STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Rules and Regulations Governing
Animal Care Facilities

The Department's rules and regulations that were promulgated pursuant to Rhode Island General Laws Chapter 42-17.1and Section 4-19-13 in accordance with Chapter 42-35, Administrative Procedures, of the Rhode Island General Laws of 1956, as amended and in accordance with Chapter 42-35, of the Rhode Island General Laws of 1956, as amended, the Director of the Department of Environmental Management (DEM) proposes the amendment of **Rules and Regulations Governing Animal Care Facilities** and give notice of to afford interested parties the opportunity for public comment.

Public comment will be solicited on the proposed rule making that is intended to amend the subject regulations governing the practices required to ensure minimum acceptable standards of care for animals that are kept in facilities that are licensed or registered by the Department. The citizens of the state have great concern for the welfare of animals.

The public meeting to receive comments concerning the proposed rulemaking will commence at **9:00 AM on Monday, April 25th, 2016** in Room 300, which is located at 235 Promenade Street, Providence, RI 02908. The room is accessible to the disabled. Interpreter services for the hearing impaired will be provided if such services are requested at least (3) business days prior to the hearing. Requests for such services may be made in writing or by calling TTY (711) or (401) 222-5300. A recording of the hearing will be made by DEM staff. Written comments concerning the regulations proposed for promulgation by the DEM may be submitted to Scott Marshall, DVM, State Veterinarian, Division of Agriculture, 235 Promenade Street, Providence, RI 02908 or via e-mail to *scott.marshall@dem.ri.gov* **no later than noon on April 25th, 2016**.

The Department has determined that small businesses will not be adversely impacted by the proposed regulations referenced above. However, the public hearing is being conducted to solicit comment on the proposals and to allow public input from small businesses or any cities or towns, which may believe that that may be adversely affected.

A copy of the proposed regulations will be available for examination from March 11th through April 25th, 2016, by mail or at the offices of the Division of Agriculture located at 235 Promenade Street, Providence, RI 02908. Electronic copies of the proposed regulations will also be available on the DEM website at the following web addresses: www.dem.ri.gov/programs/bnatres/agricult/pdf/pnancare16.pdf.

Janet L. Coit,
Director

RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF AGRICULTURE
235 Promenade Street, Room 370
Providence, Rhode Island 02908

Concise Summary of Amendments to *"Rules and Regulations Governing Animal Care Facilities"*

The regulations provide minimum housing and care standards for animals that are kept or housed in departmentally licensed or registered entities. Those entities are pet shops, kennels, animal shelters, municipal pounds, animal rescues, and animal brokers that house animals within the state. The Department finds that the citizens of the state are generally concerned with the care of animals in these regulated entities. The Department also finds that the animals housed in these regulated entities may be infected with diseases that are detrimental to animal health or public health within the state. These regulations provide minimal animal care and housing standards to ensure that the animals are kept in a manner that is safe and sanitary for their well-being and in a manner that will mitigate any disease risk to the other animals and humans residing in the state. The Department is proposing amendments to these important regulations in response to stakeholder feedback. The regulated entities have asked the Department to clarify language and to amend some technical requirements for animal care to better align state and federal regulations. An electronic copy of the proposed regulations is available on the DEM website at www.dem.ri.gov/programs/bnatres/agricult/pdf/pnancare16.pdf.

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations:

DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has extensively studied animal care standards in general and has considered the impact of adopting minimum standards on existing animal care facilities in the development of these regulations. DEM has determined that the current regulations do not overlap/duplicate any other State regulations. DEM has determined that the proposed amendments will not result in a significant adverse economic impact on small businesses or any city or town.

Summary of Amendments to: Rules and Regulations Governing Animal Care Facilities
Rule 6.1 was amended to clarify that the records kept by pet shops apply to only dogs and cats offered for sale.
Rule 7 was amended as follows: Language was added to clarify that this rule applies to all species including those species that are specifically addressed in other rules below. Rule 7.1 addresses differences between thermoregulation of warm-blooded and cold-blooded species. Rule 7.5 addresses light spectrum and photoperiod being adequate to ensure the health of the species. Rule 7.8 addresses the fact that animal health cannot always be reasonably known, however animals must be maintained in a manner in which there are no obvious signs of contagious/infectious disease.

