State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

Hearing Testimony
Senate Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection and Assembly Committee on Consumer Protection and Personal Privacy
Thursday, January 10, 2008
11:00 AM
GAR-413 North, State Capital

Chairmen Wirch and Lothian and Committee Members:

I am Dr. Yvonne Bellay, the State Humane Officer and staff epidemiologist with DATCP, Animal Health. The Department of Agriculture, Trade and Consumer Protection is testifying today in opposition to companion bills SB 308 and AB 567. Although the department believes that legislation addressing the regulation of pet facilities is sorely needed in Wisconsin, we do not feel that these proposals present a workable solution to the problems.

Current Situation

Currently in Wisconsin there is no state regulation, licensing or inspection of what can be referred to as "pet facilities". This would include breeders, kennels, pet stores, catteries, shelters, or pounds. This complete lack of regulation puts Wisconsin in the minority of states. At least 27 states have some form of regulation including the surrounding states of Iowa, Michigan, and Illinois, and proposed legislation is currently in the legislature in Minnesota.

The only law in place at this time is a criminal statute, Chapter 951, Crimes Against Animals. Because this is a criminal statute, it specifies only the minimum standards of care that must be provided to an animal before an owner or responsible person can be found guilty of a crime. Typically, conditions are quite bad and there are considerable animal welfare problems before a jurisdiction is willing to prosecute under this statute.

Also, contrary to a common misperception, the USDA does not regulate the vast majority of breeders and kennels within the state. That agency regulates only those facilities that meet very specific criteria, such as selling puppies wholesale. According to the current USDA-Animal Care web site, the agency regulates only 72 kennels in Wisconsin.

Proposed Legislation

SB 308 and AB 567 as amended would require a person who breeds dogs and sells 50 dogs in a year to be licensed by DATCP. It requires DATCP to establish by rule minimum standards of care for facilities that must be licensed.

In order for a facility to obtain a license from DATCP it must hold a seller's permit from the Department of Revenue and submit an affidavit stating that the commercial dog breeder complies with DATCP's rules.

The remainder of the proposal sets forth the specifics of a "puppy lemon law".

Problems with Proposal

- No pre-licensing or routine inspection of licensed facilities is required or even permitted.

A license is issued based only upon an affidavit from the person seeking the license. Consequently, DATCP is required to issue a license to a facility it has never seen regardless of the actual conditions. In addition, for the general public, the DATCP license implies that the department has verified the conditions of the facility and the animals, and can assure the consumer that they can purchase the animal with confidence. This will not be the case.

This is currently a completely unregulated industry with no oversight, no consistent husbandry standards or no requirement to notify any agency that they exist. Conditions and standards range from excellent to deplorable. A pre-licensing inspection is the only way to assure the public that the DATCP license has any integrity, and routine inspections are the only mechanism to make sure that facilities are maintaining acceptable standards of care.

Pre-licensing and routine inspections are a way to educate facility operators and correct any substandard conditions and situations before they deteriorate. This will not be possible under this proposal. The first contact the kennel operator will have with DATCP will be the result of a problem or complaint.

- Proposal allows complaint-based inspections only.

Complaint-based programs do not work and result in responding to one problem or disaster after another rather than operating a preventative program based upon maintaining acceptable standards of care. A recent good example of this is the State of Nebraska, where legislation passed in 2000 created a complaint-based program. It quickly became apparent that the system did not work. Consequently, in 2007 a new law was passed that provided staffing for a complete inspection program. Even as Nebraska faced tight fiscal constraints like Wisconsin's, the state was able to make the necessary changes and appropriately fund the program. .

We routinely receive numerous complaints regarding kennels, breeders and other pet facilities, and we anticipate an increase in this number if the public assumes that we are responsible for regulating the facilities. I think is fair to say that I probably receive more of these complaints than any other individual in the state. I received three phone complaints and two email complaints during just Monday and Tuesday of this week, and each complainant was incredulous that the department did not regulate and inspect these facilities. Because under this proposal

there will be no way of determining whether the facility should be licensed, whether the complaint is legitimate or not, or the severity of the problem without making an inspection, every complaint will need an investigation and inspection.

Currently, animal welfare complaints are directed to law enforcement or local humane officers, if appointed, to enforce the law. In some situations these complaints are given low priority for a variety of reasons. Under this proposal law enforcement is given the option of whether or not to respond to a complaint and can instead send all of the complaints to DATCP. This situation will also potentially greatly increase the number of inspections to be done.

There will be instances where DATCP-AH responds to a complaint and finds substandard or even deplorable conditions but that the facility does not meet the criteria for licensing. We will have no authority to address the problem. This will result in continued animal welfare problems and very bad public relations.

In addition, there is currently an increase (possibly in response to potential regulation) in breeders who contract with individuals to sell litters of puppies out of their homes. In this way buyers see one litter sold out of a home and assume they are buying a home raised pup. The buyer never sees the actual conditions that the pups were raised in and would have no reason to file a complaint, regardless of how bad those conditions may be.

- No additional resources are provided for DATCP-AH to run the program.

It is unrealistic to assume a program of this size could be handled with existing resources. Animal Health employs 8.0 full time state funded inspectors and 4.0 full time state funded compliance staff for all animal health compliance, ranging from deer farms to disease trace-backs. Due to current workload issues, DATCP-AH has a backlog of cases, and we have been forced to prioritize cases. With limited resources complaints are prioritized so that disease issues with animal and human health implications are addressed first. Adding the additional complaint investigations to the existing cases will make immediate or timely responses difficult or impossible.

Inspections of problem facilities are generally extremely time consuming initially, and often require multiple re-inspections to ensure compliance.

