

**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION**

EMERGENCY RULE

The state of Wisconsin department of agriculture, trade and consumer protection adopts the following emergency rule to create ATCP 11.72(15), (16), (17) and (18), relating to importing, selling, offering to sell, allowing public access to or disposal of prairie dogs or any mammal known to have been in contact with a prairie dog since April 1, 2003.

**Analysis Prepared by the Department of Agriculture,
Trade and Consumer Protection**

Statutory Authority: s. 93.07(1), Stats.
Statute Interpreted: s . 93.07(10), Stats.

There has been an outbreak of an orthopox virus in Wisconsin residents who have had recent contact with prairie dogs. There have been reported instances of some of the prairie dogs exhibiting signs of illness and of other mammals that have been in contact with prairie dogs also exhibiting signs of illness. This emergency rule is being promulgated to reduce the threat of this disease to Wisconsin residents.

This rule prohibits the following:

- Importing into Wisconsin any prairie dog or any mammal known to have had contact with prairie dogs since April 1, 2003.
 - Selling of any prairie dog or any mammal known to have had contact with prairie dogs since April 1, 2003.
 - Allowing any prairie dog or any mammal known to have had contact with prairie dogs since April 1, 2003, to have contact with any member of the public.
 - Releasing any prairie dog or any mammal known to have had contact with prairie dogs since April 1, 2003, to the wild.
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FINDING OF EMERGENCY

(1) During May and June 2003, at least 12 people in Wisconsin have developed illnesses within one to two weeks after the people have had contact with prairie dogs. Symptoms of the human illness include fever, cough, rash and swollen lymph nodes. Several of these people have needed to be hospitalized.

(2) Preliminary laboratory results indicate that the cause of the human illness is an orthopox virus that could be transmitted by prairie dogs. Some of the pet prairie dogs have exhibited signs of illness. There have been reports of other mammals that have come in contact with prairie dogs also exhibiting signs of illness.

(3) It is necessary to reduce the opportunities for human interaction with prairie dogs or other mammals that have been in contact with prairie dogs in order to protect the health, safety and welfare of Wisconsin residents. Therefore, the Wisconsin Department of Agriculture, Trade and Consumer Protection is adopting this emergency rule to protect the health, safety and welfare of the public.

EMERGENCY RULE

SECTION 1. ATCP 11.72(15), (16), (17) and (18) are created to read:

ATCP 11.72(15) Import into Wisconsin any prairie dog, or any mammal known to have had contact with a prairie dog since April 1, 2003.

(16) Sell or offer to sell any prairie dog, or any mammal known to have had contact with a prairie dog since April 1, 2003.

(17) Allow a prairie dog, or any mammal known to have had contact with a prairie dog since April 1, 2003, which that person owns or cares for to have contact with members of the public.

(18) Release into the wild any prairie dog, or any mammal known to have had contact with a prairie dog since April 1, 2003.

EFFECTIVE DATE: This emergency rule shall take effect on the day it is published in the official state newspaper, and shall remain in effect for 150 days, as provided in s. 227.24(1)(c), Stats. The department may seek to extend this emergency rule as provided in s. 227.24(2), Stats.

Dated this 9th day of June, 2003.

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Rodney J. Nilsestuen
Secretary