

## ATCP 16 (Dog Sellers)

### **ATCP 16.01 Definitions.** In this chapter:

- (1) “Animal control facility” means a facility for the care of animals operated under a contract with a political subdivision under s. 173.15 (1), Stats.
- (2) “Animal shelter” means a facility that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, that is used to shelter at least 25 dogs in a year, and that is operated by a humane society, animal welfare society, animal rescue group, or other nonprofit group.
- (3) “Buyer” means any person who, for consideration, purchases one or more dogs.
- (4) “Dog breeder” means a person who sells 25 or more dogs in a year that the person has bred and raised, except that “dog breeder” does not include a person who sells 25 or more dogs in a year that the person has bred and raised if all of those dogs are from no more than 3 litters.
- (5) “Dog breeding facility” means a place at which dogs are bred and raised and from which 25 or more dogs are sold in a year, except that “dog breeding facility” does not include a place at which dogs are bred and raised and from which 25 or more dogs are sold in a year if all of the dogs that are sold in a year are from no more than 3 litters.
- (6) “Dog dealer” means a person, other than an out-of-state dog dealer, who sells, distributes, or trades, or offers for sale, distribution, or trade, 25 or more dogs in a year that the person has not bred and raised or who operates an auction at which 50 or more dogs are sold or offered for sale in a year.
- (7) “Dog trial” means an organized competitive field event involving sporting dog breeds that is sanctioned, licensed, or recognized by a local, state, regional, or national dog organization.
- (8) “Out-of-state dog dealer” means a person who is not a resident of this state who brings 25 or more dogs into this state for sale in this state in a year.
- (9) “Person” means an individual, corporation, partnership, cooperative, limited liability company, trust, governmental entity, academic institution or other legal entity.

- (10) “Primary enclosure” means the enclosed space where a dog spends the majority of its sleeping and resting time.
- (11) “Primary facility” means the facility where the licensee shall keep a copy of all records required to be kept under this chapter.
- (12) “Sale or to sell” means to grant possession to another in exchange for any type of consideration.
- (13) “Secondary facility” means any facility associated with a licensee, where dogs that are or will be offered for sale by the licensee, are kept and the licensee has control over the breeding and raising of those dogs in whole or part.
- (14) “Temporary dog market” means a place at which persons sell dogs, and may sell other items, from booths or other spaces that are rented from or provided at no cost by the person operating the place, except that “temporary dog market” does not include a dog trial.
- (15) “Transfer” means to grant physical possession to another licensed entity for no consideration.

**16.02 DOG SELLERS LICENSE REQUIRED:**

(1) No person may do any of the following without an annual license from the department:

- (a) Operate an animal shelter.
- (b) Operate an animal control facility.
- (c) Operate as a dog breeder.
- (d) Operate a dog breeding facility.
- (e) Operate as a dog dealer.
- (f) Operate as an out-of-state dog dealer

(2) LICENSE EXEMPTIONS.

- (a) A veterinarian licensed under ch. 453, Stats., practicing in the normal course of veterinary business within the scope of the license is not required to obtain a license under this subsection.
- (b) An individual providing foster care to a dog in the individual’s home at the request of a person operating an animal shelter that is licensed under this subsection is not required to obtain a license under this subsection.
- (c) An individual is not required to obtain a license for the purpose of conducting a one-time kennel liquidation, if all of the following apply:

1. The individual sells no more than 30 dogs and makes all of the dogs initially available for sale at the same time.
2. The individual sells only dogs that he or she owns.
3. The individual does not intend to engage in activities for which a license is required under this subsection in the next year.
4. The individual was not licensed under this subsection during the previous year.
5. The individual notifies the department at least 30 days before offering the dogs for sale.

**(3)** Separate dog breeding facility: (a) A separate license is required for each facility that meets the requirements to be licensed under this chapter.

(b) When a person sells 25 or more dogs from more than three litters, which are bred and raised elsewhere in whole or part, only the person or facility where the records are kept must be licensed but any secondary facility, as defined in this chapter, is subject to inspection by the Department.

**(4)** LICENSE PROVISIONS.

- (a) A license under sub (1) expires on September 30 of each year. The holder of the license may renew that license by submitting an annual renewal application under sub. (5)
- (b) A license issued under sub. (1) is not transferable between persons or locations.
- (c) A person licensed as a dog seller shall post a copy of the license in a location visible to any person coming onto the licensed premises.
- (d) A person licensed as a dog seller shall include the license number in all published advertisement for dogs for sale.

