

ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION
ADOPTING AND AMENDING RULES

1 The state of Wisconsin department of agriculture, trade and consumer protection adopts the
2 following order to repeal ATCP 10.61(1)(note), 11.01(42) to (45), 11.40(1)(d), 11.55(3), and
3 12.01(14) to (17) and (17m); to renumber ATCP 10.01(45)(L), 11.01(54)(L), and 12.01(1) and
4 (20)(L); to renumber and amend ATCP 12.01(1); to amend ATCP 10.01(8), (38), (41) and (56),
5 10.02(1) to (3), ch. ATCP 10 subch. VI(title), 10.50(title), (1)(a) and (b), (2)(b)(intro.), (f), (g),
6 and (h)(intro.) and 1., (3) and (4)(a), 10.61(4)(c), 10.66(4), 11.01(11), (27), (41), (50) and (64),
7 11.10(4)(a) and (c), 11.15, 11.20(1)(b)2., 11.22(1)(intro.), 11.20(2)(d), 11.30(1)(c) and (2)(c),
8 11.34(2)(c) and (d), ch. ATCP 11 subch. VI(title), 11.40(title) and (2), 11.545(1)(b)1. and (d) and
9 (2)(a), 11.55(1)(a), 11.56(2)(note), 11.62(4), ch. ATCP 12(title), 12.01(13), 12.07(2) and
10 12.08(1)(b), (3), (4), (8), (9), (15), (16), (19)(intro.), (20) and (22); to repeal and recreate ATCP
11 10.01(45)(g), 10.61(9), 10.66(1) and (3), 10.67(4)(b), 10.91(1), 11.01(54)(g), 11.02(1) and (4)(a),
12 11.11(1)(b)3., 11.20(1)(b)3., 11.40(1)(a) and (c), 11.50, 11.51(1), 11.55(1)(intro.), 11.55(2) and
13 (5), 11.56(1)(b), 11.70(1), 12.01(20)(g), 12.02 to 12.04, 12.045, 12.05 and 12.06; and to create
14 ATCP 10.01(22r), (41)(note), (45)(L) and (m), (50)(note), (55m), (73m), 10.02(5), 10.025(3),
15 10.07, 10.08 and (note), 10.51, 10.61(1m), (1m)(note) and (12), 10.615, 11.01(3), (3m), (4), (5),
16 (29r), (51m), (54)(L) and (m) and (84e), 11.02(6)(c), 11.11(1)(b)2.(note) and 4.,
17 11.20(1)(b)2.(note) and 4., 11.545(1)(e), 11.55(1m), 11.56(2)(c), 11.595, 12.01(1a), (1d), (1g),
18 (1j), (1m), (1r), (20)(L) and (m) and (27); relating to animal health and captive wildlife.

Agriculture, Trade and Consumer Protection

Statutory Authority	ss. 93.07(1), 93.07(10) and (10m), 95.20, 95.22(2), 95.45(4)(c) and (5), 95.55(5)(a) and (6), 95.57, 95.68(8), 95.69(8), 95.71(8), 169.01(7) and 169.04(2)(d), Stats.
Statutes Interpreted	ss. 93.06(1m) and (1p), 93.07(10), 93.07(10m), 95.22, 95.45, 95.55, 95.57, 95.68, 95.69, 95.71, 169.01(7) and 169.04(2)(d), Stats.

This rule does all the following:

- Implements Wisconsin's Captive Wildlife Law (2001 Wis. Act 56), which took effect on January 1, 2003.
- Modifies related animal health rules administered by the Department of Agriculture, Trade and Consumer Protection (DATCP).
- Coordinates animal disease control activities of DATCP and the Department of Natural Resources (DNR).

Background

The Captive Wildlife Law (2001 Wis. Act 56) strengthens and clarifies DNR regulation of captive wildlife operations. It also harmonizes DNR regulations with general animal health laws administered by DATCP. DNR's authority under the Captive Wildlife Law does not extend to "domestic animals" identified by DATCP rule.

DATCP administers Wisconsin animal health and disease control laws under chs. 93 and 95, Stats. DATCP also administers food safety laws under ch. 97, Stats., including dairy farm license requirements under s. 97.22. DATCP regulates to protect the health of humans, domestic animals and wild animals. DATCP currently does the following things, among others:

- *Regulates animal imports and movement.* DATCP may regulate animal imports and movement by rule, or by serving quarantine orders on the owners or custodians of affected animals. The Captive Wildlife Law clarifies that DATCP may regulate animal imports and movement to protect the health of humans, domestic animals or wild animals (not just domestic livestock).
- *Licenses and inspects animal operations.* DATCP licenses animal markets, animal dealers, animal truckers, dairy farms (food safety), fish farms and deer farms. Under the Captive Wildlife Law:

- DATCP now registers all deer farms, including approximately 600 captive white-tail herds previously licensed by DNR. Captive white-tail deer, like other captive deer and elk, are now classified as "farm-raised deer." DATCP is responsible for regulating deer farms. But DNR retains its authority to prescribe and enforce fencing requirements for captive white-tail deer herds.
- DATCP now licenses all animal dealers (not just livestock dealers), all animal markets (not just livestock markets) and all animal truckers (not just livestock truckers). Licensing is required for entities that handle livestock *or wild animals*.
- DATCP may regulate operators of game-bird farms.
- DATCP may regulate deer hunting preserves. Only deer farms registered by DATCP may operate hunting preserves. Hunting preserves must cover at least 80 acres.
- *Performs animal health inspections and tests.* DATCP may inspect and test animals, including but not limited to domestic livestock. This authority pre-dates the Captive Wildlife Law, and is not altered by that law.
- *Examines animal health documentation.* DATCP is Wisconsin's central clearinghouse for all interstate health certificates (certificates of veterinary inspection). DATCP rules require health certificates for animal imports and, in some cases, for movement of animals within Wisconsin. DATCP may require certificates for captive wild animals as well as domestic animals. Veterinarians issuing health certificates must file copies with DATCP. Under the Captive Wildlife Law, DNR may also require health certificates for *wild animal* imports. But the veterinarians who issue those certificates must file copies with DATCP (not DNR). DATCP then provides copies to DNR.
- *Receives disease reports.* Veterinarians and diagnostic laboratories that find evidence of certain animal diseases must report those findings to DATCP. DATCP rules currently specify the diseases that are reportable. DNR may ask DATCP to add wildlife diseases to the reportable disease list. Under the Captive Wildlife Law, DATCP will continue to receive all domestic and wild animal disease reports (veterinarians need not file duplicate reports with DNR). But DATCP must notify DNR of disease reports that may affect wild animals. DNR must notify DATCP whenever DNR finds evidence of a reportable disease.
- *Condemns diseased animals.* DATCP may condemn exposed or infected animals (including captive wild animals, as well as domestic animals) to control the spread of diseases. The Captive Wildlife Law clarifies that DATCP may condemn animals to control diseases that affect domestic animals, wild animals or humans (not just diseases affecting domestic animals). A separate legislative enactment (2001 Act 108) authorizes DATCP to order the killing of farm-raised deer for chronic wasting disease testing, if DATCP has reason to believe that the deer have been exposed to the disease (there is no valid live test at this time).

- *Pays indemnities for condemned livestock.* DATCP is currently authorized to pay indemnities for condemned livestock. The Captive Wildlife Law does not change this indemnity authority (which is generally limited to livestock or food animals, including farm-raised deer). But by expanding the current definition of “farm-raised deer” to include captive white-tails, it permits indemnity payments for condemned captive white-tails. A separate legislative enactment (2001 Act 108) also authorizes DATCP to pay indemnities for captive deer killed for chronic wasting disease testing.

Rule Contents

Official Individual Identification

Under current rules, certain animals must be identified with *official individual identification*. Official individual identification is often required for health certificates, disease testing and animal movement. Current rules specify acceptable forms of official individual identification. This rule authorizes the following *additional* forms:

- A microchip containing a unique individual identification number (the animal custodian must have a microchip reader).
- A livestock premises identification issued by DATCP, provided that the animal also bears a unique individual identification number assigned by the premises owner.

Health Certificates; Identification of Animals

Under current rules, a health certificate (certificate of veterinary inspection) is often required for the import or movement of animals. The veterinarian who issues the health certificate must identify the animals covered by the certificate. If a veterinarian issues a health certificate for bovine animals, swine, equine animals, sheep at least 6 months old, goats, ratites or cervids, the veterinarian must identify the animals by means of their *official individual identification numbers* (see above).

Under this rule, health certificates for alpacas, llamas and sheep under 6 months old must also include official individual identification numbers. Health certificates for other animals do not require official individual identification, but must identify the shipment source, the shipment destination, and the number and types of animals included in the shipment.

Disease Reporting

DATCP rules currently list a number of serious "reportable" diseases. Under current rules, a veterinarian or diagnostic laboratory that finds evidence of a "reportable" disease must report that disease to DATCP. This rule also requires government agencies and other persons that find evidence of a “reportable” disease in Wisconsin to report to DATCP. Under this rule, DATCP

must notify DNR if DATCP finds that a reported disease may threaten wildlife in this state, or may threaten fish in waters of the state.

Domestic Animals

DNR's authority to regulate captive wildlife does not ordinarily extend to "domestic animals" that DATCP identifies by rule. This rule defines "domestic animal" to include all of the following:

- Livestock (farm animals including bovine animals, sheep, goats, swine other than wild hogs, farm-raised deer and equine animals).
- Farm-raised game birds, except birds that have been released to the wild.
- Farm-raised fish, except fish that have been released to waters of the state.
- Foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit or caracul that are born, bred and raised in captivity and are not endangered or threatened species.
- Animal species (including pet species) that have been domesticated by humans.
- Pet birds.

Releasing Diseased Wild Animals

Under this rule, if a person knows or has reason to know that a captive wild animal has been infected with or exposed to a "reportable" disease (see above), that person may not release the animal to the wild unless a certified veterinarian finds that the animal is free of the disease at the time of release. The veterinarian must make the finding in a certificate of veterinary inspection filed with DATCP. The Captive Wildlife Law contains comparable requirements.

Poultry and Farm-Raised Game Birds

- Under current DATCP rules, no poultry or poultry eggs may be sold or used for breeding or hatching purposes unless they meet certain requirements (among other things, the flock of origin must be classified as "U.S. pullorum-typhoid clean" under the National Poultry Improvement Plan). This rule applies the same requirements to farm-raised game birds and their eggs.
- Current rules spell out DATCP test procedures for determining the disease status of a poultry flock. This rule applies the same procedures to farm-raised game bird flocks.
- Under current DATCP rules, persons who keep or test poultry must report to DATCP whenever they find evidence of pullorum, fowl typhoid or other serotypes of Salmonella. This rule extends the same reporting requirement to persons who keep or test farm-raised game birds. DATCP may investigate the report.
- Under current rules, DATCP must quarantine every poultry flock that is classified as a reactor flock, infected flock or suspect flock under the National Poultry Improvement Plan. This rule extends the same quarantine requirement to flocks of farm-raised game birds.

- Current DATCP rules restrict the commingling of poultry species. This rule expands the restrictions to include farm-raised game birds.
- Under current DATCP rules, imported poultry and eggs must originate from flocks that are classified as “U.S. pullorum-typhoid clean.” This rule applies the same requirement to farm-raised game birds and their eggs.
- Under current DATCP rules, imported poultry and hatching eggs must originate from flocks that comply with the National Poultry Improvement Plan (there is an exemption for poultry imported directly to slaughter). This rule applies the same requirements to farm-raised game birds and eggs.
- Under current DATCP rules, poultry exhibited at fairs and public exhibitions must originate from flocks that are “U.S. pullorum-typhoid clean,” or must test negative for pullorum-typhoid. This rule applies the same requirements to farm-raised game birds and swap meets.

National Poultry Improvement Plan; Flock Enrollment

This rule establishes standards for enrolling flocks of poultry and farm-raised game birds in the National Poultry Improvement Plan. Enrollment is voluntary, but rules limit the sale and movement of birds from flocks that are not enrolled. Enrollment facilitates sales and movement within the state, and between states.

Under this rule, a flock owner may annually enroll a flock in the National Poultry Improvement Plan. Enrollment expires on June 30 of each year. The flock owner must complete an annual enrollment application that includes all the following:

- Proof that the flock has been tested for salmonella pullorum-typhoid, according to test standards set forth in the National Poultry Improvement Plan. DATCP will request permission from the Attorney General and the Revisor of Statutes to incorporate these test standards by reference in this rule.
- An annual enrollment fee. A flock owner must pay the following applicable fee:
 - *Fanciers.* \$20 if the flock consists solely of specialty breeds other than meat-type or egg-type birds, and are raised primarily for show or exhibition.
 - *Non-Breeders; No Game Birds.* \$20 if the flock owner does not handle farm-raised game birds, does not hatch or collect eggs, and buys all poultry stock from National Poultry Improvement Plan sources.
 - *Non-Breeders With Game Birds.* \$30 if the flock owner handles farm-raised game birds (with or without poultry), does not hatch or collect eggs, and buys all stock from National Poultry Improvement Plan sources.

- *Breeders (With or Without Game Birds)*. The following applicable fee for a breeder flock (poultry or farm-raised game birds):
 - * *\$40 fee* for 1 to 1,000 breeders.
 - * *\$50 fee* for 1,001 to 5,000 breeders.
 - * *\$100 fee* for 5,001 to 10,000 breeders.
 - * *\$200 fee* for more than 10,000 breeders.

Deer Farm Registration Certificate

Under current law, a deer farm operator must hold an annual deer farm registration certificate from DATCP. Under this rule, a deer farm operator must obtain a separate certificate from DATCP to operate a hunting preserve at the registered premises (see below). This rule also clarifies that a registered deer farm operator may not operate as an animal dealer without an animal dealer license.

Deer Farms; Chronic Wasting Disease Testing

This rule clarifies current chronic wasting disease testing requirements for farm-raised deer. Under this rule, a deer farm operator must have a chronic wasting disease test performed on each of the following farm-raised deer that is at least 16 months old:

- A farm-raised deer that dies or is killed while kept by that person.
- A farm-raised deer that the person ships to slaughter.

Under current rules and this rule, the person who collects a test sample for a required chronic wasting disease test must be a certified veterinarian, a DATCP or federal employee, or a person that DATCP pre-approves in writing. The person must also complete training approved by DATCP. The person must collect the sample from the brain of the dead animal, according to standard veterinary procedures, and must submit the sample to a testing laboratory approved by DATCP and the United States department of agriculture (USDA-APHIS).

The person must normally collect the test sample before any part of the farm-raised deer carcass leaves the premises where the farm-raised deer died, or was killed or slaughtered. But a deer farm operator may separate the head from the carcass, and may ship the head to the person who collects the test sample from the brain, if the deer farm operator first identifies both the head and the carcass with official individual identification or a "dead tag" (see below).

Farm-Raised Deer; Carcass Identification

Under this rule, no person may remove any farm-raised deer carcass from a deer farm unless that carcass is identified with official individual identification, or with a "dead tag" issued by DATCP. A registered deer farm operator may purchase "dead tags" from DATCP at cost.

