

Updated as of February 8, 2015.

RHODE ISLAND ANIMAL CRUELTY LAWS¹

Introduction

Rhode Island laws pertaining to animal care and licensing can be found in Title 4, Animals and Animal Husbandry. Rhode Island's animal cruelty laws can be found in Chapter 1 of this title. Chapter 1.1 includes laws pertaining to the confinement of calves raised for consumption and sows during gestation. Laws regarding treatment of diseased or disabled animals are contained in Chapter 4.² Laws pertaining to the humane slaughter of livestock can be found in chapter 17. Other laws pertaining to the humane treatment of animals can be found in Chapter 19, Animal Care.³ Laws pertaining to the humane treatment of rodeo animals and livestock are contained in Title 4 Chapter 20.

This document sets out laws pertaining to animal cruelty, humane care of animals, and treatment of animals at state rodeos followed by interpretive case law.

Overview of Statutory Provisions

- 1. Cruelty to Animals: R.I. Gen. Laws § 4-1**
- 2. Unlawful Confinement of a Covered Animal: R.I. Gen. Laws § 4-1.1**
- 3. Animal Diseases in General: R.I. Gen. Laws § 4-4**
- 4. Humane Slaughter of Livestock: R.I. Gen. Laws §4-17**
- 5. Animal Care: R.I. Gen. Laws § 4-19**
- 6. Rodeo Animals and Livestock: R.I. Gen. Laws § 4-20**

¹ Sarah Scharf and Kody Sparks produced this document as an undertaking of the George Washington University Law School's Animal Welfare Project, and worked under the guidance of the Project's founder and faculty director, Professor Joahn Schaffner.

² Only those sections pertaining to animal cruelty have been included. §§ 4-4-1 through §§ 4-4-7 and §§4-4-11 through §§4-4-27 regarding public safety generally have been omitted.

³ Only those sections pertaining to animal cruelty have been included. §§ 4-19-3 through §§ 4-19-10, § 4-19-14, § 4-19-11.2, and §§ 4-19-16 through §§ 4-19-21 dealing with animal licensing laws and reporting have been omitted.

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1. CHAPTER 1: CRUELTY TO ANIMALS

R.I. Gen. Laws § 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.

(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.

No Applicable Case Law.

R.I. Gen. Laws § 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, mutilated or cruelly killed, 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 imprisoned or fined as aforesaid.

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

(c) “Shelter” means a structure used to house any animal which will provide sufficient protection from inclement elements for the health and well-being of the animal.

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Applicable Case Law:

State v. Spink, 19 R.I. 353 (R.I. 1896).

Facts: The complaint against the defendant for animal cruelty is not chargeable, because the charge did not name the defendant as the person having custody of the animals.

Holding: To charge someone with the statutory cruelty, a complaint has to name them as the owner or person having custody of the animals at the time of the alleged cruelty. A criminal complaint which charges the owner of animals with cruelty without also alleging that the animals were in his custody does not charge any offense under the statute.

State v. Douglas, 78 A.2d 850 (R.I. 1951).

Facts: Charles Douglas was convicted on a charge of “being the owner of certain animals [naming them], did then and there inflict unnecessary cruelty upon the same, and unnecessarily fail to provide proper food, drink, shelter, and protection from the weather for said animals” in the Sixth District Court. He appealed to the Superior Court, Providence and Bristol Counties, Charles A. Walsh, P. J., where he was found guilty by a jury, and he brought exceptions. There were photographs and witness testimony as to the physical condition of the dogs. The witness testimony, none of which were veterinarians, and thus not expert witnesses, was nevertheless admissible. The witnesses had “long practical experience” in dog handling and their testimonies were admissible.

Holding: The Supreme Court, Condon, J., held that although complaint charged that defendant was derelict in his duty concerning feeding and care of twelve dogs on July 30, 1948, testimony concerning improper feeding and care of twelve dogs prior to that date was properly admitted for purpose of showing how condition of dogs on July 30, 1948 arose.

