

2018 -- H 7045 SUBSTITUTE A

LC003314/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CARE OF DOGS

Introduced By: Representatives Serpa, Solomon, Shanley, O'Brien, and Shekarchi

Date Introduced: January 03, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

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

3 **4-1-2. Overwork, mistreatment, or failure to feed animals -- Shelter defined.**

4 (a) Whoever overdrives, overloads, drives when overloaded, overworks, tortures,
5 torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes or
6 procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured,
7 tormented, deprived of necessary sustenance, cruelly beaten, or mutilated, any animal, and
8 whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts
9 cruelty upon that animal, or willfully, intentionally, maliciously, recklessly, and/or knowingly
10 fails to provide that animal with ~~proper food, drink, shelter, or protection from the weather, shall,~~
11 adequate feed, water, shelter, or veterinary care, as defined under § 4-19-2, shall for each offense,
12 be imprisoned not exceeding eleven (11) months, or be fined not less than fifty dollars (\$50.00)
13 nor exceeding five hundred dollars (\$500), or both. If the offense described in this section results
14 in the death of the animal, the person shall be punished in the manner provided in § 4-1-5.

15 (b) Every owner, possessor, or person having charge of any animal may, upon conviction
16 of a violation of this section, be ordered to forfeit all rights to ownership of the animal to the
17 animal-control officer of the city or town in which the offense occurred or to a humane society
18 that owns and operates the shelter that provided the subject animal shelter subsequent to any
19 confiscation of said animal pursuant to this section.

1 ~~(c) Shelter means a structure used to house any animal that will provide sufficient~~
2 ~~protection from inclement elements for the health and well being of the animal.~~

3 SECTION 2. Section 4-13-42 of the General Laws in Chapter 4-13 entitled "Dogs" is
4 hereby amended to read as follows:

5 **4-13-42. Care of dogs.**

6 (a) It shall be a violation of this section for an owner or keeper to:

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

10 (2) Tether a dog with a choke-type collar, head collar or prong-type collar.

11 (3) Keep any dog tethered for more than ten (10) hours during a twenty-four (24) hour
12 period or keep any dog confined ~~in a pen, cage, or other shelter~~ in an area or primary enclosure
13 for more than fourteen (14) hours during any twenty-four (24) hour period, and more than ten
14 (10) hours during a twenty-four (24) hour period, if the area is not greater than that which is
15 required under the most recently adopted version of the department of environmental
16 management's rules and regulations governing animal care facilities.

17 (4) Tether a dog anytime from the hours of 10:00 p.m. to 6:00 a.m., except for a
18 maximum of fifteen (15) supervised minutes.

19 ~~(4)(5) Keep any dog outside either tethered, penned, caged, fenced, or otherwise confined~~
20 ~~without access to an outdoor housing facility~~ when the ambient temperature is beyond the
21 industry standard for the weather safety scale as set forth in the most recent adopted version of
22 the Tufts Animal Care and Condition Weather Safety Scale (TACC) ~~if the dog is showing signs~~
23 ~~of poor health due to the weather conditions.~~

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 § 4-~~
26 ~~19-2; provided however, that adequate veterinary care may be provided by an owner using~~
27 ~~acceptable animal husbandry practices.~~ The weight of any chain or tether shall not exceed one-
28 eighth (1/8) of the dog's total body weight.

29 ~~(c) Any person in violation of this section shall be given a warning for a first violation.~~
30 ~~Second and subsequent violations of this subsection can be considered a violation of § 4-1-2.~~
31 ~~Each day of violation shall constitute a separate offense.~~ No person shall tether or confine a dog
32 outdoors, when a weather advisory or warning has been issued, and is in effect, by local, state, or
33 federal authorities, unless tethering or confinement is for a duration of no longer than fifteen (15)
34 minutes.

1 (d) Exposing any dog to adverse weather conditions strictly for the purpose of
2 "conditioning" shall be prohibited.

3 ~~(d)~~(e) The provisions of this section, as they relate to the duration and timeframe of
4 tethering or confinement shall not apply:

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

8 (2) If tethering or confinement is authorized in writing by an animal control officer, or
9 duly sworn police officer assigned to the animal control division, for the purposes, including, but
10 not limited to, hunting dogs, dogs protecting livestock, and sled dogs. Written authorization must
11 be renewed annually. Such written authorization issued by an animal control officer or duly
12 sworn police officer assigned to the animal control division in the political subdivision of the
13 state where the dogs are kept shall be considered valid in every other political subdivision of the
14 state. Such written authorization issued by an animal control officer or duly sworn police officer
15 assigned to the animal control division in the political subdivision of the state where the dogs are
16 kept is revocable by that animal control officer or police officer if there are any conditions present
17 that warrant revocation. Such conditions include, but are not limited to, changes in the number or
18 type of dogs, changes in the facility structure or safety, and changes in the health of the dog;

