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LICENSING PET DEALERS, PET BREEDERS, KENNELS, AND ANIMAL SHELTERS

INTRODUCTION

The biennial state budget act (2001 Wisconsin Act 16), passed by the legislature and signed by Governor Scott McCallum on August 30, 2001, creates a program for the licensing and regulation of pet dealers, pet breeders, kennels, and animal shelters that sell or give away animals for pets. The law provides that the Department of Agriculture, Trade and Consumer Protection (DATCP) will promulgate the administrative rules setting standards of care for animals housed at these businesses and facilities. It requires licensing to begin March 1, 2004.

PROVISIONS OF THE NEW LAW

Act 16 requires that pet dealers, pet breeders, and those operating kennels and animal shelters must be licensed by the state. Business or facilities that operate at more than one location must license each site separately.

DATCP must inspect each location prior to issuing an operating license, and it may make additional inspections at reasonable times once the license is issued. (Reinspection fees will be charged when an inspection reveals conditions that require correction and reinspection.)

Under Act 16, veterinarians and humane societies may voluntarily assume the authority to collect dog license taxes if the governing body of a city, village, or town permits them to do so by municipal ordinance or resolution. (Previously, these licenses were issued only by municipal treasurers unless the local government authorized issuance by an alternative person.)

The following aspects of animal care will be covered by the DATCP licensing standards.

Facilities and Businesses Requiring Licenses. The new licensing law applies to the following animal care operations:

- **Pet dealers** are individuals who sell or offer to sell at retail, exchange, or offer for adoption at least 25 mammals (with some exceptions, such as livestock) for adoption as pets in a single year.
- **Pet breeders** are individuals, other than pet dealers, who sell or offer to sell at least 25 dogs or cats for resale as pets in a year.
- **Animal shelters** are facilities that are used to impound or harbor at least 25 seized, stray, abandoned, or unwanted dogs, cats, or other animals in a year's time. A shelter may be operated by a governmental unit or a licensed veterinarian. It may also be a facility that promotes the welfare, protection, and humane treatment of animals, such as those operated by humane societies, animal welfare societies, or similar nonprofit associations.
- **Kennels** are facilities where dogs or cats are kept for 24 hours or more for boarding, training, or similar purposes for compensation. The definition

of "kennel" does not include an animal shelter or a facility owned or operated by a veterinarian where animals are boarded only in conjunction with the provision of veterinary care.

Humane Care. Humane care includes the provision of adequate and accessible food and water, as well as heating, cooling, ventilation, sanitation, shelter, and medical care consistent with the normal requirements, based on the animal's size, species, and breed. The animals must also be provided space and opportunity for exercise.

Transportation. DATCP regulations must cover the transportation or moving of animals by persons required to be licensed.

Minimum Sale Ages. The department must establish minimum ages for the animals sold by persons required to be licensed.

Beginning March 1, 2004, no person will be allowed to operate an animal shelter or kennel or act as a pet dealer or pet breeder without a license from DATCP. The licenses will cover a two-year period, expiring on October 31 of even-numbered years, and are nontransferable. Fees are to be determined by DATCP through administrative rules. The department is also responsible for establishing the grounds for license revocation and for issuing orders to bar a person who fails to acquire the required license from selling or moving any animals.

GOVERNOR'S VETOES

As approved by the legislature, the budget bill contained penalties for persons who failed to obtain required licenses or violated the laws and regulations about animal care. It also included increased dog license taxes (which local governments would pay to the state) and provisions for a biennial appropriation of \$406,600 for seven positions in the animal health inspector program.

Governor McCallum vetoed these provisions. In his veto message, he stated that he considered the increased license taxes and the penalties for operating without a license and other specified violations were "burdensome to pet owners and businesses." He also vetoed the 2001-03 appropriation for the seven positions citing the fact the licensing program was not scheduled to begin until 2004.

Although the penalties in Act 16 were vetoed, Section 939.61 (1), Wisconsin Statutes, provides: "If a person is convicted of an act or omission prohibited by statute and for which no penalty is expressed, the person shall be subject to a forfeiture not to exceed \$200."

FURTHER INFORMATION

Contact the DATCP Division of Animal Health at (608) 224-4888 for more detailed information about the licensing program. Copies of the 2001 Wisconsin Act 16 provisions relating to the licensing program (Sections 173.40, 174.05, 174.053, 174.06, 174.07, and 174.09, Wisconsin Statutes) may be obtained from the Legislative Reference Bureau at (608) 266-0342 or through accessing Act 16 on the Internet at <http://www.legis.state.wi.us/2001/data/acts/01act16.pdf>.