

States' Animal Cruelty Statutes: Rhode Island

Current with the 2020 Regular Session.

§ 4-1-1. Definitions--Responsibility for agents and employees

(a) In this chapter and in §§ 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 § 4-26-3(6), "adequate living conditions" shall mean a sanitary environment that 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 § 4-26-3(6) shall mean best management practices established, no later than July 1, 2014, by the Rhode Island livestock welfare and care standards advisory council.
- (6) Except for livestock as defined in § 4-26-3, "hazardous accumulation of animals" means the accumulation of a large number of animals, to a point where the owner, possessor, or person having the charge of custody of the aforementioned animals fails to or is unable to provide "adequate living conditions" as defined herein, resulting in harm or danger to the health and wellbeing of the animals.

(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.

§ 4-1-2. 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 fails to provide that animal with proper food, drink, shelter, or protection from the weather, 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) Any person who has been previously convicted of an offense provided for in chapter 1 of title 4 shall, upon conviction of a second or subsequent violation within a ten-year (10) period, be imprisoned for a period not exceeding six (6) years, or fined not less than five hundred dollars (\$500) and not exceeding five thousand dollars (\$5,000), or both. In addition, every person convicted under chapter 1 of title 4 of a second or subsequent offense shall be required to serve one hundred (100) hours of community restitution. The community restitution penalty shall not be suspended or deferred and is mandatory.

(c) 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 that animal pursuant to this section.

(d) Shelter means a structure used to house any animal that will provide sufficient protection from inclement elements for the health and well being of the animal

§ 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 § 4-1-1, or who engages in the hazardous accumulation of animals as defined in § 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 § 4-1-2. 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. If any owner, possessor, or person having the charge or custody of any animal is found guilty of or pleads nolo contendere to a violation of this section and said violation involves the hazardous accumulation of animals, the court shall, in imposing a penalty under this section, take into account whether the defendant's conduct could be considered to be the result of a mental health disorder as defined in § 27-38.2-2.

(b) The substances proscribed by subsection (a) do not include any drug having curative and therapeutic effect for disease in animals and that 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.

§ 4-1-3.1. Prohibited practices in destruction of animals

It is unlawful for any veterinarian or owner, as defined in § 4-1-1, or any agent of a veterinarian or owner, or any other person to destroy any animal by the use of a high-altitude decompression chamber. When carbon monoxide is used as a euthanizing agent, only one animal is placed in the chamber. Violation of this section is punishable by a fine of five hundred dollars (\$500).

§ 4-1-3.2. Animal confinement in motor vehicles prohibited

(a) No owner or person shall confine any animal in a motor vehicle that is done in a manner that places the animal in a life-threatening or extreme health-threatening situation by exposing it to a prolonged period of extreme heat or cold without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or fire fighter who has probable cause to believe that this section is being violated shall have the authority to enter such motor vehicle by any reasonable means necessary under the circumstances after making a reasonable effort to locate the owner or other responsible person.

(b) A law enforcement or animal control officer may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's health, safety, or well-being appears to be in immediate danger from heat, cold, or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.

(c) Nothing in this section shall prevent a law enforcement officer or animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. A law enforcement officer or animal control officer may enter the motor vehicle for the sole purpose of rescue or release of the animal and may not search the vehicle unless otherwise permitted by law.

(d) A law enforcement or animal control officer who removes an animal in accordance with this section shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing the officer's or agent's name and office and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

(e) A law enforcement or animal control officer who removes an animal from a motor vehicle pursuant to this section is immune from criminal or civil liability that might otherwise result from the removal.

(f) Any person who knowingly violates this section shall be punished by imprisonment for a term not exceeding one year or by a fine of no more than one thousand dollars (\$1,000), or both.

§ 4-1-4. Abandonment of infirm animals

If any maimed, sick, infirm, or disabled animal is abandoned to die, by any owner or person having charge of that animal, that person shall, for each offense, be punished in the manner provided in § 4-1-2.

§ 4-1-5. Malicious injury to or killing of animals

(a) Every person who cuts out the tongue or otherwise dismembers any animal, maliciously, or maliciously kills or wounds any animal, or maliciously administers poison to or exposes any poisonous substance with intent that the poison shall be taken or swallowed by any animal, or who maliciously exposes poisoned meat with intent that the poisoned meat is taken or swallowed by any wild animal, shall be imprisoned not exceeding two (2) years or be fined not exceeding one thousand dollars (\$1,000), and shall, in the case of any animal of another, be liable to the owner of this animal for triple damages, to be recovered by civil action. In addition, any person convicted under this section is required to serve ten (10) hours of community restitution. The community restitution penalty shall not be suspended or deferred and is mandatory.

(b) This section shall not apply to licensed hunters during hunting season or a licensed business killing animals for human consumption.

§ 4-1-6. Shearing of horses in winter

No person shall cut, clip, or shear the hair or coating of any horse between October 15th and March 1st unless the necessity for the cutting, clipping, or shearing has been certified in writing and filed with the Rhode Island society for the prevention of cruelty to animals by a licensed graduate veterinarian. Any person violating this section shall, for each offense, be imprisoned not exceeding ten (10) days or be fined not exceeding fifty dollars (\$50.00), or both.

§ 4-1-6.1. Operating upon tails of bovines prohibited

(a) Any person who intentionally cuts or alters the bone, tissues, muscles or tendons of the tail of any bovine or otherwise operates upon it in any manner for the purpose or with the effect of docking, setting, or otherwise altering the natural carriage of the tail, or who knowingly permits the same to be done upon the premises of which he or she is the owner, lessee, proprietor or user, or who assists in or is voluntarily present at such cutting or alteration, is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than five hundred dollars (\$500), or both. If any bovine is found with the bone, tissues, muscles or tendons of its tail cut or altered as aforesaid upon the premises or in the charge and custody of any person, and the wound

resulting therefrom is unhealed, such fact may be evidence of a violation of this section by the owner or user of such premises, or the person having such charge or custody.

