

2016 -- H 7831

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY

Introduced By: Representatives O'Brien, McKiernan, Almeida, Carnevale, and Marshall

Date Introduced: March 03, 2016

Referred To: House Judiciary

(Environmental Management)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-19-1, 4-19-2, 4-19-4, 4-19-8, 4-19-9, 4-19-10, 4-19-11, 4-19-
2 11.2, 4-19-11.3 and 4-19-12 of the General Laws in Chapter 4-19 entitled "Animal Care" are
3 hereby amended to read as follows:

4 **4-19-1. Purpose.** -- 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 insure that all warm-blooded vertebrate animals, ~~as items of commerce~~ in the care
7 of facilities licensed or registered under this chapter are provided humane care and treatment by
8 regulating the transportation, sale, purchase, housing, care, handling and treatment of these
9 animals by persons or organizations engaged in transporting, ~~buying, or selling them for~~
10 ~~commercial use~~ handling, housing, and care of these animals;

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

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

16 (5) To ensure the spaying and neutering of dogs and cats which are adopted from a
17 releasing agency.

18 **4-19-2. Definitions.** -- As used in this chapter, chapter 13 of this title, and the regulations
19 promulgated under this chapter:

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

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

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

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

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

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

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

19 (8) "Animal rescue" or "rescue" means an entity, without a physical brick and mortar
20 facility, which is owned, operated, or maintained by a duly incorporated humane society, animal
21 welfare society, society for the prevention of cruelty to animals, or other nonprofit organization
22 devoted to the welfare, protection, and humane treatment of animals intended for adoption.

23 ~~(8)~~(9) "Animal shelter" means a brick and mortar facility which is used to house or
24 contain animals and which is owned, operated, or maintained by a duly incorporated humane
25 society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit
26 organization devoted to the welfare, protection, and humane treatment of animals.

27 ~~(9)~~(10) "Breeder" means a person engaged in the propagation of purebred or crossbred
28 dogs and/or cats for the purpose of improving and enhancing a breed recognized and registered
29 by the American kennel club, American field stud book, ~~or~~ a registered cat breed association, or
30 for sale at wholesale or retail unless otherwise exempted as a hobby breeder as defined below.

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

1 ~~(10)~~(12) "Dealer" means any person who sells, exchanges, or donates, or offers to sell,
2 exchange, or donate animals to another dealer, pet shop, or research facility, or who breeds ~~dogs~~
3 ~~and/or cats~~ animals for the purpose of selling or donating to another dealer or pet shop, or
4 research facility.

5 ~~(11)~~(13) "Director" means the director of environmental management of the state of
6 Rhode Island.

7 ~~(12)~~(14) "Dog officer" or "animal control officer" means any person employed,
8 contracted or appointed by the state or any political subdivision of the state for the purpose of
9 aiding in the enforcement of this chapter or any other law, or ordinance relating to the licensing of
10 dogs, cats or other animals, the control of dogs, cats or other animals, or the seizure and
11 impoundment of dogs, cats or other animals and includes any state or municipal peace officer,
12 animal control officer, sheriff, constable or other employee whose duties in whole or in part
13 include assignments which involve the seizure or taking into custody of any dog, cat or other
14 animal.

15 ~~(13)~~(15) "Euthanasia" means the humane destruction of an animal accomplished by a
16 method that involves instantaneous unconsciousness and immediate death or by a method that
17 involves anesthesia, produced by an agent which causes painless loss of consciousness, and death
18 during that loss of consciousness.

19 ~~(14)~~(16) "Hobby breeder" means those persons whose regular occupation is not the
20 breeding and raising of dogs and cats and whose method of sale is at retail only. A hobby breeder
21 shall not exceed the limits set forth in §4-25-1(4). Any person who sells at retail a number in
22 excess of the limits in the aforementioned section shall be considered a pet shop.

23 ~~(15)~~(17) "Housing facility" means any room, building, or area used to contain a primary
24 enclosure or enclosures.

25 ~~(16)~~(18) "Kennel" means a place or establishment other than a pound or animal shelter
26 where animals not owned by the proprietor are sheltered, fed, and watered in return for a fee.

27 ~~(17)~~(19) "Licensed releasing agency" means any animal shelter, animal rescue ~~league,~~
28 pound, ~~dog pound, animal control facility,~~ animal control officer, ~~humane society,~~ or broker
29 ~~society for the prevention of cruelty to animals~~ which is required to be licensed or registered with
30 the director pursuant to the provisions of this chapter and is so licensed or registered.

31 ~~(18)~~(20) "Neuter" means to surgically render a male dog or cat unable to reproduce.

32 ~~(19)~~(21) "Person" means any individual, partnership, firm, joint stock company,
33 corporation, association, trust, estate, or other legal entity.

