



Wisconsin's new dog seller/dealer/shelter law

Clearing Up the Confusion

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE & CONSUMER PROTECTION | DIVISION OF ANIMAL HEALTH

Wisconsin has a new law to protect dogs and the people who buy or adopt them. It requires *some* dog breeders and others involved in dog sales or adoptions to be licensed and inspected. It also requires that dogs be examined by a veterinarian before they are sold or adopted, and prohibits sale of puppies until they are 7 weeks old. This law is now in effect.

Since the law was originally passed, a lot of confusion has arisen, especially among some dog breeders who will not need to be licensed at all. Let's try to clear some of that up, keeping in mind the goals: *humane treatment for dogs and fairness to consumers*.

There's confusion about...	The facts are...
Who must be licensed	<ul style="list-style-type: none"> The law is very specific. You'll need a license only if you are a: <ul style="list-style-type: none"> Dog breeder <i>selling at least 25 dogs a year from at least 4 litters</i> Dog breeding facility <i>selling at least 25 dogs a year from at least 4 litters</i> Dog dealer selling <i>at least 25 dogs a year in Wisconsin</i> Non-profit animal shelter <i>sheltering at least 25 dogs a year</i> Animal control facility that contracts with a city, village, town or county You do not need a license under any other circumstances. There is no plan to extend the law to cover smaller breeders, sporting dog trainers, pet owners or others. The law covers more than "puppy mills" because good breeders come in all sizes and so do bad breeders. All of these businesses and facilities are places where dogs could be mishandled and consumers could be misled.
The need for the law	<ul style="list-style-type: none"> Although there are relatively few animal abuse cases filed in Wisconsin courts against dog breeders selling only 25 dogs a year, the majority of the complaints from consumers and others to our department are about breeders of that size. Complaints most often do not translate into court cases. Law enforcement agencies and district attorneys are often reluctant to take on these cases, which are difficult to prosecute, especially in these times of limited public resources.
Hobby breeders	<ul style="list-style-type: none"> People who are truly hobby breeders do not need to be licensed, because they do not sell enough dogs. The intent of the law is not to regulate <i>businesses</i> for the sake of regulating them. The intent is to regulate <i>activities</i> in order to protect animals and consumers. Even if someone is selling more dogs as part of a "hobby," those animals and the people who buy them need protection. The suggestion that only very large breeders need regulation misses an important point: There are very good large breeders, and there are very bad small breeders. Neither is inherently good or bad. Other laws apply to hobbyists: hobby deer farms must be licensed, hobby beekeepers' hives are subject to inspection, and tax laws apply to income from hobbies.

Rescue groups

- Rescue groups do not need to keep the number of dogs rescued under 25 a year under this law. If they see that as a cap, it is a self-imposed cap. They are free to obtain a license and rescue as many dogs as they can. Their license fee is reduced from that paid by commercial operations.
- Under the law, foster homes used by rescue groups do not need to be licensed, but they are *subject* to inspection. We have been very clear about the fact that we do not intend, nor do we have resources, to inspect every home where dogs are fostered. However, there may be cases when we have reason to believe that conditions in a foster home are not acceptable, and we need the authority to inspect in those situations.

What the standards of care say

- The standards:
 - Do not address breeding practices, other than whelping enclosures.
 - Do not address docking tails or ears, or other similar practices.
 - Are flexible to accommodate different breeds and sizes of dogs.
- The standards address the needs of dogs for:
 - Clean, safe cages or enclosures, that are large enough to allow them to move naturally and that protect them from the elements
 - An adequate supply of clean water and clean, palatable, nutritious food
 - Daily exercise
 - Daily contact with humans and other dogs
 - Veterinary care when they are sick
 - Safe, comfortable transportation
- The standards are similar to those in other states and are what any pet owner would want and expect, both for the sake of humane treatment and to assure receiving a healthy animal.

The makeup and role of the advisory committee

- The law required us to form an advisory committee with up to 12 members to recommend standards for facilities and animal care. It specified what groups would be represented. These standards make up most of the administrative rule, ATCP 16.
 - Although dog breeders will be the largest group of license holders, other organizations and businesses will also need to be licensed. This is why they were represented.
 - Many dog breeders sell just a few dogs a year. They will not be regulated, so they were not represented. They did have other opportunities for input.
 - The committee included four dog breeders; representatives from two humane societies, a dog rescue group and an animal control facility; a pet store trade group; a sport association that works with dogs; and two veterinarians.
- All members had an equal voice on the committee. The goal was to set standards that would protect dogs and consumers, while still being practical and achievable for businesses and organizations. As could be expected, no one got everything he or she wanted in the recommendations.
- The committee was *advisory*. Members' input was considered, along with comments gathered through public hearings and written comments, but ultimately the Department of Agriculture, Trade and Consumer Protection was responsible for writing ATCP 16. The Legislature approved it as written.