Licensing requires resources, both human and technology related. A database to hold the licenses and report data will need to be established, information will have to be entered into the system, applications for new licenses will have to be sent out, and applications and renewals will have to be processed. In addition, complaints on facilities will need to be tracked.

- Threshold for regulation is very high.

By limiting licensure requirements to those who sell 50 or more dogs per year, a very large percentage of the problems will not be addressed. Although there has been a great deal of press regarding large "puppy mills", the majority of complaints I receive involve breeders who sell smaller numbers of dogs and would not be affected by this legislation. Those with 10 dogs in the basement are often more of a problem than large breeders.

Finally, the comments have been made that any legislation is better than nothing and that imperfect legislation can't make things worse. Unfortunately, the current situation would be made worse, since there would be ineffective regulation and the general public would be led to believe that the problems have been solved. Consequently, DATCP opposes the current proposal.

Wisconsin Hunters Rights Coalition

Wisconsin Chapters of Safari Club International
Wisconsin Bear Hunters' Association
Wisconsin Chapters of National Wild Turkey Federation
National Rifle Association
US Sportsmens Alliance
Sporting Heritage Inc

MEMBERS OF THE WISCONSIN LEGISLATURE

January 8, 2008

OUR POSITION ON SB 308

The Hunters Rights Coalition is very concerned about over regulation of our hunting heritage. Many of our Wisconsin hunters use dogs in the pursuit of their sport and any regulation of dogs, if not done correctly, could become a further deterrent to hunting. This, at a time when hunter numbers are steadily declining.

At the same time, we love our dogs! So we do not want to see inhumane treatment of dogs and have been involved in this issue of puppy mills for several years now.

We appreciate the authors of this bill for listening to our concerns and addressing some of them in the substitute amendment (LRBs0180/1). It was particularly important that the term "8 breeding females" as this would have defined many hunters as commercial breeders.

We still have a concern with Section 6 which gives DATCP the ability to promulgate rules on facilities standards. Although these rules would only apply to commercial breeders initially, you all know that they would, over time, become the de facto standard for humane care for any dog.

Representative Weickert has assembled a working group on the puppy mill issue and it has become obvious to us that many advocates for dogs do not share our understanding of what is means to treat a dog humanely.

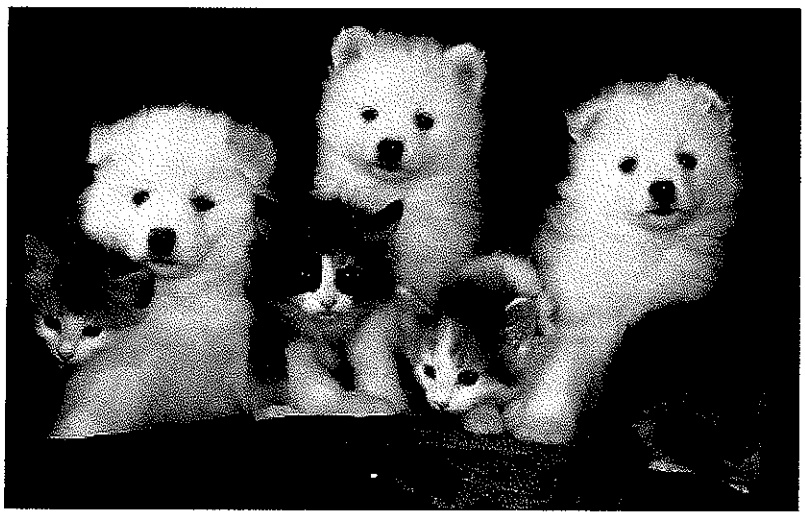
We cannot support this measure until the rule-making language is removed or clarified. One solution would be to write the standards in the bill rather than leave that work to the department.

We trust the legislature to do the right thing when it comes to recognizing the many ways that owners can treat their dogs humanely. But we are not prepared to cede this authority to unelected staff at DATCP.

We look forward to continuing to work with the authors and the full legislature to successfully address the issue of puppy mills, while not adversely affecting the rights of everyday hunters.

Thank you.

FOR MORE INFORMATION CONTACT: Bob Welch, 608-819-0150



1-10-08+
Dear Legislators:

Regarding Wisconsin Senate Bill 308 and Assembly Bill 567
As a breeder, I am very concerned about these 2 bills. I'm personally exempt from the inspection part of the bill as written. I'm not exempt from my tax money being used to enforce these bills. I'm not exempt from the lemon law portion.

It cost Dane County more than $200,000 when they seized 48 pitbulls. in 2006/07. What is it going to cost when the state seizes 500 dogs?
The animal rights activists have targeted Pretty Penny Kennels, owned by Gerald Schultz, for 10 years. Schultz had 500 adult dogs in 2003. He sold 1500 pups at retail that year. Is the State of Wisconsin prepared to pay 2 MILLION for the care of 500 dogs?

After the animal rights activists are done with Schultz, they will move on to other smaller retail kennels. The State of Wisconsin can plan on spending 100's of thousands for years, on confiscating, housing, & caring for these breeding dogs. The owners who have their business's & lives destroyed, then can apply for fuel assistance, food stamps, & anything else the state wants to give them with our TAX dollars.

The lemon law provisions, require any person who sells so much as one puppy, to be responsible for the unknown genetic makeup of their animals. A breeder could be required to pay 4 times the value of the animal to cover vet fees, be fined several thousand dollars, plus face jail time.

Sincerely Yours,
Joyce Ellenbecker
8117 County Road T
Arpin, Wi. 54410
715-652-3349
www.snopals.net

PUPPY MILL CRUELTY...

