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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS

Introduced By: Representatives DeSimone, Lima, and Slater

Date Introduced: February 16, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-13-1.2 of the General Laws in Chapter 4-13 entitled "Dogs" is
2 hereby amended to read as follows:

3 **4-13-1.2. Definitions.** -- (1) "Board" means the rabies control board.

4 (2) "Department" means the department of environmental management or its successor.

5 (3) "Director" means the director of the department of environmental management (or its
6 successor) or his or her designee.

7 (4) "Division" means the division of agriculture.

8 (5) "Livestock" means domesticated animals which are commonly held in moderate
9 contact with humans which include, but are not limited to, cattle, bison, equines, sheep, goats,
10 llamas, and swine.

11 (6) "Owner keeper" means any person or agency keeping, harboring or having charge or
12 control of or responsibility for control of an animal or any person or agency which permits any
13 dog, cat, ferret, or domestic animal to habitually be fed within that person's yard or premises. This
14 term shall not apply to veterinary facilities, any licensed boarding kennel, municipal pound, pet
15 shop, or animal shelter.

16 (7) "Person" means an individual, firm, joint stock company, partnership, association,
17 private or municipal corporation, trust, estate, state, commission, political subdivision, any
18 interstate body, the federal government or any agency or subdivision of the federal government,
19 other government entity, or other legal entity.

1 (8) "Pets" means domesticated animals kept in close contact with humans, which
2 include, but may not be limited to dogs, cats, ferrets, equines, llamas, goats, sheep, and swine.

3 (9) "Quarantine" means the removal, isolation, the close confinement or related measures
4 of an animal under conditions and for time periods that are set by regulation of the board.

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

9 (11) "Tether" means the practice of fastening a dog to a stationary object or stake by a
10 chain, rope or other tethering device as a means of keeping the animal under control. The term
11 tether does not refer to the periods when an animal is walked on a leash.

12 (12) "Outdoor housing facility" means a structure that is the proper size for the dog,
13 impervious to moisture, has protection from the direct rays of the sun, and has a wind break at the
14 entrance. This includes, but is not limited to, dog houses, barns, garages and sheds.

15 (13) "Person having charge" means the owner, guardian, possessor or keeper of the dog.

16 SECTION 2. Chapter 4-13 of the General Laws entitled "Dogs" is hereby amended by
17 adding thereto the following section:

18 **4-13-13.1. Sheltering, tethering and nourishment of dogs. -- (a) It shall be a violation**
19 **of this section for a person having charge to:**

20 (1) Keep any dog outside either tethered, penned, caged, fenced or otherwise confined
21 without access to an outdoor housing facility when the ambient temperature is beyond the
22 industry standard for the weather safety scale as set forth in the most recent adopted version of
23 the Tufts Animal Care and Condition Weather Safety Scale if the dog is showing signs of poor
24 health due to the weather conditions.

25 (2) Keep any dog on a permanent tether that restricts movement of the tethered dog to an
26 area of less than a six foot (6') radius of movement as measured at ground level.

27 (3) Tether a dog with a choke-type collar or prong-type collar.

28 (4) Keep any dog tethered for more than ten (10) hours during a twenty-four (24) hour
29 period or keep any dog confined in a pen, cage or other outdoor housing structure for more than
30 fourteen (14) hours during any twenty-four (24) hour period.

31 (5) Fail to provide proper food, proper water, or proper veterinary care as defined in
32 section 4-1-1.

33 (b) The provisions of this section shall not apply: (1) If the tethering or confinement is
34 authorized annually in writing by a veterinarian licensed in Rhode Island and an outdoor housing

1 facility is provided; or (2) If such tethering or confinement is authorized in writing by an animal
2 control officer; or (3) To a training facility, grooming facility, commercial boarding kennel, pet
3 shop licensed in accordance with chapter 4-19, animal shelter, municipal pound or veterinary
4 facility, (4) To licensed hunters, field trial participants or any person raising or training a gun dog
5 or hunting dog, provided that the licensed hunter or field trial hunt test participant is actively
6 engaged in hunting training or field trial hunt testing or is transporting the dog to or from a said
7 event; or (5) To livestock farmers who use their dogs to protect their livestock from predators; or
8 (6) To sled dog owners who are actively training their dogs to pull sleds in winter conditions.

9 (c) Any person in violation of this section shall be given a warning for a first violation.
10 Second and subsequent violations of this subsection can be considered a violation of section 4-1-
11 2.

12 SECTION 3. Section 4-1-1 of the General Laws in Chapter 4-1 entitled "Cruelty to
13 Animals" is hereby amended to read as follows:

14 **4-1-1. Definitions -- Responsibility for agents and employees.** -- (a) In this chapter and
15 in sections 4-4-9, 4-4-10, and 23-19-8:

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

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

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

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

26 (5) "Proper food" means access to a sufficient quality and quantity of wholesome
27 foodstuff suitable for that species that will allow for normal growth and maintenance of the
28 animal's body weight and body condition. Wholesome foodstuff is food intended for that species
29 of animal or food that is accepted for that species of animal under acceptable animal husbandry
30 practices. The interval between feeding shall not be more than twenty-four (24) hours.

31 (6) "Proper water" means access to clean, fresh, drinkable potable water sufficient to
32 maintain the health of the animal not to exceed twelve (12) hours at any interval.

33 (7) "Proper veterinary care" means providing each animal that is suffering from an
34 illness, injury or medical condition with veterinary care sufficient to prevent unnecessary or

1 unjustified physical pain or suffering by the animal; provided, that nothing herein shall be
2 construed to prevent an owner from treating an animal using acceptable animal husbandry
3 practices.

4 (8) "Shelter for a dog" means a structure, doghouse of the appropriate size for the breed
5 and size of the dog or other adequate protection from inclement weather, as required to maintain
6 the dog in a state of good health, and prevent unnecessary or unjustified suffering of the dog.

7 (b) An owner who allows an animal to become emaciated due to a malabsorption
8 problem, disease, parasitic infestation or any illness or chronic illness when the animal is not
9 under the direct and continued care of a veterinarian for those problems shall be as guilty as an
10 owner who does not provide proper food.

11 ~~(b)~~ (c) The knowledge and acts of agents of and persons employed by corporations in
12 regard to animals transported, owned or employed by or in the custody of that corporation are
13 held to be the acts and knowledge of that corporation.

14 SECTION 4. 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 - DOGS

1 This act would provide guidelines and penalties for any person that keeps a dog outside
2 tethered, penned, caged, fenced or otherwise confined without adequate shelter from the elements
3 and would add definitions of “proper food”, “proper water” and “proper veterinary care” to the
4 chapter on cruelty to animals.

5 This act would take effect upon passage.

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