34 ~~(20)~~(22) "Pet shop" means a temporary or permanent establishment where animals are

1 bought, sold, exchanged, or offered for sale or exchange to the general public at retail. This shall
2 not include an establishment or person whose total sales are the offspring of canine or feline
3 females maintained on their premises and sold from those premises and does not exceed the limits
4 set forth in §4-25-1(4).

5 ~~(21)~~(23) "Pound" or "dog pound" means a facility operated by a state, or any political
6 subdivision of a state, for the purpose of impounding or harboring seized, stray, homeless,
7 abandoned or unwanted dogs, cats, and other animals or a facility operated for that purpose under
8 a contract with any municipal corporation or incorporated society for the prevention of cruelty to
9 animals.

10 ~~(22)~~(24) "Primary enclosure" or "enclosure" means ~~any structure used to immediately~~
11 ~~restrict an animal or animals to a limited amount of space, as a room, pen, cage, compartment, or~~
12 ~~hutch~~ the most proximal barrier to an animal that will have the intended purpose or effect of
13 containment of that animal or that will effectively restrict the liberty of the animal.

14 ~~(23)~~(25) "Public auction" means any place or location where dogs or cats are sold at
15 auction to the highest bidder regardless of whether those dogs or cats are offered as individuals,
16 as a group, or by weight.

17 ~~(24)~~(26) "Research facility" means any place, laboratory or institution at which scientific
18 tests, investigations or experiments, involving the use of living animals are carried out,
19 conducted, or attempted.

20 ~~(25)~~(27) "Sanitize" means to make physically clean and to remove and destroy to a
21 practical minimum, agents injurious to health.

22 ~~(26)~~(28) "Sexual maturity" means when a dog or cat reaches six (6) months. In all
23 instances the licensed releasing agency or a licensed veterinarian will determine the age of the
24 dog or cat.

25 ~~(27)~~(29) "Spay" means to surgically render a female dog or cat unable to reproduce.

26 ~~(28)~~(30) "State veterinarian" means a licensed veterinarian from the department of
27 environmental management.

28 ~~(29)~~(31) "Guardian" shall mean a person(s) having the same rights and responsibilities of
29 an owner, and both terms shall be used interchangeably. A guardian shall also mean a person who
30 possesses, has title to or an interest in, harbors or has control, custody or possession of an animal
31 and who is responsible for an animal's safety and well-being.

32 ~~4-19-4. Registration of animal shelters~~ **Registration of animal shelters, rescues, and**
33 **brokers. --** No person shall operate an animal shelter, rescue, or broker unless a certificate of
34 registration for that animal shelter, rescue, or broker has been granted by the director. Application

1 for that certificate shall be made in the manner provided by the director. No fee is required for the
2 application or certificate. Certificates of registration are valid for a period of one year or until
3 revoked and may be renewed annually on the first day of January for like periods upon
4 application in the manner provided.

5 **4-19-8. Denial of certificates of registration or licenses.** -- (a) A certificate of
6 registration may be denied to any pound or animal shelter, rescue, broker, and a license may be
7 denied to any public auction, kennel, pet shop or dealer or, if granted, the certificate or license
8 may be revoked by the director if, after a hearing, it is determined that the housing facilities
9 and/or primary enclosures are inadequate for the purposes of this chapter or if the feeding,
10 watering, sanitizing and housing practices at the pound, animal shelter, public auction, pet shop or
11 kennel are not consistent with the intent of this chapter or with the intent of the rules and
12 regulations which may be promulgated pursuant to the authority of this chapter.

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

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

23 **4-19-9. Operation of pet shop, kennel or public auction without a license.** -- Any
24 person who operates a pet shop, kennel or public auction without a currently valid license shall
25 upon conviction, plea of guilty, or plea of nolo contendere, shall be punished pursuant to §4-19-
26 11.3. for the first offense be punished by a fine not to exceed fifty dollars (\$50.00), for the second
27 and subsequent offense by a fine not to exceed one hundred dollars (\$100). Each day of operation
28 shall constitute a separate offense. Advertisement of services consistent with the operation of a
29 pet shop, kennel, or public auction shall be sufficient evidence of operation of a pet shop, kennel,
30 or public auction as applicable.

31 **4-19-10. Dealing in animals without a license.** -- Any person dealing in animals, as
32 defined in this chapter, without a currently valid license shall upon conviction, plea of guilty, or
33 plea of nolo contendere, shall be punished pursuant to §4-19-11.3. for the first offense be
34 punished by a fine not to exceed one hundred dollars (\$100), for the second offense by a fine not

1 ~~to exceed five hundred dollars (\$500), or imprisonment of not more than one year, or both.~~ Each
2 day of operation shall constitute a separate offense.