You Can Stop It

THE DOG BREEDER OR PET store you've picked to buy your puppy from might be supporting the notorious "puppy mill" industry. Puppy mills are breeding businesses that raise dogs in shockingly poor conditions. "Breeding stock" animals are caged and continually bred for years, without human companionship and with little hope of ever becoming part of a family. After their fertility wanes, breeding animals may be killed, abandoned, or sold to another mill. The result of all this breeding? Hundreds of thousands of puppies, many with behavior and health problems not easily seen at the time of purchase.

HUMANE SOCIETY OF MISSOURI

Without Pet Stores, Puppy Mills Wouldn't Survive

THEY SEEM TO KNOW WHAT THEY'RE DOING, but behind the friendly façade of pet stores often lies the ugly reality of puppy mills. There's only one sure way to combat the tragedy of puppy mills—don't support them. No matter how cute the puppy in the pet store is, please don't buy the animal. You may feel like you're "rescuing" the dog, but in reality you're only freeing up space for another puppy mill product while supporting and encouraging an industry based on abuse. Unless you personally visit the place your puppy was born and raised—and where the puppy's parents live—there's no way to know that your puppy didn't come from a puppy mill, no matter what a sales clerk tells you.

THE HSUS

HUMANE SOCIETY OF MISSOURI

THE HSUS

Online Shopping—the New Face of a Terrible Business

YOU THINK YOU'VE FOUND THE PERFECT breeders, with a website filled with pictures of cute puppies, claims of how much they adore their "furry babies," and warnings that they only sell to "qualified homes." Everything feels right about this place, but beware—such websites are one of the newest scams puppy mills are running, and there's no way to know by looking at a website or talking to someone over the phone whether you're dealing with a puppy mill.

Websites allow puppy millers to "cut out the middleman" by selling directly to consumers. Not only is this more profitable, but in most states it allows the puppy mill to avoid being inspected by government agencies.

Websites loaded with pictures and promises of a loving home may seem like an ideal spot to find the right puppy for you, but remember that puppy mills house dogs in deplorable conditions, forcing them to churn out puppies for quick sale and shipment. Your purchase could be supporting cruelty.

Heart Set on a Purebred Dog?

SHELTERS AND BREED RESCUE GROUPS have purebred dogs available for adoption every day. Contact The Humane Society of the United States Companion Animals staff at 202-452-1100 or 2100 L Street, NW, Washington, DC 20037, for help finding a purebred rescue group or shelter in your area.

For more on puppy mills, visit *www.StopPuppyMills.com*, and for help finding a breeder who isn't running a puppy mill, visit *www.PuppyBuyersGuide.org*.

Promoting the protection of all animals

THE HUMANE SOCIETY OF THE UNITED STATES®

2100 L Street, NW, Washington, DC 20037
202-452-1100 • www.hsus.org

Printed on 100% post-consumer recycled paper, processed chlorine free and Green Seal and FSC certified, with soy-based ink.

To: the Senate Committee on Small Business, Emergency Preparedness, Work Force Development, Technical Colleges and Consumer Protection and the Assembly Committee on Consumer Protection and Personal Privacy
Re: Senate Bill 308 and Assembly Bill 567
Date: January 10, 2008
From: Patricia J Discher

Dear Congresspersons,

Thank you for the opportunity to become involved in the legislative process involving Senate Bill 308/ Senate Substitute Amendment 1. I am a constituent of Senator Dale W. Schultz and State Representative Steve Hilgenberg of the 51st Assembly District. Since the introduction of this bill and of the corresponding Assembly Bill 567, my husband and I have been in written contact with both of our legislators. I have also met with Assemblyman Mark Pocan at which time we discussed various aspects of this bill and amendment as well as other aspects of the subject of breeding dogs.

My husband and I have been hobby breeders for over 25 years, breeding Miniature Schnauzers the entire time and Soft Coated Wheaten Terriers for approximately 10 years of that time. We take great pride in breeding for the betterment of the breed and not for the monetary gains. A hobby breeder who does everything right will more often than not, seldom see any profit. By doing everything right, I mean that we show our dogs, proving quality. We do all available tests on the breeding stock as well as on the puppies we sell. We spend hours researching pedigrees and health backgrounds, finding the stud that compliments our bitches, thus producing a top quality offspring. We socialize our puppies and remain in contact through the years following the placement of the puppies we breed. We screen the people who wish to purchase one of our puppies thoroughly. We sell our puppies on spay/neuter contracts which include a health guarantee and a rehoming clause. In addition, both my husband and I are members of the American Miniature Schnauzer Club of America, were members of the Soft Coated Wheaten Terrier Club of American when we were raising that breed, and are active members of the Badger Kennel Club, Inc. here in Madison, WI.

The main concern I have regarding this bill and amendment is that there really is no place for those of us who are hobby breeders. The arbitrary number of 50 puppies produced may or may not put some of our group into the classification of commercial breeder that this bill addresses. I say "arbitrary" because I don't feel the number of puppies produced affects the care given the animals involved. There are commercial breeders who sell over that number and definitely don't need regulating because they are already doing a good job. There are also breeders who produce a low number of puppies that shouldn't be producing any. As breeders, the number of litters/puppies produced within one year's time will vary drastically, depending on the breed and the numbers of breedings that have taken place that actually produce puppies. To emphasize my point, some years hobby breeders may fall under the classification of a commercial breeder and other years, will not.