**(5)** APPLYING FOR A LICENSE: A person shall apply for a license on a form provided by the department. The application shall include:

- (a) The person's legal name and any trade names under which the person does business as a dog seller.
- (b) The address of each dog seller's primary facility.
- (c) The address of any secondary facility.
- (d) The type of dog seller license the person is seeking.
- (e) The number of dogs sold in the prior year.
- (f) The applicable fees required under sub. (6)
- (g) For an out of state dealer application a copy of any license required by the person's state of residence and any license required under federal law.

**(6)** LICENSE FEES. (a) A person applying for licensure under this chapter shall pay the following nonrefundable annual fee, based on prior years sales, per location licensed.

1. For a person who sells or offers to sell at least 25 but fewer than 50 dogs per year, \$250.
2. For a person who sells or offers to sell at least 50 but fewer than 100 dogs per year, \$500.
3. For a person who sells or offers to sell at least 100 but fewer than 250 dogs per year, \$750.
4. For a person who sells or offers to sell 250 or more dogs per year, \$1,000.
5. For a person who operates an animal shelter or animal control facility, \$125.
6. Out-of-state dog dealer is 150 percent of the fee determined under par. (a), based on the number of dogs sold in this state.

(b) A new facility shall apply for licensure base on an estimate of anticipated sales.

(c) An applicant shall pay a surcharge equal to the required license fee for the dog seller, if the department determines that, within 365 days prior to submitting the license application, the applicant did either of the following:

- a. Operated as a dog seller without the required license.
- b. Knowingly misrepresents the type of a license needed.

(d) A person who applies for the renewal of a dog seller license after that license has expired shall pay, in addition to all other fees required under this subsection, a fee equal to 20% of those fees.

**(7) ACTION ON LICENSE APPLICATION:**

(a) The department shall grant or deny a license application for a license within 30 business days after all of the following have occurred:

- a. A complete application and fees are received by the department.
- b. The department completes an initial inspection of the dog seller premises.

**(8) LICENSE DENIAL, SUSPENSION OR REVOCATION.**

(a) The department may deny, refuse to renew, or revoke any license if the applicant or licensee is not fit, qualified, or equipped to conduct the activity for which the license is required, has violated or failed to obey any applicable law, order, or regulation, or has misrepresented or intentionally failed to disclose a material fact in applying for the license.

(b) The department may suspend a license for any violation of :

- a. Chapter 173, Stats, or this chapter.
- b. Any lawful order of the department

- (c) The department may issue any license under conditioned upon relevant circumstances or acts. If a license is conditioned upon compliance within a specified period and the condition is not met within the specified period, the license is void.

**(9) SUMMARY LICENSE SUSPENSION.**

- (a) The department may, by written notice, without prior notice or hearing, suspend a license if, upon inspection of the licensed premises, the department finds any condition that imminently threatens the health, safety, or welfare of any animal on the licensed premises or there is evidence that an act of animal cruelty in violation of ch. 951, Stats., has been committed by the licensee or has occurred at any primary or secondary facility.
- (b) In the notice, the department shall state the reasons for the suspension and specify conditions that must be met for reinstatement.
- (c) The department shall specify in the notice of suspension a date after which a reinspection of the licensed premises may take place. The department may conduct a reinspection without notice to the licensee. The department may reinstate a license following a summary suspension if the department finds, based upon reinspection or evidence presented by the licensee, that circumstances warrant reinstatement. The department may specify a reinstatement date that it considers appropriate.
- (d) A licensee may request a hearing contesting a summary suspension by written appeal to the department, within 10 days of receiving the notice of summary suspension. The department shall describe the right of hearing in the notice to the licensee. The department shall promptly initiate proceedings to hear the appeal.

**(10) INSPECTIONS**

- (a) The department shall inspect the primary facility, and may inspect any secondary facility, at which a person who is required to obtain a license operates before issuing the initial license.
- (b) The department shall inspect the primary facility, and may inspect any secondary facility, at which a person who is required to be licensed operates at least once every 2 years after the year in which the person is first licensed.
- (c) The department may inspect any primary or secondary facility, at which a person who is required to obtain a license operates, during normal business hours to ensure compliance with s. 173.41, Stats, and this chapter.
- (d) The department is not required to inspect any out-of-state facility at which an out-of-state dog dealer operates.

