

2013 -- S 0316 SUBSTITUTE A

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LC01359/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE

Introduced By: Senators Bates, and Ottiano

Date Introduced: February 13, 2013

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-19-16, 4-19-17 and 4-19-18 of the General Laws in Chapter 4-19
2 entitled "Animal Care" are hereby amended to read as follows:

3 **4-19-16. Mandatory spaying and neutering of dogs and cats adopted from a licensed**
4 **releasing agency.** -- (a)(1) No licensed releasing agency shall release, sell, trade, give away,
5 exchange, adopt out, or otherwise transfer with or without a fee any dog or cat that has not been
6 spayed or neutered unless the adopting party executes a written agreement with the licensed
7 releasing agency to have the dog or cat spayed or neutered in accordance with subdivisions (2)
8 and (3) within thirty (30) days of the adoption date or within thirty (30) days from the date that
9 the dog or cat reaches sexual maturity, with the cost of the spaying or neutering to be the
10 responsibility of the adopting party.

11 (2) The licensed releasing agency is authorized to enter into a written adoption agreement
12 with the adopting party provided that at the time of execution of the written agreement, the
13 licensed releasing agency collect from the adopting party an amount equal to the cost to the
14 licensed releasing agency for the spaying or neutering of the dog or cat to be adopted. The written
15 agreement must include the dog or cat's age, sex, and general description; the date ~~of the~~ the adoption
16 agreement was executed; and the date by which the licensed releasing agency anticipates that the
17 dog or cat ~~must~~ will be spayed or neutered; the date by which the adoptive party shall claim the
18 dog or cat; the adopting party's name, address, phone number, and signature; the licensed
19 releasing agency's name, address, phone number, and the dollar amount ~~of the deposit~~ remitted to

1 the licensed releasing agency for the cost of spaying or neutering the dog or cat.

2 (3) ~~In addition to executing the written agreement the adopting party must leave with the~~
3 ~~licensed releasing agency a deposit of not less than twenty dollars (\$20.00) and not more than~~
4 ~~forty dollars (\$40.00). The amount of the deposit shall be determined by the licensed releasing~~
5 ~~agency. This deposit will be refunded by the licensed releasing agency to the adopting party upon~~
6 ~~presentation of a written statement or receipt from a licensed veterinarian of the adopting party's~~
7 ~~choice where the dog or cat was spayed or neutered providing that the spaying or neutering was~~
8 ~~performed within the thirty (30) day period.~~ After execution of the agreement, the licensed
9 releasing agency shall cause the dog or cat to be spayed or neutered and, when medically fit, shall
10 transfer custody of the dog or cat to the adopting party. Any dog or cat that is not claimed by the
11 adoptive party within ten (10) days of the date enumerated in the written adoption agreement
12 shall be considered unclaimed and may be offered for adoption to another party.

13 ~~(4) Alternatively, the licensed releasing agency shall make appropriate arrangements for~~
14 ~~the spaying or neutering of the dog or cat by a licensed veterinarian and have the surgery~~
15 ~~completed before releasing the dog or cat to the adopting party.~~

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

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

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

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

33 ~~(iv)~~(4) A licensed releasing agency transfers a dog or cat to another licensed releasing
34 agency.

1 ~~(2) The exemptions provided in subdivisions (ii) and (iii) above are only applicable if the~~
2 ~~licensed releasing agency receives a written report from a licensed veterinarian within the thirty~~
3 ~~(30) day period during which the spaying or neutering would otherwise be required, or in the case~~
4 ~~of a report contemplated by subdivision (ii), the report may be provided to the licensed releasing~~
5 ~~agency during any temporary extension period provided by subdivision (iii) if the health~~
6 ~~condition of the dog or cat has changed.~~

7 (c) If requested to do so, a licensed releasing agency shall refund ~~deposited funds~~ fees
8 collected for the purpose of spaying or neutering the dog or cat to the adopting party upon
9 reasonable proof being presented to the releasing agency by the adopting party that the dog or cat
10 died before the ~~expiration of the period during which the~~ spaying or neutering was required to be
11 completed.

