many of our members concerns with thoughtful, common sense solutions and by incorporating many of our suggestions into ASA 1, which we support.

Establishing a minimum age of seven weeks before a licensee may transfer puppies to dealers or buyers and the necessity of including complete vaccination records and proof of a licensed veterinarian health exam are in the best welfare of the puppies. The temporary dog markets provision requiring licensing of the operator, dog seller documentation, inspection and on-site veterinarian examinations for dogs offered for sale are welcomed measures aimed at reducing the incidence of health problems common to dogs sold at flea markets, auctions and similar venues. Brucellosis is a serious zoonotic disease that can threaten livestock, people and dogs. The Dog Federation commends Representative Smith for his foresight in requiring all dogs sold at auction to be spayed, neutered or certified by a licensed veterinarian to be free of brucellosis, within 30 days prior to the sale, as a means of protecting the public from the spread of this infectious bacterial disease.

The inclusion of licensing requirements and care standards for animal shelters and animal control facilities has long been neglected by the use of exemptions to past facilities bills. DFOW is pleased to know that dog welfare standards will apply equally to the animal sheltering industry and animal control, as to the licensed dog breeders and their facilities. Those who provide volunteer foster care in their homes to assist local animal shelters offer a valuable service benefiting homeless dogs. We believe that a foster care exemption for those who are working under the authority and oversight of a licensed animal shelter is the right thing to do.

DFOW and its members applaud the sensible provision for keeping hunting, sled, and other types of working dogs outdoors. We view the record keeping requirements as a necessary matter of good business practice, to serve as documentation for the dog breeders protection and for enforcement purposes. The Dog Federation of Wisconsin firmly supports dog breeders right to administer dog vaccinations by non-veterinarians, as allowed by law.

We would like to thank Representative Smith and Senator Kreitlow for their tireless effort in writing AB.250/SB.208 and their sincere determination that their bill is fair to all of the dog breeders in Wisconsin.





September 23, 2009

Testimony – Patti Kunz, 11103 S. County K, Beloit, WI 53511

Re: Support AB-250/SB-208, *Smith/Kreitlow Commercial Dog Breeder Licensure Bill*

I would like to thank the committee for this opportunity to address AB-250-/SB208.

I think if you were to ask most Wisconsin residents what DATCP stands for or what is their function, they would not know. I don't think they would know how or where to find the WI State Website to file an animal abuse complaint or to find information about kennel inspections. Therefore transparency is key to helping find "puppy mills" so information must be available and EASY to find. The lack of transparency, no regulations, not knowing who is selling dogs, how many, or where they are located allows "puppy mills" to fly under the radar.

### **The Transparency Issue:**

Online transparency for breeder licenses and inspections is needed because it would afford the opportunity for consumers to use that data as tools to help make informed decisions before purchasing a pet. Wisconsin could also implement a complaint system, like Pennsylvania's *Toll-Free Dog Law Tipline*.<sup>i</sup> An online option should also be publicized, to receive confidential tips about unsatisfactory kennels, which could feed into a statewide database then sorted by county, business/licensee name, phone number, or address, which would help to uncover fraudulent breeders.

Thank you for your attention to this important issue and your commitment to the residents of Wisconsin.

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<sup>i</sup> <http://www.agriculture.state.pa.us/agriculture/cwp/view.asp?a=3&q=126843>

September 23, 2009

Re: Support AB-250/SB-208, *Smith/Kreitlow Commercial Dog Breeder Licensure Bill*

I would like to thank the committee for this opportunity to address AB-250-/SB208.

The Internet can be a friend or foe; however, it is here to stay and now there is a need for the state to address the issue of fraudulent advertising. Pet breeders and facilities use the Internet to advertise and sell puppies/dogs. Anyone can make a Webpage and pictures of puppies and dogs look wonderful on the Web. Sites can be low cost or free, people can remain anonymous, cute puppies may come from unhealthy conditions, and parent dogs may be held captive in cages, though that is certainly not what is displayed.

**The Internet and Fraudulent Advertising:**

There are over a million dog Websites for Wisconsin. There is a need for the Consumer Protection Committee to develop a method for assigning credibility to legitimate breeders and facilities that advertise on the Web and to protect Wisconsin Shoppers.

The chart below represents the number of results or "hits" obtained when the search string listed on the far left of the chart was entered into Google. The white area are results obtained from searching all of Google and the yellow highlighted numbers represent Google searches filtered for Wisconsin. Thus, there are 6,230,000 dog breeder Websites on the Web, and 326,000 listed for Wisconsin. How are Wisconsinites to know which sites are are credible or misrepresented?

Here are some statistics to consider when assessing the need for regulations in WI:

<b>Search String Entered</b>	<b># Hits</b>	<b>Add WI to search</b>	<b># Hits</b>
Dog Breeder Websites	6,230,000	WI	326,000
Dog Breeds Websites	8,670,000	WI	165,000
Dog Adoption Websites	14,900,000	WI	950,000
Number of Dog Websites on the Web	92,000,000	WI	1,410,000

Internet advertising has allowed unscrupulous breeders to scam consumers into thinking they do not sell "puppy mill" dogs, and has allowed sales for profit without any accountability. The state needs address this problem and provide consumer protection.

Thank you for your attention to this important issue and your commitment to the residents of Wisconsin

September 23, 2009

Re: Support AB-250/SB-208, *Smith/Kreitlow Commercial Dog Breeder Licensure Bill*

I would like to thank the committee for this opportunity to address AB-250-/SB208.

Breeders can sell dogs/puppies and make hundreds and thousands of dollars profit, without any set laws to regulate them or requirements to pay sales tax.

