

CHAPTER 95

ANIMAL HEALTH

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Cross Reference: See definitions in 93.01.

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

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

(4) No indemnity shall be paid to the owner of any swine condemned or destroyed because of any infectious or communicable disease if such swine were located, at any time, on any premises receiving public or commercial garbage. No person shall fail or refuse to conform with the department order specifying the manner of disposal of such infected swine.

(5) No person shall remove or permit the removal of any swine from any premises where public or commercial garbage is received, except to federally inspected slaughtering establish-

ments and other slaughtering establishments approved by the state to receive diseased animals, and only if such swine are accompanied by a health certificate issued by a veterinarian.

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

95.11 Livestock brands, recording, misuse. Every county clerk shall, on the application of any person residing in his county, record a description of the marks or brands with which such person may be desirous of marking his horses, cattle, sheep or hogs; but the same description shall not be recorded or used by more than one resident of the same county. The filing fee shall be \$2 paid to the county clerk. If any person marks any of his horses, cattle, sheep or hogs with the same mark or brand previously recorded by any resident of the same county and while the same mark or brand is used by such resident, he shall forfeit for every such offense \$5; if any person wilfully marks or brands any of the horses, cattle, sheep or hogs of any other person with his own mark or brand he shall forfeit for every such offense \$10; and if any person wilfully destroys or alters any mark or brand upon any of the horses, cattle, sheep or hogs of another he shall forfeit \$10 and pay to the party injured double damages.

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

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

95.14 Corporations to improve livestock.

(1) Three or more adult persons of this state may form a corporation, without capital stock, to be managed and directed as herein provided, for the purpose of improving the breeding of livestock by such means and methods as may be deemed most advisable, and to receive and manage contributions therefor made from time to time by way of gifts, deed, devise, bequest or otherwise, and to expend the income thereof for the purpose of the corporation. The work of any such corporation shall be entirely educational and designed by practical work with the breeder upon the farm to result in a better understanding and practical application of the scientific and technical principles taught in agricultural colleges and experiment stations, so as to effect the greatest possible co-ordination between the science and the art or practice of breeding, but such work shall not be merged with the work of any educational institution. Any corporation organized hereunder shall have authority to pay all necessary expenses properly incurred in carrying out the purposes of the corporation, including compensation to employes and to directors for services actually rendered in conducting the affairs of the corporation, but no pecuniary profit shall ever be paid to any incorporator or director.

(2) Any such corporation organized hereunder shall be managed and directed by a self-perpetuating board of directors of 5 members, consisting of the dean of the college of agriculture of the University of Wisconsin, who shall be permanent chairman of the board, and 4 others to be appointed in the first instance by the incorporators; at least 3 of the 5 members shall always be representative livestock breeders of the state. In case of the failure of the dean of the college of agriculture to act as a member of the board by reason of refusal, disability or vacancy in the chair of such dean, the remaining members of the board shall appoint a representative livestock breeder to act in his place on the board until such time as such refusal, disability or vacancy in such chair shall cease to exist. Whenever the dean of the college of agriculture shall become a member of the board of directors after any such interim, he shall automatically become chairman of the board.

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

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

95.16 Diseases defined. The term "contagious or infectious diseases" as used in the livestock sanitary laws includes anthrax, blackleg, hog cholera, erysipelas, infectious stomatitis, rabies, Brucellosis, tuberculosis, John's disease, vesicular exanthema, hemorrhagic septicemia, foot and mouth disease, actinobacillosis, glanders, mange, dourine, salmonellosis and such other diseases as may be determined by the department to be contagious or infectious in fact.

95.17 Animal diseases; co-operation with United States. Whenever it is determined by the department and the state constitutional officers that it is necessary to combat dangerous diseases among domestic animals in this state in co-operation with the bureau of animal industry of the United States department of agriculture and to destroy animals affected with or which have been exposed to any such disease or to destroy property in the disinfection of the premises or to do any other act or incur any other expense reasonably necessary in suppressing or combating such disease, the department may accept, on behalf of the state, the rules and

regulations prepared by the United States department of agriculture under authority of an act of congress relating to the suppression of any such disease and co-operate with the authorities of the United States in the enforcement of their provisions; or it may follow such procedure as to inspection, vaccination, condemnation, appraisal, disinfection and other acts reasonably necessary in the suppression of such diseases as may be agreed upon and adopted by the department and the state constitutional officers with the representatives of the United States department of agriculture. Within the amount which may, subsequent to March 23, 1915, be appropriated for this purpose, the state shall pay such proportion of the expense incurred in suppressing or combating any such disease and in compensating owners of animals slaughtered under this section as shall be determined by and mutually agreed upon with the United States department of agriculture.

