

2018 -- H 7477

=====
LC004434
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

—————
A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE

Introduced By: Representatives Serpa, Shanley, Solomon, McKiernan, and O'Brien

Date Introduced: February 07, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-19-1, 4-19-2, 4-19-4, 4-19-5, 4-19-5.1, 4-19-6, 4-19-7, 4-19-8,
2 4-19-10, 4-19-16 and 4-19-20 of the General Laws in Chapter 4-19 entitled "Animal Care" are
3 hereby amended to read as follows:

4 **4-19-1. Purpose.**

5 The purpose of this chapter is:

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

7 (2) To ensure that all warm-blooded, vertebrate animals, in the care of facilities licensed
8 or registered under this chapter, are provided humane care and treatment by regulating the
9 transportation, sale, purchase, housing, care, handling, and treatment of these animals by persons
10 or organizations engaged in transporting, [selling](#), handling, housing, and care of these animals;

11 (3) To ensure that animals confined in pet shops, kennels, animal shelters, auction
12 markets, breeding facilities, and pounds are provided humane care and treatment;

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

16 (5) To ensure the spaying and neutering of dogs and cats that are adopted from a
17 releasing agency- ~~and~~;

18 (6) [To ensure pet shops adhere to a humane model in order to decrease the demand for](#)
19 [puppies and kittens bred in puppy and kitten mills, increase the demand for animals from shelters](#)

1 [and rescues, and protect consumers.](#)

2 **4-19-2. Definitions.**

3 As used in this chapter, chapter 13 of this title, and the regulations promulgated under
4 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 veterinary care" means care by a licensed veterinarian sufficient to prevent
10 the animal from experiencing unnecessary or unjustified physical pain or suffering.

11 (3) "Adequate water" means ~~a~~ constant access to a sufficient supply of clean, fresh,
12 potable water provided in a sanitary manner and provided at suitable intervals for the species to
13 maintain the health of the animal(s) and not to exceed twenty-four (24) hours at any interval.

14 (4) "Adopt" means when an adopting party voluntarily acquires and assumes
15 responsibility for an animal from a releasing agency that is properly licensed or registered by the
16 department.

17 (5) "Adopting party" means any person who enters into a contract acquiring an animal
18 from a releasing agency that is properly licensed or registered by the department.

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

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

23 (8) "Animal rescue" or "rescue" means an entity, without a physical brick-and-mortar
24 facility, that is owned, operated, or maintained by a duly incorporated humane society, animal
25 welfare society, society for the prevention of cruelty to animals, or other nonprofit organization
26 devoted to the welfare, protection, and humane treatment of animals intended for adoption. [This](#)
27 [term does not include any entity that obtains animals from a breeder or dealer in exchange for](#)
28 [payment or compensation.](#)

29 (9) "Animal shelter" means a brick-and-mortar facility that is used to house or contain
30 animals and that is owned, operated, or maintained by a duly incorporated humane society,
31 animal welfare society, society for the prevention of cruelty to animals, or other nonprofit
32 organization devoted to the welfare, protection, and humane treatment of animals.

33 (10) "Breeder" means a person engaged in the propagation of purebred or crossbred dogs
34 and/or cats for the purpose of improving and enhancing a breed recognized and registered by the

1 American Kennel Club, American Field Stud Book, a registered cat breed association, or for sale
2 at wholesale or retail, unless otherwise exempted as a hobby breeder as defined below.

3 (11) "Broker" means any third party who arranges, delivers, or otherwise facilitates
4 transfer of ownership of animal(s), through adoption or fostering, from one party to another,
5 whether or not the party receives a fee for providing that service and whether or not the party
6 takes physical possession of the animal(s) at any point.

7 (12) "Dealer" means any person who sells, exchanges, or donates, or offers to sell,
8 exchange, or donate, animals to another dealer, pet shop, or research facility, or who breeds
9 animals for the purpose of selling or donating to another dealer or pet shop or research facility.

10 (13) "Director" means the director of environmental management of the state of Rhode
11 Island.

