

TITLE 4

Animals and Animal Husbandry

CHAPTER 4-1

Cruelty to Animals

SECTION 4-1-2

§ 4-1-2. Overwork, mistreatment, or failure to feed animals – Shelter defined.

(a) Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, or mutilated, any animal, and whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts cruelty upon that animal, or willfully, intentionally, maliciously, recklessly, and/or knowingly fails to provide that animal with ~~proper food, drink, shelter, or protection from the weather, shall,~~ adequate feed, water, shelter or veterinary care, as defined under RIGL 4-19-2, shall for each offense, be imprisoned not exceeding eleven (11) months, or be fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or both. If the offense described in this section results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5.

(b) Every owner, possessor, or person having charge of any animal may, upon conviction of a violation of this section, be ordered to forfeit all rights to ownership of the animal to the animal-control officer of the city or town in which the offense occurred or to a humane society that owns and operates the shelter that provided the subject animal shelter subsequent to any confiscation of said animal pursuant to this section.

~~(c) Shelter means a structure used to house any animal that will provide sufficient protection from inclement elements for the health and wellbeing of the animal.~~

History of Section.

(G.L. 1896, ch. 114, § 1; P.L. 1898, ch. 548, § 1; G.L. 1909, ch. 138, § 1; G.L. 1923, ch. 141, § 1; G.L. 1938, ch. 640, § 1; G.L. 1956, § 4-1-2; P.L. 1981, ch. 298, § 1; P.L.

1984, ch. 351, § 2; P.L. 1994, ch. 307, § 1; P.L. 2016, ch. 455, § 1; P.L. 2016, ch. 458, § 1.)

TITLE 4

Animals and Animal Husbandry

CHAPTER 4-19

Animal Care

SECTION 4-19-2

§ 4-19-2. Definitions.

As used in this chapter, chapter 13 of this title, and the regulations promulgated under this chapter:

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

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

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

(4) "Adequate shelter" means the provision of and access to shelter that is suitable for the species, age, condition, size and type of each animal; provides sufficient space for the animal to maintain comfortable rest, normal posture and range of movement; is safe to protect each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering and impairment of health; is properly lighted either by natural or artificial light. Shelters with wire grid or slat floors which permit the animals' feet to pass through the openings, sag under the

animals' weight or otherwise do not protect the animals' feet from injury, are not considered adequate shelter.

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

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

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

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

(8) "Animal rescue" or "rescue" means an entity, without a physical brick-and-mortar facility, that is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals intended for adoption.

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

(10) "Breeder" means a person engaged in the propagation of purebred or crossbred dogs and/or cats for the purpose of improving and enhancing a breed recognized and registered by the American Kennel Club, American Field Stud Book, a registered cat breed association, or for sale at wholesale or retail, unless otherwise exempted as a hobby breeder as defined below.

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

(12) "Dealer" means any person who sells, exchanges, or donates, or offers to sell, exchange, or donate, animals to another dealer, pet shop, or research facility, or who

breeds animals for the purpose of selling or donating to another dealer or pet shop or research facility.

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

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

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

(16) "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.

(17) "Hobby breeder" means those persons whose regular occupation is not the breeding and raising of dogs and cats and whose method of sale is at retail only. A hobby breeder shall not exceed the limits set forth in § 4-25-1(4). Any person who sells at retail a number in excess of the limits in the aforementioned section shall be considered a breeder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History of Section.

(P.L. 1972, ch. 46, § 1; P.L. 1993, ch. 24, § 1; P.L. 1994, ch. 231, § 2; P.L. 1994, ch. 420, § 1; P.L. 1995, ch. 260, § 1; P.L. 2001, ch. 72, § 10; P.L. 2012, ch. 301, § 3; P.L. 2012, ch. 358, § 3; P.L. 2016, ch

TITLE 4

Animals and Animal Husbandry

CHAPTER 4-13

Dogs

SECTION 4-13-42

§ 4-13-42. Care of dogs.

(a) It shall be a violation of this section for an owner or keeper to:

(1) Keep any dog on a permanent tether that restricts movement of the tethered dog to an area less than one hundred thirteen square feet (113 sq. ft.), or less than a six foot (6') radius at ground level.

(2) Tether a dog with a choke-type collar, head collar or prong-type collar.

