

2013 -- H 5398

=====  
LC01213  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————  
A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE

Introduced By: Representatives Shekarchi, Baldelli-Hunt, Costantino, Serpa, and Ferri

Date Introduced: February 13, 2013

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-19-1, 4-19-2, 4-19-8 and 4-19-9 of the General Laws in Chapter  
2 4-19 entitled "Animal Care" are hereby amended to read as follows:

3 **4-19-1. Purpose.** -- The purpose of this chapter is:

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

5 (2) To insure that all warm-blooded vertebrate animals, as items of commerce are  
6 provided humane care and treatment by regulating the transportation, sale, purchase, housing,  
7 care, handling and treatment of these animals by persons or organizations engaged in  
8 transporting, buying, or selling them for commercial use;

9 (3) To insure that animals confined in pet shops, kennels, [pet grooming facilities](#), animal  
10 shelters, auction markets, and pounds are provided humane care and treatment;

11 (4) To release for sale, trade or adoption only those animals which appear to be free of  
12 infection, communicable disease, or abnormalities, unless veterinary care subsequent to release is  
13 assured; and

14 (5) To ensure the spaying and neutering of dogs and cats which are adopted from a  
15 releasing agency.

16 **4-19-2. Definitions.** -- As used in this chapter, chapter 13 of this title, and the regulations  
17 promulgated under this chapter:

18 (1) "Adequate feed" means the provision at suitable intervals, not to exceed twenty-four  
19 (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to

1 maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a  
2 sanitized receptacle, dish, or container.

3 (2) "Adequate water" means a constant access to a supply of clean, fresh, potable water  
4 provided in a sanitary manner or provided at suitable intervals for the species and not to exceed  
5 twenty-four (24) hours at any interval.

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

8 (4) "Adopt" means when an adopting party voluntarily acquires and assumes  
9 responsibility for a dog or a cat from a releasing agency.

10 (5) "Adopting party" means any person who enters into a contract acquiring a dog or cat  
11 from a releasing agency.

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

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

16 (8) "Animal shelter" means a facility which is used to house or contain animals and  
17 which is owned, operated, or maintained by a duly incorporated humane society, animal welfare  
18 society, society for the prevention of cruelty to animals, or other nonprofit organization devoted  
19 to the welfare, protection, and humane treatment of animals.

20 (9) "Breeder" means a person engaged in the propagation of purebred dogs and/or cats  
21 for the purpose of improving and enhancing a breed recognized and registered by the American  
22 kennel club, American field stud book, or a registered cat breed association.

23 (10) "Dealer" means any person who sells, exchanges, or donates, or offers to sell,  
24 exchange, or donate animals to another dealer, pet shop, or research facility, or who breeds dogs  
25 and/or cats for the purpose of selling or donating to another dealer or pet shop, or research  
26 facility.

27 (11) "Director" means the director of environmental management of the state of Rhode  
28 Island.

29 (12) "Dog officer" means any person employed, contracted or appointed by the state or  
30 any political subdivision of the state for the purpose of aiding in the enforcement of this chapter  
31 or any other law, or ordinance relating to the licensing of dogs, cats or other animals, the control  
32 of dogs, cats or other animals, or the seizure and impoundment of dogs, cats or other animals and  
33 includes any state or municipal peace officer, animal control officer, sheriff, constable or other  
34 employee whose duties in whole or in part include assignments which involve the seizure or

1 taking into custody of any dog, cat or other animal.

2 (13) "Euthanasia" means the humane destruction of an animal accomplished by a method  
3 that involves instantaneous unconsciousness and immediate death or by a method that involves  
4 anesthesia, produced by an agent which causes painless loss of consciousness, and death during  
5 that loss of consciousness.

6 (14) "Hobby breeder" means those persons whose regular occupation is not the breeding  
7 and raising of dogs and cats and whose method of sale is at retail only.

8 (15) "Housing facility" means any room, building, or area used to contain a primary  
9 enclosure or enclosures.

10 (16) "Kennel" means a place or establishment other than a pound or animal shelter where  
11 animals not owned by the proprietor are sheltered, fed, and watered in return for a fee.

12 (17) "Licensed releasing agency" means any animal shelter, animal rescue league,  
13 pound, dog pound, animal control facility, animal control officer, humane society, or society for  
14 the prevention of cruelty to animals which is required to be licensed with the director and is so  
15 licensed.

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

17 (19) "Person" means any individual, partnership, firm, joint stock company, corporation,  
18 association, trust, estate, or other legal entity.

19 (20) "Pet shop" means a temporary or permanent establishment where animals are  
20 bought, sold, exchanged, or offered for sale or exchange to the general public at retail. This shall  
21 not include an establishment or person whose total sales are the offspring of canine or feline  
22 females maintained on their premises and sold from those premises.

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

28 (22) "Primary enclosure" means any structure used to immediately restrict an animal or  
29 animals to a limited amount of space, as a room, pen, cage, compartment, or hutch.

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

33 (24) "Research facility" means any place, laboratory or institution at which scientific  
34 tests, investigations or experiments, involving the use of living animals are carried out,

1 conducted, or attempted.

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

4 (26) "Sexual maturity" means when a dog or cat reaches six (6) months. In all instances  
5 the licensed releasing agency will determine the age of the dog or cat.

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

7 (28) "State veterinarian" means a licensed veterinarian from the department of  
8 environmental management.

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

13 (30) "Pet grooming facility" means a place or establishment where pets are bathed,  
14 cleaned, trimmed or maintained as a service in return for a fee.

15 **4-19-8. Denial of certificates of registration or licenses.** -- A certificate of registration  
16 may be denied to any pound or animal shelter and a license may be denied to any public auction,  
17 kennel, pet grooming facility, pet shop or dealer or, if granted, the certificate or license may be  
18 revoked by the director if, after a hearing, it is determined that the housing facilities and/or  
19 primary enclosures are inadequate for the purposes of this chapter or if the feeding, watering,  
20 bathing, sanitizing and housing practices at the pound, animal shelter, public auction, pet shop,  
21 pet grooming facility or kennel are not consistent with the intent of this chapter or with the intent  
22 of the rules and regulations which may be promulgated pursuant to the authority of this chapter.

23 **4-19-9. Operation of pet shop, kennel or public auction without a license.** -- Any  
24 person who operates a pet shop, kennel, pet grooming facility or public auction without a  
25 currently valid license shall upon conviction for the first offense be punished by a fine not to  
26 exceed ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100), for the second and subsequent offense  
27 by a fine not to exceed ~~one hundred dollars (\$100)~~ one thousand dollars (\$1,000).

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

30 **4-19-22. Pet grooming licenses.** -- No person shall provide pet grooming facility service,  
31 as defined this chapter, after the first day of the fiscal year unless a license has been granted by  
32 the director to that person. Application for the license shall be made in the manner provided by  
33 the director. The license period is the fiscal year and the license fee is one hundred dollars (\$100)  
34 for each license period or part beginning with the first day of the fiscal year.

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

=====  
LC01213  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE

\*\*\*

- 1 This act would impose additional regulations on the operation of pet grooming facilities.
- 2 This act would take effect upon passage.

=====  
LC01213  
=====