(e) Inspection procedures will verify compliance with this rule, specifically records keeping requirement, health requirements, and standards of care.

(f) A person licensed, under sub. (1), shall post the most recent inspection report given by the Department in a visible location available for reading.

**(11) RE-INSPECTIONS:**

(a) The department may charge a fee for an inspection that it undertakes to determine whether a previous violation of this rule has been corrected.

(b) A re-inspection fee is due upon written demand from the department. Unless otherwise specified by the department by rule, the fee for a re-inspection is \$150.

**(12) RECORD KEEPING REQUIREMENTS:** (a) A person who is required to be licensed shall keep a record of each dog that comes into the person's possession that includes all of the following information:

1. A description of the dog including the dog's breed or type, sex, date of birth or approximate age, color, and any distinctive markings.
2. The dog's official federal department of agriculture tag number or tattoo or microchip information, if any.
3. A statement that the dog was born in the person's possession or the name and address of the person from whom the dog was acquired and that person's federal department of agriculture license or registration number or, if the person is not licensed or registered by the federal department of agriculture, the person's state of residence.
4. If the dog was not born in the person's possession, the date on which the person acquired the dog.
5. The date and method of disposition of the dog.
6. A copy of the CVI that accompanied the dog to and from the facility as appropriate.
7. A copy of the behavior and socialization plan required under this chapter.
8. A copy of any animal health records, including, but not limited to, vaccination records, observation and treatment records, whether the action was taken by the licensee or by a veterinarian.
9. Breed registration records if any.

(b) A person required to keep records shall retain those records, at the primary facility listed on the license application, for at least 5 years and shall make the records available to the department for inspection and copying upon request.

**(13) Prohibited Conduct**

(a) A licensed dog seller may not do any of the following :

1. Prevent a department employee from performing his or her official duties, or interfere with the lawful performance of those duties.
2. Physically assault a department employee while the employee is performing his or her official duties.

3. Refuse or fail, without just cause, to produce required records or respond to a department subpoena.
4. Violate ss. 95.13 or 95.19, Stats.
5. Knowingly accept dogs from an unlicensed person who qualifies for licensure under sub. (1).

**(14) VARIANCES.** The department may issue a written waiver granting a variance from standards under ATCP 16 if the department determines that the variance is reasonable and necessary under the circumstances, and will not compromise the purpose served by the standard. The State Veterinarian, or the State Veterinarian's designee, may issue a waiver under this subsection.

**ATCP 16.03 Certificates of Veterinary Inspection (1) WHEN REQUIRED.** (a) Except as provided in par (b) a certificate of veterinary inspection shall accompany every dog sold by a person licensed under this chapter.

(b) A transfer, as defined in this chapter, shall not constitute a sale requiring the certificate under par. (a).

(2) Who may issue. A Wisconsin licensed and certified veterinarian shall prepare and sign a certificate of veterinary inspection, except that when a certificate of veterinary inspection is prepared for purposes of this chapter, outside of Wisconsin it will be prepared and signed by an accredited veterinarian.

(3) Form. (a) A certificate of veterinary inspection shall be issued on a form provided by the department, the federal bureau or the state in which the certificate is issued. A certificate issued in this state shall be issued on a form provided by the department.

(b) A Wisconsin certified veterinarian may obtain Wisconsin certificate of veterinary inspection forms from the department. There is a fee of **\$0.60** for each intrastate movement form.

**Note:** A Wisconsin certified veterinarian may purchase forms under par. (b) online at:

<http://www.datcp.state.wi.us/ah/vetsupplies/index.jsp> or by contacting the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection  
Division of Animal Health  
P.O. Box 8911  
Madison, WI 53708-8911  
Phone: (608) 224-4872  
Fax: (608) 224-4871

**(4) CONTENTS.** A certificate of veterinary inspection related to the sale of dogs in Wisconsin shall include all of the following:

- (a) The name and address of the person selling the dogs
- (b) The number, breed, sex (include spay/neutered/intact information) and age of the dog(s) included in the shipment.