Under this rule, no *part* of a carcass may leave the premises unless *every* part of the carcass bears official individual identification or a dead tag, and the farm-raised deer keeper records and correlates all of the official individual identification and dead tag numbers assigned to that animal.

Deer Farm Records

This rule expands current record keeping requirements for deer farm operators. Under this rule:

- A deer farm operator must keep the following records related to each live farm-raised deer that leaves the herd other than for slaughter, or that enters the herd from another herd:
 - The official individual identification of the farm-raised deer.
 - The species, age and sex of the farm-raised deer.
 - The date on which the farm-raised deer entered or left the herd.
 - The name and address of the person from whom the person received, or to whom the person shipped, the farm-raised deer. The record shall also identify the person who had custody of the farm-raised deer during shipment.
 - The address of the herd from which the farm-raised deer originated, or to which it was shipped.
 - A copy of any certificate of veterinary inspection that accompanied the farm-raised deer.
- A deer farm operator must keep the following records related to each farm-raised deer that the operator ships live to slaughter:
 - The official individual identification of the farm-raised deer.
 - The species, age and sex of the farm-raised deer.
 - The date on which the operator shipped the farm-raised deer to slaughter.
 - The name and address of the slaughter facility.
 - The name and address of the person who transported the farm-raised deer to slaughter.
 - A copy of the slaughter movement document required under current rules (form VS-127 or equivalent).
 - Chronic wasting disease test results if required (testing is currently required, unless the animal is less than 16 months old).
- A deer farm operator must keep the following records related to every farm-raised deer that dies, or is killed or slaughtered, on the deer farm premises:
 - The species, age and sex of the farm-raised deer.
 - Any identification attached to the farm-raised deer.
 - The date on which the farm-raised deer died or was killed. If the farm-raised deer was found dead on the premises, the operator must record the date on which the farm-raised deer was found dead.
 - The disposition of the carcass, regardless of whether the carcass leaves the premises. If the carcass leaves the herd premises, the operator must record the official individual

identification or "dead tag" number, the disposition date, and the name and address of the carcass recipient.

- Chronic wasting disease test results if testing is required under current rules (testing is currently required, unless the animal is less than 16 months old).
- A deer farm operator must retain these records for at least 5 years, and must make the records available to DATCP for inspection and copying upon request.

Deer Imports and Movement; Tuberculosis Status

Current rules regulate imports of cervids (including farm-raised deer) to this state. This rule modifies current import restrictions related to tuberculosis. Under this rule, imported cervids must originate from "tuberculosis free" or "tuberculosis qualified" herds, or must test negative on 2 pre-import tuberculosis tests (there are limited exemptions). Under current rules and this rule, cervids imported from "tuberculosis modified accredited states" must also be confined for tuberculosis testing following import.

Current rules also regulate the movement of farm-raised deer from deer farms in this state. This rule modifies current rules related to pre-movement tuberculosis testing and status, and exempts movements between locations that are part of the same registered deer farm.

Hunting Preserves; General

Under this rule, a person may not grant or offer to others, for consideration, the opportunity to hunt farm-raised deer on any premises unless all of the following apply:

- The person holds, for those premises, both a deer farm registration certificate (see above) and a hunting preserve certificate (see below) from DATCP.
- Farm-raised deer, when hunted, have unimpeded access to at least 80 acres of land.
- The person complies with applicable requirements under this rule.

Hunting Preserve Certificate

Under this rule, DATCP may issue a hunting preserve certificate for a registered deer farm. A hunting preserve certificate expires 10 years after it is issued (the deer farm registration must be renewed annually). A hunting preserve certificate is not transferable between persons or premises (new owners must obtain new certificates). A hunting preserve certificate is not valid unless the holder also holds a current annual deer farm registration certificate.

A person must apply for a hunting preserve certificate on a form provided by DATCP. The application must include all of the following:

- The applicant's name, address, and deer farm registration number.
- The address of the deer farm premises for which the applicant seeks a hunting preserve certificate.
- Documentation showing that farm-raised deer hunted on the premises will have unimpeded access to at least 80 acres of land.
- A nonrefundable fee of \$150.

DATCP must grant or deny an application within 90 business days after DATCP receives a complete application. DATCP must inspect the premises before issuing a hunting preserve certificate, and may inspect relevant records as necessary.

Hunting Preserves; Chronic Wasting Disease Testing

Under this rule, a hunting preserve operator must have a chronic wasting disease test performed on every farm-raised deer at least 16 months old that is killed on the hunting preserve (see deer farm testing requirements above). The hunting preserve operator must inform the hunter of the test results.

Hunting Preserves; Animal Identification

Hunting preserves, like other deer farms, must comply with animal identification requirements (see above). This rule prohibits any person from removing, altering or tampering with an animal's official individual identification. Under this rule, no portion of a farm-raised deer carcass may leave a hunting preserve unless it bears official individual identification or a "dead tag" issued by DATCP (see above).

Hunting Preserves; Recordkeeping

This rule requires a hunting preserve operator to do all the following:

- Keep records required of other deer farm operators.
- Keep the following records related to each farm-raised deer that is killed on the hunting preserve:
 - The name and address of the person who killed the farm-raised deer.
 - The date when the farm-raised deer was killed, and the location of the premises where it was killed.

- The name and address of the person who collected the chronic wasting disease test sample from the farm-raised deer carcass.
 - The laboratory test reports from the chronic wasting disease test.
 - The disposition of the carcass.
 - The official individual identification or "dead tag" number attached to the carcass. If the carcass has both an official individual identification and a "dead tag," the record must include both numbers.
- Retain the required records for at least 5 years, and make them available to DATCP for inspection and copying upon request.

Hunting Preserves; Prohibited Conduct

Under this rule, no person operating a farm-raised deer hunting preserve may do any of the following:

- Violate or allow others to violate laws prohibiting "shining" of animals.
- Violate or assist any violation of DATCP animal health rules.

Animal Disease Quarantines

Under current rules, DATCP may quarantine animals to prevent or control diseases that may affect domestic or exotic animals. Under this rule, DATCP may quarantine animals to prevent or control diseases that may affect *any* animals (not just domestic or exotic animals), or to prevent or control diseases that may be transmitted from animals to humans.

Animal Imports; Health Certificate

Current rules prohibit a person from importing any of the following animals without a health certificate (certificate of veterinary inspection):

- Bovine animals (there are limited exemptions).
- Swine (there are limited exemptions).
- Equine animals (there are limited exemptions).
- Poultry.
- Sheep (except sheep imported to slaughter).
- Goats.
- Dogs or domestic cats.
- Circus, rodeo, racing or menagerie animals.
- Exotic ruminants and South American camelids (alpacas and llamas).
- Cervids (including deer and elk).

- Ratites (except ratites imported from a federal quarantine facility).

This rule extends the current health certificate requirement to animal species that are not covered by current rules. This rule prohibits a person from importing *any* animal without a health certificate. This rule continues current limited exemptions for domestic livestock, including exemptions for livestock imported directly to slaughter (farm-raised deer imported directly to slaughter must be tested for chronic wasting disease if they are at least 16 months old). This rule also exempts animals moved solely for veterinary treatment, animals moved to accredited zoos and aquariums, and invertebrates that are imported in compliance with DATCP pest control rules.

Alpacas and Llamas; Imports

Under current rules, a person must obtain a DATCP permit before importing an alpaca or llama. The person must have the animal tested for tuberculosis and brucellosis. A health certificate (certificate of veterinary inspection) must accompany the imported animal. This rule eliminates the permit, tuberculosis testing and brucellosis testing requirements, but retains the health certificate requirement.

Wild Animal Imports

This rule prohibits a person from importing a wild animal to this state unless all of the following apply:

- DATCP issues an import permit for that import. DATCP may not issue an import permit for an animal that DNR has designated as a "harmful wild animal" unless DNR also approves the import.
- A valid health certificate (certificate of veterinary inspection) accompanies the imported animal.

These wild animal import requirements do not apply to invertebrates imported in compliance with DATCP pest control laws. Nor do they apply to domestic animals (see list above). However, domestic animals are subject to other import regulations under current rules and this rule.

This rule prohibits imports of prairie dogs and certain African rodents that have been implicated in the spread of "monkey pox." However, DATCP may issue an import permit if one of the following applies:

- The animal is imported directly to an accredited zoo.
- The animal is imported directly to a bona fide research facility.
- The animal is imported directly to a veterinary facility for treatment, or is returning directly from treatment at a veterinary facility.

Animal Dealers

Before the Captive Wildlife Law was enacted, DATCP licensed "livestock dealers" ("livestock" includes bovine animals, sheep, goats, swine, farm-raised deer, equines and other farm animals). The Captive Wildlife Law changed the "livestock dealer" license to an "animal dealer" license.

DATCP now licenses "animal dealers" who deal in livestock *or wild animals*. Captive white-tail deer are now considered "livestock" (farm-raised deer). This rule modifies current rules to reflect this expanded coverage. This rule also clarifies and reorganizes current licensing requirements. Under this rule:

- A person must be annually licensed by DATCP, as an animal dealer, if the person does any of the following (see exemptions below):
 - Engages in the business of buying livestock or wild animals for resale, slaughter or exchange.
 - Engages in the business of selling or exchanging livestock or wild animals.
 - Engages in the business of leasing out livestock or wild animals to others.
- The following persons are *exempt* from licensing as animal dealers:
 - An employee of a licensed animal dealer who acts solely on behalf of that licensed animal dealer.
 - A farm operator who buys or exchanges livestock solely for dairy, breeding or feeding operations on that farm, or who sells only livestock produced on that farm.
 - An animal market operator licensed by DATCP.
 - The operator of a licensed meat establishment who buys livestock solely for slaughter at that meat establishment.
 - The holder of a DNR captive wildlife license who buys, sells or exchanges wild animals pursuant to the license, solely for purposes of the licensed operation.
- A person must do all the following to obtain an animal dealer license (no change from current rules):
 - Submit a complete license application.
 - Pay an annual license fee of \$115 (no change from current rules).
 - Obtain an animal trucker license, if the person also operates as an animal trucker (see below).
 - Register all vehicles that the person uses to transport animals.
 - Pass a test administered by DATCP. No test is required for the renewal of an existing license.
- DATCP must grant or deny a license application within 30 business days after the applicant submits a complete application and takes any required test (no change from current rules).
- DATCP may deny, suspend or revoke a license, including violation of animal health or humane laws (no change from current rules).

- An animal dealer must do all of the following (this rule reorganizes, but does not change, current rules):
 - Maintain the animal dealer premises in a clean and sanitary condition.
 - Provide adequate food, water, shelter, bedding and pen space for all animals held more than 12 hours.
 - Properly identify animals.
 - Keep proper records.
 - Handle animals in a humane manner.
 - Comply with applicable requirements related to animal transport vehicles (see below).
 - Refrain from commingling animals of different species within the same vehicle or enclosure.
- This rule prohibits an animal dealer from accepting delivery of animals from an unlicensed animal trucker, or shipping animals via an unlicensed animal trucker.

Animal Market Operators

Before the Captive Wildlife Law was enacted, DATCP licensed "livestock market operators" ("livestock" includes bovine animals, sheep, goats, swine, farm-raised deer, equines and other farm animals). The Captive Wildlife Law changed the "livestock market operator" license to an "animal market operator" license.

DATCP now licenses "animal market operators" who operate market facilities that are open to the public for the purpose of trading in livestock *or wild animals*. Captive white-tail deer are now considered "livestock" (farm-raised deer). This rule modifies current rules to reflect this expanded coverage. This rule also clarifies and reorganizes current licensing requirements. Under this rule:

- No person may operate an animal market without an annual license from DATCP. A separate license is required for each animal market (no change from current rules).
- An animal market operator may apply for a Class A, Class B or Class E animal market license (no change from current rules):
 - At a *class A animal market*, an operator may conduct livestock and wild animal sales on any number of days during the license year.
 - At a *class B animal market*, an operator may conduct livestock sales on no more than 4 days during the license year. An operator may not conduct wildlife sales at a class B animal market.
 - At a *class E animal market*, an operator may conduct sales of equine animals on any number of days during the license year. An operator may not conduct sales of any other livestock or any wild animals at a class E animal market.

- A person must do all the following to obtain an animal market license (no change from current rules):
 - Submit a complete license application.
 - Pay an annual license fee. The fee is \$225 for a class A market, \$115 for a class B market, and \$150 for a class E market (no change from current rules).
 - Obtain an animal trucker license, if the person also operates as an animal trucker (see below).
 - Register all vehicles that the person uses to transport animals.
 - Pass a test administered by DATCP. No test is required for the renewal of an existing license.

- DATCP must act on a license application within 30 business days after the applicant submits a complete application and takes any required test (no change from current rules). DATCP must inspect a class A market before licensing that market for the first time. If an inspection is required, DATCP has an additional 60 days to act on the license application.
 - DATCP may deny, suspend or revoke a license for cause, including violation of animal health or humane laws (no change from current rules).

- An animal market operator must do all the following (this rule reorganizes, but does not change, current rules):
 - Comply with animal market construction standards.
 - Keep the animal market in a clean and sanitary condition.
 - Provide adequate food, water, shelter, bedding and pen space for all animals held more than 12 hours.
 - Properly identify animals.
 - Keep proper records.
 - Handle animals in a humane manner.
 - Remove animals from the animal market premises within 4 days after they enter the market (some special provisions apply).
 - Comply with applicable requirements related to animal transport vehicles (see below).
 - Refrain from commingling animals of different species in the same enclosure.

- This rule prohibits an animal dealer from accepting delivery of animals from an unlicensed animal trucker, or shipping animals via an unlicensed animal trucker.

Animal Truckers

Before the Captive Wildlife Law was enacted, DATCP licensed "livestock truckers" ("livestock" included bovine animals, sheep, goats, swine, farm-raised deer, equines and other farm animals). The Captive Wildlife Law changed the "livestock trucker" license to an "animal trucker" license.

DATCP now licenses "animal truckers" who transport livestock *or wild animals* for hire.

