

## CHAPTER 95

## ANIMAL HEALTH

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**Cross-reference:** See definitions in s. 93.01.

**95.001 Definitions. (1)** As used in this chapter:

(ad) “Domestic animal” means any of the following:

1. An animal that is a member of a species that has been domesticated by humans.
2. A farm-raised deer, farm-raised game bird, or farm-raised fish.
3. An animal that is listed as a domestic animal by rule by the department.

(ag) “Farm-raised deer” means a cervid that is kept in captivity or a cervid that is present in the wild and that has an ear tag or other mark identifying it as being raised on a farm.

(ah) “Farm-raised fish” means any fish egg that is present on a fish farm or any fish that is reared on a fish farm.

(ai) “Farm-raised game bird” has the meaning given in s. 169.01 (12m).

(aj) “Fish farm” means a facility at which a person hatches fish eggs or rears fish for the purpose of introduction into the waters of the state, human or animal consumption, permitting fishing, use as bait or fertilizer or any other purpose specified by the department by rule or for sale to another person to rear for one of those purposes.

(am) “Net salvage value” means the salvage value of an animal plus any federal indemnity paid for the animal.

(b) “Official vaccinate” means any female bovine animal officially reported to the department as having been vaccinated by an approved veterinarian at an age and in accordance with the procedures the department prescribes and which was properly tattooed at the time of vaccination as required by law or rules of the department.

(c) “Paratuberculosis” means the disease of domestic ruminants, commonly known as Johne’s disease, that is caused by mycobacterium paratuberculosis.

(2) The department shall promulgate rules defining the term “contagious or infectious diseases” as used in this chapter.

**History:** 1979 c. 129 s. 11; 1981 c. 20; 1983 a. 189; 1989 a. 277; 1995 a. 79, 450; 2001 a. 56 ss. 119 to 122, 154.

**95.01 Administration of drugs to horses. (1)** No person may administer a drug to a horse, either internally or externally, for the purpose of altering the performance of the horse in a horse pulling contest.

(2) Persons in charge of a horse pulling contest may require as a condition of participation in the contest that the exhibitor submit the exhibitor’s horse for examination by a licensed veterinarian to determine the presence of drugs under sub. (1).

**History:** 1973 c. 191; 1993 a. 492.

**95.10 Feeding garbage to swine. (1)** Beginning July 1, 1968, it is unlawful for any person to feed public or commercial garbage to swine, or to deposit or receive such garbage on any premises where swine are kept, and no swine having fed on such garbage may be sold or removed from the premises.

(3) “Public or commercial garbage” as used in this section means putrescible animal or vegetable wastes containing animal parts, resulting from the handling, preparation, processing, cooking or consumption of food and which is collected from any source, and includes dead animals as defined in s. 95.72 (1) (c). The term does not apply to private household wastes not removed from the premises where produced.

(4) No indemnity shall be paid to the owner of any swine condemned or destroyed because of any infectious or communicable disease if such swine were located, at any time, on any premises receiving public or commercial garbage. No person shall fail or refuse to conform with the department order specifying the manner of disposal of such infected swine. The definition of “communicable disease” in s. 990.01 (5g) does not apply to this subsection.

(5) No person shall remove or permit the removal of any swine from any premises where public or commercial garbage is

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received, except to federally inspected slaughtering establishments and other slaughtering establishments approved by the state to receive diseased animals, and only if such swine are accompanied by a certificate of veterinary inspection.

(6) No person shall bring into this state any raw public or commercial garbage for feeding purposes or for deposit on any premises where swine are kept. Any garbage from vehicles serving food to passengers, if deposited in this state, shall be incinerated.

**History:** 1981 c. 66, 291; 1981 c. 391 s. 210; 2001 a. 56.

**95.11 Livestock branding. (1) DEFINITIONS.** As used in this section:

(a) “Brand” means an identification mark which is burned, tattooed or otherwise permanently marked onto livestock in accordance with department rules. A brand shall consist of a symbol, letter, or combinations of symbols, letters or numbers in a specific location but does not include ear notches or similar disfigurement, a mark which is solely a numeral or a mark required by law for official identification in disease control programs.

(b) “Livestock” means cattle and horses.

(2) **ADOPTION AND USE.** Any person may adopt an exclusive brand by recording such brand under sub. (3).

(3) **RECORDING; FEES.** (a) Any person desiring to adopt any brand, not the recorded brand of another person, shall forward to the department a facsimile of the desired brand, together with a written application and a recording fee. Upon receipt the department shall record the brand, unless the brand is of record as that of some other person or conflicts with the recorded brand of any person. If the brand does not qualify for recording, or there is a conflict between applications received on the same date, the facsimile and fee shall be returned to the applicant. If the brand is accepted, the ownership thereof shall vest from the date of filing.

(b) In 1984 and every 10th year thereafter, every owner of a brand shall rerecord the brand according to department rules. At the expiration of each recording period the department shall notify every owner of a brand at the owner’s address of record that the brand has not been rerecorded and that the brand must be rerecorded within 90 days. Failure to rerecord the brand is an abandonment of the brand, and it can be recorded by another applicant thereafter.

(c) Any recorded brand is subject to transfer as personal property. Instruments evidencing transfer of a brand shall be recorded by the department upon payment of a transfer fee.

(d) The fee for initial recording is \$20, and for rerecording and transfer is \$10. When any brand is recorded, the owner is entitled to one certified copy of the recorded brand. Additional certified copies may be obtained upon the payment of \$2 for each copy.

(4) **SUIT BY OWNER.** An owner of a recorded brand may sue for injunctive relief and damages arising from an unauthorized use of the owner’s brand on livestock and a judgment in the owner’s favor may include costs and reasonable attorney fees.

**History:** 1973 c. 239; 1993 a. 490, 492; 1995 a. 225.

**95.12 False pedigree.** No person with intent to defraud shall obtain from any corporation, association, society or company organized for the purpose of improving breeds of domestic animals, a false certificate of registration of any such domestic animal in the herd or other register of any such corporation, association, society or company, or the transfer of any such certificate, or shall, with intent to defraud, give a false pedigree of any such domestic animal.

**History:** 2001 a. 56.

**95.13 Misrepresenting breed of domestic animal.** No person shall sell or barter or cause to be sold or bartered any domestic animal and represent, or cause to be represented that such domestic animal is a pure bred domestic animal, when in fact such domestic animal is not registered, or entitled to registry, in any pure breed registry maintained for such domestic animals; nor shall any person knowingly utter, pass or deliver to any person as

true, any false, or altered pedigree; nor shall any person refuse to deliver proper certificate of registry for any domestic animal sold or transferred by the person, having represented at the time of sale or transfer, and as an inducement thereto, that such domestic animal was registered and that the person possessed and would deliver a certificate of registry as evidence thereof, or that such domestic animal was entitled to registry and that the person would secure such certificate and deliver the same.

**History:** 1993 a. 492; 2001 a. 56.

**95.14 Corporations to improve livestock. (1)** Three or more adult persons of this state may form a corporation, without capital stock, to be managed and directed as herein provided, for the purpose of improving the breeding of livestock by such means and methods as may be deemed most advisable, and to receive and manage contributions therefor made from time to time by way of gifts, deed, devise, bequest or otherwise, and to expend the income thereof for the purpose of the corporation. The work of any such corporation shall be entirely educational and designed by practical work with the breeder upon the farm to result in a better understanding and practical application of the scientific and technical principles taught in agricultural colleges and experiment stations, so as to effect the greatest possible coordination between the science and the art or practice of breeding, but such work shall not be merged with the work of any educational institution. Any corporation organized hereunder shall have authority to pay all necessary expenses properly incurred in carrying out the purposes of the corporation, including compensation to employees and to directors for services actually rendered in conducting the affairs of the corporation, but no pecuniary profit shall ever be paid to any incorporator or director.

(2) Any corporation organized under this section shall be managed and directed by a self-perpetuating board of directors of 5 members, consisting of the dean of the College of Agricultural and Life Sciences of the University of Wisconsin–Madison, who shall be permanent chairperson of the board, and 4 others to be appointed in the first instance by the incorporators; at least 3 of the 5 members shall always be representative livestock breeders of the state. If the dean of the College of Agricultural and Life Sciences fails to act as a member of the board by reason of refusal, disability, or vacancy in the chair of the dean, the remaining members of the board shall appoint a representative livestock breeder to act in his or her place on the board until the time as such refusal, disability, or vacancy in the chair ceases to exist. Whenever the dean of the College of Agricultural and Life Sciences becomes a member of the board of directors after any such interim, the dean shall automatically become chairperson of the board.

(3) The term of office of all members of the board, except the permanent chairperson, shall expire one each year by lot. The remaining members shall elect a member to succeed the person whose term shall have thus expired. Vacancies occurring during the year may be filled at once by the remaining members.

(4) Any such corporation shall have the general powers of other corporations and its articles of organization shall conform to s. 181.0202 with such modifications as this section requires.

**History:** 1973 c. 335 s. 12; 1979 c. 32; 1993 a. 184; 1997 a. 79; 2001 a. 103.

**95.17 Animal diseases; cooperation with United States.** Whenever it is determined by the department and the state constitutional officers that it is necessary to combat dangerous diseases in animals in this state in cooperation with the U.S. department of agriculture and to destroy animals affected with or which have been exposed to any such disease or to destroy property in the disinfection of the premises or to do any other act or incur any other expense reasonably necessary in suppressing or combating such disease, the department may accept, on behalf of the state, the rules and regulations prepared by the U.S. department of agriculture under authority of an act of congress relating to the suppression of any such disease and cooperate with the authorities of the U.S. in the enforcement of their provisions; or it may follow such procedure as to inspection, vaccination, con-

demnation, appraisal, disinfection and other acts reasonably necessary in the suppression of such diseases as may be agreed upon and adopted by the department and the state constitutional officers with the representatives of the U.S. department of agriculture. Within the amount which may, subsequent to March 23, 1915, be appropriated for this purpose, the state shall pay such proportion of the expense incurred in suppressing or combating any such disease and in compensating owners of animals slaughtered under this section as shall be determined by and mutually agreed upon with the U.S. department of agriculture.

**History:** 1975 c. 308; 2001 a. 56.

**95.18 Animals in transit.** Animals in transit in the state are subject to all the provisions of law relating to contagious or infectious diseases of animals, and to the regulations and orders of the department.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.19 Diseased animals. (1) DEFINITIONS.** In this section, “knowingly” means that the actor believes that the specified fact exists.

**(2) PROHIBITIONS.** No person may do any of the following:

(a) Import, sell, transport or exhibit an animal that is exposed to a contagious or infectious disease, except as provided in sub. (3) (a).

(b) Import, sell, transport or exhibit an animal that is infected with a contagious or infectious disease, except as provided in sub. (3) (a).

(c) Knowingly conceal that an animal that is imported, sold, transported or exhibited has been exposed to or infected with a contagious or infectious disease.

(d) Knowingly misrepresent that an animal has not been exposed to or infected with a contagious or infectious disease.

(e) Knowingly permit an animal that has been exposed to or infected with a contagious or infectious disease to commingle with other animals under conditions that may cause the disease to spread to an animal owned by another person.

**(3) RULE MAKING.** The department may promulgate rules:

(a) Authorizing the transport under a department permit of an animal exposed to or infected with a contagious or infectious disease for slaughter or other purposes prescribed by the department.

(b) Specifying those contagious or infectious diseases to which the prohibitions of sub. (2), and the rules promulgated under par. (a), apply.

**(4) DAMAGES.** A person who violates this section is liable to any person injured for damages sustained as a result of the violation.

**History:** 1989 a. 277.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

Use of the phrase “any person injured” does not show that the legislature intended to allow recovery under this section only when a violation of this section causes personal injuries, as opposed to economic losses. *Wilson v. Tuxen*, 2008 WI App 94, 312 Wis. 2d 705, 754 N.W.2d 220, 07–1964.

This section specifically gives the department the authority to specify which contagious or infectious diseases can create liability under sub. (2) (a) to (e), which it has done. The two claims found in sub. (2) (a) and (b) are strict liability statutes that are restricted by rule to specified diseases. Sub. (2) (c) to (e) prohibit 3 different kinds of knowing conduct. By rule, liability under sub. (2) (c) to (e) may be based on any disease that is either contagious or infectious. *Wilson v. Tuxen*, 2008 WI App 94, 312 Wis. 2d 705, 754 N.W.2d 220, 07–1964.