State v. Tweedie, 444 A.2d 855 (R.I. 1982).

Facts: Defendant was convicted in the Superior Court, Kent County, Rodgers, J., of cruelly killing an animal, and he appealed. Tweedie placed a cat in a microwave at his place of employment. He then turned the microwave on and the cat died shortly after being taken out. The cat was healthy before being put in the microwave and the record reflected that a scratching noise was heard from inside the microwave oven, which supported the finding of cruelty. The court noted that it was absurd to not consider microwaving a cat cruel, as defined in the statute.

Holding: The Supreme Court, Shea, J., held that: (1) the complaint adequately notified defendant of the offense being charged; (2) term "cruelly kill" was not unconstitutionally vague as applied to putting a cat in a microwave oven; The term appears within an extensive list of criminally culpable acts and omissions in the statute and read in context of the entire § 4-1-2, “it is anything but vague”; and (3) evidence of police file was sufficient to establish cruelty; the judge, as fact finder was correct in drawing the inference that the cat underwent severe suffering. The trial Justice’s finding of indifference to the pain and suffering caused to the cat is fully based

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on evidence that Tweedie's only concern was for loss of his job for putting the cat in the microwave in the employee cafeteria.

R.I. Gen. Laws § 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 causes that animal to be carried, in or upon any vehicle or otherwise in a cruel or inhuman manner, or willfully 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 Rhode Island Department of Health, shall be punished for each offense in the manner provided in § 4-1-2.

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

No Applicable Case Law.

R.I. Gen. Laws § 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).

No Applicable Case Law.

R.I. Gen. Laws § 4-1-3.2. Animal Confinement in Motor Vehicles Prohibited.

(a) No owner or person shall confine any animal in a motor vehicle which 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 wellbeing 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.

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(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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

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Applicable Case Law:

State v. Goulet, 21 A.3d 302 (R.I. 2011)

Facts: The defendant appealed his convictions of one count of malicious killing of an animal in violation of § 4-1-5 and one count of possession of a sawed-off shotgun. The defendant alleged the trial justice's failure to suppress evidence seized in the course of Fourth Amendment violations and an improper denial of relief from prejudicial joinder resulting in an unfair trial.

Holdings: The judgment of the Superior Court of Rhode Island, Washington County was affirmed. The Supreme Court held that: (1) Joinder of charges did not prejudice defendant to the extent that he did not receive a fair trial; (2) Warrantless search of the curtilage of defendant's home was permissible under the emergency doctrine; and (3) Sergeant Comstock's testimony was sufficient to support finding that warrantless entry into defendant's shed was justified under the plain view warrant exception.

State v. Kaner, 876 A.2d 1133 (R.I. 2005).

Facts: The defendant, Michael F. Kaner, was charged with maliciously killing a Jack Russell Terrier (Count 1) and with maliciously wounding a Labrador retriever (Count 2) in contravention of R.I. Gen. Law § 4-1-5. He was tried and convicted by a Superior Court jury. The trial justice sentenced the defendant to serve two years of imprisonment on each count. The trial justice also ordered that the two sentences be served consecutively to one another, as well as consecutively to time that the defendant was already serving as a parole violator. The defendant timely appealed from his judgment of conviction.

Holding: The defendant's sole contention on appeal is that the trial justice committed reversible error in allowing the prosecution to introduce evidence of a possible sexual aspect to the attacks upon the dogs. The evidence in question was integrally related to one of the crimes which had occurred and of which defendant was accused. As such it was part of the corpus delicti, and there was no abuse of discretion in the trial court's decision not to bar its admission.

Factors relied upon in finding for the prosecution:

- (1) Photographs of the Jack Russell Terrier showing injuries to the body
- (2) Evidence of the injuries, though prejudicial, have strong evidentiary value which outweighs and prejudice

State v. Tweedie, 444 A.2d 855 (R.I. 1982).

Facts: Defendant was convicted in the Superior Court, Kent County, Rodgers, J., of cruelly killing an animal, and he appealed. See, supra.

