

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2001

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY

Introduced By: Representatives Dennigan, Cicilline and W. J. Murphy

Date Introduced: February 28, 2001

Referred To: Committee on Special Legislation

It is enacted by the General Assembly as follows:

SECTION 1. Section 4-1-1 of the General Laws in Chapter 4-1 entitled "Cruelty to Animals" is 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.

(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) "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.

SECTION 2. Chapter 4-1 of the General Laws entitled "Cruelty to Animals" is hereby amended by adding thereto the following section:

4-1-36. Use of the terms owner or guardian. -- Wherever the word "owner" shall appear in this chapter it shall also mean and may be interchanged with the word "guardian" as defined in section 4-1-1.

SECTION 3. Chapter 4-13 of the General Laws entitled "Dogs" is hereby amended by adding thereto the following section:

4-13-34. Use of the terms owner or guardian. -- Wherever the word "owner" shall appear in this chapter it shall also mean and may be interchanged with the word "guardian" as defined in section 4-13-1.2.

SECTION 4. Section 4-13-1.2 of the General Laws in Chapter 4-13 entitled "Dogs" is hereby amended to read as follows:

4-13-1.2. Definitions. -- (1) "Board" means the rabies control board.

(2) "Department" means the department of environmental management or its successor.

(3) "Director" means the director of the department of environmental management (or its successor) or his or her designee.

(4) "Division" means the division of agriculture.

(5) "Livestock" means domesticated animals which are commonly held in moderate contact with humans which include, but are not limited to, cattle, bison, equines, sheep, goats, llamas, and swine.

(6) "Owner keeper" means any person or agency keeping, harboring or having charge or control of or responsibility for control of an animal or any person or agency which permits any dog, cat, ferret, or domestic animal to habitually be fed within that person's yard or premises. This term shall not apply to veterinary facilities, any licensed boarding kennel, municipal pound, pet shop, or animal shelter.

(7) "Person" means an individual, firm, joint stock company, partnership, association, private or municipal corporation, trust, estate, state, commission, political subdivision, any interstate body, the federal government or any agency or subdivision of the federal government, other government entity, or other legal entity.

(8) "Pets" means domesticated animals kept in close contact with humans, which include, but may not be limited to dogs, cats, ferrets, equines, llamas, goats, sheep, and swine.

(9) "Quarantine" means the removal, isolation, the close confinement or related measures of an animal under conditions and for time periods that are set by regulation of the board.

(10) "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.

SECTION 5. Section 4-13.1-2 of the General Laws in Chapter 4-13.1 entitled "Regulation of Vicious Dogs" is hereby amended to read as follows:

4-13.1-2. Definitions. -- As used in sections 4-13.1-1 -- 4-13.1-14, the following words and terms shall have the following meanings, unless the context indicates another or different meaning or intent:

(1) "Dog officer" means any person defined by the provisions of chapter 19 of this title.

(2) "Domestic animals" means animals which, through extremely long association with humans, have been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them unique and distinguishable from wild individuals of their species. Such animals may include but are not limited to:

(i) Domestic dog (*Canis familiaris*);

(ii) Domestic cat (*Felis catus*);

(iii) Domestic horse (*Equus caballus*);

(iv) Domestic ass, burro, and donkey (*Equus asinus*);

(v) Domestic cattle (*Bos taurus* and *Bos indicus*);

(vi) Domestic sheep (*Ovis aries*);

(vii) Domestic goat (*Capra hircus*);

(viii) Domestic swine (*Sus scrofa domestica*);

(ix) Llama (*Lama lama*);

(x) Alpaca (*Lama pacos*);

(xi) Camels (*Camelus bactrianus* and *Camelus dromedarius*);

(xii) Domestic races of European rabbit (*Oryctolagus cuniculus*);

(xiii) Domestic races of chickens (*Gallus gallus*);

(xiv) Domestic races of duck and geese (*Anatidae*) morphologically distinguishable from wild birds;

(xv) Domestic races of guinea fowl (*Numida meleagris*);

(xvi) Domestic races of peafowl (*Pavo scristatus*).

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the public pound in the city or town where the vicious dog is found.

(5) "Person" means a natural person or any legal entity, including but not limited to, a corporation, firm, partnership, or trust.

(6) "Vicious dog" means:

(i) Any dog that, when unprovoked, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places and which has been determined to be vicious according to section4-13.1-11 of this chapter;

(ii) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals and which has been determined to be vicious according to section4-13.1-11 of this chapter;

(iii) Any dog that bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private property and which has been determined to be vicious according to section4-13.1-11 of this chapter; or

(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the definition of a vicious dog in subsection (6), no dog may be declared vicious in accordance with section4-13.1-11 of this chapter if an injury or damage is sustained by a person who, at the time that injury or damage was sustained, was committing a trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, provoking, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if an injury or damage was sustained by a domestic animal which at the time that injury or damage was sustained was teasing, tormenting, provoking, abusing or assaulting the dog. No dog may be declared vicious if the dog was

protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(7) "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.