(b) The provisions of subsection (a) of this section shall not apply to tail docking performed by a veterinarian for veterinary purposes, provided that the procedure is performed under the following conditions:

- (1) The animal has been adequately anesthetized to minimize the animal's pain and suffering during the treatment or operation.
- (2) The procedure is done in a way that minimizes the long-term pain and suffering resulting from the procedure.
- (3) The veterinarian uses suitable instruments.
- (4) The procedure is done under hygienic conditions.

(c) The owner of any bovine with a docked tail who purchased the bovine in a state where tail docking is legal shall be exempt from prosecution under this section.

§ 4-1-7. Live poultry containers

Any crate or other container used for the purpose of transporting, shipping, or holding for sale any live poultry shall be in a sanitary condition and shall be constructed so as to provide sufficient ventilation and warmth and the poultry, while in that container, shall receive any reasonable care as may be required to prevent unnecessary suffering. Any person violating any provision of this section shall, for each offense, be imprisoned not exceeding fifteen (15) days or be fined not exceeding one hundred dollars (\$100), or both.

§ 4-1-8. Sale of chicks and ducklings--Dyeing prohibited

It is unlawful for any person to dye a chick, duckling, or other live poultry, or to have in his or her possession any chick, duckling, or other live poultry which has been dyed. No person shall sell or offer for sale any live chicks or ducklings under two (2) months of age in quantities of less than twelve (12), and provided further, that no person, firm, corporation or association shall offer live chicks or ducklings under two (2) months of age as a bonus, or as an inducement to the sale of or in conjunction with the purchase of any article. Any person, firm, or corporation violating this section shall for each offense be punished in the manner provided in § 4-1-2. No pet store shall sell chicks or ducklings in any quantity.

§ 4-1-9. Animal fighting

Any person who causes or encourages the fighting of any bird, dog, or animal with any other bird, dog, or animal, or keeps or maintains any place for the fighting of birds, dogs, or animals, or who knowingly permits, or suffers, any fight to be had on his or her premises or on premises under his or her control, or makes any bet or lays any wager of any kind upon the result of that fight, shall be fined not exceeding one thousand dollars (\$1,000) or be imprisoned not exceeding two (2) years, or both, for the first offense, and for any subsequent offense shall be fined not less than one thousand dollars (\$1,000)

nor more than five thousand dollars (\$5,000) or be imprisoned not exceeding two (2) years, or both.

§ 4-1-10. Possession or training of fighting animals

Whoever owns, possesses, keeps or trains any bird, dog, or other animal, with the intent that that bird, dog, or animal engages in an exhibition of fighting, shall be fined not exceeding one thousand dollars (\$1,000) and/or be imprisoned not exceeding two (2) years for the first offense, and for any subsequent offense shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or be imprisoned not exceeding two (2) years, or both.

§ 4-1-11. Attendance at bird or animal fight

Whoever is present at any place, building, or tenement where preparations are being made for an exhibition of the fighting of birds or animals, with the intent being present at that exhibition, or is present at that exhibition, shall be fined not exceeding one thousand five hundred dollars (\$1,500) or imprisoned for not more than two (2) years, or both.

§ 4-1-12. Entry of premises where bird or animal fights are conducted-- Arrest--Seizure of birds or animals

Any deputy sheriff, town sergeant, town constable, police officer, or any officer authorized to serve criminal process may enter any place, building, or tenement anywhere within the state where there is an exhibition of the fighting of birds or animals, or where preparations are being made for that exhibition, and, without a warrant, arrest all persons present and take possession of the birds or animals engaged in fighting and all birds or animals found there and intended to be used or engaged in fighting. Those persons shall be kept in custody in jail or other convenient place not more than twenty-four (24) hours, Sundays and legal holidays excepted, at or before the expiration of which time those persons shall be brought before a district court or the superior court and proceeded against according to law.

§ 4-1-13. Forfeiture of fighting birds or animals

After the seizure of any birds or animals as provided in § 4-1-12, application shall be made to a district court or the superior court for a sentence of forfeiture of the birds or animals; and if, upon the hearing of the application, it is found that the birds or animals, at the time of their seizure, were engaged in fighting at an exhibition or were owned, possessed, or kept by any person with the intent that they should be engaged in fighting at an exhibition, sentence of forfeiture shall be pronounced against them. Any officer authorized to serve criminal process shall sell them in any manner that the court orders, and pay the proceeds of that sale, after the payment of costs, including costs of seizure and keeping of those birds or animals, to the general treasurer for the use of the state. Whenever a seizure and application for sentence of forfeiture is made by or results from the complaint or information of any officer or agent of the society for the prevention of cruelty to animals, the proceeds of that sale shall be paid over to the society. Should it be found that any seized birds or animals are of no use or value, they shall be set at large, or otherwise disposed of, as the court may direct. The claimant is allowed to

appear in the proceedings upon any application for a sentence of forfeiture. All seized birds or animals not sentenced for forfeiture shall be delivered to the owner.

§ 4-1-14. Appeal of sentence of forfeiture

Any claimant aggrieved by a sentence of forfeiture of a district court may, before the execution of that sentence, appeal to the superior court in the manner provided with reference to criminal appeals from district courts.

§ 4-1-15. Expense of care of seized birds or animals

The necessary expenses incurred in the care and disposing of seized birds or animals may be allowed and paid in the same manner that costs in criminal prosecutions are paid.

§ 4-1-16. Use of birds as targets

Any person who keeps or uses any live pigeon, fowl, or other bird for the purpose of a target or to be shot at, either for amusement or as a test of skill in marksmanship, and any person who shoots at any bird or is a party to any shooting of any fowl or bird and any person who rents any building, shed, room, yard, field, or premises, or knowingly suffers or permits the use of any building, shed, room, yard, field, or premises, for the purpose of shooting any fowl or bird, shall be fined not exceeding twenty dollars (\$20.00) or be imprisoned not exceeding ten (10) days, or both. Nothing in this section applies to the shooting of any wild game in its wild state.