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

95.19 Diseased animals, transportation. No person shall bring into this state, or remove from one part of the state to another, or receive in charge, or exhibit at any fair, any animal afflicted with or that has been exposed to any contagious or infectious disease nor shall any person, knowing or having reason to suspect that there is any such animal upon his premises or upon any premises of which he has control, attempt to conceal the existence of such diseases upon such premises, or permit such animal to run at large or come in contact with other animals susceptible to such disease. The department is authorized to issue permits thereunder for the movement of such animals to a slaughtering establishment maintaining either federal inspection or veterinarian inspection approved by the department or for the purpose of scientific observation or research. In the movement of such animals for slaughter they may be temporarily assembled or held only at stockyards, including the stockyards of a slaughterer, which have been approved by the department for this purpose. Such animals shall be separately handled at such stockyards, without commingling with other animals, and shall be held in separate isolation pens which are conspicuously posted by the department. Any person who violates any provision of this section or any regulation or order issued pursuant thereto by the department, in addition to the penalty prescribed

therefor, shall be liable to any person injured thereby for the damages by him sustained.

95.20 Embargo on animals from infected districts. When there is reason to believe that there is danger of the introduction into this state of any communicable disease prevailing among domestic animals outside this state or of its spread in this state, the department shall investigate the existing conditions, and if it concludes that danger exists to the livestock interests of this state therefrom, it may prohibit the importation of animals of the diseased kind from the infected district into this state, or the removal of them from one part of the state to another, under such regulations as the department may establish.

95.21 Quarantine for rabies. (1) Whenever any district shall be quarantined for rabies, all dogs within said district shall be kept securely confined or tied or held in leash or muzzled. Any dog not so confined or tied or leashed or muzzled is declared to be a public nuisance and may be impounded; and the sheriff and his deputies and every constable, marshal, other police officer or a duly authorized humane society shall actively co-operate in rendering said quarantine effective. The clerk of every town, city or village wholly or partly within the quarantine area shall promptly post in at least 3 public places in his town, city or village, such notices of quarantine as may be furnished him by the department for posting.

(2) Dogs which have been vaccinated against rabies shall be exempt from the quarantine provisions of sub. (1) for a period of one year following vaccination, provided the dog has been kept isolated for the 10 days immediately following vaccination.

95.22 Reports of animal diseases. (1) Each veterinarian shall immediately report to the department the existence among animals of any communicable disease coming to his knowledge. The report shall be in writing and shall include a description of the diseased animal, the name and address of the owner or person in charge of the animal, if known, and the location of the animal.

95.23 Disease investigation and enforcement. (1) Authorized inspectors and agents of the department may enter at reasonable times any premises, building or place to investigate the existence of animal diseases or to investigate violations of or otherwise enforce the laws relating to animal health. Any animals or materials suspected of being infected may be examined or

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tested. No person shall obstruct or interfere with such investigation or enforcement work, or attempt to do so, in any manner, by threat or otherwise.

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

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

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

95.235 Sale of certain painted utensils.

Any person who sells, for the purpose of feeding livestock, any utensil painted with a substance having a toxic effect upon livestock when taken orally shall be punished under s. 97.72.

95.24 Living vaccine, hog cholera, anthrax, swine erysipelas.

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

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

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

95.25 Tuberculosis control program.

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

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

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

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

(5) For each animal condemned and slaughtered, unless otherwise provided by law, the owner shall receive and, upon certificate of the department, the state shall pay one-third of the difference between the net salvage and the appraised or agreed value of the animal, but such

payment shall not exceed \$200 for a registered animal and \$100 for an unregistered one. A registered animal must be listed as such on the assessor's roll.

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

History: 1971 c. 125.

