

2018 -- H 7045 SUBSTITUTE B

LC003314/SUB B

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CARE OF DOGS

Introduced By: Representatives Serpa, Solomon, Shanley, O'Brien, and Shekarchi

Date Introduced: January 03, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-13-1.2 and 4-13-42 of the General Laws in Chapter 4-13 entitled
2 "Dogs" are hereby amended to read as follows:

3 **4-13-1.2. Definitions.**

4 (1) "Adequate shelter" means the provision of and access to shelter that is suitable for the
5 species, age, condition, size, and type of each dog; provides sufficient space for the dog to
6 maintain comfortable rest, normal posture and range of movement; is safe to protect each dog
7 from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical
8 suffering and impairment of health. Shelters with wire grid or slat floors which permit the dog's
9 feet to pass through the openings, sag under the dog's weight or otherwise do not protect the dog's
10 feet from injury, are not considered adequate shelter.

11 ~~(1)~~(2) "Board" means the rabies control board.

12 ~~(2)~~(3) "Department" means the department of environmental management or its
13 successor.

14 ~~(3)~~(4) "Director" means the director of the department of environmental management (or
15 its successor) or his or her designee.

16 ~~(4)~~(5) "Division" means the division of agriculture.

17 ~~(5)~~(6) "Guardian" means a person(s) having the same rights and responsibilities as an
18 owner or keeper, and the terms may be used interchangeably. A guardian shall also mean a person
19 who possesses, has title to or an interest in, harbors or has control, custody or possession of an

1 animal and who is responsible for an animal's safety and well-being.

2 ~~(6)~~(7) "Livestock" means domesticated animals which are commonly held in moderate
3 contact with humans which include, but are not limited to, cattle, bison, equines, sheep, goats,
4 llamas, and swine.

5 ~~(7)~~(8) "Owner or keeper" means any person or agency keeping, harboring or having
6 charge or control of or responsibility for control of an animal or any person or agency which
7 permits any dog, cat, ferret, or domestic animal to habitually be fed within that person's yard or
8 premises. This term shall not apply to veterinary facilities, any licensed boarding kennel,
9 municipal pound, pet shop, or animal shelter.

10 ~~(8)~~(9) "Person" means an individual, firm, joint stock company, partnership, association,
11 private or municipal corporation, trust, estate, state, commission, political subdivision, any
12 interstate body, the federal government or any agency or subdivision of the federal government,
13 other government entity, or other legal entity.

14 ~~(9)~~(10) "Pets" means domesticated animals kept in close contact with humans, which
15 include, but may not be limited to dogs, cats, ferrets, equines, llamas, goats, sheep, and swine.

16 ~~(10)~~(11) "Quarantine" means the removal, isolation, the close confinement or related
17 measures of an animal under conditions and for time periods that are set by regulation of the
18 board.

19 ~~(11)~~(12) "Tether" means the practice of fastening a dog to a stationary object or stake by
20 a chain, rope or other tethering device as a means of keeping the dog under control. A dog being
21 walked on a leash is not tethered.

22 **4-13-42. Care of dogs.**

23 (a) It shall be a violation of this section for an owner or keeper to:

24 (1) Keep any dog on a permanent tether that restricts movement of the tethered dog to an
25 area less than one hundred thirteen square feet (113 sq. ft.), or less than a six foot (6') radius at
26 ground level.

27 (2) Tether a dog with a choke-type collar, head collar or prong-type collar. The weight of
28 any chain or tether shall not exceed one-eighth (1/8) of the dog's total body weight.

29 (3) Keep any dog tethered for more than ten (10) hours during a twenty-four (24) hour
30 period or keep any dog confined in an area or primary enclosure ~~a pen, cage, or other shelter~~ for
31 more than fourteen (14) hours during any twenty-four (24) hour period, and more than ten (10)
32 hours during a twenty-four (24) hour period, if the area is not greater than that which is required
33 under the most recently adopted version of the department of environmental management's rules
34 and regulations governing animal care facilities.