§ 4-1-17. Unloading of animals in transit for rest, water, and feeding

(a) No railroad company, in the transportation of animals, shall permit those animals to be confined in cars, after they have been confined twenty-eight (28) consecutive hours, without unloading those animals for rest, water, and feeding for at least five (5) consecutive hours, unless prevented from unloading them by storm or accidental causes. In estimating the confinement, the time during which the animals have been confined without rest on connecting roads from which they are received shall be included. It is the intent of this section to prohibit their continuous confinement longer than twenty-eight (28) hours, except upon the stated contingencies.

(b) Animals unloaded shall be properly fed, watered, and sheltered, during their rest, by the owner or person having the custody of the animals; or in case of his or her default in doing so, then by the railroad company transporting those animals, at the expense of the owner or person in custody of the animals, and the company shall in that case have a lien upon those animals for food, care, and custody furnished and shall not be liable for any detention of those animals authorized by this chapter.

(c) Any company, owner, or custodian of animals in transit failing to comply with this section shall for each offense be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(d) Whenever animals are carried in cars in which they can and do have proper food, water, space and opportunity for rest, the provisions for unloading them shall not apply.

§ 4-1-18. Arrest of violators without warrant--Care of animals

Any person violating this chapter may be arrested on view and held without a warrant; provided, that an arrest or detention without warrant shall not continue longer than twenty-four (24) hours; and the person making an arrest, with or without a warrant, shall use reasonable diligence to give notice to the owner of animals found in the charge or custody of the person arrested, and shall properly care and provide for those animals until the owner shall take charge of them, provided the owner shall do so within thirty (30) days from the date of the notice. The person making an arrest shall have a lien on those animals for the expense of their care and provision.

§ 4-1-19. Issuance of search warrants

Whenever complaint is made on oath to any magistrate authorized to issue warrants in criminal cases, that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been or are being violated in any building or place, the magistrate, if satisfied that there is reasonable cause for that belief, shall issue a search warrant, authorizing any officer, competent to serve a warrant, to search the building or place; but no search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown.

§ 4-1-20. Duty of police officers--Fines paid to society for prevention of cruelty to animals

Any deputy sheriff, town constable, or police officer shall prosecute all violations of this chapter that come to his or her knowledge and all fines and forfeitures resulting from the complaint of any officer or agent of the Society for the Prevention of Cruelty to Animals under this chapter, shall enure and be paid over to the society in aid of the benevolent objects for which it was incorporated.

§ 4-1-21. Powers of agents of society for prevention of cruelty to animals

The general agent of the Rhode Island society for the prevention of cruelty to animals and any number of special agents as may be appointed by that society have the same power and authority to arrest as any officer authorized to serve criminal process for the purpose of enforcing any of the laws of this state in relation to cruelty to animals, that power and authority to extend throughout the state, and they may serve any search warrant issued under § 4-1-19 and may search any building or place named in that warrant. A general agent and any special agents may, for the purpose of carrying out their duties, possess and carry pistols as defined in § 11-47-2, and the provisions of § 11-47-5 shall not apply to them. Any person who interferes with or obstructs any of those agents in the discharge of their duty shall be guilty of obstructing an officer and punished as provided in § 11-32-1.

§ 4-1-22. Care of neglected animals by society--Forfeiture of owner's rights--Expenses

(a) An officer or agent of the Rhode Island society for the prevention of cruelty to animals may lawfully take charge of any animal found abandoned or neglected or which in the opinion of that officer or agent is aged, maimed, disabled, lame, sick, diseased, injured,

unfit for the labor it is performing, or cruelly treated, and shall give notice to the owner, if known, or his agents, and may provide suitable care.

(b) Every owner or agent, upon conviction of abandonment, neglect, or cruel treatment of any animal taken charge of by the Rhode Island society for the prevention of cruelty to animals under this section, forfeits the rights to ownership or control of that animal to the society for disposition in any manner deemed suitable for that animal.

(c) Whenever any officer or agent of the Rhode Island society for the prevention of cruelty to animals lawfully takes charge of any animal under this section, the expense of suitable care of that animal, upon conviction of the owner of that animal for a violation of any section of this chapter, is charged against the owner or agent of the owner having custody of that animal at the time the officer or agent of the Rhode Island society for the prevention of cruelty to animals took charge of the animal. The Rhode Island society for the prevention of cruelty to animals has the authority to commence a civil action for damages against the owner or his or her agent thirty (30) days after a written demand for payment of the expense of the suitable care of that animal has been sent and no payment received.

§ 4-1-23. Destruction of infirm animals by society

If, upon examination by a licensed graduate veterinarian of any animal taken possession of under § 4-1-22, the veterinarian certifies, in writing, to the society that the animal is so aged, maimed, disabled, lame, sick, diseased, or injured as to be unfit for any useful purpose, any officer or agent of the society may lawfully and humanely destroy that animal or cause it to be humanely destroyed, and the society, its officers and agents, are exonerated from all liability to the owner of that animal on account of its destruction.

§ 4-1-24. Jurisdiction of offenses--Appeals

The district court has concurrent jurisdiction with the superior court, over all offenses under this chapter and to the full extent of the penalties specified. Parties defendant, however, have the same right to appeal from the sentence of a district court as is now provided by law in other criminal cases.

§ 4-1-25. Appropriations for prevention of cruelty--Payments to society

The general assembly shall annually appropriate any sum it deems necessary, out of any money in the treasury not otherwise appropriated, to be expended under the direction of the director of environmental management, for the purpose of preventing cruelty to animals, and the director may pay that sum to the Rhode Island society for the prevention of cruelty to animals for that purpose, and the state controller is authorized to draw his or her orders upon the general treasurer for the payment of any sum appropriated, or so much of the sum as may be required, upon receipt by him or her of proper vouchers approved by the director.