Rule 8.1 was amended as follows: Rule 8.1.a was amended to align the acceptable temperature range with federal regulations. Rule 8.1.c was amended to clarify where sanitation logs are to be posted. Rule 8.1.e was amended to provide the minimum space for a dog in a manner more consistent with federal regulations. Rule 8.1.j was amended to increase the amount of time that a regulated entity has before they must vaccinate a dog in their custody. Rule 8.1.k removes the standard for housing of dogs in transit as being different from the general housing requirement. There is now a single standard whether in transit or stationary.
Rule 8.2 was amended as follows: Rule 8.2.a was amended to align the acceptable temperature range with federal regulations. Rule 8.2.c was amended to clarify where sanitation logs are to be posted. Rule 8.2.e was amended to provide the minimum space for cats in a manner more consistent with federal regulations. Rule 8.2.h was amended to increase the amount of time that a regulated entity has before they must vaccinate a cat in their custody. Rule 8.2.i removes the standard for housing of cats in transit as being different from the general housing requirement. There is now a single standard whether in transit or stationary.
Rule 8.3 was amended as follows: Rule 8.3.a was amended to align the acceptable temperature range with federal regulations. Rule 8.3.c was amended to clarify where sanitation logs are to be posted. Rule 8.3.e was amended to provide the minimum space for rabbits in a manner more consistent with federal regulations. Rule 8.3.h was amended to remove restrictions on use of various bedding substrates that are in common use for bedding rabbits. Rule 8.3.i removes the standard for housing of rabbits in transit as being different from the general housing requirement. There is now a single standard whether in transit or stationary.
Rule 8.4 was amended as follows: Rule 8.4.a was amended to correct a typographical error. Rule 8.4.c was amended to clarify where sanitation logs are to be posted. Rule 8.4.e was amended to provide the minimum space for rats and mice in a manner more consistent with federal regulations. Rule 8.4.h was amended to remove restrictions on use of various bedding substrates that are in common use for bedding rats and mice. This section was also amended to allow housing of rats and mice in the same room as carnivores provided they are not in the line of sight with carnivores.
Rule 8.5 was amended as follows: Rule 8.5.c was amended to clarify where sanitation logs are to be posted. Rule 8.5.e was amended to provide the minimum space for hamsters, gerbils, and guinea pigs in a manner more consistent with the housing of similar type animals. Rule 8.5.h was amended to remove restrictions on use of various bedding substrates that are in common use for bedding hamsters, gerbils, and guinea pigs. This section was also amended to allow housing of hamsters, gerbils, and guinea pigs in the same room as carnivores provided they are not in the line of sight with carnivores.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF AGRICULTURE

RULES AND REGULATIONS GOVERNING ANIMAL CARE FACILITIES

Effective Date:

ERLID#:_____

AUTHORITY: These rules and regulations are promulgated pursuant to Chapter 42-17.1, Environmental Management, and Section 4-19-13 in accordance with Chapter 42-35, Administrative Procedures, of the Rhode Island General Laws of 1956, as amended.

RULE 1: PURPOSE

These rules and regulations are established to provide minimum standards to govern all licensed or registered animal care facilities. They will serve as standards for the construction and maintenance of such facilities, the care of animals in those facilities, as well as the criteria for inspectors to use when conducting inspections for licensure or in response to a complaint concerning their operation. They must be considered minimum standards that must be maintained.

RULE 2: AUTHORITY

These rules and regulations are promulgated pursuant to Chapter 42-17.1, Environmental Management, and Section 4-19-13 in accordance with Chapter 42-35, Administrative Procedures, of the Rhode Island General Laws of 1956, as amended.

RULE 3: ADMINISRATIVE FINDINGS

The Rhode Island Department of Environmental Management is charged with ensuring the welfare of animals that are kept in kennels, pet shops, pounds, animal shelters, and in the custody of brokers and rescues. The standards for animal care are constantly improving and evolving. The residents of the state are generally concerned for the welfare of the animals that are kept by these entities and in fact, the Department often receives complaints from concerned individuals that animals are not being properly cared for. These rules and regulations will provide minimum standards for the care of animals to ensure the welfare of those animals.

RULE 4: APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purpose of state law, goals, and policies. These Regulations shall apply to any person or entity that is licensed or registered as a kennel, pet shop, pound, animal shelter, broker, or rescue.