**95.195 Diseases; implied warranty in sale of animals.**

**(1) DEFINITION.** In this section, “covered disease” means a disease that the department specifies under sub. (4) (a) is covered by this section.

**(2) WARRANTY.** Except as provided in sub. (3), in every contract for the sale of an animal of a type specified by the department under sub. (4) (b), there is an implied warranty that the animal is not infected with a covered disease unless the seller discloses to the buyer in writing, prior to sale, all of the following:

(a) The management classification of the animal’s herd with respect to the covered disease.

(b) If the animal is a reactor with respect to the covered disease, that the animal is a reactor.

**(3) EXCEPTION.** The warranty under sub. (2) does not apply to an animal sold directly to slaughter.

**(4) RULES.** The department shall promulgate rules that do all of the following:

(a) Specify covered diseases.

(b) Specify types of animals to which this section applies.

(c) Prescribe a system for determining management classifications of herds with respect to covered diseases.

**History:** 1989 a. 277; 1999 a. 160.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

The legislature intended this section as an implied warranty in addition to the implied warranties found in ss. 402.314 and 402.315, not as a stand-alone provision. As a result, the provisions of ch. 402, including the notice of breach requirement in s. 402.607 (3) (a), apply to a claim for breach of the warranty under this section. *Wilson v. Tuxen*, 2008 WI App 94, 312 Wis. 2d 705, 754 N.W.2d 220, 07–1964.

**95.197 Financial assistance for paratuberculosis testing. (1)** The department shall provide financial assistance to owners of livestock herds for conducting testing for paratuberculosis.

**(2)** The department shall promulgate rules for providing financial assistance under sub. (1).

**History:** 1999 a. 9.

**Cross Reference:** See also ch. ATPC 10, Wis. adm. code.

**95.20 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.

**History:** 1981 c. 291; 1981 c. 391 s. 210; 2001 a. 56.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.21 Rabies control program. (1) DEFINITIONS.** As used in this section:

(a) “Humane officer” means an officer appointed under s. 173.03.

(am) “Isolation facility” means a humane society shelter, veterinary hospital, municipal pound or other place specified by an officer which is equipped with a pen or cage which isolates the animal from contact with other animals.

(b) “Officer” means a peace officer, local health officer, as defined in s. 250.01 (5), humane officer, warden, an employee designated by the department or other person designated by the governing body of the county, city, village or town.

(c) “Owner” includes a person who owns, harbors, keeps or controls an animal.

(d) “Peace officer” has the meaning designated under s. 939.22 (22).

(e) “Veterinarian” has the meaning designated under s. 453.02 (7).

(em) “Veterinary technician” has the meaning designated under s. 453.02 (12).

(f) “Warden” has the meaning designated under s. 24.01 (11).

**(2) RABIES VACCINATION REQUIRED FOR DOGS.** (a) *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. 453.05 (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 vet-

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erinary technician, pursuant to s. 453.05 (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.

(b) *Issuance of certificate of rabies vaccination.* The person who administers the vaccine under par. (a) shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the department stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the center for disease control of the U.S. department of health and human services and the city, village or town where the dog is required to be licensed.

(c) *Copies of certificate.* The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated whichever occurs first.

(e) *Rabies vaccination tag.* After issuing the certificate of rabies vaccination, the person who administers the vaccine under par. (a) shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the supervising veterinarian.

(f) *Tag to be attached.* The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under sub. (2) (a).

(g) *Duplicate tag.* The person who administers the vaccine under par. (a) may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The person who administers the vaccine under par. (a) shall then indicate the new tag number on the certificate and keep a record in the file.

(h) *Cost.* The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

**(3) DISTRICT QUARANTINE.** (a) *Dogs confined.* If a district is quarantined for rabies, all dogs within the district shall be kept securely confined, tied, leashed or muzzled. Any dog not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The clerk of every town, city or village wholly or partly within the quarantine district shall promptly post in at least 3 public places in the town, city or village, notices of quarantine furnished by the department for posting.

(b) *Exemption of vaccinated dog from district quarantine.* A dog which is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence is exempt from the district quarantine provisions of par. (a) if a rabies vaccination tag or substitute tag is attached to the dog's collar.

**(4) QUARANTINE OR SACRIFICE OF AN ANIMAL SUSPECTED OF BITING A PERSON OR BEING INFECTED OR EXPOSED TO RABIES.** (a) *Quarantine or sacrifice of dog or cat.* Except as provided in par. (d), an officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only

as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(b) *Sacrifice of other animals.* An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies. Except as provided in s. 95.36, if an animal of a species raised primarily to produce food for human consumption is killed under this paragraph, the owner is eligible for an indemnity payment in an amount equal to the indemnity provided under s. 95.31 (3). If the decision is made by an employee of the department, the indemnity shall be paid from the appropriation under s. 20.115 (2) (b). If the decision is made by another officer, the indemnity shall be paid from the dog license fund.

(c) *Sacrifice of a dog or cat.* An officer may order killed or may kill a dog or cat if the owner of the dog or cat violates sub. (5) (a), (b) or (c).

(d) *Exception for law enforcement dogs.* 1. In this paragraph, "law enforcement agency" has the meaning given in s. 165.83 (1) (b).

2. The quarantine requirement in par. (a) does not apply to a dog that is used by a law enforcement agency and that bites a person while the dog is performing law enforcement functions if the dog is immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. The law enforcement agency shall have the dog examined by a veterinarian on the day of the incident or the next day, on the 10th day after the incident, and on one intervening day. The law enforcement agency shall ensure that the dog is confined when not performing law enforcement functions until the 3rd examination has been performed.

**(5) QUARANTINE OF DOG OR CAT.** (a) *Delivery to isolation facility or quarantine on premises of owner.* An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. If an officer delivers a dog or orders a dog to be delivered to an isolation facility and the dog is exempt from the requirement to be vaccinated against rabies under sub. (9) (d), the owner of the dog may choose an isolation facility that is a veterinary hospital.

(b) *Health risk to humans.* If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.

(c) *Risk to animal health.* 1. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal, unless the animal is exempt from the requirement to be vaccinated against rabies under sub. (9) (d).

2. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

(d) *Sacrifice of a dog or cat exhibiting symptoms of rabies.* If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

(6) **DELIVERY OF CARCASS; PREPARATION; EXAMINATION BY LABORATORY OF HYGIENE.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department, as defined in s. 250.01 (4). The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the state laboratory of hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk of exposure to any rabies virus. The laboratory of hygiene shall examine the specimen and determine if the animal was infected with rabies. The state laboratory of hygiene shall notify the department, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or that person's physician.

(7) **COOPERATION OF VETERINARIAN.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the department, the laboratory of hygiene, the local health department, as defined in s. 250.01 (4), the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

(8) **RESPONSIBILITY FOR QUARANTINE AND LABORATORY EXPENSES.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

(9) **LOCAL PROGRAMS.** (a) This section does not prohibit or restrict a county, city, village or town from imposing a rabies control program with more restrictive provisions.

(b) This section does not prohibit a county, city, village or town from imposing its own rabies control program if the department approves the program. The department may not approve a program unless it provides for at least 2 examinations of the quarantined animal by a veterinarian or a trained individual with veterinarian involvement during a 10-day isolation period. The department shall promulgate rules establishing criteria for the approval of programs under this paragraph and defining "trained individual" and "veterinarian involvement".

(c) The department may provide training to persons who administer local rabies control programs or who conduct rabies examinations under those programs. The department may charge fees to cover the cost of training. The fees collected under this paragraph shall be credited to the appropriation under s. 20.115 (2) (j).

(d) A city, village, or town may exempt the owner of a dog from the requirement to have the dog vaccinated against rabies for a year based on a letter from a veterinarian stating that vaccination is inadvisable because of a reaction to a previous vaccination, a physical condition, or a regimen of therapy that the dog is undergoing. The city, village, or town shall require the owner to provide a new letter for each year in which the owner seeks an exemption under this paragraph.

(10) **PENALTIES.** (a) *Failure to obtain rabies vaccination.* An owner who fails to have a dog vaccinated against rabies as required under sub. (2) (a) may be required to forfeit not less than \$50 nor more than \$100.

(b) *Refusal to comply with order or quarantine.* An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than \$100 nor more than \$1,000 or imprisoned not more than 60 days or both.

(c) *Other violation.* A person who violates any provision of this section not specified under pars. (a) and (b) may be required to forfeit up to \$50.

**History:** 1979 c. 129, 289, 357; 1981 c. 285; 1981 c. 314 s. 144; 1983 a. 189 s. 329 (18); 1983 a. 451; 1985 a. 135, 184; 1993 a. 27; 1995 a. 450; 1997 a. 192, 217; 1999 a. 9; 2005 a. 236, 240; 2007 a. 37, 97.

**Cross Reference:** See also chs. ATCP 10 and 12 and s. ATCP 13.02, Wis. adm. code.

**95.22 Reporting animal diseases.** (1) A veterinarian and the department of natural resources shall report to the department of agriculture, trade and consumer protection any disease specified in the rules promulgated under sub. (2) (a) each time a veterinarian or the department of natural resources discovers that such a disease is present in any animal in this state.

(2) The department shall promulgate rules that specify all of the following:

(a) The diseases that a veterinarian or the department of natural resources must report under this section.

(b) For each disease specified in par. (a), the deadline for reporting the disease after the date of its discovery.

(c) The information that a veterinarian or the department of natural resources must include in his or her report.

(d) Procedures to be used in preparing and submitting the report.

(3) The department of agriculture, trade and consumer protection shall notify the department of natural resources of the contents of any report submitted under sub. (1) by a veterinarian if the department of agriculture, trade and consumer protection determines that the disease that is the subject of the report may present a threat to any wild animals present in this state.

(4) The department shall provide the reports of any communicable diseases under sub. (1) to the department of health services and to the local health officer, as defined in s. 250.01 (5), for the area in which the animal is located.

**History:** 1981 c. 291; 1981 c. 391 s. 210; 1993 a. 492; 1999 a. 83; 2001 a. 56, 109; 2003 a. 321; 2005 a. 198; 2007 a. 20 s. 9121 (6) (a).

**Cross Reference:** See also chs. ATCP 10 and 12, Wis. adm. code.

### 95.23 Disease investigation and enforcement.

(1) Authorized inspectors and agents of the department may enter at reasonable times any premises, building or place to investigate the existence of animal diseases or to investigate violations of or otherwise enforce the laws relating to animal health. Any animals or materials suspected of being infected may be examined or tested. No person shall obstruct or interfere with such investigation or enforcement work, or attempt to do so, in any manner, by threat or otherwise.

(1m) (a) The department may conduct surveillance testing to determine whether animals have chronic wasting disease, if the department has reason to believe that the animals have been exposed to chronic wasting disease.

(b) The department shall indemnify the owner of an animal that must be killed in order to conduct testing under par. (a) in an amount equal to two-thirds of the difference between the net salvage value and the appraised value of the animal but not more than \$1,500 for one animal, except as provided in s. 95.31 (3m). The department may pay an indemnity under this paragraph from the appropriation account under s. 20.115 (2) (b) only if funds received by the department under s. 20.115 (2) (m) and (8) (ks) for the payment of indemnities are insufficient to pay the indemnity.

(2) Upon request of an authorized inspector or agent of the department, sheriffs and police officers shall assist in the enforcement of the laws relating to animal health.

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(3) Upon reasonable notice from the department, owners or persons in charge of animals shall cause them to be restrained or confined so that they may be identified, examined and tested or otherwise treated or disposed of as authorized by law.

(4) When any animals or materials infected or suspected of being infected have been quarantined, no person shall remove them from the premises, or otherwise fail to comply with the terms of the quarantine, except upon written permit from the department.

**History:** 2001 a. 108; 2005 a. 25.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.232 Confidentiality of paratuberculosis records.**

Any information kept by the department that identifies the owners of livestock herds infected, or suspected of being infected, with paratuberculosis is not subject to inspection or copying under s. 19.35 except as the department determines is necessary to protect the public health, safety or welfare.

**History:** 1989 a. 31.

**95.235 Sale of certain painted utensils.** Any person who sells, for the purpose of feeding livestock, any utensil painted with a substance having a toxic effect upon livestock when taken orally shall be punished under s. 95.99 (1).

