



Wisconsin Puppy Mill Project Fact Sheet:

# AB-250/SB-208: Frequently Asked Questions



Compiled by the offices of Rep. Jeff Smith and Sen. Pat Kreitlow

Introduced into the WI State legislature by Rep. Jeff Smith and Sen. Pat Kreitlow, AB-250 / SB-208, the WI Commercial Dog Breeders Licensure Bill, was the culmination of a year's effort by the legislators and a working group comprised of all stake-holders: humane organizations and rescues, hobby breeders, commercial breeders and sellers, DATCP, and veterinarians. 71 out of 132 members of the WI legislature signed on as authors or cosponsors.

**THIS BILL WAS UNANIMOUSLY PASSED BY BOTH HOUSES OF THE WI LEGISLATURE AND IS NOW LAW!**

## Why is this bill necessary?

This bill creates licensure requirements for commercial dog breeders and establishes minimum standards for these licensed facilities. Licensure standards will ensure that dogs being bred for sale are being treated with care, and customers will know they are purchasing a healthy, well-cared for dog.

## Numerous bills have been introduced in the past without success; how will this be any different?

Unfortunately, past efforts to increase the standards in Wisconsin's commercial dog breeding facilities have failed due to poor timing, financial constraints, and lack of compromise between the parties involved in these efforts. This bill creates a budget neutral program for licensure of these facilities, and the creation of an advisory committee ensures continued input from breeders and sportsmen, groups that have traditionally opposed licensure requirements for dog breeders.

## What is different about this bill compared to legislation that has been introduced in the past?

This bill requires licensure and establishes standards of care without establishing any "Lemon Law" provisions as other bills have done in the past. This bill also includes a pre-inspection, where previous bills did not. In order to avoid a high fiscal cost as proposed legislation has in the past, this bill establishes a modest license fee structure and penalties that will hopefully offset the cost of the program. Past legislation has also included the regulation of other animals, such as birds or cats, but

this bill specifically regulates the breeding and selling of dogs.

Additionally, this bill includes provisions to maintain input into the rule-making process from those most affected by this proposal- dog breeders, sportsmen, veterinarians, and humane society groups. This input is crucial to ensuring that the standards of care are fair and reasonable.

## Won't this duplicate current law?

Wisconsin is one of the few states without any laws that regulate the breeding of dogs. Currently, the only oversight is at the federal level, which ONLY covers breeders who sell dogs wholesale to pet shops, brokers, dealers, exhibitors, and/or research facilities. We know that USDA - licensed facilities are only the tip of the iceberg in Wisconsin; most commercial breeders in our state sell direct to the public through classified ads, at flea markets and swap meets, over the internet, etc. This bill addresses the problems of these direct sellers, puts in place more comprehensive standards of care, and requires facilities that sell more than 25 dogs to be licensed at the state level.

## How is this bill different from Senator Darling's bill (2009 SB 110)?

We've worked with Senator Darling to bring attention to this important issue and that is what her bill attempted to do. Senator Darling's bill is significantly different, as it does not include standards of care beyond those already covered by animal cruelty statutes. Senator Darling has been a longtime advocate for dog breeding regulation and she has agreed to support and co-sponsor the Smith/Kreitlow bill.

## **Why is the threshold set at 25? Why not 50, or 100?**

This is where the problem is. Most incidences of animal mistreatment and sub-standards of care are at the 25-50 range and the majority of court cases regarding dog breeders fall into the 25-50 range. Unfortunately, WI has become a safe haven for the bad actors that come to WI as other states enact legislation with low regulatory thresholds to stop the abuse and mistreatment of animals. In order for WI to finally ensure efficient and humane standards and stop the growing abuse and neglect, we must address the true problem.

## **Why is the threshold set at 25? Why not lower?**

Rep. Smith and Sen. Kreitlow, while looking at the downfalls of past legislation, worked with many interested parties that provide different perspectives and concerns to the table. Setting the threshold at 25 meets a middle ground between these groups by addressing where the problem is occurring and but also not being overly cumbersome to hobby breeders.