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

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

(3) If the existence of brucellosis within the state results in the termination of its status as a certified brucellosis-free area by the U.S. department of agriculture, the department shall request the release of funds by the board on government operations from the appropriation under s. 20.725 (1) (a) to pay for official vaccination, as provided in s. 95.46 (2), of all female calves located within any county where the incidence of brucellosis disqualifies it for such designation.

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

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

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

(7) For each animal condemned and slaughtered, unless otherwise provided by law, the owner shall receive and, upon certificate of the department, the state shall pay one-third of the difference between the net salvage and the appraised or agreed value of the animal, but such payment shall not exceed \$200 for a registered animal and \$100 for an unregistered one. With the consent of the owner the department may condemn, in infected herds, animals which have been exposed and which are suspected of being infected, although such animals have not reacted to the brucellosis tests.

History: 1971 c. 125, 211.

95.27 Removing cattle from stockyards.

No cattle shall be bought, sold or moved from a stockyard connected with a packing plant or located in the same city or town as a packing plant for the purpose of using them for dairy or breeding stock unless they have successfully passed the tuberculin test as required by order of the department.

95.28 Meat from dead or diseased animals.

(1) No meat from any diseased animal, or any animal that has died other than by slaughter, shall be sold or used for human consumption, or dismembered or stored at premises where other food is sold or prepared for sale.

(2) No carcass meat or other part of any animal shall be fed to animals used for human consumption unless it has been thoroughly rendered or cooked.

(3) Subsection (1) shall not apply to meat from animals affected by any disease which does not ordinarily render such meat unfit for human consumption, provided the animals so affected have been slaughtered in establishments where meat inspection is maintained under s. 97.42 or the federal meat inspection act.

History: 1971 c. 40 s. 93.

95.29 Labeling of horsemeat. No person shall sell any horsemeat, unless it is conspicuously labeled, marked, branded or tagged "horsemeat" or, in case horsemeat is used as an ingredient in any animal or human food, unless such food is conspicuously labeled to show the presence of horsemeat.

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

95.31 Slaughter of diseased animals.

Whenever it is deemed necessary by the department to slaughter diseased animals, either on the premises or at some designated abattoir or any other place for demonstration purposes, the representative of the department may agree in writing with the owner as to the value of such animals; in the absence of such agreement, written notice shall be given to the owner, his agent or the person in charge of such animals, and to the county court, of the purpose to order the slaughter thereof, giving the number and description of the animals, and the name of the owner.

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

(2) In making appraisement of an animal diseased with glanders, equine pernicious anemia or dourine, the owner shall receive one half of the appraised value, but in no case shall he receive to exceed \$75.

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

95.33 Tubercular animals that do not react.

Whenever in the opinion of the department a bovine is afflicted with tuberculosis, although failing to react to the tubercular test, such animal shall be condemned and the appraisal and all subsequent procedure shall be the same as in the case of reactors.

95.34 Slaughter on premises.

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

95.35 Hog cholera eradication; indemnities. (1) In the eradication and control of hog cholera, the department may, whenever such action is necessary to prevent or reduce the spread of this disease, condemn and order the slaughter or destruction of any swine which in the opinion of the department are infected with or have been exposed to hog cholera, and pay indemnities to the owners thereof under this section.

(2) With the consent of the owner, the department may condemn swine reasonably suspected of being infected with hog cholera or of having been exposed thereto where any danger of infection or reinfection exists.

(3) The department may enter into co-operative agreement with the United States or any department or agency thereof for the control and eradication of hog cholera in this state, including the sharing of payments for indemnities authorized by this section.

(4) (a) Indemnities shall not be initiated until this state has entered the final phases of eradication and has been declared to be a hog cholera eradication state by joint state-federal agreement under the national hog cholera eradication program. After such agreement has been entered into by the department, a copy thereof shall be filed with the secretary of state prior to the payment of any indemnities under this section.

(b) The department shall appraise all animals condemned and destroyed according to current market values, less salvage value, if any, and indemnify the owners in amounts equal to 50% of such appraised values, but not to exceed \$60 for a registered animal and \$30 for grade stock. Payments shall be made from funds appropriated by the legislature for animal disease indemnities authorized under this chapter. Sections 95.31, 95.32 and 95.36 (8) shall not apply to appraisals or the payment of hog cholera indemnities authorized under this section.