**History:** 1975 c. 41; 1979 c. 129 s. 15; 1981 c. 66 s. 8.

**95.24 Living vaccine, hog cholera, anthrax, swine erysipelas.** (1) No person shall have in his or her possession or furnish to another any live virus hog cholera vaccine, including vaccines produced from a modified or attenuated strain of hog cholera virus, except that such vaccines may be in the possession of a biological laboratory inspected and licensed by the federal government, persons having written approval from the department for its experimental use, or veterinarians having a permit from the department for its use in vaccinating or treating swine as necessary for export or for such other uses as are authorized by the department for the control of serious outbreaks of the disease.

(3) (a) No type of living vaccine for immunizing against anthrax or swine erysipelas may be administered to any domestic animal or sold or dispensed in this state without first having obtained the written approval of the chief veterinarian of the department. Approval to administer such vaccine shall be granted to licensed veterinarians only, and then only to qualify the domestic animal for export or in the event that any of the following has been established:

1. The domestic animals to be so treated are infected.
2. The domestic animals to be so treated are on premises known to be contaminated.
3. The domestic animals to be so treated have been exposed within 40 days to infection with the disease for which the living vaccine is prescribed as a proper immunizing agent.

(b) Every veterinarian who so administers such living vaccine shall render to the department a report of the use and the results thereof at such time and in such manner as it may require.

**History:** 1993 a. 213, 492; 2001 a. 56.

**95.25 Tuberculosis control program.** (1) In order to detect and control bovine tuberculosis the department may test for tuberculosis those cattle where indication of possible infection is disclosed by means of the slaughter cattle identification program and any other cattle, farm-raised deer or other species the department has reason to believe may be infected or exposed or considers necessary to test for any other reason. Tuberculosis tests authorized by the department shall be made at such times and in such manner as the department determines, in the light of the latest and best scientific and practical knowledge and experience.

(2) Upon reasonable notice, the department, its authorized agents and all inspectors and persons appointed or authorized to assist in the work of applying the tuberculin test, may enter any buildings or enclosures where cattle, farm-raised deer or other species are, for the purpose of making inspection and applying the

tuberculin test, and any person who interferes therewith or obstructs them in their work or attempts to obstruct or prevent by force the inspection and the testing shall, in addition to the penalty prescribed therefor, be liable for all damages caused thereby to the state or to any person lawfully engaged in the work of inspection and testing.

(2m) The owner or other person in possession of animals subject to inspection or testing under this section shall provide animal handling facilities to ensure the safety of the animals and the persons conducting the inspection or testing under this section.

(3) The department shall provide all the necessary equipment and supplies and inspectors and make all arrangements necessary for the carrying on and completion of the work authorized by this section. If any such equipment or supplies are no longer needed, they may be disposed of by the department of administration, and the proceeds derived from the sale shall be paid into the state treasury and credited to the appropriation for such testing.

(4) Retests of infected herds shall be made by the department at such intervals as the department deems necessary to protect the work already done and to preserve the modified accredited or tuberculosis free status of the state under the specifications and regulations of the U.S. department of agriculture and the agreements among the various states.

(4m) The department is not liable for injury to or death of animals during inspection or testing under this section unless negligence by the department causes the injury or death.

(5) For each animal of a species raised primarily to produce food for human consumption, including farm-raised deer, condemned and slaughtered, except as provided in s. 95.36, the owner shall receive and, upon certificate of the department, the state shall pay two-thirds of the difference between the net salvage value and the appraised value of the animal, but the payment may not exceed \$1,500 for an animal.

(6) The department may, with the owner's consent, condemn animals which have been exposed to tuberculosis or which are suspected of being infected, although such animals have not reacted to the tuberculosis tests.

**History:** 1971 c. 125; 1975 c. 306; 1983 a. 361; 1991 a. 269; 1995 a. 79, 225, 450; 1997 a. 35.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.26 Brucellosis control program.** (1) In order to detect and control bovine brucellosis the department shall conduct milk and cream tests and blood tests as provided in this section. Milk and cream shall be tested by the brucellosis ring test, hereafter referred to as the B.R.T. test. Blood shall be tested by blood serum agglutination or other test methods approved by the department, hereafter referred to as the brucellosis test.

(2) All milk and cream received at every dairy plant shall be tested at not more than 6-month intervals by the B.R.T. test, and brucellosis tests shall be applied promptly to cattle when the milk or cream therefrom discloses a positive reaction to the B.R.T. test or to cattle and American bison when other indications of possible infection are disclosed. All cattle and American bison, except steers and spayed heifers, shall be subject to the brucellosis test, but official vaccinates not older than the maximum age prescribed by rules of the department need not be tested except when deemed necessary by the department or the attending veterinarian. Brucellosis tests and official vaccination provided for in this section shall be performed by a veterinarian approved by the department. When brucellosis tests are not conducted by any such veterinarian within 15 days of the date notice to test is mailed to the cattle or American bison owner, the department shall conduct such tests. Except where compensated by the federal government, approved veterinarians performing testing and vaccination under this section shall be paid by the state at uniform rates established by the department. Blood samples drawn for the brucellosis test shall be submitted to the department promptly for laboratory examination.

(3) If the existence of brucellosis within the state results in the termination of its status as a certified brucellosis-free area by the

U.S. department of agriculture, the department shall request the release of funds by the joint committee on finance from the appropriation under s. 20.865 (4) (a) to pay for official vaccination, as provided in s. 95.46 (2), of all female calves located within any county where the incidence of brucellosis disqualifies it for such designation.

(4) Cattle and American bison that are classified as “reactors” to the brucellosis test, whether or not conducted pursuant to this section, shall be slaughtered. A report of any test disclosing reactors shall be mailed to the owner thereof. The reactors shall be identified by a reactor tag and permanent mark as prescribed by the department. The owner shall effect slaughter of the reactors within 15 days of the date they are so identified, except that the department, for cause shown, may extend the time an additional 15 days. If the owner of reactors fails to comply with this subsection within the time limited, the department shall cause the removal and slaughter of the reactors. No indemnity shall be paid on any reactors disposed of by the department. No milk shall be sold from any reactors or from any herd of cattle in which reactors are kept contrary to the provisions of this section.

(5) When reactors to any brucellosis test are disclosed in a herd of cattle or American bison the department shall quarantine the entire herd by serving written notice thereof, either personally or by mail, on the owner or person in charge, but such quarantine shall not be imposed if the department, upon the basis of the clinical history of the herd with respect to brucellosis and the recommendation of the attending veterinarian, determines it is improbable that the cattle or American bison will contract brucellosis. No cattle or American bison subject to the quarantine shall be removed from the premises where the cattle or American bison are quarantined, except upon written permit of the department. The quarantine shall remain in full force until removed by the department. Such retests shall be conducted as the department finds necessary to eliminate all reactors or other evidence of infection in the herd.

(5m) (a) The department may obtain blood or tissue samples from swine and farm-raised deer to test for brucellosis.

(b) The department may condemn swine and farm-raised deer that are reactors to the brucellosis test and may quarantine the herd from which the reactors come.

(6) The department may acquire, equip and maintain laboratories, including mobile units and promulgate rules and regulations not inconsistent with law so as to effectively execute its functions under the brucellosis control program.

(7) For each animal of a species raised primarily to produce food for human consumption, including farm-raised deer, condemned and slaughtered, except as provided in ss. 95.36 and 95.48, the owner shall receive and, upon certificate of the department, the state shall pay two-thirds of the difference between the net salvage value and the appraised value of the animal, but the payment may not exceed \$1,500 for an animal. With the consent of the owner the department may condemn, in infected herds, animals which have been exposed and which are suspected of being infected, although the animals have not reacted to the brucellosis tests.

**History:** 1971 c. 125, 211; 1973 c. 333; 1975 c. 39, 308; 1977 c. 29; 1979 c. 34 s. 2102 (29) (a); 1981 c. 20; 1995 a. 450; 1999 a. 83.

**Cross Reference:** See also chs. ATCP 10 and 12, Wis. adm. code.

### 95.27 Pseudorabies control program; indemnities.

(1) In order to detect, control and eradicate pseudorabies the department shall obtain blood or tissue samples from Wisconsin swine on a systematic basis. The department shall test the samples for pseudorabies.

(2) In the eradication and control of pseudorabies, the department may, whenever such action is necessary to prevent or reduce the spread of disease, quarantine or condemn and order the destruction of any swine which in the opinion of the department are infected with or have been exposed to pseudorabies.

(3) The department may enter into cooperative agreements with the federal government or any department or other agency for the control and eradication of pseudorabies in this state, including the payment of indemnities authorized under this section.

(4) Subject to sub. (5) and s. 95.36, the department shall indemnify the owner of swine that have been condemned and destroyed under this section. The department shall pay to the owner for each animal destroyed the difference between the net salvage value and the appraised value of the animal, but the payment may not exceed \$1,500 for an animal. State payments shall be made from the appropriation under s. 20.115 (2) (b).

(5) Indemnities may not be paid under this section unless the owner of affected swine enters into, and acts in accordance with, an agreement with the department for the eradication of pseudorabies. An agreement entered into under this section shall contain a plan for the eradication of pseudorabies and shall be based upon scientifically accepted methods. The department shall monitor the implementation of an agreement to determine compliance and to determine whether the agreement needs to be modified.

(6) The owner of any swine affected by this section may appeal an order made under this section by filing with the department a request for a hearing under s. 93.18 within 5 days after receipt of notice of the order.

(7) A person in control of any premises on which swine have died of pseudorabies shall promptly dispose of the carcasses as provided under s. 95.50 or have the carcasses removed by a renderer licensed under s. 95.72.

(8) The department may adopt rules that are necessary to administer this section.

**History:** 1983 a. 132; 1987 a. 399; 1989 a. 31; 1991 a. 39, 109; 1995 a. 450.

**Cross Reference:** See also chs. ATCP 10 and 12, Wis. adm. code.

### 95.30 Disposal of animals infected with tuberculosis.

The owner of cattle or farm-raised deer tested and found to be afflicted with bovine tuberculosis shall ship them under the direction of the department to some place designated by it for immediate slaughter under U.S. government inspection, or under the inspection approved by the department.

**History:** 1995 a. 79.

**Cross Reference:** See also chs. ATCP 10 and 12, Wis. adm. code.

### 95.31 Condemnation of diseased animals.

(1) The department may condemn animals that are affected with or exposed to a contagious or infectious disease if the department determines that it is necessary to do so to prevent or control the spread of the disease. Condemned animals shall be slaughtered or destroyed as directed by the department.

(2) If the department determines that it is necessary to condemn an animal under sub. (1), the department shall, in all cases where the payment of indemnities is authorized under this chapter, appraise the animal as provided in s. 95.32 and shall notify the owner in writing of the appraised value. The notice shall include the number and description of the animals and the name of the owner.

(3) In addition to the indemnities for specific animal diseases provided under ss. 95.25, 95.26 and 95.27 or under special emergency programs and subject to s. 95.36, the department shall pay indemnities on livestock condemned and slaughtered or destroyed because of other diseases if the department determines that the condemnation and slaughter or destruction is necessary to protect public health or the livestock industry. The indemnity under this subsection shall be two-thirds of the difference between net salvage value and appraised value, but may not exceed \$1,500 for an animal, except as provided in sub. (3m). As used in this subsection, “livestock” means animals of species raised primarily to produce food for human consumption, including farm-raised deer.

(3m) If the department condemns an animal because the animal is suspected to have a transmissible spongiform encephalopathy and the owner disposes of the carcass as directed by the department, the department shall increase the amount of the indemnity

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calculated under sub. (3) or s. 95.23 (1m) (b) by the costs of the destruction of the animal and of the disposal, transportation, and any necessary storage of the animal's carcass. An indemnity paid because of the condemnation of an animal to which this subsection applies may exceed \$1,500.

(4) In the event of a major or serious outbreak of a contagious or infectious disease that may affect public health or the health of animals and that requires special control measures, the department may request the joint committee on finance to release funds appropriated under s. 20.115 (2) (b) as needed to conduct emergency control programs independently or in cooperation with federal or local units of government and, subject to s. 95.36, to pay indemnities on animals of species raised primarily to produce food for human consumption, including farm-raised deer, condemned and slaughtered or destroyed under the emergency control programs. For all indemnities paid under this subsection, the state shall pay two-thirds of the difference between the net salvage value and the appraised value of an animal, except that no payment may exceed \$1,500 for an animal.

