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LC01029

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS

Introduced By: Representatives Gemma, Pacheco, Fox, Handy, and Jacquard

Date Introduced: February 02, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **4-13-1.2. Definitions.** -- (1) "Board" means the rabies control board.

4 (2) "Department" means the department of environmental management or its successor.

5 (3) "Director" means the director of the department of environmental management (or its
6 successor) or his or her designee.

7 (4) "Division" means the division of agriculture.

8 (5) "Livestock" means domesticated animals which are commonly held in moderate
9 contact with humans which include, but are not limited to, cattle, bison, equines, sheep, goats,
10 llamas, and swine.

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

16 (7) "Person" means an individual, firm, joint stock company, partnership, association,
17 private or municipal corporation, trust, estate, state, commission, political subdivision, any
18 interstate body, the federal government or any agency or subdivision of the federal government,
19 other government entity, or other legal entity.

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

3 (9) "Quarantine" means the removal, isolation, the close confinement or related measures
4 of an animal under conditions and for time periods that are set by regulation of the board.

5 (10) "Guardian" shall mean a person(s) having the same rights and responsibilities of an
6 owner, keeper and both terms shall be used interchangeably. A guardian shall also mean a person
7 who possesses, has title to or an interest in, harbors or has control, custody or possession of an
8 animal and who is responsible for an animal's safety and well-being.

9 (11) "Tether" means the practice of fastening a dog to a stationary object or stake by a
10 chain, rope or other tethering device as a means of keeping the animal under control. The term
11 tether does not refer to the periods when an animal is walked on a leash.

12 (12) "Outdoor housing facility" means a structure that is the proper size for the dog,
13 impervious to moisture, has protection from the direct rays of the sun, and has a wind break at the
14 entrance. This includes, but is not limited to, dog houses, barns, garages and sheds.

15 (13) "Person having charge" means the owner, guardian, possessor or keeper of the dog.

16 SECTION 2. Chapter 4-13 of the General Laws entitled "Dogs" is hereby amended by
17 adding thereto the following section:

18 **4-13-13.1. Sheltering, tethering and nourishment of dogs. – (a) It shall be a violation**
19 **of this section for a person having charge to:**

20 (1) Keep any dog outside, tethered, penned, caged, fenced or otherwise confined for more
21 than one hour without access to an outdoor housing facility unless the person having charge is
22 outside with the dog.

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

28 (3) Keep any dog on a permanent tether less than six feet (6') long.

29 (4) Tether a dog with a choke-type collar or prong-type collar.

30 (5) Keep any dog tethered for more than ten (10) hours during a twenty-four (24) hour
31 period or keep any dog confined in a pen, cage or other outdoor housing structure for more than
32 fourteen (14) hours during any twenty-four (24) hour period.

33 (6) Fail to provide proper food, proper water, or proper veterinary care as defined in
34 section 4-1-1.

1 (b) The provisions of this section shall not apply: (1) If the tethering or confinement is
2 authorized for medical reasons in writing by a veterinarian licensed in Rhode Island which must
3 be renewed annually and an outdoor housing facility is provided; or (2) if such tethering or
4 confinement is authorized in writing by an animal control officer: or (3) to a training facility,
5 grooming facility, commercial boarding kennel, pet shop licensed in accordance with chapter 4-
6 19, animal shelter, municipal pound or veterinary facility.

7 (c) Any person in violation of this section shall be given a warning for a first violation.
8 Second and subsequent violations of this subsection can be considered a violation of section 4-1-
9 2.

10 (d) The Rhode Island Society for the prevention of cruelty to animals (RISPCA) and
11 animal control officers are hereby authorized to enforce the aforementioned as provided in this
12 title furthermore the (RISPCA) and animal control officers are hereby authorized and empowered
13 to examine the dog and to enter upon those grounds or premises for enforcement of the provisions
14 of this section.

15 SECTION 3. Section 41-1 of the General Laws in Chapter 41 entitled "Cruelty to
16 Animals" is hereby amended to read as follows:

17 **4-1-1. Definitions -- Responsibility for agents and employees.** – (a) In this chapter and
18 in sections 4-4-9, 4-4-10, and 23-19-8:

19 (1) "Animal" and "animals" means every living creature except a human being;

20 (2) "Licensed graduate veterinarian" or "veterinarian" means a person licensed to engage
21 in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate of an
22 accredited veterinary medical, surgical, and dental school or college of a standard recognized by
23 the Rhode Island veterinary medical association; and

24 (3) "Owner", "person", and "whoever" means corporations as well as individuals.

25 (4) "Guardian" ~~shall mean~~ means a person(s) having the same rights and responsibilities
26 of an owner, and both terms shall be used interchangeably. A guardian shall also mean a person
27 who possesses, has title to or an interest in, harbors or has control, custody or possession of an
28 animal and who is responsible for an animal's safety and well-being.

29 (5) "Proper food" means access to a sufficient quality and quantity of wholesome
30 foodstuff suitable for that species that will allow for normal growth and maintenance of the
31 animal's body weight and body condition. Wholesome foodstuff is food intended for that species
32 of animal or food that is accepted for that species of animal under acceptable animal husbandry
33 practices. The interval between feeding shall not be more than twenty-four (24) hours.

34 (6) "Proper water" means access to clean, fresh, drinkable potable water sufficient to

1 maintain the health of the animal not to exceed twelve (12) hours at any interval.

2 (7) “Proper veterinary care” means providing each animal that is suffering from an
3 illness, injury or medical condition with veterinary care sufficient to prevent unnecessary or
4 unjustified physical pain or suffering by the animal; provided, that nothing herein shall be
5 construed to prevent an owner from treating an animal using acceptable animal husbandry
6 practices.

7 (8) “Shelter for a dog” means a structure, doghouse of the appropriate size for the breed
8 and size of the dog or other adequate protection from inclement weather, as required to maintain
9 the dog in a state of good health, and prevent unnecessary or unjustified suffering of the dog.

10 (b) An owner who allows an animal to become emaciated due to a malabsorption
11 problem, disease, parasitic infestation or any illness or chronic illness when the animal is not
12 under the direct and continued care of a veterinarian for those problems shall be as guilty as an
13 owner who does not provide proper food.

14 ~~(b)~~ (c) The knowledge and acts of agents of and persons employed by corporations in
15 regard to animals transported, owned or employed by or in the custody of that corporation are
16 held to be the acts and knowledge of that corporation.

17 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide guidelines and penalties for any person that keeps a dog outside
2 tethered, penned, caged, fenced or otherwise confined without adequate shelter from the elements
3 and would add definitions of “proper food”, “proper water” and “proper veterinary care” to the
4 chapter on cruelty to animals.

5 This act would take effect upon passage.

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