Holding: The Supreme Court, Shea, J., held that: (1) the complaint adequately notified defendant of the offense being charged; (2) the term "cruelly kill" was not unconstitutionally vague as applied to putting a cat in a microwave oven; and (3) evidence of cruelty was sufficient.

Factors relied upon in finding for the prosecution:

- (1) Cat was placed in a microwave that was then turned on.

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- (2) Cat died shortly after being found
- (3) Defendant's indifference to the pain and suffering he caused the cat
- (4) Cat was healthy before being placed in the microwave oven.
- (5) Absurdity of considering microwaving a cat to not be cruelty.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen Laws § 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.

No Applicable Case Law.

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R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

Applicable Case Law:

State v. Vinagro, 433 A.2d 945 (R.I. 1981).

Facts: Lionel Hetu, a general agent for the Society for the Prevention of Cruelty to Animals (SPCA) filed complaints against Louis Vinagro pursuant to the specific authority vested in him

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by § 4-1-21. Vinagro was convicted of all four counts of animal cruelty brought against him. The first three counts alleged possession of fighting animals in violation of § 4-1-10. The fourth count claimed that Vinagro maintained a place where pit bulldogs could fight in violation of § 4-1-9. Petition for certiorari was filed concerning the criminal complaint containing four counts relating to cruelty to animals.

Holding: The Supreme Court, Kelleher, J., held that the 1976 statute providing for direct appeal for “violation” convictions to Supreme Court by way of certiorari was invalid with respect to violations which were criminal in nature because, when Rhode Island’s Constitution was adopted in 1842, a defendant could appeal de novo from any criminal conviction of justice of the peace to the superior court and receive jury trial; thus, defendant who was found guilty by justice of district court of all four counts of cruelty to animals was entitled to jury trial. Petition for certiorari granted, judgment appealed from quashed and case remanded.

Factors relied upon in finding for the prosecution:

- 1) Three pit-bulls were seized from defendant’s residence.

R.I. Gen. Laws § 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.

Applicable Case Law:

State v. Vinagro, 433 A.2d 945 (R.I. 1981).

Facts: Petition for certiorari was filed concerning criminal complaint containing four counts relating to cruelty to animals. The first three counts claimed possession of fighting dogs in violation of § 4-1-10. See, supra.

Holding: The Supreme Court, Kelleher, J., held that the 1976 statute providing for direct appeal for “violation” convictions to Supreme Court by way of certiorari was invalid with respect to violations which were criminal in nature because, when Rhode Island’s Constitution was adopted in 1842, a defendant could appeal de novo from any criminal conviction of justice of the peace to the superior court and receive jury trial; thus, defendant who was found guilty by justice of district court of cruelty to animals was entitled to jury trial. Petition for certiorari granted, judgment appealed from quashed and case remanded.

Factors relied upon in finding for the prosecution:

- 1) Three pit-bulls were seized from defendant’s residence.

R.I. Gen. Laws § 4-1-11. Attendance at Bird or Animal Fight.

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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.

Applicable Case Law:

Fox v. Smith, 25 R.I. 255 (R.I. 1903)

Facts: Defendant, as chief prosecuting agent of the Rhode Island Society for the Prevention of Cruelty to Animals, made complaint and caused the issuance of a warrant against the plaintiff, charging him with being present at a cock-fight at Warren. Plaintiff petitioned for new trial based on malicious prosecution after (1) the verdict was against the evidence, as grounds for probable cause in commencing this prosecution are shown, (2) the evidence tending to show the innocence of the plaintiff of the crime alleged was improperly admitted, (3) the improper admission of the District Court record and the lack of proof of the criminal proceedings complained of and their termination, (4) the plaintiff assented to the discontinuance of the criminal proceedings, (5) the defendant acted under the advice of counsel in commencing the prosecution, and (6) if the verdict is to be sustained the damages to be awarded are excessive.