**The Sales Tax Issue:**

The Small Business Committee may be interested in knowing that the State of Wisconsin is losing sales tax revenue from the sale of dogs and puppies. Wisconsin is not the only state where sales and other taxes are going uncollected from commercial dog breeders. Ohio's Department of Taxation decided it was time to tax the puppy millers when they found one county where the millers announced they had made \$9 million. Ohio then decided it was time for all breeders to pay their fair share, just as other businesses do. They sent out the following notice to breeders:

*"We have been notified that you are doing business in the state of Ohio, as a breeder of domestic pets, and may not be collecting and submitting sales tax....Be aware, any individual in the business of breeding for the purpose of selling falls into the category of Animal Production. Accordingly, after an animal is bred for the purpose of selling, title or possession of tangible personal property is transferred. This constitutes an Ohio taxable sale. As a result you are required to register as a vendor, collect the proper amount of sales tax; timely file tax returns with payment of tax collected, and maintain complete records of transactions".<sup>1</sup>*

The state of Indiana also started collecting sales tax from puppy/dog sales, as of July 1.

Revenues collected from puppy/dog sales could be used to help fund shelters and low cost spay and neuter clinics.

Thank you for your attention to this important issue and your commitment to the residents of Wisconsin

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<sup>1</sup> <http://www.animallawcoalition.com/companion-animal-breeding/article/966>

September 23, 2009

Re: Support AB-250/SB-208, *Smith/Kreitlow Commercial Dog Breeder Licensure Bill*

Senator Wirch, Representative Hintz, and other distinguished committee members, I want to thank you for this opportunity to address AB-250-/SB208.

Americans will spend \$43.4 billion on pets in 2008, the American Pet Products Manufacturers Association (APPMA) estimates<sup>i</sup>. These statistics demonstrate the profit to be made from the pet industry, while showing the high percentages of pet/dog lovers/voters that may choose to monitor their WI legislator's voting record on this bill.

- 63% of all U.S. households own a pet
- 40% of US households own a dog
- 45% of US households own more than 1 pet
- 83% of pet owners refer to themselves as their pet's mom or dad
- 29 million dogs traveled with their owners in 2006<sup>ii</sup>

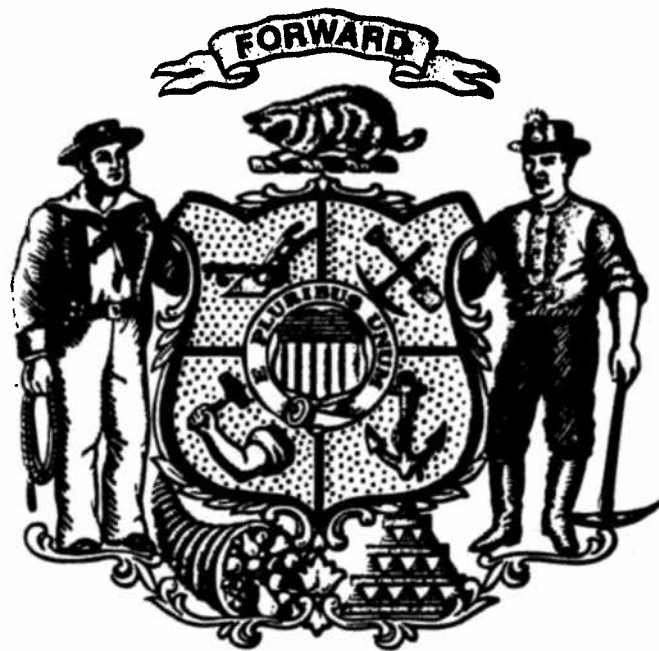
Voters in the state of Wisconsin are becoming knowledgeable about the horrors of "puppy mills" from the media, and they may begin to assess the efficacy of candidates that allow the continued exploitation of pets for profit while the welfare of the animals is compromised. It is difficult to understand why the plight of inhumane treatment to animals does exist in Wisconsin and has been allowed to continue without enforceable regulations to ensure appropriate care.

Thank you for your attention to this important issue and your commitment to the residents of Wisconsin.

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<sup>i</sup> [www.americanpetproducts.org](http://www.americanpetproducts.org)

<sup>ii</sup> <http://www.rachelmonroe.com/petindustrystatistics.html>



**Assembly Committee on Consumer Protection:**

Joint Public Hearing on 9/23/09

with Senate Committee on Small Business, Emergency Preparedness, Technical Colleges,  
and Consumer Protection

Companion to  
SB 208.

Dear Committee Members:

Thank you for the opportunity to speak this morning.

No one wants to harm the business of reputable, high-quality dog breeders. In fact, if sub-standard operations were shut down, the result should be *more* business for quality breeders.

But I don't understand why **some** dog breeders object to inspections. If, in fact, the average consumer should have no concerns about their breeding operations, then why are they so vehemently opposed to the state inspection and supervision that this proposed bill provides?

Of the 14 dogs I've adopted since 1974, **8** have been puppy-mill survivors.

Of the 56 trips from our home in Mequon to Madison that I've made during the last year, two, including this one, have been to support AB250. The remaining **54** trips have been to the University of Wisconsin Veterinary Medical Teaching Hospital, where I've taken my most recently adopted puppy to undergo a series of three long and complex orthopedic reconstructive surgeries to attempt to alleviate the damage he suffered in the puppy mill where he was born.

After **each** of the **three** surgeries came twice-weekly physical therapy sessions and cage confinement for 8 weeks. Although he will never have a normal gait, my puppy was finally able to learn to walk about the time he celebrated his first birthday.

Now that I think about it, I guess I **do** know why some breeders don't want their facilities to be inspected.

Thank you for consideration.

Joyce Styron Madsen  
11645 Hillside Lane  
Mequon, WI 53092  
262 242 5403



ATTACHED



9/23/09

Dear Legislators,

Please DO NOT accept Wisconsin Senate Bill 208 and Assembly Bill 250 as currently written, regarding those individuals who sell or care for dogs. As a dog & cat breeder, I am concerned & upset with portions of these bills. My #1 concern is if your special interests groups will change the word "dog" to "animal" or "pet", to include other species, during the legislative process. I've raised American Eskimos for 28 years & Norwegian Forest Cats for 8 years.

I have never met one dog breeder who could live on the income produced from the sale of 25 to 50 puppies. This bill allows an inspector to enter your premises at any time during normal business hours. Those of us who breed dogs have various professions. I can't quit my day job to sit home in case a DATCP inspector might show up. If you aren't home & this inspector hears dogs barking, is he going to break your door down, or leave you an expensive citation? I do not want my tax dollars paying a DATCP inspector to harass me or any other breeder who sells less than 50 puppies per year.