RULE 5: DEFINITIONS

The following words when used in the rules shall have the following meaning:

5.1. *Animal* or *Animals* 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.

5.2. *Animal Control Officer* means any person employed by a city or town as a canine control officer, dog warden, or police officer responsible for animal control delegated authority by the Rhode Island Rabies Control Board.

5.3. *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.

5.4. *Authorized Agent* means an employee of the Rhode Island Department of Environmental Management who is engaged in the execution of their official duties.

5.5. *Broker* means any third party who arranges, delivers, or otherwise facilitates transfer of ownership of animal(s), through adoption or fostering, from one party to another, whether or not the party receives a fee for providing that service and whether or not the party takes physical possession of the animal(s) at any point.

5.6. *Department* means the Rhode Island Department of Environmental Management.

5.7. *Enclosure* means the most proximal barrier to an animal that will have the intended purpose or effect of containment of that animal or that will effectively restrict the liberty of the animal.

5.8. *Environmental Police Officer* means a sworn officer of the Rhode Island Department of Environmental Management, Division of Law Enforcement.

5.9. *Guardian* means a person(s) having the same rights and responsibilities as an owner or keeper, and the terms may 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.

5.10. *Kennel* means a place or establishment other than a pound, animal shelter, or veterinary hospital that is housing animals during their treatment, where animals not owned by the proprietor are sheltered, fed, and watered in return for a fee.

5.11. *Owner* or *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.

5.12. *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.

5.13. *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.

5.14. *Records* means information that is kept in a paper or electronic format that is consistent with the information that is required to be kept for animals. The information must be kept in a format and that is readily able to be inspected by anyone authorized to conduct an inspection. All information must be kept in or translated to English prior to being presented to inspectors.

5.15. *Rescue* means an entity, with or without a physical brick and mortar facility 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 intended for adoption.

5.16. *RISPCA* means the Rhode Island Society for the Prevention of Cruelty to Animals.

5.17. *Seized* means the lawful removal of an owned animal from the premises where the animal resided or from the care of an owner or guardian.

5.18. *Seller* means the owner of a pet shop and the owner's agents, employees, subordinates, volunteers, and workers.

5.19. *Stray* means an animal that is: (1) On the premises of a person other than an owner of the animal, without the consent of an occupant or owner of such premises, or (2) on a public street or highway, on public or private school grounds, or in any other public place, except when under the physical control of an owner.

5.20. *Surrendered* means an animal that has had ownership transferred to a pound, shelter, or rescue by the animal's owner or guardian, and the owner or guardian has relinquished all ownership rights to the entity that received the animal.

5.21. *USDA* means the United States Department of Agriculture.

RULE 6: RECORD KEEPING

6. All of the entities listed below must keep records as described in the specific subsections below. The records must be physically maintained on the premises where the animals are kept (or if the location where the animals are kept is not at the address of the licensed entity, a copy of the records must be kept on the premises where the animals are kept and at the address of the licensed entity), or be able to be accessed from that location during an inspection, or must be able to be accessed by inspectors via an internet reporting system. The records must be produced immediately upon the request of authorized inspectors or agents from the Department; or from the RISPCA pursuant to R.I. General Laws §§ 4-19-15 and 4-25-4; or from the Animal Control Officer with jurisdiction over the municipality where the pet store is located pursuant to R.I. General Laws § 4-25-4.

6.1. Record Keeping by Pet Shops: pet shops must keep the following records for all dogs and cats offered for sale:

a. The date of the animal's birth, if known; the breeders name and address, if known; and the date the seller received the animal, if not bred by the seller. If the seller does not know the name and address of the breeder, then the seller must provide the name and address of the person who sold or gave the animal to the seller. For dogs and cats this information must be clearly displayed on the enclosure where the animal is being kept.

b. The breed, sex and color of the animal, and identifying marks, if any, existing at the time of sale. If the animal is from a United States Department of Agriculture licensed source, the statement shall contain the individual identifying tag, tattoo or collar number for that animal. If the breed is unknown or mixed, the statement must so indicate.

c. If the animal is being sold as registerable, the names and registration numbers of the sire and dam and the litter number.

d. A record of any inoculations and worming treatments administered to the animal as of the time of sale including dates of administration and the type of vaccine or worming treatment.

e. A record of any diagnosis, treatment or medication received by the animal from a licensed veterinarian while in the possession of the seller or any prior veterinary history of the animal of which the seller may be aware.

