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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE

Introduced By: Representatives Shekarchi, O'Brien, Lima, Serpa, and Blazejewski

Date Introduced: February 14, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-19-1, 4-19-2 and 4-19-8 of the General Laws in Chapter 4-19
2 entitled "Animal Care" are hereby amended to read as follows:

3 **4-19-1. Purpose.**

4 The purpose of this chapter is:

5 (1) To protect the owners of dogs and cats from the sale or use of stolen pets;

6 (2) To ensure that all warm-blooded, vertebrate animals, in the care of facilities licensed
7 or registered under this chapter, are provided humane care and treatment by regulating the
8 transportation, sale, purchase, housing, care, handling, and treatment of these animals by persons
9 or organizations engaged in transporting, handling, housing, and care of these animals;

10 (3) To ensure that animals confined in pet shops, kennels, animal shelters, auction
11 markets, breeding facilities, and pounds are provided humane care and treatment;

12 (4) To release for sale, trade, or adoption only those animals that appear to be free of
13 infection, communicable disease, or abnormalities, unless veterinary care subsequent to release is
14 assured; ~~and~~

15 (5) To ensure the spaying and neutering of dogs and cats that are adopted from a
16 releasing agency; and

17 (6) To ensure the safe and sanitary treatment of pets while in the care of a pet groomer or
18 pet grooming facility.

19 **4-19-2. Definitions.**

1 As used in this chapter, chapter 13 of this title, and the regulations promulgated under
2 this chapter:

3 (1) "Adequate feed" means the provision at suitable intervals, not to exceed twenty-four
4 (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to
5 maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a
6 sanitized receptacle, dish, or container.

7 (2) "Adequate veterinary care" means care by a licensed veterinarian sufficient to prevent
8 the animal from experiencing unnecessary or unjustified physical pain or suffering.

9 (3) "Adequate water" means a constant access to a sufficient supply of clean, fresh,
10 potable water provided in a sanitary manner and provided at suitable intervals for the species to
11 maintain the health of the animal(s) and not to exceed twenty-four (24) hours at any interval.

12 (4) "Adopt" means when an adopting party voluntarily acquires and assumes
13 responsibility for an animal from a releasing agency that is properly licensed or registered by the
14 department.

15 (5) "Adopting party" means any person who enters into a contract acquiring an animal
16 from a releasing agency that is properly licensed or registered by the department.

17 (6) "Ambient temperature" means the temperature surrounding the animal.

18 (7) "Animal" means any dog or cat, rabbit, rodent, nonhuman primate, bird or other
19 warm-blooded vertebrate, amphibian, fish, or reptile but shall not include horses, cattle, sheep,
20 goats, swine, and domestic fowl.

21 (8) "Apprentice" means a person who is engaged in learning and acquiring knowledge of
22 pet grooming or styling under the direction and supervision of a pet groomer.

23 ~~(8)~~(9) "Animal rescue" or "rescue" means an entity, without a physical brick-and-mortar
24 facility, that is owned, operated, or maintained by a duly incorporated humane society, animal
25 welfare society, society for the prevention of cruelty to animals, or other nonprofit organization
26 devoted to the welfare, protection, and humane treatment of animals intended for adoption.

27 ~~(9)~~(10) "Animal shelter" means a brick-and-mortar facility that is used to house or
28 contain animals and that is owned, operated, or maintained by a duly incorporated humane
29 society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit
30 organization devoted to the welfare, protection, and humane treatment of animals.

31 ~~(10)~~(11) "Breeder" means a person engaged in the propagation of purebred or crossbred
32 dogs and/or cats for the purpose of improving and enhancing a breed recognized and registered
33 by the American Kennel Club, American Field Stud Book, a registered cat breed association, or
34 for sale at wholesale or retail, unless otherwise exempted as a hobby breeder as defined below.

1 ~~(11)~~(12) "Broker" means any third party who arranges, delivers, or otherwise facilitates
2 transfer of ownership of animal(s), through adoption or fostering, from one party to another,
3 whether or not the party receives a fee for providing that service and whether or not the party
4 takes physical possession of the animal(s) at any point.