Another aspect of the bill that concerns me is the information for purchasers section. Most all hobby breeders already have our puppies checked by a Veterinarian prior to placement, include the health checkup sheet and give a complete written description of any vaccinations and treatment for parasites that the dog has received. Along with this thought, I don't believe that there is any requirement that any dog sold should have a Vet check done prior to that sale. The remedy section does cover what should be done in regards to Veterinarian exams once a problem is found, but why not have a base line, a checkup by a Veterinarian done prior to the sale in the first place? The second paragraph of this section is what bothers me. The words "the person who sells a dog as a pet to give the purchaser a written description of any congenital or hereditary conditions that are specific to the dogs' breed or of any injury, defect, or illness that the dog has." I have no problem with disclosing any injury, defect, or illness that the dog has at the time of sale. The first part, "congenital or hereditary conditions that are specific to the dog's breed" is what has me concerned. Who is to say what those congenital or hereditary conditions are for each breed? I recently attended a symposium put on by the American Kennel Club's Health Foundation in Ames Iowa and the

underlying fact that came through loud and clear from all 13 different speakers on 13 different topics was that for those conditions that there are DNA tests already developed and in use, a particular condition/disease can be stated for a fact to be present. For all others, there are too many factors involved in the determination whether a particular condition is hereditary or not. Many involve multiple modes of inheritance and often have environmental factors at work in the presentation of symptoms or defects. I don't believe that genetics can be legislated and thus the remedies for purchasers can be a hobby breaking fact for many hobby breeders if this bill were to become law as it's written.

I'm aware that the intent of this legislation is primarily aimed at the Puppy Mill industry within our state. I'm also aware that there are laws on the books that, if implemented, would help to regulate those situations. The AKC (American Kennel Club), along with the USDA, inspection teams conduct inspections for approximately 5000 large scale breeders each year. This has gone a long way to clean up the horrendous conditions that are so very well publicized by the media of the ones that have not been inspected. My point is that we should enforce the laws we have and not muddy up the waters with another one that doesn't really address all of the concerns.

Several hobby breeders have gotten together and have developed a listing of Suggested Improvements to Wisconsin Dog Regulations that we feel would more adequately address the problems that are present and yet not have an adverse effect on those breeders that are going above and beyond the terms of the Bill 308. Many breeders are "doing things right" and yet would be severely affected by some of the remedies of this bill. Don't punish them by possibly putting them out of business. A copy will be left with you for your consideration before voting to move this bill out of committee. This is much more of a "middle of the road" approach, accomplishing the control of unethical commercial breeders while acknowledging the very real contributions that the hobby breeders bring to this activity.

Again, thank you very much for the opportunity to present my concerns as an establish hobby breeder of the pending Senate Bill 308/Assembly Bill 567. It is my sincere hope that you will not move too quickly in passing a bill that does leave a lot to be desired. I don't believe we need another "lemon law" in our lives. Real and perceived problems can be more adequately controlled in more effective ways.

Sincerely,

Patricia J Discher

Patricia J Discher

Senator Robert Wirch
Senate Committee Chair on…Consumer Protection
and
Representative Thomas Lothian
Assembly Committee Chair on Consumer Protection…

John, Gail, and Tamara Jackson
N2625 Otsego Rd
Columbus, WI 53925
(920) 992-3993
Jaxn3@centurytel.net

Chair Wirch, Chair Lothian, and Committee members,

We provided comments on the original draft of SB 308/AB 567, and are pleased to see some improvements in the proposed substitute amendments. However, we have concerns with the amendment, and feel the approach this bill is taking to regulate mass producers of dogs **will not** achieve the desired results and **will** negatively affect reputable and conscientious breeders of quality dogs.

We have had Irish Setters since 1968 and are actively involved in showing our dogs in the breed ring, obedience, and field. We breed an occasional litter: we breed only our best—those individuals who have earned titles, are structurally sound, have passed all health tests recommended by our national breed club, and have outstanding traits and features we are looking to continue in the breed. We belong to the Irish Setters Club of America, Irish Setters Club of Milwaukee, and Badger Kennel Club (DeForest, Wisconsin).

Concerns with the substitute amendment

- **An apparent requirement to license all breeders regardless if the "Commercial dog breeder" threshold is met.**
  - A commercial dog breeder is defined as one who sells or offers to sell ***at least 50*** dogs per year, yet the licensing fee structure requires a license for anyone selling ***fewer than 100*** per year. This inconsistent **173.35 (2)(a)** which states that no person can act as a "commercial dog breeder" without a license. If this inconsistency is not a drafting error, our concerns with this are as follows:
    - Many conscientious breeders may not have a litter every year or plan litters that do not result in pregnancy. An annual license requirement for occasional litters in no way addresses puppy mills and squeezes little revenue out of the lowest volume breeders presumably to monitor commercial breeders.
    - This requirement would treat breeders who produce very few dogs the same as what this bill considers the threshold for potential "puppy mill" (i.e. commercial dog breeder)
    - There is concern that a publicly available list of Wisconsin dog breeders might used inappropriately by disgruntled neighbors, potential dog thieves (which may include stock suppliers to "puppy mills"), or groups or individuals with a history of releasing/poisoning/killing dogs to target breeders.