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

(6) Every person in control of premises on which hogs have died of cholera shall promptly burn the carcasses thereof or bury and cover the same with lime or a large quantity of ashes, or have such carcasses removed by any renderer licensed under s. 95.72, who shall collect and dispose of the carcasses in accordance with rules prescribed by the department. The provisions of this subsection shall not apply to animals condemned, disposed of and tanked in the manner

required by federal regulations in slaughtering establishments maintaining official federal inspection.

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

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

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

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

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

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

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

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

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

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

95.37 Claims for indemnity. (1) Claims against the state arising from the condemnation of animals shall be made by delivering to the department, to be forwarded to the department of administration, a copy of the condemnation notice, and of the notice to the county court and return of the appraisers certified by the court, giving the name and place of residence of the owner, the date on which such animals were condemned and the tag number of each animal, and also a statement of the salvage received and of the sum due from the state and any additional information as the department requires. If the value was fixed by agreement the claim shall be made by delivering to the department to be forwarded to the department of administration the agreement or a sworn copy thereof and a statement of the salvage received and of the amount due from the state and any additional information demanded. The department

shall promptly transmit all claims to the department of administration and accompany the same with a report of the sum due from the state and thereupon the claims may be audited and paid.

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

(3) Every claim for indemnity based on Brucellosis must be accompanied by a statement of the owner certifying that none of the animals on such claim have been treated with any biological product containing Brucella organisms except only official vaccines and animals which, subsequent to vaccination, returned to a negative status, which fact shall be established by a negative test conducted not less than 30 days prior to the test on which the claim for indemnity is based.

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

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

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

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

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

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

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

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

(2) The department shall provide ear tags to be used for identifying cattle tested for purposes of disease control, and shall distribute the same to persons authorized by the department to identify cattle. Such distribution shall be made at a price sufficient to cover the cost of the tags and their distribution.

(3) The department shall furnish and distribute Brucella vaccine to approved veterinarians at cost. It shall require each veterinarian to report the identification of each animal treated with the product so furnished. It may refuse further distribution to any veterinarian who fails to so report or who has violated or failed to obey any law or regulation relating to disease control.

95.42 Revocation of permit to test. The tuberculin test shall be applied to cattle only by veterinarians approved by the department. The veterinarian applying such test shall tag and brand all reactors in conformity with the rules and regulations of the department. Any veterinarian who fails to comply with this section and the rules, regulations and instructions furnished by the department, shall forfeit all right to apply the tuberculin test.

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

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

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

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

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

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

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

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

(4) All veterinarians shall use only vaccine provided under federal regulations or produced by or under the direction or supervision of the department in consultation with the college of agriculture. They shall identify the vaccinates as required in sub. (3) and shall record in triplicate on forms prepared by the department such infor-

mation as it requires. The veterinarian shall transmit one copy of such record to the department within 15 days, one copy to the owner of the animals, and he shall preserve one copy for his own file.

(5) The term "official vaccinate" as used in this chapter means any animal officially reported to the department as having been vaccinated by an approved veterinarian at such age and in accordance with such procedures as the department prescribes and which was properly tattooed at the time of vaccination as required by law or the rules of the department.

(6) Official vaccinates need not be identified as reactors until they are past 30 months of age unless there is other evidence of infection in the herd.

95.48 Brucellosis indemnity restrictions.

(1) No indemnity for Brucellosis shall be paid:

(a) On steers.

(b) On any animal unless reactor tagged and permanently marked as required by department regulation and unless the claim is accompanied by such proof, as the department may require, of (1) slaughter within the time limited, (2) actual salvage and (3) cleaning and disinfection of the premises.

(c) On any animal vaccinated against brucellosis, other than official vaccinates, unless it can be established that such animal, subsequent to vaccination, returned to a negative status as established by a negative test conducted not less than 30 days prior to the test on which the claim is based but more than 30 days after vaccination.

(d) Except as provided in sub. (2), on any animal which was a member of a herd into which was introduced any animal which failed to first pass a completely negative brucellosis test prior to movement as required by s. 95.49.