Holding: Petition granted and case remanded for new trial proceedings. It is not necessary for the prosecutor to act upon his own personal knowledge of the facts. It is sufficient if he acted in good faith upon credible information received from reliable sources. There is no evidence that the defendant did not act in good faith, and the presumption is that he did. Whether he acted upon credible information or whether its sources were reliable were questions of fact for the jury to determine. As the jury found for the plaintiff, they must have found either that the information the defendant received was incredible or that the sources from which it came were unreliable. In our opinion the verdict is strongly against the evidence, as there was no evidence at all of want of probable cause.

R.I. Gen. Laws § 4-1-12. Entry of Premises Where Bird or Animal Fights Are Conducted— Arrest— Seizure of Birds or Animals.

Any sheriff, deputy sheriff, town sergeant, 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.

No Applicable Case Law.

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R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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

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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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

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R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws 4-1-20. Duty of Police Officers— fines Paid to Society for Prevention of Cruelty to Animals.

Any sheriff, deputy sheriff, constable or police officer shall prosecute all violations of this chapter which 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 ensure and be paid over to the society in aid of the benevolent objects for which it was incorporated.

No Applicable Case Law.

R.I. Gen. Laws § 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.

Applicable Case Law:

State v. Vinagro, 433 A.2d 945 (R.I. 1981).

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Facts: Lionel Hetu, a general agent for the Society for the Prevention of Cruelty to Animals (SPCA) filed the complaints against Louis Vinagro pursuant to the specific authority vested in him by § 4-1-21. Petition for certiorari was filed concerning criminal complaint containing four counts relating to cruelty to animals. See, supra.

Holding: The Supreme Court, Kelleher, J., held that the 1976 statute providing for direct appeal for “violation” convictions to Supreme Court by way of certiorari was invalid with respect to violations which were criminal in nature because, when Rhode Island’s Constitution was adopted in 1842, a defendant could appeal de novo from any criminal conviction of justice of the peace to the superior court and receive jury trial; thus, defendant who was found guilty by justice of district court of cruelty to animals was entitled to jury trial. Petition for certiorari granted, judgment appealed from quashed and case remanded.

Factors relied upon in finding for the prosecution:

- 1) Three pit-bulls were seized from defendant’s residence.

Fox v. Smith, 25 R.I. 255 (R.I. 1903)

Facts: Defendant, as chief prosecuting agent of the Rhode Island Society for the Prevention of Cruelty to Animals, made complaint and caused the issuance of a warrant against the plaintiff, charging him with being present at a cock-fight at Warren. See, Supra.

Holding: Petition granted and case remanded for new trial proceedings. It is not necessary for the prosecutor to act upon his own personal knowledge of the facts. It is sufficient if he acted in good faith upon credible information received from reliable sources. There is no evidence that the defendant did not act in good faith, and the presumption is that he did. Whether he acted upon credible information or whether its sources were reliable were questions of fact for the jury to determine. As the jury found for the plaintiff, they must have found either that the information the defendant received was incredible or that the sources from which it came were unreliable. In our opinion the verdict is strongly against the evidence, as there was no evidence at all of want of probable cause.

R.I. Gen. Laws § 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.

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(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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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

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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.

No Applicable Case Law.

R.I. Gen. Laws § 4-1-26. Abandonment of Animals.

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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 4-1-28. Greasy Pig Contests Prohibited.

Updated as of February 8, 2015.

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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 4-1-30. Cruelty to Police Animals.

Any person who willfully tortures, torments, beats, kicks, strikes, mutilates, injures, disables, or otherwise mistreats any dog or horse owned by a police department of this state or any of its political subdivisions or who willfully by any action interferes with the lawful performance of a police dog or horse shall be punished by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or by imprisonment for not more than one year, or both.

No Applicable Case Law.

R.I. Gen. Laws § 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 which 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.

Updated as of February 8, 2015.

- (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 4-1. 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 4-1, 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.

No Applicable Case Law.

R.I. Gen. Laws § 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 Rhode Island 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.

