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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 or keeper" means any person or agency keeping, harboring or having charge  
12 or 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~~ means a person(s) having the same rights and  
6 responsibilities ~~of an owner, keeper and both terms shall~~ as an owner or keeper, and the terms  
7 may be used interchangeably. A guardian shall also mean a person who possesses, has title to or  
8 an interest in, harbors or has control, custody or possession of an animal and who is responsible  
9 for an animal's safety and well-being.

10 (11) "Tether" means the practice of fastening a dog to a stationary object or stake by a  
11 chain, rope or other tethering device as a means of keeping the dog under control. A dog being  
12 walked on a leash is not tethered.

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

15 **4-13-42. Care of dogs. -- (a) It shall be a violation of this section for an owner or keeper**  
16 **to:**

17 (1) Keep any dog on a permanent tether that restricts movement of the tethered dog to an  
18 area less than one hundred thirteen square feet (113 sq. ft.), or less than a six foot (6') radius at  
19 ground level.

20 (2) Tether a dog with a choke-type collar or prong-type collar.

21 (3) Keep any dog tethered for more than ten (10) hours during a twenty-four (24) hour  
22 period or keep any dog confined in a pen, cage or other shelter for more than fourteen (14) hours  
23 during any twenty-four (24) hour period.

24 (b) It shall be a violation of this section for an owner or keeper to fail to provide a dog  
25 with adequate feed, adequate water, or adequate veterinary care as those terms are defined in  
26 section 4-19-2; provided however, that adequate veterinary care may be provided by an owner  
27 using acceptable animal husbandry practices.

28 (c) Any person in violation of this section shall be given a warning for a first violation.  
29 Second and subsequent violations of this subsection can be considered a violation of section 4-1-  
30 2. Each day of violation shall constitute a separate offense.

31 (d) The provisions of this section shall not apply:

32 (1) If the tethering or confinement is authorized for medical reasons in writing by a  
33 veterinarian licensed in Rhode Island, the authorization is renewed annually, and shelter is  
34 provided;

1 (2) If tethering or confinement is authorized in writing by an animal control officer;

2 (3) To a training facility, grooming facility, commercial boarding kennel, pet shop  
3 licensed in accordance with chapter 4-19, animal shelter, municipal pound or veterinary facility;

4 (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 an  
7 event;

8 (5) To livestock farmers who use their dogs to protect their livestock from predators;

9 (6) To an exhibitor holding a class C license under the Animal Welfare Act, (7 U.S.C.  
10 2133) that are temporarily in the state; or

11 (7) To sled dog owners who are actively training their dogs to pull sleds in winter  
12 conditions.

13 (e) Any person in violation of this section shall be imprisoned not exceeding eleven (11)  
14 months, or fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or  
15 both. Each day of violation shall constitute a separate offense.

16 (f) General agents or special agents of the Rhode Island Society for the Prevention of  
17 Cruelty to Animals (RISPCA) are hereby authorized to enforce the provisions of this chapter in  
18 cooperation with animal control officers.

19 SECTION 3. Section 4-19-2 of the General Laws in Chapter 4-19 entitled "Animal Care"  
20 is hereby amended to read as follows:

21 **4-19-2. Definitions.** -- As used in this chapter, chapter 13 of this title, and the regulations  
22 promulgated under this chapter:

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

27 (2) "Adequate water" means a constant access to a supply of clean, fresh, potable water  
28 provided in a sanitary manner or provided at suitable intervals for the species and not to exceed  
29 twenty-four (24) hours at any interval.

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

32 ~~(3)~~(4) "Adopt" means when an adopting party voluntarily acquires and assumes  
33 responsibility for a dog or a cat from a releasing agency.

34 ~~(4)~~(5) "Adopting party" means any person who enters into a contract acquiring a dog or

1 cat from a releasing agency.

2 ~~(5)~~(6) "Ambient temperature" means the temperature surrounding the animal.

3 ~~(6)~~(7) "Animal" means any dog or cat, rabbit, rodent, nonhuman primate, bird or other  
4 warm-blooded vertebrate amphibian, fish or reptile but shall not include horses, cattle, sheep,  
5 goats, swine, and domestic fowl.

6 ~~(7)~~(8) "Animal shelter" means a facility which is used to house or contain animals and  
7 which is owned, operated, or maintained by a duly incorporated humane society, animal welfare  
8 society, society for the prevention of cruelty to animals, or other nonprofit organization devoted  
9 to the welfare, protection, and humane treatment of animals.

10 ~~(8)~~(9) "Breeder" means a person engaged in the propagation of purebred dogs and/or cats  
11 for the purpose of improving and enhancing a breed recognized and registered by the American  
12 kennel club, American field stud book, or a registered cat breed association.