**History:** 1977 c. 146; 1977 c. 449 s. 497; 1981 c. 20; 1989 a. 31; 1991 a. 269; 1995 a. 79, 450; 2001 a. 56; 2005 a. 25.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.32 Appraised value. (1)** The department shall determine the appraised value of an animal that is destroyed under s. 95.21 (4) (b), 95.23 (1m), 95.25, 95.26, 95.27 or 95.31 (3) or (4) if the animal's owner is eligible for an indemnity.

(2) Except as provided in sub. (3), the appraised value for an animal that is of an animal type that is frequently sold at public auction shall equal the average price paid for a commercial grade animal of the same animal type at public auction sales during a period specified by the department.

(3) The appraised value of a registered purebred animal of an animal type that is frequently sold at public auction shall equal 125% of the amount determined under sub. (2) for that animal type.

(4) Using a method specified under sub. (5) (c), the department shall determine the appraised value of an animal of an animal type that is not frequently sold at public auction.

(5) (a) The department shall promulgate rules specifying animal types for the purposes of this section. The animal types may be based on characteristics of animals that include species, gender and age. The rules shall specify whether each animal type is frequently sold at public auction.

(b) The department shall promulgate rules specifying the period of public auction sales that will be used in the appraisal of each animal type to which sub. (2) applies. The period may not begin more than 6 months before the date on which the department makes the appraisal.

(c) The department shall promulgate rules specifying methods for determining the appraised value of animals of animal types that are not frequently sold at public auction. The methods shall be as consistent as possible with the method under sub. (2).

**History:** 1977 c. 146; 1977 c. 449 s. 497; 1981 c. 20; 1995 a. 450; 2001 a. 108.

**Cross Reference:** See also ch. ATPC 10, Wis. adm. code.

**95.33 Tubercular animals that do not react.** Whenever in the opinion of the department a bovine or farm-raised deer is afflicted with tuberculosis, although failing to react to the tubercular test, such animal shall be condemned and the appraisal and all subsequent procedure shall be the same as in the case of reactors.

**History:** 1995 a. 79.

**Cross Reference:** See also ch. ATPC 10, Wis. adm. code.

**95.34 Slaughter on premises.** The slaughter of diseased animals on the premises of the owner shall be made under the supervision and direction of the department or an assistant. If upon inspection of the carcass it is found, according to rules of inspection of the U.S. department of agriculture, to be unfit for human food, the inspector shall destroy it or cause it to be buried and covered with a sufficient quantity of lime to destroy it. The

hide shall be disinfected and otherwise cared for according to said rules. If the carcass is fit to be used for human food it may be disposed of in accordance with the provisions made by the department.

**History:** 1975 c. 308.

**95.35 Scrapie eradication: indemnities. (3)** The department may enter into cooperative agreements with the federal government or any department or other agency for the control and eradication of scrapie in this state.

(6) Every person in control of premises on which sheep or goats have died of scrapie shall promptly bury or dispose of the carcasses in accordance with rules prescribed by the department.

**History:** 1981 c. 20; 1995 a. 450.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.36 Indemnity not allowed.** The owners of animals condemned and slaughtered under the provisions of this chapter shall receive no indemnity therefor in the following cases:

(1) Animals owned by the United States, this state or any county, city, town or village.

(2) Animals brought into this state contrary to any provisions of law.

(3) Animals which the owner at the time of coming into possession of them knew or had reason to believe to be afflicted with contagious or infectious disease.

(4) Animals diseased at the time of arrival in this state.

(5) Animals which the owner has negligently or willfully exposed to contagious or infectious disease.

(6) Animals brought into this state that fail to pass successfully the retests subsequent to importation as required by regulation of the department.

(7) When the infected premises have not been disinfected, to the satisfaction of the department in such manner as to prevent the further spread of the disease.

(8) Unless the animal condemned and slaughtered was owned by the claimant at least 30 days prior to the test which discloses the reaction.

(9) Where the owner has received indemnity as a result of a former inspection or test, and has thereafter introduced into his or her herd any bovine contrary to law or the regulations of the department.

(10) If the owner of the animal has failed to comply with s. 95.51 (2).

**History:** 1995 a. 225; 2003 a. 229.

**Cross Reference:** See also ch. ATPC 10, Wis. adm. code.

**95.37 Claims for indemnity. (1)** Claims against the state arising from the condemnation of animals shall be made by delivering to the department, to be forwarded to the department of administration, a request, giving the name and place of residence of the owner, the date on which the animals were condemned and the tag number of each animal, and also a statement of the salvage received and of the sum due from the state and any additional information that the department requires. The department shall promptly transmit all claims to the department of administration and accompany the same with a report of the sum due from the state and thereupon the claims may be audited and paid.

(2) Claims for indemnity based on condemnation and appraisal may be paid notwithstanding the death of the animal by means other than slaughter if satisfactory proof of death is filed with such claim.

**History:** 1977 c. 216; 1977 c. 449 s. 497; 1995 a. 450.

**Cross Reference:** See also ch. ATPC 10, Wis. adm. code.

**95.38 Altering records; tampering with ear tags. (1)** It shall be unlawful for any person to in any manner change any test record, falsely record any test, misrepresent the identification of any animal or any other material fact on any test record, certificate of veterinary inspection, vaccination record, claim for indemnity, or any disease control report or application to the department. It

shall be unlawful for any person to induce or to conspire with another, either directly or indirectly, to do any of the said prohibited acts.

(2) No person is permitted to in any way tamper with, insert or remove from the ear of any animal any ear tag or registration mark which is or may be used for identification in disease control work except upon authorization from the department.

(3) The department may adopt rules that are necessary to administer this section.

**History:** 1983 a. 132; 2001 a. 56.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.39 Biological products. (1)** It is unlawful for any person to sell, furnish, give away or supply any tuberculin or any biological product containing Brucella organisms for use in this state unless all of the following conditions are met:

(a) The label on the container thereof states the name and address of the manufacturer and the date of expiration.

(b) The vendor, within 15 days, reports to the department the name of the recipient, the date and amount delivered.

(c) The products are sold or delivered only to veterinarians licensed to practice in this state.

(2) It shall be unlawful for any person to use or dispose of any tuberculin until assured in writing by the person from whom received that its sale or delivery to said person has been reported to the department.

(3) Biological products produced or packed outside this state for the treatment, diagnosis or prevention of animal diseases and licensed by the federal government under experimental or special licenses may be sold, distributed or used only under such conditions as the department prescribes. The department may make such rules governing the conditions of manufacture, sale, distribution or use of biological products for the treatment, diagnosis or prevention of animal diseases as are necessary for the protection of animal health, including permit requirements or other restrictions on the importation, sale or experimental use of such products.

**History:** 1995 a. 225.

**95.40 Neutralizing tuberculosis test. (1)** No person shall use or cause to be used tuberculin or any other agent upon cattle or farm-raised deer, by injection or otherwise, for the purpose of preventing a proper reaction when a tuberculin test is made.

(2) No person shall at any time or in any manner apply tuberculin to any animal except for the purpose of applying a tuberculin test. The result of every such test shall be reported to the department.

**History:** 1995 a. 79.

**95.41 Tuberculin; ear tags. (1)** The department shall furnish and distribute tuberculin and circulars containing the rules and regulations for applying the tuberculin test upon application to all persons authorized to make such test.

(2) The department shall provide ear tags to be used for identifying cattle and farm-raised deer tested for purposes of disease control, and shall distribute the tags to persons authorized by the department to identify cattle and farm-raised deer.

**History:** 1977 c. 216; 1979 c. 129; 1995 a. 79.

**95.42 Revocation of permit to test.** Only veterinarians approved by the department may apply the tuberculin test to cattle and farm-raised deer, and no veterinarian applying the test may tag or brand reactors except as specifically authorized or directed by the department. Any veterinarian who fails to comply with this section and the rules and instructions furnished by the department shall forfeit all right to apply the tuberculin test.

**History:** 1977 c. 216; 1979 c. 129; 1995 a. 79.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.43 Application of brucellosis test. (1)** The brucellosis test shall be applied only by approved veterinarians. Any veterinarian who fails to comply with the laws or regulations of the

department relating to disease control may be denied such approval.

(2) Every veterinarian who applies the brucellosis test shall promptly reactor tag and permanently mark all reactors in conformity with the law and the regulations of the department, and shall promptly report the result of each test to the department. No person shall interfere in any way with the identification of reactors as required herein.

**History:** 1981 c. 20; 1995 a. 155.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.45 Certificates of veterinary inspection; tests for interstate shipment. (1)** Tests to determine the health status of animals for the purpose of interstate shipment shall be made only by licensed graduate veterinarians approved by the department. Such veterinarians shall report the results of every such test to the department in triplicate.

(4) (a) If the department requires that a certificate of veterinary inspection accompany an animal imported into this state, the veterinarian who issues the certificate shall file a copy of the certificate with the department.

(b) If a certificate of veterinary inspection is required for a wild animal under s. 169.04 (2) (d) and (3) (a) or 169.06 (1) (d) 1., the veterinarian who issues the certificate shall file a copy of the certificate with the department of agriculture, trade and consumer protection. The department of agriculture, trade and consumer protection shall provide a copy of the certificate to the department of natural resources.

(c) The department may promulgate rules to impose requirements on the form, issuance, and filing of certificates of veterinary inspection.

(5) Any certificate of veterinary inspection prepared under this chapter or ch. 169 shall comply with any rules that are promulgated by the department.

**History:** 2001 a. 56.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.46 Brucellosis vaccination; official vaccinates. (1)** It is unlawful for any person other than an approved veterinarian to treat any bovine animal with any biological product containing Brucella organisms.

(2) No bovine animals may be vaccinated against brucellosis except calves within age ranges prescribed by department rules. Such calves may be vaccinated by approved veterinarians if officially reported to the department and permanently identified as official vaccinates as required under this section and rules of the department.

(3) All animals vaccinated by approved veterinarians shall be identified by a tattoo on the inner surface of the right ear of each such animal, using such symbols as the department by rule prescribes.

(4) All veterinarians shall use only vaccine provided under federal regulations or produced by or under the direction or supervision of the department. They shall identify the vaccinates as required in sub. (3) and record in triplicate on forms prepared by the department the information it requires. The veterinarian shall transmit one copy of the vaccination record to the department within 15 days after the date of vaccination, furnish one copy to the owner of the animals, and retain one copy for the veterinarian's own file.

(6) Official vaccinates need not be identified as reactors until they are past 20 months of age unless there is other evidence of infection in the herd.

**History:** 1973 c. 123; 1979 c. 129.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.48 Brucellosis indemnity restrictions. (1)** No indemnity for brucellosis shall be paid:

(a) On steers.

(b) On any animal unless reactor tagged and permanently marked as required by department regulation and unless the claim

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is accompanied by such proof, as the department may require, of (1) slaughter within the time limited, (2) actual salvage and (3) cleaning and disinfection of the premises.

(c) On any animal vaccinated against brucellosis, other than official vaccinates, unless it can be established that such animal, subsequent to vaccination, returned to a negative status as established by a negative test conducted not less than 30 days prior to the test on which the claim is based but more than 30 days after vaccination.

(d) Except as provided in sub. (2), on any animal which was a member of a herd into which was introduced any animal which failed to first pass a completely negative brucellosis test prior to movement as required by s. 95.49.

(e) Except as provided in sub. (2), on any animal other than an official vaccinate which was a part of a herd any member of which, when above the maximum qualifying age for official vaccination, was treated with any biological product containing *Brucella* organisms.

(2) Notwithstanding the provisions of sub. (1) (d) and (e), indemnity shall be paid on such animals if the reaction is disclosed on any test conducted subsequent to the elimination without claim of all reactors disclosed on a complete herd test conducted after the time of making any addition or treating any animal as therein described.

**Cross Reference:** See also chs. ATCP 10 and 12, Wis. adm. code.

**95.49 Movement; sale.** (1) No person may sell or move from one place to another any American bison, or animal of another species identified by the department by rule, born on or after June 1, 1984, unless it is accompanied by a report of complete negative brucellosis test conducted within 30 days prior to movement, but this subsection does not apply to the following:

(a) Official vaccinates.

