

2013 -- H 5431

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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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 Judiciary

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.** -- As used in this chapter, chapter 13 of this title, and the regulations
4 promulgated under this chapter:

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

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

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

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

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

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

19 (7) "Animal" means any dog or cat, rabbit, rodent, nonhuman primate, bird or other

1 warm-blooded vertebrate amphibian, fish or reptile but shall not include horses, cattle, sheep,
2 goats, swine, and domestic fowl.

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

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

10 (10) "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 dogs
12 and/or cats for the purpose of selling or donating to another dealer or pet shop, or research
13 facility.

14 (11) "Director" means the director of environmental management of the state of Rhode
15 Island.

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

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

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

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

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

33 (17) "Licensed releasing agency" means any animal shelter, animal rescue league,
34 pound, dog pound, animal control facility, animal control officer, humane society, or society for

1 the prevention of cruelty to animals which is required to be licensed with the director and is so
2 licensed.

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

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

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

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

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

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

20 (24) "Research facility" means any place, laboratory or institution at which scientific
21 tests, investigations or experiments, involving the use of living animals are carried out,
22 conducted, or attempted.

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

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

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

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

30 (29) "Guardian" shall mean a person(s) [or a Rhode Island incorporated animal welfare or](#)
31 [animal rights group](#) having the same rights and responsibilities of an owner, and both terms shall
32 be used interchangeably. A guardian shall also mean a person who possesses, has title to or an
33 interest in, harbors or has control, custody or possession of an animal and who is responsible for
34 an animal's safety and well-being.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would expand the definition of guardian, in the law on animal care, to include a
- 2 Rhode Island incorporated animal welfare or animal rights group.
- 3 This act would take effect upon passage.

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