

2016 -- H 7258

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LC003819  
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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 -- CRUELTY TO ANIMALS

Introduced By: Representatives Ackerman, Shekarchi, Solomon, Bennett, and Fogarty

Date Introduced: January 20, 2016

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1-1, 4-1-3, 4-1-22 and 4-1-42 of the General Laws in Chapter 4-  
2 1 entitled "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 §§ 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 (6) Except for livestock as defined in §4-26-3, "Hoarding" means the accumulation of a  
7 large number of animals, to a point where the owner, possessor or person having the charge or  
8 custody of the aforementioned animals fails to or is unable to: provide "adequate living  
9 conditions", as defined herein; provide adequate food, water and sustenance, or necessary  
10 veterinary care; and who keeps said animals in an overcrowded environment resulting in a  
11 negative impact on the health and well-being of the animals and/or the owner of said animals.

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

15 **4-1-3. Unnecessary cruelty.** -- (a) Every owner, possessor, or person having the charge  
16 or custody of any animal, who cruelly drives or works that animal when unfit for labor, or cruelly  
17 abandons that animal, or who carries that animal or who fails to provide that animal with  
18 adequate living conditions as defined in § 4-1-1, or who hoards animals as defined in §4-1-1, or  
19 causes that animal to be carried, in or upon any vehicle or otherwise in a cruel or inhuman  
20 manner, or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or  
21 permits that animal to be subjected to unnecessary torture, suffering or cruelty of any kind, or  
22 who places or causes to have placed on any animal any substance that may produce irritation or  
23 pain, or that is declared a hazardous substance by the U.S. food and drug administration or by the  
24 state department of health, shall be punished for each offense in the manner provided in § 4-1-2.

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

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

32 **4-1-22. Care of neglected animals by society -- Forfeiture of owner's rights --**  
33 **Expenses.** -- (a) An officer or agent of the Rhode Island Society for the Prevention of Cruelty to  
34 Animals may lawfully take charge of any animal found abandoned or neglected or hoarded as

1 [defined in §4-1-1 or](#) that in the opinion of that officer or agent, is aged, maimed, disabled, lame,  
2 sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and shall give notice  
3 to the owner, if known, or his or her agents, and may provide suitable care.

4 (b) Every owner or agent, upon conviction, plea of guilty, or plea of nolo contendere, of  
5 abandonment, neglect, [hoarding as defined in §4-1-1](#) or [otherwise](#) cruel treatment of any animal  
6 taken charge of by the Rhode Island Society for the Prevention of Cruelty to Animals under this  
7 section, forfeits the rights to ownership or control of that animal to the Society for disposition in  
8 any manner deemed suitable for that animal.

9 (c) Whenever any officer or agent of the Rhode Island Society for the Prevention of  
10 Cruelty to Animals lawfully takes charge of any animal under this section, all reasonable  
11 expenses for the care and treatment of the animal(s), while in the custody of the Society during  
12 this time, shall be paid for by the owner, guardian, or his or her agent upon conviction, plea of  
13 guilty, or plea of nolo contendere. The Society has the authority to commence a civil action for  
14 damages against the owner or his or her agent thirty (30) days after a written demand for payment  
15 of the expense of the suitable care of that animal has been sent and no payment has been received.

16 **4-1-42. Care of neglected animals by Department -- Forfeiture of owner's rights --**

17 **Expenses.** -- (a) The director of environmental management, or any veterinarian employed by the  
18 department of environmental management ("department"), may lawfully take charge of any  
19 animal found abandoned or neglected, [or hoarded as defined in §4-1-1](#), or that, in the opinion of  
20 the department, is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is  
21 performing, or [otherwise](#) cruelly treated, and shall give notice to the owner, if known, or his or  
22 her agents, and may provide suitable care.

23 (b) Every owner, guardian, or agent, upon conviction, entry of a guilty plea, or plea of  
24 nolo contendere, of abandonment, neglect, [hoarding as defined in §4-1-1](#), or [otherwise](#) cruel  
25 treatment of any animal taken charge of by the department under this section, forfeits the right to  
26 ownership or control of that animal to the department for disposition in any manner deemed  
27 suitable for that animal.

28 (c) Whenever the department lawfully takes charge of any animal under this section, all  
29 reasonable expenses for the care and treatment of the animal(s), while in the custody of the  
30 department during this time, shall be paid for by the owner, guardian, or his or her agent, upon  
31 conviction, a plea of guilty or plea nolo contendere. The department has the authority to  
32 commence a civil action for damages against the owner or his or her agent thirty (30) days after  
33 written demand for payment of the expense of the suitable care of that animal has been sent and  
34 no payment received.

1 SECTION 2. 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 -- CRUELTY TO ANIMALS

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- 1 This act adds hoarding of animals to the list of cruelty to animal offenses.
- 2 This act would take effect upon passage.

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