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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE

Introduced By: Representative William W. O'Brien

Date Introduced: February 26, 2020

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. [Effective July 1, 2020.]**

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 or
7 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, selling, handling, housing, and care of these animals;

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

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

1 (6) To increase transparency concerning where pet shops source dogs and cats; ~~and~~

2 (7) To ensure pet shops can also source puppies and kittens from rescues and shelters to
3 help provide homes for puppies and kittens in need-; and

4 (8) To ensure the safe and sanitary treatment of pets while in the care of a pet groomer or
5 pet grooming facility.

6 **4-19-2. Definitions. [Effective July 1, 2020.]**

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

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

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

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

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

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

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

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

26 (8) Apprentice" means a person who is engaged in learning and acquiring knowledge of
27 pet grooming or styling under the direction and supervision of a pet groomer.

28 ~~(8)~~(9) "Animal rescue" or "rescue" means an entity, without a physical brick-and-mortar
29 facility, that is owned, operated, or maintained by a duly incorporated humane society, animal
30 welfare society, society for the prevention of cruelty to animals, or other nonprofit organization
31 devoted to the welfare, protection, and humane treatment of animals intended for adoption.

32 ~~(9)~~(10) "Animal shelter" means a brick-and-mortar facility that is used to house or contain
33 animals and that is owned, operated, or maintained by a duly incorporated humane society, animal
34 welfare society, society for the prevention of cruelty to animals, or other nonprofit organization

1 devoted to the welfare, protection, and humane treatment of animals.

2 ~~(10)~~(11) "Breeder" means a person engaged in the propagation of purebred or crossbred
3 dogs and/or cats for the purpose of improving and enhancing a breed recognized and registered by
4 the American Kennel Club, American Field Stud Book, a registered cat breed association, or for
5 sale at wholesale or retail, unless otherwise exempted as a hobby breeder as defined below.

6 ~~(11)~~(12) "Broker" means any third party who arranges, delivers, or otherwise facilitates
7 transfer of ownership of animal(s), through adoption or fostering, from one party to another,
8 whether or not the party receives a fee for providing that service and whether or not the party takes
9 physical possession of the animal(s) at any point.

10 ~~(12)~~(13) "Dealer" means any person who sells, exchanges, or donates, or offers to sell,
11 exchange, or donate, animals to another dealer, pet shop, or research facility, or who breeds animals
12 for the purpose of selling or donating to another dealer or pet shop or research facility.

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

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

22 ~~(15)~~(16) "Euthanasia" means the humane destruction of an animal accomplished by a
23 method that involves instantaneous unconsciousness and immediate death or by a method that
24 involves anesthesia, produced by an agent that causes painless loss of consciousness and death
25 during that loss of consciousness.

26 (17) "Grooming" means any act of preparing, cleaning, trimming, stripping, coloring, or
27 styling animal hair; bathing an animal; or nail trimming of an animal's paws.

28 ~~(16)~~(18) "Guardian" shall mean a person(s) having the same rights and responsibilities of
29 an owner, and both terms shall be used interchangeably. A guardian shall also mean a person who
30 possesses, has title to or an interest in, harbors, or has control, custody, or possession of an animal
31 and who is responsible for an animal's safety and well-being.

32 ~~(17)~~(19) "Hobby breeder" means those persons whose regular occupation is not the
33 breeding and raising of dogs and cats and whose method of sale is at retail only. A hobby breeder
34 shall not exceed the limits set forth in § 4-25-1(4). Any person who sells at retail a number in excess

1 of the limits in the aforementioned section shall be considered a breeder.

2 ~~(18)~~(20) "Housing facility" means any room, building, or area used to contain a primary
3 enclosure or enclosures.

4 (21) "Incident" means when the skin of any pet or person is broken, when a pet sustains
5 any injury of any kind during the course of a grooming session, or a pet has an allergic reaction
6 during the course of a grooming session.

7 ~~(19)~~(22) "Kennel" means a place or establishment, other than a pound or animal shelter, or
8 veterinary hospital that is housing animals during their treatment, where animals not owned by the
9 proprietor are sheltered, fed, and watered in return for a fee. This definition shall not apply to the
10 following:

11 (i) Sheltering, feeding, and watering in return for a fee in a residential setting, of no more
12 than four (4) animals not owned by the proprietor, subject to any applicable municipal ordinance
13 that may be more restrictive;

14 (ii) Any entity that sells a dog or cat.

15 ~~(20)~~(23) "Licensed releasing agency" means any animal shelter, animal-rescue, pound,
16 animal-control officer, or broker that is required to be licensed or registered with the director
17 pursuant to the provisions of this chapter and is so licensed or registered.

18 ~~(21)~~(24) "Neuter" means to surgically render a male dog or cat unable to reproduce.

19 ~~(22)~~(25) "Person" means any individual, partnership, firm, joint stock company,
20 corporation, association, trust, estate, or other legal entity.