→ I typically sell about 20 pups per year. Every 5 years or so, I may have 27 puppies. If one of these bills pass, I'll have to push those extra 3 pups back in, unless I want to build a \$50,000 state approved facility. Prior to 2009's poor economy, it might have been possible to make a living selling 100 puppies per year. The breeder would need Medicare, Medicaid, or Badger care Health insurance, plus food stamps. They would have time to sit home and be there for a DATCP inspector.

Rescues are the fastest growing dog selling market. They are receiving special treatment or little mention in these bills, probably because their members comprise the special interest groups who want to control & crush commercial dog breeders in Wisconsin. These bills require a dog breeder to obtain a license & inspection on each premise where they house dogs.



Rescue foster homes are NOT required to be licensed or inspected, if they are under one shelter or rescue that is licensed. These foster homes handle numerous adult dogs in a year. Many are sick or have terrible temperaments. Some of these foster homes have them stuffed in plastic airline crates. Under these bills no one is going to be looking at the conditions of these dogs hidden in someone's house. Rescue's offer sick dogs for sale. I saw one detailed e-mails recently to a prospective adopter who was going to pay for a sick animal with oozing ears & skin infections. At the last moment the foster home said they had fallen in love with the animal & were keeping it. Will these rescue dogs be required to pass a vet exam prior to sale, if the homes where they are kept, are exempt?

Under these bills, large dog breeders who decide to throw their hands up and quit, are not allowed to sell their business assets. They are only allowed to sell at auction, 30 dogs, on a one time basis, with special permission from DATCP. What other business in the State of Wisconsin is NOT allowed to sell out their business assets? Who is going to be stealing their business assets & selling them as "poor, abused, rescue dogs"?

The bills are written so that the licensing fees can go up immediately, with no ceiling in sight.

My favorite part is under Sec 4, License Denial or Revocation: DCAP can deny, refuse or take away your license if the applicant is NOT FIT. Who is being discriminated against? The mentally challenged, the disabled, the elderly, or maybe it's fat people? 25 years ago my condition was a lot more fit. Who decides if a breeder isn't fit, & can't raise puppies anymore? What about being qualified or equipped? That sounds like discrimination against those who didn't get a college degree, or those who are poor & can't afford a state approved \$50,000 update to their kennel. I didn't even get to the penalties. They are outrageous. Fines & prison for selling one puppy over 24 without a license? I do not want to see these bills inflicted upon dog breeders.

Joyce Ellenbecker  
8117 County Road T  
Arpin, Wi. 54410  
715-652-3349  
[www.snopals.net](http://www.snopals.net)

*noted that she would likely  
oppose any bill.*



# **AB250 PUBLIC HEARING**

**September 23, 2009**

Pam McCloud Smith  
Executive Director  
Dane County Humane Society  
5132 Voges Road  
Madison, Wisconsin  
608-838-0413 Ext. 111  
[pmsmith@giveshelter.org](mailto:pmsmith@giveshelter.org)

On behalf of Dane County Humane Society (DCHS) and myself, I thank all of you for listening today, and I respectfully request that you SUPPORT AB250/SB-208, the Commercial Dog Breeders Licensure Bill.

For many years I have heard complaints about the conditions at Thyme & Sage Ranch, in Cazenovia, Wisconsin. Thyme & Sage is known as an animal rescue group; it held the Richland County contract for stray animals, and is a registered 501C3 non profit agency. In 2008, I started receiving calls about Thyme & Sage myself. Most of the callers had adopted a puppy that became seriously ill after they brought it home. Many of these puppies died.

In March 2008, I visited Thyme & Sage Ranch for the first time. The owner told me that she had too many dogs to care for, and after touring some of the buildings on her property, I strongly agreed. Dogs were housed in large groups in small fenced concrete pens, with feces-filled straw for bedding. There was no heat, and all of their water bowls were frozen solid. She said she would reduce her population to a more manageable size if I would help. I left with 20 dogs that day. DCHS took in over 200 dogs over the next several months. Many were filthy and severely matted, had skin diseases, and other medical issues, had open wounds or broken or missing limbs. Many were fearful and in need of socialization. We eventually discovered that the owner was not working to reduce her population, but was filling up the open spots with more dogs. I attempted to talk to her about this, but it went nowhere. Calls continued to come in from people who had visited the rescue and were disgusted by the conditions they saw, or they had adopted a puppy and were now dealing with its numerous medical issues. This continued for the next

eight months until national animal welfare organizations were brought in to help.

On May 19, 2009 Dane County Humane Society assisted two national animal welfare groups and the Richland County Sheriff's department in a seizure at Thyme & Sage Ranch. 374 animals were seized, including 315 dogs. The animals were housed in an emergency relief center behind our shelter for two weeks. After lengthy legal negotiations, 287 of the animals were surrendered. The majority of the dogs were deployed to other shelters around the state. The remaining 88 animals were relocated to our shelter and are being held as impounded animals until the civil trial in October. This has put a huge strain on our space and resources available to help other dogs.

This situation has greatly impacted our entire organization and has been the focus of our operations for the past four months. Our staff and volunteers have been working hard dealing with the aftermath of the seizure – from helping to operate the emergency relief center, handling inquiries from the public, and caring for all of the animals. Our shelter veterinarian has been completely consumed by the case – ensuring that the animals' medical needs are met and that the evidence was properly submitted. Through the end of August we have spent over \$100,000 from our shelter operations donated funds on this case.

The civil trial is scheduled for the week of October 19<sup>th</sup> and the criminal trial will be held in February 2010.

Everyone involved or impacted by the conditions at Thyme & Sage Ranch wants to know WHY this happened. Why wasn't something done earlier to prevent this? Attempts by individuals, organizations and consumers failed to stop what was happening because our current system and our current laws DO NOT WORK! We need legislation that will ensure that animals will receive proper care before a situation reaches a criminal level. Animal shelters, rescue groups, and breeders WILL BE regulated under these bills and we WELCOME and support this completely.

Please help us prevent something like this from happening again. Support AB250 and help the People and Animals in our state. Thank you for your time and consideration.



Date?

