



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

DATE: July 12, 2022

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Randy Romanski, Secretary
Darlene Konkle, DVM, MS, DACVIM, Administrator, Division of Animal Health

SUBJECT: ATCP 10, Dog Import Rabies Vaccination

PRESENTED BY: Angela Fisher, Program and Policy Analyst, Division of Animal Health

REQUESTED ACTION:

At the July 21, 2022, Board meeting, the Department will request approval of the attached statement of scope, regarding ch. ATCP 10 (Dog Import Rabies Vaccination).

SUMMARY:

The objective of the proposed rule is to consider modification to s. ATCP 10.80 (2) to align with s. 95.21 (2) (a), Stats. The current language of s. ATCP 10.80 (2) (a) conflicts with s. 95.21 (2) (a), Stats., with regards to rabies vaccination of dogs. The rule requires a rabies vaccination prior to import for dogs five (5) months of age or older, whereas the statute allows for rabies vaccination within 30 days after import. The Department reported the rule on the 2021 biennial review of rules, as required under s. 227.29, Stats. The Department is currently not enforcing the unauthorized portion of the rule.

The Governor approved the statement of scope on June 30, 2022.

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STATEMENT OF SCOPE

Department of Agriculture, Trade and Consumer Protection

Rule No.: Ch. ATCP 10, Wis. Admin. Code (Existing)

Relating to: Dog Import Rabies Vaccination

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

Not applicable.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to consider modification to s. ATCP 10.80 (2) to align with s. 95.21 (2) (a), Stats.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Existing Policies Relevant to the Rule:

The current language of s. ATCP 10.80 (2) (a), conflicts with s. 95.21 (2) (a), Stats., with regards to rabies vaccination of dogs. The rule requires a rabies vaccination prior to import for dogs five (5) months of age or older, whereas the statute allows for rabies vaccination within 30 days after import. The Department of Agriculture, Trade and Consumer Protection (department) reported the rule on the 2021 biennial review of rules, as required under s. 227.29, Stats. The department is currently not enforcing the unauthorized portion of the rule.

The current language of s. ATCP 10.80 (2) (a) and (b) and s. 95.21 (2) (a), Stats., state:

Section ATCP 10.80 (2)

(a) Except as provided in par. (b), no person may import a dog or domestic cat into this state unless the dog or domestic cat has a current rabies vaccination.

(b) An imported dog or domestic cat that is under 5 months of age may be imported without a current rabies vaccination administered by a licensed veterinarian, provided that the owner has the dog or cat vaccinated by a licensed veterinarian by the date on which the dog or cat reaches 5 months of age.

Section 95.21 (2) (a), Stats., Requirement for vaccination.

Except as provided in s. 174.054 or sub. (9) (d), the owner of a dog shall have the dog vaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 89.05 (2) (d), at no later than 5 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 5 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 89.05 (2) (d), before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination.

New Policies Proposed to be Included in the Rule and Analysis of Policy Alternatives:

The department proposes considering modification to s. ATCP 10.80 (2), to align with s. 95.21 (2), Stats. Without the proposed rule, the rule language would continue to be inconsistent with statute. The department would continue to report the rule during the biennial review of rules, as required under s. 227.29, Stats.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 95.20, Stats., authorizes the department to regulate the import and movement of animals as follows:

Section 95.20, Stats., Import and movement of animals.

The department may prohibit or regulate the importing of animals into this state or the movement of animals within this state if the department has reasonable grounds to believe that regulation or prohibition is necessary to prevent the introduction or spread of a disease in this state that threatens the health of animals or of humans.

Section 95.21 (2) (a), Stats., requires rabies vaccination of dogs as follows:

95.21 (2) (a), Stats., Requirement for vaccination.

Except as provided in s. 174.054 or sub. (9) (d), the owner of a dog shall have the dog vaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 89.05 (2) (d), at no later than 5 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 5 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to s. 89.05 (2) (d), before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The department estimates that it will use approximately 75 staff hours to develop this rule. This estimate includes time required for the investigation and analysis, rule drafting, preparing related documents, holding public hearings, and communicating with affected persons and groups. The department will use existing staff to develop this rule.

6. List with description of all entities that may be affected by the proposed rule:

Entities impacted by this rule include veterinarians, dog owners, dog sellers, dog facility operators, and people who import dogs into the State.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The proposed rule is specific to Wisconsin statutes.

The Centers for Disease Control and Prevention (CDC) requires that all dogs entering the U.S. that are 12 weeks and older be currently vaccinated against rabies.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule would consider modification to s. ATCP 10.80 (2), to align with s. 95.21 (2) (a), Stats. Entities impacted by this rule include veterinarians, dog owners, dog sellers, dog facility operators, and

people who import dogs into the State. Most affected entities are small businesses, pursuant to the definition under s. 227.485 (1) (c), Stats. The overall anticipated economic impact is minor.

Contact Person: Angela Fisher (Angela.Fisher1@wisconsin.gov); Phone (608) 224-4872

Signed this 10th day of June, 2022

A handwritten signature in black ink that reads "Randy Romanski". The signature is written in a cursive style with a large initial "R".

Randy Romanski
Secretary
State of Wisconsin Department of Agriculture,
Trade and Consumer Protection