



DOG TETHERING REQUIREMENTS PRESENTED IN RHODE ISLAND

****Policing Powers Given to Rhode Island SPCA****

The Issue.

Tethering guidelines and penalties for dog owners have been introduced in Rhode Island. Senate Bill 2022 and its companion, House Bill 7319, establish proper care, water and veterinary standards as well as sets specifics on tethering lengths and time periods. This legislation also grants the Rhode Island Society for the Prevention of Cruelty to Animals police powers to enforce the proposed requirements.

The Impact.

These bills make it unlawful for a person to:

- Keep any dog outside, tethered, penned, caged, fenced or otherwise confined for more than one hour without access to an outdoor housing facility unless the person having charge is outside with the dog;
- Keep any dog outside either tethered, penned, caged, fenced or otherwise confined without access to an outdoor housing facility when the ambient temperature is beyond the industry standard for the weather safety scale as set forth in the most recent adopted version of the Tufts Animal Care and Condition Weather Safety Scale if the dog is showing signs of poor health due to the weather conditions;
- Keep any dog on a permanent tether less than six feet (6') long;
- Tether a dog with a choke-type collar or prong-type collar;
- Keep any dog tethered for more than 10 hours during a 24 hour period or keep any dog confined in a pen, cage or other outdoor housing structure for more than 14 hours during any 24 hour period; and
- Fail to provide proper food, proper water, or proper veterinary care.

The legislation provides the following definitions:

- "Tether" is defined as "the practice of fastening a dog to a stationary object or stake by a chain, rope or other tethering device as a means of keeping the animal under control. The term tether does not refer to the periods when an animal is walked on a leash".
- "Proper food" means "access to a sufficient quality and quantity of wholesome foodstuff suitable for that species that will allow for normal growth and maintenance of the animal's body weight and body condition. Wholesome foodstuff is food intended for that species of animal or food that is accepted for that species of animal under acceptable animal husbandry practices. The interval between feeding shall not be more than 24 hours".



- "Proper water" means "access to clean, fresh, drinkable potable water sufficient to maintain the health of the animal not to exceed 12 hours at any interval".
- "Proper veterinary care" is defined as "providing each animal that is suffering from an illness, injury or medical condition with veterinary care sufficient to prevent unnecessary or unjustified physical pain or suffering by the animal; provided, that nothing herein shall be construed to prevent an owner from treating an animal using acceptable animal husbandry practices".

The proposed requirements **do not apply** to the following:

- If the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island which must be renewed annually and an outdoor housing facility is provided;
- If such tethering or confinement is authorized in writing by an animal control officer; or
- A training facility, grooming facility, commercial boarding kennel, licensed pet shop, animal shelter, municipal pound or veterinary facility.

Any person in violation of these requirements will receive a warning for a first violation. Second and subsequent violations, for each offense, will result in imprisonment of up to 11 months or a fine of up to \$500 or both.

NOTE: SB 2022 and HB 7319 authorize the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) and animal control officers to enforce these requirements. The RISPCA and animal control officers would have the authority to examine individual dogs and to enter premises for enforcement purposes.

Recommended Action.

As for the tethering requirements presented in this bill, we want all pet owners to be aware of these guidelines and to make sure they are in compliance so not to face the harsh penalties proposed.

The police powers granted to the RISPCA in this bill allows dog owners to be susceptible to routine harassment, and invites abuses of the law. Invasion of private property, arrest and confiscation of pets by private citizens are all likely occurrences should SB 2022 or HB 7319 become law as written. PIJAC recommends that safeguard amendments be added to prevent such acts.

PIJAC has long opposed delegating police powers to private citizens, such as the RISPCA, who do not have the same training, qualifications and oversight as law enforcement officers. Unless RISPCA members are trained and deputized as animal control/law enforcement officers then constitutional due process issues may arise.