Captive white-tail deer are now considered "livestock" (farm-raised deer). This rule modifies current rules to reflect this expanded coverage. This rule also clarifies and reorganizes current license requirements. Under this rule:

- A person must be annually licensed by DATCP, as an animal trucker, if the person transports livestock or wild animals *for hire*. The following persons are exempt from licensing as animal truckers:
 - An employee of a licensed animal trucker who transports animals solely on behalf of the license holder, in vehicles registered by the license holder.
 - Persons who are solely engaged in transporting their own animals.
 - Persons who are solely engaged in the following activities:
 - * Hauling animals on an occasional basis for persons participating in a livestock exhibition, fair, trail ride, youth livestock event or similar activity.
 - * Hauling animals on an incidental basis in connection with another business, such as a veterinary practice or a stable operation, does not ordinarily involve the sale of animals.
 - * Hauling animals for other persons fewer than 6 times per year.
- A person must do all the following to obtain a license (no change from current rules):
 - Submit a complete license application.
 - Pay license fees. There is a basic annual fee of \$30, plus a \$10 fee for each vehicle used to transport livestock or wild animals (no fee change from current rules).
 - Register all vehicles used to transport livestock or wild animals.
 - Pass a test administered by DATCP. No test is required for the renewal of an existing license.
- DATCP must act on a license application within 30 business days after the applicant submits a complete application and takes any required test (no change from current rules).
- DATCP may deny, suspend or revoke a license for cause, including violation of animal health or humane laws (no change from current rules).
- An animal trucker must do all of the following (this rule reorganizes, but does not change, current rules):
 - Maintain properly equipped vehicles.
 - Properly identify animals.
 - Keep proper records.
 - Transport and handle animals in a safe and humane manner.
- An animal trucker may not:

- Commingle different animal species on the same transport vehicle.
- Transport diseased or downer animals with healthy animals on the same transport vehicle (there is a limited exception for slaughter shipments).

Animal Transport Vehicles

Under current rules and this rule, an animal dealer, animal market operator or animal trucker must register every vehicle that the person uses to transport livestock or wild animals. The operator must register annually and pay an annual fee of \$10 per vehicle. DATCP must grant or deny a registration application within 30 business days after the person submits a complete application.

Under current rules and this rule, the following requirements apply to every vehicle that an animal dealer, animal market operator or animal trucker uses to transport livestock or wild animals:

- The vehicle must be properly identified with the operator's name and business address, the operator's DATCP license number(s), and the DATCP vehicle registration number.
- The vehicle must be properly constructed and equipped to handle each type of animal transported.
- The vehicle must be kept in a clean and sanitary condition.

Fiscal Impact

This rule will not have a significant fiscal impact on DATCP or local units of government.

Business Impact

This rule primarily affects deer farmers, hunting preserve operators, game-bird farm operators, and businesses that import, sell or move animals. Many of these businesses are “small businesses.” This rule adds regulatory requirements for some businesses, but these requirements are necessary for animal disease control and not expected to impose an undue burden. The new Captive Wildlife Law mandates some of the requirements.

In some cases, this rule gives affected businesses wider latitude to choose a preferred method of compliance. This rule modifies current tuberculosis testing requirements, so that it will be easier for deer farm operators to comply. This rule will benefit affected businesses by clarifying regulatory requirements, and coordinating DATCP and DNR regulation.

Regulation in Surrounding States

Regulation of captive wild animals and animal imports varies from state to state. Most surrounding states indicate that they are implementing stricter regulation and tracking of non-livestock animals.

The surrounding states have a wide spectrum of regulations in the areas covered by this rule, and in some areas they are in the process of modifying their regulations. DATCP has prepared a table summarizing related regulations in Minnesota, Iowa, Illinois, and Michigan.

Federal Regulations

USDA-APHIS has established regulatory programs and standards related to certain diseases and animal movements, including standards related to tuberculosis testing of cervids moved between states. This rule is consistent with applicable federal regulations. This rule incorporates, by reference, standards established in the National Poultry Improvement Plan. Flock enrollment is voluntary, but state and federal regulations may limit the sale and movement of birds from flocks that are not enrolled.

USDA-APHIS coordinates state regulation of animal movement between states, including state requirements related to the preparation and filing of certificates of veterinary inspection. This rule is consistent with the national coordinated system. Under this rule, DATCP is the Wisconsin clearinghouse for disease reporting and certificates of veterinary inspection. DATCP coordinates with DNR on disease reports, import permits and certificates of veterinary inspection related to captive wild animals.

1 **SECTION 1.** ATCP 10.01(8) is amended to read:

2 ATCP 10.01(8) "Bovine animal" means domestic cattle (Bos Taurus) and American
3 bison of any age or sex.

4 **SECTION 2.** ATCP 10.01(22r) is created to read:

5 ATCP 10.01(22r) "Farm-raised game bird" has the meaning given in s. 169.01(12m),
6 Stats.

7 **SECTION 2m.** ATCP 10.01(38) is amended to read:

8 ATCP 10.01(38) "Livestock" means farm animals including bovine animals, sheep,
9 goats, swine other than wild hogs, farm-raised deer and equine animals.

1 **SECTION 3.** ATCP 10.01(41) is amended to read:

2 ATCP 10.01(41) "National poultry improvement plan" means the national poultry
3 improvement plan and auxiliary provisions dated February, 2004, established by the federal
4 bureau under 9 CFR 145.

5 **SECTION 4.** ATCP 10.01(41)(note) is created to read:

6 **NOTE:** The national poultry improvement plan is on file with the department, the
7 secretary of state and the revisor of statutes. The department will provide free
8 copies to Wisconsin flock owners upon request. A flock owner may request a
9 copy by calling (608) 224-4903, by visiting the Wisconsin state website at
10 www.wisconsin.gov, or by writing to the following address:

11
12 Wisconsin Department of Agriculture, Trade and Consumer Protection
13 Division of Animal Health
14 P.O. Box 8911
15 Madison, WI 53708-8911
16

17 **SECTION 5.** ATCP 10.01(45)(g) is repealed and recreated to read:

18 ATCP 10.01(45)(g) A microchip number if all the following apply:

- 19 1. The microchip number uniquely identifies the animal.
20 2. The microchip is attached to the animal.
21 3. The person having custody of the animal has a microchip reader that can read the
22 microchip number.

23 **SECTION 6.** ATCP 10.01(45)(L) is renumbered (n)

24 **SECTION 7.** ATCP 10.01(45)(L) and (m) are created to read:

25 ATCP 10.01(45)(L) A tattoo number issued by the department.

26 (m) A unique premises identification issued by the department, provided that the animal
27 also bears a unique individual identification number.

28 **SECTION 7m.** ATCP 10.01(55m) is created to read:

29 ATCP 10.01(55m) "Pet bird" has the meaning given in s. 169.01(25m), Stats.

1 **SECTION 8.** ATCP 10.01(56) is amended to read:

2 ATCP 10.01(56) "Poultry" means domesticated fowl, including chickens, turkeys, and
3 waterfowl, ~~and game birds, except doves and pigeons,~~ which are bred for the primary purpose of
4 producing eggs or meat. "Poultry" does not include ratites.

5 **SECTION 9.** ATCP 10.01(73m) is created to read:

6 ATCP 10.01(73m) "Wild animal" has the meaning given in s. 95.68(1)(g), Stats. "Wild
7 animal" does not include a domestic animal identified in s. ATCP 10.07.

8 **SECTION 10.** ATCP 10.02(1) to (3) are amended to read:

9 ATCP 10.02(1) DISEASES REPORTED WITHIN ONEDAY. A veterinarian ~~or~~ diagnostic
10 laboratory, government agency or other person that diagnoses or finds evidence of any disease
11 identified in *Appendix A* shall report that diagnosis or finding to the department, in the manner
12 provided under sub. (3), within one day after making the diagnosis or finding.

13 (2) DISEASES REPORTED WITHIN 10 DAYS. A veterinarian ~~or~~ diagnostic laboratory,
14 government agency or other person that diagnoses or finds evidence of any disease identified in
15 *Appendix B* shall report that diagnosis or finding to the department, in the manner provided under
16 sub. (3), within 10 days after making the diagnosis or finding.

17 (3) FORM OF REPORT. A veterinarian ~~or~~ diagnostic laboratory, government agency or
18 other person may report under subs. (1) or (2) by telephone or any other effective means of
19 communication. If a ~~veterinarian~~ person reports other than in writing, the ~~veterinarian~~ person
20 shall confirm the report in writing within 10 days. A fax report is a written report under this
21 section.

22 **SECTION 11.** ATCP 10.02(5) is created to read:

1 ATCP 10.02(5) NOTICE TO THE DEPARTMENT OF NATURAL RESOURCES. If the department
2 determines that a disease reported under sub. (1) or (2) may present a threat to wild animals in
3 this state, the department shall notify the department of natural resources of the report contents.

4 **SECTION 12.** ATCP 10.025(3) is created to read:

5 ATCP 10.025(3) NOTICE TO THE DEPARTMENT OF NATURAL RESOURCES. If the
6 department determines that a disease reported under sub. (1) may present a threat to fish in the
7 waters of the state, the department shall notify the department of natural resources of the report
8 contents.

9 **SECTION 13.** ATCP 10.07 is created to read:

10 **ATCP 10.07 Domestic animals.** The following animals are considered domestic
11 animals under s. 169.01(7), Stats., and are not considered wild animals:

12 (1) Livestock.

13 (2) Poultry.

14 (3) Farm-raised game birds, except farm-raised game birds that have been released to the
15 wild.

16 (4) Ratites.

17 (5) Farm-raised fish, except fish that have been released to waters of the state.

18 (6) Foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit or caracul that are born,
19 bred and raised in captivity and are not endangered or threatened species.

20 (7) Pet birds.

21 (8) Animals of any species that has been domesticated by humans.

22 **SECTION 14.** ATCP 10.08 and (note) are created to read:

1 (2)(f) If a flock or hatchery owner, or any person providing ~~poultry~~ diagnostic services,
2 obtains test results indicating the presence of pullorum, fowl typhoid or other serotypes of
3 Salmonella in poultry or farm-raised game birds, or Mycoplasma gallisepticum in turkeys, that
4 person shall report the test results or evidence to the department within 10 days.

5 (2)(g) ~~Upon receipt of a~~ The department may investigate a confirmed report of pullorum
6 or fowl typhoid in any poultry or farm-raised game birds, or of Mycoplasma gallisepticum in
7 turkeys, ~~the department shall conduct an immediate investigation~~ to determine the origin and
8 mode of transmission of the infection.

9 (2)(h)(intro.) The department shall quarantine every poultry or farm-raised game bird
10 flock classified as a reactor, infected or suspect flock under the national poultry improvement
11 plan. The department may specify, in the quarantine order, terms for the release of the
12 quarantine. Quarantined poultry or farm-raised game birds may not be moved from the premises
13 on which they are quarantined, except that quarantined poultry or farm-raised game birds may be
14 shipped directly to slaughter if all the following apply:

15 (2)(h)1. The poultry or farm-raised game birds are accompanied by a USDA permit for
16 movement of restricted animals, (form VS 1-27), or a comparable form approved by the
17 department.

18 (3) PREMISES. No turkey breeding flocks may be commingled with other species of
19 domestic fowl or reared within 100 yards of any other poultry or farm-raised game birds.

20 (4) HATCHERIES. (a) No ~~operator of a hatchery~~ operator may hatch any poultry or farm-
21 raised game bird eggs, or ~~permit~~ keep any poultry or farm-raised game bird eggs ~~to be~~ on the
22 hatchery premises, unless the eggs originate from a flock ~~which~~ that complies with this section.

23 **SECTION 17.** ATCP 10.51 is created to read:

1 **ATCP 10.51 National poultry improvement plan; flock enrollment.** (1) ANNUAL

2 FLOCK ENROLLMENT. The owner of a flock of poultry or farm-raised game birds may annually
3 enroll that flock in the national poultry improvement plan. An annual enrollment expires on June
4 30 of each year.

5 (2) ENROLLMENT APPLICATION. A flock owner shall apply for enrollment under sub. (1)
6 on a form provided by the department. The application shall include the test results required
7 under sub. (3) and the fee required under sub. (4).

8 **NOTE:** A flock owner may request an enrollment application form by calling (608) 224-
9 4903, by visiting the Wisconsin state website at www.wisconsin.gov, or by
10 writing to the following address:

11 Wisconsin Department of Agriculture, Trade and Consumer Protection
12 Division of Animal Health
13 P.O. Box 8911
14 Madison, WI 53708-8911
15

16
17 (3) ANNUAL DISEASE TESTING. A flock owner applying for enrollment under sub. (1)
18 shall submit proof to the department that the flock has been tested for salmonella pullorum-
19 typhoid, within one year prior to the enrollment application date, according to the national
20 poultry improvement plan and auxiliary provisions dated February, 2004.

21 **NOTE:** Salmonella pullorum-typhoid testing requirements under the national poultry
22 improvement plan and auxiliary provisions dated February 2004 are on file with
23 the department, the secretary of state and the revisor of statutes. The
24 department will provide free copies to Wisconsin flock owners upon request. A
25 flock owner may request a copy by calling (608) 224-4903, by visiting the
26 Wisconsin state website at www.wisconsin.gov, or by writing to the following
27 address:

28
29 Wisconsin Department of Agriculture, Trade and Consumer Protection
30 Division of Animal Health
31 P.O. Box 8911
32 Madison, WI 53708-8911
33
34

1 (4) FEE. A flock owner applying for enrollment under sub. (1) shall pay an annual
2 enrollment fee. The flock owner shall pay the following applicable fee, based on flock type:

3 (a) \$20 if the flock consists solely of specialty breeds, other than breeds commonly
4 raised for meat or egg production, and the flock owner raises the birds primarily for exhibition.

5 (b) \$20 if the flock owner does not hatch or collect eggs, and obtains stock solely from
6 flocks enrolled in the national poultry improvement plan.

7 (c) \$30 if the flock includes captive game birds, the flock owner does not hatch or collect
8 eggs, and the flock owner obtains stock solely from flocks enrolled in the national poultry
9 improvement plan.

10 (d) The following applicable fee for a breeding flock of poultry or farm-raised game
11 birds:

12 1. \$40 if the flock includes no more than 1,000 breeders.

13 2. \$50 if the flock includes more than 1,000 breeders, but no more than 5,000 breeders.

14 3. \$100 if the flock includes more than 5,000 breeders, but no more than 10,000
15 breeders.

16 4. \$200 if the flock includes more than 10,000 breeders.

17 **SECTION 18.** ATCP 10.61(1)(note) is repealed.

18 **SECTION 19.** ATCP 10.61(1m) and (note) are created to read:

19 ATCP 10.61(1m) **AUTHORITY CONFERRED BY REGISTRATION CERTIFICATE.** (a) Except as
20 provided in pars. (b) and (c), a person holding a registration certificate under sub. (1) may
21 possess, propagate, kill, attempt to kill, pursue for the purpose of killing, capture or exhibit farm-
22 raised deer kept at the registered premises, subject to this chapter.

1 (b) A person holding a registration certificate under sub. (1) may not sell or offer others
2 the opportunity to hunt farm-raised deer on the registered premises unless that person complies
3 with s. ATCP 10.615.

4 (c) A registration certificate under sub. (1) does not entitle the certificate holder to
5 operate as an animal dealer unless that person is also licensed under s. ATCP 12.03.

6 **NOTE:** An animal dealer license under s. ATCP 12.03 does not entitle the license holder
7 to keep farm-raised deer unless that person also holds a registration certificate
8 under sub. (1).

9 **SECTION 19m.** ATCP 10.61(4)(c) is amended to read:

10 ATCP 10.61(4)(c) The department inspects the herd premises for compliance with par.
11 (a) before registering any herd at a location where another herd is also registered. The registrant
12 shall pay the fee required under sub. (6)(b). No inspection is required for the renewal of an
13 existing herd registration if the department has previously inspected the herd premises under this
14 paragraph.