- **173.37 (e)1 The definition of "unfit for sale" is so broad and vague that it lends itself to variable interpretation.**
    - The line between what is a hereditary versus developmental problem is not clear cut.
    - There are relatively few genetic tests available to predict, with certainty, hereditary problems
    - The phrase "severely affecting the health of the dog" is open to interpretation.
    - This bill may encourage breeders to put down dogs with relatively minor defects to avoid any potential hassles with buyers who may purchase a puppy knowing it has a defect and then seeking remedy from the seller.
- **173.37 (2) The impact of this bill on common practices, such as using written contracts, is unclear**
    - Many conscientious breeders—as recommended by the American Kennel Club and most national breed clubs—use written contracts when selling a dog. Many of these contracts are far more detailed and stronger than the requirements in the amendment, and are enforceable in the civil court system. If a contract discloses a health condition, and the buyer signs/agrees to the terms of the contract, is the buyer still entitled to a remedy?
- **173.37(3) Right to Remedy**
    - The amendment has no requirement for the seller to have the pupp(ies) examined by the vet prior to sale, nor is there a requirement for the buyer to have the puppy examined by a vet immediately after purchase.
    - If a remedy is pursued under (a) how can any vet certify that the dog was "unfit for sale" if there is no baseline for comparison? Similarly, it will be difficult in many cases for a vet to assess the environmental factors or owner's interaction with the dog that may have contributed to an untimely death.
    - Remedies pursued under (b) rely on the expression of symptoms. The same symptoms can often indicate several possibilities for diagnosis. Symptoms are not necessarily an indication of hereditary or congenital causes, nor are they the same as a definitive diagnosis. Remedies should not be provided for undiagnosed conditions; a vet cannot retroactively diagnose that a dog was "unfit for sale" based on current symptoms.
    - The right to a remedy up to a year from the time of purchase is too long.
    - The right to a remedy outlined in subsections (c), (d), and (e) is too long. In two weeks a dog can easily contract a disease, be injured, poisoned, etc after it has left the breeder.
- **173.37 (4)(h) Right to Remedy**
    - There are often different treatment options for the same condition. Some owners spare no expense in treatments, others have a lower tolerance.

Concerns with this bill's approach to dog regulation

There is no distinction in the law, or protection, for conscientious hobby breeders

The true distinction between conscientious breeders and mass producer of dogs is the motivation for breeding. Conscientious breeders are breeding to a breed standard to produce desired qualities (structure, temperament, health, breed type, functionality to do the job for which the breed was intended). Often conscientious breeders are investing tremendous amounts of time,

money, and effort in their dogs including earning titles (in the conformation, obedience, field or other events) where their dog's structure and abilities are evaluated by judges, health screening tests, routine veterinary care, stud fees and related breeding costs. Conscientious breeders may break even on a litter, or lose money on a litter. The main objective and reward for conscientious breeders is to have their choice of puppies that possess the attributes one hoped to get from the breeding. The current approach this bill uses offers no distinction between conscientious hobby breeders, regulated commercial breeders, and "puppy mills." The bill does not provide any exemptions for any actions that are hallmarks of responsible breeding (health clearances on the parentage, use of contracts etc.) that are common practice for many conscientious breeders.

This bill does not place any responsibility on prospective dog owners to make informed choices when looking for a puppy

Based on our years of teaching dog training classes, participating in educational events for potential dog owners, and screening potential puppy buyers for our own litters, puppy mills exist to fulfill a consumer demand. These may be buyers who want a puppy at their convenience, are impulse buyers, are comparison shopping by the lowest price, or to whom a conscientious breeder will not sell a puppy.

We spend a tremendous amount of time educating the public about our breed, its qualities, and questions they should be asking of breeders. There are numerous resources available for prospective dog owners to research the breed, understand what health tests are recommended, check on health test results of parents, and ask questions of breeders prior to purchasing a puppy. The approach of this bill does not place any responsibility on potential dog owners; in fact it seems to reward those folks that have made poor decisions by providing them with a financial reward.

Existing laws that protect consumers and animals are currently unenforced or inadequate

Additional regulation does not necessarily result in better consumer choices or changes in breeding practices. Rather than creating additional law, working within the existing framework is much more efficient and cost effective. The USDA already regulates large scale producers of dogs under the Animal Welfare Act. If citizens are dissatisfied with how the Federal government is enforcing their laws, which is not the state's fault. The civil court system offers recourse for both buyer and seller in disputes. Local governments enforce local kennel ordinances and cruelty complaints. Wisconsin's current animal cruelty laws are very general and offer inadequate protection. The American Kennel Club has a Kennel inspection program (http://www.akc.org/about/depts/investigations.cfm) that inspects breeders who register seven or more litters per year, and also randomly selects some breeders who register between four and six litters a year for inspection.

We have included a list of suggested improvements to Wisconsin dog regulations that build off existing laws, accepted American Kennel Club programs, and common practices of conscientious breeders.

Thank you for your efforts on this issue.
Sincerely,

Gail Jackson John Jackson Tamara Jackson

Suggested improvements to Wisconsin dog regulations

- **Adopt a state inspection program similar to the current American Kennel Club (AKC) inspection program criteria** as the threshold that can trigger kennel inspections.

  (See Appendix A for full language of AKC's inspection criteria http://www.akc.org/about/depts/investigations.cfm)

  Language should specify that inspection criteria applies to litters registered with AKC, UKC, or any registry and to unregistered mixed breeds (including so called "designer dogs"). We encourage that AKC field agents be allowed to continue their inspection activities and report any findings to appropriate state or federal regulatory agencies.

- **Incorporate the AKC's Deficiencies in the Care and Condition of Dogs guidelines** into Wisconsin's Animal cruelty statutes

  (See Appendix B for a comparison of Wisconsin's current statute and AKC's guidelines http://www.akc.org/rules/policymanual.cfm?page=7#Deficiencies)

- **Prohibit the sale of puppies before seven weeks of age.**

- **Require retailers (pet stores) to provide potential buyers with factsheets about each breed they sell, and require a waiting period (no less than one day) before a prospective buyer can purchase a puppy. Factsheets should include information about the characteristics of the breed (what it was bred to do, energy level and exercise requirements, size, personality traits, etc.).**

  AKC has information about all AKC breeds (http://www.akc.org/breeds/index.cfm?nav_area=breeds) and an expansive educational section for potential dog owners *(see http://www.akc.org/future_dog_owner/about_buying_a_dog.cfm).*

  Some responsible pet stores in Wisconsin already provide information and require a waiting period before selling a puppy.