(b) Neutered males and spayed females.

(c) Animals consigned directly to slaughter establishments if the animals are moved and held in conformity with department rules.

(d) Male animals under 6 months of age and female animals under the maximum age allowable for vaccination as defined by rule.

(e) Animals not known to be reactors moved to the premises of an animal market operator licensed under s. 95.68 or an animal dealer licensed under s. 95.69, for sale and removal as provided in sub. (2).

(f) Animals which are moved for exhibition purposes if accompanied by a report of a negative brucellosis test conducted within 90 days.

(g) Animals moved by the owner between farm premises owned or operated by him or her.

(1m) If this state is not designated Class Free under 9 CFR 78.41 or if this state is so designated but the department has promulgated rules under sub. (2m), no person may sell or move from one place to another any cattle born on or after June 1, 1984, unless it is accompanied by a report of complete negative brucellosis test conducted within 30 days before movement. This subsection does not apply to any of the following:

(a) Official vaccinates.

(b) Steers and spayed heifers.

(c) Animals consigned directly to slaughter establishments if the animals are moved and held in conformity with department rules.

(d) Male animals under 6 months of age and female animals under the maximum age allowable for vaccination as defined by rule.

(e) Animals not known to be reactors moved to the premises of an animal market operator licensed under s. 95.68 or an animal dealer licensed under s. 95.69, for sale and removal as provided in sub. (2).

(f) Animals which are moved for exhibition purposes if accompanied by a report of a negative brucellosis test conducted within 90 days.

(g) Animals moved by the owner between farm premises owned or operated by him or her.

(h) Feeder cattle sold or moved to an approved feedlot if the cattle are moved and held in conformity with department rules.

(i) Female beef breed cattle under one year of age if sold or moved for feeding purposes.

(2) Animals moved to the premises of an animal market or animal dealer pursuant to the exemption from brucellosis test in sub. (1) (e) or (1m) (e) may be removed only in compliance with the brucellosis test requirements in sub. (1) or (1m).

(2m) The department may promulgate emergency rules upon the outbreak in this state of brucellosis to prevent the movement and sale of cattle unaccompanied by reports of complete negative brucellosis tests.

(3) This section shall not be construed to authorize the movement of any animals in violation of any other provision of this chapter or of any quarantine or animal health regulation issued by the department as authorized by law.

**History:** 1973 c. 123; 1981 c. 390 s. 252; 1983 a. 127; 1993 a. 16; 1995 a. 155; 2001 a. 56.

**Cross Reference:** See also chs. ATCP 10 and 12, Wis. adm. code.

**95.50 Transportation and disposal of animal carcasses.** (1) DEFINITIONS. In this section:

(a) “Carcass” means the dead body, or any part of the dead body, of a livestock animal or other domestic animal.

(b) Notwithstanding s. 95.001 (2), “contagious or infectious disease” means a disease that is spread by contact, bodily secretions, or fomites or that is caused by a pathogenic agent.

(c) “Diseased carcass” means the carcass of a livestock animal or other domestic animal if the animal was any of the following at the time of death:

1. Infected with a contagious or infectious disease.

2. Potentially infected with a contagious or infectious disease, based on known exposure to a contagious or infectious disease.

3. Reasonably suspected of being infected with a contagious or infectious disease, based on symptoms or testing.

(d) “Fomite” means an inanimate object or a substance that transfers infectious organisms from one animal to another.

(2) CARCASS TRANSPORTATION AND DISPOSAL PROHIBITIONS. No person may do any of the following, either directly or through an employee or agent:

(a) Transport or dispose of a carcass that the person knows or reasonably should know to be a diseased carcass in a manner that creates a significant and foreseeable risk of transmitting disease to humans or animals.

(b) Dispose of a carcass in the waters of the state. This paragraph does not prohibit the use of farm-raised fish as bait.

(3) TIMELY DISPOSITION OF CARCASSES. No person who owns or controls a carcass, or who owns or controls the land on which a carcass is located, may leave the carcass exposed to access by dogs or wild animals for more than 24 hours during the months of April to November or for more than 48 hours during the months of December to March if the person knows or reasonably should know that the carcass is exposed.

(4) REGULATION OF CARCASS TRANSPORTATION AND DISPOSAL. The department may, by rule or order, regulate the transportation and disposal of carcasses to prevent and control contagious and infectious diseases.

**History:** 2009 a. 42.

**95.51 Livestock premises registration.** (1) DEFINITION.

In this section, “livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, and any other kind of animal that the department identifies by rule for the purposes of this section.

**(2) REGISTRATION.** (a) Except as provided under sub. (3m), no person may do any of the following at a location in this state unless that person registers that location with the department:

1. Keep any bovine animals, equine animals, goats, sheep, swine, poultry, or farm-raised deer.
2. Keep any other kind of livestock that the department identifies by rule.

(b) A person shall register under par. (a) on a form provided by the department and shall provide all of the following information:

1. The registrant's legal name and any trade names under which the registrant keeps livestock in this state.
2. The registrant's business address.
3. The address of each location at which the registrant keeps livestock in this state.
4. The type of livestock kept at each location under subd. 3. and the type of livestock operation, using standards and guidelines from the national animal identification plan developed by the animal and plant health inspection service of the federal department of agriculture, to the extent practicable.

**(3) COORDINATION.** A person to whom sub. (2) applies may comply with sub. (2) as part of the registration process under s. 95.55 or 95.68 or the licensing process under s. 97.22.

**(3m) EXEMPTIONS.** The department may promulgate rules specifying exemptions from sub. (2), including exemptions based on the number or type of livestock kept by a person or on the type of locations where a person keeps livestock.

**(4) PREMISES CODE.** (a) The department shall assign a unique identification code to each location registered under sub. (2) (a). The department shall use a uniform system to assign codes that is reasonably designed to facilitate animal health and disease control, interstate consistency, and interstate commerce. The department shall use a system that complies with any applicable standards established by the animal and plant health inspection service of the federal department of agriculture. The department shall use premises codes that are federally allocated for premises in this state.

(b) The department shall establish and maintain an electronic data base related to livestock premises in this state. The department shall include in the data base the premises code assigned to each location under par. (a) and the registration information under this section that is associated with that premises code. The department may include in the data base global positioning system coordinates and other information that the department considers appropriate.

**(5) CONFIDENTIALITY.** (a) Information that a person is required to provide to the department under sub. (2) is not subject to public inspection under s. 19.35. Except as provided in pars. (b) and (c), the department may not disclose information provided under sub. (2) to any other person or agency.

(b) Paragraph (a) does not apply to information that a person is required to provide to the department under other laws.

(c) The department may disclose information that a registrant provides under sub. (2) to any of the following:

1. A person to whom the registrant authorizes disclosure.
2. The animal and plant health inspection service of the federal department of agriculture, if the animal and plant health inspection service agrees not to disclose the information except in situations in which the department is authorized to disclose the information under subd. 1. or 4.
3. Any agent of the department under sub. (8).
4. Another person or agency if the department believes that the release is necessary to prevent or control disease or to protect public health, safety, or welfare. The department may disclose information under this subdivision subject to any confidentiality requirements that the department determines are appropriate under the circumstances.

(d) Any agent of the department under sub. (8) may not disclose information provided under sub. (2) except to a person to whom the registrant or the department authorizes disclosure.

**(6) FUNDING.** The department shall seek federal funding for the administration of this section.

**(7) RULES.** The department may promulgate rules for the administration of this section. The department shall promulgate rules to govern the release of aggregate information under this section by the department.

**(8) CONTRACT AGENT.** The department may contract with an agent to administer the registration program under this section on behalf of the department. The department may not authorize an agent to release aggregate information under this section.

**History:** 2003 a. 229.

**Cross Reference:** See also chs. ATPC 10 and 12, Wis. adm. code.

**95.55 Farm-raised deer. (1) REGISTRATION.** (a) Except as provided in par. (b) and s. 169.04 (5m), no person may keep farm-raised deer unless the person is registered with the department under this section.

(b) 1. Establishments licensed under s. 97.42 may keep live farm-raised deer for slaughtering purposes for up to 72 hours without being registered under this section.

2. The department may promulgate rules to exempt groups of persons or species of farm-raised deer from the registration requirement under this section.

(c) The department shall register a person to keep farm-raised deer in a fenced area that is located in this state and another state without having the entire area in this state enclosed with a fence if all of the following apply:

1. The person is keeping farm-raised deer in the fenced area on June 2, 2006.

2. The fenced area located in this state complies with the applicable fencing requirements under ss. 90.20 and 90.21, or the fencing requirements of the adjoining state, whichever are more stringent, as determined by the department of natural resources.

3. The person complies with all of the rules promulgated under this section for the prevention of disease in farm-raised deer or all such laws of the adjoining state, whichever are more stringent, as determined by the department of agriculture, trade and consumer protection.

4. The person has the carcass of each farm-raised deer that dies, in either state, inside the fenced area, from being harvested or from natural causes tested for chronic wasting disease and has the test results submitted to the department of agriculture, trade and consumer protection and to the department of natural resources.

5. The person notifies the department of agriculture, trade and consumer protection and the department of natural resources of the escape of any deer from the portion of the fenced area that is located in this state immediately upon discovering the escape.

6. The person does not release into this state any deer from the fenced area.

**(2) APPLICATION.** A person shall register under this section using a form provided by the department. The form shall be accompanied by the applicable fees specified under sub. (3). Upon registration, the department shall issue the person a registration certificate.

**(3) REGISTRATION FEE; REINSPECTION FEE.** (a) The department shall, by rule, specify the fee for registration under this section.

(b) 1. If the department reinspects the premises where farm-raised deer are kept because the department has found a violation of this chapter or rules promulgated under this chapter, the department shall charge the person registered under this section the reinspection fee specified under subd. 2.

2. The department shall specify the reinspection fee to be charged under subd. 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the premises. The depart-

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ment may specify different reinspection fees for different premises.

3. A reinspection fee under this paragraph is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a registration renewal application form to the person registered to keep farm–raised deer under this section.

**(3c) TRANSFERS.** (a) No person may transfer a registration certificate issued under this section or an ownership interest in a farm registered under this section except as provided in par. (b).

(b) An individual may transfer his or her registration certificate or his or her ownership interest in a farm registered under this section to a member of his or her immediate family.

**(3m) AUTHORIZATION.** A person who is registered under this section may do any of the following:

(a) Possess, propagate, purchase, sell, hunt, kill, and exhibit farm–raised deer.

(b) Hunt or sell or offer to sell the opportunity to hunt farm–raised deer that the person owns.

**(4) ANIMAL HANDLING FACILITIES.** A person required to register under this section shall provide animal handling facilities to ensure the safety of farm–raised deer during handling and of the persons handling the farm–raised deer.

**(5) HUNTING.** (a) A person hunting farm–raised deer is exempt from having any hunting approval issued under ch. 29 and is exempt from any closed season restrictions or bag limits established by the department of natural resources. In order to regulate the hunting of farm–raised deer, the department of agriculture, trade and consumer protection may promulgate rules to establish tagging requirements or other methods for identifying dead farm–raised deer that have been legally hunted or killed and to impose other conditions or requirements regulating the hunting of farm–raised deer. Section 29.314 applies to the hunting of farm–raised deer.

(b) No owner of farm–raised deer may sell, or offer to sell, the opportunity to hunt farm–raised deer unless the farm–raised deer to be hunted are confined in an area of 80 contiguous acres or more, except as provided in pars. (bg) and (br).

(bg) The area required under par. (b) may be less than 80 contiguous acres if all of the following applies:

1. The owner subject to par. (b) had a license for a deer farm issued under s. 29.871, 1999 stats., that was in effect on December 31, 2002, and that authorized persons other than the licensee or the licensee’s employees to hunt deer.

2. The owner was in compliance with the requirement to register with the department under this section beginning on January 1, 2003, and has been registered continuously since that date.

3. The deer are confined in an area that is not less than the acreage subject to the deer farm license on December 31, 2002.

4. Before January 1, 2003, the owner offered for sale the opportunity to hunt as authorized under the license.

5. The owner submits to the department evidence that demonstrates that the owner meets the requirements of this paragraph, and the department verifies the evidence.

(bk) The evidence required under par. (bg) 5. that relates to par. (bg) 4. may include any of the following:

1. A copy of the notice given by the owner to the department of natural resources before the taking of deer, as required under s. 29.871 (7), 1999 stats.