- (c) Any test results required by this chapter for the sale of dogs.
- (d) Other information required under this chapter for the sale or movement of dogs from licensed persons.
- (e) The following statement, or one substantially similar, regarding the general health of the animal(s) based on brief exam:
  - a. “I certify as a veterinarian, accredited and certified by the State of Wisconsin, that the described animal(s) have been inspected by me and that they are not showing any sign of infectious, contagious and/or communicable disease (except where noted). The vaccinations and results of tests are as indicated on this certificate. No warranty is made or implied.
- (f) The veterinarian’s signature and date of signature.

**(5) ISSUANCE AND EXPIRATION:** A certificate of veterinary inspection must be issued within 10 days of the completed exam test results and is valid for 30 days from the date of the exam.

**(6) DISTRIBUTION:** Copies of the certificate of veterinary inspection must be provided as follows:

- (a) To the buyer
- (b) To seller
- (c) To the issuing veterinarian.

**(7) INFORMATION FROM ANOTHER CERTIFICATE.** A Wisconsin certified veterinarian may incorporate pertinent health information on a certificate of veterinary inspection from another certificate that accompanies a dog. The veterinarian may issue the certificate on the same certification form if the form is specifically designed for that purpose, or the veterinarian may issue a separate certificate that includes the following statement or one substantially similar:

“The (*pertinent information*) on this certificate has been copied from the incoming certificate of veterinary inspection that was issued by (*an accredited veterinarian*), who certified the information at (*address*) on (*date*). A copy of the incoming certificate is attached.”

**16.04 Health Requirements for Selling Dogs in Wisconsin. (1)** A person required to be licensed under this chapter must provide all the following to the purchaser of a dog:

- (a) A valid certificate of veterinary inspection which shall be accompanied by the following:

1. Record of the exam findings
2. List of vaccinations including:
  - a. manufacturer and serial number
  - b. Date it was administered
  - c. Name of the person who administered.

(b) For dogs sold at auctions by persons, required to be licensed under this chapter, the Certificate of Veterinary Inspection will include proof of a negative brucellosis test, using a test approved by the department, which was conducted not more than 30 days before the day of sale.

**(2) Age for Transfer to Buyer.** (a) Except as noted in par. (b), no dog may be transferred to a buyer until the dog is 7 weeks of age.

(b) Dogs can be moved under the age of 7 weeks if any of the following apply:

1. Dogs are moving with the dam.
2. Movement is approved by the department.

**ATCP 16.05 Standards of Care.** Pursuant to s. 173.41(10), Stats., a person who is required to be licensed under s. 173.41(2), Stats., shall do all of the following with respect to each dog kept by the person:

**(1) FOOD AND WATER.** (a) Each dog shall be fed at least once a day, unless another schedule is needed to provide adequate care for the dog's health.

(b) The daily food quantity and nutrition shall be based on dog's age, condition, size and weight.

(c) Food shall be, and kept stored, so as to be wholesome, uncontaminated, and palatable.

(d) Food storage containers shall be kept clean and free of contaminants.

(e) Fresh water shall be available at all times, or as often each day and in sufficient quantity to keep the dog well-hydrated at all times.

(f) Daily water shall be fluid, potable and uncontaminated.

(g) Daily water and food shall be provided in a durable container, except that food may be provided in disposable containers if discarded after each use.

(h) All food and water containers and utensils shall be cleaned and sanitized using heat or chemical sanitizing solution as often as needed to maintain sanitary conditions.

**(2) CARE FOR ANIMAL HEALTH AND VETERINARIAN CARE.**

- (a) Each dog shall be handled as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort.
- (b) Each dog shall given body, mobility and behavior checks by the animal caretaker in charge, or by someone under the caretaker's direct supervision, on a daily basis.
- (c) Any dog suspected of, or having, a communicable disease shall be kept physically separated from other susceptible animals.
- (d) Each dog shall be groomed to prevent abnormal matted hair and overgrown nails, and so that they have freedom of movement and can perform normal bodily functions.
- (e) A dog shall be examined by a veterinarian at least as needed to ensure care of the dog's health. During the examination, the veterinarian shall use appropriate methods to prevent, control, diagnose and treat diseases and injuries.
- (f) The licensee shall follow recommendations of the attending veterinarian.
- (g) Sick, diseased or injured dogs shall be provided with timely veterinary care or euthanized in a legal and humane manner.
- (h) The Department may issue a written notice requiring that a dog be examined by a licensed doctor of veterinary medicine within a maximum of 72 hours if:
  - 1. The Department employee personally observes the condition of the dog in the course of an inspection of any place at which a dog is kept; and
  - 2. The dog exhibits signs of illness, injury or neglect.