The process

- Everyone who has an interest in this new law has had multiple opportunities to provide input.
 - It was well-publicized as it went through the Legislature, so citizens could send comments to their legislators, and there was a public hearing on the bill.
 - The advisory committee members were listed on our website, with email address links so citizens could send comments to them.
 - Once we had drafted ATCP 16, it was posted on our website with multiple means of providing comments. We held five public hearings around the state, and publicized them nearly a month in advance of the first one. At each hearing, we provided a detailed explanation of the standards we were proposing. Many or most of those attending were there to ask questions, which this presentation answered. The majority of those who commented supported the standards. We did make changes to the proposed rule based on public comments.
 - The Board of Agriculture, Trade and Consumer Protection provides time at every meeting for citizens to address concerns regardless of whether the topic is on the agenda, and did take several hours' worth of comments when considering the final draft of ATCP 16.
- Two legislative committees had final say on ATCP 16 and the standards of care, which interested groups posted on their websites. Although some committee members contacted DATCP for more information, they did not see fit to call any further public hearings or make any changes to the rule.

The role of public opinion

- Regulations affect more than just those who are regulated; they exist to serve a public need or desire.
- Prior to passage of this law, the public was frustrated by our inability to protect dogs and the consumers who bought or adopted them, only to find themselves with high veterinary bills and dogs that were unfit to be pets. This led to public calls for action and a legislative response.
- We must consider the needs of the general public along with those of regulated parties when we write laws and administrative rules, because that is why we regulate.

Enforcement

- When inspectors find violations, the license holder is given the chance to correct it. The goal is to solve the problem, not to punish.
- When we can't solve the problem by working with the license holder, we use progressive enforcement, starting with warning letters and conferences. We may move to cease-and-desist orders and license suspensions.
- When inspection reveals a problem that poses an imminent threat to humans or animals, we do take immediate action.
- We do not have authority to issue citations, seize animals, or bring charges in court; we must request local law enforcement agencies to do those things. Going to the sheriff or district attorney is a last resort, unless there is imminent danger to humans or animals.
- Our inspectors are not armed.

Qualifications of inspectors

- DATCP inspectors conducted more than 43,000 inspections in 2009. In addition to more than 700 inspections of animal-related businesses, we inspected dairy plants, meat processors, grocery stores and delis, gas pumps and price scanners, beehives, Christmas tree farms, nursery growers and dealers, pesticide and fertilizer tanks, and animal feed mills.
- The overwhelming majority of these inspections find no violations or minor violations that are easily corrected, and confrontations with license holders are rare. Inspectors are not heavy-handed, and are generally viewed as helpful by businesses that want to do the right thing – which most businesses do.
- Our inspectors are hired for their experience and training in the areas they are inspecting, and may have a law enforcement background as well. They receive initial training in the department's compliance policies and procedures, and ongoing training to keep up with changes in their fields and in the law.
- We have hired inspectors for this program who have knowledge of animal husbandry, veterinary care, animal law, and law enforcement. They do not need to have experience in dog breeding, because they are not inspecting reproductive practices. You do not have to be a dog breeder to evaluate sanitation, space, exercise and socialization for dogs, or to see when they need veterinary care.

Funding this program

- Fees paid by the licensees pay for all costs associated with this program: personnel salaries and benefits, supplies, training, all other administrative costs.
- No general tax funds support this program. If funding falls short, we cannot shift other funds to support it. We would have to make cuts to the program or ask the Legislature to increase the license fees.
- Cost estimates were based on the experience of other states with similar programs.
- Costs may be passed on to consumers. Any additional costs may well be offset by receiving a healthier animal with fewer and lower veterinary bills, and less likelihood of bites and other injuries to humans and less damage to property by poorly adjusted animals.

Cost to businesses and supply of dogs

- Some hobbyist breeders may decide to limit sales to a level where they will not need to be licensed.
- Some breeders may decide to go out of business rather than improve their facilities or change their practices to meet the standards of humane treatment.
- Breeders who have good facilities and practices should not need major investments to meet the new standards.
- License fees range from \$125 a year for non-profit animal shelters to \$1,000 a year for someone selling at least 250 dogs a year. This cost should not be onerous.
- The supply of dogs in Wisconsin is not likely to be affected by this new law:
 - Consumers in other regulated states do not report difficulty finding dogs.
 - It is unlikely that we will ever have a shortage of dogs in general. Most dogs in animal shelters are strays, drop-offs, and unplanned puppies from within our own borders.

Need more information?

- Some shelters do bring in dogs from other states when shelters elsewhere run out of space. These dogs arrive with certificates of veterinary inspection, indicating they have examined by a veterinarian before being adopted out. They do not pose an increased disease risk to in-state breeders' animals.
- Go to <http://datcp.wisconsin.gov>, and look for "Dog sellers and shelters"
- Email DATCPanimals@wi.gov
- Call 608-224-4872