

**2013 -- S 0407 SUBSTITUTE A AS AMENDED**

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LC01360/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2013**

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY

Introduced By: Senators Ciccone, and DiPalma

Date Introduced: February 26, 2013

Referred To: Senate Environment & Agriculture

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. --** (a) In this chapter and  
4 in sections 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. The  
18 environment in which the animal is kept must be consistent with federal regulatory requirements,  
19 where applicable or generally recognized professional standards, where applicable, or otherwise

1 [be of sufficient size so as not to inhibit comfortable rest, normal posture or range of movement,](#)  
2 [and suitable to maintain the animal in a good state of health. "Adequate living conditions" for](#)  
3 [livestock as defined in subsection 4-26-3\(7\) shall mean best management practices established,](#)  
4 [no later than July 1, 2014, by the Rhode Island livestock welfare and care standards advisory](#)  
5 [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.** -- (a) Every owner, possessor, or person having the charge  
10 or custody of any animal, who cruelly drives or works that animal when unfit for labor, or cruelly  
11 abandons that animal, or who carries that animal [or who fails to provide that animal with](#)  
12 [adequate living conditions as defined in section 4-1-1,](#) or causes that animal to be carried, in or  
13 upon any vehicle or otherwise in a cruel or inhuman manner, or willfully, [intentionally,](#)  
14 [maliciously, recklessly, and/or knowingly](#) authorizes or permits that animal to be subjected to  
15 unnecessary torture, suffering or cruelty of any kind, or who places or causes to have placed on  
16 any animal any substance that may produce irritation or pain, or that is declared a hazardous  
17 substance by the U.S. food and drug administration or by the state department of health, shall be  
18 punished for each offense in the manner provided in section 4-1-2.

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

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
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1           This act would expand the meaning of unnecessary cruelty to one who willfully,  
2 intentionally, maliciously, recklessly and/or knowingly authorizes or permits that animal to be  
3 subjected to unnecessary torture, suffering or cruelty of any kind. This act would also defines  
4 “adequate living conditions” as used in the section.

5           This act would take effect upon passage.

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