

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION  
2811 AGRICULTURE DRIVE, PO BOX 8911  
MADISON, WI 53708-8911

<b>IN THE MATTER REGARDING THE PROTECTION OF CANINE HEALTH: OF ALL DOGS REQUIRED TO BE LICENSED UNDER CH. 174, WIS. STATS., AND ALL DOG SELLERS AND DOG FACILITY OPERATORS REQUIRED TO BE LICENSED BY THE DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION UNDER S. 173.41, WIS. STATS.</b>	<b>AH Docket No. 35PM09126-1 Amendment 1 SUMMARY SPECIAL ORDER PROHIBITING THE IMPORT OF SEXUALLY INTACT CANINES PURCHASED OR OBTAINED FROM AUCTIONS OUTSIDE THE STATE OF WISCONSIN WITHOUT AN IMPORT PERMIT ISSUED BY THE DEPARTMENT AND A TEST INDICATING THE CANINE IS NEGATIVE FOR BRUCELLA CANIS.</b>
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**INTRODUCTION**

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection ("Department"), by the State Veterinarian, based upon its efforts to protect both Wisconsin's canine and human population from the spread of canine brucellosis, makes the following findings of fact and conclusions of law and issues the following summary special order regulating the import of sexually intact canines purchased or obtained from out-of-state auctions by requiring an import permit and a negative Brucella canis (B. canis) test result accompany each canine imported to Wisconsin.

**FINDINGS OF FACT**

(1) The Department is responsible for administering Wisconsin's animal health program under ch. 95, Wis. Stats. The program is designed to protect the health of animals in this state, and to prevent, control and eradicate communicable diseases among animals. The Department has broad authority to adopt rules interpreting statutes under its jurisdiction (see s. 93.07 (1), Wis. Stats.).

(2) To protect the health of animals located in this state and of humans residing in this state, the Department may establish, maintain, enforce, and regulate quarantines and other measures relating to the importation, movement, and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the Department determines are necessary (see s. 93.07 (10), Wis. Stats.).

(3) The Department may prohibit or regulate the importing of animals into this state or the movement of animals within the state if the Department has reasonable grounds to believe that regulation or prohibition is necessary to prevent the introduction or spread of a disease in this state that threatens the health of animals or of humans (see s. 95.20, Wis. Stats.).

(4) A veterinarian, the Department of natural resources, or a person who diagnoses or obtains credible diagnostic evidence of specified diseases must report the disease to the Department within one day of discovery of the disease in any animal in this state (see s. 95.22 (1), Wis. Stats., and s. ATCP 10.03 (1), and ch. ATCP 10, Appendix A, Wis. Admin. Code). Brucellosis is one of those reportable diseases.

(5) Under s. 174.07, Wis. Stats., a dog license is necessary for the keeping of any dog over five months of age.

(6) Under s. 173.41, Wis. Stats., with few exceptions, no person may operate an animal shelter, an animal control facility, as a dog breeder, as a dog breeding facility, as a dog dealer, or as an out-of-state dog dealer without an annual license from the Department.

(7) Under s. ATCP 16.16(4)(f), Wis. Admin. Code, a certificate of veterinary inspection must include documentation showing that a dog purchased at a public auction that is not spayed or neutered has tested negative on a brucellosis test conducted within 30 days prior to the sale using a method approved by the Department.

(8) Canine Brucellosis, caused by *B. canis*, is a significant cause of infectious abortion and reproductive failure in dogs and is a source of great economic losses in kennels. It also causes health problems in non-breeding dogs.

(9) *B. canis* is a zoonotic organism. Because *B. canis* is transmissible to humans, it could pose a significant public health risk. Humans may develop a number of health problems ranging in severity.

(10) *B. canis* organisms are shed in aborted material, post-abortion vaginal discharge, semen, urine and milk, and easily cross mucous membranes. Besides venereal transmission, oral-nasal contact with infected fluids or tissues, fomites, and aerosolized material are common modes of transmission. Consequently, spayed or neutered as well as "virgin" animals may easily become infected through contaminated environments.

(11) Treatment is not recommended for dogs in breeding kennels or for dogs that cannot be isolated during treatment, as they may continue to be a source of infection for other dogs and humans. Treatment is expensive, requires several weeks of antibiotic therapy, and is not 100 percent effective. Relapse is common, even after continual use of antibiotics.

(12) The disease is readily transmitted between breeding kennels, largely due to management practices that allow the frequent trade and sale of breeding stock without employing effective testing and quarantine protocols.

