



Requirements for

Dog Sellers and Dog Facility Operators

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

*Wisconsin law requires that some dog breeders and others involved in dog sales, adoptions, and sheltering be inspected and licensed. It also requires that dogs be examined by a veterinarian before they are sold or adopted for a fee, and prohibits sale of puppies until they are 7 weeks old, except under certain conditions. This is a **summary** of the requirements for facilities and animal care that licensees must meet.*

Who needs a license under Act 90

- **Dog breeders** selling at least 25 dogs a year, from more than 3 litters that they have bred
- **Dog breeding facilities** from which at least 25 dogs a year are sold, from more than 3 litters
- **In-state dog dealers** selling at least 25 dogs a year that they did *not* breed and raise
- **Out-of-state dog dealers** who import at least 25 dogs a year into Wisconsin, regardless of whether they bred and raised them
- **Non-profit animal shelters and rescue groups** sheltering/fostering at least 25 dogs a year
- **Animal control facilities** that contract with a city, village, town or county

Who does not need a license under Act 90

- **Licensed veterinarians** who keep dogs in their clinics only when providing veterinary care or treatment
- **A person conducting a one-time liquidation sale** from one location, with 30 days notice to DATCP, if:
 - All dogs kept at location must be offered for sale.
 - There are 30 or fewer dogs owned or kept at the location when the sale starts, or at any time during the sale
 - No other dogs are moved to the location during the sale
 - No other owner sells dogs from the location during the sale
 - The seller was not required to be licensed in the preceding license year, and didn't conduct a liquidation sale the previous license year.
- **Operators of temporary dog markets**, with 10 days notice to DATCP, if they:
 - Provide adequate facilities and take steps to assure humane care
 - Have a certified Wisconsin veterinarian examine dogs daily if the market runs more than one day
 - Gather and keep required information about the sellers and the dogs
 - Allow DATCP to inspect during market hours
- **Boarding kennels, dog groomers, pet owners**

Home custody providers/fosterers

- **Individuals who keep dogs at their homes for a licensed person** do not need to be licensed themselves. However, they may be subject to inspection.
- **Rescue groups and humane societies** that do not operate a shelter, but only send animals to foster homes, must be licensed if they place at least 25 dogs a year in foster homes.

License period

- In this first licensing period, we will issue temporary conditional licenses to applicants, on condition that all locations pass initial inspections. The license posted at each location will be modified after a successful inspection.
- **The first licenses will expire Sept. 30, 2012.** If DATCP inspection determines a licensee does not meet requirements, the license may be voided earlier.
- Thereafter, **licenses will expire Sept. 30 every year.**

Annual fees

- **Animal control facilities and shelters:** Flat fee of \$125
- **Breeders, breeding facilities and in-state dealers** pay according to how many dogs they sell annually:
 - 25-49 dogs: \$250
 - 50-99 dogs: \$500
 - 100-249 dogs: \$750
 - 250 or more dogs: \$1,000
- **Out-of-state dealers:**
 - 25-49 dogs: \$370
 - 50-99 dogs: \$750
 - 100-249 dogs: \$1,125
 - 250 or more dogs: \$1,500
- **Late renewal:** Normal fees plus 20 percent
- **Operating without a license in the previous year:** Normal fees for current license, plus the fee that would have been required the previous year

Inspections

- DATCP may inspect locations listed on the license and other locations where someone else keeps dogs for the license holder. (See Home custody providers/fosterers)
- Except for the initial temporary conditional license, facilities will have to pass inspection before licenses are issued.
- Beginning Oct. 1, 2012, license holders will be inspected once every two years.
- Inspections include dog health, standards of care, and record-keeping.
- License holders may be charged a re-inspection fee of \$150 if DATCP has to return after a routine inspection to verify that violations have been corrected. Licenses will not be renewed without payment of re-inspection fees.

Record-keeping requirements

- **Records in written or readily readable electronic form,** must be kept at least 5 years at the license holder's principal place of business, available to DATCP on request
- **Address** of every location where license holder keeps dogs, the name of the person responsible for administering each location, and the name and address of anyone to whom dogs are consigned for home custody
- **Records required for each dog:**
 - **Health records** including vaccinations, observation and treatment records (regardless of who administered the treatment)
 - **Breed registration records,** if any
 - **Written behavior and socialization plan**

Record-keeping requirements (continued)

- **For all dogs under the license holder's custody or control during the license year**, including those in home custody:
 - Description including breed or type, sex, birth date or approximate age, color, distinctive markings
 - Location where each is kept
 - Any USDA official ID and any other ID tag, tattoo or microchip information available
- **For dogs born under license holder's custody or control**, statement to that effect
- **For dogs not born under license holder's custody or control:**
 - Date license holder acquired the dog
 - Identity of person from whom the license holder acquired the dog, including name, address and USDA facility license or registration number, if any
- **For dogs no longer under license holder's custody or control:**
 - Date the dog left the license holder's custody or control
 - Location which received the dog
 - Name of person who took custody or control, if anyone
 - Copy of any certificate of veterinary inspection that accompanied the dog entering or leaving the licensee's custody

