

**2019 -- H 5436 SUBSTITUTE A AS AMENDED**

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LC001433/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2019**

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - ANIMAL CARE

Introduced By: Representatives Ucci, Corvese, Lima, Kazarian, and Fellela

Date Introduced: February 14, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 4-19-1, 4-19-2 and 4-19-8 of the General Laws in Chapter 4-19  
2 entitled "Animal Care" are hereby amended to read as follows:

3           **4-19-1. Purpose.**

4           The purpose of this chapter is:

5           (1) To protect the owners of dogs and cats from the sale or use of stolen pets;

6           (2) To ensure that all warm-blooded, vertebrate animals, in the care of facilities licensed  
7 or registered under this chapter, are provided humane care and treatment by regulating the  
8 transportation, sale, purchase, housing, care, handling, and treatment of these animals by persons  
9 or organizations engaged in transporting, handling, housing, and care of these animals;

10          (3) To ensure that animals confined in pet shops, kennels, animal shelters, auction  
11 markets, breeding facilities, [training facilities with the exception of training facilities maintained](#)  
12 [by government agencies and training facilities operated by volunteers working for a not-for-profit](#)  
13 [or exempt nonprofit organization pursuant to 26 U.S.C. § 501\(c\)\(3\) of the Internal Revenue Code,](#)  
14 and pounds are provided humane care and treatment;

15          (4) To release for sale, trade, or adoption only those animals that appear to be free of  
16 infection, communicable disease, or abnormalities, unless veterinary care subsequent to release is  
17 assured; and

18          (5) To ensure the spaying and neutering of dogs and cats that are adopted from a  
19 releasing agency.

1           **4-19-2. Definitions.**

2           As used in this chapter, chapter 13 of this title, and the regulations promulgated under  
3 this chapter:

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

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

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

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

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

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

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

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

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

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

34          (11) "Broker" means any third party who arranges, delivers, or otherwise facilitates

1 transfer of ownership of animal(s), through adoption or fostering, from one party to another,  
2 whether or not the party receives a fee for providing that service and whether or not the party  
3 takes physical possession of the animal(s) at any point.

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

7 (13) "Director" means the director of environmental management of the state of Rhode  
8 Island.

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

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

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

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

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

30 (19) "Kennel" means a place or establishment, other than a pound or animal shelter, or  
31 veterinary hospital that is housing animals during their treatment, where animals not owned by  
32 the proprietor are sheltered, fed, and watered in return for a fee. This definition shall not apply to  
33 the sheltering, feeding, and watering in return for a fee in a residential setting, of no more than  
34 four (4) animals not owned by the proprietor, subject to any applicable municipal ordinance that

1 may be more restrictive.

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

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

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

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

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

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

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

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

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

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

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

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

34 [\(32\) "Trainer" means those persons who actively engage in the application of behavior](#)

1 [analysis using the environmental events of antecedents and consequences to modify the behavior](#)  
2 [of an animal, either for the animal to assist in specific activities or undertake particular tasks, or](#)  
3 [for the animal to participate effectively in contemporary domestic life, and who keep, board, or](#)  
4 [retain possession of the animal for at least one overnight period, with the exception of those](#)  
5 [persons engaged in these activities for dog training programs operated by government agencies](#)  
6 [and for dog training programs operated by a not-for-profit or exempt nonprofit organization](#)  
7 [pursuant to 26 U.S.C. § 501\(c\)\(3\) of the Internal Revenue Code.](#)

8 **4-19-8. Denial of certificates of registration or licenses.**

9 (a) A certificate of registration may be denied to any pound or animal shelter, rescue,  
10 broker, and a license may be denied to any public auction, kennel, breeder, pet shop, [trainer](#), or  
11 dealer or, if granted, the certificate or license may be revoked by the director if, after a hearing, it  
12 is determined that the housing facilities and/or primary enclosures are inadequate for the purposes  
13 of this chapter or if the feeding, watering, sanitizing, and housing practices at the pound, animal  
14 shelter, public auction, pet shop, or kennel are not consistent with the intent of this chapter or  
15 with the intent of the rules and regulations that may be promulgated pursuant to the authority of  
16 this chapter.

17 (b) Upon revocation of a certificate of registration, all animals in the possession of the  
18 pound, rescue, broker, or animal shelter must be transferred to another licensed releasing agency  
19 for disposition.

20 (c) Upon the revocation of a license, all animals in the possession of the public auction,  
21 kennel, pet shop, breeder, [trainer](#), or dealer must be disposed of by the former licensee in a  
22 manner approved by the department. Such disposition must not be for profit and must occur in a  
23 timeframe that is determined by the department. Inspectors from the department or from the  
24 Rhode Island Society for the Prevention of Cruelty to Animals must have access to the facility  
25 where the animals being housed by the former licensee are being held until disposition so that the  
26 welfare of said animals can be assured.

27 SECTION 2. Chapter 4-19 of the General Laws entitled "Animal Care" is hereby  
28 amended by adding thereto the following section:

29 **4-19-5.2. Trainers required to obtain kennel license - exceptions.**

30 [No person shall act as a trainer, as defined in § 4-19-2, unless in possession of a valid](#)  
31 [kennel license as set forth in § 4-19-6. Provided, however, persons engaged in dog training](#)  
32 [activities for dog training programs operated by government agencies, or operated by a not-for-](#)  
33 [profit or exempt nonprofit organization pursuant to 26 U.S.C. § 501\(c\)\(3\) of the Internal Revenue](#)  
34 [Code, shall not be required by this section to obtain a kennel license.](#)

1 SECTION 3. 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 - ANIMAL CARE

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1           This act would define pet trainers and require pet trainers to be licensed. This act would  
2 further provide an exception to the licensing requirements for dog training programs operated by  
3 government agencies.

4           This act would take effect upon passage.

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