19 ~~(3) To a training facility, grooming facility, commercial boarding kennel, pet shop~~
20 ~~licensed in accordance with chapter 19 of this title, animal shelter, municipal pound~~ To any entity
21 licensed by the state pursuant to chapter 19 of title 4, or any veterinary facility;

22 ~~(4) To licensed hunters, field trial participants, or any person raising or training a gun dog~~
23 ~~or hunting dog, provided that the licensed hunter or field trial hunt test participant is actively~~
24 ~~engaged in hunting, training, or field trial hunt testing or is transporting the dog to or from an~~
25 ~~event;~~

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

27 ~~(6)~~(4) To an exhibitor holding a class C license under the Animal Welfare Act (7 U.S.C.
28 § 2133) that are temporarily in the state; if authorized by the department of environmental
29 management (DEM); or

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

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

1 ~~(f)~~(g) General agents or special agents of the Rhode Island Society for the Prevention of
2 Cruelty to Animals (RISPCA) are hereby authorized to enforce the provisions of this chapter in
3 cooperation with animal control officers and the department of environmental management
4 (DEM), are hereby authorized to seize any animals found to be in violation of this chapter.

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

7 **4-19-2. Definitions.**

8 As used in this chapter, chapter 13 of this title, and the regulations promulgated under
9 this chapter:

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

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

16 (3) "Adequate water" means a constant access to a sufficient supply of clean, fresh,
17 potable water provided in a sanitary manner and provided at suitable intervals for the species to
18 maintain the health of the animal(s) and not to exceed twenty-four (24) hours at any interval.

19 (4) Except for livestock as defined in § 4-26-3, "adequate shelter" means the provision of
20 and access to shelter that is suitable for the species, age, condition, size and type of each animal;
21 provides sufficient space for the animal to maintain comfortable rest, normal posture and range of
22 movement; is safe to protect each animal from injury, rain, sleet, snow, hail, direct sunlight, the
23 adverse effects of heat or cold, physical suffering and impairment of health.

24 (i) The structure shall consist of four (4) sides, with an entry portal and include a resting
25 platform, pad, floor mat or similar device. Shelters with wire grid or slat floors which permit the
26 animals' feet to pass through the openings, sag under the animals' weight or otherwise do not
27 protect the animals' feet from injury, are not considered adequate shelter.

28 (ii) The structure shall be provided with a sufficient quantity of bedding material,
29 including, but not limited to, hay, straw, blankets or the equivalent, to provide insulation and
30 protection against cold and dampness and promote retention of body heat during cold weather.

31 (iii) "Adequate shelter" for livestock as defined in § 4-26-3 means best management
32 practices established by the Rhode Island livestock welfare and care standards advisory council
33 and promulgated in the Rhode Island livestock welfare and care standards 2014.

34 ~~(4)~~(5) "Adopt" means when an adopting party voluntarily acquires and assumes

1 responsibility for an animal from a releasing agency that is properly licensed or registered by the
2 department.

3 ~~(5)~~(6) "Adopting party" means any person who enters into a contract acquiring an animal
4 from a releasing agency that is properly licensed or registered by the department.

5 ~~(6)~~(7) "Ambient temperature" means the temperature surrounding the animal.

6 ~~(7)~~(8) "Animal" means any dog or cat, rabbit, rodent, nonhuman primate, bird or other
7 warm-blooded vertebrate, amphibian, fish, or reptile but shall not include horses, cattle, sheep,
8 goats, swine, and domestic fowl.

9 ~~(8)~~(9) "Animal rescue" or "rescue" means an entity, without a physical brick-and-mortar
10 facility, that is owned, operated, or maintained by a duly incorporated humane society, animal
11 welfare society, society for the prevention of cruelty to animals, or other nonprofit organization
12 devoted to the welfare, protection, and humane treatment of animals intended for adoption.

13 ~~(9)~~(10) "Animal shelter" means a brick-and-mortar facility that is used to house or
14 contain animals and that is owned, operated, or maintained by a duly incorporated humane
15 society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit
16 organization devoted to the welfare, protection, and humane treatment of animals.

17 ~~(10)~~(11) "Breeder" means a person engaged in the propagation of purebred or crossbred
18 dogs and/or cats for the purpose of improving and enhancing a breed recognized and registered
19 by the American Kennel Club, American Field Stud Book, a registered cat breed association, or
20 for sale at wholesale or retail, unless otherwise exempted as a hobby breeder as defined below.

21 ~~(11)~~(12) "Broker" means any third party who arranges, delivers, or otherwise facilitates
22 transfer of ownership of animal(s), through adoption or fostering, from one party to another,
23 whether or not the party receives a fee for providing that service and whether or not the party
24 takes physical possession of the animal(s) at any point.