(e) Except as provided in sub. (2), on any animal other than an official vaccinate which was a part of a herd any member of which, when above the maximum qualifying age for official vaccination, was treated with any biological product containing *Brucella* organisms.

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

95.49 Movement; sale. (1) It is unlawful for any person to sell or move from one place to another any bovine animal unless it is accompa-

nied by a report of complete negative Brucellosis test conducted within 30 days prior to movement, but this paragraph shall not apply to the following:

(b) Calves under 8 months of age, spayed heifers and steers.

(c) Official vaccinates not over 30 months of age without history of abortion if accompanied by an official calthood vaccination report.

(d) Animals consigned directly to slaughter establishments and shipped in conformity with department regulations.

(e) Animals which are moved for exhibition purposes when accompanied by a report of a negative Brucellosis test conducted within 90 days.

(f) Animals from herds certified to be Brucellosis free by the department, if accompanied by a report of negative Brucellosis test of the entire herd, conducted within 12 months.

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

(h) Animals not known to be reactors moved to the premises of a livestock market or dealer licensed and inspected under s. 95.70, for sale and removal as provided in sub. (4).

(i) Animals remaining on the farm premises following changes in ownership or operation of the farm.

(j) Female cattle of recognized beef breeds moved under rules of the department to approved feed lots maintained exclusively for the feeding of such cattle prior to slaughter.

(3) Except as provided in subsection (1), it shall be unlawful for the lessor of any farm premises to permit any of the bovine animals on such farm to be commingled with bovine animals belonging to a tenant thereof unless such animals have passed a negative test for Brucellosis conducted within the last previous 30 days. Violation of this subsection shall constitute cause for rescission of the lease of such farm by the tenant.

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

(5) This section shall not be construed to authorize the movement of any animals in violation of any other provision of ch. 95 or of any quarantine or animal health regulation issued by the department as authorized by law.

95.495 Herd sales; test. (1) No person shall offer for sale or sell one-third or more of the bovine animals of any herd except to a

slaughtering establishment unless all of the animals offered for sale have passed a negative test for tuberculosis within 30 days prior to such sale, except no such test shall be required if the animals are from a herd all animals of which have passed a negative test for tuberculosis within 12 months of the date of sale. A copy of the record of either such tests shall accompany the animals sold.

(2) "Accompanied" means that such record shall be delivered to the person acquiring title or possession at the time possession is transferred.

(3) In the event there are tuberculosis reactors found in such herd no quarantine of the herd shall be imposed if all reactors are disposed of by slaughter, the post-mortem discloses no visible lesions of tuberculosis in any of such reactors, and the remaining cattle in such herd are healthy in the opinion of the attending veterinarian.

(4) Failure to deliver records required by this section shall not invalidate an otherwise valid contract of sale.

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

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

municable diseases may be transported to and disposed of under such regulations as are prescribed by the department.

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

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

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

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

(a) Is sold under a name, brand or trade-mark which is misleading or deceptive;

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

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

1. The common name in English of all ingredients;

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

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

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

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

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

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

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

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

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

95.67 Proper use of animal care and disease control products. No person may use chemical, biological or disease control products in the treatment or care of food producing animals without substantially complying with instructions, warnings and directions for use on the product label. No animal or food product including milk of the animal shall be marketed for processing or use as food prior to the time specified on the label of a product used in the treatment or care of the animal. This section applies neither to licensed veterinarians who prescribe or administer drugs in conformity with federal restrictions nor to persons using drugs in a manner prescribed by a licensed veterinarian. This section shall not prevent a farm-

er from administering animal disease control products to livestock in compliance with instructions on the product label.

History: 1971 c 240.

95.69 Penalties. (1) Any person who shall violate any of the provisions of this chapter for which a specific penalty is not prescribed shall, for the first offense, be fined not more than \$200 or imprisoned not more than 6 months or both; and for any subsequent offense fined not less than \$200 nor more than \$500, or imprisoned not less than 30 days nor more than 6 months or both.

(2) Whoever violates s. 95.28 or 95.29 may be fined not less than \$500 nor more than \$5,000, or imprisoned not more than 5 years, or both.

