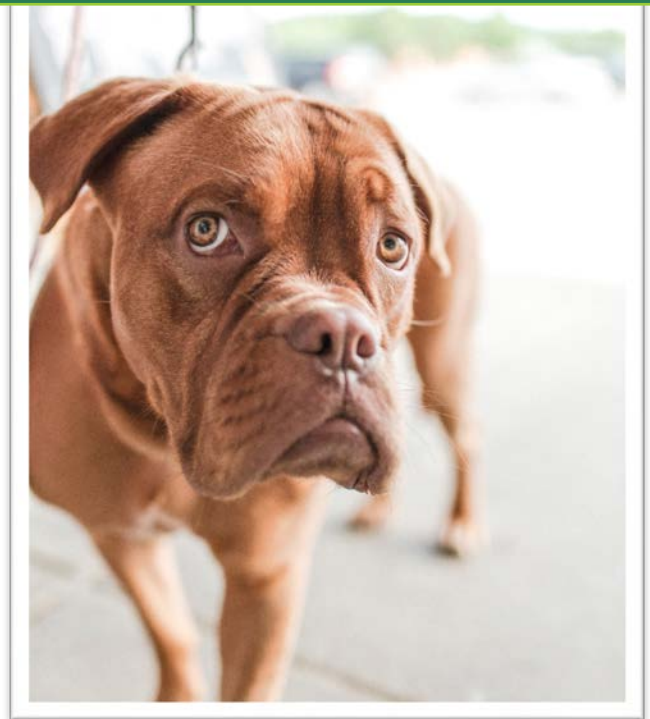


Dog Sellers Program Report | 2019



Wisconsin Department of Agriculture, Trade and Consumer Protection
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Program Mission

The intent of the Dog Sellers Program is to ensure both the welfare of dogs sold to the public, and protection to the consumer purchasing a dog as a pet.

Background

In 2009, the Dog Breeders and Sellers Law was enacted with the signing of Wisconsin Act 90 (now Wis. Stat. § 173.41).

The law defines:

- Who must be licensed
- Uniform minimum standards for facilities
- Inspection and licensing requirements for regulated facilities
- License fees and recordkeeping requirements
- Health requirements for selling dogs and the age for transferring puppies
- Minimum standards of care
- Penalties for violations

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is responsible for implementing and monitoring this law through compliance with the Dog Sellers Program. The program serves as a means of leveling the playing field for many dog sellers by establishing uniform minimum standards of care for individuals selling dogs to the public. Those who maintain high standards have few, if any, changes to make to their facilities or business practices to be in compliance with the requirements.

Prior to implementation of the law, complaints regarding dogs in these facilities fell to law enforcement and humane officers who enforce state animal cruelty law. This served to deal with some of the worst offenders, but did little to prevent cruelty or neglect of the animal, as law enforcement officers and humane officers typically did not have authority to inspect facilities without probable cause. Through regular inspections, DATCP is able to evaluate facilities and work with law enforcement to refer cases for prosecution.

Program Rules Developed with Partners

In May 2010, an advisory committee worked with DATCP to develop the rules for the Dog Sellers Program. The committee consisted of at least one member from the following groups:

- Person selling dogs at retail
- Dog breeders that sell large dogs and that sell fewer than 50 dogs per year
- Dog breeders that sell small dogs and that sell fewer than 50 dogs per year
- Dog breeders that sell large dogs and that sell 50 or more dogs per year



- Dog breeders that sell small dogs and that sell 50 or more dogs per year
- Sporting associations whose primary activities involve dogs
- Humane societies providing shelter to fewer than 500 dogs per year
- Humane societies providing shelter to 500 or more dogs per year
- Veterinarians
- Animal control facilities
- Breed rescue groups

Representatives, except veterinarians, were chosen through an application process, and were individuals who stated they would be licensed under the program. Veterinarians were chosen by the Wisconsin Veterinary Medical Association. Program rules were effective May 2011.

In May 2012, the advisory committee met to get input on possible rule revisions. Members of the original committee who were not licensed under the program were replaced with license holders who were operating under the rule requirements. The committee found that the rules were working well enough that no rule revisions were needed.

In March 2018, DATCP met with the advisory committee to discuss proposed rule changes that would improve clarity of various rule provisions. Those changes are anticipated to go into effect in 2019.