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

19 (15) "Euthanasia" means the humane destruction of an animal accomplished by a method
20 that involves instantaneous unconsciousness and immediate death or by a method that involves
21 anesthesia, produced by an agent that causes painless loss of consciousness and death during that
22 loss of consciousness.

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

27 (17) "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. A hobby breeder shall not
29 exceed the limits set forth in § 4-25-1(4). Any person who sells at retail a number in excess of the
30 [sale](#) limits in the aforementioned section shall be considered a breeder.

31 (18) "Housing facility" means any room, building, or area used to contain a primary
32 enclosure or enclosures.

33 (19) "Kennel" means a place or establishment, other than a pound or animal shelter,
34 where animals not owned by the proprietor are sheltered, fed, and watered in return for a fee. [This](#)

1 [term shall not include any entity that sells a dog or cat.](#)

2 (20) "Licensed releasing agency" means any animal shelter, animal-rescue, pound,
3 animal-control officer, or broker that is required to be licensed or registered with the director
4 pursuant to the provisions of this chapter and is so licensed or registered.

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

6 (22) "Person" means any individual, partnership, firm, joint stock company, corporation,
7 association, trust, estate, or other legal entity.

8 (23) "Pet shop" means ~~a temporary or permanent~~ [an](#) establishment where animals are
9 bought, sold, exchanged, or offered for sale or exchange to the general public at retail. This shall
10 not include an establishment or person whose total sales are the offspring of canine or feline
11 females maintained on their premises and sold from those premises and does not exceed the limits
12 set forth in § 4-25-1(4).

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

18 (25) "Primary enclosure" or "enclosure" means the most proximal barrier to an animal
19 that will have the intended purpose or effect of containment of that animal or that will effectively
20 restrict the liberty of the animal.

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

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

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

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

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

32 (31) "State veterinarian" means a licensed veterinarian from the department of
33 environmental management.

34 **4-19-4. Registration of animal shelters, rescues, and brokers.**

1 No person shall operate an animal shelter, rescue, or [as a](#) broker unless a certificate of
2 registration for that animal shelter, rescue, or broker has been granted by the director. Application
3 for that certificate shall be made in the manner provided by the director. No fee is required for the
4 application or certificate. Certificates of registration are valid for a period of one year, or until
5 revoked, and may be renewed annually on the first day of January for like periods upon
6 application in the manner provided.

7 **4-19-5. Pet shop licenses.**

8 No person shall operate a pet shop, as defined in this chapter unless a license to operate
9 that establishment shall have been granted by the director. Application for that license shall be
10 made in the manner provided by the director. The license period is the [state's](#) fiscal year and the
11 license fee is one hundred dollars (\$100.00) for each license period or [part thereof](#) ~~partial period~~
12 beginning with the first day of the fiscal year.

13 **4-19-5.1. Breeder licenses.**

14 No person shall act as a breeder, as defined in § 4-19-2, unless in possession of a valid
15 license to operate as a breeder granted by the director. Application for that license shall be made
16 in the manner provided by the director. The license period is the state's fiscal year and the license
17 fee is one hundred dollars (\$100) for each license period or [part thereof](#) ~~partial period~~ beginning
18 with the first day of the fiscal year.

19 **4-19-6. Public auction and kennel licenses.**

20 (a) No person shall operate a public auction or a kennel, as defined in this chapter, unless
21 a license to operate that establishment has been granted by the director. Application for the
22 license shall be made in the manner provided by the director. The license period is the fiscal year
23 and the license fee shall be fifty dollars (\$50.00) for each license period or part thereof beginning
24 with the first day of the fiscal year.

25 (b) This section shall not be interpreted to interfere in any manner with the issuing of a
26 public auction or kennel license by any city or town, nor any fee charged by any city or town. No
27 license shall be issued by the director except for those premises as shall be designated [for such](#)
28 [licensure](#) by the respective city or town council.