§ 4-1-26. Abandonment of animals

(a) If any person having possession and/or control of an animal abandons that animal on a street, road, highway or in a public place or on private property or from a motor vehicle, or in a dwelling or any other building or structure without providing for the care of that animal, he or she shall be punished in the manner provided in § 4-1-2 for each such offense. If this abandonment results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5. Abandonment means the relinquishment of all right, title, claim, or possession of the animal with the intention of not reclaiming it or resuming its ownership or possession.

(b) Any pound or animal shelter as defined under § 4-19-2, shall deem abandoned any animal impounded and not redeemed by its owner within ten (10) days of impoundment if such animal is wearing identification. Any animal impounded and not wearing identification shall be deemed abandoned if not redeemed by its owner within five (5) days of impoundment. Any animal deemed abandoned shall become the property of the impounding agency and may be adopted.

(c) Any pound or animal shelter shall make a prompt and reasonable attempt to locate and notify the owner of the impounded animal, including scanning the animal for a microchip.

§ 4-1-26.1. Reports of abandoned, neglected or abused animals

(a) Any Rhode Island licensed veterinarian, veterinarian technician, animal shelter, animal kennel, or other person entrusted with the care or custody of an animal shall report to any police department (local or state), animal control officials, or officers of private organizations devoted to the humane treatment of animals, the condition of any animal that the parties entrusted with care or custody of an animal knows, or reasonably believes, to be abandoned, as defined in § 4-1-26, neglected, or abused, and shall be immune from suit pursuant to the provisions of § 4-1-37. Any party who fails to report pursuant to this section shall be fined not exceeding five hundred dollars (\$500).

(b) Nothing in this section shall be construed to impose a duty to further investigate observed or reasonably suspected animal abandonment, cruel neglect, or abuse.

§ 4-1-27. Auction of lost or abandoned animals and poultry

(a) The general agent of the Rhode Island society for the prevention of cruelty to animals, within his or her discretion, may sell at public auction any lost or abandoned animals and poultry. Before proceeding to sale, the general agent shall give notice to the owners of the lost or abandoned animals by advertising once a week for three (3) successive weeks prior to the sale in some daily newspaper printed in English and published in this state.

(b) The agent is not liable in any legal action brought against him or her based on the sale. The proceeds of the sales shall be turned over to the Rhode Island society for the prevention of cruelty to animals to be used to defray the cost of shelter and care of animals which are the subject of the sale and to cover any costs incident to the sale.

(c) Any remaining proceeds from the sale shall be held for a period of two (2) years by the Rhode Island society for the prevention of cruelty to animals for the account of the rightful owner, who, upon making a claim and showing satisfactory evidence of ownership, shall be entitled to those proceeds. If unclaimed within that two (2) year period, the proceeds shall then become the property of the Rhode Island society for the prevention of cruelty to animals to be used for any and all purposes of the society.

§ 4-1-28. Greasy pig contests prohibited

It is unlawful for any person, as defined in § 4-1-1, to conduct any greasy pig contest within the state. Any person violating this section is subject to the provisions of § 4-1-2.

§ 4-1-29. Release of caged animals in park or zoo

It is unlawful for any person to willfully release an animal from captivity in a park, circus, zoo or other such facility. Any person violating this section is deemed guilty of a misdemeanor.

§ 4-1-30.1. Cruelty to public safety--Dogs and horses

(a) As used in this section:

(1) "Police canine" means any canine and "police horse" means any horse that is owned or in the service of a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, maintaining public order, or apprehension of offenders;

(2) "Fire canine" means any canine that is owned or in the service of a fire department, a special fire district, or the state fire marshal for the principal purpose of aiding in the detection of flammable materials or the investigation of fires; and

(3) "SAR canine" means any search and rescue canine that is owned or in the service of a fire department, a law enforcement agency, a special fire district, or the state fire marshal for the principal purpose of aiding in the detection of missing persons, including, but not limited to, persons who are lost; who are trapped under debris as the result of a natural, manmade, or technological disaster; or who are drowning victims.

(b) Penalties:

(1) Any person who intentionally and knowingly, without lawful cause or justification, causes great bodily harm, permanent disability, or death to, or uses a deadly weapon upon, a police canine, fire canine, SAR canine, or police horse commits a felony, shall be imprisoned not exceeding five (5) years or be fined not exceeding one thousand dollars (\$1,000), and shall, in the case of any animal of another, be liable to the owner of this animal for triple damages, to be recovered by civil action. In addition, any person convicted under this section shall be required to serve fifty (50) hours of community restitution. That community restitution penalty shall not be suspended or deferred and is mandatory.

(2) Any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police canine, fire canine, SAR canine, or police horse commits a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment of not more than one year, or both.

(3) Any person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police canine, fire canine, SAR canine, or police horse while the animal is in the performance of its duties commits a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or imprisonment of not more than one year, or both.

(c) Except as provided in subsection (b)(1), any person convicted under this section shall make full restitution for injuries sustained by the police canine, fire canine, SAR canine, or police horse and shall pay the replacement cost of any dog or horse if that animal can no longer perform its public safety duties. Any canine that is owned by or employed by a law enforcement agency shall be exempt from restitution requirements of this subsection.

§ 4-1-31. Assignment of state veterinarian

(a) Examination of fighting animals. A licensed veterinarian from the department of environmental management, shall be made available to agents of the Rhode Island Society for the Prevention of Cruelty to Animals at the request of the state police for the purpose of examining any animal that those agents believe to have been involved in animal fighting in violation of § 4-1-2, 4-1-8, 4-1-9 or 4-1-11.