15 **SECTION 20.** ATCP 10.61(9) is repealed and recreated to read:

16 ATCP 10.61(9) RECORDKEEPING. (a) A person who keeps farm-raised deer shall keep
17 all of the following records related to each live farm-raised deer that leaves the herd other than
18 for slaughter, or that enters the herd from another herd:

- 19 1. The official individual identification of the farm-raised deer.
- 20 2. The species, age and sex of the farm-raised deer.
- 21 3. The date on which the farm-raised deer entered or left the herd.
- 22 4. The name and address of the person from whom the person received, or to whom the
23 person shipped, the farm-raised deer. The record shall also identify the person who had custody
24 of the farm-raised deer during shipment.
- 25

1 5. The address of the herd from which the farm-raised deer originated, or to which it was
2 shipped.

3 6. A copy of any certificate of veterinary inspection that accompanied the farm-raised
4 deer under s. ATCP 11.56.

5 (b) A person who keeps farm-raised deer shall keep all of the following records related
6 to each farm-raised deer that the person ships live to slaughter:

7 1. The official individual identification of the farm-raised deer.

8 2. The species, age and sex of the farm-raised deer.

9 3. The date on which the farm-raised deer was shipped to slaughter.

10 4. The name and address of the slaughter facility.

11 5. The name and address of the person who transported the farm-raised deer to slaughter.

12 6. A copy of any slaughter movement document required under this chapter or ch. ATCP

13 11.

14 **NOTE:** For example, see s. ATCP 11.56(2)(a) related to slaughter movement
15 documents.

16
17 7. Chronic wasting disease test results required under s. ATCP 10.66(1)(b).

18 (c) A person who keeps farm-raised deer shall keep all of the following records related to
19 every farm-raised deer that dies, or is killed or slaughtered, on the herd premises:

20 1. The species, age and sex of the farm-raised deer.

21 2. Any identification attached to the farm-raised deer, including any carcass
22 identification required under sub. (12).

23 3. The date on which the farm-raised deer died, or was killed or slaughtered. If the farm-
24 raised deer was found dead on the premises, the person shall record the date on which the farm-
25 raised deer was found dead.

1 P.O. Box 8911
2 Madison, WI 53708-8911
3

4 **SECTION 22.** ATCP 10.615 is created to read:

5 **ATCP 10.615 Hunting preserves.** (1) DEFINITIONS. In this section, “hunt” means to
6 kill, attempt to kill or pursue for the purpose of killing a farm-raised deer. “Hunt” does not
7 include the killing, attempted killing or pursuit of a farm-raised deer, on premises owned or
8 controlled by the deer owner, by any of the following:

9 (a) The deer owner.

10 (b) A person who gives no consideration for the opportunity to kill, attempt to kill or
11 pursue the farm-raised deer, or for any part of the deer’s carcass.

12 (c) A person who kills the farm-raised deer for meat, provided that the department
13 conducts an ante mortem inspection of the deer and a post-mortem inspection of the carcass
14 under s. 97.42, Stats., and ch. ATCP 55, Wis. Adm. Code.

15 (d) The department, the Wisconsin department of natural resources, the United States
16 department of agriculture, or other persons or entities that the department authorizes in writing.

17 (2) REQUIREMENTS. No person may grant or offer, for consideration, the opportunity to
18 hunt farm-raised deer on any premises in this state unless all of the following apply:

19 (a) The person holds a valid farm-raised deer herd registration certificate under s. ATCP
20 10.61(1) for the premises, and keeps the farm-raised deer at the registered premises.

21 (b) The person holds a valid hunting preserve certificate under sub. (3) for the premises.

22 (c) Farm-raised deer, when hunted, have unimpeded access to at least 80 contiguous
23 acres of land.

24 (d) The person complies with applicable requirements under this section.

1 (3) HUNTING PRESERVE CERTIFICATE. (a) The department may issue a hunting preserve
2 certificate for premises registered under s. ATCP 10.61(1). A hunting preserve certificate
3 expires 10 years after it is issued, on the anniversary date of its issuance. A certificate is not
4 transferable between persons or premises. A hunting preserve certificate is not valid if the
5 certificate holder no longer holds a valid farm-raised deer herd registration certificate under s.
6 ATCP 10.61(1)

7 (b) A person shall apply for a hunting preserve certificate under par. (a) on a form
8 provided by the department. The application shall include all of the following:

- 9 1. The applicant's name, address, and registration number under s. ATCP 10.61(1).
- 10 2. The address of the premises, registered under s. ATCP 10.61(1), for which the
11 applicant seeks a hunting preserve certificate.
- 12 3. Documentation showing that farm-raised deer hunted on the premises will have
13 unimpeded access to at least 80 contiguous acres of land.
- 14 4. A nonrefundable fee of \$150.

15 **NOTE:** A person may obtain an application form under par. (b) by calling (608) 224-
16 4889, by visiting the Wisconsin state website at www.wisconsin.gov, or by
17 writing to the following address:

18
19 Wisconsin Department of Agriculture, Trade and Consumer Protection
20 Division of Animal Health
21 P.O. Box 8911
22 Madison, WI 53708-8911
23

24 (c) The department shall grant or deny an application under par. (b) within 90 business
25 days after the department receives a complete application. The department shall inspect the
26 premises before issuing a hunting preserve certificate, and may inspect records as necessary to
27 determine whether the applicant and premises qualify for a certificate.

1 (4) CHRONIC WASTING DISEASE TESTING. A person required to hold a hunting preserve
2 certificate under this section shall comply with chronic wasting disease testing requirements
3 under s. ATCP 10.66. The person shall give a hunter the results of each chronic wasting disease
4 test conducted on a farm-raised deer killed by that hunter on the person's hunting preserve.

5 (5) REMOVING OR ALTERING OFFICIAL IDENTIFICATION. No person may remove, alter or
6 tamper with the official individual identification given to a farm-raised deer, except as authorized
7 by the department or the federal bureau.

8 (6) CARCASS IDENTIFICATION. A person who is required by sub. (2)(b) to hold a hunting
9 preserve certificate shall identify the carcass of every farm-raised deer killed on the hunting
10 preserve, before the carcass leaves the premises. Identification shall comply with s. ATCP
11 10.61(12).

12 (7) RECORDKEEPING. A person who is required by sub. (2)(b) to hold a hunting preserve
13 certificate shall do all of the following:

14 (a) Keep the records required under s. ATCP 10.61(9).

15 (b) Keep all of the following records related to each farm-raised deer that is killed on the
16 hunting preserve:

17 1. The name and address of the person who killed the farm-raised deer.

18 2. The date when the farm-raised deer was killed, and the location of the premises where
19 it was killed.

20 3. The name and address of the person who collected the test sample for the chronic
21 wasting disease test required under sub. (4).

22 4. The laboratory test reports from the chronic wasting disease test required under sub.
23 (4).

1 5. The disposition of the carcass. This record shall include the name and address of the
2 person who took custody of the carcass. If the carcass is buried or otherwise disposed of, the
3 record shall identify the disposal method and location.

4 6. The official individual identification of the carcass, or the dead tag number attached to
5 the carcass under s. ATCP 10.61(12), if the carcass leaves the premises. If the carcass has both
6 an official individual identification and a dead tag, the record shall include both numbers.

7 (c) Retain the records under pars. (a) and (b) for at least 5 years, and make the records
8 available to the department for inspection and copying upon request.

9 (8) PROHIBITED CONDUCT. No person required to hold a hunting preserve certificate
10 under sub. (2) may do any of the following:

11 (a) Violate or allow others to violate s. 29.314(3), Stats.

12 (b) Violate or assist any violation of this chapter, ch. ATCP 11 or ch. ATCP 12.

13 **SECTION 23.** ATCP 10.66(1) is repealed and recreated to read:

14 ATCP 10.66(1) TESTING REQUIRED. A person who keeps farm-raised deer in this state
15 shall have a chronic wasting disease test performed on each of the following farm-raised deer
16 that is at least 16 months old:

17 (a) A farm-raised deer that dies or is killed while kept by that person.

18 (b) A farm-raised deer that the person ships to slaughter.

19 **SECTION 24.** ATCP 10.66(3) is repealed and recreated to read:

20 ATCP 10.66(3) COLLECTING TEST SAMPLES. (a) Except as provided in par. (b), a person
21 shall collect a test sample for a chronic wasting disease test under sub. (1) before any part of the
22 farm-raised deer carcass leaves the premises where the farm-raised deer died, or was killed or
23 slaughtered.

1 (b) A person holding a valid farm-raised deer herd registration certificate under s. ATCP
2 10.61(1) may separate the head of a farm-raised deer carcass from the rest of the carcass, and
3 may ship the head to the person who collects the test sample for the chronic wasting disease test
4 under sub. (1), if the certificate holder identifies both the head and the rest of the carcass
5 according to s. ATCP 10.61(12) before either the head or the rest of the carcass leaves the herd
6 premises.

7 (c) The person who collects a test sample for a chronic wasting disease test sample under
8 sub. (1) shall be one of the following:

- 9 1. A certified veterinarian.
- 10 2. An employee of the department or the federal bureau.
- 11 3. A person approved by the department or the federal bureau.

12 (d) A person shall complete training approved by the department before collecting a test
13 sample for a chronic wasting disease test under sub. (1). The person shall comply with standard
14 veterinary procedures when collecting test samples.

15 (e) The person who collects a test sample for a chronic wasting disease test under sub.
16 (1) shall submit that sample to a laboratory approved under sub. (4).

17 **SECTION 25.** ATCP 10.66(4) is amended to read:

18 ATCP 10.66(4) APPROVED LABORATORIES. Tests under sub. (1) shall be performed at a
19 laboratory that the department ~~or~~ and the federal bureau ~~has~~ have approved to conduct chronic
20 wasting disease tests.

21 **SECTION 26.** ATCP 10.67(4)(b) is repealed and recreated to read:

22 ATCP 10.67(4)(b) Have a chronic wasting disease test performed on each of the
23 following farm-raised deer that is at least 16 months old:

1 1. A farm-raised deer that dies or is killed while kept by that person.

2 2. A farm-raised deer that the person ships to slaughter.

3 **SECTION 27.** ATCP 10.91(1) is repealed and recreated to read:

4 ATCP 10.91(1) QUARANTINE ORDER. The department may quarantine captive animals in
5 this state for any of the following purposes:

6 1. To prevent, suppress, control or eradicate contagious, infectious or communicable
7 diseases that may affect animals, or that may be transmitted from animals to humans.

8 2. To prevent the movement or commingling of animals pending further testing,
9 diagnosis, or traceback or investigation related to suspected disease.

10 (b) The department may issue a quarantine order under par. (a) on a summary basis,
11 without prior notice or hearing.

12 (c) No person may move any animal in violation of a quarantine order under par. (a), or
13 fail to comply with the terms and conditions of a quarantine order.

14 **SECTION 28.** ATCP 11.01(3), (3m), (4), and (5) are created to read:

15 ATCP 11.01(3) “Animal dealer” means a person who is required to be licensed under s.
16 ATCP 12.03(1).

17 (3m) “Animal dealer premises” means any real property, owned or controlled by an
18 animal dealer, at which the animal dealer keeps, exhibits or receives livestock or wild animals, or
19 from which the animal dealer ships livestock or wild animals.

20 (4) “Animal market” means any premises that are open to the public for the purpose of
21 buying or selling livestock or wild animals, and that have facilities to keep, feed and water
22 livestock or wild animals prior to sale.

1 (5) "Animal trucker" means a person who is required to be licensed under s. ATCP
2 12.04(1).

3 **SECTION 29.** ATCP 11.01(11) and (27) are amended to read:

4 ATCP 11.01(11) "Bovine animal" means domestic cattle (Bos Taurus) and American
5 bison of any age or sex.

6 (27) "Exotic ruminant" means a ruminant not indigenous to Wisconsin. "Exotic
7 ruminant" ~~includes llamas and other camelids but~~ does not include bovine animals, ~~or~~ cervids,
8 alpacas or llamas.

9 **SECTION 30.** ATCP 11.01(29r) is created to read:

10 ATCP 11.01(29r) "Farm-raised game bird" has the meaning given in s. 169.01(12m),
11 Stats.

12 **SECTION 30m.** ATCP 11.01(41) is amended to read:

13 ATCP 11.01(41) "Livestock" means farm animals including bovine animals, sheep,
14 goats, swine other than wild hogs, farm-raised deer and equine animals.

15 **SECTION 31.** ATCP 11.01(42) to (45) are repealed.

16 **SECTION 32.** ATCP 11.01(50) is amended to read:

17 ATCP 11.01(50) "National poultry improvement plan" means the national poultry
18 improvement plan and auxiliary provisions dated March, 2000, established by the federal bureau
19 under 9 CFR 145.

20 **SECTION 33.** ATCP 11.01(50)(note) is created to read:

21 **NOTE:** The national poultry improvement plan is on file with the department, the
22 secretary of state and the revisor of statutes. The department will provide free
23 copies to Wisconsin flock owners upon request. A flock owner may request a
24 copy by calling (608) 224-4903, by visiting the Wisconsin state website at
25 www.wisconsin.gov, or by writing to the following address:
26

1 Wisconsin Department of Agriculture, Trade and Consumer Protection
2 Division of Animal Health
3 P.O. Box 8911
4 Madison, WI 53708-8911
5

6 **SECTION 34.** ATCP 11.01(51m) is created to read:

7 ATCP 11.01(51m) "Nonnative wild animal" has the meaning given in s. 169.01(23),
8 Stats.

9 **SECTION 35.** ATCP 11.01(54)(g) is repealed and recreated to read:

10 ATCP 11.01(54)(g) A microchip number if all the following apply:

- 11 1. The microchip number uniquely identifies the animal.
- 12 2. The microchip is attached to the animal.
- 13 3. The person having custody of the animal has a microchip reader that can read the
14 microchip number.

15 **SECTION 36.** ATCP 11.01(54)(L) is renumbered (n).

16 **SECTION 37.** ATCP 11.01(54)(L) and (m) are created to read:

17 ATCP 11.01(54)(L) A tattoo number issued by the department.

18 (m) A unique premises identification tag issued by the department, provided that the
19 animal also bears a unique individual identification number.

20 **SECTION 38.** ATCP 11.01(64) is amended to read:

21 ATCP 11.01(64) "Poultry" means domesticated fowl, including chickens, turkeys, and
22 waterfowl, ~~and game birds, except doves and pigeons,~~ which are bred for the primary purpose of
23 producing eggs or meat. "Poultry" does not include ratites.

24 **SECTION 39.** ATCP 11.01(84e) is created to read:

1 ATCP 11.01(84e) "Wild animal" has the meaning given in s. 95.68(1)(g), Stats. "Wild
2 animal" does not include a domestic animal identified under s. ATCP 10.07.