29 **4-19-7. Dealer licenses.**

30 No person shall ~~be~~ [operate as](#) a dealer, as defined in this chapter, after the first day of the
31 fiscal year unless a license to deal has been granted by the director to that person. Application for
32 the license shall be made in the manner provided by the director. The license period is the fiscal
33 year and the license fee is one hundred dollars (\$100) for each license period or part [thereof](#)
34 beginning with the first day of the fiscal year.

1 **4-19-8. Denial of certificates of registration or licenses.**

2 (a) A certificate of registration may be denied to any pound or animal shelter, rescue, [or](#)
3 broker, and a license may be denied to any public auction, kennel, breeder, pet shop, or dealer or,
4 if granted, the certificate or license may be revoked by the director if, after a hearing, it is
5 determined that the housing facilities and/or primary enclosures are inadequate for the purposes
6 of this chapter or if the feeding, watering, sanitizing, and housing practices at the pound, animal
7 shelter, public auction, pet shop, or kennel are not consistent with the intent of this chapter or
8 with the intent of the rules and regulations that may be promulgated pursuant to the authority of
9 this chapter.

10 (b) Upon revocation of a certificate of registration, all animals in the possession of the
11 pound, rescue, broker, or animal shelter must be transferred to another licensed releasing agency
12 for disposition.

13 (c) Upon the revocation of a license, all animals in the possession of the public auction,
14 kennel, pet shop, breeder, or dealer must be disposed of by the former licensee in a manner
15 approved by the department. Such disposition must not be for profit and must occur in a
16 timeframe that is determined by the department. Inspectors from the department or from the
17 Rhode Island Society for the Prevention of Cruelty to Animals must have access to the facility
18 where the animals being housed by the former licensee are being held until disposition so that the
19 welfare of said animals can be assured.

20 **4-19-10. Dealing in animals without a license.**

21 Any person ~~dealing in~~ [who operates as a dealer of](#) animals, as defined in this chapter,
22 without a currently valid license shall, upon conviction, plea of guilty, or plea of nolo contendere,
23 be punished pursuant to § 4-19-11.3. Each day of operation shall constitute a separate offense.

24 **4-19-16. Mandatory spaying and neutering of dogs and cats adopted from a licensed**
25 **releasing agency.**

26 (a) (1) No licensed releasing agency shall release, sell, trade, give away, exchange, adopt
27 out, or otherwise transfer with or without a fee any dog or cat that has not been spayed or
28 neutered unless the adopting party executes a written agreement with the licensed releasing
29 agency to have the dog or cat spayed or neutered in accordance with subdivisions (2) and (3) [of](#)
30 [this section.](#)

31 (2) The licensed releasing agency is authorized to enter into a written adoption agreement
32 with the adopting party provided that at the time of execution of the written agreement, the
33 licensed releasing agency collect from the adopting party an amount equal to the cost to the
34 licensed releasing agency for the spaying or neutering of the dog or cat to be adopted. The written

1 agreement must include the dog or cat's age, sex, and general description; the date the adoption
2 agreement was executed; the date by which the licensed releasing agency anticipates that the dog
3 or cat will be spayed or neutered; the date by which the adoptive party shall claim the dog or cat;
4 the adopting party's name, address, phone number, and signature; the licensed releasing agency's
5 name, address, phone number, and the dollar amount remitted to the licensed releasing agency for
6 the cost of spaying or neutering the dog or cat.

7 (3) After execution of the agreement, the licensed releasing agency shall cause the dog or
8 cat to be spayed or neutered and, when medically fit, shall transfer custody of the dog or cat to the
9 adopting party. Any dog or cat that is not claimed by the adoptive party within ten (10) days of
10 the date enumerated in the written adoption agreement shall be considered unclaimed and may be
11 offered for adoption to another party.

12 (b) The following are exemptions from the provisions of subsection (a):

13 (1) A licensed releasing agency returns a stray dog or cat to its owner.

14 (2) A licensed releasing agency receives a written report from a licensed veterinarian
15 stating that the life of the dog or cat would be jeopardized by the surgery and that this health
16 condition is likely to be permanent.