No Applicable Case Law.

R.I. Gen. Laws § 4-1-34. Destruction of racing greyhounds.

Updated as of February 8, 2015.

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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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).

No Applicable Case Law.

R.I. Gen. Laws § 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”.

No Applicable Case Law.

Updated as of February 8, 2015.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 4-1-40. Possession of Animals

Updated as of February 8, 2015.

(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 may, based on the discretion of the sentencing judge, 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 may, based on the discretion of the sentencing judge, 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).

No Applicable Case Law.

R.I. Gen. Laws § 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,

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including the individual's or corporation's agents or successors-in-interest, from prohibiting any animal on the premises.

No Applicable Case Law.

R.I. Gen. Laws § 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 which, 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 or 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 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.

No Applicable Case Law.

Updated as of February 8, 2015.

2. CHAPTER 1.1: UNLAWFUL CONFINEMENT OF A COVERED ANIMAL

R.I. Gen. Laws § 4-1.1-1. Definitions.

For the purposes of this chapter:

- (1) “Calf raised for veal” means a calf of the bovine species kept for the purpose of producing the food product referred to as veal.
- (2) “Crate” means a “gestation crate” for sows or a “veal crate” for calves.
- (3) “Farm” means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food or fiber; and does not include live animal markets.
- (4) “Farm owner or operator” means any person who owns or controls the operation of a farm, and does not include any non-management employee, contractor, or consultant.
- (5) “Fully extending the animal's limbs” means fully extending all limbs without touching the side of an enclosure.
- (6) “Person” means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, or syndicate.
- (7) “Sow during gestation” means a pregnant pig of the porcine species kept for the purpose of breeding.
- (8) “Turning around freely” means turning in a complete circle without any impediment including a tether, and without touching the side of a crate.

No Applicable Case Law.

Updated as of February 8, 2015.

R.I. Gen. Laws § 4-1.1-2. Purpose.

The purpose of this chapter, subject to exceptions set forth in § 4-1.1-4, is to prohibit the confinement of calves raised for veal and sows during gestation.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 4-1.1-4. Exceptions.

This section shall not apply:

- (1) During medical research.
- (2) Temporary confinement prior to and during examination, testing, individual treatment or operation for veterinary purposes.
- (3) During transportation.
- (4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions or educational programs.
- (5) During temporary confinement for animal husbandry purposes for no more than six (6) hours in any twenty-four (24) hour period unless ordered by a licensed veterinarian.
- (6) During the humane slaughter of a sow or pig in accordance with the provisions of chapter 4-17, and other applicable laws and regulations.
- (7) To a sow during the fourteen (14) day period prior to the sows expected date of giving birth and extending for a duration of time until the piglets are weaned. This period may be modified upon the order of a licensed veterinarian.
- (8) To calves being trained to exhibit.
- (9) To calves being trained to accept routine confinement in dairy and beef housing.

No Applicable Case Law.

R.I. Gen. Laws § 4-1.1-5. Penalty.

- (a) The provisions of this chapter are in addition to, and not in lieu of, any other laws protecting animal welfare. This chapter may not be construed to limit any other state laws or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations.
- (b) It is not an affirmative defense to alleged violations of this chapter that the calf or sow was kept as

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part of an agricultural operation and in accordance with customary animal husbandry or farming practices.

(c) Any person who violates the provisions of this chapter or any rules or regulations promulgated hereunder shall be fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or both.

No Applicable Case Law.

R.I. Gen. Laws § 4-1.1-6. Severability.

If any provision of this chapter or the application thereof to any person or circumstances, is held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications of this chapter that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this chapter are declared to be severable.

No Applicable Case Law.

3. CHAPTER 4: ANIMAL DISEASES IN GENERAL

R.I. Gen. Laws § 4-4-8. Exposure of Diseased Animals to Contact with Healthy Animals.