3 **SECTION 40.** ATCP 11.02(1) is repealed and recreated to read:

4 ATCP 11.02(1) CERTIFICATE REQUIRED FOR IMPORT. (a) Except as provided in par. (b),
5 no person may import any animal into this state unless the animal is accompanied by a valid
6 certificate of veterinary inspection.

7 (b) A certificate of veterinary inspection is not required under par. (a) for any of the
8 following:

- 9 1. A bovine animal that is exempt under s. ATCP 11.11(1)(b).
- 10 2. A swine that is exempt under s. ATCP 11.20(1)(b).
- 11 3. An equine animal that is exempt under s. ATCP 11.30(1)(b) to (e).
- 12 4. A sheep that is exempt under s. ATCP 11.50(2).
- 13 5. A goat that is exempt under s. ATCP 11.51(1)(b).
- 14 6. A farm-raised deer that is exempt under s. ATCP 11.55(1m).
- 15 7. A ratite that is exempt under s. ATCP 11.57(2).
- 16 8. Fish imported in compliance with s. ATCP 11.58(14)(b) or (c).
- 17 9. An invertebrate imported in compliance with ss. 94.01 and 94.03, Stats., and ch.
18 ATCP 21.
- 19 10. An animal that is imported directly to a veterinary facility for treatment, and returned
20 directly to its state of origin immediately after treatment, with no change in ownership.
- 21 11. An animal returning to its place of origin in this state, with not change of ownership,
22 immediately after receiving veterinary treatment in another state.

1 12. An animal that is imported directly to an institution accredited by the American
2 association of zoological parks and aquariums.

3 **SECTION 41.** 11.02(4)(a) is repealed and recreated to read:

4 ATCP 11.02(4)(a) Identification of each animal covered by the certificate. Official
5 individual identification is required for bovine animals as provided in s. ATCP 11.11(1)(a)1.,
6 swine, equine animals, sheep, goats, ratites, cervids, alpacas and llamas. Official individual
7 identification is not required for animals not listed in this paragraph, provided that the certificate
8 clearly identifies the shipment source, the destination, and the number and type of animals
9 included in the shipment. The department may require official individual identification of
10 animals imported pursuant to a permit under s. ATCP 11.03, regardless of whether official
11 individual identification is required under this paragraph.

12 **SECTION 42.** ATCP 11.02(6)(c) is created to read:

13 ATCP 11.02(6)(c) Whenever the department receives a certificate of veterinary
14 inspection under sub. (1) for imported wild animals, the department shall forward a copy of that
15 certificate to the department of natural resources.

16 **SECTION 43.** ATCP 11.10(4)(a) is amended to read:

17 ATCP 11.10(4)(a) *Backtag required.* If a ~~livestock~~ an animal trucker, ~~livestock animal~~
18 ~~dealer, livestock animal market operator, stockyard operator~~ federally approved livestock import
19 market operator, or slaughtering establishment operator receives any bovine animal over 2 years
20 old for slaughter, or for sale or shipment to slaughter, that person shall identify the bovine animal
21 with an official backtag at the time of receipt and make a corresponding record of the
22 identification under par. (b). The backtag shall be affixed to the animal at a point 4 inches
23 behind the shoulder and 4 inches below the topline. If a bovine animal under this paragraph is

1 already backtagged at the time of receipt, the person receiving the bovine animal shall record the
2 backtag number and other information required under par. (b). This paragraph does not apply to
3 steers or official spayed heifers.

4 **SECTION 44.** ATCP 11.10(4)(c) is amended to read:

5 ATCP 11.10(4)(c) *Livestock Animal dealers and markets; slaughter animals not shipped*
6 *directly to slaughter.* If any slaughter animal required to be backtagged under par. (a) is
7 removed from the premises of a ~~livestock~~ an animal dealer or ~~livestock~~ animal market, but not
8 shipped directly to slaughter, the ~~livestock~~ animal dealer or market operator shall keep a record
9 correlating the animal's backtag number with its official individual identification. If the animal
10 has no official individual identification, the dealer or market operator shall insert an official
11 eartag in the animal's right ear before the animal leaves the premises, ~~except that eartagging is~~
12 ~~not required for feeder cattle shipped directly to an approved feed lot.~~

13 **SECTION 45.** ATCP 11.11(1)(b)2.(note) is created to read:

14 **NOTE:** ATCP 11.04 prohibits the operator of a federally approved livestock import
15 market from releasing an imported bovine animal to a location in this state unless
16 the animal meets bovine import requirements under this chapter (see subch. III).
17 Animals shipped directly to slaughter are exempt from certain import
18 requirements that would otherwise apply.
19

20 **SECTION 46.** ATCP 11.11(1)(b)3. is repealed and recreated to read:

21 ATCP 11.11(1)(b)3. An animal imported directly to a veterinary facility for treatment,
22 provided that the animal is returned to its place of origin immediately following treatment and
23 there is no change of ownership while the animal is in this state.

24 **SECTION 47.** ATCP 11.11(1)(b)4. is created to read:

25 ATCP 11.11(1)(b)4. An animal returning directly to its place of origin in this state
26 following treatment in a veterinary facility outside this state, provided that the animal was

1 shipped directly to the veterinary facility and there was no change of ownership while the animal
2 was outside the state for veterinary treatment.

3 **SECTION 48.** ATCP 11.15 is amended to read:

4 **ATCP 11.15 Calves to be moved from ~~livestock~~animal market within 24 hours**
5 **after sale.** A person purchasing calves less than 12 weeks old at a ~~livestock~~ an animal market
6 shall remove the calves from the market within 24 hours after purchase. The market operator
7 shall provide the calves with adequate food, water and shelter while the calves are held at the
8 market.

9 **SECTION 49.** ATCP 11.20(1)(b)2.is amended to read:

10 ATCP 11.20(1)(b)2. Swine imported directly to a federally approved livestock import
11 market under s. ATCP 11.04.

12 **SECTION 50.** ATCP 11.20(1)(b)2.(note) is created to read:

13 **NOTE:** ATCP 11.04 prohibits the operator of a federally approved livestock import
14 market from releasing imported swine to a location in this state unless the swine
15 meet import requirements under this chapter (see subch. IV). Animals shipped
16 directly to slaughter are exempt from certain import requirements that would
17 otherwise apply.

18
19 **SECTION 51.** ATCP 11.20(1)(b)3. is repealed and recreated to read:

20 ATCP 11.20(1)(b)3. A swine imported directly to a veterinary facility for treatment,
21 provided that the swine is returned to its place of origin immediately following treatment and
22 there is no change of ownership while the swine is in this state.

23 **SECTION 52.** ATCP 11.20(1)(b)4. is created to read:

24 ATCP 11.20(1)(b)4. A swine returning directly to its place of origin in this state
25 following treatment in a veterinary facility outside this state, provided that the swine was shipped

1 directly to the veterinary facility and there was no change of ownership while the swine was
2 outside the state for veterinary treatment.

3 **SECTION 53.** ATCP 11.22(1)(intro.) is amended to read:

4 ATCP 11.22(1) IDENTIFICATION REQUIRED. Except as provided in sub. (3), ~~a livestock~~
5 an animal trucker, animal dealer, ~~livestock animal~~ market operator, federally approved livestock
6 import market operator, or slaughtering establishment operator shall do all the following
7 whenever that person receives a sow, boar or stag for slaughter, or for sale or shipment to
8 slaughter:

9 **SECTION 54.** ATCP 11.23(2)(d) is amended to read:

10 ATCP 11.23(2)(d) The animal is moved to the premises of ~~a livestock~~ an animal dealer
11 or ~~livestock animal~~ market if the dealer or market operator complies with the testing requirement
12 under sub. (1) before the animal is moved from those premises.

13 **SECTION 55.** ATCP 11.30(1)(c) is amended to read:

14 ATCP 11.30(1)(c) *Animal imported to ~~livestock~~ animal market.* Paragraph (a) does not
15 apply to an equine animal imported directly to ~~a livestock~~ an animal market licensed under s.
16 ATCP 12.02 if any of the following apply:

17 1. The animal is shipped directly to a slaughtering establishment, for slaughter, within 10
18 days after it arrives at the ~~livestock~~ animal market and before it is commingled with any equine
19 animal that is not shipped to slaughter.

20 2. A Wisconsin certified veterinarian issues a certificate of veterinary inspection for the
21 equine animal before the animal leaves the ~~livestock~~ animal market or is commingled with any
22 other equine animal at the market. The certificate shall include a report of a negative test for
23 equine infectious anemia if a test is required under sub. (2).

1 ATCP 11.40(1)(a) No live poultry, poultry eggs for hatching, farm-raised game birds or
2 farm-raised game bird eggs for hatching may be imported into this state unless all of the
3 following apply:

4 1. They originate from flocks that are enrolled in the national poultry improvement plan
5 or an equivalent program in the state of origin.

6 2. They originate from flocks that are classified as “U.S. pullorum-typhoid clean” and, in
7 the case of turkeys and turkey eggs, "Mycoplasma gallisepticum clean" under the national
8 poultry improvement plan or an equivalent program in the state of origin.

9 3. They are accompanied by a certificate of veterinary inspection, or by a statement
10 signed by an authorized animal health official in the state of origin, certifying that they originate
11 from flocks that comply with this paragraph.

12 (c) This subsection does not apply to poultry or game birds that are imported directly to a
13 slaughtering establishment for immediate slaughter.

14 **SECTION 61.** ATCP 11.40(1)(d) is repealed.

15 **SECTION 62.** ATCP 11.40(2) is amended to read:

16 ATCP 11.40(2) EXHIBITION. No person may exhibit poultry or farm-raised game birds,
17 except waterfowl, may be exhibited at a fair or, public exhibition or swap meet unless the poultry
18 or farm-raised game birds comply with ~~requirements under~~ s. ATCP 11.62(4).

19 **SECTION 63.** ATCP 11.50 is repealed and recreated to read:

20 **ATCP 11.50 Sheep imports.** (1) Except as provided in sub. (2), no person may import
21 a sheep into this state unless a valid certificate of veterinary inspection under s. ATCP 11.02
22 accompanies the sheep.

1 (2) A certificate of veterinary inspection is not required under sub. (1) for any of the
2 following:

3 (a) A sheep imported directly to a slaughtering establishment for slaughter.

4 (b) A sheep imported directly to a veterinary facility for treatment, provided that the
5 sheep is returned to its place of origin immediately following treatment and there is no change of
6 ownership while the sheep is in this state.

7 (c) A sheep returning directly to its place of origin in this state following treatment in a
8 veterinary facility outside this state, provided that the sheep was shipped directly to the
9 veterinary facility and there was no change of ownership while the sheep was outside the state
10 for veterinary treatment.

11 **SECTION 64.** ATCP 11.51(1) is repealed and recreated to read:

12 ATCP 11.51(1) Except as provided in par. (b), no person may import a goat into this
13 state unless a valid certificate of veterinary inspection under s. ATCP 11.02 accompanies the
14 goat.

15 (b) A certificate of veterinary inspection is not required under par. (a) for any of the
16 following:

17 1. A goat imported directly to a slaughtering establishment for slaughter.

18 2. A goat imported directly to a veterinary facility for treatment, provided that the goat is
19 returned to its place of origin immediately following treatment and there is no change of
20 ownership while the goat is in this state.

21 3. A goat returning directly to its place of origin in this state following treatment in a
22 veterinary facility outside this state, provided that the goat was shipped directly to the veterinary

1 facility and there was no change of ownership while the goat was outside the state for veterinary
2 treatment.

3 **SECTION 65.** ATCP 11.545(1)(b)1. and (1)(d) are amended to read:

4 ATCP 11.545(1)(b)1. Vaccinates, identifies or tests a cervid in order to complete ~~an~~
5 ~~interstate health certificate~~, a certificate of veterinary inspection, or other official document or
6 certification related to that cervid.

7 (1)(d) ~~Livestock~~ Animal dealer or livestock animal market operator required to identify
8 farm-raised deer. 1. Whenever ~~a livestock~~ an animal dealer or ~~livestock~~ animal market operator
9 receives any farm-raised deer, the ~~livestock~~ animal dealer or ~~livestock~~ animal market operator
10 shall immediately identify that farm-raised deer with an official eartag, a chronic wasting disease
11 registration tag or other official individual identification unless the farm-raised deer already
12 bears an official individual identification or is backtagged for slaughter under sub. (2).

13 2. No ~~livestock~~ animal dealer or ~~livestock~~ animal market operator may deliver a farm-
14 raised deer to the custody of any other person unless that farm-raised deer bears an official
15 individual identification, or is backtagged under sub. (2) and shipped directly to slaughter.

16 **SECTION 65m.** ATCP 11.545(1)(e) is created to read:

17 ATCP 11.545(1)(e) No person may remove, alter or tamper with the official individual
18 identification given to any farm-raised deer or other cervid, except as approved by the
19 department or the federal bureau.

20 **SECTION 66.** ATCP 11.545(2)(a) is amended to read:

21 ATCP 11.545(2)(a) *Identification required.* Whenever ~~a livestock~~ an animal trucker,
22 ~~livestock~~ animal dealer, ~~livestock~~ animal market operator or slaughtering establishment operator
23 receives any farm-raised deer for slaughter, or for sale or shipment to slaughter, that recipient

1 shall immediately identify that farm-raised deer with an official backtag or other approved
2 slaughter identification unless the farm-raised deer already bears an official slaughter
3 identification.

4 **SECTION 67.** ATCP 11.55(1)(intro.) is repealed and recreated to read:

5 ATCP 11.55(1)(intro.) CERTIFICATE OF VETERINARY INSPECTION REQUIRED. Except as
6 provided in sub. (1m), no person may import a cervid into this state unless a valid certificate of
7 veterinary inspection under s. ATCP 11.02 accompanies the cervid. The certificate shall include
8 all of the following information:

9 **SECTION 68.** ATCP 11.55(1m) is created to read:

10 ATCP 11.55(1m) EXEMPTIONS. A certificate of veterinary inspection is not required
11 under sub. (1) for a farm-raised deer imported directly to a slaughtering establishment for
12 slaughter if all the following apply:

13 (a) The farm-raised deer is accompanied by a slaughter movement permit (APHIS form
14 VS 1-27, or an equivalent form approved by the department) that includes the name and address
15 of the slaughter establishment where the farm-raised deer is to be delivered.

16 (b) The farm-raised deer, if at least 16 months old, is tested for chronic wasting disease.

17 **SECTION 69.** ATCP 11.55(1)(a) is amended to read:

18 ATCP 11.55(1)(a) A ~~report of negative tuberculosis tests~~ certification under sub. (2), if
19 required.

20 **SECTION 70.** ATCP 11.55(2) is repealed and recreated to read:

21 ATCP 11.55(2) TUBERCULOSIS STATUS. No person may import a cervid into this state
22 unless one of the following applies:

1 (a) The certificate of veterinary inspection that accompanies the cervid under sub. (1)
2 certifies one of the following:

3 1. The cervid originates from a herd that qualifies as an accredited tuberculosis-free herd,
4 based on a whole herd test completed within the preceding 24 months.