Darlene Yeager  
6613 Brian Drive  
Wind Lake, Wi. 53185  
262-895-2655

Good afternoon, my name is Darlene.

I am grateful to speak before you today. I have spent the last five years educating the public about the suffering of breeder dogs in puppy mills. This letter speaks to the total absence of humanity associated with the unregulated commercial dog breeding business. AB-250/SB-208, The Smith-Kreitlow Commercial Dog Breeders Licensure Bill must be passed. This piece of legislation would end the suffering of dogs bred in puppy mills, purely for profit with no regard for the dog's physical or emotional well being, which is the norm, not the exception. This is about Lily, a dog rescued from a puppy mill. I will PARAPHRASE the letter of Theresa Strader, founder of National Mill Dog Rescue.

May 15, 2008

Dear Martha,

It's been fifteen months since you and I first met. More than likely, you remember very little about me. After all, we met in your world, on your property in fact. Since that day, elements of your world have become a very big part of mine. For that, myself and many like-minded people are very thankful to you.

In February 2007, I received an email - "50 Italian Greyhounds in need" and with that, a phone number. Having had a lifetime affinity for the breed, I called the number to find out what the story was and how I might be able to help. I'm certain you know where this letter is going now.

Yes, February 17, 2007, after 40+ years, your kennel would be going out of business. Time to retire and relax after four decades of mistreating dogs. Five hundred and sixty one dogs would head to the auction blocks that day, 49 were Italian Greyhounds. It was without question that I would help, though I must admit, I had no idea what I would come to learn through the process. Due to transportation issues, I realized that if I were to be of any use to these dogs, I would have to drive out to Lamar myself. So, on the 16th of February, my daughter and I headed to Missouri.

Understand, I've been involved in dog rescue essentially my entire life - fostering and placing homeless dogs, caring for sick or injured dogs, assisting overpopulated shelters, etc. I have always known about puppy mills and pet store puppies but have never shared my home with anything other than rescued animals. For the record, I AM NOT AN ANIMAL RIGHTS ACTIVIST. What I am is a person who believes in the right to humane treatment for all living things.

Martha, what I witnessed on your property was far from humane. Hundreds of terrified ailing faces, imprisoned in their wire confines, some staring at me, but most too fearful to look into my eyes, so unsure of how to interpret human contact. That experience has caused me countless sleepless nights and to this very day, the sadness and the fear in their eyes haunts my very being.

I am completely aware that you were operating well within USDA standards - what a despicable thought that is. I am also aware that in your circles, commercial breeding dogs are considered livestock. Dogs are not livestock, Martha. Thousands of years ago, man domesticated dogs to be our protectors, hunters, herders, guardians, but most of all, our companions.

I came home with thirteen of your dogs - nine Italian Greyhounds, two Dachshunds and two Papillons. Not a single dog that I had cared for in over 25 years of rescue work came anywhere close to the physical and emotional damage that your dogs had suffered. As it related to rescuing dogs, the next several months would become the education of a lifetime for me.

The entire purpose of this letter though, is about just one of those dogs, the one who would find her forever home here with my family..... #251 - AKC registered

"Reedgate's Swift Motion". Oh, the irony of her name - Swift Motion - an Italian Greyhound who was never able to run. Caging her for her entire life stripped her of ever having enough strength in her legs to experience the joy of running. A cruel reality for a breed built to run.

In our home, we cut the chain from her neck, replaced it with a soft collar and named her Lily. At the age of seven years and one month Lily had been set free.

Lily was one of several of your dogs that was missing her lower jaw. I wonder how you might explain why so many of your dogs were suffering from this condition. I wonder if you were ever concerned about their pain or perhaps about how they were able to eat enough to stay alive. I wonder how many died in your care from the results of this condition. I wonder if you even noticed. I'm very certain you did notice one thing beyond the rotting faces though - their ability to produce puppies. That's what your business is all about - producing puppies, at any expense.

Lily became an absolute treasure in our home. Despite her many health issues and her extreme fear, in time, with lots of love and care, she found her courage and when she did, no one was immune to her love. Men, women and children brought to tears to hear her story and to have the untold pleasure of meeting her. Lily's life was no longer about what she could do for you but instead, how we could make it up to her in a warm and loving home.

It was agonizing for our family to watch her suffer through four surgeries to remove mammary tumors, to attempt to repair her decaying face and to spay her -- removing the papery black, pus filled organ that was once her uterus. How selfish of you never to see her pain, just the dollars.

Directly because of your gross neglect, every meal Lily ate was a struggle. We tried so many foods and so many different ways to make it easier for her to eat. But in the end, she had to do it her way, the way she learned at your place, the way she kept herself alive for you - picking kibbles out of her bowl, a few at a time with her feet, spreading them around the floor, then rubbing the "good" side of her face along the floor to catch a kibble on her tongue, then extending her neck upwards and swallowing it whole. Think about that, Martha. How would you like to eat just one meal that way?

Do you remember sitting in my car when the auction was over? The guys were gathering up the dogs that I had "won". You said to me, "I just love my Italian Greyhounds". Oh, the thoughts that went through my mind when those words came out of your mouth. You don't love any dogs, Martha. What you did was spend more than forty years of your God given life using dogs for your personal gain. No regard to their physical or mental well-being, just cashing in on their ability to reproduce. Think about the thousands of dogs that passed through your hands - you robbed every single one of them of the simple joys they so deserve. A good meal, a warm and comfortable place to sleep, medical attention, and most of all, a human companion to make their lives whole.

Lily learned so much in our home - about being a family member, being a dog, being worthy. I will always be bothered that she never learned how to run or really how to play. But she learned how to love and be loved and for that, there are no words. She changed our lives forever.



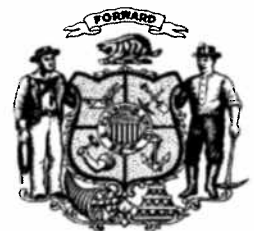
Lily died on May 13, 2008 at the age of eight - about half the life expectancy for an Italian Greyhound. Martha, she died as a direct result of the neglect she suffered for seven years in your care. How many others have suffered the same fate?