SECTION 6. Chapter 4-13.1 of the General Laws entitled "Regulation of Vicious Dogs" is hereby amended by adding thereto the following section:

4-13.1-15. Use of the terms owner or guardian. -- Wherever the word "owner" shall appear in this chapter it shall also mean and may be interchanged with the word "guardian" as defined in section 4-13.1-2.

SECTION 7. Chapter 4-14 of the General Laws entitled "Damage by Animals" is hereby amended by adding thereto the following section:

4-14-20. Use of the terms owner or guardian. -- Wherever the word "owner" shall appear in this chapter it shall also mean and may be interchanged with the word "guardian" as defined in section 4-1-1.

SECTION 8. Chapter 4-15 of the General Laws entitled "Animals at Large" is hereby amended by adding thereto the following section:

4-15-16. Use of the terms owner or guardian. -- Wherever the word "owner" shall appear in this chapter it shall also mean and may be interchanged with the word "guardian" as defined in section 4-1-1.

SECTION 9. Chapter 4-16 of the General Laws entitled "Estrays" is hereby amended by adding thereto the following section:

4-16-11. Use of the terms owner or guardian. -- Wherever the word "owner" shall appear in this chapter it shall also mean and may be interchanged with the word "guardian" as defined in section 4-1-1.

SECTION 10. Section 4-19-2 of the General Laws in Chapter 4-19 entitled "Animal Care" is hereby amended to read as follows:

4-19-2. Definitions. -- As used in this chapter 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 water" means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed twenty-four (24) hours at any interval.

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

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

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

(6) "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.

(7) "Animal shelter" means a facility which is used to house or contain animals and which 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.

(8) "Breeder" means a person engaged in the propagation of purebred 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, or a registered cat breed association.

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

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

(11) "Dog 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 which involve the seizure or taking into custody of any dog, cat or other animal.

(12) "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 which causes painless loss of consciousness, and death during that loss of consciousness.

(13) "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.

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

(15) "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.

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

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

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

(19) "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.

(20) "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.

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

(22) "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.

(23) "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.

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

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

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

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

(28) "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.

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

4-19-21. Use of the terms owner or guardian. -- Wherever the word "owner" shall appear in this chapter it shall also mean and may be interchanged with the word "guardian" as defined in section 4-19-2.

SECTION 12. Section 4-22-2 of the General Laws in Chapter 4-22 entitled "Cat Identification Program" is hereby amended to read as follows:

4-22-2. Definitions. -- For the purposes of this chapter:

(a) "At-large" means: (1) On the premises of a person other than an owner of the cat, without the consent of an occupant or owner of such premises, or (2) on a public street or highway, on public or private school grounds, or in any other public place, except when under the physical control of an owner.

(b) "Roaming cat" means any homeless socialized cat or any stray socialized cat.

(c) "Feral cat" means any wild, unsocialized or untamed cat.

(d) "Identification" means: a traceable form of identification such as (1) a collar and a flat or hanging tag worn by a cat which includes the current name, address and telephone number of the owner, or (2) a rabies vaccination tax, or (3) an ear tag issued by a licensed veterinarian or by a licensed animal shelter or licensed municipal pound, or (4) a registered microchip which is used in conjunction with a visible collar and tag or in conjunction with a faceted, reflective ear stud, or (5) a tag from a licensed animal shelter or licensed municipal pound, or (6) a tattoo registered with the National Dog Registry or other similar national tattoo service, or (7) a cat license issued by a Rhode Island city or town, or (8) a collar incorporating embroidery as a type of information labeling rather than a hanging or flat tag or (9) in the case of feral cats, a tipped or notched ear in conjunction with a microchip or any of the above other forms of identification. The intent is to allow flexibility in the types of identification available for cats and to incorporate other types of cat identification in the future as they are developed.

(e) "Impounded cat" means any cat released to or under the custody of or control of a licensed animal shelter or licensed municipal pound.

(f) "Owner" means (1) any person who keeps, has permanent custody, owns, maintains, harbors, provides care or sustenance for, has control or charge of or responsibility for a cat or who permits a cat to habitually be or remain on or be lodged or fed within such person's property or premises, and (2) any refusal to permit any animal control officer to impound such cat shall be deemed evidence of ownership unless ownership of the cat by another party is established.

(g) "Person" means an individual, firm, jointstock company, partnership, association, private, or municipal corporation, state, commission, political subdivision, a state, any interstate body or the federal government or any agency or subdivision thereof.

(h) "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.

SECTION 13. Chapter 4-22 of the General Laws entitled "Cat Identification Program" is hereby amended by adding thereto the following section:

4-22-10. Use of the terms owner or guardian. -- Wherever the word "owner" shall appear in this chapter it shall also mean and may be interchanged with the word "guardian" as defined in section 4-22-2.

SECTION 14. This act shall take effect upon passage.

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EXPLANATION BY THE LEGISLATIVE COUNCIL OF

AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY

This act would create a definition for the word guardian and use the word guardian and owner interchangeably throughout this title.

This act would take effect upon passage.