No person having the care or custody of any animal having any one of the diseases mentioned in this chapter or chapter 5 of this title, shall, knowing the animal to have any of the diseases mentioned in this chapter or chapter 5 of this title, sell or exchange, or permit the removal, use or driving of that animal upon any public highway, or the exposure of that animal to contact with any other healthy animal of the same kind, except by permission of the director of environmental management. Any person so doing is deemed guilty of a misdemeanor, and on being convicted shall be fined not exceeding one hundred dollars (\$100).

No Applicable Case Law.

R.I. Gen. Laws § 4-4-9. Sale, Use, or Exposure of Diseased Animals--Refusal to destroy.

A person who willfully sells or offers to sell, uses, exposes, or causes or permits to be sold, offered for sale, used or exposed, any horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the life or health of human beings or animals, or which is diseased past recovery, or who refuses upon demand of the general agent or any special agent of the society for the prevention of cruelty to animals humanely to destroy an animal affected with any of those diseases shall, for each offense, be punished in the manner provided in § 4-1-2.

No Applicable Case Law.

Updated as of February 8, 2015.

R.I. Gen. Laws § 4-4-10.

It is unlawful for any person holding an auctioneer's license knowingly to receive or offer for sale or to sell at public auction, other than at a sheriff's or judicial sale under a court order, or for any person to sell or offer for sale at private sale, any animal which is suffering from any disability, lameness or disease, and any person violating any provision of this section shall, for each offense, be punished in the manner provided in § 4-1-2.

No Applicable Case Law.

3. CHAPTER 17: HUMANE SLAUGHTER OF LIVESTOCK

R.I. Gen. Laws § 4-17-1. Declaration of Policy.

It is declared and determined as a matter of legislative finding that the use of humane methods in the slaughter of livestock prevents needless suffering, results in safer and better working conditions for persons engaged in the slaughtering industry, brings about improvement of products and economy in slaughtering operations, and produces other benefits for producers, processors, and consumers that tend to expedite the orderly flow of livestock and their products. It is declared to be the policy of the state to require that the slaughter of all livestock and the handling of livestock, in connection with slaughter, be carried out only by humane methods and to provide that methods of slaughter conform generally to those employed in other states where humane slaughter is required by law and to those authorized by the Federal Humane Slaughter Act of 1958, 7 U.S.C. § 1901 et seq., and regulations under that act

No Applicable Case Law.

R.I. Gen. Laws § 4-17-2. Definitions.

As used in chapter:

(1) "Director" means the director of environmental management.

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(2) “Humane method” means either:

(i) A method through which the animal is rendered insensible to pain by mechanical, electrical, chemical or other means that is rapid and effective before being shackled, hoisted, thrown, cast, or cut; or

(ii) A method in accordance with the ritual requirements of the Jewish faith or any other religious faith through which the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(3) “Livestock” means cattle, cows, sheep, swine, horses, mules, goats and any other animal which can or may be used in and for the preparation of meat or meat products.

(4) “Packer” means any person engaged in the business of slaughtering, or manufacturing or preparing meat or meat products for sale, either by that person or others, or of manufacturing or preparing livestock products for sale by that person or others.

(5) “Person” means any individual, partnership, corporation, or association doing business in this state, in whole or in part.

(6) “Slaughterer” means any person who regularly engages in the commercial slaughtering of livestock.

(7) “Stockyard” means any place, establishment, or facility commonly known as a stockyard, conducted or operated for compensation or profit as a public market, consisting of pens, or other enclosures, and their appurtenances, for the handling, keeping, and holding of livestock for the purpose of sale or shipment.

No Applicable Case Law.

R.I. Gen. Laws § 4-17-3. Shackling and Hoisting.

No slaughterer, packer, or stockyard operator shall shackle, hoist, or otherwise bring livestock into position for slaughter by any method which causes injury or pain.

No Applicable Case Law.

R.I. Gen. Laws § 4-17-4. Method of Slaughter.

No slaughterer, packer, or stockyard operator shall bleed or slaughter any livestock except by a humane method.

No Applicable Case Law.