(3) Keep any dog tethered for more than ten (10) hours during a twenty-four (24) hour period or keep any dog confined ~~in a pen, cage, or other shelter~~ in an area or primary enclosure for more than fourteen (14) hours during any twenty-four (24) hour period, and more than ten (10) hours during a twenty-four (24) hour period, if the area is not greater than that which is required under the most recently adopted version of the State of Rhode Island Rules and Regulations Governing Animal Care Facilities.

(4) Keep any dog outside either tethered, ~~penned, caged, fenced,~~ or otherwise confined ~~without access to an outdoor housing facility~~ when the ambient temperature is beyond the industry standard for the weather safety scale as set forth in the most recent adopted version of the Tufts Animal Care and Condition Weather Safety Scale (TACC) ~~if the dog is showing signs of poor health due to the weather conditions.~~

~~(b) It shall be a violation of this section for an owner or keeper to fail to provide a dog with adequate feed, adequate water, or adequate veterinary care as those terms are~~

~~defined in § 4-19-2; provided however, that adequate veterinary care may be provided by an owner using acceptable animal husbandry practices.~~

~~(c) Any person in violation of this section shall be given a warning for a first violation. Second and subsequent violations of this subsection can be considered a violation of § 4-1-2. Each day of violation shall constitute a separate offense.~~

(a) The weight of any chain or tether shall not exceed 1/8 of the dog's total body weight.

(b) No person shall tether or confine a dog outdoors, when a weather advisory or warning has been issued, and is in effect, by local, state or federal authorities, unless tethering or confinement is for a duration of no longer than fifteen minutes. [It shall be an affirmative defense of this provision if the weather advisory was issued and became effective in a timeframe that would make it impossible for a reasonable person to remove the dog from the area where it was tethered or confined.]

(c) Exposing any dog to adverse weather conditions strictly for the purpose of "conditioning" shall be prohibited.

(d) The provisions of this section shall not apply:

(1) If the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island, the authorization is renewed annually, and shelter is provided;

(2) If tethering or confinement is authorized in writing by an animal control officer, or duly sworn police officer assigned to the animal control division, for the purposes, including but not limited to, hunting dogs and sled dogs. Authorization Written authorization must be renewed annually. Such written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept shall be considered valid in every other political subdivision of the state. Such written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept is revocable by that animal control officer or police officer if there are any conditions present that warrant revocation. Such conditions include, but are not limited to, changes in the number or type of dogs, changes in the facility structure or safety, and changes in the health of the dog. [If an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept denies the owner of a dog(s) written authorization, the owner of the dog may appeal that decision to the Chief of Police with jurisdiction

~~over the political subdivision of the state where the dogs are kept. If the owner fails to receive authorization after appeal to the Chief of Police with jurisdiction over the political subdivision of the state where the dogs are kept, he/she may appeal to superior court.]~~

~~(3) To a training facility, grooming facility, commercial boarding kennel, pet shop licensed in accordance with chapter 19 of this title, animal shelter, municipal pound;~~
To any entity licensed by the State under Title 4, Chapter 4-19, or veterinary facility;

~~(4) To licensed hunters, field trial participants, or any person raising or training a gun dog or hunting dog, provided that the licensed hunter or field trial hunt test participant is actively engaged in hunting, training, or field trial hunt testing or is transporting the dog to or from an event;~~

~~[(4) Any person with reason to believe that a written authorization pursuant to the provisions of section d (2) of this chapter should be revoked may appeal the validity of the written authorization to superior court.]~~

~~(5) To livestock farmers who use their dogs to protect their livestock from predators;~~

(6) To an exhibitor holding a class C license under the Animal Welfare Act (7 U.S.C. § 2133) that are temporarily in the state; if authorized by the Department of Environmental Management (DEM).

~~(7) To sled dog owners who are actively training their dogs to pull sleds in winter conditions.~~

(e) Any person in violation of this section shall be imprisoned not exceeding eleven (11) months, or fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or both. Each day of violation shall constitute a separate offense.

(f) General agents or special agents of the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) are hereby authorized to enforce the provisions of this chapter in cooperation with animal control officers and the Department of Environmental Management (DEM), and are authorized to seize any animals found to be in violation of this chapter.

History of Section.

(P.L. 2012, ch. 301, § 2; P.L. 2012, ch. 358, § 2; P.L. 2017, ch. 187, § 1; P.L. 2017, ch. 265, § 1.)