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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - ANIMAL CARE

Introduced By: Senators Archambault, Sosnowski, Conley, Coyne, and Miller

Date Introduced: February 16, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-19-1, 4-19-2, 4-19-8, 4-19-9 and 4-19-12 of the General Laws in
2 Chapter 4-19 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.

17 **4-19-2. Definitions.**

18 As used in this chapter, chapter 13 of this title, and the regulations promulgated under
19 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 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 prevent
9 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 an animal from a releasing agency that is properly licensed or registered by the
12 department.

13 (5) "Adopting party" means any person who enters into a contract acquiring an animal
14 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, that 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 (9) "Animal shelter" means a brick-and-mortar facility that is used to house or contain
24 animals and that is owned, operated, or maintained by a duly incorporated humane society,
25 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 (10) "Breeder" means a person engaged in the propagation of purebred or crossbred dogs
28 and/or cats for the purpose of improving and enhancing a breed recognized and registered by the
29 American Kennel Club, American Field Stud Book, a registered cat breed association, or for sale
30 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 (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
3 animals for the purpose of selling or donating to another dealer or pet shop or research facility.

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

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

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

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

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

25 (18) "Housing facility" means any room, building, or area used to contain a primary
26 enclosure or enclosures.

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

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

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

33 (22) "Person" means any individual, partnership, firm, joint stock company, corporation,
34 association, trust, estate, or other legal entity.

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

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

11 (25) "Primary enclosure" or "enclosure" means the most proximal barrier to an animal
12 that will have the intended purpose or effect of containment of that animal or that will effectively
13 restrict the liberty of the animal.

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

17 (27) "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 (28) "Sanitize" means to make physically clean and to remove and destroy, to a practical
21 minimum, agents injurious to health.

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

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

25 (31) "State veterinarian" means a licensed veterinarian from the department of
26 environmental management.

27 **4-19-8. Denial of certificates of registration or licenses.**

28 (a) A certificate of registration may be denied to any pound or animal shelter, rescue,
29 broker, and a license may be denied to any public auction, kennel, breeder, pet shop, or dealer or,
30 if granted, the certificate or license may be revoked by the director if, after a hearing, it is
31 determined that the housing facilities and/or primary enclosures are inadequate for the purposes
32 of this chapter or if the feeding, watering, sanitizing, and housing practices at the pound, animal
33 shelter, public auction, pet shop, or kennel are not consistent with the intent of this chapter or
34 with the intent of the rules and regulations that may be promulgated pursuant to the authority of

1 this chapter.

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

5 (c) Upon the revocation of a license, all animals in the possession of the public auction,
6 kennel, pet shop, [breeder](#), or dealer must be disposed of by the former licensee in a manner
7 approved by the department. Such disposition must not be for profit and must occur in a
8 timeframe that is determined by the department. Inspectors from the department or from the
9 Rhode Island Society for the Prevention of Cruelty to Animals must have access to the facility
10 where the animals being housed by the former licensee are being held until disposition so that the
11 welfare of said animals can be assured.

12 ~~**4-19-9. Operation of pet shop, kennel or public auction without a license.**~~ **Operation**
13 **as a pet shop, kennel, breeder or public auction without a license.**

14 Any person who operates [as](#) a pet shop, kennel, [breeder](#), or public auction without a
15 currently valid license shall, upon conviction, plea of guilty, or plea of nolo contendere, be
16 punished pursuant to § 4-19-11.3. Each day of operation shall constitute a separate offense.
17 Advertisement of services consistent with the operation of a pet shop, kennel, or public auction
18 shall be sufficient evidence of operation of a pet shop, kennel, [breeder](#), or public auction as
19 applicable.

20 **4-19-12. Disposition of animals.**

21 (a) Notwithstanding any provision of the general or public laws to the contrary, it shall be
22 unlawful to dispose of any animal by using a carbon monoxide chamber or gas chamber. All
23 animals that must be disposed of by a municipal pound or shelter, the humane society, an animal
24 shelter, rescue, pet shop, [breeder](#), kennel, or any other entity that is required to be licensed or
25 registered under this chapter must be disposed of by lethal injection. In the event of an
26 emergency, if a licensed veterinarian cannot be secured without undue delay and, in the opinion
27 of the animal-control officer, animal-control administrator, approved humane investigator, animal
28 shelter employee, or agent of any other entity so required to be licensed under the provisions of
29 this chapter, the animal is so severely injured, diseased, or suffering in such a manner the animal
30 cannot otherwise be humanely destroyed in an expeditious manner, the animal may be destroyed
31 by shooting; provided, that:

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

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

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

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

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

10 (2) No dog officer shall be granted a dealer's license. Each application for a dealer's
11 license shall include a statement made under oath, that neither the applicant, nor any member or
12 employee of the firm, partnership, or corporation making application, is a dog officer within the
13 meaning of this chapter.

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

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

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

27 **4-19-5.1. Breeder licenses.**

28 No person shall act as a breeder, as defined in §4-19-2 unless in possession of a valid
29 license to operate as a breeder granted by the director. Application for that license shall be made
30 in the manner provided by the director. The license period is the state's fiscal year and the license
31 fee is one hundred dollars (\$100.00) for each license period or partial period beginning with the
32 first day of the fiscal year.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO ANIMALS AND ANIMAL HUSBANDRY - ANIMAL CARE

1 This act would impose on breeders requirements already in place on other pet custodial
2 agencies.

3 This act would take effect upon passage.

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