

2017 -- S 0390 SUBSTITUTE A AS AMENDED

=====
LC001610/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

—————
A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Senators Jabour, Lombardi, Doyle, and Lynch Prata

Date Introduced: March 02, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1-1 and 4-1-3 of the General Laws in Chapter 4-1 entitled
2 "Cruelty to Animals" are hereby amended to read as follows:

3 **4-1-1. Definitions -- Responsibility for agents and employees.**

4 (a) In this chapter and in §§ 4-4-9, 4-4-10, and 23-19-8:

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

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

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

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

15 (5) Except for livestock as defined in subsection 4-26-3(7), "adequate living conditions"
16 shall mean a sanitary environment which is dry and free of accumulated feces and free of debris
17 and garbage that may clutter the environment, pose a danger or entangle the animal or animals.

18 The environment in which the animal ~~is~~ or animals are kept must be consistent with federal
19 regulatory requirements, where applicable or generally recognized professional standards, where

1 applicable, or otherwise be of sufficient size so as not to inhibit comfortable rest, normal posture
2 or range of movement, and suitable to maintain the animal or animals in a good state of health,
3 regardless of the number of animals involved. "Adequate living conditions" for livestock as
4 defined in subsection 4-26-3(7) shall mean best management practices established, no later than
5 July 1, 2014, by the Rhode Island livestock welfare and care standards advisory council.

6 (b) The knowledge and acts of agents of and persons employed by corporations in regard
7 to animals transported, owned or employed by or in the custody of that corporation are held to be
8 the acts and knowledge of that corporation.

9 **4-1-3. Unnecessary cruelty.**

10 (a) Every owner, possessor, or person having the charge or custody of any animal, who
11 cruelly drives or works that animal when unfit for labor, or cruelly abandons that animal, or who
12 carries that animal or who fails to provide that animal with adequate living conditions as defined
13 in § 4-1-1, or causes that animal to be carried, in or upon any vehicle or otherwise in a cruel or
14 inhuman manner, or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes
15 or permits that animal to be subjected to unnecessary torture, suffering or cruelty of any kind, or
16 who places or causes to have placed on any animal any substance that may produce irritation or
17 pain, or that is declared a hazardous substance by the U.S. food and drug administration or by the
18 state department of health, shall be punished for each offense in the manner provided in § 4-1-2.
19 If the offense described in this section results in the death of the animal or animals, the person
20 shall be punished in the manner provided in §4-1-5. In imposing a penalty under this section, the
21 court shall take into account whether the defendant's conduct could be considered the result of a
22 mental health disorder as defined in §27-38.2-2.

23 (b) The substances proscribed by subsection (a) do not include any drug having curative
24 and therapeutic effect for disease in animals and which is prepared and intended for veterinary
25 use.

26 (c) University, college or hospital research facilities licensed and/or inspected by the
27 U.S. Department of Agriculture or the U.S. Public Health Service of the department of health and
28 human services shall be exempt from the provisions of subsection (a) provided that they are in
29 good standing with the federal agency responsible for licensing or assurance of the facility.

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

=====
LC001610/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

1 This act would add hoarding of animals to the list of cruelty to animal offenses, and
2 would require a mental health evaluation for a person convicted of animal cruelty involving
3 hoarding.

4 This act would take effect upon passage.

=====
LC001610/SUB A
=====