

2012 -- H 7180

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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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, Silva, Fellela, Gallison, and E Coderre

Date Introduced: January 18, 2012

Referred To: House Judiciary

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 1.1

4 UNLAWFUL CONFINEMENT OF A COVERED ANIMAL

5 **4-1.1-1. Definitions.** – 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) "Covered animal" means a sow during gestation or calf raised for veal that is kept on  
9 a farm.

10 (3) "Crate" means any cage, crate, or other device (including what is commonly  
11 described as a "gestation crate" for sows or a "veal crate" for calves) used to confine a covered  
12 animal.

13 (4) "Farm" means the land, building, support facilities, and other equipment that are  
14 wholly or partially used for the commercial production of animals or animal products used for  
15 food or fiber; and does not include live animal markets.

16 (5) "Farm owner or operator" means any person who owns or controls the operation of a  
17 farm, and does not include any non-management employee, contractor, or consultant.

18 (6) "Fully extending the animal's limbs" means fully extending all limbs without

1 touching the side of an enclosure.

2 (7) "Person" means any individual, firm, partnership, joint venture, association, limited  
3 liability company, corporation, estate, trust, receiver, or syndicate.

4 (8) "Sow during gestation" means a pregnant pig of the porcine species kept for the  
5 purpose of breeding.

6 (9) "Turning around freely" means turning in a complete circle without any impediment  
7 including a tether, and without touching the side of a crate.

8 **4-1.1-2. Purpose.** -- The purpose of this chapter, subject to exceptions set forth in section  
9 4-1.1-4, is to prohibit the confinement of calves raised for veal and sows during gestation in a  
10 manner that prevents them from turning around freely, lying down, standing up, or fully  
11 extending their limbs

12 **4-1.1-3. Unlawful confinement.** -- Notwithstanding any other provision of law, a person  
13 is guilty of unlawful confinement of a covered animal if the person is a farm owner or operator  
14 who knowingly tethers or confines any covered animal in a manner that prevents such animal  
15 from turning around freely, lying down, standing up, or fully extending the animal's limbs.

16 **4-1.1-4. Exceptions.** -- This section shall not apply:

17 (1) During medical research.

18 (2) During examination, testing, individual treatment or operation for veterinary  
19 purposes.

20 (3) During transportation.

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

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

24 (6) hours in any twenty-four (24) hour period.

25 (6) During the humane slaughter of a covered animal in accordance with the provisions of  
26 chapter 4-17, and other applicable laws and regulations.

27 (7) To a sow during the seven (7) day period prior to the sows expected date of giving  
28 birth.

29 **4-1.1-5. Penalty.** -- (a) The provisions of this chapter are in addition to, and not in lieu of,  
30 any other laws protecting animal welfare. This chapter may not be construed to limit any other  
31 state laws or rules protecting the welfare of animals or to prevent a local governing body from  
32 adopting and enforcing its own animal welfare laws and regulations.

33 (b) It is not an affirmative defense to alleged violations of this chapter that the calf or sow  
34 was kept as part of an agricultural operation and in accordance with customary animal husbandry

1 or farming practices.

2 (c) Any person who violates the provisions of this chapter or any rules or regulations  
3 promulgated hereunder shall be imprisoned not exceeding six (6) months, or be fined not less  
4 than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or both.

5 **4-1.1-6. Severability. – If any provision of this chapter or the application thereof to any**  
6 **person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality**  
7 **shall not affect other provisions or applications of this chapter that can be given effect without the**  
8 **invalid or unconstitutional provision or application, and to this end the provisions of this chapter**  
9 **are declared to be severable.**

10 SECTION 2. This act shall take effect one year after its passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- UNLAWFUL CONFINEMENT  
OF A COVERED ANIMAL

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- 1           This act would prohibit the unlawful confinement of calves raised for veal or sows during
- 2           gestation.
- 3           This act would take effect one year after its passage.

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