5 2. The cervid originates from a herd that qualifies as a tuberculosis qualified herd, based
6 on a whole herd test completed within the preceding 180 days.

7 3. The cervid originates from a herd that qualifies as a tuberculosis qualified herd, based
8 on a whole herd test completed at least 181 days but not more than 365 days before the farm-
9 raised deer is moved from that herd, and the cervid tests negative on a tuberculosis test
10 conducted within 90 days prior to the movement.

11 4. The cervid has tested negative on 2 pre-import tuberculosis tests conducted 90 to 150
12 days apart, and has been continuously isolated from other cervids since the date of the first test.
13 The second test shall be conducted within 90 days of the import date. The tests shall be
14 conducted using the single cervical tuberculin test unless the department authorizes another test
15 method. An isolated cervid shall be kept at least 10 feet from other cervids, and may not share
16 eating, drinking or handling facilities with other cervids.

17 (b) The cervid is imported directly to a slaughtering establishment for slaughter.

18 (c) The cervid is a circus, rodeo or menagerie animal imported in compliance with s.
19 ATCP 11.53.

20 **SECTION 71.** ATCP 11.55(3) is repealed.

21 **SECTION 72.** ATCP 11.55(5) is repealed and recreated to read:

1 ATCP 11.55(5) IMPORTS FROM TUBERCULOSIS MODIFIED ACCREDITED STATES. The
2 owner of a cervid imported from a tuberculosis modified accredited state shall do all the
3 following, unless the cervid is imported directly to a slaughtering establishment for slaughter:

4 (a) Have the cervid tested for tuberculosis not less than 90 days nor more than 120 days
5 after it is imported.

6 (b) Confine the cervid to the premises at which it is first received in this state unless one
7 of the following applies:

8 1. The cervid tests negative for tuberculosis under par. (a).

9 2. The cervid was imported directly to a show or exhibition in this state, and is returned
10 directly from that show or exhibition to its state of origin.

11 **SECTION 73.** ATCP 11.56(1)(b) is repealed and recreated to read:

12 ATCP 11.56(1)(b) The certificate of veterinary inspection under par. (a) certifies one of
13 the following:

14 1. The farm-raised deer originates from an accredited tuberculosis-free herd under s.
15 ATCP 10.63.

16 2. The farm-raised deer originates from a herd that qualifies as a tuberculosis qualified
17 herd under s. ATCP 10.63, based on a whole herd test completed within the preceding 365 days.

18 3. The farm-raised deer originates from a tuberculosis monitored herd under s. ATCP
19 10.63, has tested negative on a single cervical tuberculin test conducted within 90 days prior to
20 movement, and has been continuously isolated from other cervids since the date of that test. An
21 isolated farm-raised deer shall be kept and handled in a manner that effectively prevents it from
22 contracting tuberculosis from other cervids.

23 **NOTE:** The department offers a pamphlet describing suggested bio-security measures to
24 prevent the transmission of tuberculosis. You may obtain a copy by calling

1 (608) 224-4872, by visiting the Wisconsin state website at www.wisconsin.gov,
2 or by writing to the following address:

3
4 Wisconsin Department of Agriculture, Trade and Consumer Protection
5 Division of Animal Health
6 P.O. Box 8911
7 Madison, WI 53708-8911
8

9 4. The farm-raised deer has tested negative on 2 single cervical tuberculin tests
10 conducted 90 to 270 days apart, and has been continuously isolated from other cervids since the
11 date of the first test. The second test shall be conducted within 90 days prior to the date on
12 which the farm-raised deer is moved. An isolated farm-raised deer shall be kept and handled in a
13 manner that effectively prevents it from contracting tuberculosis from other cervids.

14 **NOTE:** The department offers a pamphlet describing suggested bio-security measures to
15 prevent the transmission of tuberculosis. You may obtain a copy by calling
16 (608) 224-4872, by visiting the Wisconsin state website at www.wisconsin.gov,
17 or by writing to the following address:

18
19 Wisconsin Department of Agriculture, Trade and Consumer Protection
20 Division of Animal Health
21 P.O. Box 8911
22 Madison, WI 53708-8911
23

24 5. The farm-raised deer is being moved directly to a tuberculosis isolation and testing
25 facility under sub. (4), pursuant to a department permit under s. ATCP 11.60(4).

26 **SECTION 74.** ATCP 11.56(2)(c) is created to read:

27 ATCP 11.56(2)(c) A farm-raised deer moved between two locations that are covered by
28 the same registration certificate under s. ATCP 10.61(3)(b).

29 **SECTION 75.** ATCP 11.56(2)(note) is amended to read:

30 **NOTE:** Section ATCP 10.66(1)(a) requires a herd owner to have a farm-raised deer
31 carcass tested for chronic wasting disease if the farm-raised deer was at least 16
32 months old and any part of the carcass leaves the herd premises.
33

34 **SECTION 76.** ATCP 11.595 is created to read:

1 **ATCP 11.595 Wild animal imports.** (1) IMPORT REQUIREMENTS; GENERAL. (a)

2 Except as provided in par. (b), no person may import a wild animal to this state unless all of the
3 following apply:

4 1. The person holds an import permit under s. ATCP 11.03 for that import.

5 2. The animal is accompanied by a valid certificate of veterinary inspection under s.
6 ATCP 11.02.

7 (b) Paragraph (a) does not apply to any of the following:

8 1. An invertebrate imported in compliance with ss. 94.01 and 93.04, Stats., and ch.
9 ATCP 21.

10 2. A domestic animal identified in s. ATCP 10.07.

11 **NOTE:** Domestic animals are subject to other import regulations under this chapter.

12

13 (2) HARMFUL WILD ANIMALS. The department may not issue a permit under s. ATCP
14 11.03 for a wild animal import requiring department of natural resources authorization under s.
15 169.11(1)(c), Stats., unless the department of natural resources has given that authorization.

16 (3) IMPORTS PROHIBITED. Except as provided in sub. (4), no person may import any of
17 the following animals to this state:

18 (a) Prairie dogs.

19 (b) Any of the following rodents from Africa:

20 1. Tree squirrels.

21 2. Rope squirrels.

22 3. Dormice.

23 4. Gambian giant pouched rat.

24 5. Brush-tailed porcupine.

1 6. Striped mice.

2 (4) EXEMPTIONS. The department may issue an import permit under s. ATCP 11.03 for
3 an animal identified in sub. (3) if all of the following apply:

4 (a) The department complies with sub. (2).

5 (b) One of the following applies:

6 1. The animal is imported directly to an institution accredited by the American
7 association of zoological parks and aquariums, or to a wildlife exhibition licensed by the United
8 States department of agriculture.

9 2. The animal is imported directly to a research facility that, in the department's
10 judgment, is a bona fide research facility.

11 3. The animal is imported directly to a veterinary facility for treatment, provided that the
12 animal is returned to its place of origin immediately after treatment and there is no change of
13 ownership while the animal is in this state.

14 4. The animal is returning directly to this state following veterinary treatment in another
15 state, provided there was no change of ownership while the animal was outside this state.

16 **SECTION 77.** ATCP 11.62(4) is amended to read:

17 ATCP 11.62(4)(title) POULTRY OR FARM-RAISED GAME BIRDS. No person may exhibit,
18 sell or trade poultry or farm-raised game birds, except waterfowl, ~~may be exhibited~~ at a fair or
19 ~~public~~ exhibition or swap meet unless one of the following applies:

20 (a) The poultry or farm-raised game birds originate from a flock designated as "U.S.
21 Pullorum-Typhoid Clean" under the national poultry improvement plan, or from a flock meeting
22 equivalent standards.

1 (b) The poultry or farm-raised game birds test negative for pullorum-typhoid on a test
2 approved by the department within 90 days before the poultry or farm-raised game birds arrive at
3 the fair ~~or~~ exhibition or swap meet. Testing is required only for sexually mature birds over 4
4 months of age.

5 **SECTION 78.** ATCP 11.70(1) is repealed and recreated to read:

6 ATCP 11.70(1) QUARANTINE ORDER. The department may quarantine captive animals in
7 this state for any of the following purposes:

8 1. To prevent, suppress, control or eradicate contagious, infectious or communicable
9 diseases that may affect animals, or that may be transmitted from animals to humans.

10 2. To prevent the movement or commingling of animals pending further testing,
11 diagnosis, or traceback or investigation related to suspected disease.

12 (b) The department may issue a quarantine order under par. (a) on a summary basis,
13 without prior notice or hearing.

14 (c) No person may move any animal in violation of a quarantine order under par. (a), or
15 fail to comply with the terms and conditions of a quarantine order.

16 **SECTION 79.** Chapter ATCP 12(title) is amended to read:

17 **CHAPTER ATCP 12**

18 **LIVESTOCK ANIMAL MARKETS, DEALERS AND TRUCKERS**

19 **SECTION 80.** ATCP 12.01(1) is renumbered ATCP 12.01(1w) and amended to read:
20

21 ATCP 12.01(1w) "Bovine animal" means domestic cattle (Bos Taurus) and American
22 bison of any age or sex.
23

24 **SECTION 81.** ATCP 12.01(1a), (1d), (1g), (1j), (1m) and (1r) are created to read:

1 ATCP 12.01(1a) “Animal dealer” means a person who is required to be licensed under s.
2 ATCP 12.03(1).

3 (1d) “Animal dealer premises” means any real property, owned or controlled by an
4 animal dealer, at which the animal dealer keeps, exhibits or receives livestock or wild animals, or
5 from which the animal dealer ships livestock or wild animals.

6 (1g) “Animal market” means any premises that are open to the public for the purpose of
7 buying or selling livestock or wild animals, and that have facilities to keep, feed and water
8 livestock or wild animals prior to sale.

9 (1j) “Animal market operator” means a person who is required to be licensed under s.
10 ATCP 12.02(1).

11 (1m) “Animal transport vehicle” means a vehicle used to transport livestock or wild
12 animals.

13 (1r) “Animal trucker” means a person who is required to be licensed under s. ATCP
14 12.04(1).

15 **SECTION 81m.** ATCP 12.01(13) is amended to read:

16 ATCP 12.01(13) “Livestock” means farm animals including bovine animals, sheep,
17 goats, swine other than wild hogs, farm-raised deer and equine animals.

18

19 **SECTION 82.** ATCP 12.01(14) to (17m) are repealed.

20 **SECTION 83.** ATCP 12.01(20)(g) is repealed and recreated to read:

21 ATCP 12.01(20)(g) A microchip number if all the following apply:

- 22 1. The microchip number uniquely identifies the animal.
23 2. The microchip is attached to the animal.

1 3. The person having custody of the animal has a microchip reader that can read the
2 microchip number.

3 **SECTION 84.** ATCP 12.01(20)(L) is renumbered (n)

4 **SECTION 85.** ATCP 12.01(20)(L) and (m) are created to read:

5 ATCP 12.01(20)(L) A tattoo number issued by the department.

6 (m) A unique premises identification tag issued by the department, provided that the
7 animal also bears a unique individual identification number.

8 **SECTION 86.** ATCP 12.01(27) is created to read:

9 ATCP 12.01(27) "Wild animal" has the meaning given in s. 95.68(1)(g), Stats. "Wild
10 animal" does not include a domestic animal identified in s. ATCP 10.07.

11 **SECTION 87.** ATCP 12.02 to 12.06 are repealed and recreated to read:

12 **ATCP 12.02 Animal markets.** (1) LICENSE REQUIRED. No person may operate an
13 animal market without an annual license from the department. A separate license is required for
14 each animal market. An annual license expires on June 30. A license is not transferable between
15 persons or animal markets.

16 (2) LICENSE CLASSIFICATION. (a) A person may apply for a Class A, Class B or Class E
17 animal market license.

18 (b) At a class A animal market, an operator may conduct livestock and wild animal sales
19 on any number of days during the license year.

20 (c) At a class B animal market, an operator may conduct livestock sales on no more than
21 4 days during the license year. An operator may not conduct any wild animal sales at a class B
22 animal market.

1 (d) At a class E animal market, an operator may conduct sales of equine animals on any
2 number of days during the license year. An operator may not conduct sales of any other
3 livestock or any wild animals at a class E animal market.

4 (3) APPLYING FOR A LICENSE. A person shall apply for a license under sub. (1) on a form
5 provided by the department. The application shall include all the following:

6 (a) The person's legal name, and any trade names under which the person does business
7 as an animal market operator.

8 (b) The address of each animal market for which the person seeks a license.

9 (c) The types of animals traded or sold at each animal market for which the person seeks
10 a license.

11 (d) The class of license under sub. (2) that the person seeks for each animal market. A
12 person applying for a class B license shall identify the dates during the previous license year, if
13 any, on which the person conducted livestock sales at the animal market.

14 (e) An annual registration application, under s. ATCP 12.045(2), for each animal
15 transport vehicle that the person operates.

16 **NOTE:** An animal market operator must register animal transport vehicles under s.
17 ATCP 12.045, regardless of whether the animal market operator needs an animal
18 trucker license under s. ATCP 12.04. An animal market operator needs an animal
19 trucker license if the animal market operator transports livestock or wild animals
20 for others, for hire.

21
22 (f) The fees required under sub. (4).

23 (g) Other relevant information required by the department for licensing purposes.

24 **NOTE:** A person may obtain an application form under sub. (3) by calling (608) 224-
25 4889, by visiting the Wisconsin state website at www.wisconsin.gov, or by
26 writing to the following address:

27
28 Wisconsin Department of Agriculture, Trade and Consumer Protection
29 Division of Animal Health

1 P.O. Box 8911
2 Madison, WI 53708-8911
3

4 (4) LICENSE FEES. (a) A person shall pay the following annual fee for a license under
5 sub. (1):

- 6 1. \$225 for a class A license.
- 7 2. \$115 for a class B license.
- 8 3. \$150 for a class E license.

9 (b) A person shall pay a license fee surcharge of \$100 if the department determines that
10 the person did any of the following within 365 days prior to submitting a license application
11 under sub. (3):

- 12 1. Operated an animal market without a license in violation of sub. (1).
- 13 2. Violated sub. (2)(c) or (d).

14 (c) If a person is required to pay a surcharge under par. (b), the person shall also pay any
15 license fees that are due for the year in which the animal market operator violated sub. (1), (2)(c)
16 or (2)(d).

17 (d) Payment of a surcharge under par. (b) or fees under par. (c) does not relieve an
18 animal market operator of other civil or criminal liability that may result from a violation of sub.
19 (1), (2)(c) or (2)(d), nor does it constitute evidence of a violation of sub. (1), (2)(c) or (2)(d).

20 (5) INITIAL LICENSE TEST. An applicant for a license under sub. (1) shall pass a test
21 administered by the department, except that no test is required for the timely renewal of an
22 existing license. The department shall administer any required test within 30 business days after
23 the department receives a complete license application under sub. (3), unless the applicant agrees
24 to a later test date.