SB 2022 has been assigned to the Senate Committee on Constitutional & Regulatory Issues, while its companion, HB 7319, has been sent to the House Committee on Judiciary. No hearing has yet been set for either bill.

Those opposed to this legislation are urged to contact committee members (see committee lists attached below).

Also, to easily contact both members of both committees, as well as your own representative, visit PIJAC's [Legislative Action Center](http://www.pijac.org/governmentaffairs) on the PIJAC website (<http://www.pijac.org/governmentaffairs>) to learn how.

Updates on the status of this bill will be posted to the Breaking News page of PIJAC's website at (<http://www.pijac.org/petinformation/breakingnews.asp>). You are encouraged to visit the site regularly to be informed of actions taken on this legislation.

For additional information on this legislation, or other bills in which you may have an interest, contact PIJAC's Bambi Osborne at bambi@pijac.org or 800-553-PETS (7387).

State of Rhode Island
Senate Committee on Constitutional & Regulatory Issues
State House, Senate Chamber
Providence, RI 02903
401/276-5508

<u>SENATOR</u>	<u>DISTRICT(S)</u>	<u>TEL. #</u>	<u>EMAIL</u>
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Erin P. Lynch (V-Ch)(D-31)	Warwick	401/222-6655	sen-lynch@rilin.state.ri.us
David E. Bates (R-32)	Barrington, Bristol	401/222-1207	sen-bates@rilin.state.ri.us
Marc A. Cote (D-24)	Woonsocket, North Smithfield	401/222-6655	sen-cote@rilin.state.ri.us
Elizabeth Crowley (D-16)	Central Falls, Pawtucket, Cumberland	401/222-6655	sen-crowley@rilin.state.ri.us
Daniel DaPonte (D-14)	East Providence, Pawtucket	401/222-6655	sen-daponte@rilin.state.ri.us
Paul V. Jabour (D-5)	Providence	401/222-6655	sen-jabour@rilin.state.ri.us
John J. Tassoni (D-22)	Smithfield, North Smithfield	401/222-4278	sen-tassoni@rilin.state.ri.us

State of Rhode Island
House Committee on Judiciary
State House, Room 323
Providence, RI 02903
401/222-2258

<u>REPRESENTATIVE</u>	<u>DISTRICT(S)</u>	<u>TEL. #</u>	<u>EMAIL</u>
Donald J. Lally, Jr. (Ch)(D-33)	Narragansett, N. Kingstown, S. Kingstown	401/222-2466	rep-lally@rilin.state.ri.us
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Peter G. Palumbo (D-16)	Cranston	401/222-2466	rep-palumbo@rilin.state.ri.us
Scott M. Pollard (D-40)	Coventry, Foster, Glocester	401/222-2466	rep-pollard@rilin.state.ri.us
Amy G. Rice (D-72)	Portsmouth, Middletown, Newport	401/222-2466	rep-rice@rilin.state.ri.us
David A. Segal (D-2)	Providence, East Providence	401/222-2466	rep-segal@rilin.state.ri.us
Raymond J. Sullivan, Jr. (D-29)	Coventry, West Greenwich	401/222-2466	rep-sullivan@rilin.state.ri.us

PIJAC Members! PIJAC Fans! Join US...

The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIJAC4pets. If you are not already a Member, please join us today by visiting www.pijac.org/membership. For additional information on PIJAC and its many exciting campaigns, please visit: www.pijac.org and www.dontmesswithmypet.org. Or, contact us at 1-800-553-PETS (1-800-553-7387); members@pijac.org.

On behalf of pets, responsible pet owners, and the pet industry, we thank you!

2009 RI H 7319
(COMPANION
TO: S 2022)

AUTHOR: Gemma
VERSION: Introduced
VERSION DATE: 02/02/2010

2010 -- H 7319

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

AN ACT

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS

Introduced By: Representatives Gemma, Pacheco, Fox, Handy, and Jacquard

Date Introduced: February 02, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 4-13-1.2 of the General Laws in Chapter 4-13 entitled "Dogs" is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(10) "Guardian" shall mean a person(s) having the same rights and responsibilities of an owner, keeper 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.