### **(3) INDOOR FACILITY**

- (a) If a dog is kept in a primary enclosure, as defined in this chapter, with a separate run or exercise area for daily use, the following are minimum requirements.
  - 1. Each dog shall spend at least 60 minutes per day outside of the primary enclosure.
  - 2. The dog may be in the primary enclosure for two 12-hour blocks, followed by 30 minutes or more time outside the enclosure, at the end of each block.

3. Any primary enclosure shall be long enough to accommodate the entire length of dog's head and body, tall enough for dog to stand normally and comfortably, and large enough for dog to turn around and lie down.
- (b) If a dog is kept in a primary enclosure, as defined in this chapter, without a separate run or exercise area for daily use, the following are minimum requirements for the size of the enclosure.
1. If more than one dog occupies this enclosure, space will be figured for the first dog, with the first additional dog needing the same minimum space additionally, as required for the first dog, and each subsequent additional dog needing an additional space of 75% of the first dog.
    - a. For a dog less than 10 inches long, at least 4 sq. feet.
    - b. For a dog less than 16 inches long, at least 8 sq. feet.
    - c. For a dog less than 22 inches long, at least 12 sq. feet.
    - d. For a dog less than 26 inches long, at least 18 sq. feet.
    - e. For a dog less than 30 inches long, at least 24 sq. feet.
    - f. For a dog greater than 30 inches long, at least 30 sq. feet.
  2. The height requirement for the enclosure shall be a minimum of 12 inches taller than the tallest dog in the enclosure.
  3. Each dog in the primary enclosure without a separate run or exercise area shall be given a minimum of 30 minutes during a day to be in a different exercise area to meet the requirements of par. (5)(b).
- (c) If a dam is whelping, the following are minimum requirements for the whelping enclosure.
1. The whelping enclosure shall have a solid floor and be of an appropriate type for the breed.
  2. The dam shall be able to lie down stretched out for all puppies to nurse.
  3. The whelping enclosure shall be large enough for the number and temperament of the puppies.
  4. The whelping enclosure shall have a place for dam to be away from puppies.

(d) If a nursery is provided for puppies, from weaning to age 4 months, the nursery enclosure shall be large enough to accommodate all puppies allowing them to turn around, stand up, lie down, exercise normal postural movements, and to encourage socialization and exercise.

(e) The indoor facility flooring and other interior surfaces shall meet the following minimum requirements.

1. A floor may be metal wire strand if vinyl coated, the wire is of a gauge adequate to prevent sagging under the weight of the animal or injury to the animal's feet, and the mesh is small enough to prevent the animal's feet from passing through.
2. No indoor dirt floor may have contact with a dog.
3. All surfaces shall keep water off a dog and can be cleaned and sanitized.
4. The indoor facility shall be constructed and maintained to prevent injury to all dogs.
5. The indoor facility shall be constructed and maintained to enable all dogs to remain dry and clean.

(f) Stacking of primary enclosures may only be used if the licensee can meet the following minimum requirements.

1. The floor of the top cage in the stack shall be no higher than 48 inches.
2. The enclosure shall assure safe dog handling, with adequate ventilation and temperature control, cleaning and sanitation.
3. The enclosure shall be constructed with solid sides and floor, of a material that is easily cleaned and sanitized.
4. Any stacked primary enclosure shall be constructed and maintained to be stable when a dog is present in each enclosure and prevent excreta, urine, dirt and debris from falling on any dog in a lower stack.
5. Stacking shall not impede facility inspection.

(g) The indoor facility lighting, temperature and ventilation shall meet the following minimum requirements.

1. The facility shall have well distributed natural or artificial light for proper care and maintenance of dog, and to facilitate proper cleaning & sanitizing and inspection. A diurnal lighting cycle shall be provided.