This industry has been hidden far too long. The word is out, the days are numbered. People like you will soon venture out into fields of honest work and leave the care of God's creatures to those of us who truly love them.

Theresa Strader



# WISCONSIN STATE LEGISLATURE



Re: AB-250/SB-208 Commercial Dog Breeders Licensure Bill

Chuck Wegner  
N929 River Ave  
Neillsville WI 54456  
Phone: 715-559-2601  
Email: petshelter@email.com

Date?

Thank you for the opportunity to express my thoughts on the need for this legislation, the Commercial Dog Licensure Bill. My name is Chuck Wegner and I am the executive director of the Clark County Humane Society. I have seen first-hand and up-close the harm that is done by the bad side of the commercial dog-breeding business in Wisconsin. My county has the dubious notoriety of being the "puppy mill capital" of the State. This is most definitely a distinction that we don't want. It is considered to be a blight on an otherwise beautiful area.

I am tired of seeing the increasing numbers of cast-off mill dogs coming through our doors at the Shelter. They are poorly cared for both medically and socially. These dogs are physically and psychologically "burned out" and used up at the age of 5 or 6 years old. They have had no socialization and they are terrified of everyday noises and experiences. Most of them have never set foot on grass, have never been held and most certainly have never received any affection. They are viewed as mere commodities and their only value is in the price that they can bring. Many are in need of major veterinary care from a variety of afflictions including deformities, disease, parasites, infections, horrendous dental conditions, lack of nutrition and on and on. This is so wrong on so many levels and in so many ways that a normal person is incredulous when first presented with the information detailing the conditions in an average puppy mill. Invariably their next statement is "I can't believe this is legal. Can't this be stopped?"

The unsuspecting public has no way of knowing what a nightmare of expense and grief they are in for when they purchase one of these dogs or puppies. They are merely trying to find a new family pet, one to be cherished by their children and to be part of a happy family experience. Instead they enter into the dark world of suffering and misery commonly called puppy milling. They are in for a torturous road of expense and grief.

The victims in this scenario are many. There are the obvious puppies and dogs that are kept in conditions that would horrify the average citizen. There are the people who assume that they can obtain a pet in this State and be assured that certain basic standards of care have been provided for it, thus ensuring a healthy pet. Humane Society's and rescue organizations bear a terrible financial burden in trying to medically repair the dogs. The State itself is a victim in that it is being deprived of income from the unpaid sales tax on each dog sold from many of these operations.

It used to be that a family could go to a breeder and be confident that they would be getting a quality pet. Breeders took pride in their ability to produce dogs of good quality. They went to great lengths to produce healthy, well-socialized and problem-free dogs. They did this for the love of the breed. Then along came the profiteers and their number

one goal was to produce quantity. Quality doesn't matter to them. The path to obtaining a dog became like walking through a minefield, fraught with danger.

Quality breeders should be disgusted by these profiteers who sacrifice the lives of dogs on the altar of greed.

You will see some try to turn this into a "right of privacy" issue. Others profess to fear some sort of legalized home invasion of their business by the "dog police". Nonsense! This is only about the conditions that puppies and dogs are raised in. This is about setting minimum standards of care, about giving some degree of reasonable expectation as to the quality of a dog purchased in this State.

This proposed bill is not discriminatory in any way. It is not to be feared by anyone raising or selling dogs properly. I strongly believe that the 25 dog threshold contained in this legislation is the point where the new law should kick in. Any more than that would make it very difficult to maintain the proper sanitation and meet the health requirements of the dogs. If ever there was a business that cried out for regulation through inspections and licensing, this is it! How can anyone see what's happening in this business and say it's OK with them?

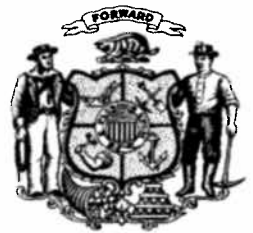
My Humane Society will be regulated, inspected and licensed right along with dog breeders and sellers. I welcome this with open arms. If we are doing something wrong or there is a better way, I want to know. I want the public to know that they will be obtaining a dog from a facility that has passed inspection and that has met the standards set forth in this pending legislation. How nice to be able to assure the consumer that we are OK, that their new puppy was raised in a good environment and will be healthy and well-adjusted. How nice for them to know that they can pick out just the right dog and not have to worry about all the problems and medical expenses that may come from dogs raised in unsanitary and unhealthy conditions. Why wouldn't someone want this?

Wisconsin needs to right this wrong. We need to ensure the safety of the dogs and the rights of the people who purchase them. It's too bad that something that would just seem to be logical has to be done through legislation, but so be it. Dog breeding and selling is a business that has not been able to regulate itself and it's time for all of us to stand up and say "Enough!"

You, as legislators, have the power to fix this. I implore you to move this legislation through to its final stage as quickly as possible. Remove this ugly blight from our great State and stop this suffering and misery for profit. Thank you.



# WISCONSIN STATE LEGISLATURE



Date?

with 3040s  
appearing in  
Dog's

My name is Elaine Rhodes and I live in District 8. I am a kennel manager located in Alberta Darling's district and would like to state that I support the passage of Assembly Bill 250 and Senate Bill 208.

While I am not a member of any group that is pro or against this bill, I do align myself with anyone who recognizes the need for better protection of dogs and protects buyers from disreputable breeding and business practices.

I believe anyone who properly cares for their dogs should not be afraid of this bill and would realize that this is not a large inconvenience. Because of our love of dogs, by supporting this bill, we can assist in a hopeful remedy of a serious problem.

We hear about "Puppy Mills" and see the deplorable conditions and care of these animals but I believe this bill addresses more than just the severe cases seen in the media.

To me, the only distinction between the terms "Puppy Mill" and "Commercial Breeders" is the degree of care and living conditions. But what they do share in common is their ONLY purpose for breeding dogs is nothing more than bottom line profit. And this bill will be opposed by them because of added costs needed for better care of the animals and the required inspections.

Commercial breeders use the most convenient method of care for large groups of dogs and look for opportunities to cut expenses. And this is done at the expense of the dogs comfort, health and ultimately the overall physical and mental quality of the dog. They offer no useful health guarantees, perform no genetic testing of their breeding stock and the improvement of the "breed" is never their consideration.