2. The acknowledgement by the department of natural resources of the notice submitted by the owner before the taking of deer, as required under s. 29.871 (7), 1999 stats.

3. An annual report submitted by the owner to the department of natural resources under s. 29.871 (12), 1999 stats.

4. State or federal income tax records or sales tax records.

5. A conditional use permit or other regulation imposed by a political subdivision.

6. Receipts or other business records.

7. Brochures, advertisements, Internet sites, or other promotional information.

(bm) An owner who wishes to demonstrate compliance with par. (bg) shall make application to the department no later than November 1, 2006.

(bn) Notwithstanding any authorization for hunting under this section, no person may do any of the following:

1. Shoot or shoot at a farm–raised deer while hunting unless the person is in physical possession of the weapon.

2. Provide or operate, or offer to provide or operate, a facility that allows a person the opportunity to hunt a farm–raised deer if the person who is hunting is in violation of subd. 1.

(br) If an individual under this section to whom par. (bg) applies transfers his or her registration certificate or his or her ownership interest to a member of his or her immediate family under sub. (3c) (b), the area required under par. (b) may be less than 80 contiguous acres but may not be less than the acreage subject to the deer farm license on December 31, 2002.

(c) The department of natural resources and the department of agriculture, trade and consumer protection shall cooperate with each other with respect to the hunting of farm–raised deer.

**(6) RULES.** (a) The department shall promulgate rules to regulate persons who keep farm–raised deer. The rules shall establish disease testing requirements for bovine tuberculosis and chronic wasting disease and may establish testing requirements for other diseases.

(b) The rules promulgated under this subsection may include any of the following:

1. Standards to be followed by persons keeping farm–raised deer to prevent the spread of disease.

2. Provisions requiring that registration under this section be on an annual basis.

3. Exemptions from any annual registration requirements established under subd. 2.

**History:** 1995 a. 79; 2001 a. 56; 2003 a. 179; 2005 a. 35, 359, 409; 2007 a. 97; 2009 a. 28.

**Cross Reference:** See also chs. ATCP 10 and 12, Wis. adm. code.

**95.57 Poultry and farm–raised game birds; national poultry improvement program.**

**(1) PARTICIPATION IN PROGRAM.** The department may promulgate rules to require that any of the following originate from a flock of a person participating in the national poultry improvement plan under 9 CFR part 145:

(a) Poultry, including their eggs, that are used for breeding purposes.

(b) Farm–raised game birds, including their eggs, that are used for breeding purposes.

**(2) FEES.** The department shall promulgate a rule to set any fee that it imposes on a person for participation in the national poultry improvement plan.

**History:** 2001 a. 56.

**Cross Reference:** See also chs. ATCP 10 and 12, Wis. adm. code.

**95.60 Importing fish; fish farms.**

**(1)** In this section, “waters of the state” has the meaning given in s. 281.01 (18).

**(2)** (a) No person may bring any fish or fish eggs into this state for the purpose of introduction into the waters of the state, of use as bait or of rearing in a fish farm without an annual permit issued by the department.

(b) No person may bring any fish or fish eggs of the family salmonidae into this state for the purpose of introduction into the waters of the state unless the fish are certified, as provided in the rules promulgated under sub. (4s) (d), to be free of the diseases specified under sub. (4s) (d).

(c) The department may require a person who is subject to par. (a) or (b) to notify the department before bringing fish or fish eggs into this state.

(d) The department of natural resources is exempt from par. (a).

(3) The department may promulgate rules, applicable to persons who operate fish farms, that require any evidence of fish health that the department determines is necessary.

(3m) A person who operates a fish farm shall annually register the fish farm with the department. The person registering the fish farm shall provide any evidence of fish health required under sub. (3) and shall identify the activities that will be engaged in, the species of fish that will be used, and the facilities that will be used on the fish farm.

(4) (a) The department may inspect a fish farm upon initial registration under sub. (3m) and at any other time.

(b) The department may inspect fish and fish eggs subject to subs. (2) and (3) and the rules under sub. (4s) (b) to ensure the health of the fish and fish eggs. The inspection may include removal of reasonable samples of the fish and fish eggs for biological examination.

(c) A person who operates a fish farm shall keep records on purchases, sales and production of fish and fish eggs and any other records required by the department by rule. The department may inspect these records upon request.

(4m) The department shall maintain a registry of fish farms.

(4s) The department shall do all of the following:

(a) In consultation with the department of natural resources, promulgate rules specifying requirements for the labeling and identification, in commerce, of fish reared in fish farms.

(b) In consultation with the department of natural resources, promulgate rules specifying fish health standards and requirements for certifying that fish meet those standards for the purpose of s. 29.736.

(c) Promulgate rules specifying the qualifications that a person who is not a veterinarian must satisfy in order to provide evidence of fish health.

(d) In consultation with the department of natural resources, promulgate rules specifying diseases and requirements for certifying that fish are free of those diseases for the purposes of sub. (2) (b).

(e) Promulgate rules establishing the period for which a record required under sub. (4) (c) must be retained.

(5) The department shall, by rule, specify the fees for permits, certificates, registration and inspections under this section, including any reinspection fees required under sub. (5m).

(5m) (a) If the department reinspects a fish farm because the department has found a violation of this chapter or rules promulgated under this chapter, the department shall charge the fish farm operator the reinspection fee specified under par. (b).

(b) The department shall specify the reinspection fee to be charged under par. (a) by rule. The reinspection fee may not exceed the reasonable costs to reinspect the fish farm. The department may specify different reinspection fees for different fish farms.

(c) A reinspection fee under this subsection is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a registration renewal application form to the fish farm operator.

(6) No person, except the department of natural resources, may rear lake sturgeon in a fish farm.

(7) Any information kept by the department that identifies the type or number of fish or fish eggs bought, raised or sold by a privately owned fish farm or the supplier or purchaser of those fish or fish eggs is not subject to inspection or copying under s. 19.35 (1) except as the department determines is necessary to protect fish health or prevent the spread of disease.

(8) The department may provide training to veterinarians and other persons who issue fish health certificates for the purposes of

this section. The department may charge fees to recover the cost of providing the training.

**History:** 1997 a. 27, 237; 1999 a. 32; 2001 a. 16, 56; 2003 a. 136; 2005 a. 25; 2009 a. 28.

**Cross Reference:** See also chs. ATCP 10 and 12, Wis. adm. code.

### 95.65 Intrastate transportation of white-tailed deer.

(1) In this section, “cervid” means a member of the family of animals that includes deer and moose.

(2) The department shall impose the same requirements on the intrastate transportation of white-tailed deer that it imposes on the intrastate transportation of other cervids.

**History:** 2001 a. 109.

**Cross Reference:** See also chs. ATCP 10 and 12, Wis. adm. code.

### 95.67 Proper use of animal care and disease control products.

No person may use chemical, biological or disease control products in the treatment or care of food producing animals without substantially complying with instructions, warnings and directions for use on the product label. No animal or food product including milk of the animal shall be marketed for processing or use as food prior to the time specified on the label of a product used in the treatment or care of the animal. This section applies neither to licensed veterinarians who prescribe or administer drugs in conformity with federal restrictions nor to persons using drugs in a manner prescribed by a licensed veterinarian. This section shall not prevent a farmer from administering animal disease control products to livestock in compliance with instructions on the product label.

**History:** 1971 c. 240.

### 95.68 Animal markets. (1) DEFINITIONS. In this section:

(ag) “Animal market” means any premises which are open to the public for the purpose of trading in livestock or wild animals and on which facilities are maintained for their yarding, feeding and watering prior to sale.

(ai) “Animal transport vehicle” has the meaning given in s. 95.71 (1) (dm).

(am) “Equine animal” means a horse, mule, zebra, donkey or ass.

(b) “Equine market” means an animal market that is open to the public solely for the purpose of trading in equine animals.

(d) “Livestock” means bovine animals, sheep, goats, swine, farm-raised deer and equine animals.

(g) “Wild animal” means a wild animal that is subject to regulation under ch. 169.

(2) LICENSE. Except as provided in sub. (2m), no person may operate an animal market without an annual license from the department. An animal market license expires on June 30 annually. A separate license is required for every animal market. A license is not transferable between persons or locations.

(2m) EXEMPTIONS. (a) A person is not required to obtain a license under sub. (2) to operate an occasional auction sale sponsored by a livestock breeder association or a youth agricultural organization if records of the transactions at the sale are maintained by an auctioneer registered under ch. 480 or by an animal dealer licensed under s. 95.69.

(b) The department may promulgate rules to exempt groups of persons from the licensing requirement under sub. (2) or the registration requirement under sub. (7) or both.

(3) APPLICATION. An application for a license under sub. (2) shall be made on a form provided by the department and shall include information reasonably required by the department for licensing purposes. An application shall be accompanied by the applicable fees and surcharges required under subs. (4) and (5).

(4) LICENSE FEE; REINSPECTION FEE. (a) The department shall, by rule, specify the fee for an animal market license issued under this section.

(b) 1. If the department reinspects an animal market because the department has found a violation of this chapter or rules pro-

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mulgated under this chapter, the department shall charge the animal market operator the reinspection fee specified under subd. 2.

2. The department shall specify the reinspection fee to be charged under subd. 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the animal market. The department may specify different reinspection fees for different animal markets.

3. A reinspection fee under this paragraph is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the animal market operator.

**(5) SURCHARGE AND PAST FEES.** (a) An applicant for a license under sub. (2) shall pay a license fee surcharge of \$100 if the department determines that within 365 days prior to submitting the license application the applicant did any of the following:

1. Operated an animal market without a license in violation of sub. (2).

1m. Operated a livestock market, as defined in s. 95.68 (1) (e), 1999 stats., without a license in violation of s. 95.68 (2), 1999 stats.

2. Operated an unregistered animal transport vehicle in violation of sub. (7).

2m. Operated an unregistered livestock vehicle, as defined in s. 95.71 (1) (g), 1999 stats., in violation of s. 95.68 (7), 1999 stats.

(b) In addition to the surcharge under par. (a), an applicant for a license under sub. (2) shall pay the fees due for the year in which the applicant was in violation.

(c) The payment of the surcharge and fees under this subsection does not relieve the applicant of other civil or criminal liability that may result from the failure to obtain a license or from the operation of an unregistered vehicle, but does not constitute evidence of a violation of a law.

**(6) LICENSE CONTINGENT ON FEES.** The department may not issue or renew a license under sub. (2) unless the applicant pays all fees and surcharges that are due under subs. (4) and (5) as set forth in a statement from the department. The department shall refund a fee or surcharge paid under protest if the department determines that the fee or surcharge was not due as a condition of licensing under this section. If a fee or surcharge is paid by check, a license issued in reliance upon that check is void if the check is not honored.

**(7) ANIMAL TRANSPORT VEHICLE REGISTRATION.** No animal market operator may operate an animal transport vehicle unless the animal transport vehicle is registered with the department in the name of the animal market operator. The animal transport vehicle shall be registered on a form provided by the department. The registration shall include a description and the serial number of the animal transport vehicle.

**(8) RULES.** The department may promulgate rules to regulate the operation of animal markets, including rules related to market operator qualifications, market construction and maintenance, construction and maintenance of animal transport vehicles, identification of animal transport vehicles, disease sanitation, humane treatment of animals, identification of animals, record keeping, reports to the department and compliance with applicable financial security requirements under state or federal law.

**(9) PENALTIES.** A person conducting a business regulated by this section after revocation of his or her license shall be fined not less than \$500 nor more than \$1,000 or imprisoned not to exceed 6 months or both.

**History:** 1993 a. 16; 1995 a. 79, 95; 2001 a. 56; 2009 a. 28.

**Cross Reference:** See also ch. ATCP 12, Wis. adm. code.

## 95.69 Animal dealers. (1) DEFINITIONS. In this section:

(c) “Animal dealer” means a person who, as principal or agent, engages in the business of buying for resale or for slaughter, sel-

ling or exchanging livestock or wild animals. “Animal dealer” does not include any of the following:

1. An animal dealer employee.

2. The operator of a farm who sells livestock if the operator keeps them on the farm solely for dairy, breeding or feeding purposes and the operator is not otherwise engaged in the business of buying them for resale, slaughter, sale or exchange.