(11) "Tether" means the practice of fastening a dog to a stationary object or stake by a chain, rope or other tethering device as a means of keeping the animal under control. The term tether does not refer to the periods when an animal is walked on a leash.

(12) "Outdoor housing facility" means a structure that is the proper size for the dog, impervious to moisture, has protection from the direct rays of the sun, and has a wind break at the entrance. This includes, but is not limited to, dog houses, barns, garages and sheds.

(13) "Person having charge" means the owner, guardian, possessor or keeper of the dog.

SECTION 2. Chapter 4-13 of the General Laws entitled "Dogs" is hereby amended by adding thereto the following section:

4-13-13.1. Sheltering, tethering and nourishment of dogs. - (a) It shall be a violation of this section for a person having charge to:

(1) Keep any dog outside, tethered, penned, caged, fenced or otherwise confined for more than one hour without access to an outdoor housing facility unless the person having charge is outside with the dog.

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

(3) Keep any dog on a permanent tether less than six feet (6') long.

(4) Tether a dog with a choke-type collar or prong-type collar.

(5) Keep any dog tethered for more than ten (10) hours during a twenty-four (24) hour period or keep any dog confined in a pen, cage or other outdoor housing structure for more than fourteen (14) hours during any twenty-four (24) hour period.

(6) Fail to provide proper food, proper water, or proper veterinary care as defined in section 4-1-1.

(b) The provisions of this section shall not apply: (1) If the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island which must be renewed annually and an outdoor housing facility is provided; or (2) if such tethering or confinement is authorized in writing by an animal control officer; or (3) to a training facility, grooming facility, commercial boarding kennel, pet shop licensed in accordance with chapter 4- 19, animal shelter, municipal pound or veterinary facility.

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

(d) The Rhode Island Society for the prevention of cruelty to animals (RISPCA) and animal control officers are hereby authorized to enforce the aforementioned as provided in this title furthermore the (RISPCA) and animal control officers are hereby authorized and empowered to examine the dog and to enter upon those grounds or premises for enforcement of the provisions of this section.

SECTION 3. Section 4-1-1 of the General Laws in Chapter 4-1 entitled "Cruelty to Animals" is hereby amended to read as follows:

4-1-1. Definitions -- Responsibility for agents and employees. -- (a) In this chapter and in sections 4-4-9, 4-4-10, and 23-19-8:

(1) "Animal" and "animals" means every living creature except a human being;

(2) "Licensed graduate veterinarian" or "veterinarian" means a person licensed to engage in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate of an accredited veterinary medical, surgical, and dental school or college of a standard recognized by the Rhode Island veterinary medical association; and

(3) "Owner", "person", and "whoever" means corporations as well as individuals.

(4) "Guardian" ~~shall mean~~ means 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) "Proper food" means access to a sufficient quality and quantity of wholesome foodstuff suitable for that species that will allow for normal growth and maintenance of the animal's body weight and body condition. Wholesome foodstuff is food intended for that species of animal or food that is accepted for that species of animal under acceptable animal husbandry practices. The interval between feeding shall not be more than twenty-four (24) hours.

(6) "Proper water" means access to clean, fresh, drinkable potable water sufficient to maintain the health of the animal not to exceed twelve (12) hours at any interval.

(7) "Proper veterinary care" means providing each animal that is suffering from an illness, injury or medical condition with veterinary care sufficient to prevent unnecessary or unjustified physical pain or suffering by the animal; provided, that nothing herein shall be construed to prevent an owner from treating an animal using acceptable animal husbandry practices.

(8) "Shelter for a dog" means a structure, doghouse of the appropriate size for the breed and size of the dog or other adequate protection from inclement weather, as required to maintain the dog in a state of good health, and prevent unnecessary or unjustified suffering of the dog.