This is why we hear of the horrible stories in the media and constantly hear of unhealthy puppies from these facilities and some of the smaller “backyard” breeders.

There is a woman who continues to move around the Milwaukee area selling my breed of dogs and I have never heard one good account of a puppy purchased or dog given up by her.

Also, I was approached this year by a couple looking for “breeding stock” because they found our breed difficult to purchase locally and thought they could turn it into a business. These people knew nothing about dogs or what is involved in breeding. I believe they regretted contacting me.

I believe and hope this bill would have an effect on these types of individuals.

I have no wish to delay passage of this bill, but would like to offer the following thoughts:

- 1.Regarding temporary dog markets, the bill requires information to be provided to the operator of the market and this person to register with DATCP, maintain records and have a vet check the dogs if for sale for two or more days.

This is just full of problems. This is potentially a very stressful situation for puppies (I.e. weather, noise, handling, etc ). And as a consumer, this is a horrible way to purchase a dog. Furthermore, what facility operator is going to obligate himself to the additional paperwork and responsibilities of vet checks, etc. I don't see a method of being able to control that these items are in fact done.

2. Under the Certification of Veterinary Inspection, I believe it should also require vaccinations the dogs has received regardless of who performed the vaccinations and a "wellness report" that would describe such problems as hernias, offset jaws, eye issues, joint malformations, *PARASITES, ETC.*

3. I believe puppies should not be sold prior to eight weeks of age and have lived in municipalities that required this.

4. Lastly, I feel a hotline should be established for purchasers of dogs so problems could be reported. This would give DATCP and the advisory committee some useful information when multiple calls were received about the same source.

Since I have read several states proposed bills, I would like to thank the authors of this bill for their practical and fair approach.

And I appreciate this opportunity to voice my viewpoint.

Thank you~

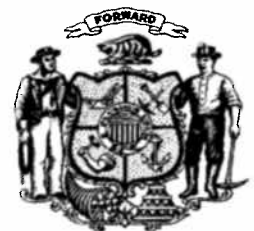
*Elaine Rhodes*

*member of:*  
*Skylar Brittany Club of Colorado*  
*Greater Milwaukee Brittany Club*  
*Kettle Moraine Kennel Club*  
*American Brittany Club*  
*PAST Animal Control Officer in Colorado*





# WISCONSIN STATE LEGISLATURE



Dear Committee members,

Date?

I hope that you will  
pass AB250/SB208 without  
sending this joint bill to committee  
for further discussion.

I speak on behalf of the dogs  
I <sup>that</sup> have rescued over the years,  
I take rescue dogs, not dogs from pet shops.  
1st rescue dog developed

Degenerative myelopathy  
& had no use of his  
rear legs the last 1/2 years  
of his life. I walked him  
with a sling & carried him in a stroller

Dog 2 had chronic ear <sup>on wags</sup>  
infections, would stiffen  
up when held. - He died of cancer.  
<sub>later.</sub>

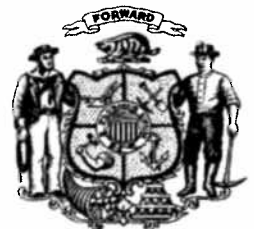
Dog 3 has chronic runny  
eyes, an enlarged heart,  
& collapsed trachea, and  
rotten teeth. He had 13  
teeth extracted just before  
I adopted him. He too, used  
to stiffen up when held.  
He is now with me & making  
progress & being care for.

I have to leave now for work.

Thank you,  
Tammie Bickstein



# WISCONSIN STATE LEGISLATURE



## AB-250/SB-208 Commercial Dog Breeders Licensure Bill

Cheri Wegner  
N3929 River Ave  
Neillsville, WI 54456  
Phone: 715-225-6228  
Email: petshelter@email.com

Date?

Good morning. My name is Cheri Wegner, and I am the Director of Administrative Services with the Clark County Humane Society in Neillsville, Wisconsin.

First, I would like to say thank you for taking the time to attend this hearing today and for listening to all of the information regarding the Commercial Dog Breeders Licensure Bill.

As I mentioned, I am from central Wisconsin, a place we refer to as the puppy mill capital of Wisconsin. As you've already heard, many of Wisconsin's millers are located in Clark County. I would like to share my experiences in a puppy mill with the committee members today.

Back in April of 2007, our Humane Society was contacted by a local TV station looking to do an investigative report on puppy mills. They were in need of someone to help them locate a prospective puppy mill, and then to assist with purchasing a puppy. Being knowledgeable about the Clark County area, we were happy to assist. Though it was almost 2 ½ years ago, I still remember all of the details of that visit as though it were yesterday.

We chose to go to a farm that had a reputation for selling a lot of puppies, and had previously sold puppies that tested positive for brucellosis. The house at this farm was one of the most beautiful I had seen. The landscaping was gorgeous and included a large pond and many perennial flower beds. We went to the door to inquire about buying a puppy.

We found the entire experience to be very secretive. At first there were no puppies available, but when the seller realized I had ready cash, we were taken to the shed to see some puppies. We were told to stay in the office area only while two puppies were brought out for us to see. They were more expensive than I could afford, so she brought out a few different puppies that were a little bit cheaper. She said the puppies were eight weeks old and just ready to be sold. Our goal was to see beyond the closed doors to where the puppies actually lived, so we persisted, indicating we couldn't purchase a puppy without seeing where it came from. Again, cash was a great incentive. We were eventually allowed into the puppy room, which consisted of rows and rows of wooden boxes, each about 2' X 2' in size. Each contained a litter of puppies with their mother. The boxes were wooden on each side, so the dogs couldn't see out, not even to know if it was day or night. Each was lit by a light bulb on a dimmer switch which also provided heat for the box. The puppies never got out of that box for exercise, socialization or playtime. In the next room we saw the rest of the adult dogs, their breeding stock. There were rows and rows of wire cages, each about 2' X 3' in size. Each cage contained 2-4 adult dogs. The cages were elevated so that any urine or feces would simply fall through to the pile of sawdust below. The dogs lived in those cages, standing on wire floors, for 24 hours a day, 7 days a week. They didn't get out for exercise or socialization either.