2m. A person holding a license issued under s. 169.15, 169.18, 169.19, or 169.26 who sells wild animals if the person keeps them solely for breeding or feeding purposes and the person is not otherwise engaged in the business of buying them for resale, slaughter, sale or exchange.

3. An auctioneer registered under ch. 480 who conducts any of the following:

a. A farm sale at which no livestock is sold on a consignment basis.

b. A sale conducted at a state, county or district fair or a breeder association show.

c. A sale conducted by a youth agricultural organization.

(d) “Animal dealer employee” means an employee of a licensed animal dealer, who does business in the name of the licensed animal dealer.

(e) “Animal market” has the meaning given in s. 95.68 (1) (ag).

(f) “Animal transport vehicle” has the meaning given in s. 95.71 (1) (dm).

(g) “Livestock” has the meaning given in s. 95.68 (1) (d).

(h) “Wild animal” has the meaning given in s. 95.68 (1) (g).

**(2) LICENSE.** No person may operate as an animal dealer without an annual license from the department, except that no license is required of a person licensed as an animal market operator under s. 95.68. An animal dealer license expires on June 30 annually. An animal dealer license is not transferable.

**(2m) EXEMPTION.** The department may promulgate rules to exempt groups of persons from the licensing requirement under sub. (2) or the registration requirement under sub. (7) or both.

**(3) APPLICATION.** An application for a license under sub. (2) shall be made on a form provided by the department and shall include information reasonably required by the department for licensing purposes. An application shall be accompanied by the applicable fees and surcharges required under subs. (4) and (5).

**(4) LICENSE FEE; REINSPECTION FEE.** (a) The department shall, by rule, specify the fee for an animal dealer license issued under this section.

(b) 1. If the department reinspects an animal dealer operation because the department has found a violation of this chapter or rules promulgated under this chapter, the department shall charge the animal dealer the reinspection fee specified under subd. 2.

2. The department shall specify the reinspection fee to be charged under subd. 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the animal dealer operation. The department may specify different reinspection fees for different animal dealer operations.

3. A reinspection fee under this paragraph is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the animal dealer.

**(5) SURCHARGE AND PAST FEES.** (a) An applicant for a license under sub. (2) shall pay a license fee surcharge of \$100 if the department determines that within 365 days prior to submitting the license application the applicant did any of the following:

1. Operated as an animal dealer without a license in violation of sub. (2).

1m. Operated as a livestock dealer, as defined in s. 95.69 (1) (c), 1999 stats., without a license in violation of s. 95.69 (2), 1999 stats.

2. Operated an unregistered animal transport vehicle in violation of sub. (7).

2m. Operated an unregistered livestock vehicle, as defined in s. 95.71 (1) (g), 1999 stats., in violation of s. 95.69 (7), 1999 stats.

(b) In addition to the surcharge under par. (a), an applicant for a license under sub. (2) shall pay the fees due for the year in which the applicant was in violation.

(c) The payment of the surcharge and fees under this subsection does not relieve the applicant of other civil or criminal liability that may result from the failure to obtain a license or from the operation of an unregistered vehicle but does not constitute evidence of a violation of a law.

**(6) LICENSE CONTINGENT ON FEES.** The department may not issue or renew a license under sub. (2) unless the applicant pays all fees and surcharges that are due under subs. (4) and (5) as set forth in a statement from the department. The department shall refund a fee or surcharge paid under protest if the department determines that the fee or surcharge was not due as a condition of licensing under this section. If a fee or surcharge is paid by check, a license issued in reliance upon that check is void if the check is not honored.

**(7) ANIMAL TRANSPORT VEHICLE REGISTRATION.** No animal dealer may operate an animal transport vehicle unless the animal transport vehicle is registered with the department in the name of the animal dealer. The animal transport vehicle shall be registered in the name of the animal dealer on a form provided by the department. The registration shall include a description and the serial number of the animal transport vehicle.

**(8) RULES.** The department may promulgate rules to regulate animal dealers, including rules related to animal dealer qualifications, construction and maintenance of animal transport vehicles, identification of animal transport vehicles, disease sanitation, humane treatment of animals, identification of animals, record keeping, reports to the department and compliance with applicable financial security requirements under state or federal law.

**(8m) TRANSACTION RECORDS.** An auctioneer registered under ch. 480 who sells livestock or wild animals and who is not required to obtain a license under this section shall make records of the sales available to the department upon request for disease investigation purposes.

**(9) PENALTIES.** A person conducting a business regulated by this section after revocation of his or her license shall be fined not less than \$500 nor more than \$1,000 or imprisoned not to exceed 6 months or both.

**History:** 1993 a. 16; 1995 a. 95; 2001 a. 56; 2009 a. 28.

**Cross Reference:** See also ch. ATCP 12, Wis. adm. code.

### 95.71 Animal truckers. (1) DEFINITIONS. In this section:

(dm) “Animal transport vehicle” means any vehicle used to transport livestock or wild animals.

(e) “Animal trucker” means a person engaged in the business of transporting for hire, by means of an animal transport vehicle, livestock and wild animals, except that “animal trucker” does not include an animal trucker employee.

(f) “Animal trucker employee” means the employee of a person who holds an animal trucker license if the employee, in the name of the licensed animal trucker, operates an animal transport vehicle which is registered by the animal trucker and on which the name and the business address of the licensed animal trucker are prominently displayed.

(h) “Livestock” has the meaning given in s. 95.68 (1) (d).

(i) “Wild animal” has the meaning given in s. 95.68 (1) (g).

**(2) LICENSE.** No person may operate as an animal trucker without an annual license issued by the department. An animal trucker license authorizes an animal trucker to operate only those animal transport vehicles that are registered by the animal trucker under sub. (4). A license expires on June 30 annually. An animal trucker license is not transferable.

**(3) APPLICATION.** An application for an animal trucker license under sub. (2) shall be made on a form provided by the department. The application shall include information reasonably required by the department for licensing purposes. As part of the application, the applicant shall register every animal transport vehicle operated by the applicant as provided under sub. (4). An application shall be accompanied by the applicable fees and surcharges required under subs. (5) and (6).

**(4) ANIMAL TRANSPORT VEHICLE REGISTRATION.** No animal trucker may operate an animal transport vehicle unless the animal transport vehicle is registered with the department in the name of the animal trucker. The animal transport vehicle shall be registered on a form provided by the department. The registration shall include a description and the serial number of the animal transport vehicle.

**(5) LICENSE FEE; REGISTRATION FEE; REINSPECTION FEE.** (a) The department shall, by rule, specify the fee for an animal trucker license issued under this section.

(b) The department shall, by rule, specify the fee to be paid for each animal transport vehicle registered under sub. (4). If during any license year an animal trucker registers an animal transport vehicle that was not registered with the animal trucker’s annual license application under sub. (3), the animal trucker shall pay the fee required under this paragraph at the time of registration.

(c) 1. If the department reinspects an animal trucker operation because the department has found a violation of this chapter or rules promulgated under this chapter, the department shall charge the animal trucker the reinspection fee specified under subd. 2.

2. The department shall specify the reinspection fee to be charged under subd. 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the animal trucker operation. The department may specify different reinspection fees for different animal trucker operations.

3. A reinspection fee under this paragraph is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the animal trucker.

**(6) SURCHARGE AND PAST FEES.** (a) An applicant for an animal trucker license shall pay a license fee surcharge of \$100 if the department determines that within 365 days prior to submitting the license application the applicant did any of the following:

1. Operated as an animal trucker without a license in violation of sub. (2).

1m. Operated as a livestock trucker, as defined in s. 95.71 (1) (e), 1999 stats., without a license in violation of s. 95.71 (2), 1999 stats.

2. Operated an unregistered animal transport vehicle in violation of sub. (4).

2m. Operated an unregistered livestock vehicle, as defined in s. 95.71 (1) (g), 1999 stats., in violation of s. 95.71 (4), 1999 stats.

(b) In addition to the surcharge under par. (a), an applicant for a license under sub. (2) shall pay the fees due for the year in which the applicant was in violation.

(c) The payment of the surcharge and fees under this subsection does not relieve the applicant of other civil or criminal liability that may result from the failure to obtain a license or to register a vehicle but does not constitute evidence of a violation of a law.

**(7) LICENSE CONTINGENT ON FEES.** The department may not issue or renew a license under sub. (2) unless the license applicant pays all fees and surcharges that are due under subs. (5) and (6). The department shall refund a fee or surcharge paid under protest if the department determines that the fee or surcharge was not due as a condition of licensing under this section. If a fee or surcharge is paid by check, a license issued in reliance upon that check is void if the check is not honored.

**(8) RULES.** The department may promulgate rules to regulate animal truckers, including rules related to animal trucker qualifi-

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cations, construction and maintenance of animal transport vehicles, identification of animal transport vehicles, disease sanitation, humane treatment of animals, identification of animals, record keeping, reports to the department and compliance with applicable financial security requirements under state or federal law.

(9) **PENALTIES.** A person conducting a business regulated by this section after revocation of his or her license shall be fined not less than \$500 nor more than \$1,000 or imprisoned not to exceed 6 months or both.

**History:** 1993 a. 16; 2001 a. 56, 105; 2009 a. 28.

**Cross Reference:** See also ch. ATCP 12, Wis. adm. code.

**95.715 Feed lots and veal lots. (1) DEFINITIONS.** In this section:

(a) “Feeder cattle” means bovine animals that are kept for the sole purpose of feeding prior to slaughter, that are not more than 18 months old as evidenced by the absence of permanent teeth and that are one of the following:

1. Nonspayed females that are not parturient or postparturient.
2. Spayed heifers.
3. Steers.

(b) “Feed lot” means a facility at which feeder cattle are assembled for feeding prior to slaughter.

(c) “Veal calf” means a bovine animal of either sex that is not more than 120 days old and that is kept for the sole purpose of feeding prior to slaughter for veal.

(d) “Veal lot” means a facility at which veal calves are assembled for feeding prior to slaughter.

(2) **APPROVED FEED LOT.** (a) The department may issue an annual permit designating a feed lot as an approved feed lot. A feed lot operator is not required to hold an approved feed lot permit.

(b) If a person imports feeder cattle directly to an approved feed lot in this state, the department may by rule exempt that person from import rules and preimport testing rules promulgated by the department that apply to persons who import feeder cattle into this state.

(c) Unless specifically authorized by the department, no person may remove feeder cattle or cattle commingled with feeder cattle from an approved feed lot except to a slaughtering establishment for slaughter.

(d) The department may promulgate rules to specify permit fees under par. (a) and to regulate feed lots. The rules may include requirements related to the construction and maintenance of approved feed lots, the segregation of imported feeder cattle and record-keeping requirements related to feeder cattle.

(3) **APPROVED VEAL LOT.** (a) The department may issue an annual permit designating a veal lot as an approved veal lot. A veal lot operator is not required to hold an approved veal lot permit.

(b) If a person imports veal calves directly to an approved veal lot in this state, the department may by rule exempt that person from import rules and preimport testing rules promulgated by the department that apply to persons who import veal calves into this state.

(c) Unless specifically authorized by the department, no person may remove veal calves or cattle commingled with veal calves from an approved veal lot except to a slaughtering establishment for slaughter.

(d) The department may promulgate rules to regulate approved veal lots. The rules may include requirements related to the construction and maintenance of approved veal lots, the segregation of imported veal calves and record-keeping requirements related to veal calves.

**History:** 1993 a. 16.

**Cross Reference:** See also ch. ATCP 12, Wis. adm. code.

**95.72 Transportation, processing and disposal of dead animals. (1) DEFINITIONS.** In this section:

(a) “Animal food processor” means a person, other than a renderer, engaged in the business of slaughtering animals or collecting or receiving dead animals in a raw or uncooked state for processing into animal food.

(b) “Collector” means a person engaged only in the business of collecting or receiving dead animals for sale or delivery to a renderer, animal food processor, grease processor or operator of a fur farm and who does not otherwise process the dead animals.

(c) “Dead animal”:

1. Means any dead animal or part of a dead animal other than an animal slaughtered as food for humans.

2. Means an animal slaughtered as food for humans but which becomes unsuitable as food for humans.

3. Includes animals slaughtered or processed as food for animals and all inedible parts and by-products of animals slaughtered or processed as food for humans.