6.2. Record Keeping by Pounds, Shelters, Rescues, and Brokers: the provisions of R.I. General Laws § 4-19-12 and the provisions of Rule 8 of ***Rules and Regulations Governing the Importation of Animals,*** all Pounds, Animal Shelters, Rescues, and Brokers must keep the following records:

a. For animals that are seized or surrendered, reason for seizure (if seized) or surrender (if surrendered), location of seizure (if seized) or impoundment (if stray), the owner's name and address if known and all license or other identification numbers if any.

b. Animal ID shall include the animal's microchip number (if available), and the animal's description, to include: name (if named), animal species, approximate age, gender, predominate color, and predominate breed.

c. The source of the animal and the contact information of the source, where known, including the name, physical address, mailing address, and phone number.

d. When disposed of by adoption, the record shall include the adopter's name, mailing address, physical address, and phone number.

e. When disposed of by any means other than those listed above, the record shall include the details of disposition.

RULE 7: GENERAL STANDARDS

7. General Standards applicable for all species. Additional species specific standards are addressed ~~that are not addressed~~ in Rule 8 below.

7.1. The temperature within the animal's living quarters must be maintained so as to ensure that individual, warm-blooded animals will remain ~~thermo-neutral~~ thermo-neutral and comfortable. Cold-blooded animals must be provided with a temperature gradient to allow for proper thermoregulation of the particular species.

7.2. The ventilation within the animal's living quarters must be maintained so as to ensure that odors, ammonia, and moisture are kept within levels that will be comfortable and not harmful to the animals living in and people working in the facility. Adequacy of ventilation may be determined subjectively by inspectors or objectively by calculation or other qualitative air quality measurement as appropriate.

7.3. The drainage within the animal's living quarters must be maintained so as to ensure that there is no standing water or pooling of urine within any animal enclosure.

7.4. The sanitation within the animal's living quarters must be maintained so as to ensure a clean and healthy environment for animals and for personnel. Surfaces must be constructed and maintained in a manner that allows for sufficient cleaning and sanitation as to prevent disease. All animal contact surfaces must be non-porous or be easily disposed of if contaminated or soiled.

7.5. The lighting within the animal's living quarters must be maintained so as to ensure a safe working environment for personnel and allow for adequate inspection of all animals. Lighting must also include attention to species requirements for normal photoperiod and spectrum requirements to ensure the health of the individual species.

7.6. The minimum space requirements within the animal's living quarters must be maintained so as to provide minimum areas for animals to be able to make normal postural adjustments, comfort, and exhibit normal behavior.

7.7. The construction and maintenance of facility of the animal's living quarters must account the animals' safety as well as the safety of personnel, including assurances that the facility is escape proof.

7.8. All animals' living quarters must be maintained such that the animals are maintained free of obvious signs of infectious/contagious diseases, injury, or other conditions detrimental to their health and well-being. A veterinarian must be consulted for any animal with signs that are potentially afflicted with an infectious/contagious disease, or is injured, or is afflicted with another condition that is detrimental to its health and well-being. Such consultation must occur within a timeframe where the afflicted animal's condition will not worsen and/or the animal will not unduly suffer. Proof of all vaccinations as required by RI General Laws must be maintained on premises for review.

RULE 8: SPECIES SPECIFIC STANDARDS

8. Species Specific Standards:

8.1. Dogs

a. The temperature within the animal's living quarters shall be maintained between ~~55~~45-85 degrees Fahrenheit to be measured at the height at which that the animals live. Temperature standards are applicable for dogs whether they are housed indoors or outdoors.