3 **4-19-11. Mistreatment of animals.** -- Failure of any person, firm, or corporation
4 licensed or registered, under the provisions of this chapter, to adequately house, feed and water
5 animals in his or her possession or custody, as delineated in any rules and regulations
6 promulgated under the authority of this chapter, shall constitute a misdemeanor, and ~~upon~~
7 ~~conviction~~ the person, firm, or corporation shall be subject to a fine of not more than one hundred
8 dollars (\$100) per animal- ; and forfeiture of the animal(s); and revocation of license and/or
9 certificate after a public hearing. Any animals that are suspected of being mistreated may be
10 seized by the state veterinarian to ensure adequate welfare pursuant to §4-1-31(f) with the cost of
11 care for the aforementioned animals to be determined in the manner prescribed by that section.
12 ~~Those animals shall be subject to seizure and impoundment and upon conviction of the person~~
13 ~~may be sold or euthanized at the discretion of the director and that failure shall also constitute~~
14 ~~grounds for revocation of license or registration after a public hearing.~~

15 **4-19-11.2. Destruction of animals and cats -- Reporting.** -- All ~~cities and towns~~
16 licensed releasing agencies are required to notify the department of environmental management
17 monthly of the number of animals ~~and cats~~ destroyed while those animals are in their care and
18 custody.

19 **4-19-11.3. Penalty for violations.** -- Any person, firm or corporation who violates any
20 provision of this chapter unless the penalty is otherwise stated in a specific subsection is subject
21 upon conviction, plea of guilty, or plea of nolo contendere to a fine of five hundred dollars (\$500)
22 for the first offense and not to exceed one thousand dollars (\$1000) for the second and subsequent
23 offense and loss of ~~specimen(s)~~ animal(s) and revocation of license and/or certificate after a
24 public hearing.

25 **4-19-12. Disposition of animals.** -- (a) Notwithstanding any provision of the general or
26 public laws to the contrary, it shall be unlawful to dispose of any animal by using a carbon
27 monoxide chamber or gas chamber. All animals, which must be disposed of by a municipal
28 pound or shelter, the humane society, an animal shelter, rescue, pet shop, kennel, or any other
29 ~~private pound or animal shelter, however, described,~~ entity that is required to be licensed or
30 registered under this chapter must be disposed of by lethal injection. In the event of an
31 emergency, if a licensed veterinarian cannot be secured without undue delay and, in the opinion
32 of the animal control officer, animal control administrator, approved humane investigator, ~~or~~
33 animal shelter employee, or agent of any other entity so required to be licensed under the
34 provisions of this chapter, the animal is so severely injured, diseased, or suffering in such a

1 manner the animal cannot otherwise be humanely destroyed in an expeditious manner, the animal
2 may be destroyed by shooting; provided, that:

3 (1) Maximum precaution is taken to minimize the animal's suffering and to protect other
4 persons and animals;

5 (2) The animal is restrained in a humane manner;

6 (3) Shooting is performed by highly skilled and trained personnel utilizing a weapon,
7 ammunition of suitable caliber, and other characteristics, and proper placement of the shot to
8 produce an instantaneous death by a single gunshot.

9 If any type of restraint or confinement is deemed necessary for the safety of those
10 involved or for efficiency in euthanizing the animal, it must be done in the most humane way
11 possible to cause the least amount of additional stress to that animal.

12 (b) (1) No dog officer shall give or sell or negotiate for the gift or sale to a dealer or
13 research facility of any animal which may come into his or her custody in the course of carrying
14 out his or her official assignments.

15 (2) No dog officer shall be granted a dealer's license. Each application for a dealer's
16 license shall include a statement made under oath, that neither the applicant or any member or
17 employee of the firm, partnership, or corporation making application is a dog officer within the
18 meaning of this chapter.

19 (3) A dog officer, or ~~incorporated humane society~~ other licensed releasing agency, upon
20 taking custody of any animal in the course of their official duties, shall immediately make a
21 record of the matter in the manner prescribed by the director and the record shall include a
22 description of the animal including color, breed, sex, reason for seizure, location of seizure, the
23 owner's name and address if known and all license or other identification numbers if any.
24 Complete information relating to the disposition of the animal, including compliance with the
25 provisions of §§ 4-19-16 and 4-19-18 and any legal actions taken to uphold and enforce this law,
26 shall be added in the manner provided by the director immediately after disposition. The
27 information shall be forwarded monthly to the department of environmental management.

28 (c) This section shall not apply to any research laboratories or facilities of any hospital,
29 college, or university within the state.

30 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

1 This act would raise the level of care required for animals being offered for sale and in
2 facilities holding stray animals. It would increase penalties for those who mistreat animals in such
3 facilities.

4 This act would take effect upon passage.

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