R.I. Gen. Laws § 4-17-5. Administration— Rules and Regulations— Manual Use of Hammer, Sledge, or Poleax Declared Inhumane.

Updated as of February 8, 2015.

The director shall administer the provisions of this chapter. He or she shall promulgate and may from time to time revise rules and regulations which conform substantially to the rules and regulations promulgated by the secretary of agriculture of the United States pursuant to the Federal Humane Slaughter Act of 1958, 7 U.S.C. § 1901 et seq. The use of a manually operated hammer, sledge or poleax is declared to be an inhumane method of slaughter within the meaning of this chapter.

No Applicable Case Law.

R.I. Gen. Laws § 4-17-6. Penalty for Violation.

Any person who violates any provision of this chapter shall, upon conviction, be punished by a fine of not more than five hundred (\$500) dollars, or by imprisonment for not more than one year.

No Applicable Case Law.

R.I. Gen. Laws § 4-17-7. Exemption of Ritual Slaughter.

Nothing in this chapter shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this chapter, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this chapter. For the purposes of this section, the term “ritual slaughter” means slaughter in accordance with § 4-17-2(2)(ii).

No Applicable Case Law.

Updated as of February 8, 2015.

4. CHAPTER 19: ANIMAL CARE

R.I. Gen. Laws § 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 insure that all warm-blooded vertebrate animals, as items of commerce 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, buying, or selling them for commercial use;
- (3) To insure that animals confined in pet shops, kennels, animal shelters, auction markets, and pounds are provided humane care and treatment;
- (4) To release for sale, trade or adoption only those animals which appear to be free of infection, communicable disease, or abnormalities, unless veterinary care subsequent to release is assured; and
- (5) To ensure the spaying and neutering of dogs and cats which are adopted from a releasing

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agency.

No Applicable Case Law.

R.I. Gen. Laws § 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

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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.

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Applicable Case Law:

Town of Exeter v. Gordon, No. WC99-0518, 2002 R.I. Super. LEXIS 12 (R.I. Super. Jan. 28, 2002)

Facts: The owners of a kennel intended to use a portion of their property as an outdoor training area. The town argued that the outdoor training was not an integral part of a boarding and breeding operation, as allowed by Town of Exeter, N.H., Code of Ordinances § 2.4.1, and such use exceeded the scope of permitted uses in the zone. The zoning board denied the appeal of the kennel owners concerning a cease and desist order that prevented the owners from training dogs on the property. The owners appealed the decision. Appellee town filed a declaratory judgment action asking the superior court to find the owners in violation of several city ordinances after the owners continued the training and other activities.

Holding: The decision of the Board is reversed. The Court found that the substantial rights of the appellant were prejudiced because the findings, conclusions, and decision of the Board were clearly erroneous in view of the reliable, probative and substantial evidence of the whole record. The Board acted in excess of its authority granted to it by statute and ordinance and was in violation of ordinance provisions. Accordingly, the decision of the Board is reversed. The Court uses interpretation of the terms “breeder” and “kennel” as laid out in §4-19-2 in their decision.

R.I. Gen. Laws § 4-19-11. Mistreatment of Animals.

Failure of any person licensed or registered to adequately house, feed and water animals in his or her possession or custody shall constitute a misdemeanor, and upon conviction the person shall be subject to a fine of not more than one hundred dollars (\$100) per animal. Those animals shall be subject to seizure and impoundment and upon conviction of the person may be sold or euthanized at the discretion of the director and that failure shall also constitute grounds for revocation of license or registration after a public hearing.

No Applicable Case Law.

R.I. Gen. Laws § 4-19-11.3. Penalty for Violations.

Any person, firm or corporation who violates any provision of this chapter unless otherwise stated is subject upon conviction to a fine of five hundred dollars (\$500) for the first offense and not to exceed one thousand dollars (\$1000) for the second and subsequent offense and loss of specimen(s) and revocation of license and/or certificate after a public hearing.

No Applicable Case Law.

R.I. Gen. Laws § 4-19-12. Disposition of Animals.