4. Does not include commercial feed as defined under s. 94.72 (1) (b) or fully rendered products of dead animals.

(cm) “Grease processor” means any person engaged in the business of collecting or receiving and melting or refining previously cooked materials containing dead animal fat or tallow or a combination of dead animal fat or tallow and vegetable oil to produce grease.

(d) “Renderer” means a person engaged in the business of collecting or receiving dead animals for rendering or processing into grease or other products.

(e) “Rendering or processing plant” means a plant or facility for slaughtering animals or collecting dead animals and rendering or processing them to produce grease or other products or a plant or facility for collecting or receiving and melting or refining previously cooked materials containing dead animal fat or tallow or a combination of dead animal fat or tallow and vegetable oil to produce grease.

(2) **LICENSES; FEES.** (a) *Requirement.* Except as provided in par. (b), no person may engage in the business of collecting or processing dead animals as a renderer, animal food processor, grease processor or collector unless the person pays a license fee and is issued an annual license by the department for that specific type of business operation.

(b) *Exemptions.* 1. A license is not required for a person who operates a slaughtering establishment licensed under s. 97.42 or inspected under the federal meat and poultry inspection acts if the establishment renders or disposes of offal or dead animals resulting from its operations only, but a person who operates a slaughtering establishment is subject to the transportation requirements under sub. (7) (b).

2. A license is not required for a person who operates a fur farm which collects or receives dead animals as food for fur-bearing animals produced by the fur farm, but a person who operates a fur farm is subject to transportation requirements under sub. (7) (b) and (c).

3. A license is not required for a person who is engaged solely in the collection or disposal of public or commercial garbage without the separate collection or retrieval of dead animals or dead animal parts for further sale, use or processing.

4. A license is not required for a person who collects or receives individual animal parts exclusively for the manufacture of glue, gelatin, pharmaceuticals or other specialty products.

5. A license is not required for a person who collects, receives or processes hides.

6. An animal food processor, grease processor or collector license is not required for a person who is licensed as a renderer.

7. A grease processor or collector license is not required for a person who is licensed as an animal food processor.

8. A collector license is not required for a person who is licensed as a grease processor.

9. A renderer or animal food processor license is not required for a person who is licensed as a grease processor if he or she does not render or process dead animals other than incidental solid animal parts that are commingled with previously cooked materials containing dead animal fat or tallow or a combination of dead animal fat or tallow and vegetable oil.

(c) *Application; fees; expiration; renewal.* 1. An applicant for a license shall submit a completed application form prescribed by the department which states the type of operation for which a license is desired, the business or plant location where operations are to be conducted and other information required by the department.

2. An applicant for a license as a renderer, grease processor or an animal food processor shall submit a fee of \$200 for each separate plant where processing operations are to be conducted, and an applicant for an initial license shall submit the inspection fee required under par. (e).

3. An applicant for a license as a collector shall submit a fee of \$100 for each separate business location from which operations are to be conducted.

4. Each license expires on February 28.

5. Subject to s. 93.135, a person may renew a license by submitting the required license fee and renewal form.

(d) *Issuance; standards.* The department may not issue a license unless the applicant's plant or business location is suitably located, constructed and equipped for the type of operation for which a license is required, all vehicles, facilities and equipment are maintained in a clean and sanitary condition and all processing and other operations are conducted in compliance with this section and rules promulgated under sub. (5).

(e) *Inspection; fee.* An applicant for an initial license as a renderer, grease processor or animal food processor shall submit an inspection fee of \$25 for each separate plant to be operated by the applicant. The department may grant a temporary permit pending final action on the application, but the department may not issue the license unless it finds that the applicant's plant, premises, facilities and equipment are in compliance with the requirements of this section and rules promulgated under sub. (5). The department may not refund the inspection fee if the application is denied. Inspection fees are not required for the annual renewal of a license.

(f) *Nontransferable.* No license issued under this section is transferable. In the case of any transfer of ownership of a plant or business for which a license is issued, the new owner shall apply for a new license.

**(3) RENDERING OR PROCESSING PLANT LOCATION.** No person may establish a rendering or processing plant within one-eighth mile of a dwelling, other than a dwelling associated with the rendering or processing plant, or within one-eighth mile of a public or private business building, but a rendering or processing plant is not required to cease operations because a dwelling or business building is constructed closer than one-eighth mile to an existing plant. This subsection does not prohibit the continued operation of the plant of a renderer, animal food processor or grease processor in existence on November 26, 1981, or the erection of new or improved rendering or processing plant facilities on the existing premises subject to provisions of any local ordinances.

**(4) RENDERING AND PROCESSING PLANTS; CONSTRUCTION AND OPERATION.** (a) *New plants.* No person may construct a rendering or processing plant unless it is constructed and equipped according to rules promulgated under sub. (5). No person may operate a rendering or processing plant unless the plant has sewage facilities and floor drains, all areas of the building and premises on which the plant is situated are kept in a clean and sanitary condition, and all operations are conducted to prevent the creation of a nuisance.

(b) *Closed vessels.* A person who operates a rendering or processing plant shall conduct all rendering in closed vessels.

(c) *Disposal of dead animals.* 1. A person who operates a rendering or processing plant shall deposit all dead animals received for rendering or processing within the plant or other enclosed structure immediately upon their arrival.

2. A person who operates a rendering or processing plant shall dispose of an animal within 24 hours after its arrival during the days of Sunday to Friday, or within 48 hours after its arrival on a Saturday or a Sunday followed by a holiday, unless any of the following occurs:

a. The department issues a permit allowing a longer amount of time.

b. The carcass is received in a frozen condition and is disposed of within a reasonable period of time.

c. Disposal of the animal within the time period is impossible and the department is so notified by telephone.

(d) *Diseased or contaminated animals.* The department may detain or hold for further inspection dead animals or animal hides it suspects are affected with a highly contagious or infectious disease, or any dead animal products suspected of containing any poisonous or deleterious substance which may render the products unfit for use as food for animals. The department shall order the destruction of dead animals or any animal hides or products determined to be infected with a highly contagious or infectious disease or unfit for use as food for animals.

**(5) RULES.** The department shall promulgate rules governing the collection, transportation, processing, rendering and disposal of dead animals, entrails and paunch materials, the slaughtering of animals for animal food processing or rendering, the location, construction and maintenance of all buildings, facilities and equipment used in collecting, slaughtering and processing operations, the sale or use of dead animal products as food for animals, the issuance of licenses or permits and other rules for the conduct of operations subject to a license under this section.

**(6) INSPECTION.** (a) *Initial inspection.* Upon receipt of an application for an initial license as a renderer, grease processor or animal food processor, the department shall inspect the plant, premises, facilities and equipment to be used in conducting the business.

(b) *Annual inspection.* The department shall inspect all plants, premises, facilities, equipment and transport vehicles used by each licensee at least once each year, and more often if necessary, to ensure that the licensee conducts the business operations in conformity with this section and rules promulgated under sub. (5).

(c) *Deficiencies.* If the department finds that any of the applicant's or licensee's plants, premises, facilities, equipment or transport vehicles do not comply with the requirements of this section or rules promulgated under sub. (5), it shall notify the applicant or licensee in writing of the deficiencies and shall order the applicant or licensee to make appropriate changes. The department shall allow a reasonable time not exceeding 90 days for the applicant or licensee to make the changes. The department shall conduct a reinspection to determine compliance with the department's order or the need to order further changes. The department may allow an additional 90 days if it is necessary for the applicant or licensee to correct deficiencies discovered during the reinspection. Failure to correct deficiencies within the time allowed is grounds for the denial, suspension or revocation of the license or temporary permit.

**(7) TRANSPORTATION OF DEAD ANIMALS.** (a) *License requirement.* No person may transport dead animals on public highways in this state without a license issued under this section. A licensee may not transport dead animals under conditions not authorized by the license. This paragraph does not apply to persons exempt from obtaining a license under this section, a farmer transporting dead animals raised on his or her farm, the transportation of hides or fully rendered or processed dead animal products, the trans-

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portation of dead animals by government agencies or private agencies engaged in scientific research, persons transporting dead animals for destruction or burial, or animal truckers transporting animals which have died in transit if the dead animals are transported directly to a licensed renderer, animal food processor or collector.

(b) *Enclosure or covering of dead animals.* No person may transport a dead animal on a public highway unless it is transported in a closed vehicle or container or unless it is completely covered with a tarpaulin or other suitable material. Vehicles or containers used for the transportation of dead animals shall be leakproof to prevent spilling or dripping of liquid waste. This paragraph does not apply to the transportation of animal hides or to a farmer transporting dead animals raised on his or her farm.

(c) *Permit.* No licensee or fur farmer may operate any vehicle for the transportation of dead animals unless the person is issued a vehicle permit by the department. There is no charge for this permit. An applicant for a vehicle permit shall submit a completed application form prescribed by the department which states the applicant's name and address, vehicle identification and other information required by the department. The permit holder shall keep the permit with the vehicle for which it was issued.

(d) *Interstate transport.* Except as provided in reciprocal agreements between this state and contiguous states, no dead animals or parts of dead animals which are raw or unrendered, except green or salted hides, may be transported into this state unless the requirements of this subsection and rules promulgated under sub. (5) relating to the transportation of dead animals are complied with.

(8) **TRUCK TRANSFER STATIONS; PERMITS.** No person may own or operate a truck transfer station for the unloading or reloading of dead animals unless the person is issued a permit by the department. The department shall issue permits only to persons licensed under this section. Truck transfer stations may be used only for unloading or reloading dead animals for delivery to licensees under this section. No person may operate a truck transfer station unless the building is constructed, maintained and operated according to rules promulgated under sub. (5) and water and sewage facilities are provided on the premises.

(9) **MISREPRESENTATION.** No person may represent that he or she is engaged in or offer to provide services in connection with an activity for which a license is required under this section unless the person holds a license or permit for the activity issued under this section. All advertising by a person licensed under this section shall specify the activity for which the license was issued.

(10) **HUMANE HANDLING.** Live downer animals picked up for animal food processing or rendering shall be slaughtered before loading for transport to a processing or rendering plant. Slaugh-

tering shall be done by humane methods as defined in s. 95.80 (1) (a).

(11) **PENALTIES.** Any person who violates this section or any rule promulgated under this section shall forfeit not less than \$500 nor more than \$1,000.

**History:** 1981 c. 66, 314; 1983 a. 111, 115; 1983 a. 189 s. 329 (20); 1989 a. 56; 1991 a. 39; 1995 a. 102; 1997 a. 191; 2001 a. 56.

**Cross Reference:** See also ch. ATCP 12, Wis. adm. code.

**95.80 Humane slaughtering. (1) DEFINITIONS.** As used in this section:

(a) "Humane method" means:

1. Any method of slaughtering livestock which normally causes animals to be rendered insensible to pain by a single blow or shot of a mechanical instrument or by electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

2. The method of slaughtering, including handling and other preparation for slaughtering, required by or used in connection with the ritual of any religious faith, whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(b) "Livestock" means cattle, horses, swine, sheep, goats, farm-raised deer and other species of animals susceptible of use in the production of meat and meat products.

(c) "Slaughterer" means any person operating a slaughterhouse licensed under s. 97.42, or registered under s. 97.44.

(2) **PROHIBITION.** No slaughterer may slaughter livestock except by a humane method.

**History:** 1971 c. 40 s. 93; 1973 c. 206; 1983 a. 111, 189; 1995 a. 79.

**95.99 Penalties. (1)** Any person who violates this chapter, or an order issued or a rule adopted under this chapter, for which a specific penalty is not prescribed shall, for the first offense, be fined not more than \$1,000; and for any subsequent offense fined not less than \$500 nor more than \$1,000, or imprisoned not more than 6 months or both.

(2) The department may seek an injunction restraining any person from violating this chapter or any rule promulgated under this chapter.

(3) A person who violates this chapter or any rule promulgated or order issued under this chapter, for which a specific penalty is not prescribed, may be required to forfeit not less than \$200 nor more than \$5,000 for the first offense and may be required to forfeit not less than \$400 nor more than \$5,000 for the 2nd or subsequent offense committed within 5 years of an offense for which a penalty has been assessed under this section. A forfeiture under this subsection is in lieu of a criminal penalty under sub. (1).

**History:** 1977 c. 216; 1979 c. 129; 1981 c. 66 ss. 4, 6; 1983 a. 111; 1995 a. 450.