95.70 Livestock dealers', truckers' and market licenses. (1) **DEFINITIONS.** In this section:

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

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

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

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

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

(4) **PENALTIES.** Any person violating any provision of this section or any rule or regulation of the department issued thereunder shall for the first offense be fined not more than \$200 or imprisoned not to exceed 6 months or both, and upon a second conviction within 3 years he shall be fined \$200 or imprisoned not to exceed 6 months or both. Any person conducting a business regulated by this section after revocation of his license shall be fined \$200 or imprisoned not to exceed 6 months or both.

95.72 Rendering plants. (1) **SCOPE AND DEFINITION.** (a) A dead animal within the meaning of this section is any dead animal not slaughtered as food for animals or man, or if slaughtered for food, becomes unsuitable for such use, and includes all parts of a dead animal and all inedible by-products of animals slaughtered or processed as food.

(b) Subject to subs. (10) (a) and (11), this section shall not apply to a slaughtering establishment licensed under s. 97.30 or 97.42 or a federally inspected packer of meat products rendering or disposing of offal or dead animal parts resulting from its own operations only; a manufacturer of animal feed subject to s. 94.72 if offal or waste parts not used in his animal food products are disposed of by a renderer licensed under this section; the operator of a fur farm collecting dead animals or parts thereof as feed for his fur-bearing animals located on his farm or ranch; or persons feeding public or commercial garbage to swine under permit from the department. No dead animals or parts thereof collected by the operator of a fur farm or a permittee feeding garbage to swine shall be resold except to a renderer licensed under this section and no offal or waste parts of animals slaughtered for feed for fur farms and canning factories manufacturing dog and cat food may be disposed of by anyone other than a licensed renderer or by burial.

(2) **DISPOSAL OF DEAD ANIMALS; LICENSE.** No person shall engage in the business of collecting or disposing of the bodies of dead animals or parts thereof without first obtaining a license for such purpose from the department.

(3) **DISPOSAL OF DEAD ANIMALS.** Any person who receives from any other person the body of any dead animal for the purpose of obtaining the hide, skin, grease, meat, bones, or parts thereof from such animal unless in a finished form commonly known as meat scraps, in any way whatsoever, is deemed to be engaged in the business of disposing and rendering of the bodies of dead animals or parts thereof.

(4) **LOCATION.** No person shall erect a rendering plant within one-eighth mile of a dwelling, business building or public highway, but no plant need be discontinued because a highway is relocated to come closer than one-eighth mile of any existing plant.

(5) **APPLICATION FOR LICENSE; FEE.** (a) Application for license shall be made on forms provided by the department and shall be accompanied by an inspection fee of \$25. On receipt of such application the department shall inspect the premises in which the applicant proposes to conduct such business. No license shall be issued unless the department finds that the premises comply with the requirements hereof and that the applicant is a responsible and suitable person.

(b) The license fee is \$100 annually and all licenses shall expire on January 31 of each year. No license shall be issued or renewed until such license fee is paid. No inspection fee shall be required upon application for renewal of license.

(c) If the department finds that the applicant's premises do not comply with the requirements of this section or with the rules of the department, it shall notify the applicant wherein the same fails to so comply. If within a reasonable time to be fixed by the department, but not more than 90 days thereafter, the specified defects are remedied, the department shall make a second inspection and proceed therewith as in the case of an original inspection. Only 2 inspections need be made under one application.

(d) In case such applicant is refused a license, the fee paid by him shall not be refunded.

(e) In case of transfer of ownership of rendering plant property and business, the new owner shall make application to the department on forms provided by it for a license, and said application shall be accompanied by a fee of \$25, and in such case there shall be no prorating of the license fee.

(6) **DISPOSAL PLANTS; SPECIFICATIONS.** Each new plant and additions to existing plants for the carrying on of said business shall be constructed of brick, stone, concrete block or concrete throughout to the satisfaction of the department. Dissecting floors shall be constructed of such material and in such manner as meets

the approval of the department. Buildings used for storage of finished products may have wooden floors. All disposal plant buildings shall be provided with sewerage facilities and floor drains and be thoroughly sanitary.