Dog sales and adoptions for fee/certificates of veterinary inspection

- **Dogs less than 7 weeks old** cannot be sold unless accompanied by dam or approved by DATCP in writing.
- *Whenever a licensee sells or adopts out a dog for a fee, a certificate of veterinary inspection must accompany the dog.*
- **Certificates of veterinary inspection (CVI)**
 - If issued in Wisconsin, must be completed and signed by Wisconsin certified veterinarian; if issued for dogs entering Wisconsin, must be completed and signed by a veterinarian accredited by USDA and state of origin
 - CVIs issued in Wisconsin must be on a form provided by DATCP; those issued in other states must be on forms from USDA or state of origin.
 - CVIs will be sold only to veterinarians, not to license holders directly.
 - CVIs must include:
 - Seller's name and address
 - Dog's breed, sex and age
 - Whether dog is spayed, neutered or intact
 - Vaccination records, including name of manufacturer, serial and lot numbers, date of vaccination, and person who administered them
 - For imported dogs, any required information under current import rules, including rabies vaccination information, (These may change based on disease outbreaks and other factors, so before importing, check http://datcp.wi.gov/Animals/Animal_Movement/index.aspx or call 608-224-4872.
 - For intact dogs sold at public auction, documentation of a negative brucellosis test within 30 days before sale
 - Veterinarian must make a statement that they inspected the dogs listed, they show no signs of communicable disease not noted, vaccinations and test results are as indicated, and the CVI is not a warranty
 - Veterinarian's signature and date, within 10 days after he/she examines the dogs

Standards of care:
General

- CVI remains valid for 30 days after completion of the examination.
- Copies to buyer, seller, issuing veterinarian
- **Food and water requirements**
 - Feeding at least once a day, unless health needs demand a different schedule
 - Proper amount and type of nutrition based on age, size, weight, health and condition
 - Uncontaminated and palatable food, stored in clean containers
 - Fluid and uncontaminated water, available all day or as often as necessary to keep dogs well-hydrated
 - Durable, clean, sanitized food and water containers
- **Health and veterinary care requirements**
 - Humane handling, without physical harm or unnecessary injury
 - Daily body, mobility and behavior checks
 - Grooming as often as necessary to prevent abnormal matted hair and overgrown nails
 - Dogs with communicable diseases separated from other susceptible animals
 - Veterinary exams as often as necessary to assure adequate care
 - Timely veterinary care for sick, diseased or injured dogs and when necessary, legal and humane euthanization
- **Exercise requirements**
 - Reasonable daily exercise based on breed, size, age and condition
 - Daily access to an indoor or outdoor area where dogs can run
 - No repetitive unsupervised activity such as running on a treadmill, except for good cause
- **Grouping and separation requirements**
 - Separation into compatible groups
 - Females in estrus kept separated from sexually intact males except for breeding
 - Potentially harmful aggressive dogs kept separate from other dogs
 - Puppies under 4 months kept separate from all adults except dam or foster dam, unless under direct supervision
- **Behavior and socialization requirements**
 - Daily, full-body physical contact with other compatible dogs, unless there's good cause to avoid it
 - Daily positive human contact besides feeding time
 - Safe toys in the primary enclosure, unless there's a good cause to remove them
 - Written plan for meeting these requirements, with instruction to employees and agents
- **Veterinary care**
 - DATCP may require a license holder to have a licensed veterinarian examine a dog that shows signs of illness, injury or neglect.