13 ~~(9)~~(10) "Dealer" means any person who sells, exchanges, or donates, or offers to sell,  
14 exchange, or donate animals to another dealer, pet shop, or research facility, or who breeds dogs  
15 and/or cats for the purpose of selling or donating to another dealer or pet shop, or research  
16 facility.

17 ~~(10)~~(11) "Director" means the director of environmental management of the state of  
18 Rhode Island.

19 ~~(11)~~(12) "Dog officer" means any person employed, contracted or appointed by the state  
20 or any political subdivision of the state for the purpose of aiding in the enforcement of this  
21 chapter or any other law, or ordinance relating to the licensing of dogs, cats or other animals, the  
22 control of dogs, cats or other animals, or the seizure and impoundment of dogs, cats or other  
23 animals and includes any state or municipal peace officer, animal control officer, sheriff,  
24 constable or other employee whose duties in whole or in part include assignments which involve  
25 the seizure or taking into custody of any dog, cat or other animal.

26 ~~(12)~~(13) "Euthanasia" means the humane destruction of an animal accomplished by a  
27 method that involves instantaneous unconsciousness and immediate death or by a method that  
28 involves anesthesia, produced by an agent which causes painless loss of consciousness, and death  
29 during that loss of consciousness.

30 ~~(13)~~(14) "Hobby breeder" means those persons whose regular occupation is not the  
31 breeding and raising of dogs and cats and whose method of sale is at retail only.

32 ~~(14)~~(15) "Housing facility" means any room, building, or area used to contain a primary  
33 enclosure or enclosures.

34 ~~(15)~~(16) "Kennel" means a place or establishment other than a pound or animal shelter

1 where animals not owned by the proprietor are sheltered, fed, and watered in return for a fee.

2 ~~(16)~~(17) "Licensed releasing agency" means any animal shelter, animal rescue league,  
3 pound, dog pound, animal control facility, animal control officer, humane society, or society for  
4 the prevention of cruelty to animals which is required to be licensed with the director and is so  
5 licensed.

6 ~~(17)~~(18) "Neuter" means to surgically render a male dog or cat unable to reproduce.

7 ~~(18)~~(19) "Person" means any individual, partnership, firm, joint stock company,  
8 corporation, association, trust, estate, or other legal entity.

9 ~~(19)~~(20) "Pet shop" means a temporary or permanent establishment where animals are  
10 bought, sold, exchanged, or offered for sale or exchange to the general public at retail. This shall  
11 not include an establishment or person whose total sales are the offspring of canine or feline  
12 females maintained on their premises and sold from those premises.

13 ~~(20)~~(21) "Pound" or "dog pound" means a facility operated by a state, or any political  
14 subdivision of a state, for the purpose of impounding or harboring seized, stray, homeless,  
15 abandoned or unwanted dogs, cats, and other animals or a facility operated for that purpose under  
16 a contract with any municipal corporation or incorporated society for the prevention of cruelty to  
17 animals.

18 ~~(21)~~(22) "Primary enclosure" means any structure used to immediately restrict an animal  
19 or animals to a limited amount of space, as a room, pen, cage, compartment, or hutch.

20 ~~(22)~~(23) "Public auction" means any place or location where dogs or cats are sold at  
21 auction to the highest bidder regardless of whether those dogs or cats are offered as individuals,  
22 as a group, or by weight.

23 ~~(23)~~(24) "Research facility" means any place, laboratory or institution at which scientific  
24 tests, investigations or experiments, involving the use of living animals are carried out,  
25 conducted, or attempted.

26 ~~(24)~~(25) "Sanitize" means to make physically clean and to remove and destroy to a  
27 practical minimum, agents injurious to health.

28 ~~(25)~~(26) "Sexual maturity" means when a dog or cat reaches six (6) months. In all  
29 instances the licensed releasing agency will determine the age of the dog or cat.

30 ~~(26)~~(27) "Spay" means to surgically render a female dog or cat unable to reproduce.

31 ~~(27)~~(28) "State veterinarian" means a licensed veterinarian from the department of  
32 environmental management.

33 ~~(28)~~(29) "Guardian" shall mean a person(s) having the same rights and responsibilities of  
34 an owner, and both terms shall be used interchangeably. A guardian shall also mean a person who

1 possesses, has title to or an interest in, harbors or has control, custody or possession of an animal  
2 and who is responsible for an animal's safety and well-being.

3 SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would limit the time a dog may be tethered during a twenty-four hour period and  
2 specified conditions which apply to living conditions of the dog.

3           This act would take effect upon passage.

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