

2019 -- H 5297

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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 McNamara, Jackson, Amore, Serodio, and Noret

Date Introduced: February 06, 2019

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 veterinary hospital that is housing animals during their treatment, where animals not owned by
15 the proprietor are sheltered, fed, and watered in return for a fee. This definition shall not apply to
16 the sheltering, feeding, and watering in return for a fee in a residential setting, of no more than
17 four (4) animals not owned by the proprietor, subject to any applicable municipal ordinance that
18 may be more restrictive.

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

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

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

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

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

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

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

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

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

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

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

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

17 (32) "Unlicensed animal care service provider" means any person who renders a service
18 to any animal, as defined in this section, for compensation through payment, trade, barter, gift, or
19 any other means of compensation, but who is not otherwise required to be licensed pursuant to
20 the provisions of this chapter, or the provisions of chapter 25 of title 5 (Veterinary Practice Act).
21 "Unlicensed animal care service provider" includes, but is not limited to, trainers, transporters,
22 groomers, pet sitters, and behaviorists.

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

25 **4-19-13.1. Rules and regulations applicable to unlicensed animal care service**
26 **providers.**

27 (a) Any person who meets the definition of an unlicensed animal care service provider,
28 pursuant to § 4-19-2, is:

29 (1) Subject to inspection by an authorized agent of the department of environmental
30 management ("the department") or an agent from the Rhode Island Society for the Prevention of
31 Cruelty to Animals (RISPCA), upon the department or RISPCA receiving a written complaint
32 against the person. Only complaints related to animal care, animal health, and animal welfare
33 may initiate an inspection. Any inspection that is conducted by the department or RISPCA shall
34 be conducted between the hours of eight o'clock a.m. (8:00 a.m.) and five o'clock p.m. (5:00 p.m.)

1 unless the person who is the subject of the complaint agrees to an inspection at another time; and
2 (2) Required to be compliant with the rules and regulations governing animal care
3 facilities, RICR 250 through and including RICR 40-05-4, section 4.7 (general standards) and
4 sections 4.8.A through 4.8.E (excluding the sanitation log requirements), as applicable, based
5 upon the species of animal for which the unlicensed animal care service provider is providing
6 services. Any inspection conducted by an authorized agent of the department or RISPCA shall be
7 limited to the aforementioned sections and shall be limited to areas to which the animals being
8 cared for have access. Any violations of these sections are punishable in accordance with section
9 4.12 of the rules and regulations governing animal care facilities and any appeal for any
10 enforcement action shall be made in accordance with section 4.11.B of those rules.

11 (b) Any person who is subject to inspection pursuant to the conditions set forth in
12 subsection (a) of this section who denies access to authorized inspectors from the department or
13 RISPCA, is subject to a civil fine of three hundred fifty dollars (\$350). Each day that access is
14 denied shall constitute a separate punishable offense. In the event the person who is subject to
15 inspection refuses access to the department or RISPCA, the department or agent of the RISPCA
16 may obtain a search warrant from a justice of the district court to gain access to the premise
17 where the animals are being harbored.

18 SECTION 3. This act shall take effect upon passage.

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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 regulate the conduct of unlicensed animal care providers by subjecting
2 them to inspection by the department of environmental management (DEM) or the Rhode Island
3 Society for the Prevention of Cruelty to Animals (RISPCA) for compliance with rules and
4 regulations governing animal care facilities with a civil fine of three hundred fifty dollars (\$350)
5 for each day access to the premises is denied and allowing of access upon issuance of a search
6 warrant.

7 This act would take effect upon passage.

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