12 (d) Any and all licensed releasing agencies:

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

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

16 **4-19-17. Forfeited deposits Forfeited fees.** -- Upon request, the adoptive party shall
17 receive a refund for the fee collected by the licensed releasing agency under the provisions of
18 subsection 4-19-16(a) provided that the licensed releasing agency has not caused the dog or cat to
19 be spayed or neutered at the time the request for such refund is made. ~~Deposits required by~~
20 ~~section 4-19-16 and section 4-19-12 which are unclaimed after sixty (60) days from the date of~~
21 ~~adoption or sixty (60) days from when the dog or cat reaches sexual maturity, whichever is later,~~
22 ~~will be forfeited by the adopting party and retained by the licensed releasing agency and shall be~~
23 ~~used for the following purposes:~~

24 (1) ~~[Deleted by P.L. 2005, ch. 125, section 1 and P.L. 2005, ch. 203, section 1].~~

25 (2) ~~To spay and neuter dogs and cats that are available for adoption by the licensed~~
26 ~~releasing agency; and~~

27 (3) ~~A follow up program to create tracking procedures to assure that dogs and cats~~
28 ~~adopted from the licensed releasing agency are spayed or neutered; and~~

29 (4) ~~[Deleted by P.L. 2005, ch. 125, section 1 and P.L. 2005, ch. 203, section 1].~~

30 **4-19-18. Penalties for violations.** -- (a) Violations of the provisions of section 4-19-16 or
31 the written agreement executed pursuant to section 4-19-16 by an adopting party are punishable
32 by a fine of fifty dollars (\$50.00) for the first offense, one hundred fifty dollars (\$150) for the
33 second offense and four hundred dollars (\$400) for the third and subsequent offenses. Each and
34 every incidence of non-compliance by an adopting party which continues unremedied for thirty

1 (30) days after written notice of a violation under this section constitutes a subsequent offense
2 and the attendant penalties will apply. Second and subsequent offenses may constitute grounds
3 for seizure and forfeiture of the dog or cat, which seizure will be conducted by a dog officer or a
4 police officer for the city or town in which the adopting party resides, and the seized animal will
5 be returned to the licensed releasing agency from which it was adopted, which licensed releasing
6 agency will be free to adopt out or euthanize the seized dog or cat. The adopting party loses all
7 ownership rights in the seized dog or cat, forfeits all rights to any fee or deposit paid for the dog
8 or cat, and shall have no claim against the licensed releasing agency or any other person for any
9 expenses incurred by the adopting party for the dog or cat's maintenance. The provisions of
10 sections 4-19-16 -- 4-19-18 will be enforced against an adopting party by a dog officer or a police
11 officer for the city or town in which the adopting party resides. [Licensed releasing agencies must](#)
12 [notify the animal control officer or police officer in the city or town in which the adopting party](#)
13 [resides, in writing, within fourteen \(14\) days of any violation of the provisions of section 4-19-16.](#)

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

23 (c) All fines collected under subsection (a) will be remitted to the town or city clerk of
24 the municipality where the adopting party of the dog or cat resides. These fines shall be used by
25 the municipality only for programs for the spaying or neutering of dogs or cats. All fines
26 collected under subsection (b) will be remitted to the general treasurer and placed in a separate
27 fund within the general fund to be called the "Animal Health Fund" which shall be administered
28 by the general treasurer in the same manner as the general fund. All funds deposited in the
29 "Animal Health Fund" shall be made available to the department of environmental management
30 division of agriculture to defray any costs or expenses incurred by the state veterinarian in the
31 enforcement of sections 4-19-16, 4-19-17 and 4-19-18.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL CARE

1 This act would regulate the spaying and neutering of dogs and cats adopted from a
2 licensed releasing agency.

3 This act would take effect upon passage.

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