5 ~~(12)~~(13) "Dealer" means any person who sells, exchanges, or donates, or offers to sell,
6 exchange, or donate, animals to another dealer, pet shop, or research facility, or who breeds
7 animals for the purpose of selling or donating to another dealer or pet shop or research facility.

8 ~~(13)~~(14) "Director" means the director of environmental management of the state of
9 Rhode Island.

10 ~~(14)~~(15) "Dog officer" or "animal-control officer" means any person employed,
11 contracted, or appointed by the state, or any political subdivision of the state, for the purpose of
12 aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of
13 dogs, cats, or other animals; the control of dogs, cats or other animals; or the seizure and
14 impoundment of dogs, cats, or other animals and includes any state or municipal peace officer,
15 animal-control officer, sheriff, constable, or other employee whose duties, in whole or in part,
16 include assignments that involve the seizure or taking into custody of any dog, cat, or other
17 animal.

18 ~~(15)~~(16) "Euthanasia" means the humane destruction of an animal accomplished by a
19 method that involves instantaneous unconsciousness and immediate death or by a method that
20 involves anesthesia, produced by an agent that causes painless loss of consciousness and death
21 during that loss of consciousness.

22 (17) "Grooming" means any act of preparing, cleaning, trimming, stripping, coloring, or
23 styling animal hair; bathing an animal; or nail trimming of an animal's paws.

24 ~~(16)~~(18) "Guardian" shall mean a person(s) having the same rights and responsibilities of
25 an owner, and both terms shall be used interchangeably. A guardian shall also mean a person who
26 possesses; has title to or an interest in; harbors or has control, custody, or possession of an animal
27 and who is responsible for an animal's safety and well-being.

28 ~~(17)~~(19) "Hobby breeder" means those persons whose regular occupation is not the
29 breeding and raising of dogs and cats and whose method of sale is at retail only. A hobby breeder
30 shall not exceed the limits set forth in § 4-25-1(4). Any person who sells at retail a number in
31 excess of the limits in the aforementioned section shall be considered a breeder.

32 ~~(18)~~(20) "Housing facility" means any room, building, or area used to contain a primary
33 enclosure or enclosures.

34 (21) "Incident" means when the skin of any pet or person is broken, when a pet sustains

1 an injury of any kind during the course of a grooming session, or a pet has an allergic reaction
2 during the course of a grooming session.

3 ~~(19)~~(22) "Kennel" means a place or establishment, other than a pound or animal shelter,
4 where animals not owned by the proprietor are sheltered, fed, and watered in return for a fee.

5 ~~(20)~~(23) "Licensed releasing agency" means any animal shelter, animal-rescue, pound,
6 animal-control officer, or broker that is required to be licensed or registered with the director
7 pursuant to the provisions of this chapter and is so licensed or registered.

8 ~~(21)~~(24) "Neuter" means to surgically render a male dog or cat unable to reproduce.

9 ~~(22)~~(25) "Person" means any individual, partnership, firm, joint stock company,
10 corporation, association, trust, estate, or other legal entity.

11 (26) "Pet groomer" means any individual who engages in any grooming activity
12 involving a pet for financial remuneration.

13 (27) "Pet grooming facility" means any person, corporation, firm or proprietorship or
14 other entity or business organization that engages in a business that provides pet grooming or
15 styling services. This shall include businesses that provide their services at a commercial
16 building, from a mobile unit, from the business owner's home, or are provided at a customer's
17 home, grounds or business using equipment provided by a pet groomer.

18 ~~(23)~~(28) "Pet shop" means a temporary or permanent establishment where animals are
19 bought, sold, exchanged, or offered for sale or exchange to the general public at retail. This shall
20 not include an establishment or person whose total sales are the offspring of canine or feline
21 females maintained on their premises and sold from those premises and does not exceed the limits
22 set forth in § 4-25-1(4).