## **I own more than 25 dogs and sometimes breed dogs that I give away. Will I need a license?**

It is important to note that this bill does not set limits on the number of dogs that can be bred or owned, and it only applies if 25 dogs are sold in a year. A one-time "selloff" provision is included for someone who accumulates a number of dogs (such as sportsmen) that wishes to hold a one-time sale; this provision exempts them from licensure.

## **Why is the Department of Agriculture, Trade and Consumer Protection (DATCP) granted rulemaking authority?**

DATCP has received complaints across the state regarding the mistreatment of animals and is the agency that will be performing the inspections. They have the expertise, experience and knowledge to develop an efficient set of standards and rules based on industry best practices that the respected and trusted breeders and sellers are already practicing. Also, rules are more flexible and easily adaptable to changes in the industry and allow for unforeseen consequences that could be a problem if every standard were written in statutes. This rulemaking process will be guided by an advisory committee and each rule will have to pass through the legislature for

approval. This process will provide for a high level of both industry input and legislative oversight.

## **Who will serve on the advisory committee?**

The advisory committee will consist of not more than 10 representatives from the parties that have been most interested in this issue and have provided input during the drafting process. At least one representative from each of the following groups will provide invaluable input to DATCP during the rulemaking process: persons selling dogs at retail, small dog breeders, large dog breeders, sporting association, humane societies, veterinarians, animal control facilities and breed rescue groups.

## **Won't this adversely affect farmers or other breeders trying to supplement their income?**

This bill does not force undue costs on breeders. Individuals with good standards of care in place will only be affected by an annual and modest licensure fee. With the price of puppies ranging upwards of \$1500 an animal, asking for a minimum license of \$250 is more than reasonable. Breeders can still give vaccinations and humanely euthanize their animals; all that is required is they have a record of how each animal was disposed.

If passed, this legislation would provide financial benefit to reputable breeders who no longer have to compete with puppy mills and breeders who do not properly care for their animals and only focus on making a quick profit. Unfortunately the lack of consumer education means that these breeders still sell a significant amount of dogs to the public, but this legislation would remove these actors from the system and not only ensure that quality breeders have more customers, but that customers would be confident that they were purchasing a dog that was bred in safe, reasonable conditions.

## **How will breeders be protected from harassment?**

The pre-license inspection and any following inspections must be conducted during normal business hours, as is common in many licensure programs. In regards to complaint-based inspections, the bill provides that DATCP is not required to inspect, only grants that they may inspect a facility, so repeat inspections that are not warranted will not be required. A facility is only charged for a complaint-based inspection if a violation is found that necessitates additional inspections.

## **Won't this allow local municipalities to create a patchwork of dog breeding laws?**

Local municipalities already have the authority to create their own local ordinances, and this legislation will not take away or increase their ability to regulate at the local level.

## **How will this affect outdoor dog breeders and/or sellers?**

The bill gives specific instructions to DATCP to provide for the different sizes and breeds of dogs. Dogs that are accustomed to the outdoors are recognized to have different needs than indoor dogs. Small breeds are recognized to have different requirements than large breeds.

## **Why must a seller wait until the puppy is 7 weeks of age or older? Why not 8 weeks?**

Throughout the drafting process we heard input from many different groups. Though it is much safer and recommended that smaller breeds wait 8 weeks until selling a puppy, it's more common for hunting groups to sell puppies at 7 weeks. Because there is not a universal consensus on the appropriate age of sale for animals, this reflects a reasonable concession for certain breeds.

## **When will this bill go into effect / when will I need to get a license?**

Once this bill is signed, DATCP will start the rulemaking process, which takes up to 12 months for rules to be promulgated. This will give commercial breeders ample time to make the necessary changes and a pre-inspection will allow for any final changes. Most reputable breeders already have more than sufficient standards of care in place and will have little trouble adapting to the new system. The licensure system will be set up 18 months prior to the signing of the legislation, and temporary permits will be given so that DATCP can fully inspect all facilities. Facilities will then need to be inspected prior to getting a license and once every two years after.

