

2018 -- H 7409

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - ANIMAL CARE

Introduced By: Representatives Canario, Shekarchi, O'Brien, Serpa, and Lima

Date Introduced: February 01, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-19-2 of the General Laws in Chapter 4-19 entitled "Animal Care"

2 is hereby amended to read as follows:

3 **4-19-2. Definitions.**

4 As used in this chapter, chapter 13 of this title, and the regulations promulgated under  
5 this chapter:

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

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

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

15 (4) "Adopt" means when an adopting party voluntarily acquires and assumes  
16 responsibility for an animal from a releasing agency that is properly licensed or registered by the  
17 department.

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

1 (6) "Ambient temperature" means the temperature surrounding the animal.

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

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

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

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

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

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

24 (13) "Director" means the director of environmental management of the state of Rhode  
25 Island.

26 (14) "Dog officer" or "animal-control officer" means any person employed, contracted, or  
27 appointed by the state, or any political subdivision of the state, for the purpose of aiding in the  
28 enforcement of this chapter or any other law or ordinance relating to the licensing of dogs, cats,  
29 or other animals; the control of dogs, cats or other animals; or the seizure and impoundment of  
30 dogs, cats, or other animals and includes any state or municipal peace officer, animal-control  
31 officer, sheriff, constable, or other employee whose duties, in whole or in part, include  
32 assignments that involve the seizure or taking into custody of any dog, cat, or other animal.

33 (15) "Euthanasia" means the humane destruction of an animal accomplished by a method  
34 that involves instantaneous unconsciousness and immediate death or by a method that involves

1 anesthesia, produced by an agent that causes painless loss of consciousness and death during that  
2 loss of consciousness.

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

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

11 (18) "Housing facility" means any room, building, or area used to contain a primary  
12 enclosure or enclosures.

13 (19) "Kennel" means a place or establishment, other than a pound, ~~or~~ animal shelter, or  
14 residence, where three (3) or fewer animals, not owned by the proprietor or resident are sheltered,  
15 fed, and watered in return for a fee.

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

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

20 (22) "Person" means any individual, partnership, firm, joint stock company, corporation,  
21 association, trust, estate, or other legal entity.

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

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

32 (25) "Primary enclosure" or "enclosure" means the most proximal barrier to an animal  
33 that will have the intended purpose or effect of containment of that animal or that will effectively  
34 restrict the liberty of the animal.

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

4           (27) "Research facility" means any place, laboratory, or institution at which scientific  
5 tests, investigations, or experiments, involving the use of living animals, are carried out,  
6 conducted, or attempted.

7           (28) "Sanitize" means to make physically clean and to remove and destroy, to a practical  
8 minimum, agents injurious to health.

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

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

12           (31) "State veterinarian" means a licensed veterinarian from the department of  
13 environmental management.

14           SECTION 2. 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 amend the definition of a kennel to include a "residence" as a location that
- 2           may not be considered a kennel and would specify how many animals are permitted therein.
- 3           This act would take effect upon passage.

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