23 ~~(24)~~(29) "Pound" or "dog pound" means a facility operated by a state, or any political
24 subdivision of a state, for the purpose of impounding or harboring seized, stray, homeless,
25 abandoned, or unwanted dogs, cats, and other animals or a facility operated for that purpose under
26 a contract with any municipal corporation or incorporated society for the prevention of cruelty to
27 animals.

28 ~~(25)~~(30) "Primary enclosure" or "enclosure" means the most proximal barrier to an
29 animal that will have the intended purpose or effect of containment of that animal or that will
30 effectively restrict the liberty of the animal.

31 ~~(26)~~(31) "Public auction" means any place or location where dogs or cats are sold at
32 auction to the highest bidder regardless of whether those dogs or cats are offered as individuals,
33 as a group, or by weight.

34 ~~(27)~~(32) "Research facility" means any place, laboratory, or institution at which scientific

1 tests, investigations, or experiments, involving the use of living animals, are carried out,
2 conducted, or attempted.

3 ~~(28)~~(33) "Sanitize" means to make physically clean and to remove and destroy, to a
4 practical minimum, agents injurious to health.

5 ~~(29)~~(34) "Sexual maturity" means when a dog or cat reaches six (6) months. In all
6 instances, the licensed, releasing agency or a licensed veterinarian will determine the age of the
7 dog or cat.

8 ~~(30)~~(35) "Spay" means to surgically render a female dog or cat unable to reproduce.

9 ~~(31)~~(36) "State veterinarian" means a licensed veterinarian from the department of
10 environmental management.

11 **4-19-8. Denial of certificates of registration or licenses.**

12 (a) A certificate of registration may be denied to any pound or animal shelter, rescue,
13 broker, [pet groomer or pet grooming facility](#), and a license may be denied to any public auction,
14 kennel, breeder, pet shop, or dealer or, if granted, the certificate or license may be revoked by the
15 director if, after a hearing, it is determined that the housing facilities and/or primary enclosures
16 are inadequate for the purposes of this chapter or if the feeding, watering, sanitizing, and housing
17 practices at the pound, animal shelter, public auction, pet shop, or kennel are not consistent with
18 the intent of this chapter or with the intent of the rules and regulations that may be promulgated
19 pursuant to the authority of this chapter.

20 (b) Upon revocation of a certificate of registration, all animals in the possession of the
21 pound, rescue, broker, or animal shelter must be transferred to another licensed releasing agency
22 for disposition.

23 (c) Upon the revocation of a license, all animals in the possession of the public auction,
24 kennel, pet shop, breeder, or dealer must be disposed of by the former licensee in a manner
25 approved by the department. Such disposition must not be for profit and must occur in a
26 timeframe that is determined by the department. Inspectors from the department or from the
27 Rhode Island Society for the Prevention of Cruelty to Animals must have access to the facility
28 where the animals being housed by the former licensee are being held until disposition so that the
29 welfare of said animals can be assured.

30 SECTION 2. Chapter 4-19 of the General Laws entitled "Animal Care" is hereby
31 amended by adding thereto the following section:

32 **4-19-23. Pet grooming.**

33 [\(a\) Every pet groomer and pet grooming facility operating within this state shall:](#)

34 [\(1\) Maintain a safety certification from the Rhode Island Professional Pet Groomers'](#)

1 Association or from any organization approved by the director to provide a safety certification
2 based on standards approved by the Rhode Island Professional Pet Groomers' Association.

3 (2) Register in a manner provided by the director. The registration period is the state's
4 fiscal year and the registration fee is twenty-five dollars (\$25.00) for each license period or part
5 thereof, beginning with the first day of the state's fiscal year.

6 (b) Any person who engages in activities as a pet groomer or operates a pet grooming
7 facility without registration shall upon conviction be punished pursuant to § 4-19-11.3.

8 SECTION 3. This act shall take effect on July 1, 2019.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE

1 This act would establish registration by pet groomers and pet grooming facilities with an
2 annual registration fee of twenty-five dollars (\$25.00).

3 This act would take effect on July 1, 2019.

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