

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

A N A C T

**RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- PERMIT PROGRAM FOR
CATS**

Introduced By: Senators Tassoni, Doyle, and McBurney

Date Introduced: January 10, 2006

Referred To: Senate Constitutional & Gaming Issues

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 4 of the General Laws entitled "ANIMALS AND ANIMAL
2 HUSBANDRY" is hereby amended by adding thereto the following chapter:

3 CHAPTER 24

4 PERMIT PROGRAM FOR CATS

5 **4-24-1. Short title.** – This chapter shall be known and may be cited as the "Rhode Island
6 Permit Program for Cats."

7 **4-24-2. Legislative findings.** – The general assembly hereby finds and declares that:

8 (1) An unacceptable number of healthy, but abandoned cats are euthanized annually in
9 Rhode Island.

10 (2) Due to the large number of stray and abandoned cats, euthanasia is not a cost
11 effective, acceptable or ethical solution to the threats to public health and safety posed by large
12 populations of stray, feral or homeless cats.

13 (3) Stray and abandoned pets, specifically cats, create numerous public health and safety
14 problems, including transmission of disease and traffic hazards created by cats running loose on
15 public streets.

16 (4) A permit system for breeding of cats owned or harbored in the state, combined with a
17 program for spaying/neutering, is a reasonable and effective means of reducing the population of
18 abandoned or stray cats, and for eliminating the practice of euthanizing homeless cats, except

1 those for whom euthanasia is an escape from suffering or necessary to protect people and/or other
2 animals from vicious behavior.

3 The general assembly therefor finds and declares that it intends to provide for the public
4 health, safety and welfare through a program requiring spaying and neutering cats unless
5 appropriate permits are acquired. The provisions of this chapter shall be in addition to the cat
6 registration or identifying program requirements set forth in this title.

7 **4-24-3. Spaying and neutering.** – (a) No person, as defined by section 4-19-2, shall own
8 or harbor, within the state, any cat over the age of six (6) months which has not been spayed or
9 neutered, unless such person has adopted a cat from a licensed releasing agency as defined by
10 section 4-19-2 and is subject to the spaying and neutering requirements of section 4-19-2 or holds
11 either a license to keep an unaltered cat, or a license and permit for breeding cats issued by the
12 animal control officer for the city or town in which they live, or unless the caretaker states that,
13 due to age, health or illness it would be inappropriate to spay or neuter the cat and having in their
14 possession a letter from a licensed veterinarian stating such, which shall be provided to the animal
15 control officer.

16 (b) An "intact" permit shall be issued for an unaltered cat if the owner signs a written
17 statement that such animal will not be allowed to breed unless the owner has first obtained a
18 breeding permit. An "intact" permit may be issued by the animal control officer to an individual
19 who refuses to spay or neuter their cat. The fee for such a permit shall be one hundred dollars
20 (\$100) per year. All funds from "intact" permits shall be deposited in the city or town's
21 spay/neuter account.

22 (c) Any person providing care or sustenance for an uninterrupted period of sixty (60)
23 days or longer shall be deemed the owner of such animal and shall adhere to the provisions of this
24 chapter. Provided, further, that cities and towns may, by ordinance, require a permit of persons
25 who provide care or sustenance for colony(s) of feral cats.

26 **4-24-4. Breeding permits.** – (a) No person shall cause or allow any cat owned or
27 harbored in the city or town in which they live to breed without first obtaining a breeding permit
28 under this section.

29 (b) Each city or town animal control officer shall administer a permit program to allow
30 the breeding of cats consistent with criteria and according to procedures contained in the city or
31 town ordinances; provided, however, that where city's or town's have ordinances, specifically
32 prohibiting the breeding of cats it shall be the city's or town's ordinances that shall govern with
33 respect to that subsection or provision only.

34 (c) Each applicant who is issued a permit to breed cats under this section shall pay an

1 annual breeding permit fee of one hundred dollars (\$100) per cat.

2 (d) No person shall cause or allow the breeding of a male or female cat without first
3 obtaining a breeding permit issued by the animal control officer. Breeding permits shall be valid
4 for twelve (12) months, renewable on an annual basis for a fee of one hundred dollars (\$100) per
5 cat. Herein, all breeding permits shall contain the following terms and conditions and be subject
6 to all of the following requirements:

7 (1) No offspring may be sold or adopted and permanently placed until reaching an age of
8 at least eight (8) weeks;

9 (2) No offspring may be sold or adopted until immunized against common diseases as
10 determined by the director of environmental management in accordance with chapter 4-4 of the
11 general laws to be contagious or injurious to public health or to the health of other animals;

12 (3) Any permit holder advertising to the public the availability of any animal for adoption
13 or sale must prominently display the permit number in any publications in which they advertise.
14 The permit number must be provided to any person adopting or purchasing any animal bred by
15 the permit holder; and

16 (4) The breeding permit holder shall adhere to minimum standards regarding the care and
17 keeping of animals pursuant to chapter 4-19.

18 **4-24-5. Sale or adoption of cats.** – (a) Any person or licensed business who provides or
19 offers to the public, whether or not for compensation, any pet or pet related goods, where they are
20 the primary products, or pet services shall provide to their clients, at no charge, information
21 relating to pet care and ownership, including information on city and town laws pertaining to
22 animal control.

23 (b) Any person offering cats for sale or adoption shall disclose to any purchaser or
24 adoptive owner, information regarding the licensing or permit requirements of the city or town in
25 which they reside applicable to the animal.