Licensing

Requirements

The program licensing year runs from October 1 through September 30 of each year. Those required to be licensed are:

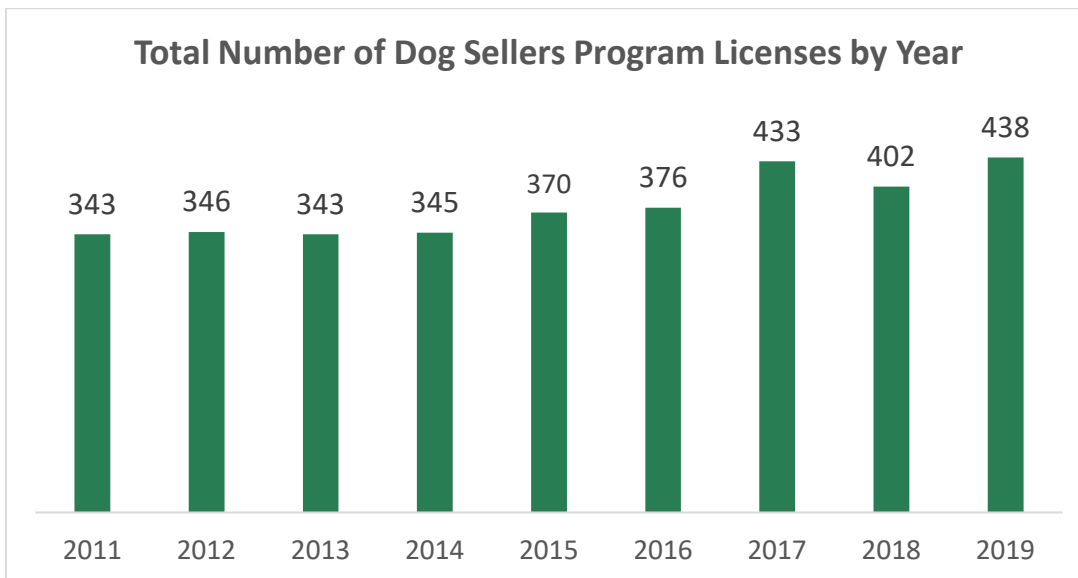
- **Animal control facilities** that contract with a city, village, town, or county.
- **Nonprofit animal shelters and rescue groups** that shelter or foster 25 or more dogs in a year. These are typically operated by a humane society, animal welfare society, animal rescue group, or other nonprofit group.
- **Dog breeders** selling 25 or more dogs in a year that the person has bred and raised from more than three litters.
- **Dog breeding facilities** from which 25 or more dogs are sold in a year, from more than 3 litters.
- **In-state dog dealers** selling and offering to sell 25 or more dogs in a year that the person has not bred and raised.
- **Out-of-state dog dealers** who import 25 or more dogs a year into Wisconsin, regardless of whether they bred and raised them.

Annual Fees and Surcharges

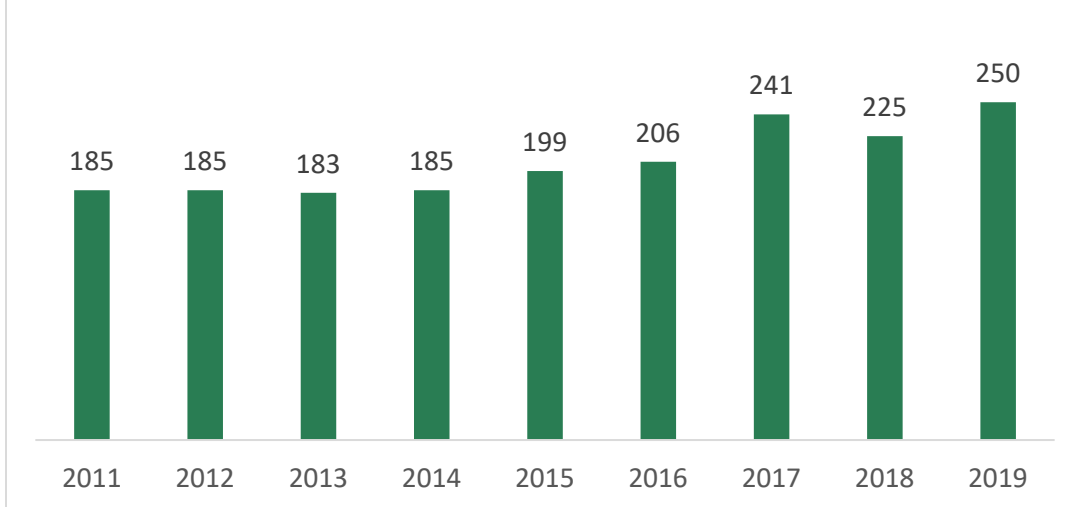
The following is a list of license fees and surcharges that may apply to some dog sellers:

Facility or Fee Type	Number of Dogs	Yearly Fee
Animal control facilities and shelters	Shelters 25 or more per year	\$125
Breeders, breeding facilities, and in-state dealers	25-49	\$250
	50-99	\$500
	100-249	\$750
	250 or more	\$1,000
Out-of-state dealers	25-49	\$375
	50-99	\$750
	100-249	\$1,125
	250 or more	\$1,500
Late renewal	NA	Normal fee + 20%
Operating without a license in the previous year	NA	Normal fee + fee for previous year

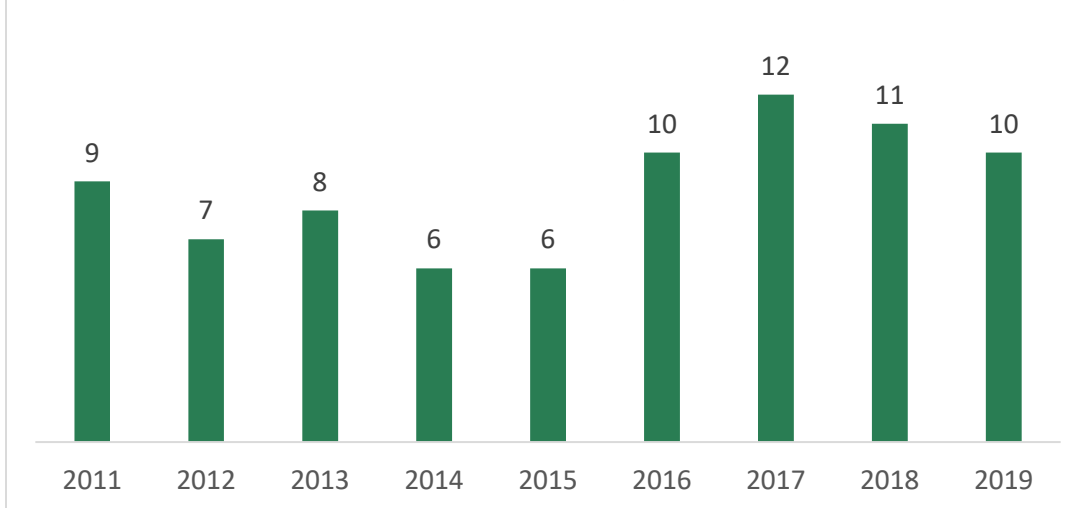
Data



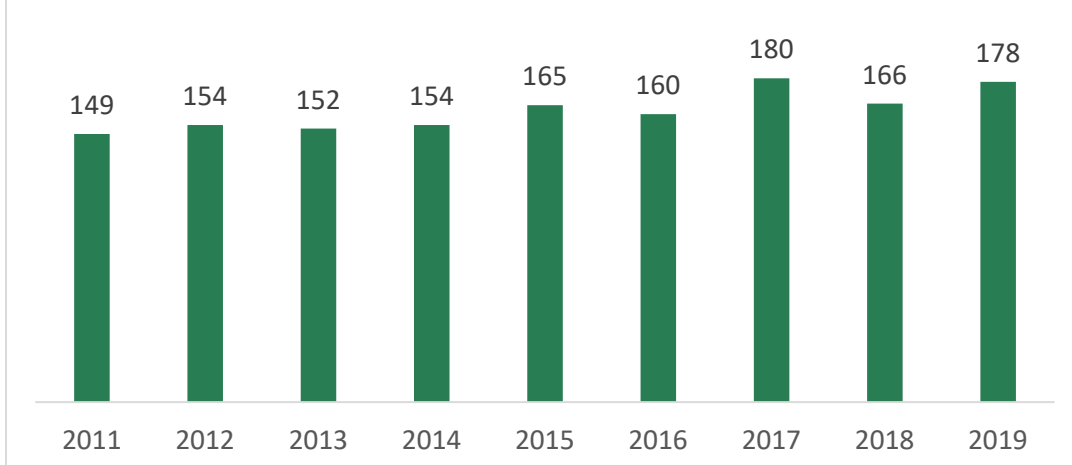
Number of In-State Dog Dealers Licenses



Number of Out of State Dog Dealers Licenses



Number of Animal Shelters and Animal Control Licenses



Inspections

Inspections are required at the following times:

- Before a license is issued (pre-inspection)
- At least once every two years once licensed
- Any time based on a complaint
- Re-inspect to insure correction of previous violations

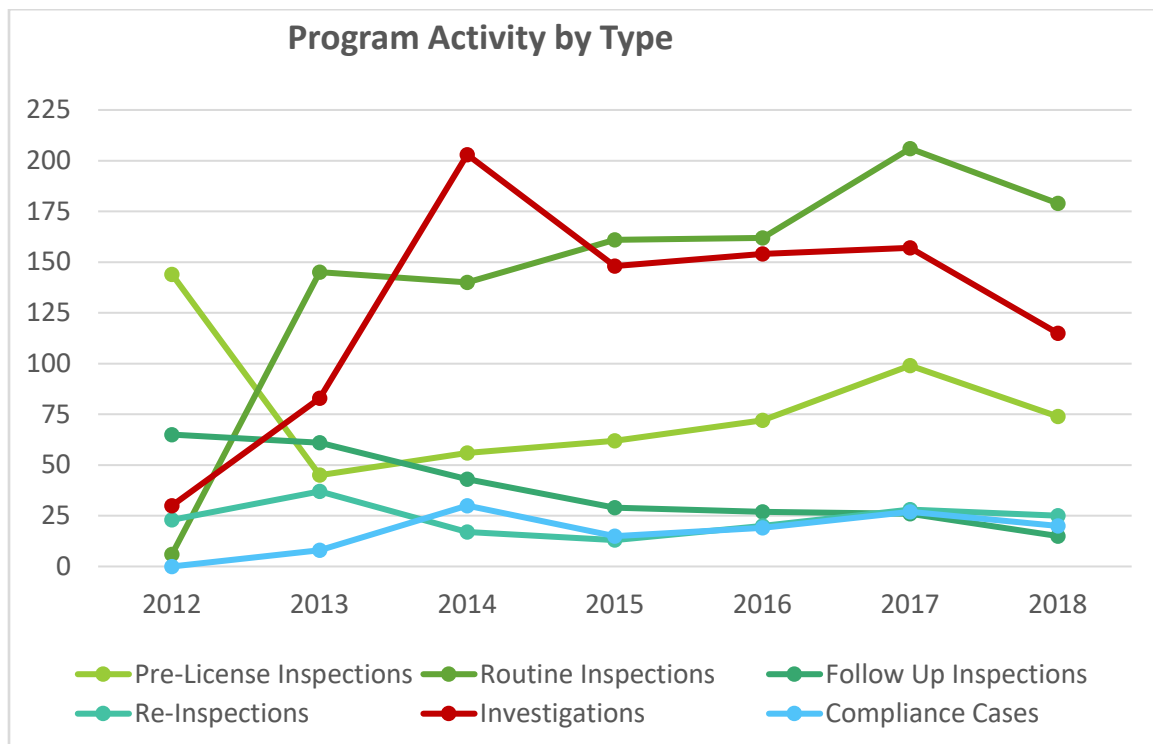
Pre-licensing inspections are scheduled. However, other types of inspections are generally unannounced.