(b) Right of entry where cruelty suspected. The director of the department of environmental management, or any veterinarian employed by the department of environmental management designated by the director for such purpose, having reason to suspect the existence of cruelty to animals within the meaning of this chapter upon any grounds or premises, is hereby authorized and empowered to enter upon those grounds or premises for enforcement of the provisions of this chapter. For such inspections, the department shall, unless a search without a warrant is otherwise allowed by law, seek a search warrant from an official of a court authorized to issue warrants.

(c) The director of the department of environmental management may designate a department veterinarian or veterinarians to act as animal advocates. A general agent or special agent from the Rhode Island Society for the Prevention of Cruelty to Animals may also act in that capacity.

(d) The animal advocate shall make recommendations to any court before which the custody or well-being of an animal is at issue.

(e) Any animal care facility licensed by the United States Department of Agriculture or holding a public health service (PHS) assurance of compliance shall be exempt from the provisions of this section.

(f) Right to seize animals that are the subject of cruel treatment. The director of environmental management, or any veterinarian employed by the department of

environmental management (“department”), shall have the authority to examine any animal that is suspected of being cruelly treated, mistreated, or neglected by its owner, guardian, or his or her agents in violation of the provisions of chapter 1 of this title. Upon reasonable evidence to suggest that the subject animal(s) has been cruelly treated, mistreated, or negligently treated by the owner, guardian, or his or her agents, in violation of the provisions of chapter 1 of this title, the department may lawfully take charge of that animal(s) and shall have the authority to seize said animal(s). Any animal(s) so seized shall remain in the custody of the department during the pendency of any civil or criminal investigation and remain in the custody of the department until the adjudication of the matter. All reasonable expenses for the care and treatment of the animal(s), while in the custody of the department during this time, shall be paid for by the owner, guardian, or his or her agent upon conviction, entry of a guilty plea, or a plea of nolo contendere. The department has the authority to commence a civil action for damages against the owner, guardian, or his or her agent thirty (30) days after written demand for payment of the expenses of the suitable care of that animal has been sent and no payment received.

§ 4-1-33. Persons using animals for research--Registration

(a) Any person, firm, partnership, or corporation actively engaged in animal research, who actually utilizes live animals for research purposes, shall register with the department of health by filing with the department of health on forms provided by it, the full name, address and type of research performed by the particular person, firm, partnership, or corporation involved in animal research. Any person who violates any of the provisions of this section shall be fined not more than five hundred dollars (\$500).

(b) Upon passage of this section the department of health shall publish a notice containing the provisions of this section.

§ 4-1-34. Destruction of racing greyhounds

No person shall put to death, within the state, a racing greyhound or a retired racing greyhound except in a humane manner. For the purposes of this section, the phrase in a humane manner means by means of euthanasia by lethal injection, or by any other standard of humane killing that may be established by the American veterinary medicine association.

§ 4-1-34.1. Restriction on sale of greyhounds

No person, firm, or other business entity shall sell or otherwise transfer any greyhound or retired racing greyhound to any person, firm, or other business entity for the purpose of medical research.

§ 4-1-34.2. Autopsies and medical treatment permitted

Nothing contained in this chapter prohibits the owner of a greyhound from having an autopsy performed on that greyhound, nor prohibits any medical treatment necessary to maintain the health and well-being of a greyhound.

§ 4-1-34.3. Violations--Penalties

Any person found guilty of violating § 4-1-34 or 4-1-34.1 shall be fined not more than one thousand dollars (\$1,000).

§ 4-1-35. Community restitution

The general assembly hereby declares that the words "community service" which appear throughout this chapter shall now be substituted with and referred to as "community restitution".

§ 4-1-36. Psychiatric counseling

Any person found guilty of violating any of the provisions of this chapter may, in addition to any penalties imposed, be evaluated to determine the need for psychiatric or psychological counseling, and, if determined appropriate by the court, to receive psychiatric or psychological counseling at his or her own expense.

§ 4-1-37. Immunity from suit

Any Rhode Island licensed veterinarian shall be held harmless from either criminal or civil liability arising out of any reports, either oral or written, made to local and/or state police, animal control officials or officers of private organizations devoted to humane treatment of animals, concerning any animal that the veterinarian knows or reasonably believed to be abandoned, neglected, or abused, and shall be immune from suit by reason of making the report. Provided, however, that a veterinarian who participates or reports in bad faith or with malice shall not be protected under the provisions of this section.

§ 4-1-38. 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 § 4-1-1.

§ 4-1-39. Transport and shelter of horses

(a) Notwithstanding any other provision of law, a person may not transport or shelter, or cause or allow to be transported or sheltered any equine animal in or upon any trailer, conveyance or other vehicle whatsoever with two (2) or more levels stacked on top of one another.

(b) Any person who violates the provisions of this section shall be subject to a fine of not less than five hundred dollars (\$500) per animal for a first offense, and subject to a fine of at least one thousand dollars (\$1,000) per animal for all second and subsequent offenses.

§ 4-1-40. Possession of animals

(a) In addition to any other penalty imposed by law, a person convicted of, or who entered a plea of nolo contendere to, any misdemeanor violation under the provisions of this chapter shall not possess or reside with any animal for a period of up to five (5) years following entry of the conviction or upon acceptance of a plea of nolo contendere by the court. Any offense under this subsection is a misdemeanor punishable by a fine of

not more than one thousand dollars (\$1,000), by imprisonment for a term not more than one year, or both, and forfeiture of the animal(s).

(b) In addition to any other penalty imposed by law, a person convicted of, or who entered a plea of nolo contendere to, any felony violation under the provisions of this chapter shall not possess or reside with any animal for a period of up to fifteen (15) years following entry of the conviction or upon acceptance of a plea of nolo contendere by the court. Any offense under this subsection is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment for a term not more than one year, or both, and forfeiture of the animal(s).