25 ~~(12)~~(13) "Dealer" means any person who sells, exchanges, or donates, or offers to sell,
26 exchange, or donate, animals to another dealer, pet shop, or research facility, or who breeds
27 animals for the purpose of selling or donating to another dealer or pet shop or research facility.

28 ~~(13)~~(14) "Director" means the director of environmental management of the state of
29 Rhode Island.

30 ~~(14)~~(15) "Dog officer" or "animal-control officer" means any person employed,
31 contracted, or appointed by the state, or any political subdivision of the state, for the purpose of
32 aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of
33 dogs, cats, or other animals; the control of dogs, cats or other animals; or the seizure and
34 impoundment of dogs, cats, or other animals and includes any state or municipal peace officer,

1 animal-control officer, sheriff, constable, or other employee whose duties, in whole or in part,
2 include assignments that involve the seizure or taking into custody of any dog, cat, or other
3 animal.

4 ~~(15)~~(16) "Euthanasia" means the humane destruction of an animal accomplished by a
5 method that involves instantaneous unconsciousness and immediate death or by a method that
6 involves anesthesia, produced by an agent that causes painless loss of consciousness and death
7 during that loss of consciousness.

8 ~~(16)~~(17) "Guardian" shall mean a person(s) having the same rights and responsibilities of
9 an owner, and both terms shall be used interchangeably. A guardian shall also mean a person who
10 possesses; has title to or an interest in; harbors or has control, custody, or possession of an animal
11 and who is responsible for an animal's safety and well-being.

12 ~~(17)~~(18) "Hobby breeder" means those persons whose regular occupation is not the
13 breeding and raising of dogs and cats and whose method of sale is at retail only. A hobby breeder
14 shall not exceed the limits set forth in § 4-25-1(4). Any person who sells at retail a number in
15 excess of the limits in the aforementioned section shall be considered a breeder.

16 ~~(18)~~(19) "Housing facility" means any room, building, or area used to contain a primary
17 enclosure or enclosures.

18 ~~(19)~~(20) "Kennel" means a place or establishment, other than a pound or animal shelter,
19 where animals not owned by the proprietor are sheltered, fed, and watered in return for a fee.

20 ~~(20)~~(21) "Licensed releasing agency" means any animal shelter, animal-rescue, pound,
21 animal-control officer, or broker that is required to be licensed or registered with the director
22 pursuant to the provisions of this chapter and is so licensed or registered.

23 ~~(21)~~(22) "Neuter" means to surgically render a male dog or cat unable to reproduce.

24 ~~(22)~~(23) "Person" means any individual, partnership, firm, joint stock company,
25 corporation, association, trust, estate, or other legal entity.

26 ~~(23)~~(24) "Pet shop" means a temporary or permanent establishment where animals are
27 bought, sold, exchanged, or offered for sale or exchange to the general public at retail. This shall
28 not include an establishment or person whose total sales are the offspring of canine or feline
29 females maintained on their premises and sold from those premises and does not exceed the limits
30 set forth in § 4-25-1(4).

31 ~~(24)~~(25) "Pound" or "dog pound" means a facility operated by a state, or any political
32 subdivision of a state, for the purpose of impounding or harboring seized, stray, homeless,
33 abandoned, or unwanted dogs, cats, and other animals or a facility operated for that purpose under
34 a contract with any municipal corporation or incorporated society for the prevention of cruelty to

1 animals.

2 ~~(25)~~(26) "Primary enclosure" or "enclosure" means the most proximal barrier to an
3 animal that will have the intended purpose or effect of containment of that animal or that will
4 effectively restrict the liberty of the animal.

5 ~~(26)~~(27) "Public auction" means any place or location where dogs or cats are sold at
6 auction to the highest bidder regardless of whether those dogs or cats are offered as individuals,
7 as a group, or by weight.

8 ~~(27)~~(28) "Research facility" means any place, laboratory, or institution at which scientific
9 tests, investigations, or experiments, involving the use of living animals, are carried out,
10 conducted, or attempted.

11 ~~(28)~~(29) "Sanitize" means to make physically clean and to remove and destroy, to a
12 practical minimum, agents injurious to health.

13 ~~(29)~~(30) "Sexual maturity" means when a dog or cat reaches six (6) months. In all
14 instances, the licensed, releasing agency or a licensed veterinarian will determine the age of the
15 dog or cat.

16 ~~(30)~~(31) "Spay" means to surgically render a female dog or cat unable to reproduce.

17 ~~(31)~~(32) "State veterinarian" means a licensed veterinarian from the department of
18 environmental management.

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

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LC003314/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CARE OF DOGS

1 This act would prohibit mistreatment of animals by failing to provide adequate water,
2 shelter or veterinary care.

3 This act would take effect upon passage.

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