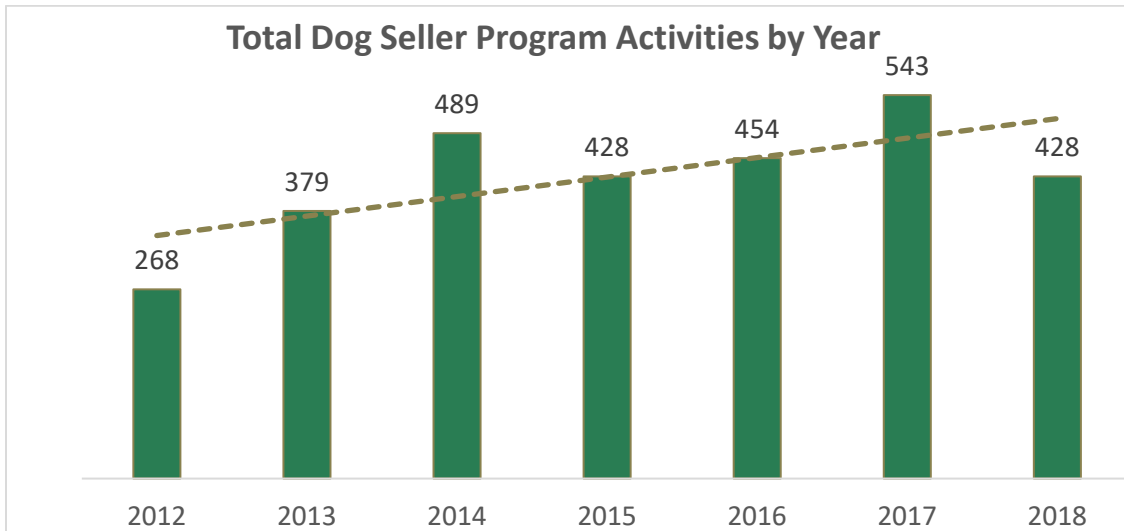
On pre-license and routine inspections, inspectors ensure that the facility meets all of the requirements established in state statute and rule for recordkeeping and standards for the physical facility. A facility must pass the pre-licensing inspection before a license will be issued.

During a complaint-based or re-inspection, the inspectors pay particular attention to the issues giving rise to the complaint or violation.

At the conclusion of any inspection, the inspector discusses with the facility manager or owner what the inspector saw at the facility and gives the licensee an opportunity to comment. Inspectors use the opportunity to explain regulations and answer questions by facility owners.

Routinely, the inspector will mail the completed inspection report to the licensee within seven days of the inspection.





Complaints

DATCP receives complaints regarding both licensed and unlicensed dog seller facilities from a variety of sources, including the public, customers of facilities, current and former employees of facilities, licensees, animal control officers, humane officers, and other law enforcement officials. Complaints may be made anonymously. DATCP receives complaints through several means, such as phone, email, or U.S. mail and are entered into an online complaint database. The complaints are reviewed and any follow-up action is assigned to the inspector responsible for the facility or territory. Complaint response is prioritized by severity, with highest priority given to complaints alleging that dog health and welfare are at risk. Some complaints receive no action because DATCP has no regulatory authority in the matter.