§ 4-1-41. Devocalization or declawing as requirement for property occupancy prohibited

(a) No person or corporation that occupies, owns, manages, or provides services in connection with any real property, including the individual's or corporation's agents or successors-in-interest, may do any of the following if the person or corporation allows an animal on the subject premises:

(1) Advertise, through any means, the availability of real property for occupancy in a manner designed to discourage application for occupancy of that real property because the applicant's animal has not been declawed or devocalized;

(2) Refuse to allow the occupancy of any real property, refuse to negotiate the occupancy of any real estate property, or to otherwise make unavailable or deny to any other person the occupancy of any real property because of that person's refusal to declaw or devocalize any animal; or

(3) Require any tenant or occupant of real property to declaw or devocalize any animal allowed on the premises.

(b) Any person found in violation of this section shall be fined not more than one thousand dollars (\$1,000). In addition to any other penalty provided by law, a person fined under this section may be barred from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of time deemed appropriate by the court, and be required to take humane education, pet ownership and dog training classes as ordered by the court.

(c) Nothing contained within this section shall be construed as forbidding a person or corporation that occupies, owns, manages, or provides services in connection with any real property, including the individual's or corporation's agents or successors-in-interest, from prohibiting any animal on the premises.

§ 4-1-42. Care of neglected animals by Department--Forfeiture of owner's rights--Expenses

(a) The director of environmental management, or any veterinarian employed by the department of environmental management ("department"), may lawfully take charge of any animal found abandoned or neglected or hazardously accumulated as defined in § 4-1-1, or that, in the opinion of the department, is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and shall give notice to the owner, if known, or his or her agents, and may provide suitable care.

(b) Every owner, guardian, or agent, upon conviction, entry of a guilty plea, or plea of nolo contendere, of abandonment, neglect, hazardous accumulation as defined in § 4-1-1, or otherwise cruel treatment of any animal taken charge of by the department under this section, forfeits the right to ownership or control of that animal to the department for disposition in any manner deemed suitable for that animal.

(c) Whenever the department lawfully takes charge of any animal under this section, all reasonable expenses for the care and treatment of the animal(s), while in the custody of the department during this time, shall be paid for by the owner, guardian, or his or her agent, upon conviction, a plea of guilty or plea of nolo contendere. The department has the authority to commence a civil action for damages against the owner or his or her agent thirty (30) days after written demand for payment of the expense of the suitable care of that animal has been sent and no payment received.

§ 4-1-43. Use of bullhooks or similar devices on elephants prohibited

(a) Notwithstanding any other provision of law, any person who houses, possesses, or is in direct contact with an elephant utilized in a traveling show shall not:

(1) Use a bullhook, ankus, baseball bat, axe handle, pitchfork, or similar device designed to inflict pain for the purpose of training or controlling the behavior of an elephant; or

(2) Permit an employee, agent, or contractor to use a bullhook, ankus, baseball bat, axe handle, pitchfork, or similar device designed to inflict pain for the purpose of training or controlling the behavior of an elephant.

(b) For purposes of this section “traveling show” means a circus, public show, trade show, photographic opportunity, carnival, city or county fair, ride, parade, race, performance or similar undertaking that involves transporting elephants from location to location or otherwise moves elephants away from a place of permanent residency for performance purposes. The term “traveling show” does not include the transportation of an elephant between nonprofit United States Department of Agriculture licensed sanctuaries for the purpose of providing lifetime care.

(c) Any person who violates the provisions of this section shall be fined not more than five thousand dollars (\$5,000) per violation, or imprisoned for not more than one year, or by both such fine and imprisonment.

§ 4-1.1-3. Unlawful confinement

Notwithstanding any other provision of law, a person is guilty of unlawful confinement of a sow or calf if the person is a farm owner or operator who knowingly tethers or confines any sow or calf in a manner that prevents such animal from turning around freely, lying down, standing up, or fully extending the animal's limbs.

§ 4-1.2-1. Seizure of animals being cruelly treated

(a) The RI state veterinarian, the general/special agent of the RI Society for the Prevention of Cruelty to Animals (RISPCA), or any duly sworn and authorized state or municipal law enforcement officer may lawfully take charge and possession of any animal found abandoned or neglected or hazariously accumulated as defined in § 4-1-1,

or in the opinion of that veterinarian, agent, or officer is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and may thereupon proceed to provide all necessary care and treatment required or take other appropriate action as determined by a licensed veterinarian.

(b) Any person authorized to seize an animal pursuant to this section must leave written notice on the property where the animal was seized within twenty-four (24) hours of the seizure. This notice must be left in a location where it is reasonably likely to be found and must include the name, address, telephone number, and signature of the person seizing the animal; the reason for seizing the animal; and the location where the seized animal is being kept pending any order pursuant to § 4-1.2-3. If the address of the animal owner is known, notification through certified mail with return receipt requested shall also be provided.

§ 4-19-1. Purpose

The purpose of this chapter is:

- (1) To protect the owners of dogs and cats from the sale or use of stolen pets;
- (2) To ensure that all warm-blooded, vertebrate animals, in the care of facilities licensed or registered under this chapter, are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling, and treatment of these animals by persons or organizations engaged in transporting, selling, handling, housing, and care of these animals;
- (3) To ensure that animals confined in pet shops, kennels, animal shelters, auction markets, breeding facilities, training facilities with the exception of training facilities maintained by government agencies and training facilities operated by volunteers working for a not-for-profit or exempt nonprofit organization pursuant to 26 U.S.C. § 501(c)(3) of the Internal Revenue Code, and pounds are provided humane care and treatment;
- (4) To release for sale, trade, or adoption only those animals that appear to be free of infection, communicable disease, or abnormalities, unless veterinary care subsequent to release is assured;
- (5) To ensure the spaying and neutering of dogs and cats that are adopted from a releasing agency;
- (6) To increase transparency concerning where pet shops source dogs and cats; and
- (7) To ensure pet shops can also source puppies and kittens from rescues and shelters to help provide homes for puppies and kittens in need.