1 (6) ACTION ON LICENSE APPLICATION. (a) The department shall grant or deny a license
2 application under sub. (3) within 30 business days after all of the following have occurred:

- 3 1. The department receives a complete application under sub. (3).
- 4 2. The applicant completes a test if required under sub. (5).
- 5 3. The department inspects the animal market, if an inspection is required under par. (b).

6 (b) Before issuing a class A animal market license under sub. (2)(b) for premises that
7 were not licensed during the preceding license year, the department shall inspect the animal
8 market premises for compliance with this section. The department shall complete the inspection
9 within 60 business days after the department receives a complete license application under sub.
10 (3).

11 (7) DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The department may deny,
12 suspend or revoke an animal market license for cause, pursuant to s. 93.06(7), Stats. Cause may
13 include any of the following:

- 14 (a) Violation of ch. 95, Stats., ch. ATCP 10, ch. ATCP 11 or this chapter.
- 15 (b) Violation of any lawful order of the department.
- 16 (c) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.
- 17 (d) Preventing a department employee from performing his or her official duties, or
18 interfering with the lawful performance of those duties.
- 19 (e) Physically assaulting a department employee while the employee is performing his or
20 her official duties.
- 21 (f) Improper or unauthorized use of any official tag, brand or tattoo.
- 22 (g) Refusal or failure, without just cause, to produce required records or respond to a
23 department subpoena.

1 (h) Payment of an application fee with a worthless check.

2 (8) ANIMAL MARKET OPERATOR; RESPONSIBILITIES. An animal market operator shall do
3 all of the following:

4 (a) Comply with the construction requirements under sub. (9).

5 (b) Maintain the animal market premises in a clean and sanitary condition. The operator
6 shall keep barns, pens, alleys and other animal holding areas in good repair, and shall disinfect
7 the premises between public sales.

8 (c) Provide adequate food, water, shelter, bedding and pen space for all animals held
9 more than 12 hours.

10 (d) Identify animals in compliance with s. ATCP 12.05.

11 (e) Keep records in compliance with s. ATCP 12.06.

12 (f) Handle downer animals in a humane manner as required by s. ATCP 12.07.

13 (g) Remove animals from the animal market within 4 days after they enter the market,
14 except as provided in sub. (10). The animal market operator shall remove bovine calves less
15 than 12 weeks old from the animal market within 24 hours after the calves are sold.

16 **NOTE:** See s. ATCP 11.15.

17
18 (h) Comply with s. ATCP 12.045, related to animal transport vehicles.

19 (i) Refrain from commingling animals of different species in the same enclosure.

20 (9) CONSTRUCTION REQUIREMENTS. (a) Class A and Class E animal markets shall meet
21 the following construction requirements:

22 1. Floors of all animal holding areas shall be sloped for proper drainage.

1 2. All animal contact areas shall be constructed so that they can be easily cleaned and
2 sanitized. Earthen floors are not permitted, except in areas used only for species that require
3 earthen floors to prevent injury.

4 3. Animal contact areas shall be constructed so that there are no sharp edges or
5 protrusions that can injure animals.

6 4. The animal market shall be equipped with an animal chute and head gate, which shall
7 be adequate to restrain animals without injury. This requirement does not apply to an animal
8 market used exclusively to sell equine animals or wild animals.

9 5. An animal market used for equine animals shall be equipped with equine stocks that
10 can restrain equine animals without injury.

11 6. An animal market used for wild animals shall be equipped with cages or pens that can
12 confine the wild animals without injury.

13 7. Livestock chutes, stocks, cages and pens shall be adequately lighted to permit
14 identification and testing of animals.

15 8. The animal market shall have pens that are adequate to confine all animals kept at the
16 market.

17 9. Dead animal holding areas and manure holding areas shall be enclosed to keep out
18 dogs and wild animals unless the entire animal market is fenced to keep out dogs and wild
19 animals.

20 (b) Class B animal markets shall meet the following construction requirements:

21 1. The animal market shall be equipped to restrain animals safely and effectively.

22 2. The animal market shall have adequate lighting for animal identification and testing.

1 3. Pens, if any, shall be large enough for the purpose used. The pens shall have no sharp
2 edges or protrusions that could injure the animals.

3 4. Dead animal holding areas and manure holding areas shall be enclosed to keep out
4 dogs and wild animals unless the entire animal market is fenced to keep out dogs and wild
5 animals.

6 (10) DISEASE TESTING PRIOR TO MOVEMENT FROM THE MARKET. If ch. ATCP 10 or 11
7 requires disease testing of an animal before the animal is moved from an animal market, the
8 market operator shall keep that animal at the market premises until the results of the test are
9 known.

10 (11) PROHIBITIONS. An animal market operator may not:

11 (a) Commingle animals of different species within the same vehicle or enclosure.

12 (b) Accept delivery of livestock or wild animals from an unlicensed animal trucker, if the
13 operator knows or has reason to know that the animal trucker is unlicensed.

14 (c) Deliver livestock or wild animals to an unlicensed animal trucker for transport, if the
15 operator knows or has reason to know that the animal trucker is unlicensed.

16 **ATCP 12.03 Animal dealers.** (1) LICENSE REQUIRED. Except as provided in sub. (2),
17 no person may do any of the following without an annual animal dealer license from the
18 department:

19 (a) Engage in the business of buying livestock or wild animals for resale, slaughter or
20 exchange.

21 (b) Engage in the business of selling or exchanging livestock or wild animals.

22 (d) Engage in the business of leasing out livestock or wild animals to others.

23 (2) LICENSE EXEMPTIONS. Subsection (1) does not apply to any of the following:

1 (a) An employee of an animal dealer licensed under sub. (1) who acts solely on behalf of
2 that licensed animal dealer.

3 (b) A farm operator who buys or exchanges livestock solely for dairy, breeding or
4 feeding operations on that farm, or who sells only livestock produced on that farm.

5 (c) An animal market operator licensed under s. ATCP 12.02.

6 (d) The operator of a licensed meat establishment who buys livestock solely for slaughter
7 at that meat establishment.

8 (e) A person holding a license under s. 169.15, 169.18, 169.19 or 169.26, Stats., who
9 buys, sells or exchanges wild animals solely for breeding or feeding purposes as part of the
10 licensed operation, provided that the person is not otherwise engaged in buying for resale,
11 selling, exchanging or leasing out livestock or wild animals.

12 (f) An auctioneer registered under ch. 480, Stats., who conducts only the following sales
13 of livestock:

- 14 1. A farm auction sale at which no livestock are sold on consignment.
- 15 2. An auction sale conducted at a state, county or district fair, or at a breed association
16 show.
- 17 3. An auction sale conducted by a youth organization.

18 (3) LICENSE TERM. An annual license under sub. (1) expires on June 30 and is not
19 transferable.

20 (4) APPLYING FOR A LICENSE. An applicant for a license under sub. (1) shall apply on a
21 form provided by the department. The application shall include all of the following:

22 (a) The person's legal name, and any trade names under which the person does business
23 as an animal dealer.

- 1 (b) Each address from which the person does business as an animal dealer.
- 2 (c) An annual registration application, under s. ATCP 12.045(2), for each animal
- 3 transport vehicle that the person operates.

4 **NOTE:** An animal dealer must register animal transport vehicles under s. ATCP 12.045,
5 regardless of whether the animal dealer needs an animal trucker license under s.
6 ATCP 12.04. An animal dealer needs an animal trucker license if the animal
7 dealer transports livestock or wild animals for others, for hire.

- 8
- 9 (d) The fees required under sub. (5).
- 10 (e) Other relevant information required by the department for licensing purposes.

11 **NOTE:** A person may obtain an application form under sub. (4) by calling (608) 224-
12 4889, by visiting the Wisconsin state website at www.wisconsin.gov, or by
13 writing to the following address:

14

15 Wisconsin Department of Agriculture, Trade and Consumer Protection
16 Division of Animal Health
17 P.O. Box 8911
18 Madison, WI 53708-8911

19

20 (5) LICENSE FEES. (a) A person shall pay a basic annual fee of \$115 for an animal dealer

21 license under sub. (1).

22 (b) A person shall pay a license fee surcharge of \$100 if the department determines that

23 the person, within 365 days prior to submitting a license application under sub. (4), operated as

24 an animal dealer without a license in violation of sub. (1).

25 (c) A person who is required to pay a license fee surcharge under par. (b) shall also pay

26 any license fees that are due under this subsection for the year in which the person violated sub.

27 (1).

28 (d) Payment of a surcharge under par. (b) or fees under par. (c) does not relieve an

29 animal dealer of other civil or criminal liability that may result from a violation of sub. (1), nor

30 does it constitute evidence of a violation of sub. (1).

1 (6) INITIAL LICENSE TEST. An applicant for a license under sub. (1) shall pass a test
2 administered by the department, except that no test is required for the timely renewal of an
3 existing license. The department shall administer any required test within 30 business days after
4 the department receives a complete license application under sub. (4), unless the applicant agrees
5 to a later test date.

6 (7) ACTION ON LICENSE APPLICATION. The department shall grant or deny a license
7 application within 30 business days after the applicant submits a complete application under sub.
8 (4) and completes a test if required under sub. (6).

9 (8) DENYING, SUSPENDING OR REVOKING A LICENSE. The department may deny, suspend
10 or revoke an animal dealer license for cause, pursuant to s. 93.06(7), Stats. Cause may include
11 any of the following:

12 (a) Violation of ch. 95, Stats., ch. ATCP 10, ch. ATCP 11 or this chapter.

13 (b) Violation of any lawful order of the department.

14 (c) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.

15 (d) Preventing a department employee from performing his or her official duties, or
16 interfering with the lawful performance of those duties.

17 (e) Physically assaulting a department employee while the employee is performing his or
18 her official duties.

19 (f) Improper or unauthorized use of any official tag, brand, or tattoo.

20 (g) Refusal or failure, without just cause, to produce records or respond to a department
21 subpoena.

22 (h) Payment of an application fee with a worthless check.

23 (9) ANIMAL DEALER RESPONSIBILITIES. An animal dealer shall do all of the following:

- 1 (a) Maintain the animal dealer premises in a clean and sanitary condition.
- 2 (b) Provide adequate food, water, shelter, bedding and pen space for all animals held
3 more than 12 hours.
- 4 (c) Identify animals in compliance with s. ATCP 12.05.
- 5 (d) Keep records in compliance with s. ATCP 12.06.
- 6 (e) Handle downer animals in a humane manner, as required by s. ATCP 12.07.
- 7 (f) Notify the department of any address change within 10 days.
- 8 (g) Carry or post the animal dealer license issued by the department, and show the
9 license upon request while conducting business.
- 10 (h) Comply with applicable requirements, under s. ATCP 12.045, related to animal
11 transport vehicles.

12 (10) PROHIBITIONS. An animal dealer may not:

- 13 (a) Commingle animals of different species within the same vehicle or enclosure.
- 14 (b) Accept delivery of livestock or wild animals from an unlicensed animal trucker, if the
15 animal dealer knows or has reason to know that the animal trucker is unlicensed.
- 16 (c) Deliver livestock or wild animals to an unlicensed animal trucker for transport, if the
17 animal dealer knows or has reason to know that the animal trucker is unlicensed.

18 **ATCP 12.04 Animal truckers.** (1) LICENSE REQUIRED. Except as provided in sub. (2),
19 no person may transport livestock or wild animals for hire without an annual animal trucker
20 license from the department. An animal market operator or animal dealer shall also hold a
21 license under this section if that animal market operator or animal dealer transports livestock or
22 wild animals for hire. An annual license under this section expires on June 30 and is not
23 transferable.

1 (2) LICENSE EXEMPTIONS. No license is required under sub. (1) for any of the following:

2 (a) A person who transports livestock or wild animals solely as an employee of an
3 animal trucker licensed under sub. (1), in a vehicle that the licensed animal trucker has registered
4 under s. ATCP 12.045.

5 (b) A person who is solely engaged in transporting livestock or wild animals that he or
6 she owns.

7 (c) A person who is solely engaged in the following activities:

8 1. Hauling animals on an occasional basis for persons participating in a livestock
9 exhibition, fair, trail ride, youth livestock event or similar activity.

10 2. Hauling animals on an incidental basis in connection with another business, such as a
11 veterinary practice or a stable operation, which is operated by that person and which does not
12 ordinarily involve the sale of animals.

13 3. Hauling animals for other persons fewer than 6 times per year.

14 (3) LICENSE APPLICATION. A person shall apply for a license under sub. (1) on a form
15 provided by the department. The application shall include all of the following:

16 (a) The person's legal name, and any trade names under which the person does business
17 as an animal trucker.

18 (b) Each address from which the person does business as an animal trucker.

19 (c) An annual registration application, under s. ATCP 12.045(2), for each animal
20 transport vehicle that the person operates.

21 (d) The fees required under sub. (4) and s. ATCP 12.045(3).

22 (e) Other relevant information required by the department for licensing purposes.

1 **NOTE:** A person may obtain an application form under sub. (3) by calling (608) 224-
2 4889, by visiting the Wisconsin state website at www.wisconsin.gov, or by
3 writing to the following address:
4

5 Wisconsin Department of Agriculture, Trade and Consumer Protection
6 Division of Animal Health
7 P.O. Box 8911
8 Madison, WI 53708-8911
9

10 (4) FEES. (a) A person shall pay a basic annual license fee of \$30 for a license under
11 sub. (1).

12 (b) A person shall pay a license fee surcharge of \$100 if the department determines that,
13 within 365 days prior to submitting a license application under sub. (3), the person operated as an
14 animal trucker without a license in violation of sub. (1).

15 (c) A person who is required to pay a license fee surcharge under par. (b) shall also pay
16 any license fee that is due under this subsection for the year in which the person violated sub. (1).

17 (d) Payments under pars. (b) and (c) do not relieve a person of other civil or criminal
18 liability that may result from a violation of sub. (1), nor do they constitute evidence of a violation
19 of sub. (1).

20 (5) INITIAL LICENSE TEST. An applicant for a license under sub. (1) shall pass a test
21 administered by the department, except that no test is required for the timely renewal of an
22 existing license. The department shall administer any required test within 30 business days after
23 the department receives a complete license application under sub. (3), unless the applicant agrees
24 to a later test date.

25 (6) ACTION ON LICENSE APPLICATION. The department shall grant or deny a license
26 application within 30 business days after the applicant submits a complete application under sub.
27 (3) and completes a test if required under sub. (5).

1 (7) DENYING, SUSPENDING OR REVOKING A LICENSE. The department may deny, suspend
2 or revoke an animal trucker license for cause, pursuant to s. 93.06(7), Stats. Cause may include
3 any of the following:

4 (a) Violation of ch. 95, Stats., ch. ATCP 10, ch. ATCP 11 or this chapter.

5 (b) Violation of any lawful order of the department.

6 (c) Violation of any provision of ch. 951, Stats., prohibiting crimes against animals.

7 (d) Preventing a department employee from performing his or her official duties, or
8 interfering with the lawful performance of his or her duties.

9 (e) Physically assaulting a department employee while the employee is performing his or
10 her official duties.