(13) In addition, the disease is known to be present in the stray dog population, with the highest incidence found in the southern states. Thousands of dogs are transported into Wisconsin from other states annually.

(14) The incidence of canine brucellosis is on the rise in Wisconsin, as evidenced by positive laboratory testing, negatively impacting both breeding kennels as well as unsuspecting individuals who buy or adopt pet dogs.

(15) One significant source of infected dogs comes from dog auctions, where the large scale sale and movement of untested or known positive dogs often occurs.

(16) In 2012, eight dogs were purchased from a dog auction in Iowa and imported to Wisconsin. None of the dogs were tested for *B. canis*, although the buyer was assured the dogs did not have the disease. The purchased dogs were introduced to the breeding kennel and two of the dogs were used for breeding. In May 2012, testing was done and indicated that 3 of the purchased dogs were positive for *B. canis*. All of the purchased dogs and dogs that were bred to them were euthanized.

(17) So far in 2016, there have been two cases where dogs positive for *B. canis* were purchased from dog auctions in Missouri and imported to Wisconsin.

- a) In April 2016, 15 dogs were purchased from a Missouri dog auction and transported to Wisconsin. The dogs were placed in foster homes in Wisconsin, Illinois, and Indiana.

Based on a complaint received by the Department that these dogs were imported into Wisconsin without proper paperwork, the dogs were quarantined and required to be tested for *B. canis*.

On May 2, 2016, positive *B. canis* test results were received on one of the dogs. The positive dog was euthanized, as was another dog housed with it. The quarantine was released when all the remaining dogs were found to be negative on two consecutive tests.

- b) In August 2016, 15 dogs were again purchased from a Missouri dog auction and transported to Wisconsin. The dogs were commingled upon arrival at the kennel with the dogs already in residence.

Later in August, blood samples were taken from the 15 purchased dogs and submitted for testing. Seven tested positive for B. canis. All seven dogs were euthanized.

The kennel remains under quarantine and must undergo repeat whole kennel testing until no positive results are found after two consecutive tests.

(18) Regulating the import of dogs obtained from dog auctions outside Wisconsin by requiring proof of a negative B. canis test result will eliminate at least one significant source of dogs infected with this contagious, zoonotic disease.

### **CONCLUSIONS OF LAW**

(1) Under chs. 93 and 95, Wis. Stats., the Department has jurisdiction over the protection of the health of animals in this state and the authority to prevent, control, and eradicate communicable diseases among animals through quarantines and other measures. The Department is authorized to take this action to protect canine and human health in Wisconsin.

(2) B. canis is a zoonotic organism that can cause disease in people and poses a public health risk.

(3) The incidence of B. canis is on the rise in Wisconsin, as evidenced by positive laboratory testing.

(4) A significant source of infected dogs comes from out-of-state dog auctions, where the large scale sale and movement of untested or known positive dogs often occurs.

(5) Regulating and prohibiting the movement of sexually intact canines purchased or obtained from out-of-state auctions into Wisconsin is necessary to prevent the spread of canine brucellosis in Wisconsin that threatens the health of canine and humans in this state.

### **SPECIAL ORDER**

Based upon the above stated findings of fact and conclusions of law, and in accordance with ss. 93.07 (10) and 95.20, Wis. Stats., and chs. ATCP 10 and 16, Wis. Admin. Code, IT IS HEREBY ORDERED that:

(1) No person may import a sexually intact canine into Wisconsin that has been bought or obtained from an auction outside the state of Wisconsin unless both of the following requirements are met:

a) An import permit for the canine is issued by the Department.

- b) Documentation showing the canine has tested negative on a brucellosis test conducted within 30 days prior to the import using a test method approved by the Department. If the canine is less than six weeks of age, it must be accompanied by its dam and the dam must have documentation meeting the requirements under this paragraph.

**Note:** Import information and approved brucellosis test methods may be obtained by contacting the Department online at <http://www.datcp.wi.gov> or by contacting the Department at:

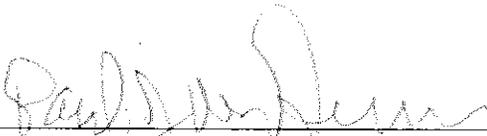
Wisconsin DATCP  
Division of Animal Health  
P.O. Box 8911  
Madison, WI 53708-8911  
Phone: (608) 224-4872  
FAX: (608) 224-4871

- (2) This order will remain in effect until it is rescinded by the Wisconsin State Veterinarian.

Dated this 3rd day of October, 2016.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By: \_\_\_\_\_

  
Paul J. McGraw, DVM  
State Veterinarian