(a) Notwithstanding any provision of the general or public laws to the contrary, it shall be

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unlawful to dispose of any animal by using a carbon monoxide chamber or gas chamber. All animals, which must be disposed of by a municipal pound or shelter, the humane society animal shelter, or any other private pound or animal shelter, however, described, 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, or animal shelter employee, 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 which 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 or 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 incorporated humane society, upon taking custody of any animal in the course of their 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.

No Applicable Case Law.

R.I. Gen. Laws § 4-19-12.1. Public Health Exemptions.

Updated as of February 8, 2015.

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

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

R.I. Gen. Laws § 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.

No Applicable Case Law.

5. CHAPTER 20: RODEO ANIMALS AND LIVESTOCK

R.I. Gen. Laws § 4-20-1. Purpose.

Updated as of February 8, 2015.

The purpose of this chapter is to establish guidelines and criteria for rodeo and rodeo-related activities relative to humane treatment of rodeo animals and rodeo livestock in the state.

No Applicable Case Law.

R.I. Gen. Laws § 4-20-2. Notification requirements.

No person, firm, corporation, or association shall conduct or promote any rodeo without first having notified in writing the animal control officer of the city or town in which this event is to take place. The notification shall include the dates and times of this event and the identity of the person who has charge of this event.

No Applicable Case Law.

R.I. Gen. Laws § 4-20-3. Presence of veterinarian required.

No person, firm, corporation, or association shall conduct or promote any rodeo without requiring the presence of a veterinarian licensed to practice in Rhode Island during the time that this event is taking place. The veterinarian employed shall be one who has had experience in the treatment of large animal life for a period of not less than two (2) years. All expenses incurred for the presence of and services rendered by the veterinarian employed shall be the responsibility of the promoter of the event.

No Applicable Case Law.

R.I. Gen. Laws § 4-20-4. Rodeo events.

Rodeo events involving animals/livestock shall be limited to bareback riding, saddle bronc riding, bull riding, calf roping, as provided in § 4-20-7, breakaway calf-roping, steer wrestling, team riding, barrel racing, team roping, wild horse racing, chuckwagon racing, quarter horse races, mounted flag races, trail riding events, obstacle course and pole bending events. This shall include any nonpublic practice or point gathering events which are conducted prior to or subsequent to any public performances.

No Applicable Case Law.

R.I. Gen. Laws § 4-20-5. Duties of Veterinarian in charge.

Updated as of February 8, 2015.

The appointed veterinarian, once appointed to oversee any rodeo, has access to the complete site of any activity involving animals to be employed in the event. The veterinarian has complete authority over the treatment and use of any animal which becomes injured in this event. The veterinarian has the right to declare any animal unfit for use in any this event and his or her decision shall be final after that decision has been communicated to the person in charge, as communicated to the animal control officer in § 4-20-2.

No Applicable Case Law.

R.I. Gen. Laws § 4-20-6. Presence Required During Any Event.

The person in charge, as communicated to the animal control officer in accordance with § 4-20-1, is required to be present and available for communication while the event is taking place. In the event that the person in charge, as communicated in accordance with § 4-20-1, is unable to be present, he or she shall notify the appointed veterinarian and the animal control officer of the city or town in which the event is taking place and make known to them the name of the person who will replace him or her as the person in charge.

No Applicable Case Law.

R.I. Gen. Laws § 4-20-7. Limitations.

The roping of any calf in any rodeo is limited to breakaway calf roping, where the calf is released immediately after it is roped without the animal being subjected to a sudden stop or fall.

No Applicable Case Law.

R.I. Gen. Laws § 4-20-8. Participation.

No person shall participate in any rodeo activity who has been convicted of cruelty to animals while participating in any rodeo.

No Applicable Case Law.

R.I. Gen. Laws § 4-20-9. Penalties for Any Violation.

Whoever violates any provision of this chapter, shall, for each offense be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

Updated as of February 8, 2015.

No Applicable Case Law.