



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 208

Senate Substitute Amendment 1

Memo published: October 19, 2009

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2009 Senate Bill 208 establishes a licensing program for certain persons who sell dogs or operate animal shelters or animal control facilities. This memorandum describes the changes made by Senate Substitute Amendment 1 (SSA 1) to the bill and Senate Amendment 1 to SSA 1.

SENATE SUBSTITUTE AMENDMENT 1

1. License Not Required for Sales of Three or Fewer Litters per Year

Under the *bill*, with certain limited exceptions, dog breeders and dog dealers must be licensed. The bill defines “dog breeder” as a person who, in one year, sells 25 or more dogs that the person has bred and raised. A “dog dealer” is a person who operates a dog breeding facility from which 25 or more dogs are sold in a year.

SSA 1 specifies that a person is not considered to be a dog breeder and is not required to be licensed if all of the dogs that they sell in one year are from no more than three litters, regardless of how many dogs they sell. Likewise, a location is not considered to be a dog-breeding facility and is not required to be licensed if all of the dogs that are sold from the location in one year are from no more than three litters, regardless of how many dogs are sold.

2. Dog Trials Exempt From Definition of “Temporary Dog Markets”

The *bill* does not require temporary dog markets to be licensed, but it does establish certain requirements that apply to the sale of dogs at a temporary dog market, such as a flea market. These requirements include registration with the Department of Agriculture, Trade and Consumer Protection (DATCP), recordkeeping, and inspection at DATCP’s discretion.

SSA 1 specifies that the term “temporary dog market” does not include a dog trial. *SSA 1* defines “dog trial” as an organized competitive field event involving sporting dog breeds that is sanctioned, licensed, or recognized by a local, state, regional, or national dog organization.

3. Certification of Veterinary Inspection

The *bill* provides that a person who is required to be licensed may not sell a dog without providing the purchaser a certificate from a veterinarian stating that the veterinarian has examined the dog and found that it has no infectious or contagious diseases as of the date of the examination.

SSA 1 clarifies that the certificate from the veterinarian must state that the veterinarian has examined the dog and found that it has no *signs of* infectious or contagious diseases as of the date of the examination.

4. Keeping Dogs Outdoors

Under the bill, a person who is required to be licensed must ensure that a dog kept by the person is kept outdoors only if all of the following apply:

- a. The dog is of a breed or type that is typically kept outdoors.
- b. The dog is acclimated to the outdoors.
- c. The person provides adequate shelter from the sun and inclement weather.
- d. Any other requirements specified by DATCP for the keeping of dogs outdoors are met.

SSA 1 does not contain the requirement under item d., above.

5. DATCP Authority to Seize Dogs Eliminated

The *bill* authorizes DATCP to seize a dog in the possession of a person required to be licensed if DATCP has reasonable grounds to believe that the dog is being mistreated in violation of existing anti-cruelty laws. The bill also authorizes DATCP to place a dog that it has seized with any licensed person who agrees to accept the dog.

SSA 1 deletes this provision. It provides instead that if DATCP has reasonable grounds to believe that a dog in the possession of a person required to be licensed is being mistreated in violation of existing anti-cruelty laws, DATCP must report this information to a humane officer or law enforcement agency with jurisdiction over the area in which the dog is located.

6. Composition of Advisory Committee

The *bill* requires DATCP to establish an advisory committee to assist in writing administrative rules to implement the new licensing program. DATCP is required to consult with the advisory committee when writing the rules.

The *bill* specifies that the advisory committee may not have more than 10 members and must have at least one representative from each of the following groups:

- a. Persons selling dogs at retail.
- b. Dog breeders selling fewer than 50 dogs per year.
- c. Dog breeders selling more than 50 dogs per year.
- d. Sporting associations whose primary activities involve dogs.
- e. Humane societies.
- f. Veterinarians.
- g. Animal control facilities.
- h. Breed rescue groups.

SSA I changes the composition of the advisory group by requiring separate representatives for breeders of small dogs and large dogs and separate representatives for small and large humane societies. Under *SSA I*, the advisory committee may not have more than 12 members and must have at least one representative from each of the following groups:

- a. Persons selling dogs at retail.
- b. Dog breeders that sell large dogs and that sell fewer than 50 dogs per year.
- c. Dog breeders that sell small dogs and that sell fewer than 50 dogs per year.
- d. Dog breeders that sell large dogs and that sell 50 or more dogs per year.
- e. Dog breeders that sell small dogs and that sell 50 or more dogs per year.
- f. Sporting associations whose primary activities involve dogs.
- g. Humane societies providing shelter to fewer than 500 dogs per year.
- h. Humane societies providing shelter to 500 or more dogs per year.
- i. Veterinarians.
- j. Animal control facilities.
- k. Breed rescue groups.

SENATE AMENDMENT 1 TO SSA 1

Senate Amendment 1 to *SSA 1* clarifies that the provision in the bill that establishes a brucellosis testing requirement for persons selling dogs at auction applies only to persons who are required to be licensed under the bill.

Legislative History

Senator Kreitlow offered SSA 1 on September 23, 2009, and offered SA 1 to SSA 1 on October 7, 2009.

On October 14, 2009, the Senate Committee on Small Business, Emergency Preparedness, Technical Colleges and Consumer Protection adopted both amendments and recommended passage of the bill, as amended, on successive votes of Ayes, 5; Noes, 0.

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