(7) **MANNER AND TIME OF DISPOSITION.** The following requirements shall be observed in the disposal of such dead animals or parts thereof. All cooking shall be done in closed steel vessels by the dry-rendering process, and the department shall make rules regulating the equipment and operation of such plant, and for the disposal of vapors, odors, gases, sewerage and waste matters so as to prevent the creation of a nuisance. All dead matter shall be disposed of within 24 hours after it is deposited in the plant. All skinning and dismembering of bodies shall be done within such building.

(8) **RULES.** The department may make rules for the carrying on and conducting of such business.

(9) **ANNUAL INSPECTION; REVOCATION OF LICENSE.** Each place licensed under this section shall be inspected at least once each year, and as often as the department deems necessary to assure that the licensee conducts his business in conformity with this section and the rules of the department.

(10) **TRANSPORTATION OF DEAD ANIMALS.** (a) Except as provided by s. 95.50, no person other than persons licensed or specifically exempted from a license under this section shall transport dead animals or parts thereof on public highways in this state, and no person other than a licensed renderer or his employes may haul and transport the bodies of dead animals which have died or were accidentally killed. Dead animals or parts thereof shall be completely covered by a tarpaulin or canvas unless otherwise transported in a closed truck or container. Trucks or containers used for such transportation shall be leakproof to prevent spillage or the dripping of liquid waste.

(b) Each truck, trailer or other vehicle employed by a licensed renderer in the transportation of dead animals or parts thereof shall carry a vehicle permit issued by the department showing the renderer's name, license and vehicle permit number, the name and address of the owner of the truck or vehicle, the location of plant and truck stations, or such other information as the department may by rule require.

(c) No person shall own or operate a truck station for the unloading or reloading of dead animals or parts thereof for redelivery to a rendering plant other than a licensed renderer. Such station shall be constructed of concrete, stone, brick or concrete blocks and shall be maintained

and operated according to rules prescribed by the department. Water and sewerage facilities shall be provided on the premises. Such station shall be used only for unloading or reloading dead animals or parts thereof from one truck or vehicle to another for delivery to the rendering plant and may not be used for dissecting animals or for any other purpose. No truck station shall be constructed or established in this state without a permit from the department.

(d) Dead animals or parts thereof, raw or un-rendered, except green or salted hides, shall not be transported into or out of this state except by reciprocal agreement with adjoining states providing for the issuance of vehicle and truck station permits to licensed renderers. Holders of reciprocal permits shall be subject to this section and rules of the department.

(e) Healthy animals, freshly killed and bled for feed for fur farms and canning factories manufacturing dog and cat food, may be shipped into this state, but the entrails or other waste parts thereof shall not be shipped into this state.

(f) No dead animals or parts thereof shall be removed from the premises of a stockyard except by a licensed renderer, but the operator of a stockyard may remove such dead animals directly to the premises of a licensed renderer in trucks owned by him, subject to the requirements of par. (a). This section shall not apply to livestock truckers in cases where animals have died in transit.

(11) HOG FARMS. No hog or pig farm shall be permitted to be operated in connection with a rendering plant and it shall be unlawful for the operator of any rendering plant to feed any parts of dead animals in the raw or unfinished state to animals that are used for human consumption.

(12) PENALTY FOR VIOLATION. Any person, firm or corporation violating any of the provisions of this section, or any of the rules of the board adopted pursuant to this section, or operating a rendering plant without a license, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for a period

of not more than 6 months or by a fine of not less than \$25 nor more than \$500, or by both such fine and imprisonment, and said plant may be ordered discontinued by the department.

(13) MISREPRESENTATION. It is unlawful for any person to represent by name or otherwise that he is a renderer or engaged in the rendering business, unless he is licensed under this section or, as an agent or employe of a licensed renderer, does business only in the name of such renderer.

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

(a) "Slaughterer" means any person operating a slaughterhouse licensed under s. 97.30 or 97.42, or registered under s. 97.44.

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

(c) "Humane method" means:

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

2. The method of slaughtering, including handling and other preparation for slaughtering, required by or used in connection with the ritual of any religious faith, whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

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

(3) PENALTY. Any slaughterer who by act or failure to act violates sub. (2) shall be fined not more than \$100.

History: 1971 c. 40 s. 93.