21 (26) "Pet groomer" means any individual who engages in any grooming activity involving
22 a pet for financial remuneration.

23 (27) "Pet grooming facility" means any person, corporation, firm or proprietorship or other
24 entity or business organization that engages in a business that provides pet grooming or styling
25 services. This shall include businesses that provide their services at a commercial building, from a
26 mobile unit, from the business owner's home, or are provided at a customer's home, grounds or
27 business using equipment provided by a pet groomer.

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

32 ~~(24)~~(29) "Pound" or "dog pound" means a facility operated by a state, or any political
33 subdivision of a state, for the purpose of impounding or harboring seized, stray, homeless,
34 abandoned, or unwanted dogs, cats, and other animals or a facility operated for that purpose under

1 a contract with any municipal corporation or incorporated society for the prevention of cruelty to
2 animals.

3 ~~(25)~~(30) "Primary enclosure" or "enclosure" means the most proximal barrier to an animal
4 that will have the intended purpose or effect of containment of that animal or that will effectively
5 restrict the liberty of the animal.

6 ~~(26)~~(31) "Public auction" means any place or location where dogs or cats are sold at auction
7 to the highest bidder regardless of whether those dogs or cats are offered as individuals, as a group,
8 or by weight.

9 ~~(27)~~(32) "Research facility" means any place, laboratory, or institution at which scientific
10 tests, investigations, or experiments involving the use of living animals are carried out, conducted,
11 or attempted.

12 ~~(28)~~(33) "Sanitize" means to make physically clean and to remove and destroy, to a
13 practical minimum, agents injurious to health.

14 ~~(29)~~(34) "Sexual maturity" means when a dog or cat reaches six (6) months. In all
15 instances, the licensed releasing agency or a licensed veterinarian will determine the age of the dog
16 or cat.

17 ~~(30)~~(35) "Spay" means to surgically render a female dog or cat unable to reproduce.

18 ~~(31)~~(36) "State veterinarian" means a licensed veterinarian from the department of
19 environmental management.

20 ~~(32)~~(37) "Trainer" means those persons who actively engage in the application of behavior
21 analysis using the environmental events of antecedents and consequences to modify the behavior
22 of an animal, either for the animal to assist in specific activities or undertake particular tasks, or for
23 the animal to participate effectively in contemporary domestic life, and who keep, board, or retain
24 possession of the animal for at least one overnight period, with the exception of those persons
25 engaged in these activities for dog training programs operated by government agencies and for dog
26 training programs operated by a not-for-profit or exempt nonprofit organization pursuant to 26
27 U.S.C. § 501(c)(3) of the Internal Revenue Code.

28 **4-19-8. Denial of certificates of registration or licenses. [Effective July 1, 2020.]**

29 (a) A certificate of registration may be denied to any pound or animal shelter, rescue, ~~or~~
30 broker, or pet groomer or pet grooming facility and a license may be denied to any public auction,
31 kennel, breeder, pet shop, trainer, or dealer or, if granted, the certificate or license may be revoked
32 by the director if, after a hearing, it is determined that the housing facilities and/or primary
33 enclosures are inadequate for the purposes of this chapter or if the feeding, watering, sanitizing,
34 and housing practices at the pound, animal shelter, public auction, pet shop, or kennel are not

1 consistent with the intent of this chapter or with the intent of the rules and regulations that may be
2 promulgated pursuant to the authority of this chapter.

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

6 (c) Upon the revocation of a license, all animals in the possession of the public auction,
7 kennel, pet shop, breeder, trainer, or dealer must be disposed of by the former licensee in a manner
8 approved by the department. Such disposition must not be for profit and must occur in a timeframe
9 that is determined by the department. Inspectors from the department or from the Rhode Island
10 Society for the Prevention of Cruelty to Animals must have access to the facility where the animals
11 being housed by the former licensee are being held until disposition so that the welfare of said
12 animals can be assured.

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

15 **4-19-23. Pet grooming.**

16 (a) Every pet groomer and pet grooming facility operating within this state shall:

17 (1) Maintain a safety certification from the Rhode Island Professional Pet Groomers'
18 Association or from any organization approved by the director to provide a safety certification
19 based on standards approved by the Rhode Island Professional Pet Groomers' Association.

20 (2) Register in a manner provided by the director. The registration period is the state's fiscal
21 year and the registration fee is twenty-five dollars (\$25.00) for each license period or part thereof,
22 beginning with the first day of the state's fiscal year.

23 (b) Any person who engages in activities as a pet groomer or operates a pet grooming
24 facility without registration shall upon conviction be punished pursuant to § 4-19-11.3.

25 SECTION 3. This act shall take effect on July 1, 2020.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE

1 This act would establish registration by pet groomers and pet grooming facilities with an
2 annual registration fee of twenty-five dollars (\$25.00).

3 This act would take effect on July 1, 2020.

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