



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

**Testimony in Opposition to Senate Bill 892  
Presented to the Senate Committee on Financial Institutions and Sporting Heritage  
Megan Nicholson, Wisconsin State Director  
The Humane Society of the United States  
March 5, 2024**

On behalf of the Humane Society of the United States and our Wisconsin supporters, we urge you to oppose SB 892 because it is an attack on animals, consumers, and local governments.

While SB 892 may appear to target local regulation of farms, its broad language would likely reward a wide range of potential bad actors by shielding them from local oversight, including: puppy mills, puppy-selling pet stores, facilities that breed and sell dogs, like beagles, for research, pet trainers, boarding facilities, or daycare operators, and those that breed, house, or display dangerous wildlife.

The bill would prohibit cities, counties, and villages from regulating an animal facility in an area zoned “exclusively or primarily for agricultural use” unless the activity impacted presents a substantial threat to public health or safety. **Broad, vague, and undefined terms would leave local elected officials without clarity, which would likely have a chilling effect on a wide range of regulations that are needed to protect animals, consumers, and public health.**

- “Animal facility” is broadly defined as any farm or “other commercial operation that raises or confines animals as a commercial enterprise” – essentially anyone who keeps animals on their property with a profit motive.
- “Animal” includes all non-human warm-blooded creatures, reptiles, and amphibians – virtually any animal, including beloved pets.
- “Primarily for agriculture use” is not defined and the bill is silent on what could be interpreted as such. Would commercial or residential areas with designated “agriculture uses” be included? Would any allowance of agriculture—another undefined term—be covered?
- “Substantial threat to public health or safety” is not defined, which would leave local elected officials to interpret what is included and leave them vulnerable to litigation from those who interpret it differently and stand to gain from no local regulation.

Just as states need the authority to adopt stronger protections than the federal government, communities must be allowed to adopt stronger protections than states to align with their community’s needs and the will of their residents. SB 892 violates governing principles of smaller, more limited government by disregarding the fact that local governments most often know what is best for their communities.

**SB 892 protects cruel puppy mills that keep dogs in conditions that most Wisconsinites would be appalled by.** Under its provisions, municipalities would not be able to enact or enforce ordinances that require humane treatment of dogs kept for breeding or prohibit massive breeding facilities from operating. Federal and state oversight of commercial breeders in Wisconsin is not sufficient to protect the parent dogs stuck in these facilities nor the families who will end up with puppies from them. Localities must retain the authority to crack down on facilities like these:

- In February 2023, the USDA cited a Hillsboro breeder after discovering that 26 puppies died in a single day. The puppies reportedly died after stove vents were not closed overnight and they were

exposed to extremely high heat. Prior to the 2023 visit, USDA had not inspected the property since 2020.

- At another Hillsboro facility, USDA inspectors found 15 different violations between April 2022 and March 2023. Cleaning and sanitation issues were found during all four visits. Other issues included some puppies who didn't have enough space, excessive feces, and a strong odor.
- At a Cambria breeding facility, in January 2023, six months after finding a Yorkie in need of care, USDA inspectors found the same dog still had a loose tooth and now had exposed tooth roots, a spot under one eye with pus and drainage, and an open, draining sore near the dog's other eye.
- In December 2022, USDA cited a Tomah breeder for lack of veterinary care to a Shih tzu with a clouded, dented cornea and trying to self-treat with unprescribed eye ointment. In 2021, this breeder was cited for self-treating a dog's open wound.
- In November 2022, USDA cited an Elroy breeder with 200+ dogs for a Labrador retriever with an open sore and hair loss who had not received veterinary care and some dogs and puppies without enough space.

To take away local control of commercial breeding facilities is to protect and promote some of the most egregious companion animal abusers. This does not align with the values of our state.

**SB 892 could protect puppy-selling pet stores known for selling sick puppies from cruel puppy mills to unsuspecting consumers.** The broad language of the bill could stop localities from cracking down on pet stores with known animal welfare and consumer protection issues, so long as it could be argued that the pet store was in an area zoned "primarily" for agriculture use. As such, local elected officials would be forced to allow pet stores to import and sell puppies from puppy mills, which too often leads to misleading sales tactics, predatory lending, sick puppy sales, and disease outbreaks. It also can exacerbate pet overpopulation at time when so many shelters and rescues are already overwhelmed.

**SB 892 protects roadside zoos and other industries using dangerous captive wild animals that place the public at risk of injury and infectious disease.** The broad language of this bill would prevent local governments from addressing dangerous exhibitions that create a broad range of public health and safety concerns. Animal exhibition is a poorly regulated industry with little federal and state oversight. Sixteen people have died and at least 350 have been injured at roadside zoos and similar attractions, and more than 200 injuries and 10 deaths have been associated with using dangerous wild animals in traveling shows. It is imperative that local governments retain the ability to determine if certain wild animal exhibitions and acts pose an unacceptable risk to public health and safety and whether local law enforcement has the capacity to appropriately contain a rampaging elephant, tiger running amok, or an escaped primate.