We went back to the office area, as we wanted to purchase one of the puppies we had seen. One of the tiniest puppies had an eye infection and was having trouble standing. A little Cocker/Bichon mix, he had already broken my heart, so he was the one we chose to purchase. His price was \$200.00. We completed a "Record of Disposition" form showing our names and addresses. I received an index card for his medical record, showing one vaccination and a deworming. The index card also showed my puppy's date of birth. I was stunned to see he was actually only five weeks old. I was told I had a seven-day health guarantee. I needed to take it to the vet in the next seven days to have it checked over, and I could bring it back if there was anything wrong. I gave the lady my \$200 in cash. The selling price was not recorded on any documentation and there was no sales tax charged. We took our puppy and left, returning to the Shelter. We named our new little puppy "Rocky" as he was such a little survivor. We did have him checked by our vet, and were relieved to learn that his eye infection could be treated with medication, and his problems standing were simply weak muscle development due to lack of exercise. That would be remedied with a proper environment.

As I think back to that experience, I realized that I recognized what was wrong with that situation largely because of my background in animal welfare. An average consumer may not know that puppies should not be raised in such an environment. Many of these puppies are transported by brokers to pet stores where unsuspecting consumers are shopping for a new pet. They go home with a cute, fluffy little puppy, totally unaware of where that puppy may have come from. They are completely unprepared for the vet bills and heartbreak that could be awaiting them. While I certainly believe it's good to be an educated consumer, I also believe we need to be protecting consumers from this heartbreak. Buyers should be able to purchase a puppy for their family from a reputable breeder or store with confidence that their new puppy will be happy and healthy.

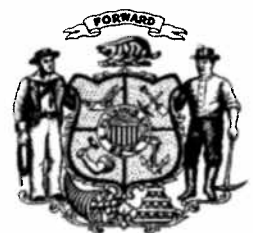
The Commercial Dog Breeders Licensure Bill is the first step we need to take to restore that confidence. I believe that any breeder who is selling more than 25 puppies in a year is running a business; they are no longer a hobbyist. As a business, there needs to be regulation and inspection. These businesses need to be paying sales tax as do all businesses. They need to be held responsible and accountable.

At our Humane Society we have experienced the tremendous financial burden that is experienced by those helping dogs from puppy mills. We have had many puppy mill dogs come to our Shelter through the dog auctions that have been held in our county. These dogs have had more medical problems than any other dogs we see at our Shelter. From eye injuries to broken limbs to horrendous dental disease, the dogs need intense medical treatment to recover physically. Then we are left with the psychological trauma the dogs have experienced. Some puppy mill survivors have the resilience to become normal dogs and can be adopted to their forever homes. Others are so damaged that they may never recover. Whether spinning endlessly in tiny circles or cowering in the back corner of their kennel, these dogs are paying a far higher price than any profits the millers made. They will probably never know what it's like to be a normal dog.

Yes, I am an animal lover, and I spend my days caring for animals. But I also believe in simply doing what's right. Dogs and puppies deserve better than the lives they are living in Wisconsin puppy mills. We have the ability to change what's happening here in Wisconsin. It's my sincere hope that we can all work together to do what's right.



# WISCONSIN STATE LEGISLATURE



Date?

The first thing I would like to do is thank all that have signed on as co-sponsors and also thank the committee for your consideration and attention to AB 250/208.

As a consumer living in Wisconsin I would consider myself lucky. Why do I consider myself lucky? It is because a little over a year ago I adopted a puppy from the Wisconsin Humane Society in Milwaukee. My family and I had recently started to look for a dog when a co-worker mentioned that she had seen a news story about a place that was being closed down here in Wisconsin and that there were going to have puppies available for adoption the next day. So the following I took my family to adopt our puppy from the Humane Society.

It wasn't until months later that I really understood that the "place" that was closing was what is more commonly known as a "puppy mill", a place that mass produces puppies with little or no regard for the health of the puppies or the adult dogs that are used to breed them. I also have learned that the lack of regard for the health of the dogs inside the puppy mill often times means poor health to the dogs that are lucky enough to get out.

To the unsuspecting consumer that purchases a puppy at a pet store, over the internet, or even at a flea market, buying a puppy this way can unveil very deceptive sales practices. For some consumers the deception takes the form of realizing that the supposedly pure bred puppy that had cost upwards of a thousand dollars isn't the purebred they were sold. My sister - in-law spent a \$1,000 on a puppy that they told her was a purebred and would not shed or bark. The dog as an adult was supposed to weigh about 10 pounds. Well of course it does shed, barks constantly and weighs 30 pounds. While this is not a tragedy, there are countless stories of people paying a lot of money for a dog that is not the purebred dog like the store said it was.

On the other hand, what can turn into a tragedy, at least for a child, is when they bring a new puppy home and shortly after doing so it becomes very sick and/or dies. It is not an uncommon occurrence for a consumer who, after paying a lot of money for a puppy, also ends up paying hundreds or even thousands of dollars in vet bills because of the puppy's health problems. Often times all this money is spent, only to see their puppy die anyway. So not only are consumers paying a lot of money for a "product" with nothing to show for it, but they also have to deal with the heartache of the death of the puppy. Losing a pet can be very traumatic event in the life of a child.

In the few short months that I have been involved with trying to improve the way puppies are bred and sold here in Wisconsin, I have heard many personal accounts of huge vet bills and heartache. Unlucky, shall we say, consumers who were expecting nothing but the joy of bringing a new puppy home and instead found themselves at the vet's office with huge bills to pay.

I have been one of the lucky ones. My children have known the joy and pleasure that comes along with having a puppy to play with and enjoy. While he was born in a puppy mill, so far, he has not had any health problems.

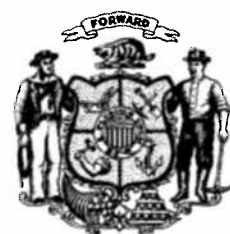
We need legislation that will require standards for breeders in order to protect the health and temperament of the dogs they are producing. This includes proper shelter, ventilation and nutrition. AB 250/208, The Commercial Dog Licensure Bill will set standards for the way dogs are bred to protect the consumer. When a consumer purchases a dog or puppy in Wisconsin they should be able to do so with the confidence that the one they bring home is healthy and happy.