11 (f) Improper or unauthorized use of any official tag, brand or tattoo.

12 (g) Refusal or failure, without just cause, to produce records or respond to a department
13 subpoena.

14 (h) Payment of an application fee with a worthless check.

15 (8) ANIMAL TRUCKER RESPONSIBILITIES. An animal trucker shall do all of the following:

16 (a) Maintain, equip and operate animal transport vehicles in compliance with s. ATCP
17 12.045.

18 (b) Identify animals in compliance with s. ATCP 12.05.

19 (c) Keep records in compliance with s. ATCP 12.06.

20 (d) Transport and handle animals in a safe and humane manner.

21 (e) Install and use equipment necessary to transport and handle downer animals in a
22 humane manner, as required by s. ATCP 12.07, if the animal trucker transports downer animals.

1 (f) Provide adequate food, water, shelter, bedding and pen space for all animals held
2 more than 12 hours.

3 (g) Notify the department of any address change within 10 days.

4 (9) PROHIBITED CONDUCT. (a) No animal trucker may cause or permit different species
5 of animals to be commingled on the same animal transport vehicle.

6 (b) No animal trucker may transport diseased or downer animals with healthy animals on
7 the same animal transport vehicle, unless the entire load is transported directly to a slaughter
8 establishment. If downer animals and other animals are transported to a slaughter establishment
9 in the same animal transport vehicle, the downer animals shall be segregated from the other
10 animals to prevent injury.

11 **ATCP 12.045 Animal transport vehicles.** (1) ANNUAL REGISTRATION STICKER

12 REQUIRED. No animal market operator, animal dealer or animal trucker may operate an animal
13 transport vehicle without an annual vehicle registration sticker from the department. A separate
14 sticker is required for each vehicle. An annual vehicle registration sticker expires on June 30.

15 **NOTE:** Subsection (1) applies to animal transport vehicles operated by animal market
16 operators, animal dealers and animal truckers. Those persons must register *all*
17 of the vehicles that they use to transport livestock or wild animals in this state,
18 regardless of who owns the animals.

19
20 (2) APPLYING FOR A REGISTRATION STICKER. (a) A person shall apply for a vehicle
21 registration sticker under sub. (1) on a form provided by the department. The person may submit
22 the application with the person's annual license application under s. ATCP 12.02, 12.03 or 12.04.
23 The application shall include all of the following:

24 1. The person's legal name, and any trade names under which the person does business
25 as an animal market operator, animal dealer or animal trucker.

1 2. Each address from which the person does business as an animal market operator,
2 animal dealer or animal trucker.

3 3. Identification of each animal transport vehicle for which the person seeks a
4 registration sticker.

5 4. The fees required under sub. (3).

6 (b) A person may register additional vehicles at any time during a registration year.

7 **NOTE:** A person may obtain an application form under sub. (2) by calling (608) 224-
8 4889, by visiting the Wisconsin state website at www.wisconsin.gov, or by
9 writing to the following address:

10 Wisconsin Department of Agriculture, Trade and Consumer Protection
11 Division of Animal Health
12 P.O. Box 8911
13 Madison, WI 53708-8911
14

15
16 (3) REGISTRATION FEES. (a) A person shall pay an annual fee of \$10 for each vehicle
17 registration sticker under this section.

18 (b) A person shall pay a registration fee surcharge of \$100 if the department determines
19 that, within 365 days prior to submitting a registration application under sub. (2), the person
20 operated an animal transport vehicle without a registration sticker in violation of sub. (1).

21 (c) A person who is required to pay a surcharge under par. (b) shall also pay any
22 registration fee that is due under par. (a) for the year in which the person violated sub. (1).

23 (d) Payments under pars. (b) and (c) do not relieve a person of other civil or criminal
24 liability that may result from a violation of sub. (1), nor do they constitute evidence of a violation
25 of sub. (1).

26 (4) ACTION ON REGISTRATION APPLICATION. The department shall grant or deny an
27 application under sub. (2) within 30 business days after the department receives a complete
28 application or, if a person submits the application with a license application under s. ATCP

1 12.02, 12.03 or 12.04, by the license action deadline. The department shall issue a registration
2 sticker for each registered vehicle. The department shall issue a registration sticker in 2 parts,
3 each of which shall contain the same unique registration number.

4 (5) DENYING, SUSPENDING OR REVOKING A REGISTRATION. The department may deny,
5 suspend or revoke an animal transport vehicle registration under this section for cause, pursuant
6 to s. 93.06(7), Stats. Cause may include a violation of this section.

7 (6) VEHICLE REQUIREMENTS. The following requirements apply to every vehicle for
8 which a registration sticker is required under sub. (1):

9 (a) The operator shall display the following information on both sides of the vehicle:

10 1. The operator's name and business address, legibly printed in letters at least 2 inches
11 high and ¼ inch wide.

12 2. Every current animal trucker license number, animal market license number and
13 animal dealer license number that the department has issued to the operator. License numbers
14 shall be printed legibly, in letters at least 2 inches high and ¼ inch wide.

15 3. The current vehicle registration sticker under this section. The operator shall display
16 the registration sticker in close proximity to the license numbers displayed under subd. 2.

17 **NOTE:** The department issues registration stickers in duplicate, so the operator can
18 display identical stickers on both sides of the vehicle.

19 (b) The vehicle shall be constructed, equipped and maintained for safe transportation and
20 containment of the types of animals transported.

21 (c) The vehicle, if used to transport downer animals, shall be furnished with equipment
22 necessary to transport and handle downer animals in a humane manner.

23 (d) The vehicle shall be kept in a clean and sanitary condition.

1 (e) The vehicle, if used to transport diseased or downer animals, shall be cleaned and
2 disinfected before being used to transport any other animals. The vehicle shall be disinfected
3 with a disinfectant that is approved by the department. The disinfectant shall be used according
4 to label directions.

5 **NOTE:** A person may request a list of approved disinfectants under par. (e) by calling
6 (608) 224-4872, by visiting the Wisconsin state website at www.wisconsin.gov,
7 or by writing to the following address:
8

9 Wisconsin Department of Agriculture, Trade and Consumer Protection
10 Division of Animal Health
11 P.O. Box 8911
Madison, WI 53708-8911

12 **ATCP 12.05 Identification of livestock.** (1) IDENTIFICATION OF BOVINE ANIMALS. (a)
13 *Official individual identification.* Whenever an animal dealer or animal market operator receives
14 a bovine animal, the animal dealer or market operator shall immediately record the animal's
15 official individual identification. If a bovine animal has no official individual identification at
16 the time of receipt, the animal dealer or market operator shall immediately identify that animal
17 with an official individual identification. This paragraph does not apply to steers, calves under 6
18 months old, or feeder cattle.

19 **NOTE:** See also s. ATCP 11.10(1).

20 (b) *Slaughter identification.* Whenever an animal dealer, animal market operator or
21 animal trucker receives a bovine animal for sale or shipment to slaughter, that person shall
22 immediately identify the animal with an official backtag and record the backtag number. If a
23 bovine animal is already backtagged at the time of receipt, the person receiving the animal shall
24 record its backtag number. Backtagging is not required for steers, official spayed heifers, or
25 animals under 2 years old.

26 **NOTE:** See also s. ATCP 11.10(4).

1 (2) IDENTIFICATION OF SWINE. (a) *Official individual identification.* Whenever an
2 animal dealer or animal market operator receives any swine, the animal dealer or market operator
3 shall immediately record the official individual identification of that swine. If a swine has no
4 official individual identification at the time of receipt, the animal dealer or market operator shall
5 immediately identify that swine with an official individual identification. This paragraph does
6 not apply to swine which are backtagged for slaughter under par. (b).

7 (b) *Slaughter identification.* Whenever an animal dealer, animal market operator or
8 animal trucker receives any sow, boar or stag for sale or shipment to slaughter, that person shall
9 immediately identify the swine with an official swine backtag and record the backtag number. If
10 a sow, boar or stag is already backtagged at the time of receipt, the person receiving the swine
11 shall record its backtag number.

12 **NOTE:** See also s. ATCP 11.22.

13 (3) IDENTIFICATION OF EQUINE ANIMALS. Whenever an animal dealer or animal market
14 operator receives any equine animal, the animal dealer or market operator shall immediately
15 record the official individual identification of that equine animal. If an equine animal has no
16 official individual identification when received by an animal dealer or market operator, the
17 animal dealer or market operator shall have a licensed and certified veterinarian prepare a
18 description of that equine animal according to s. ATCP 12.01(20)(f).

19 (4) IDENTIFICATION OF SHEEP. Whenever an animal dealer or animal market operator
20 receives any sheep, the animal dealer or market operator shall immediately record the official
21 individual identification of that sheep. If a sheep has no official individual identification when
22 received by an animal dealer or animal market operator, the animal dealer or animal market

1 operator shall immediately identify that sheep with an official individual identification. This
2 subsection does not apply to sheep under 6 months old.

3 (5) IDENTIFICATION OF FARM-RAISED DEER. (a) *Official individual identification.* 1.
4 Whenever an animal dealer or animal market operator receives any farm-raised deer, the animal
5 dealer or market operator shall immediately record the official individual identification of that
6 farm-raised deer. If a farm-raised deer has no official individual identification at the time of
7 receipt, the animal dealer or market operator shall immediately identify that farm-raised deer
8 with an official individual identification. This paragraph does not apply to farm-raised deer
9 which are backtagged for slaughter under par. (b).

10 2. No animal dealer or animal market operator may deliver a farm-raised deer to the
11 custody of any other person unless that deer bears on official individual identification, or unless
12 that deer is backtagged under par. (b) and shipped directly to slaughter.

13 (b) *Slaughter identification.* Whenever an animal dealer, animal market operator or
14 animal trucker receives a farm-raised deer for sale or shipment to slaughter, that recipient shall
15 immediately identify that deer with an official backtag or other slaughter identification approved
16 by the department unless that deer already bears an official slaughter identification. The animal
17 dealer, animal market operator or animal trucker shall immediately record the backtag or
18 slaughter identification number.

19 **ATCP 12.06 Records.** (1) RECORDS REQUIRED. A person operating as an animal
20 market operator, animal dealer or animal trucker shall keep an accurate record of every animal
21 that the person receives from or delivers to another person. The record shall include all of the
22 following information related to each animal:

1 (a) The name and address of the principal from whom the person received the animal,
2 the date of receipt, and the place of receipt. The record shall also identify the animal trucker, if
3 any, who transported the animal to the place of receipt.

4 (b) The name and address of the principal to whom the person delivered the animal, the
5 date of delivery, and the place of delivery. The record shall also identify the animal trucker, if
6 any, who transported the animal to the place of delivery.

7 (c) The animal's official individual identification number, if any. If the animal has no
8 official individual identification, the record shall identify the species, age and sex of the animal.

9 (d) The animal's backtag number if any.

10 (e) The animal's wild animal identification number, if the animal bears a wild animal
11 identification number prescribed by the department of natural resources.

12 (f) A copy of any certificate of veterinary inspection that accompanied the animal. An
13 animal market veterinarian may keep the certificate copy for the animal market operator.

14 (g) The animal's breed or class if the animal is a bovine animal or swine. If a bovine
15 animal is a crossbreed of beef and dairy animals, the animal shall be classified as a beef breed.

16 (h) Equine infectious anemia test results, if required under s. ATCP 11.30(2) for an
17 equine animal.

18 (i) A death record if the animal dies in the person's custody. The record shall indicate
19 the apparent cause of death, the place and manner of carcass disposition, and the name and
20 address of any person to whom the carcass was delivered.

21 (2) RECORDS RETAINED FOR 5 YEARS; INSPECTION AND COPYING. A person who is
22 required to keep records under sub. (1) shall retain those records for at least 5 years, and shall
23 make them available to the department for inspection and copying upon request.

1 (3) AUCTIONEER RECORDS. An auctioneer who is exempt from licensing as an animal
2 dealer under s. ATCP 12.03(2)(f) shall nevertheless keep all of the records required under sub.
3 (1) for livestock sold by the auctioneer at an exempt auction. The auctioneer shall retain the
4 records for at least 5 years, and shall make the records available to the department for inspection
5 and copying upon request.

6 **SECTION 88.** ATCP 12.07(2) is amended to read:

7 ATCP 12.07(2) Downer animals may not be dragged or pulled by the neck or other
8 extremity, or subjected to any other mistreatment or abuse. Downer animals shall be confined in
9 separate holding pens and shall be segregated from healthy animals by a rigid barrier when
10 transported in any vehicle. A downer animal may not be held for more than 24 hours by any
11 ~~livestock animal~~ market operator, ~~livestock animal~~ dealer or ~~livestock animal~~ trucker before the
12 downer animal is shipped to slaughter.

13 **SECTION 89.** ATCP 12.08(1)(b), (3), (4), (8), (9), (15), (16), (19)(intro.), (20) and (22)
14 are amended to read:

15 ATCP 12.08(1)(b) The purchase, sale or movement of ~~livestock an animal~~.

16 (3) Buy, sell, lease or exchange ~~livestock~~ animals in the name of any person other than a
17 licensed ~~livestock animal~~ dealer, a licensed ~~livestock animal~~ market operator, or the person
18 holding or acquiring an ownership or leasehold interest in the ~~livestock animal~~.

19 (4) Transport any ~~livestock animal~~ without ~~health~~ certificates of veterinary inspection,
20 permits or ~~any~~ other documents required by this chapter, ch. ATCP 10 or 11, or ch. 169, Stats.

21 (8) Cause or permit the commingling of different ~~livestock animal~~ species during transit.

22 (9) Advertise or claim to be licensed as a ~~livestock an animal~~ market operator, ~~livestock~~
23 animal dealer or ~~livestock animal~~ trucker unless the claim or advertisement is true.

1 (15) Conduct business as a ~~livestock~~ an animal dealer without carrying or posting a
2 dealer identification card issued by the department. The dealer identification card shall be
3 readily available for inspection upon request.

4 (16) Operate a ~~livestock~~ an animal market or slaughter plant in which the dead animal
5 and manure holding area is not enclosed as required by s. ATCP 12.02(9).

6 (19)(intro.) Knowingly deliver, for use as food or feed, any ~~livestock~~ animal which:

7 (20) Deliver a downer animal to a ~~livestock~~ an animal market, ~~livestock~~ animal dealer or
8 slaughter plant, or remove a downer animal from a ~~livestock~~ an animal market or ~~livestock~~
9 animal dealer premises, without a drug certificate signed by the animal's current owner.

10 (22) Administer any drug, hormone, steroid, antibiotic or pesticide to a ~~livestock~~ an
11 animal without the owner's knowledge or authorization.

12 **EFFECTIVE DATE.** This rule shall take effect on the first day of the month following
13 publication in the Wisconsin administrative register, as provided in s. 227.22(2)(intro.), Stats.,
14 except that s. ATCP 10.615 takes effect on January 1, 2005.

15

Dated this _____ day of _____, _____.

**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION**

Rodney J. Nilsestuen, Secretary