2. The facility's heating and cooling shall be consistent with a dog's breed and that breed's ability to acclimate to temperature variation.
3. The facility shall protect any dog from cold, heat or humidity that may be injurious to health.
4. The facility shall ventilate fresh or filtered air in indoor enclosures for the health and comfort of all dogs and to minimize odors, drafts, ammonia levels and prevent the condensation of moisture.
5. The facility shall provide the exchange of air from animal area to the outside.

(h) Any licensee shall assure the following minimum requirements for indoor facility cleaning and sanitation.

1. The cleaning of any enclosure shall be accomplished without a dog inside the enclosure.
2. Any dog shall be returned to the enclosure only when enclosure is dry.
3. There shall be daily removal of excreta, or more often as necessary for the health and comfort of all dogs.
4. An enclosure shall be cleaned and properly rinsed, with detergent and a sanitizer, as often as necessary to be free of accumulated dirt, debris and disease hazards.
5. A primary enclosure shall be cleaned and sanitized between occupancy by different dogs.
6. All dog bedding shall be maintained in a clean, dry condition.

#### **(4) OUTDOOR FACILITY**

(a) If a dog is kept in an outdoor facility as its primary enclosure, the following are minimum requirements for that facility.

1. The dog shall be of a breed that can tolerate outdoor temperature variation for the location.
2. The dog shall be of an age, health and physical condition that can tolerate outdoor temperature variation for the location.

3. The dog shall be acclimated to the outdoor temperature variation for the location.
4. The outdoor facility shall contain a shaded area that can protect all dogs in the enclosure from direct sun rays without crowding.
5. The outdoor facility shall contain a dog shelter of a size for all dogs in the enclosure to use the shelter and without crowding.
6. The outdoor facility shall be constructed and maintained to prevent a dog from escaping.
7. The outdoor facility shall contain an adequate wind break for all dogs.

(b) An outdoor facility dog shelter shall meet the following minimum requirements.

1. The shelter shall be made of a durable material, have 4 sides, a roof and a flat solid floor.
2. The shelter shall be constructed and maintained to prevent injury.
3. The shelter shall be constructed and maintained so as to allow all dogs to either retain or dissipate enough body heat for the dog's health and comfort.
4. The shelter shall be constructed and maintained to enable all dogs to remain dry and clean.
5. The shelter shall be constructed and maintained to allow all dogs protection from predators.

(c) If any dog is tethered in an outdoor facility, the tethering shall meet the following minimum requirements.

1. Any dog shall be tethered so the dog can reach and lie down in a dog shelter.
2. A female dog may not be pregnant or nursing when tethered.
3. A tether shall not be able to become tangled with any object.
4. Any tether shall have an anchor swivel.
5. Any tether shall be a minimum of 6 feet long and of a sufficient length for the size of the dog.
6. Any tether shall be attached to the dog by means of a non-tightening collar or harness, of a sufficient size for the size of the dog.

(d) The following are minimum requirements for animal care in an outdoor facility used as a primary enclosure for a dog.

1. There shall be daily removal and proper disposal of excreta
2. The licensee shall insure control of pests and parasites to maintain all dogs' health and comfort.
3. All dog bedding shall be maintained in a clean, dry condition.

#### **(5) RUNS AND EXERCISE AREAS.**

- (a) Separate runs and exercise areas must be adequate for the dog's size, temperament and the number of dogs using the run or exercise area at any one time.
- (b) Each dog shall be given the opportunity to achieve a running stride in at least one run or exercise area that the dog is in each day.
- (c) Repetitive unsupervised physical activity, restrictive of other activities and not goal-oriented, shall not be permitted.
- (d) Outside runs and exercise areas do not need dog shelters but shall have shaded area of a size directly proportional to the size and number of dogs to be shaded.
- (e) Turn out pens, paddocks, extra large exercise areas, or open fields for supervised training or exercise do not need dog shelters or shade.

#### **(6) DOG GROUPING AND SEPARATION**

- (a) All dogs housed together in the same primary enclosure shall be maintained in compatible groups.
- (b) Females in season (estrus) shall not be kept in the same primary enclosure, run, or exercise areas with males, except for breeding purposes.
- (c) Any dog exhibiting an aggressive behavior shall be housed individually in any primary enclosure, run, or exercise area.