17 (3) A licensed releasing agency receives a written report from a licensed veterinarian
18 stating that there is a temporary health condition, including sexual immaturity, which would make
19 surgery life threatening to the dog or cat or impracticable, in which instance the licensed releasing
20 agency shall enter into a written agreement for the spaying or neutering of the dog or cat upon
21 resolution of the temporary health condition or the animal reaching maturity and shall collect
22 from the adopting party an amount equal to the cost to the licensed releasing agency for the
23 spaying or neutering of the dog or cat to be adopted. The licensed releasing agency may then
24 allow the transfer of the dog or cat to the adopting party who shall return the dog or cat to the
25 licensed releasing agency for spaying or neutering upon resolution of the temporary health
26 condition or the animal reaching sexual maturity. The licensed releasing agency may grant the
27 adopting party an appropriate extension of time in which to have the dog or cat spayed or
28 neutered based on the veterinarian's report.

29 (4) A licensed releasing agency transfers a dog or cat to another licensed releasing
30 agency.

31 (c) If requested to do so, a licensed releasing agency shall refund fees collected for the
32 purpose of spaying or neutering the dog or cat to the adopting party upon reasonable proof being
33 presented to the releasing agency by the adopting party that the dog or cat died before the spaying
34 or neutering was required to be completed.

1 (d) Any and all licensed releasing agencies:

2 (1) May enter into cooperative agreements with each other and with veterinarians in
3 carrying out this section; and

4 (2) Shall make a good faith effort to cause an adopting party to comply with this section.

5 **4-19-20. Severability.**

6 If any provision of this chapter or the application of any provision to any person or
7 circumstances ~~are~~ is held invalid, the remainder of the chapter and the application of any
8 provision to persons or circumstances other than those as to which it is held invalid shall not be
9 affected by this invalidity.

10 SECTION 2. Chapter 4-19 of the General Laws entitled "Animal Care" is hereby
11 amended by adding thereto the following sections:

12 **4-19-4.1. Sales by pet shops.**

13 (a) No pet shop shall offer for sale a live cat or dog, unless such animal was obtained
14 from, or is displayed in cooperation with an animal shelter, dog pound or rescue as defined in this
15 chapter.

16 (b) A pet shop shall maintain records sufficient to document the source of each dog or cat
17 it obtains for at least two (2) years following the date of acquisition of such dog or cat. Such
18 records shall be made available, immediately upon request, to the department, the Rhode Island
19 Society for the Prevention of Cruelty to Animals, or an animal control officer, and shall be
20 submitted annually to the department.

21 (c) A pet shop shall post, in a conspicuous location on the cage or enclosure of each
22 animal, a sign listing the name of the animal shelter, dog pound or rescue from which the dog or
23 cat was obtained.

24 (d) A pet shop in compliance with this section shall be exempt from §§ 4-25-1 through 4-
25 25-10.

26 (e) Nothing in this section shall be construed to prevent any political subdivision from
27 adopting and enforcing its own ordinances or regulations that are consistent with or more
28 protective of animal welfare than this section.

29 **4-19-4.2. Prohibition on sales in public places.**

30 (a) It shall be unlawful for any person to sell, exchange, trade, barter, lease or display for
31 a commercial purpose any dog or cat on any roadside, public right-of-way, parkway, median,
32 park, other recreation area, flea market or other outdoor market, or commercial or retail parking
33 lot regardless of whether such access is authorized.

34 (b) This section shall not apply to the following:

1 (1) The display or adoption of dogs or cats by an animal shelter, pound or rescue as
2 defined by this chapter; or

3 (2) The display of dogs or cats as part of a state or county fair exhibition, 4-H program, or
4 similar exhibitions or educational programs.

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

=====
LC004434
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE

1 This act would prohibit pet shops from offering for sale cats or dogs that are not obtained
2 from an animal shelter, dog pound or animal rescue.

3 This act would also make it unlawful for any person to sell, exchange, trade, barter or
4 display any dog or cat on any roadside, public right-of-way, parkway, median, park, or other
5 outdoor market.

6 This act would take effect upon passage.

=====
LC004434
=====