(b) An owner who allows an animal to become emaciated due to a malabsorption problem, disease, parasitic infestation or any illness or chronic illness when the animal is not under the direct and continued care of a veterinarian for those problems shall be as guilty as an owner who does not provide proper food.

~~(b)~~ (c) 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.

SECTION 4. This act shall take effect upon passage.

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS

This act would provide guidelines and penalties for any person that keeps a dog outside tethered, penned, caged, fenced or otherwise confined without adequate shelter from the elements and would add definitions of "proper food", "proper water" and "proper veterinary care" to the chapter on cruelty to animals.

This act would take effect upon passage.

2009 RI S 2022 **AUTHOR:** Tassoni
 VERSION: Introduced
 VERSION DATE: 01/13/2010

2010 -- S 2022
STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2010

AN ACT

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS

Introduced By: Senators Tassoni, McBurney, and Doyle

Date Introduced: January 13, 2010

Referred To: Senate Constitutional & Regulatory Issues

It is enacted by the General Assembly as follows:

SECTION 1. Section 4-13-1.2 of the General Laws in Chapter 4-13 entitled "Dogs" is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(10) "Guardian" shall mean a person(s) having the same rights and responsibilities of an owner, keeper 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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(12) "Outdoor housing facility" means a structure that is the proper size for the dog, impervious to moisture, has protection from the direct rays of the sun, and has a wind break at the entrance. This includes, but is not limited to, dog houses, barns, garages and sheds.

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SECTION 2. Chapter 4-13 of the General Laws entitled "Dogs" is hereby amended by adding thereto the following section:

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(3) Keep any dog on a permanent tether less than six feet (6') long.

(4) Tether a dog with a choke-type collar or prong-type collar.

(5) Keep any dog tethered for more than ten (10) hours during a twenty-four (24) hour period or keep any dog confined in a pen, cage or other outdoor housing structure for more than fourteen (14) hours during any twenty-four (24) hour period.

(6) Fail to provide proper food, proper water, or proper veterinary care as defined in section 4-1-1.

(b) The provisions of this section shall not apply: (1) If the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island which must be renewed annually and an outdoor housing facility is provided; or (2) if such tethering or confinement is authorized in writing by an animal control officer; or (3) to a training facility, grooming facility, commercial boarding kennel, pet shop licensed in accordance with chapter 4- 19, animal shelter, municipal pound or veterinary facility.

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

(d) The Rhode Island Society for the prevention of cruelty to animals (RISPCA) and animal control officers are hereby authorized to enforce the aforementioned as provided in this title furthermore the (RISPCA) and animal control officers are hereby authorized and empowered to examine the dog and to enter upon those grounds or premises for enforcement of the provisions of this section.

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4-1-1. Definitions -- Responsibility for agents and employees. -- (a) In this chapter and in sections 4-4-9, 4-4-10, and 23-19-8:

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(3) "Owner", "person", and "whoever" means corporations as well as individuals.

(4) "Guardian" ~~shall mean~~ means 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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(8) "Shelter for a dog" means a structure, doghouse of the appropriate size for the breed and size of the dog or other adequate protection from inclement weather, as required to maintain the dog in a state of good health, and prevent unnecessary or unjustified suffering of the dog.

(b) An owner who allows an animal to become emaciated due to a malabsorption problem, disease, parasitic infestation or any illness or chronic illness when the animal is not under the direct and continued care of a veterinarian for those problems shall be as guilty as an owner who does not provide proper food.

~~(b)~~ (c) 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.

SECTION 4. This act shall take effect upon passage.

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS ***

This act would provide guidelines and penalties for any person that keeps a dog outside tethered, penned, caged, fenced or otherwise confined without adequate shelter from the elements and would add definitions of "proper food", "proper water" and "proper veterinary care" to the chapter on cruelty to animals.

This act would take effect upon passage.