



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Animal Health

PO Box 8911, Madison, WI 53708-8911

Phone: 608-224-4872

Fax:608-224-4871

GUIDANCE DOCUMENT

SheltersRescuesFAQ

This guidance document is based on Wis. Stat. ch. 173 and chapter(s) ATCP 16 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

Informational materials regarding shelters and rescues frequently asked questions.

<i>Darlene M. Konkle</i>	11/24/2020
Dr. Darlene Konkle - Administrator Division of Animal Health	DATE

Contributors:



Rescues and Shelters

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

Wisconsin law requires licensing and inspection for many dog-related operations. Under this law, rescue groups and animal shelters are treated the same. Both must be licensed if they shelter at least 25 dogs a year, whether it is in one central shelter or in foster facilities. If a shelter is legally incorporated as a non-profit organization, it may be licensed as a shelter. If a shelter is not legally incorporated as a non-profit organization, it must be licensed as a dog dealer. Regardless of the type of operation, they must meet the standards of care specified in the law, and must provide certificates of veterinary inspection when they sell (adopt) dogs.

Below are the answers to some frequently asked questions about rescues and shelters. Please use this information only as a guide, and contact us if you have any questions about your requirements.

Q. What do you consider an animal shelter?

A. Under this law, an animal shelter is a facility that shelters at least 25 dogs in a license year and is operated by a non-profit organization for the welfare, protection and humane treatment of animals.

Q. What is a home custody provider?

A. A home custody provider is someone who keeps dogs at his or her home for a licensed shelter or breeder, but doesn't need to be licensed. Think of it as a foster home.

Q. What is a CVI?

A. CVI stands for certificate of veterinary inspection. You cannot get these forms. A veterinarian must buy them from the Department of Agriculture, Trade and Consumer Protection. He or she must examine the dog and complete the form, which attests to the dog's apparent freedom from infectious disease and vaccination status. Copies should be distributed to you and to the person who adopts the dog.

There are two different forms. One is an *interstate* CVI, which has always been required for dogs entering Wisconsin from another state or leaving Wisconsin for another state. The other is a new form, an *intrastate* CVI for dogs sold by licensed dog sellers or shelters within Wisconsin.

Either CVI must be signed within 10 days of the date the veterinarian examines the dog, and is good for 30 days from the date of the examination. Dogs entering Wisconsin with an *interstate* CVI and sold within that 30-day window do not need an *intrastate* CVI.

Q. What if an individual or group rescues dogs, but isn't incorporated as a non-profit organization?

A. You must still be licensed if you shelter at least 25 dogs a year in Wisconsin, either in a central location or with home custody providers. If you are incorporated as a non-profit organization, you will be licensed as an animal shelter and pay the flat \$125 annual fee. If you are not a legal non-profit organization, you will be licensed as a dog dealer if your business location is in Wisconsin, or as an out-of-state dog dealer if you do not have a business location in Wisconsin. These licenses have higher fees than the shelter license.

If you want to be licensed as a non-profit shelter, you must submit proof that your shelter is formally incorporated as a 501(c)(3) organization.

Q. Our rescue group has a number of shelters in Wisconsin. Can we put them all under one license?

A. If you have actual animal shelters, rather than a number of home care providers, each facility would have to be licensed and inspected separately. This protects you. If all were licensed as one, and one of the facilities did not

meet the standards of care, all could be shut down.

Q. The law talks about selling dogs, but we don't sell dogs. People adopt them. Are we exempt?

A. The law says that if you *shelter* at least 25 dogs a year, you must be licensed.

The law says dogs must have certificates of veterinary inspection when they are sold, and defines *sell* as “conveying ownership for consideration.” So, if money or anything else of value changes hands, it is considered a sale. Whether you call it an adoption fee, covering expenses of caring for the dog, a donation, or bartering, the law regards it as a sale if the person adopting the dog gives you anything of value.

Q. We don't have a central shelter. We use foster homes. Do we need a license? Do the foster homes need a license?

A. If you shelter 25 or more dogs a year, regardless of where you shelter the dogs, you need a license. You need to declare a central business location and contact – one of your foster care providers or someone in your organization. This is where you will keep all your records. The rest of the foster homes would be considered home custody providers. They do not need to be licensed, but they may be subject to inspection.

If you shelter fewer than 25 dogs a year, you don't need a license.

Q. We are a national rescue organization with our headquarters in another state, but we have foster homes in Wisconsin. Do we need to be licensed?

A. If you shelter 25 or more dogs a year with Wisconsin home custody providers, you need to be licensed. You can be licensed either as an out-of-state dog dealer, or as a shelter if you are a legal non-profit. In the latter case, you would declare a central business location and contact – one of your foster care providers or someone in your organization. This is where you will keep all your records. The rest of your Wisconsin foster homes would be considered home custody providers. They do not need to be licensed, but they may be subject to inspection.