- (d) Puppies under the age of 4 months shall not be housed in the same primary enclosure, run, or exercise area with adult dogs other than their dam or foster dam, unless under direct supervision.
- (e) Any dam in whelp will be housed individually in a primary enclosure, pen, or exercise area a minimum of one week prior to the whelping date.

**(7) BEHAVIOR AND SOCIALIZATION**

- (a) The licensee shall have a written plan on file for meeting behavior and socialization requirements.
- (b) No dog shall be housed for extended periods of time in a manner devoid of any enrichment, activity or social contact.
- (c) All dogs shall be provided full-body physical contact with other compatible dogs daily, except for needs which are documented.
- (d) All dogs shall be provided with daily positive human contact and socialization, beyond feeding time.
- (e) All dogs shall be provided some form of effective inanimate enrichment in their primary enclosure where appropriate and is designed so as to prevent harm.
- (f) Any dog housed individually shall be provided daily visual enrichment, except for needs which are documented.

**(8) TRANSPORTATION ENCLOSURE** (a) A transportation enclosure shall meet the following minimum requirements.

1. It shall be secured, waterproof, well constructed of cleanable material, and designed to protect the health and ensure the safety of the dogs.
2. It shall have ventilation to ensure the comfort and health of the dogs at all times.
3. It shall be constructed or positioned in the vehicle in such a manner that:
  - a. Each dog in the vehicle has access to sufficient air for normal breathing.
  - b. The openings of such enclosures are accessible at all times for emergency removal of any dog.
  - c. All dogs are afforded protection from the elements.

- d. The dog areas of the vehicle shall be heated or cooled when necessary to prevent hypothermia or hyperthermia of all dogs being transported.
4. It shall be large enough to ensure that each dog has sufficient space to turn, stand, and lie down.
5. All dogs which are not conditioned to each other may not be transported in the same primary enclosure.
6. No dog shall be placed in enclosures over other dogs in transit unless such enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.
7. It shall be cleaned and sanitized between occupancy by different dogs, or more often as necessary

(b) The following are minimum requirements to maintain the health and comfort of each dog in a transportation enclosure.

1. Each dog shall be visually inspected every 4 hours.
2. Each dog shall be removed from the vehicle while in active transport a minimum of every 12 hours and allowed to urinate, defecate, and obtain exercise.
3. Food and water shall be provided consistent with other requirements of this rule.
4. Grouping and separation shall be provided consistent with other requirements of this rule.
5. Each dog shall be removed from the vehicle immediately upon arrival at any destination stopping point.

(c) The following are minimum requirements for any vehicle used to transport a dog in a transportation enclosure by a licensee.

1. The vehicle shall be equipped to provide fresh or filtered air to all dogs being transported without injurious drafts
2. The dog cargo space shall be so constructed and maintained as to minimize the ingress of exhaust from the vehicle's engine.

**16.07 Temporary Dog Markets.** (a) OPERATOR RESPONSIBILITIES. A person who operates a temporary dog market shall do all of the following:

1. Register with the department.
2. Take reasonable steps to ensure that all persons selling or offering to sell dogs at the temporary dog market comply with par. (b).
3. Obtain, review, and keep, for at least 5 years, copies of the information provided under par. (b) and make the information available to the department for inspection and copying upon request.
4. If persons sell or offer to sell dogs at the temporary dog market for 2 or more consecutive days, employ or contract with a veterinarian licensed under ch. 453 to conduct an examination of the dogs offered for sale at the temporary dog market on each day on which dogs are offered for sale and to review the information provided under par. (b).

(b) SELLER RESPONSIBILITIES. A person who sells or offers to sell a dog at a temporary dog market do all of the following:

1. Provide all of the following information to the operator of the temporary dog market:
  - a. The person's name and address.
  - b. If the person is required to be licensed under sub. (2), the person's license number.
  - c. A description of each dog sold or being offered for sale, including the dog's breed or type, sex, date of birth or approximate age, color, and any distinctive markings, and either a statement that the dog was born in the person's possession or the name and address of the person from whom the dog was acquired.
  - d. Documentation showing that the person complied with s. 95.21 (2) and with any applicable rules of the department relating to bringing dogs into this state.
2. Comply with applicable standards of care under s. 16.06 for the dogs while they are at the market if they are required to be licensed under s. 16.02.

(c) INSPECTION. The department may inspect a temporary dog market and the information provided under par.(b) at any time during normal business hours.