§ 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) "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, or veterinary hospital that is housing animals during their treatment, where animals not owned by the proprietor are sheltered, fed, and watered in return for a fee. This definition shall not apply to the following:

(i) Sheltering, feeding, and watering in return for a fee in a residential setting, of no more than four (4) animals not owned by the proprietor, subject to any applicable municipal ordinance that may be more restrictive;

(ii) Any entity that sells a dog or cat.

(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 an 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.

(32) "Trainer" means those persons who actively engage in the application of behavior analysis using the environmental events of antecedents and consequences to modify the behavior of an animal, either for the animal to assist in specific activities or undertake particular tasks, or for the animal to participate effectively in contemporary domestic life, and who keep, board, or retain possession of the animal for at least one overnight period, with the exception of

those persons engaged in these activities for dog training programs operated by government agencies and for dog training programs operated by a not-for-profit or exempt nonprofit organization pursuant to 26 U.S.C. § 501(c)(3) of the Internal Revenue Code.

§ 4-19-10. Dealing in animals without a license

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

§ 4-19-11. Mistreatment of animals

Failure of any person, firm, or corporation, licensed or registered, under the provisions of this chapter, to adequately house, feed, and water animals in his or her possession or custody, as delineated in any rules and regulations promulgated under the authority of this chapter, shall constitute a misdemeanor, and the person, firm, or corporation shall be subject to a fine of not more than one hundred dollars (\$100) per animal; and forfeiture of the animal(s); and revocation of license and/or certificate after a public hearing. Any animals that are suspected of being mistreated may be seized by the state veterinarian to ensure adequate welfare pursuant to § 4-1-31(f) with the cost of care for the aforementioned animals to be determined in the manner prescribed by that section.

§ 4-19-11.2. Destruction of animals--Reporting

All licensed releasing agencies are required to notify the department of environmental management monthly of the number of animals destroyed while those animals are in their care and custody.

§ 4-19-11.3. Penalty for violations

Any person, firm, or corporation who or that violates any provision of this chapter, unless the penalty is otherwise stated in a specific subsection, is subject upon conviction, plea of guilty, or plea of nolo contendere to a fine of five hundred dollars (\$500) for the first offense and not to exceed one thousand dollars (\$1,000) for the second and subsequent offense and loss of animal(s) and revocation of license and/or certificate after a public hearing.

§ 4-19-12. Disposition of animals

(a) Notwithstanding any provision of the general or public laws to the contrary, it shall be unlawful to dispose of any animal by using a carbon monoxide chamber or gas chamber. All animals that must be disposed of by a municipal pound or shelter, the humane society, an animal shelter, rescue, pet shop, breeder, kennel, or any other entity that is required to be licensed or registered under this chapter must be disposed of by lethal injection. In the event of an emergency, if a licensed veterinarian cannot be secured without undue delay and, in the opinion of the animal-control officer, animal-control administrator, approved humane investigator, animal shelter employee, or agent of any other entity so required to be licensed under the provisions of this chapter, the animal is so severely injured, diseased, or suffering in such a manner the animal cannot otherwise

be humanely destroyed in an expeditious manner, the animal may be destroyed by shooting; provided, that:

- (1) Maximum precaution is taken to minimize the animal's suffering and to protect other persons and animals;
- (2) The animal is restrained in a humane manner;
- (3) Shooting is performed by highly skilled and trained personnel utilizing a weapon, ammunition of suitable caliber, and other characteristics, and proper placement of the shot to produce an instantaneous death by a single gunshot.

If any type of restraint or confinement is deemed necessary for the safety of those involved, or for efficiency in euthanizing the animal, it must be done in the most humane way possible to cause the least amount of additional stress to that animal.

(b)(1) No dog officer shall give or sell, or negotiate for the gift or sale, to a dealer or research facility of any animal that may come into his or her custody in the course of carrying out his or her official assignments.

(2) No dog officer shall be granted a dealer's license. Each application for a dealer's license shall include a statement made under oath, that neither the applicant, nor any member or employee of the firm, partnership, or corporation making application, is a dog officer within the meaning of this chapter.

(3) A dog officer, or other licensed releasing agency, upon taking custody of any animal in the course of his, her, or its official duties, shall immediately make a record of the matter in the manner prescribed by the director and the record shall include a description of the animal, including: color, breed, sex, reason for seizure, location of seizure, the owner's name and address if known, and all license or other identification numbers if any. Complete information relating to the disposition of the animal, including compliance with the provisions of §§ 4-19-16 and 4-19-18 and any legal actions taken to uphold and enforce this law, shall be added in the manner provided by the director immediately after disposition. The information shall be forwarded monthly to the department of environmental management.

(c) This section shall not apply to any research laboratories or facilities of any hospital, college, or university within the state.

§ 4-19-12.1. Public health exemptions

Destruction of animals using gas shall be permitted only by state agencies for the protection of public health. In addition, companies permitted by the department of environmental management pursuant to § 20-1-18 shall also be exempt from this ban on the use of gas.

§ 4-19-13. Rules and regulations

The director may, as he or she deems indicated and appropriate, promulgate rules and regulations consistent with the objectives and intent of this chapter for the purpose of carrying out those objectives and intent. Those rules and regulations may include, but

are not limited to, provisions relating to humane transportation to and from registered or licensed premises, records of purchase and sale, identification of animals handled, primary enclosures, housing facilities, sanitation, euthanasia, ambient temperatures, feeding, watering, adequate veterinary medical care, disposition and voluntary surrender of animals at shelters with and without a request for disposition or destruction of the animal. He or she may, at his or her discretion, after public hearing, adopt in whole or in part, those portions of the rules and regulations promulgated by the secretary of the United States department of agriculture pursuant to the provisions of the animal welfare act, 7 U.S.C. § 2131 et seq., which are consistent with the intent and purpose of this chapter.