## **Is DATCP going to invade my home and make me pour concrete in my kitchen?**

**NO.** Hobby breeders will not be affected by this bill. This bill does not give DATCP the authority to inspect or require licensure of any breeder selling fewer than 25 dogs a year and DATCP only has the

authority to inspect a facility during normal business hours.

## **Won't this be too expensive given the current state of the economy?**

The cost of inspection fees will be off-set by licensure fees and a penalty system for violations. The licensure fees are modest and reflect fees modeled after what other states with similar programs have in place. By looking at other states, it is common for higher initial costs as bad actors are forced to shut down, but these costs decline with a few years and the program is essentially self-sufficient. Colorado even recently lowered their license fees since the program was bringing in more money than needed.

## **Why does this bill only address dogs? What about other animals, such as birds or cats?**

Past legislation has tried to regulate this, but it was much too broad. Each animal has specific standards of care and it is too difficult to address them all in one bill.

## **Isn't this just a first step to regulating other animals, such as livestock?**

This bill strictly deals with commercial dog breeders and will not affect the agricultural community. Though all animals should be treated humanely and have good standards of care, Wisconsin already has strong husbandry laws in place. This bill does not include any other provisions or establish any other standards other than those specifically relating to the breeding and selling of dogs.

## **Why do pet stores have to be held to the same standards?**

This creates a level playing field and ensures that a consumer buying from a pet store will have the same guarantees as someone buying from a licensed breeder. Puppies often live at pet stores for extended periods of time, meaning that they should have the same standards of care and be subject to the same fees and penalties when those standards are violated.

## **Why not just ban auctions altogether?**

Auctions will have to meet the same requirements set forth in the bill. Additionally, this bill prohibits any person from selling a dog that is not spayed or

neutered unless the dog has tested negative for brucellosis. This will help protect families from bringing a potentially life-threatening disease into their homes when they purchase a dog.

### **How will businesses be affected?**

Any commercial breeder following minimum standards of care will have no problem staying within the licensure guidelines that this bill establishes, and the bill will also contain a provision that calls on breeders of varying sizes to help establish these standards. We have heard from a number of breeders who are calling for standards to be implemented so that the bad actors that are giving Wisconsin such a bad reputation and filling the market with injured or sick animals can be shut down. We have sought input from breeders throughout the drafting of this bill and

responsible breeders will continue to be involved in establishing these standards.

### **What are the penalties?**

A person who operates without a license may be fined not more than \$10,000 and be sentenced to not more than nine months in jail. Violations to standards of care are punishable by forfeitures of up to \$1,000 for a first offense and \$200 to \$2000 for a second offense within five years. DATCP may suspend a license if upon inspection they find an act of animal cruelty in violation of ch. 951.

#### **ONLINE RESOURCES FOR MORE INFORMATION ON AB-250/SB-208:**

- Existing State Laws/USDA Regulations: <http://www.nowisconsinpupmills.com/wi-humanelaw.html>
- In the Legislature: What's Happening In Wisconsin: <http://www.nowisconsinpupmills.com/legislation.html>
- The Bill in its entirety: <http://www.nowisconsinpupmills.com/LRB-2448-2-Smith-Kreitlow.pdf>
- Summary of AB-250/SB-208: <http://www.nowisconsinpupmills.com/smith-kreitlow-summary.html>
- Authors and Co-sponsors: <http://www.nowisconsinpupmills.com/smith-kreitlow-cosponsors.html>
- Frequently Asked Questions: <http://www.nowisconsinpupmills.com/faq-smith-kreitlow.html>
- History of Assembly Bill 250: <http://www.legis.state.wi.us/2009/data/AB250hst.html>
- History of Senate Bill 208: <http://www.legis.state.wi.us/2009/data/SB208hst.html>
- Fiscal Estimate, Assembly Bill 250: <http://www.legis.state.wi.us/2009/data/fe/AB-250fe.pdf>
- Fiscal Estimate, Senate Bill 208: <http://www.legis.state.wi.us/2009/data/fe/SB-208fe.pdf>
- Contacting your WI State Officials: <http://www.nowisconsinpupmills.com/contact-legislators.html>