If you shelter fewer than 25 dogs a year in Wisconsin foster homes, you don't need a license.

Q. Our rescue group is a national organization with a contact in Wisconsin, but we don't shelter 25 dogs a year in Wisconsin. Do we need a license?

A. You probably don't need a license. However, a dog coming to your contact even for one day and then being sold (adopted out for a fee or other consideration) counts as one dog sheltered in Wisconsin. If that happens 25 times in a year, you would need to be licensed. You could be licensed as an out-of-state dealer, or if you are a legal non-profit, you could be licensed as a shelter, if you make your contact's address the central location in Wisconsin where records are kept.

Dogs entering Wisconsin from another state need to be accompanied by an interstate CVI, regardless of whether they are staying or passing through.

Q. Our rescue group does not have any foster homes in Wisconsin, but we may rescue dogs from Wisconsin or place dogs in Wisconsin. Do we need to be licensed?

A. If you move more than 25 dogs into Wisconsin in a year, you must be licensed as an out-of-state dog dealer.

If you move any dogs into Wisconsin, they must be accompanied by a certificate of veterinary inspection, regardless of whether you need to be licensed.

Q. Our shelter facility also contracts with the county (city, village, town) to be the local animal control facility. Do we need two licenses?

A. As long as it's only one location, you need only one license.

Q. I have a breeding operation, from which I sell dogs. I also have a rescue operation. Do I need to license

both?

- A.** This is a very complicated question. If you have not done so already, you should first address all the issues with your tax attorney and the Internal Revenue Service. When you have the business arrangements in place, contact us and we will consider what licenses are necessary.
- Q. What if I don't apply for a license now, but end up sheltering 25 or more dogs in a year?**
- A.** Once you take in the 25th dog, you need to be licensed. You can apply for a license at any time; however, the license will always expire on Sept. 30 and you will have to pay the full annual fee even if you receive your license part way through the license year.
- Q. If I take in dogs from an out-of-state shelter, does that shelter need to be licensed?**
- A.** No, because transfers for no consideration between shelters are not considered sales. However, since the dogs would be coming from out of state, they would need *interstate* CVIs, as the requirement has always been.
- Q. What if I take in a dog from someone who should be licensed, but isn't?**
- A.** If you accept the dog to protect its health, safety or welfare, you must report the acceptance and provide relevant information to us about the transaction. If you don't do this, possible penalties include fines and license revocation.
- Q. Do we need to list our foster homes on our license application?**
- A.** No, but you must provide a list of foster homes to the inspector at the time of inspection.
- Q. I know that my rescue does not need a license, because I shelter fewer than 25 dogs a year. Do the dogs I place need to have certificates of veterinary inspection?**
- A.** No, not when you place them. However, regardless of license status, any dog that you bring into Wisconsin needs to be accompanied by an interstate certificate of veterinary inspection.
- Q. If we adopt dogs out to homes in other states, do we need to provide both the *interstate* CVI and the *intrastate* CVI required for adoptions under the new law?**
- A.** No, only the *interstate* CVI is necessary.
- Q. We often take in dogs from other Wisconsin shelters and rescues. Do these dogs need CVIs?**
- A.** No. Transfers between shelters are not considered sales as long as no fees or anything else of value is exchanged, so they don't require CVIs.
- Q. Will licensees be listed on the Department of Agriculture, Trade and Consumer Protection website?**
- A.** Yes. License information is available at: https://mydatcp.wi.gov/documents/dah/datcp_DAH_DogSeller_MyDatcp.pdf. Complete inspection reports will not be available online, but are public records, available to anyone who asks. Inquiries are welcome via phone or email to check the status of businesses or organizations.
- Q. We are a non-profit and will have trouble paying the costs of meeting all the standards of care. Is there any exemption?**
- A.** No, all licensees have to meet the standards of care in order to ensure humane treatment of the dogs.
- Q. Our rescue is near the state border and we often transfer dogs across state lines all the time. What are our requirements?**
- A.** When you bring dogs into Wisconsin, they need to arrive with interstate CVIs, just as they always have. If you don't shelter 25 or more dogs a year in Wisconsin, nothing further is required.

If you do shelter 25 or more dogs a year in Wisconsin, regardless of what state they came from, you will need a license. In that case, if someone adopts a dog that came from out of state within 30 days of the date it was examined, no further CVI is necessary. If the dog remains in a shelter or home custody care longer than that, it will need another CVI when it is adopted – *interstate* or *intrastate*, depending on where the adoptive home is.

Dogs that you take in from Wisconsin do not need a CVI until someone adopts them. Then they need an *interstate* or *intrastate* CVI, depending on where the adoptive home is.

Q. Where can I get more information?

A. Online: <http://datcp.wisconsin.gov> (look under “Animals” tab)

Email: DATCPanimals.wi.gov

Phone: 608-224-4872