



State of Wisconsin
2011 – 2012 LEGISLATURE



LRB-1798/2
RCT:nwn&med:jf

2011 BILL

1 **AN ACT** *to repeal* 173.41 (3) (a) 1.; and *to amend* 173.41 (1) (b), 173.41 (1) (c),
2 173.41 (1) (d), 173.41 (1) (e) and 173.41 (1) (f) of the statutes; **relating to:** the
3 thresholds for regulation of persons who sell dogs or operate animal shelters.

Analysis by the Legislative Reference Bureau

Current law requires certain persons who sell dogs or operate animal shelters or animal control facilities to be licensed by the Department of Agriculture, Trade and Consumer Protection (DATCP). Persons who are required to be licensed must comply with standards of animal care that are specified in the law. Under current law, a dog breeder or a person who sells but does not breed dogs (dog dealer) is generally subject to licensing if he or she sells 25 dogs in a year. A person who operates an animal shelter that shelters at least 25 dogs in a year is subject to licensing.

Under this bill, a dog breeder or dog dealer must sell 50 or more dogs in a year to be subject to the requirement to obtain a license from DATCP. Under the bill, a person operating an animal shelter must shelter at least 100 dogs in a year to be subject to the licensing requirement. The bill also reduces the positions that are authorized to DATCP for the regulation of persons who sell dogs or operate animal shelters.

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

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

SECTION 1. 173.41 (1) (b) of the statutes is amended to read:

173.41 (1) (b) “Animal shelter” means a facility that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, that is used to shelter at least ~~25~~ 100 dogs in a year, and that is operated by a humane society, animal welfare society, animal rescue group, or other nonprofit group.

SECTION 2. 173.41 (1) (c) of the statutes is amended to read:

173.41 (1) (c) “Dog breeder” means a person who sells ~~25~~ 50 or more dogs in a year that the person has bred and raised, ~~except that “dog breeder” does not include a person who sells 25 or more dogs in a year that the person has bred and raised if all of those dogs are from no more than 3 litters.~~

SECTION 3. 173.41 (1) (d) of the statutes is amended to read:

173.41 (1) (d) “Dog breeding facility” means a place at which dogs are bred and raised and from which ~~25~~ 50 or more dogs are sold in a year, ~~except that “dog breeding facility” does not include a place at which dogs are bred and raised and from which 25 or more dogs are sold in a year if all of the dogs that are sold in a year are from no more than 3 litters.~~

SECTION 4. 173.41 (1) (e) of the statutes is amended to read:

173.41 (1) (e) “Dog dealer” means a person, other than an out-of-state dog dealer, who sells, distributes, or trades, or offers for sale, distribution, or trade, ~~25~~

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1 50 or more dogs in a year that the person has not bred and raised or who operates
2 an auction at which 50 or more dogs are sold or offered for sale in a year.

3 **SECTION 5.** 173.41 (1) (f) of the statutes is amended to read:

4 173.41 **(1)** (f) “Out-of-state dog dealer” means a person who is not a resident
5 of this state who brings ~~25~~ 50 or more dogs into this state for sale in this state in a
6 year.

7 **SECTION 6.** 173.41 (3) (a) 1. of the statutes is repealed.

8 **SECTION 7. Nonstatutory provisions.**

9 (1) POSITIONS. The authorized FTE positions for the department of agriculture,
10 trade and consumer protection are decreased by 3.0 PR positions funded from the
11 appropriation under section 20.115 (2) (j) of the statutes to reduce the staffing for the
12 regulation of persons who sell dogs or operate animal shelters.

13 **(END)**