

2016 -- H 7324

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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 -- ANIMAL CARE

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

Date Introduced: January 27, 2016

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 4-1.1-1, 4-1.1-2, 4-1.1-3, 4-1.1-4 and 4-1.1-5 of the General Laws  
2 in Chapter 4-1.1 entitled "Unlawful Confinement of a Covered Animal" are hereby amended to  
3 read as follows:

4           **4-1.1-1. Definitions.** -- For the purposes of this chapter:

5           (1) "Calf raised for veal" means a calf of the bovine species kept for the purpose of  
6 producing the food product referred to as veal.

7           ~~(2) "Crate" means a "gestation crate" for sows or a "veal crate" for calves.~~

8           (2) "Covered animal" means any sow during gestation, calf raised for veal, or egg-laying  
9 hen that is kept on a farm.

10           (3) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or  
11 guinea fowl kept for the purpose of egg production.

12           (4) "Enclosure" means any cage, crate, or other structure used to confine a covered  
13 animal. Enclosure includes what is commonly described as a "gestation crate or stall" for sows  
14 during gestation, a "veal crate" for calves raised for veal, or a "battery cage" for egg-laying hens.

15           ~~(3)~~(5) "Farm" means the land, building, support facilities, and other equipment that are  
16 wholly or partially used for the commercial production of animals or animal products used for  
17 food or fiber; and does not include live animal markets.

18           ~~(4)~~(6) "Farm owner or operator" means any person who owns or controls the operation  
19 of a farm, and does not include any non-management employee, contractor, or consultant.

1           ~~(5)~~(7) "Fully extending the animal's limbs" means fully extending all limbs without  
2 touching the side of an enclosure. In the case of egg-laying hens, "fully extending the animal's  
3 limbs" means fully spreading both wings without touching the side of an enclosure or other egg-  
4 laying hens and having access to at least two hundred sixteen (216) square inches of usable floor  
5 space per hen.

6           ~~(6)~~(8) "Person" means any individual, firm, partnership, joint venture, association,  
7 limited liability company, corporation, estate, trust, receiver, or syndicate.

8           ~~(7)~~(9) "Sow during gestation" means a pregnant pig of the porcine species kept for the  
9 purpose of breeding.

10           ~~(8)~~(10) "Turning around freely" means turning in a complete circle without any  
11 impediment including a tether, and without touching the side of a ~~crate~~ an enclosure or another  
12 animal.

13           **4-1.1-2. Purpose.** -- The purpose of this chapter, subject to exceptions set forth in § 4-  
14 1.1-4, is to prohibit the confinement of ~~calves raised for veal and sows during gestation~~ a covered  
15 animal in a manner that prevents the animal from turning around fully, lying down, standing up or  
16 fully extending the animal's limbs.

17           **4-1.1-3. Unlawful confinement.** -- Notwithstanding any other provision of law, a person  
18 is guilty of unlawful confinement of a ~~sow or calf~~ covered animal if the person is a farm owner or  
19 operator who knowingly tethers or confines any ~~sow or calf~~ covered animal in a manner that  
20 prevents such animal from turning around freely, lying down, standing up, or fully extending the  
21 animal's limbs. Provided, however, the continued use of presently owned enclosures for egg-  
22 laying hens installed before July 1, 2016, which provide for less than the space required by §4-  
23 1.1-1(7), shall be permitted; provided, however, no person or entity may replace, retrofit or  
24 modify an existing enclosure for egg-laying hens with a new or used enclosure that does not  
25 provide for the space required by §4-1.1-1(7).

26           **4-1.1-4. Exceptions.** -- This section shall not apply:

- 27           (1) During medical research.
- 28           (2) Temporary confinement prior to and during examination, testing, individual  
29 treatment or operation for veterinary purposes.
- 30           (3) During transportation.
- 31           (4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar  
32 exhibitions or educational programs.
- 33           (5) During temporary confinement for animal husbandry purposes for no more than six  
34 (6) hours in any twenty-four (24) hour period unless ordered by a licensed veterinarian.

1 (6) During the humane slaughter of a ~~sow or pig~~ covered animal accordance with the  
2 provisions of chapter 4-17, and other applicable laws and regulations.

3 (7) To a sow during the fourteen (14) day period prior to the sows expected date of  
4 giving birth and extending for a duration of time until the piglets are weaned. This period may be  
5 modified upon the order of a licensed veterinarian.

6 (8) To calves being trained to exhibit.

7 (9) To calves being trained to accept routine confinement in dairy and beef housing.

8 **4-1.1-5. Penalty. --** (a) The provisions of this chapter are in addition to, and not in lieu of,  
9 any other laws protecting animal welfare. This chapter may not be construed to limit any other  
10 state laws or rules protecting the welfare of animals or to prevent a local governing body from  
11 adopting and enforcing its own animal welfare laws and regulations.

12 (b) It is not an affirmative defense to alleged violations of this chapter that the ~~calf or~~  
13 ~~sow~~ covered animal was kept as part of an agricultural operation and in accordance with  
14 customary animal husbandry or farming practices.

15 (c) Any person who violates the provisions of this chapter or any rules or regulations  
16 promulgated hereunder shall be fined not less than fifty dollars (\$50.00) nor exceeding five  
17 hundred dollars (\$500), ~~or both~~.

18 SECTION 2. This act shall take effect one year after its passage and enactment.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would make changes to and clarify the definition of what constitutes unlawful  
2 confinement of a "covered animal", to include any sow during gestation, calf raised for veal or  
3 egg-laying hen kept on a farm, and would apply them throughout the chapter accordingly.

4           This act would take effect one year after its passage and enactment.

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