1 (4) Tether a dog anytime from the hours of ten o'clock p.m. (10:00 p.m.) to six o'clock
2 a.m. (6:00 a.m.), except for a maximum of fifteen (15) minutes.

3 ~~(4)(5) Keep any dog outside either tethered, penned, caged, fenced, or otherwise confined~~
4 ~~without access to an outdoor housing facility~~ when the ambient temperature is beyond the
5 industry standard for the weather safety scale as set forth in the most recent adopted version of
6 the Tufts Animal Care and Condition Weather Safety Scale (TACC) ~~if the dog is showing signs~~
7 ~~of poor health due to the weather conditions.~~

8 (b) It shall be a violation of this section for an owner or keeper to fail to provide a dog
9 with adequate feed, adequate water, or adequate veterinary care as those terms are defined in § 4-
10 19-2; provided however, that adequate veterinary care may be provided by an owner using
11 acceptable animal husbandry practices.

12 (c) ~~Any person in violation of this section shall be given a warning for a first violation.~~
13 ~~Second and subsequent violations of this subsection can be considered a violation of § 4-1-2.~~
14 ~~Each day of violation shall constitute a separate offense.~~ Exposing any dog to adverse weather
15 conditions strictly for the purpose of conditioning shall be prohibited.

16 (d) The provisions of this section, as they relate to the duration and timeframe of
17 tethering or confinement, shall not apply:

18 (1) If the tethering or confinement is authorized for medical reasons in writing by a
19 veterinarian licensed in Rhode Island, the authorization is renewed annually, and shelter is
20 provided;

21 (2) If tethering or confinement is authorized in writing by an animal control officer, or
22 duly sworn police officer assigned to the animal control division, for the purposes, including, but
23 not limited to, hunting dogs, dogs protecting livestock, and sled dogs. Written authorization must
24 be renewed annually. Such written authorization issued by an animal control officer or duly
25 sworn police officer assigned to the animal control division in the political subdivision of the
26 state where the dogs are kept shall be considered valid in every other political subdivision of the
27 state. Such written authorization issued by an animal control officer or duly sworn police officer
28 assigned to the animal control division in the political subdivision of the state where the dogs are
29 kept is revocable by that animal control officer or police officer if there are any conditions present
30 that warrant revocation. Such conditions include, but are not limited to, changes in the number or
31 type of dogs, changes in the facility structure or safety, and changes in the health of the dog;

32 (3) ~~To a training facility, grooming facility, commercial boarding kennel, pet shop~~
33 ~~licensed in accordance with chapter 19 of this title, animal shelter, municipal pound, To any~~
34 entity licensed by the state pursuant to chapter 19 of title 4, or any veterinary facility;

1 (4) ~~To licensed hunters, field trial participants, or any person raising or training a gun dog~~
2 ~~or hunting dog, provided that the licensed hunter or field trial hunt test participant is actively~~
3 ~~engaged in hunting, training, or field trial hunt testing or is transporting the dog to or from an~~
4 ~~event;~~

5 (5) ~~To livestock farmers who use their dogs to protect their livestock from predators;~~

6 (6) To an exhibitor holding a class C license under the Animal Welfare Act (7 U.S.C. §
7 2133) that are temporarily in the state, if authorized by the department of environmental
8 management (DEM); or

9 (7) ~~To sled dog owners who are actively training their dogs to pull sleds in winter~~
10 ~~conditions.~~

11 (e) Any person in violation of this section shall be imprisoned not exceeding eleven (11)
12 months, or fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or
13 both. Each day of violation shall constitute a separate offense.

14 (f) General agents or special agents of the Rhode Island Society for the Prevention of
15 Cruelty to Animals (RISPCA) are hereby authorized to enforce the provisions of this chapter in
16 cooperation with animal control officers and the department of environmental management
17 (DEM).

18 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CARE OF DOGS

1 This act would define the term "adequate shelter" where dogs may be kept. It would limit
2 the weight of any dog chain or tether to one-eighth (1/8) of the dogs total body weight. In
3 addition it would limit the time dogs may be tethered outdoors.

4 This act would take effect upon passage.

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