Please do everything you can to assure that AB 250/208 becomes law to protect Wisconsin consumers, and also to insure the humane treatment of dogs and puppies in Wisconsin. Thank you again for your consideration.

Sheila Johnston, 1329 Monroe Ave, Racine, WI 53405, 262-633-3573



# WISCONSIN STATE LEGISLATURE





Senator Robert Wirch  
Chair Committee on Small Business, Emergency Preparedness, Technical Colleges, and  
Consumer Protection  
Room 316 South Capitol  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Date?

Representative Gordon Hintz  
Chair Assembly Committee on Consumer Protection  
Room 322 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53708

Dear Sen. Wirch, Rep, Hintz and Committee members:

After more than 40 years in the sport of dogs, we agree that it is necessary for legislature to attempt to address unscrupulous mass producers of puppies. The current bills (SB 208/AB250) are a significant improvement over legislation introduced in past sessions.

We recognize how challenging it is to balance the rights of citizens to breed dogs, separate and protect conscientious hobby breeders from undue regulation, while protecting a public whose consumer choices are supporting the very "puppy mills" the state seeks to regulate.

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

There are two small areas that we feel warrant additional attention and slight modification.

The definition of "transfer" (173.41 (1)(h) defined in the bill as to "grant physical possession to another") is excessively broad. This is a departure from the concept of "transfer" in other legal areas where there must be a transfer of money to show ownership. Dogs are considered property and are bought and sold; usually transfer of ownership—even if no money is exchanged—entails paperwork (a contract between buyer and seller and/or registration papers). It is unclear in the bill but implied, that transfer and ownership are being used synonymously. This definition seems loose enough

that at the point when an owner gives permission to another and the dog is handed off, a transfer has occurred. "Physical possession" also seems to imply not only actually holding onto the dog or dog's lead but having the dog located on any property (car, yard, building etc) that the possessor of the dog owns. This definition creates ambiguity, as the ownership of the dog and possession of the dog are separate and distinct—one may be an owner and not in possession, one may be in possession but not an owner, one may be the owner and in possession of the dog. In other areas of dog law, in general the owner of the dog is held liable for damages regardless of if he is in possession of the dog at the time of the offense.

This definition seems intended to prevent "producers" from just giving away dogs to fall under the "25 dogs sold a year" threshold that would require a producer to be licensed, but it has some pretty broad implications that may result in increased liability for dog related businesses. For example, taking care of a dog owned by someone else would consist of a transfer; it is common for many breeders and dog people at large to temporarily take care of a dog in one's private home that is owned by someone else. Often family members/neighbors/or other care givers who are not owners of the dog may take care of an animal on their property without the actual owner's presence. Temporarily crating a dog in your crate or vehicle, transporting a dog to a different location for someone, or holding onto the lead of someone else's dog would consist of a transfer. Taking a dog to provide a service (veterinary procedures, grooming, professional handling for dog events, boarding) would all necessitate transfer (sometimes multiple transfers) from actual owner to non-owner. Transfer would occur if a volunteer teaching dog classes received permission to use a class participant to demonstrate a training technique. We would recommend that the definition of "transfer" be narrowed significantly such that it applies only as the term is used in Section 9 (page 9, line 10) of the bill.

The ability of the department to deny, refuse to renew, or revoke a license if the licensee is "not fit, qualified, or equipped to conduct the activity" (173.41 (4)(a)(2), page 7) is very broad and open to interpretation. "Fitness" is used in other areas of the law to determine competency or capacity, but is generally very narrowly restricted (fit to stand trial, financial fit to support costs) and is not a qualitative or subjective judgment. There are no established qualifications or criterion—indeed people from many different backgrounds can be good breeders or poor dog producers—for DATCP to measure and evaluate against. This bill is about regulating care and facilities conditions, not about quality of dogs produced; there is no ability for the department to determine who is qualified. Similarly, "equipped" is a broad term (does it refer to physical facilities and products, financial means, knowledge and understanding, etc) and there are many different situations where dogs can be raised well. While it is undesirable to define these broad terms in the statutes, it is equally undesirable to allow the department to deny/refuse to renew/or revoke a license based on its interpretation of broad terms without a requirement to thoroughly and diligently document the specific reasons why an applicant is not fit/qualified/or equipped.

While we appreciate the efforts that have gone into this bill, it is important to us to emphasize that there is a limit to what the state can do to protect consumers from themselves.

1. This bill will not eliminate nor solve "puppy mill" producer practices. **As long as Consumers buy their dogs, puppy mills will exist.**
2. Consumers are making buying decisions based on factors (convenience, timing, price, etc.) that have little to do with health, facility conditions, socialization, or overall quality of the individual dog.

*Of the people who contact us about puppies, the vast majority do not ask about health clearances on the sire and dam, the conditions the puppies are raised in, or qualities like temperament and structure. We spend a tremendous amount of time educating the public about our breed, its qualities, and questions they should be asking of breeders.*

3. Not everyone who wants a dog is an appropriate home (producers are more likely to provide dogs to owners that reputable breeders will not).

*We require potential dog owners to complete a questionnaire. About 30% of the questionnaires we send out are returned, of these half are suitable homes. Some people get dogs from puppy mills because it's the first contact they make or they are uninformed. Others get dogs from puppy mills because they can't get a dog anywhere else, including rescue groups and animal shelters.*

4. Puppy mill producers will find ways to circumvent any new law. It is to the producer's economic advantage to explore ways to continue business as usual rather than invest in improving practices or many other costs and expenses routine to reputable hobby breeders.
5. It is to the producers' advantage to blur the distinction between their activities and the practices of reputable hobby breeders. An informed and intelligent consumer base is essential to making choices that favor reputable hobby breeders.
6. A state licensing program may legitimize some producers in the minds of some consumers. A state license carries with it a connotation of state sanctioned approval

Thank you for your efforts on this issue. Please contact us if we can provide additional information.

Gail, Tami, and John Jackson  
Anamacara Irish Setters  
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Columbus, WI 53925