

Talking Points for SB-110 (LRB-1422/1) (Senator Darlings – Breeder Regulation Bill)

The legislation requires "anyone who sells or offers to sell at least 100 dogs in a year for resale" to be licensed. We applaud Senator Darling for her number to protect hobbyists from being inspected in their homes; however, this number can be reduced at anytime during the legislative process through the use of amendments. This happened with the 2007 bill and they added a puppy lemon law that would apply to anyone who sold a single dog.

Wisconsin is a home-rule state. This means that if specific wording is not included in this bill to keep this bill's responsibility and authority at the state level, municipalities may create even lower numbers and/or even more restrictive rules. This may result in ordinances that state "NO BREEDING" may be done in that municipality. This can cause a patchwork of different rules and regulations in every municipality in the state. This would make one more complicated step if you decide you would like to move to a new home in another municipality. This is already a complicated issue with pet limit laws.

This bill allows DATCP (Department of Agriculture, Trade and Consumer Protection) to make all the rules for which someone requiring a license would follow. DATCP is not the expert where dogs are concerned. Each breed of dog for every different purpose (hunting, service, search and rescue, law enforcement, military dogs, sled dogs) may dictate that dogs to be raised differently. A one size fits all regulation (rule) could be catastrophic to raising those dogs for the intent to which they were bred.

This bill authorizes DATCP to inspect a location prior to licensing. What happens in Wisconsin the bill is passed? DATCP would make the rules following the bill's passage, and this will take time. The bill has an effective date of 18 months following publication of the bill. This means that 18 months after the governor signs the bill, anyone not complying with the rules (which aren't even written) can be held to the penalties and fines as described in the bill. If it takes DATCP for example 12 months to write the rules, you as a kennel owner will have 6 months to conform and comply and it must be done before you can be licensed.

If you do not comply (upon first inspection) you will have to pay to be re-inspected.

In this section,

"commercial dog breeder" means a person who is engaged in the business of breeding dogs and who sells or offers to sell at least 100 dogs for resale in a year.

Yet the next section of the bill states

No person may act as a commercial dog breeder without a license from the department.

This would require anyone who wants to be a breeder to comply with rules for being a commercial breeder before being allowed to sell a dog. This is an area that is a catch 22. If you don't have the money because you can't act as a commercial breeder until you have a license and you can't bring your kennel to total compliance in order to sell dogs, you will have dogs that you must take care of and feed and vet without money coming in. This would cause a domino effect and push this breeder to the possibility of neglect charges if they cannot adequately take care of their dogs.

While licensing for commercial breeders would be fine for most, there is the concern over whether they would be different from USDA guidelines. Many of the commercial entities in Wisconsin selling to the pet store market are USDA inspected. Should the rules be more restrictive than USDA and Wisconsin law supersede USDA? Many of those kennels would need to be changed in a short period-of-time in order to comply with regulations and be allowed to sell dogs.

While this bill had good intentions, it has some fatal flaws.

1. Bill needs to remain at the state level to prevent local municipalities from creating a patchwork of the state for the breeding of dogs.
2. Rules need to be written by the (experts) breeders, who know better than anyone what needs to be done for each breed or "working" group of dogs.
3. The number of dogs sold needs to remain high to protect those that are not breeding dogs as a "business". To protect those that may produce 1 or 2 litters in a year and then work in their purebred rescue to do fostering, and re-homing efforts for their breed of choice.
4. There is no false accusation clause to protect breeders from harassment.
5. With rules being written "after the fact", what protection is there against illegal search and seizure?