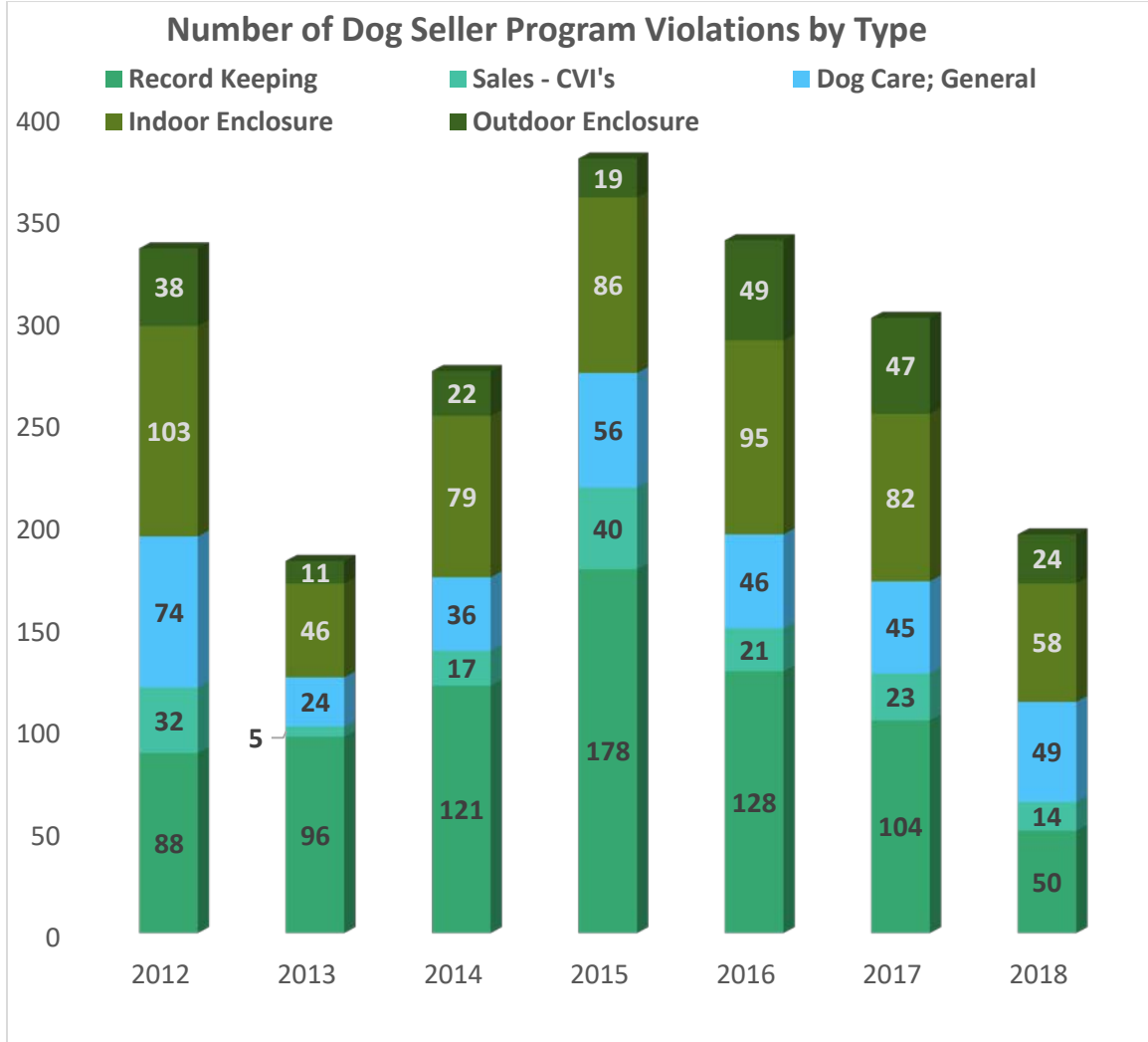
Compliance

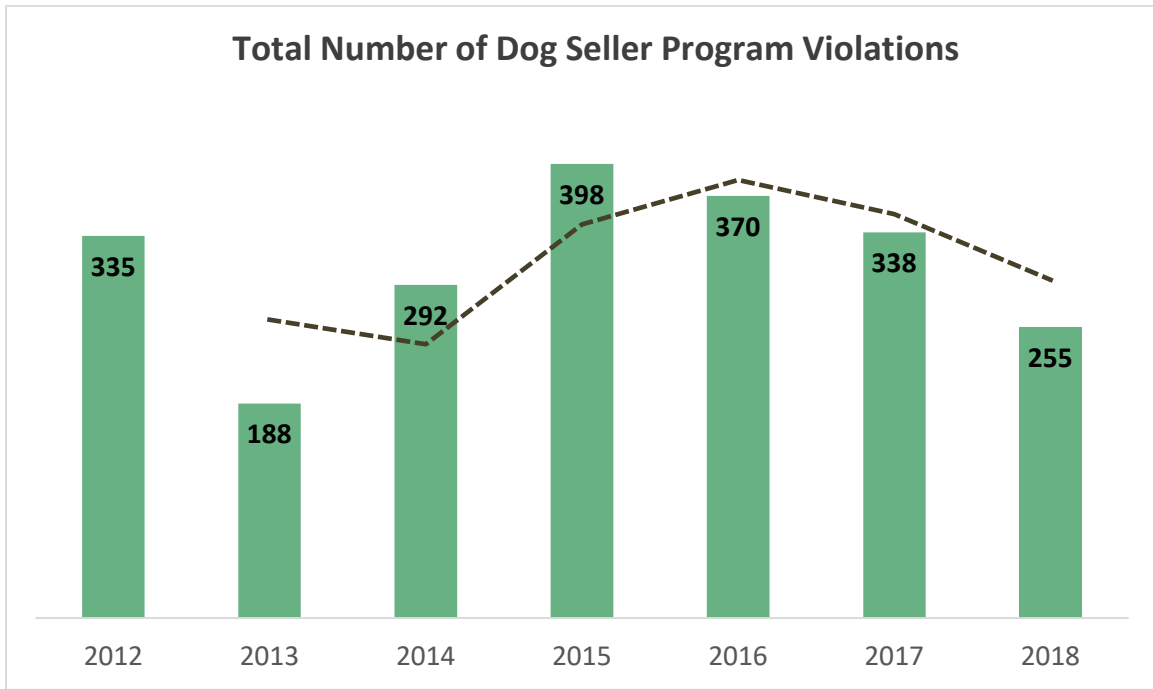
DATCP typically uses a progressive enforcement approach when addressing violations, with the goal of bringing licensees into compliance. When a facility is unwilling or unable to correct issues through education alone, DATCP may take any of the following actions:

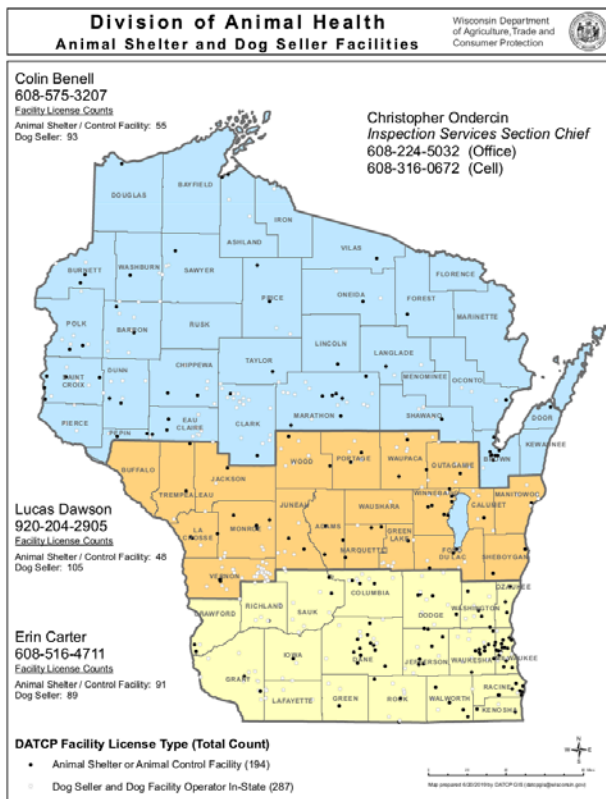
- Conduct a re-inspection
 - To check that violations have been corrected
- Hold an administrative conference
 - To seek input from the operator on how violations will be corrected
- Issue a civil forfeiture or criminal complaint
 - Presented to the county's district attorney
- Issue a special order, by consent or after an administrative hearing, and signed by DATCP's Secretary or an administrative law judge
 - This prohibits certain conduct within the law
- Suspend a license
 - For conditions that threaten health, safety, or welfare of any animal on premises

- Evidence of a violation of state law, specifically Wis. Stat. § 951 Crimes Against Animals
 - Will include a referral to the sheriff's department

As facilities improve and make necessary changes to physical structures and business practices, the number of violations found per inspection appear to be trending down.







**Three inspectors serve three regions of Wisconsin.
Dots indicate a licensed dog seller premises.**

Staffing

There are currently three full-time inspectors dedicated to the Dog Sellers Program.

Staff receive extensive training and meet routinely throughout the year for policy and training sessions to ensure regulations are consistently interpreted and fairly enforced.

Currently, each inspector is responsible for approximately 150 facilities, with some facilities having more than one location. In addition, the large geographic territories involve a considerable amount of driving for each inspector to complete required facility inspections.

Summary

With a decrease in program violations, the DATCP Dog Sellers Program continues to improve dog welfare and consumer protection in Wisconsin. One of the keys to this success has been the program staff who continually work with licensees to educate and ensure compliance. The program standards ensure minimum requirements for the welfare of dogs. Some of these requirements include providing dogs with a clean, safe, and healthy environment. Having a program in place which requires routine inspections and allows for complaint-based inspections enables DATCP to identify and address potential problems or issues within a facility.

DATCP's dog seller inspectors provide program education and outreach to facility operators. Inspectors also assist in identifying areas within an operation where changes can be made to meet program standards to improve animal health and welfare. Operators have indicated that working with the inspectors has brought positive change to their businesses.

The program requires DATCP to ensure veterinary care and oversight are provided for all dogs in the facility. Owners must provide appropriate veterinary care for dogs, veterinarian examinations for every dog sold or adopted, and a certificate of veterinary inspection prior to the dog sale. In addition to improving animal health and welfare, veterinary care and oversight ensures consumer protection by reducing the risk of purchased dogs having significant health issues.