  Most National Breed Clubs and all-breed clubs specify in their codes of ethics that breeders shall not sell puppies to wholesalers or pet shops. Conscientious hobby breeders do not sells to pet store or wholesalers.

- **Prohibit all dog auctions consistent with AKC's policy on dog auctions.**

  (See Appendix C for AKC's dog auction policy http://www.akc.org/rules/policymanual.cfm?page=7)

- **Require a written contract between puppy buyer and seller. Specify that contracts should include the following:**
  - Itemization of all health screening tests recommended by national breed clubs for that specific breed

- Listing of established, canine health databases such as the Orthopedic Foundation for Animals (*www.offa.org*) and the Canine Health Information Center *(http://www.caninehealthinfo.org)* where buyers can confirm health screening on a puppy's sire and dam
- Itemization of all recorded health testing that has been done on the puppy's sire and dam
- Itemization and documentation of any vaccinations, worming, or medications given by the breeder or a licensed Wisconsin veterinarian prior to transfer of ownership from breeder/rescue or animal shelter/retailer to owner.
- Require disclosure of any health conditions known at the time of sale.
- Breeder/rescue or animal shelter/or retailer requirements on the expectations of care for the puppy by the buyer
- A take back or replacement clause should a heath problem be discovered by a Wisconsin licensed veterinarian within one week of puppy placement, or the buyer is unable to keep the puppy within 6 months of purchase.
- Specify under what conditions the puppy may not be bred or may be bred (Note: many conscientious breeders use AKC limited registration when placing pets to prevent breeding, or spay/neuter contracts)
- A five generation pedigree verifiable by the AKC, UKC, or other registry, if available. The cited registry should be clearly noted on the pedigree.
- A take back clause should the buyer be unable to keep the dog
- For breeders, rescue groups, or animal shelters placing adult dogs where the parentage or full health history may not be known, known health history can be substituted for the requirements above.

  AKC and most national breed clubs advise breeders to have contracts or bill of sales (see Appendix D). Buyers and breeders have recourse through the civil courts. Complaints can also be filed with DATCP, AKC, national and local breed clubs.

- **Require that contracts be signed and dated on each page of the contract by both buyer and seller at the time of the transfer of ownership of the dog.**

- **Require both buyer and seller retain copies of signed contracts.**

- **Require the Department of Agriculture, Trade, and Consumer Protection (DATCP) to develop a contract template accessible to breeders and potential buyers.**

- **Require the breeder to provide documentation of a veterinary exam for every puppy at the time of sale.** Exams must be done by licensed Wisconsin veterinarian.

  The entire litter should be seen by the vet with each pup clearly identified by sex, colored ribbon collar, clipping pattern, coat color/pattern etc. so there is no confusion about which vet report goes with each puppy.

- **Require a copy of the puppy's veterinary exam should be provided by the breeder for the buyer.**

- **Require new puppy owners to have a veterinary exam by licensed Wisconsin veterinarian other than the breeder's vet within one week of purchasing the puppy.** If the two veterinary exams do not agree, the buyer should be able to return the puppy within the week for a full refund.

  Note: not all puppies are "perfect." A vet exam prior to sale may discover potential health issues undetectable to the breeder (a heart murmur, cataracts, etc.) and unpredictable with current health screening tests. These types of health issues may or may not be significant to the overall quality of life for the dog, for example a malocclusion (bad bite).

- **Require breeder/rescue group or animal shelter/retailer to disclose health issues, if any, to the buyer prior to sale.**

  If the buyer is informed of any health or other conditions prior to the sale of the dog, and health or other conditions are itemized within the buyer/sellers contract (as suggested above), the buyer should not be entitled to a remedy under the law unless the condition is significantly more severe (pending veterinary confirmation) than represented by the seller at the time of sale.

Appendix A: AKC's inspection criteria

The AKC is the only purebred registry in the United States with an ongoing routine kennel inspection program. The AKC has a dedicated team of field inspectors who visit kennels to ensure the proper care and conditions of AKC-registered dogs and verify that breeders are maintaining accurate records for their dogs. In 2006, AKC field inspectors conducted approximately 5,000 inspections nationwide. The AKC dedicates nearly $6 million annually to its compliance programs to ensure the accuracy of its registry and the care and conditions of dogs raised by breeders of AKC dogs.

Investigations and Inspections

- Routine AKC field inspections involve several steps. Inspectors begin by examining the dogs as well as the condition of their environment. Inspectors check to ensure all the dogs have proper identification. They review breeder records, which must be maintained for at least five years.
- AKC inspects breeders who register seven or more litters per year. AKC also randomly selects some breeders who register between four and six litters a year for inspection.
- In addition, AKC inspects breeders based on written, signed and substantiated complaints.
- Inspectors enforce the AKC Care and Conditions policy to ensure that dogs have access to adequate food, water and shelter and that kennel space provided them is appropriately constructed and not overcrowded. If a dog appears to have a health issue, inspectors make sure it is being addressed.
- Through kennel visits, inspectors seek to work with breeders to help correct any deficiencies, as well as help new breeders develop effective practices and procedures.
- If an inspector finds minor deficiencies, the issues are noted and discussed with the breeder, and AKC expects the issues to be taken care of before the next inspection. While the AKC does not have penal or regulatory authority, breeders who have major kennel deficiencies may lose AKC privileges (ability to register dogs or compete in events). In some cases, fines will be imposed, AKC privileges may be suspended and appropriate law enforcement authorities contacted.
- AKC automatically imposes a 10-year suspension and a $2,000 fine on anyone convicted of animal cruelty involving dogs.

