



1995 ASSEMBLY BILL 58

January 26, 1995 - Introduced by Representatives HAHN, SILBAUGH, SKINDRUD, GOETSCH and BOYLE. Referred to Committee on Agriculture.

1 **AN ACT to amend** 20.115 (2) (ha); and **to create** 95.55 and 453.05 (2) (am) of the
2 **statutes; relating to:** pregnancy testing of cows, granting rule-making
3 **authority and making an appropriation.**

Analysis by the Legislative Reference Bureau

Under current law, pregnancy testing of animals is included within the practice of veterinary medicine, but a person who engaged in pregnancy testing of animals before February 11, 1968, is not required to be licensed by the veterinary examining board as a veterinarian in order to continue that practice. Current law also provides that a veterinary license is not required in order to engage in artificial insemination of animals.

This bill requires a person who engages in pregnancy testing of cows, including heifers, to be registered with the department of agriculture, trade and consumer protection (DATCP) as a pregnancy tester of cows, unless the person: 1) is licensed as a veterinarian; 2) is providing artificial insemination services and engages in pregnancy testing as part of the artificial insemination procedure; 3) is engaging in the pregnancy testing of cows that the person owns; or 4) engaged in the pregnancy testing of animals before February 11, 1968.

Under the bill, in order to be registered as a pregnancy tester of cows, a person must, in addition to paying an initial registration fee, complete educational and training requirements that are established by DATCP by rule. The rules must require a person to complete the minimum number of hours of education and training relating to pregnancy testing of cows that DATCP determines is sufficient to ensure that the person is qualified to engage in that practice, but may not require a person to complete more than a total of 40 hours of education and training in order to qualify for registration. The rules must also require a person in training to perform pregnancy tests on at least 1,000 cows in order to qualify for registration.

The bill also requires a person who is registered as a pregnancy tester of cows to renew his or her certificate of registration every 2 years and pay a biennial renewal fee in order to continue engaging in the pregnancy testing of cows.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.115 (2) (ha) of the statutes is amended to read:

2 20.115 (2) (ha) *Inspection, testing and enforcement.* All moneys received under
3 ss. 93.06 (1f) and (1g), 95.55, 95.68, 95.69, 95.71 and 95.715, to be used for animal
4 health inspection and testing and for enforcement of animal health laws.

5 **SECTION 2.** 95.55 of the statutes is created to read:

6 **95.55 Pregnancy testing of cows; registration. (1)** In this section, “cows”
7 includes heifers.

8 **(1m)** No person may engage in pregnancy testing of cows unless the person
9 satisfies at least one of the following requirements:

10 (a) The person is registered under this section.

11 (b) The person is in a training program under sub. (4) (a).

12 (c) The person is licensed as a veterinarian under ch. 453.

13 (d) The person is providing artificial insemination services and engages in
14 pregnancy testing of cows only as part of the artificial insemination procedure.

15 (e) The person is engaging in pregnancy testing of cows that he or she owns.

16 (f) The person engaged in the pregnancy testing of animals before February 11,
17 1968.

18 **(2)** The department shall register as a pregnancy tester of cows a person who
19 does all of the following:

1 (a) Submits an application for registration as a pregnancy tester of cows to the
2 department on a form provided by the department.

3 (b) Satisfies the educational and training requirements specified in the rules
4 promulgated under sub. (4).

5 (c) Pays a \$40 registration fee.

6 **(3)** The department shall issue a certificate of registration to each person who
7 is registered under this section.

8 **(4)** (a) The department shall promulgate rules establishing a training program
9 that must be completed by a person in order to qualify for registration under this
10 section. The rules shall require a person to complete the minimum number of hours
11 of education and training relating to pregnancy testing of cows that the department
12 determines is sufficient to ensure that the person is qualified to engage in that
13 practice, but may not require a person to complete more than a total of 40 hours of
14 education and training in order to complete the training program and qualify for
15 registration, except as provided in par. (b).

16 (b) The rules shall require a person to perform pregnancy tests on at least 1,000
17 cows in order to complete the training program and qualify for registration under
18 this section.

19 **(5)** Certificates of registration issued under this section expire on January 1
20 of each even-numbered year. Renewal applications shall be submitted to the
21 department on a form provided by the department and shall include a \$40 renewal
22 fee.

23 **(6)** (a) The department may make investigations and conduct hearings to
24 determine whether a violation of this section or any rule promulgated under this
25 section has occurred.

1 (b) The department may reprimand a person who holds a certificate under this
2 section or may deny, limit, suspend or revoke a certificate under this section if it finds
3 that the applicant or certificate holder has done any of the following:

4 1. Made a material misstatement in an application for a certificate or for
5 renewal of a certificate.

6 2. Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the
7 circumstances of which substantially relate to the pregnancy testing of cows.

8 3. Advertised in a manner that is false, deceptive or misleading.

9 4. Advertised, practiced or attempted to practice as a cow pregnancy tester
10 under another's name.

11 5. Subject to ss. 111.321, 111.322 and 111.34, practiced cow pregnancy testing
12 while his or her ability to practice was impaired by alcohol or other drugs.

13 6. Engaged in conduct while practicing cow pregnancy testing which evidences
14 a lack of knowledge or ability to apply professional principles or skills.

15 7. Violated this section or any rule promulgated under this section.

16 **SECTION 3.** 453.05 (2) (am) of the statutes is created to read:

17 453.05 (2) (am) A person who is registered under s. 95.55 in order to engage in
18 pregnancy testing of cows, or who is in a training program described under s. 95.55
19 (4) in order to engage in pregnancy testing of cows as part of that training program.

20 (END)