Primary Enclosures

Standards of care: Indoor primary enclosures

- *Must be at least 12 inches taller than the standing height of the tallest dog in it*
- **For multiple dogs that get at least 30 minutes of exercise a day**, required floor space is determined by size of the largest dog, measured from the tip of the nose to the base of the tail, and by the size and total number of dogs in the enclosure
 - *First calculate size needed for the largest dog in the enclosure:*
 - Largest dog up to 10 inches nose to tail, 4.5 square feet
 - Largest dog 11-16 inches nose to tail, 8 square feet
 - Largest dog 17-22 inches nose to tail, 12 square feet
 - Largest dog 23-26 inches nose to tail, 18 square feet
 - Largest dog 26-30 inches nose to tail, 24 square feet
 - Largest dog more than 30 inches nose to tail, 30 square feet
 - *Then add this much space for each additional dog:*
 - Each dog up to 10 inches nose to tail, 3.375 square feet
 - Each dog 11-16 inches nose to tail, 6 square feet
 - Each dog 17-22 inches nose to tail, 9 square feet
 - Each dog 23-26 inches nose to tail, 13.5 square feet
 - Each dog 26-30 inches nose to tail, 18 square feet
 - Each dog more than 30 inches nose to tail, 22.5 square feet
 - Every dog in the enclosure needs 30 minutes of exercise daily in an indoor or outdoor area big enough for the dog's size and temperament, considering the number of dogs using the area at the same time, and big enough to allow dogs to run.
- **For one dog that gets at least 120 minutes of exercise a day**, floor space requirements depend on the dog's size:
 - Up to 10 inches nose to tail, 4 square feet
 - 11-16 inches nose to tail, 6 square feet
 - 17-22 inches nose to tail, 10 square feet
 - 23-26 inches nose to tail, 14 square feet
 - 27-30 inches nose to tail, 18 square feet
 - More than 30 inches nose to tail, 20 square feet
 - The dog needs 120 minutes of exercise daily in an indoor or outdoor area big enough for the dog's size and temperament, considering the number of dogs using the area at the same time, and big enough to allow the dog to run.
 - *These space requirements are for an enclosure containing only one dog. If multiple dogs are in the enclosure, it needs to meet the space requirements for dogs getting at least 30 minutes of exercise, even if they get 120 minutes or more.*
- **Whelping enclosures** are primary enclosures for a single whelping dam and her puppies. Requirements differ from those for general primary enclosures. Whelping enclosures must:
 - Have a solid floor where the puppies are kept
 - Be an appropriate type for the breed
 - Be tall enough for the dam to stand normally and comfortably
 - Be large enough for the dam to stretch out so all puppies can nurse at the same

**Standards of care:
Indoor primary
enclosures
(continued)**

- time, and large enough for the number and temperament of the puppies
- Include an area where the dam is not accessible to the puppies (solid floor not required in this area)
- **Nursery enclosures** are primary enclosures for puppies between weaning and 4 months. They must be large enough to allow all the puppies to turn around, stand up, lie down, and move normally, and to encourage socialization and exercise.
- **Temporary enclosures for one dog** do not have to meet primary enclosure size standards if:
 - Only one dog is in the enclosure at a time
 - The dog is in the enclosure for 12 hours a day or less
 - The enclosure is large enough to accommodate the length of the dog's body from tip of the nose to base of the tail
 - The dog can stand normally and comfortably, turn around, and lie down.
- **Floors and interior surface requirements**
 - Dirt floors prohibited
 - Floors and other interior surfaces must be built and maintained to keep dogs clean, dry and safe, and must be regularly cleaned and sanitized.
 - Metal wire mesh floors are allowed if:
 - The wire is coated to prevent injury to dogs' feet
 - The wire is a heavy enough gauge to prevent sagging and injury to dogs' feet
 - Openings in stainless steel or wire mesh floors must be small enough to prevent the smallest dog's feet from going through or becoming entangled
- **Stacked primary enclosure requirements**
 - Floor of top enclosure 52 inches or less from the floor of the room
 - Stacking arrangement that allows for safe dog handling, adequate ventilation and temperature control, easy cleaning and sanitization, and easy inspection
 - Fully ventilated front and solid floor that is easy to clean and sanitize in each stacked enclosure
 - Stacked enclosures stable when filled to maximum capacity
 - No feces, urine, dirt or debris falling from higher enclosures to those below
- **Lighting, temperature and ventilation requirements**
 - Enough natural or artificial light on a day-night cycle to assure proper care, maintenance and inspection of the facility and the dogs
 - Heating and cooling based on the ability of breed to adjust to temperature changes, with protection from heat, cold and humidity that may harm the dogs' health
 - Adequate ventilation with fresh or filtered air to minimize odors, drafts, ammonia levels and condensation
 - Indoor-outdoor air exchange required
- **Cleaning and sanitizing requirements**
 - Feces removed from primary enclosures and other holding areas at least once a day and more often if necessary for dogs' health and comfort
 - Primary enclosures and other holding areas cleaned and sanitized as often as necessary to keep them free of accumulated dirt, debris and disease hazards
 - Primary enclosures cleaned and sanitized before new dogs placed in them
 - Dogs removed from enclosures and holding areas before cleaning and sanitizing and

**Standards of care:
Indoor primary
enclosures
(continued)**

not returned until the area is dry

- Clean, dry, breed-appropriate bedding or solid resting place appropriate for breed, age, and condition, unless other arrangements are necessary for dog's health and safety