DNA Testing

- DNA testing is conducted during inspections as a way to verify the parentage of a litter of puppies. Employing this technology confirms that breeders are maintaining accurate pedigrees and maintains the integrity of the AKC registry.
- DNA testing is non-invasive — it is obtained by swabbing a dog's cheek.
- As part of the AKC's Frequently Used Sire program (FUS), DNA tests are mandatory for dogs that sire seven or more litters in a lifetime or more than three litters in a calendar year. On average, 45 percent of all AKC litters registered each year come from an FUS dog. The AKC has over 425,000 DNA profiles in its DNA database.

Appendix B

AKC's Deficiencies in the Care and Condition of Dogs Guidelines

When in the course of routine on-site records inspections, AKC Inspectors discover dogs in a clearly compromised condition (including, but not limited to, dogs that are grossly underweight, severely dehydrated, with serious untreated injuries or having severe external parasitic infestation), AKC Investigators may then initiate *referral* of AKC privileges for conduct prejudicial to the best interests of purebred dogs. Offenders shall be given 45 days to correct deficiencies with the possibility of ending the referral by request and passing a complete reinspection.

In cases where deficiencies are not corrected or reinspections are not requested, the AKC may proceed with disciplinary action leading to suspension of all AKC privileges. When suspensions occur, agencies shall be notified by AKC (and whenever, during the above process, dogs are found in conditions that place them in immediate danger, agencies with jurisdiction shall be notified at once).

Note: These guidelines (adapted from drafts produced by Investigations and Inspections) are intended to help individuals correct deficiencies that have triggered notification of animal care agencies under current AKC policy and/or to help those people whose AKC registration privileges have been placed on referral because of such deficiencies. They are **not** meant to serve as minimum standards for breeding facilities, but rather as a basis for helping individuals correct specific deficiencies found during routine inspections.

A. Kennel Conditions (Housing)

1. The shelter must be large enough so the dogs can sit, stand, lie down or turn around comfortably, with no overcrowding.
2. The shelter shall be constructed and maintained so that dogs are securely confined and the shelter does not cause injury to the dogs.
3. Protection from adverse weather conditions must be provided.
4. Dogs must have access to daily exercise.
5. If wire is used, it must be an appropriate size for the breed to prevent injury, especially to feet.

B. Kennel Conditions (General)

1. Dogs should have access to fresh water on a daily basis.
2. Dog food should be fresh and appropriate.
3. Feces should be picked up and disposed of as frequently as necessary so as to not pose a threat to the health of the dogs.
4. Dogs should have access to a play area on a daily basis.

C. Deficiencies in the Condition of Dogs

1. Dogs at immediate risk.
2. Grossly underweight dogs.
3. Serious wounds that require veterinary care, but appear untreated.
4. Obvious, severe external parasitic infestation.
5. Collars that are too tight.
6. Severe skin lesions.

These guidelines are not intended to be all-inclusive or definitive, but rather to serve as a working outline that can be expanded and refined as needed while lending uniform application

to this policy.

The above is in addition to the policy adopted at the July 1990 Board meeting to notify federal, state or local agencies of unsanitary and/or unhealthy conditions found by AKC field agents during inspections/investigations of kennels; that the US Department of Agriculture (APHIS) will be notified when such conditions prevail at kennels regulated by that department under the provisions of the U.S. Animal Welfare Act; and that other state/local governmental or humane agencies will be notified when such conditions are observed at kennels not regulated by federal law.

Wisconsin's current animal cruelty statutes

Wis. Stats. Ch. 951.

951.01(2) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

951.02 Mistreating animals. No person may treat any animal, whether belonging to the person or another, in a cruel manner. This section does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinary practices.

951.13 Providing proper food and drink to confined animals. No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

(1) Food. The food shall be sufficient to maintain all animals in good health.

(2) Water. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

951.14 Providing proper shelter. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

951.14(1)
(1) Indoor standards. Minimum indoor standards of shelter shall include:

(a) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.

(b) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

951.14(2)
(2) Outdoor standards. Minimum outdoor standards of shelter shall include:

(a) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the

animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.

(b) Shelter from inclement weather.

1. `Animals generally.' Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

2. `Dogs.' If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

951.14(3)
(3) Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:

(a) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(b) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

951.14(4)
(4) Sanitation standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

Appendix C: AKC's Dog Auction Policy

1. "The American Kennel Club considers auctions and raffles not to be reasonable and appropriate methods to obtain or transfer dogs."

2. "AKC's current inspection program shall include kennels/individuals offering dogs for sale at auctions."

3. "Any dog sold at auctions that is under 8 weeks of age or without microchip identification will be ineligible for AKC registration and shall be placed on permanent referral."

4. "The American Kennel Club discourages Parent Club rescue groups from purchasing dogs at auctions. Although Parent Clubs may be doing good things for individual dogs purchased at auctions, it perpetuates the problem and tends to create a seller's market. Reciprocally, auctioneers seek more dogs of those breeds to offer at auctions. AKC applauds the work of Parent Club rescue groups on many fronts. However, AKC believes that the purchasing of dogs at auctions is not overall in the best interest of purebred dogs."

Appendix D

AKC's statement on Protection for Puppy Purchasers

The American Kennel Club supports reasonable laws and regulations intended to protect the pet-buying public in obtaining a sound dog of the breed represented.

Breeders and/or sellers should be responsible for providing certain refunds, replacements or reimbursements should the dog sold become ill or die from a condition contracted prior to the purchase.

Such remedies should be conditioned upon the buyer's scrupulous adherence to the care and feeding program prescribed by the breeder and/or seller, as well as a timely examination by a state licensed veterinarian.

Breeders and/or sellers should provide buyers with a written bill of sale detailing the responsibilities of both the buyer and seller. This bill of sale should also detail any exclusions to refunds, replacements or reimbursements.

