

RNS:ty

12/12/2008

1 **AN ACT** *to amend* 60.23 (20); and *to repeal and recreate* 95.50 of the statutes;
2 **relating to:** the transportation and disposal of animal carcasses and granting
3 rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Emergency Management and Continuity of Government.

Current law provides that a person may not deposit or throw into any specified body of water, or leave or deposit on any public highway or other place, the carcass of any animal. In addition, a dead animal may not be deposited or left on any premises under a person's control if it is exposed in such a manner that it could be reached by dogs or wild animals for a period longer than 24 hours in the months of April to November, or 48 hours in the months of December to March. No person is allowed to transport, haul, or drag along any highway the carcass of any animal suspected of having died from specified diseases or any other disease that the Department of Agriculture, Trade and Consumer Protection (DATCP) designates as highly dangerous. Those carcasses are required to be burned or buried at least 6 feet below the surface of the ground and completely covered.

In addition, current law provides that any dead animal found on a public highway or other public place must, if the owner of the animal cannot be found, be buried or otherwise disposed of at public expense by the local health department in the jurisdiction where the animal is found. However, this does not apply if the county exercises its authority under a statute allowing the removal of dead animals or contracting for removal and burial or other disposition with a private rendering plant. If a county does not exercise its authority under that statute, the owner of the carcass must dispose of it as specified in current law.

The bill repeals current law and replaces it with a statute that provides that no person may do either of the following, either directly or through an employee or agent: (1) transport or dispose of a carcass that the person knows or reasonably should know to be a diseased carcass in a manner that creates a significant and foreseeable risk of transmitting

disease to humans or animals; or (2) dispose of a carcass in the waters of the state (except that this does not prohibit the use of farm-raised fish as bait). The bill also provides that no person who owns or controls a carcass, or owns or controls the land on which a carcass is located, may leave the carcass exposed to access by dogs or wild animals for more than 24 hours during the months of April to November or for more than 48 hours during the months of December to March if the person knows or reasonably should know that the carcass is exposed. In addition, DATCP may regulate the transportation and disposal of carcasses to prevent and control contagious and infectious diseases.

For purposes of the above statute, the term “carcass” is defined as the dead body, or any part of the dead body, of a livestock animal or other domestic animal. The term “contagious or infectious disease” is defined as a disease that is spread by contact, bodily secretions, or fomites, or that is caused by a pathogenic agent. A “fomite” is defined as an inanimate object or a substance that transfers infectious organisms from one animal to another. Finally, the bill defines “diseased carcass” as the carcass of a livestock animal or other domestic animal if the animal was any of the following at the time of death: (1) infected with a contagious or infected disease; (2) potentially infected with such a disease, based on known exposure to such a disease; or (3) reasonably suspected of being infected with such a disease, based on symptoms or testing.

1 **SECTION 1.** 60.23 (20) of the statutes is amended to read:

2 60.23 (20) DISPOSITION OF DEAD ANIMALS. Notwithstanding ~~ss. s.~~ s. 59.54 (21) and ~~95.50~~
3 ~~(3)~~, dispose of any dead animal within the town or contract for the removal and disposition
4 with any private disposal facility. A town may enter into a contract with any other
5 governmental unit under s. 66.0301 to provide for the removal and disposition. A town may
6 recover its costs under this subsection by imposing a special charge under s. 66.0627.

7 **SECTION 2.** 95.50 of the statutes is repealed and recreated to read:

8 **95.50 Transportation and disposal of animal carcasses. (1) DEFINITIONS.** In this
9 section:

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

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

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

5 1. Infected with a contagious or infectious disease.

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

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

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

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

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

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

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