These facilities and shows often put unpredictable wild animals, including species that can transmit deadly diseases to people, in close contact with the public. For example, in the U.S., captive big cats have transmitted COVID-19 to people, elephants have infected people with tuberculosis, and more than a hundred zoonotic diseases have been identified in primates. Nearly 200 localities have passed various restrictions governing the use of wild animals in circuses and traveling shows and numerous communities. These measures are often initiated in communities concerned with public health, safety, and compromised welfare common in traveling shows.

**SB 892 could hinder protections for dogs and cats used in experiments and prevent local laws that allow them to be adopted once their time in the laboratory ends.** Dogs are often used in experiments funded by federal research agencies, like NIH, or to meet safety standards imposed by federal regulatory agencies, such as the EPA or FDA. Federal law, however, does not offer assurance that animals will be protected upon the experiment's conclusion. Sixteen states require adoption to be offered, but unfortunately Wisconsin has enacted no such protection despite the documented resilience and affection of

these animals once they are given the chance to flourish in a home environment. This law would prevent localities from ensuring that all adoptable dogs and cats are provided a chance of living in a caring home, increasing the likelihood that many will be unnecessarily euthanized.

**We urge committee members to do right by Wisconsin's animals and citizens you represent and oppose SB 892. A bill that lumps Wisconsin's traditional family farmers in with notorious and shameful operators of puppy mills, exotic animal breeders and profit-hungry commercial retailers is an affront to Wisconsinites.**

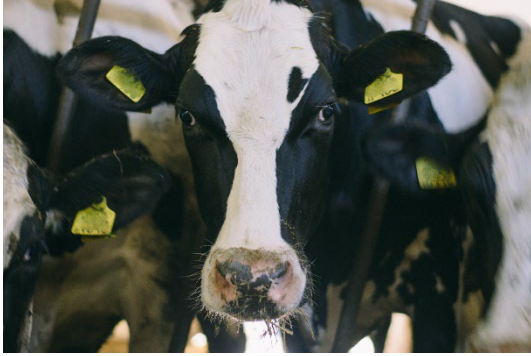
Sincerely,

A handwritten signature in cursive script that reads "Megan Nicholson".

Megan Nicholson  
Wisconsin State Director  
The Humane Society of the United States  
[mnicholson@humanesociety.org](mailto:mnicholson@humanesociety.org)

## SB 892 – Preemption of local animal protection ordinances: An Attack on Animals, Constituents & Local Control

SB 892 is not exclusively about preempting local regulation of this; ↓



SB 892 also preempts local oversight and regulation of operations like this. ↓



**The “Protect Our Farms Act” shields puppy mill operators from local oversight and regulation.**

While SB 892 may appear to target local regulation of farms, its broad language would likely reward a wide range of potential bad actors by shielding them from local oversight, including: puppy mills.

**Broad, vague, and undefined terms would leave local elected officials without clarity and vulnerable to litigation.**

- “Animal” includes all non-human warm-blooded creatures, reptiles, and amphibians – virtually any animal. Numerous ag-related statutes specifically define “Livestock”. What is the intent behind using the sweeping definition of “Animal”?
- “Primarily for agriculture use” is not defined and the bill is silent on what could be interpreted as such.
- “Substantial threat to public health or safety” is not defined.

**SB 892 protects puppy mills that keep dogs in conditions most Wisconsinites would be appalled by.**

- Municipalities would not be able to enact or enforce ordinances that require humane treatment of dogs kept for breeding or prohibit massive breeding facilities from operating.
- To take away local control of commercial breeding facilities is to protect and promote some of the most egregious companion animal abusers.
- The broad language of the bill could stop localities from cracking down on pet stores with known animal welfare and consumer protection issues.

**SB 892 protects roadside zoos and other industries using dangerous captive wild animals that place the public at risk of injury and infectious disease.**

- This bill would prevent local governments from addressing dangerous exhibitions that create a broad range of public health and safety concerns.
- Numerous municipalities prohibit ownership of dangerous wild animals. This bill could repeal those protections.

**SB 892 nullifies numerous animal protection measures supported by your constituents.**

- Citizens, local elected officials and law enforcement have worked tirelessly to enact ordinances that align with the values and will of their community. SB 892 violates governing principles of smaller, more limited government and is an attack on Wisconsinites and Home Rule.

**Oppose SB 892!**