**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

Introduced By: Representatives DeSimone, Ackerman, Lima, Fellela, and Shekarchi

Date Introduced: February 14, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Sections 4-1-1 and 4-1-3 of the General Laws in Chapter 4-1 entitled "Cruelty to Animals" are hereby amended to read as follows:

4-1-1. Definitions -- Responsibility for agents and employees. -- (a) In this chapter and in sections 4-4-9, 4-4-10, and 23-19-8:

(1) "Animal" and "animals" means every living creature except a human being;

(2) "Licensed graduate veterinarian" or "veterinarian" means a person licensed to engage in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate of an accredited veterinary medical, surgical, and dental school or college of a standard recognized by the Rhode Island veterinary medical association; and

(3) "Owner", "person", and "whoever" means corporations as well as individuals.

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

(5) Except for livestock as defined in subsection 4-26-3(7), "adequate living conditions" shall mean a sanitary environment which is dry and free of accumulated feces and free of debris and garbage that may clutter the environment, pose a danger or entangle the animal. The environment in which the animal is kept must be consistent with federal regulatory requirements, where applicable or generally recognized professional standards, where applicable, or otherwise...
be of sufficient size so as not to inhibit comfortable rest, normal posture or range of movement, and suitable to maintain the animal in a good state of health. "Adequate living conditions" for livestock as defined in subsection 4-26-3(7) shall mean best management practices established, no later than July 1, 2014, by the Rhode Island livestock welfare and care standards advisory council.

(b) The knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of that corporation are held to be the acts and knowledge of that corporation.

4-1-3. Unnecessary cruelty.-- (a) Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works that animal when unfit for labor, or cruelly abandons that animal, or who carries that animal or who fails to provide that animal with adequate living conditions as defined in section 4-1-1, or causes that animal to be carried, in or upon any vehicle or otherwise in a cruel or inhuman manner, or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or permits that animal to be subjected to unnecessary torture, suffering or cruelty of any kind, or who places or causes to have placed on any animal any substance that may produce irritation or pain, or that is declared a hazardous substance by the U.S. food and drug administration or by the state department of health, shall be punished for each offense in the manner provided in section 4-1-2.

(b) The substances proscribed by subsection (a) do not include any drug having curative and therapeutic effect for disease in animals and which is prepared and intended for veterinary use.

(c) University, college or hospital research facilities licensed and/or inspected by the U.S. Department of Agriculture or the U.S. Public Health Service of the department of health and human services shall be exempt from the provisions of subsection (a) provided that they are in good standing with the federal agency responsible for licensing or assurance of the facility.

SECTION 2. This act shall take effect upon passage.
This act would expand the meaning of unnecessary cruelty to one who willfully, intentionally, maliciously, recklessly and/or knowingly authorizes or permits that animal to be subjected to unnecessary torture, suffering or cruelty of any kind. This act would also define “adequate living conditions” as used in the section.

This act would take effect upon passage.