**Standards of care:
Outdoor primary
enclosures**

- **Dogs kept outdoors must be:**
 - Able to tolerate temperatures and conditions based on breed, age, health, and condition
 - Acclimated to the temperatures that may occur
- **Minimum area**, not including any dog shelter, is determined by size of the largest dog, measured from the tip of the nose to the base of the tail, and by the size and total number of dogs in the enclosure.
 - *First calculate size needed for the largest dog in the enclosure:*
 - Largest dog up to 10 inches nose to tail, 4.5 square feet
 - Largest dog 11-16 inches nose to tail, 8 square feet
 - Largest dog 17-22 inches nose to tail, 12 square feet
 - Largest dog 23-26 inches nose to tail, 18 square feet
 - Largest dog 26-30 inches nose to tail, 24 square feet
 - Largest dog more than 30 inches nose to tail, 30 square feet
 - *Then add this much space for each additional dog:*
 - Each dog up to 10 inches nose to tail, 3.375 square feet
 - Each dog 11-16 inches nose to tail, 6 square feet
 - Each dog 17-22 inches nose to tail, 9 square feet
 - Each dog 23-26 inches nose to tail, 13.5 square feet
 - Each dog 26-30 inches nose to tail, 18 square feet
 - Each dog more than 30 inches nose to tail, 22.5 square feet
- **Construction requirements**
 - Built and maintained to prevent escape
 - Any roof or overhead screen at least 12 inches higher than standing height of tallest dog
- **Dog shelter requirements**
 - Accessible by all dogs in the enclosure
 - Made of durable material with four sides, a roof and a flat solid floor
 - One shelter big enough to accommodate all dogs without crowding, to allow the tallest dog to stand normally and comfortably, and to allow all dogs to turn around and lie down, *or*
 - Multiple shelters that together provide enough space for these conditions and activities
 - Built to prevent injury, allow all dogs to hold or give off enough body heat for health and comfort, stay dry and clean, and protect from predators
- **Shade and wind break**, other than the dog shelter, required adequate to accommodate all dogs in the enclosure
- **Outdoor tethering permitted** only if:
 - Dog is of a breed, age, health, and condition that can tolerate tethering
 - Dog can easily enter and lie down in the dog shelter

**Standards of care:
Outdoor primary
enclosures
(continued)**

- Dog is not pregnant or nursing pups
- Tether is at least 6 feet long and longer if necessary for the size of the dog, has an anchor swivel, cannot become entangled with anything, and is attached to a non-tightening collar or harness large enough for the dog
- **Outdoor tethering prohibited** at animal shelters or control facilities for more than 4 hours a day meeting above conditions, with a responsible person present
- **Run or exercise area requirements**
 - Access at least 30 minutes a day
 - Large enough for the dog's size and temperament, considering the number using the area at the same time, and so the dog can run
 - Shade area big enough for all dogs using the exercise area
 - Shelter not needed unless the area is also the primary enclosure
- **Maintenance**
 - Feces removed at least daily
 - Pests and parasites controlled as necessary to maintain health and comfort
 - Clean, dry, breed-appropriate bedding or solid resting place appropriate for breed, age, and condition, unless other arrangements are necessary for dog's health and safety

Transporting dogs

- **Portable enclosure requirements**
 - Water-resistant and cleanable material with ventilation, designed to keep all dogs inside clean, dry and safe
 - Securely closed when in use
 - Cleaned and sanitized between use for different dogs, and more often as necessary
 - Secured to prevent reasonably foreseeable movement that could injure dogs, and positioned to provide enough air for all dogs to breathe normally, to keep the entrance accessible for emergencies, to protect all dogs from the elements, and to prevent excreta from falling on dogs
- **Care during transport**
 - Protect at all times from hypothermia or hyperthermia, including use of heating or cooling if necessary.
 - Enough room for each dog to turn, stand and lie down, except if dogs are transported during a dog trial, dog training or hunting.
 - Food and water according to "General standards of care" listed above
 - Separate incompatible dogs.
 - Visually inspect each dog every 4 hours.
 - Remove each dog from the vehicle at least every 12 hours, and allow to urinate, defecate and exercise unless the vehicle is equipped to meet those needs.
 - Remove dogs from the vehicle in a timely fashion at the destination
- **Transport vehicle requirements**
 - All dogs need fresh or filtered air, without injurious drafts
 - Dog cargo space built and maintained to minimize exhaust fumes seeping in

Prohibited conduct

- License holders, their employees or their agents may not:
 - Interfere with a DATCP inspection or assault an inspector
 - Fail to produce evidence or records requested by DATCP, without just cause
 - Misrepresent a dog's breed or pedigree
 - Move a diseased dog in violation of current laws
 - Conceal or misrepresent disease status or knowingly commingle exposed or diseased dogs with other dogs
 - Knowingly accept dogs from someone not properly licensed, unless that person accepted the dogs to protect them and promptly reported the acceptance to DATCP

Need more information?

- Go to <http://datcp.wisconsin.gov>, and look under "Animals" button
- Email DATCPanimals@wi.gov
- Call 608-224-4872



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