26 **4-24-6. Revocation of permit.** – (a) Any permit issued may be revoked if the animal
27 control officer has reasonable cause to believe any of the following to be true:

28 (1) The permittee has violated the provisions of chapter 4-19 or any other state or local
29 ordinances relating to the keeping, care or use of any animal;

30 (2) The permittee is in violation of any state health or safety law or regulation regarding
31 animal care or control;

32 (3) The permittee has failed to comply with any condition or requirement of the permit or
33 has failed to pay any fee imposed under this section;

34 (4) The permittee refuses to allow inspection, upon forty-eight (48) hours of written

1 notice, of any cat covered by the permit or the premises on which the animal is kept; or

2 (5) The permittee has transferred, sold or otherwise disposed of the cat for which the
3 permit was issued.

4 (b) If, after investigation, the animal control officer concludes that it is probable that one
5 or more of the above grounds for revocation has occurred, he or she shall cause written notice
6 thereof to be transmitted by mail to the address of the permittee. The notice shall specify the
7 grounds of possible revocation of the permit, and shall specify a date and time for an informal
8 hearing to be held before the animal control officer. The date shall be not less than five (5) days
9 subsequent to the date the notice is mailed. After the informal hearing, the animal control officer
10 may modify the terms of the permit or revoke the permit. Provided, further, that if the health or
11 well-being of the animal is in danger the animal control officer of that city or town may take
12 custody and control of the animal until such time that a hearing is conducted pursuant to
13 subsection 4-24-6(b).

14 **4-24-7. Farmland exemption.** – Farmland defined as any tract or tracts of land,
15 including woodland and wasteland constituting a farm unit which is actively devoted to
16 agricultural or horticultural use including, but not limited to: forages and sod crops; grains and
17 feed crops; fruits and vegetables; poultry, dairy, and other livestock and their products; nursery,
18 floral and greenhouse products; and any other food or fiber products useful to people; shall be
19 exempt from the provisions of this chapter.

20 **4-24-8. Abandonment of cats.** – If any cat is abandoned by their owner or any person
21 having charge or custody of that cat, that person shall, for each offense be punished in the manner
22 provided in section 4-1-2.

23 **4-24-9. Canine surcharge.** – (a) Each city and town is required to collect a one dollar
24 (\$1.00) surcharge on each dog license issued by the municipality. The revenue generated by this
25 surcharge shall be deposited in the respective city's and town's spay/neuter account to fund low-
26 cost spay/neuter programs.

27 (b) Any remaining revenue collected pursuant to this act which is unused during any
28 calendar year shall remain in said city or towns spay/neuter account for use during the following
29 year.

30 **4-24-10. Penalty for violation.** – Any person who violates the permit provisions of this
31 chapter shall have no more than thirty (30) days to have their cat spayed or neutered or provide
32 proof from a licensed veterinarian indicating that arrangements have been made to spay or neuter
33 their cat(s). The animal control officer shall inform persons subject to this law to the availability
34 of reduced cost or free spay/neuter programs available for low income persons and any programs

1 sponsored by local humane organizations offering low cost spaying or neutering. If an animal is
2 not spayed or neutered within thirty (30) days of the notice, he or she shall be subject to a
3 seventy-five dollar (\$75.00) fine for each thirty (30) days the animal is not spayed or neutered.
4 Funds generated pursuant to this section shall be deposited in the spay/neuter account of the city
5 or town where the violation occurred to be used to fund low-cost spay/neuter programs in
6 accordance with section 4-24-13.

7 **4-24-11. Responsibility for enforcement.** – The local animal control officer shall be
8 responsible for the enforcement and administration of this chapter.

9 **4-24-12. Time for compliance.** – Persons harboring a cat subject to this chapter on the
10 effective date thereof shall be given one hundred twenty (120) days from the date to comply with
11 the provisions thereof.

12 **4-24-13. Low-cost spay/neuter accounts.** – (a) All revenue generated pursuant to
13 sections 4-24-9 and 4-24-10 shall be deposited in the respective city and towns spay/neuter
14 accounts. Said funds shall be divided equally with fifty percent (50%) of which to be reserved for
15 the exclusive use of funding a low-cost spay/neuter program for the animals of persons who
16 qualify for one of the following public assistance programs or any other public assistance
17 program as determined by the city or towns animal control officer:

18 (1) Any program which qualifies as public assistance pursuant to chapter 40-6;

19 (2) The food stamp program authorized by Title XIII of the federal Food and Agriculture
20 Act of 1977, 7 USC 2011 et seq.;

21 (3) The supplemental security income program authorized by Title XVI of the federal
22 Social Security Act, 42-USC 1381 et seq.;

23 (4) The federal Temporary Assistance for Needy Families Act authorized by 42 USC 601
24 et seq.; or

25 (5) The Medicaid program authorized by Title XIX of the federal Social Security Act, 42
26 USC 1381.

27 Persons who are eligible for any of the aforementioned programs must provide proof that
28 he or she is an eligible person to the animal control officer of that city or town to qualify for the
29 low-cost spay/neuter provisions of this section.

30 (b) All remaining funds shall be deposited in the respective city or towns spay/neuter
31 account to fund the spaying and neutering of animals currently residing in the city or towns pound
32 and to fund low-cost spay/neuter programs.

33 SECTION 2. 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 -- PERMIT PROGRAM FOR
CATS

- 1 This act would establish a permit program featuring a spay/neuter program to control the
- 2 cat population in the state.
- 3 This act would take effect upon passage.

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LC00034/SUB A/
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