§ 4-19-14. Chapter inapplicable

This chapter does not apply to a place or establishment which is operated under the immediate supervision of a duly licensed veterinarian as a hospital where animals are harbored, boarded and cared for incidental to the treatment, prevention, or alleviation of disease processes during the routine practice of the profession of veterinary medicine except that, if animals are accepted by that place, establishment or hospital for the primary purpose of boarding in return for a fee, the place, establishment or hospital is subject to the kennel license provisions of this chapter and the regulations relating to the license which may be promulgated by the director. This chapter shall not apply to any dealer or research facility during the period that the dealer or research facility is in the possession of a valid license or registration granted by the secretary of agriculture pursuant to 7 U.S.C. § 2131 et seq. This chapter shall not apply to breeders, nor to hobby breeders.

§ 4-19-15. Access of inspectors to property

Any authorized representative of the director, and the general agent of the Rhode Island society for the prevention of cruelty to animals, has the power to enter at reasonable times upon any private or public property for the purposes of inspection and investigating conditions relating to the provisions of this chapter.

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

(a)(1) No licensed releasing agency shall release, sell, trade, give away, exchange, adopt out, or otherwise transfer, with or without a fee, any dog or cat that has not been spayed or neutered unless the adopting party executes a written agreement with the licensed releasing agency to have the dog or cat spayed or neutered in accordance with subsections (a)(2) and (a)(3).

(2) The licensed releasing agency is authorized to enter into a written adoption agreement with the adopting party provided that at the time of execution of the written agreement, the licensed releasing agency collect from the adopting party an amount equal to the cost to the licensed releasing agency for the spaying or neutering of the dog or cat to be adopted. The written agreement must include the dog or cat's age, sex, and general description; the date the adoption

agreement was executed; the date by which the licensed releasing agency anticipates that the dog or cat will be spayed or neutered; the date by which the adoptive party shall claim the dog or cat; the adopting party's name, address, phone number, and signature; the licensed releasing agency's name, address, phone number, and the dollar amount remitted to the licensed releasing agency for the cost of spaying or neutering the dog or cat.

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

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

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

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

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

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

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

(d) Any and all licensed releasing agencies:

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

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

§ 4-19-17. Forfeited fees

Upon request, the adoptive party shall receive a refund for the fee collected by the licensed releasing agency under the provisions of subsection 4-19-16(a) provided that the licensed releasing agency has not caused the dog or cat to be spayed or neutered at the time the request for such refund is made.

§ 4-19-18. Penalties for violations

(a) Violations of the provisions of § 4-19-16 or the written agreement executed pursuant to § 4-19-16 by an adopting party are punishable by a fine of fifty dollars (\$50.00) for the first offense, one hundred fifty dollars (\$150) for the second offense and four hundred dollars (\$400) for the third and subsequent offenses. Each and every incidence of non-compliance by an adopting party which continues unremedied for thirty (30) days after written notice of a violation under this section constitutes a subsequent offense and the attendant penalties will apply. Second and subsequent offenses may constitute grounds for seizure and forfeiture of the dog or cat, which seizure will be conducted by a dog officer or a police officer for the city or town in which the adopting party resides, and the seized animal will be returned to the licensed releasing agency from which it was adopted, which licensed releasing agency will be free to adopt out or euthanize the seized dog or cat. The adopting party loses all ownership rights in the seized dog or cat, forfeits all rights to any fee or deposit paid for the dog or cat, and shall have no claim against the licensed releasing agency or any other person for any expenses incurred by the adopting party for the dog or cat's maintenance. The provisions of §§ 4-19-16 -- 4-19-18 will be enforced against an adopting party by a dog officer or a police officer for the city or town in which the adopting party resides. Licensed releasing agencies must notify the animal control officer or police officer in the city or town in which the adopting party resides, in writing, within fourteen (14) days of any violation of the provisions of § 4-19-16.

(b) Violations of § 4-19-16 or 4-19-17 by a licensed releasing agency are punishable by a fine of one hundred dollars (\$100) for the first offense, two hundred fifty dollars (\$250) for the second offense and five hundred dollars (\$500) for the third and subsequent offenses. The third and subsequent offenses may result in the temporary or permanent revocation of the licensed releasing agency's license to operate. Compliance by the releasing agency with §§ 4-19-16 -- 4-19-18 will be monitored as to the licensed releasing agencies by the state veterinarian. The provisions of §§ 4-19-16 -- 4-19-18 will be enforced against a licensed releasing agency by the division of law enforcement of the department of environmental management.

(c) All fines collected under subsection (a) will be remitted to the town or city clerk of the municipality where the adopting party of the dog or cat resides. These fines shall be used by the municipality only for programs for the spaying or neutering of dogs or cats. All fines collected under subsection (b) will be remitted to the general treasurer and placed in a separate fund within the general fund to be called the "Animal Health Fund" which shall be administered by the general treasurer in the same manner as the general fund. All funds deposited in the "Animal Health Fund" shall be made available to the

department of environmental management division of agriculture to defray any costs or expenses incurred by the state veterinarian in the enforcement of §§ 4-19-16, 4-19-17 and 4-19-18.

§ 4-19-22. Animal control officers

(a) Effective January 1, 2019, no municipality shall employ any animal control officer who has not received certification to be an animal control officer from the National Animal Care & Control Association (NACA) or other equivalent organization as determined by the Rhode Island Society for the Prevention of Cruelty to Animals. All new hires will have a period of twelve (12) months from date of hire to receive certification. All existing personnel employed as animal control officers shall obtain their certification by January 1, 2019.

(b) The training and certification program required by subsection (a) of this section shall incorporate instruction that shall meet NACA guidelines for certification, including, but not limited to, the following criteria:

- (1) Laws and regulations affecting animal control, animal welfare, and animal cruelty;
- (2) Domestic and wild animal behavior;
- (3) Handling and treatment of deceased or stray animals; and
- (4) Emergency procedures and conflict resolution skills.