

2018 -- H 7456

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LC004488  
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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 -- UNLAWFUL CONFINEMENT  
OF A COVERED ANIMAL

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

Date Introduced: February 07, 2018

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 4-1.1-1, 4-1.1-2, 4-1.1-3, 4-1.1-4 and 4-1.1-5 of the General Laws  
2 in Chapter 4-1.1 entitled "Unlawful Confinement of a Covered Animal" are hereby amended to  
3 read as follows:

4           **4-1.1-1. Definitions.**

5           For the purposes of this chapter:

6           (1) "Calf raised for veal" means a calf of the bovine species kept for the purpose of  
7 producing the food product referred to as veal.

8           (2) ~~"Crate" means a "gestation crate" for sows or a "veal crate" for calves.~~

9           "Covered animal" means any sow during gestation, calf raised for veal, or egg-laying hen  
10 that is kept on a farm.

11           (3) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or  
12 guinea fowl kept for the purpose of egg production.

13           (4) "Enclosure" means any cage, crate, or other structure used to confine a covered  
14 animal or animals. Enclosure includes what is commonly described as a "gestation crate" or  
15 "stall" for sows during gestation, a "veal crate" for calves raised for veal, and a "battery cage,  
16 enriched cage, or colony cage" for egg-laying hens.

17           ~~(5)~~(5) "Farm" means the land, building, support facilities, and other equipment that are  
18 wholly or partially used for the commercial production of animals or animal products used for

1 food or fiber; and does not include live animal markets.

2 ~~(4)~~(6) "Farm owner or operator" means any person who owns or controls the operation of  
3 a farm, and does not include any non-management employee, contractor, or consultant.

4 ~~(5)~~(7) "Fully extending the animal's limbs" means fully extending all limbs without  
5 touching the side of an enclosure. In the case of egg-laying hens, "fully extending the animal's  
6 limbs" means fully spreading both wings without touching the side of an enclosure or other egg-  
7 laying hens and having access to the amount of usable floor space per hen that complies with the  
8 2016 Edition of the United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying  
9 Flocks "Guidelines for Cage-Free Egg Production."

10 ~~(6)~~(8) "Person" means any individual, firm, partnership, joint venture, association,  
11 limited liability company, corporation, estate, trust, receiver, or syndicate.

12 ~~(7)~~(9) "Sow during gestation" means a pregnant pig of the porcine species kept for the  
13 purpose of breeding.

14 ~~(8)~~(10) "Turning around freely" means turning in a complete circle without any  
15 impediment including a tether, and without touching the side of a crate.

16 **4-1.1-2. Purpose.**

17 The purpose of this chapter, subject to exceptions set forth in § 4-1.1-4, is to prohibit the  
18 confinement of ~~ealves raised for veal and sows during gestation~~ a covered animal in a manner that  
19 prevents the animal from turning around freely, lying down, standing up or fully extending the  
20 animal's limbs.

21 **4-1.1-3. Unlawful confinement.**

22 Notwithstanding any other provision of law, a person is guilty of unlawful confinement  
23 of a ~~sow or calf~~ covered animal if the person is a farm owner or operator who knowingly tethers  
24 or confines any ~~sow or calf~~ covered animal in a manner that prevents such animal from turning  
25 around freely, lying down, standing up, or fully extending the animal's limbs.

26 **4-1.1-4. Exceptions.**

27 This section shall not apply:

28 (1) During medical research.

29 (2) Temporary confinement prior to and during examination, testing, individual treatment  
30 or operation for veterinary purposes.

31 (3) During transportation.

32 (4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar  
33 exhibitions or educational programs.

34 (5) During temporary confinement for animal husbandry purposes for no more than six

1 (6) hours in any twenty-four (24) hour period unless ordered by a licensed veterinarian.

2 (6) During the humane slaughter of a ~~sow or pig~~ covered animal in accordance with the  
3 provisions of chapter 4-17, and other applicable laws and regulations.

4 (7) To a sow during the ~~fourteen (14)~~ five (5) day period prior to the sows expected date  
5 of giving birth and ~~extending for a duration of time until the piglets are weaned~~ any day that the  
6 sow is nursing piglets. ~~This period may be modified upon the order of a licensed veterinarian.~~

7 (8) To calves being trained to exhibit.

8 (9) To calves being trained to accept routine confinement in dairy and beef housing.

9 **4-1.1-5. Penalty.**

10 (a) The provisions of this chapter are in addition to, and not in lieu of, any other laws  
11 protecting animal welfare. This chapter may not be construed to limit any other state laws or rules  
12 protecting the welfare of animals or to prevent a local governing body from adopting and  
13 enforcing its own animal welfare laws and regulations.

14 (b) It is not an affirmative defense to alleged violations of this chapter that the ~~calf or sow~~  
15 covered animal was kept as part of an agricultural operation and in accordance with customary  
16 animal husbandry or farming practices.

17 (c) Any person who violates the provisions of this chapter or any rules or regulations  
18 promulgated hereunder shall be fined not less than fifty dollars (\$50.00) nor exceeding five  
19 hundred dollars (\$500), or both.

20 (d) This chapter shall be construed to supersede § 4-1-3(a) only with respect to the  
21 minimum space required for the housing of egg-laying hens.

22 SECTION 2. This act shall take effect on January 1, 2023.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would make changes in the definitions of what constitutes unlawful confinement  
2 of any sow during gestation, calf raised for veal or egg-laying hen kept on a farm, and would  
3 apply them throughout the chapter accordingly.

4           This act would take effect on January 1, 2023.

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