Breeder Comparison Matrix

Characteristic	Backyard Breeder	Puppy Mill	Commercial Breeder	Hobby Breeder
Has a specific breeding goal	To produce puppies	To make money	To supply the demand	To better the breed
Belongs to and works with breed club	May masquerade as a member	Hardly ever	Has a network of business contacts	Extremely dedicated
Has at least one mentor	Works independently, lacks guidance	Not interested in breed improvement	Does not specialize in specific breed	Invites knowledge
Understands and breeds to the standard	May not even know what it is.	Uses any available stock.	Focuses on general appearance	Strives towards the ideal
Active in dog related activities (shows, trials, rescues)	Often rescues only to attain more stock. Rarely attends shows or trials	Does not need to promote establishment; sells to brokers--pet shops, etc.	Does not need to promote establishment, sells to brokers, pet shops etc.	Shows and trials to prove worth. Shows & trials to objectively test breeding stock.
Knows the true history of the breed	May share false/incomplete info	Often pretends to know some.	Claims that it's not important.	Studies continuously
Sells pets with spay/neuter contract and tries to stay in touch with new owners	May charge more for "breeding" papers	Often issues papers via generic "registries"	All pups sold have full breeding rights.	Yes, and diligently follows up on progeny
Keeps up with health and temperament issues affecting the breeding and provides in depth guarantees	May refuse to acknowledge most problems. Considers shows and trials as too "political".	No need to, mostly supplies brokers and pet shops	Meets minimum standards as required by state law.	Goes above and beyond standard requirement
All breeding stock is tested for genetic diseases affecting the particular breed.	Some occasionally may be to impress consumers.	Only as demanded by consumers -- may give papers as proof of quality.	May provide undocumented paperwork for appearances sake.	Intensive testing always a priority
Maintains carrier records on all dogs in gene pool including effected progeny.	Focuses mostly on phenotype--unfamiliar with genotype.	Often supplies broker and pet shops, records unavailable.	Dogs and puppies are often auctioned off in lots, records unavailable	Attempts to continuously track every puppy produced
Clean, sterile environment always maintained	Conditions may vary greatly depending on available income.	Often tries to maintain minimum standards	Cleanest and best organized; state inspected	Usually "home raised with love" and well cared for.
Expected longevity with any particular breed	Unrealistic expectations-- easily disillusioned.	Will continue as long as the sales are coming	Depends on popularity of specific breeds	On a mission--plans to stay for the long haul.

| Puppy Producers: What Are They | Choosing a Breeder |

I'm not a public speaker but I do appreciate the opportunity to express my opinion on this legislation - I've looked at the amended version and believe that some changes could be made to strengthen the law and make it more effective in protecting dogs puppies in sad & abusive situations. The changes I define are the following: using LRBs0163/1

Page 4 Line 11 - add exercise to the list of "Humane care" and define "adequate".

Page 4 Line 14 - define "person" to help close loopholes that may ensue.

Page 4 Line 18 - define who can provide an affidavit and what the person's qualifying background must be.

page 4 Line 24 - increase fee from 75.00 to 150.00

page 5 Line 2 - increase fee from 100.00 to 200.00

page 5 Line 3 - increase fee from 125.00 to 250.00

these are in line with the fees assessed by the state of pennsylvania.

page 5 Line 21 - insert "Humane" in front of minimum STANDARDS. Include in that sentence that each animal will have a unique Id number that traces back to that dog and all dog records must be maintained & current with information on health history & euthanize records once dog ~~is no longer~~ put down. A copy of the health record should follow the dog if sold at an auction. DATCP will determine the specific content of the records.

increase

page 5 Line 24 - add second sentence "These requirements must take into account the physical & mental well being of every dog in the breeders kennel".

by Cindy Lease 219-7284 (608)

 "all have to be investigated"

page 6 line 14 – add two sentences "A copy of all complaints received by law enforcement must be filed with the Department whether they are investigated or not". ~~"The department will investigate all complaints that are deemed a "chronic" problem in nature or that local law enforcement can not deal with due to limited resources."~~

5 questions not addressed – "Technical change to include cats"

1. How will Dogs at Dog auctions be monitored to make sure they are treated humanely during this process?
2. What will happen to dogs/puppies when a breeder loses their License for 12 months?
3. Are rescues & humane societies adequately protected from law suits in this bill?
4. If a purchaser's vet & a seller's vet disagree on diagnosis who will prevail?
5. Clarify the purchaser protection portion will only be used within the commercial breeders definition & not be used to pursuit all breeders. Small breeders will remedy this on their own – their reputation is at stake

We need to understand that laws must be in place to protect these dogs from greedy, profiteers. Dogs are not livestock, that's final fate is to be butchered & eaten. These dogs should not be considered disposable or biodegradable beings. They are our "companion" animals. We've chosen to purchase them to be our loyal friends that give unconditional love to us. For most dogs that is their only job. They have emotions, thoughts & feelings. They feel happiness, sadness, fear & pain just like we do. They wear their emotions on their sleeve. We need to show that we are a humane culture of people that value our pets by putting laws into place that protect them from abuse & then administering these laws. With 4 million plus animals (companion animals) euthanized each year we have a long way to go but stopping the [illegible] or [illegible] putting [illegible] millions out

of business totally will certainly help in this humane fight. We definitely don't need the added burden of pet overpopulation that these abusive puppy factories bring. Let the good breeders that breed for the betterment of their breed as professionals put quality puppies into the consumers hands. ~~Thank you.~~

If the purchaser protection ~~part of~~ ~~needs~~ part of the bill needs further development I would recommend that the Commercial Licensing part of the bill be separated, so the regulation of commercial breeders can be done as soon as possible. The "lemon law" part of it can be worked on as an amendment or a secondary bill.