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## **ACTION ALERT—4/9/2009**

### LRB – 2448/2 Commercial Dog Breeders Licensure Act

Released for co-sponsorships April 8, 2009 –

This second draft copy of Senator Kreitlow / Representative Smith's Breeder licensing bill did take some of DFOW's comments under consideration and removed language regarding docking, cropping, and euthanasia as procedures that could only be performed by a veterinarian. However, they completely ignored many other concerns that we expressed.

There are still problems with this bill as it is written and remember, it can be amended any time during the legislative process and become even more burdensome. We ask that you contact your elected representatives and ask them to refrain from supporting this bill draft.

#### DFOW objections:

According to the email that was sent to legislators for sponsorship, there was apparently a paragraph that stated "Breeders selling between 25-50 dogs receive the most complaints in states that have already enacted similar legislation, and this is the area where the majority of the concerns have been raised in Wisconsin." DFOW asks "where is the proof for this statement"? We were told that DATCP had no way of tracing that information because there "was no breeder licensing requirement" in our State. We were also told that the largest number of complaints that DATCP received was for people not receiving registration papers on their dogs. How exactly does poor record keeping tie into dogs being raised in horrible conditions?

This bill makes anyone selling 25 or more dogs in a year subject to licensing. This would affect people who may only whelp two litters of dogs in a year – retrievers and setters have large litters. According to comments made by Representative Smith at their news conference, "this bill won't affect those that raise one or two litters". Does this mean that the authors of the bill believe that anyone that breeds more than two litters a year are suspect of "raising dogs in deplorable conditions"?

Many communities in SE Wisconsin do not allow businesses to be operated in a residential area. If you're licensed, you are a business. If you are licensed and raise puppies in your home, you will also have to waive your Fourth and Fifth Amendment rights in order to be licensed and open YOUR HOME to inspection by DATCP. Of course, if they have "reasonable grounds" to believe that the dog is being mistreated in violation of ch. 951., they can also seize your dogs and place them with ANY LICENSED person stated under sub. (2) of the draft who agrees to accept them.

The email also stated that an advisory committee composed of interested parties named in the bill will help with the rule making process. We would like to point out that the advisory board as written in this bill draft consists of 8 persons, but only has 3-4 truly qualified persons listed. Person's selling dogs at retail, Humane societies, Animal control facilities, persons selling dogs at retail and \*breed rescue groups do not know anything regarding breeding or proper husbandry methods. \*Pure bred dog hobbyists who breed and are active in rescue are the exception to this statement.

The only dog experts on the named advisory committee are dog breeders selling fewer than 50 dogs per year, dog breeders selling more than 50 dogs per year, a sporting association whose primary activities involve dogs (DFOW suggested this, but it was the only suggestion they took), and a veterinarian. DFOW suggested that the veterinarian was one who specialized in canine reproduction or genetics. DFOW also suggested that there be a representative from each of the following: toy breed expert, rare breed expert, arctic breed expert, guardian breed expert, working dog breed expert, and a dog trainer who has experience in training dogs/people from each of the pure bred recognized groups of dogs.

*continued*

Frankly, if a person hasn't ever planned a breeding and followed it through, they are not qualified to write rules and regulations for those that do. In fact, a person who might be considered a commercial or large scale breeder can not speak for people who raise dogs in their home. They do not understand that you cannot follow rules and regulations written for commercial facilities in a home environment. So now we are down to two advisory representatives in a panel of 8 that might protect the interests of in-home breeders.

In the 2003/2004 Pet Facilities Act that did not receive funding, there was also an advisory board. DFOW has a copy of the PFA consolidation of all summaries regarding standards of care that was considered at that time. Those standards of care could not be met by people breeding dogs in a home environment. That advisory board had a similar make up to the one named in this bill draft and dog owners would have been forced to stop their breeding program if they wanted to raise their dogs in their home in our State.

This bill draft does not make allowances for breed specific rescue groups who ARE NOT under the supervision of a licensed humane care group in the State.

This bill allows DATCP to charge more for licensing fees "if they find it necessary to cover the costs of administering". Fees for licensing in the bill are \$250.00 for selling 25-49 dogs; \$500.00 for 50-99; \$750.00 for 100-249; \$1000.00 for 250 or more.

DATCP may also deny/refuse/renew/revoke an applicant if "they are not fit, qualified, or equipped to conduct the activity". Will the DATCP personnel charged with administering this bill also be licensed medical doctors? If they are not, they are not qualified to deny a person based on their personal interpretation of physical fitness.

The bill draft also includes language that would demand that a person administering the rules is familiar with the diversity of dogs. We are concerned that those individuals will not receive proper training for this purpose as the advisory committee as stated in the draft is not made up of dog experts.

There is no false accusation clause in this bill. You would have no recourse if you were falsely accused of having to be licensed. Penalties state that a person who operates without a license may be fined NOT MORE THAN \$10,000.00, or imprisoned for not more than 9 months or both. The emotional and financial toll of a falsely accused individual should not be dismissed lightly. There should be penalties in place for those that falsely accuse, at least equal in nature to those that may be found guilty.

This bill is not at the State level and individual communities would have the option of creating even more burdensome legislation.

Please contact your elected officials and ask them to refuse to support bill draft LRB-2448/2. You can find your elected representatives here:  
<http://www.legis.wisconsin.gov/w3asp/waml/waml.aspx>

This link is for the State of Wisconsin legislation main page:  
<http://www.legis.state.wi.us/>

*DFOW Officers and Board of Directors.*

**Please contact your elected representatives as soon as possible!**

**The deadline to add sponsors to the bill is Friday, April 24, 2009**

**You want your legislators to be well aware of your concerns prior to them making a decision to sign onto this bill draft.**