1. If the temperature falls below ~~55~~45 degrees F for more than ~~2~~4 consecutive hours, supplemental heat shall be provided.
2. If the temperature rises above 85 degrees F for more than ~~2~~4 consecutive hours, supplemental cooling shall be provided.

b. The ventilation within the animal's living quarters must be maintained so as to ensure that noxious, contaminated, or harmful odors or fumes are not present in the area where animals are housed. Ventilation shall be draft free and may consist of passive or active systems.

c. Sanitation

1. Urine and feces must be removed at least once daily or more frequently in order to maintain animals in a clean and sanitary manner. A written history log documenting the time and date at which such duties were accomplished initialed by the staff person who accomplished the task shall be posted within the ~~animal's quarters~~ room where the animals are housed. This log is to be maintained and subject to inspection for a period of six (6) months.
2. Disinfectants must be used in a manner consistent with label directions and all disinfectants must be approved for use in animal housing.
3. All soiled bedding or other materials/objects that are contaminated with urine or feces must be cleaned or replaced daily. A written history log documenting the time, and date at which such duties were accomplished initialed by the staff person who accomplished the task shall be posted in the ~~animal's quarters~~ room where the animals are housed. This log is to be maintained and subject to inspection for a period of six (6) months.
4. All feeding and watering dishes/bowls/receptacles must be maintained in a clean and sanitary manner. Any such dish/bowl/receptacle that is permanently stained must be replaced.

d. Lighting must be sufficient to allow inspection of all dogs to assess health, sanitation, food, and water.

e. Minimum Space Requirements for Primary Enclosures:

1. A separate primary enclosure must be available for every dog excluding bitches with litters, which can occupy the same primary enclosure.
2. Sufficient space shall be provided to allow animals to turn around freely, exercise normal movements, stand, sit, and lie in a comfortable natural position
3. The minimum height of the primary enclosure ~~should~~ shall be equal to 1.5 times the height of the dog at the shoulder plus six (6) inches or a minimum of eighteen (18) inches.
4. The minimum area of the primary enclosure shall be equal to the length of the dog measured in inches from the tip of the nose to the base of the tail, plus six inches multiplied by the length of the dog measured in inches from the tip of the nose to the base of the tail, plus six (6) inches. (length of dog in inches + 6) X (length of dog in inches + 6) = area.
5. ~~Table below to determine minimal height and area of primary enclosure. Floor space is measured in units of square feet and height measured in inches.~~

~~**SIZE OF DOG**~~	~~**FLOOR SPACE**~~	~~**HEIGHT**~~
~~Extra Small (< 10 inches @ shoulder)~~	~~4.5~~	~~18~~
~~Small (10-16 inches @ shoulder)~~	~~6.0~~	~~18-22~~
~~Medium (17-22 inches @ shoulder)~~	~~9.0~~	~~23-28~~
~~Large (23-26 inches @ shoulder)~~	~~12.0~~	~~29-32~~
~~Extra Large (27-30 inches @ shoulder)~~	~~16.0~~	~~33-36~~
~~Giant (>30 inches @ shoulder)~~	~~18.0~~	~~use formula~~

f. Multiple Dogs Occupying the Same Enclosure:

1. If more than one dog occupies a primary enclosure, floor space will be calculated for the largest dog, with each additional dog needing one half of the minimum space required.
2. Dogs occupying the same enclosure shall be behaviorally compatible.

3. Females in estrus (heat) shall be housed apart from males (unless breeding is intended).
4. Pregnant dogs in whelp or by estimate close to whelping shall be housed in a separate enclosure.
5. Dogs under four (4) months of age shall be housed in a primary enclosure apart from adult dogs other then their mother.
6. Whelping areas shall allow the mother to lie stretched out on her side thus permitting all of the puppies to nurse. A whelping box shall be provided for all pregnant bitches and bitches with puppies. The primary enclosure for bitches with litters shall be large enough to permit the bitch to leave the whelping nest for exercise.
7. Under no circumstances are dogs owned by different owners allowed to be housed together in the same primary enclosure without the expressed written permission of the owners or legal guardians of all dogs to be housed together.

g. Exercise: If multiple dogs are exercised simultaneously in the same area the following conditions must be met:
1. All dogs must be exercised in behaviorally compatible groups.
2. All dogs must be observed for the entire time that they are being exercised. An adult person who is sufficiently capable of maintaining order and avoiding any conflict between individual dogs must observe dogs that are being exercised together.
3. Each dog must have a minimum area of twenty-four (24) square feet.

h. Safety
1. All enclosures must be escape proof.
2. Dogs must not be allowed to have contact with hazardous materials, objects, fixtures, chemicals, or substances.
3. All enclosures must be constructed and maintained so as to prevent entry of other animals or vermin.
4. Wire mesh floors are permissible provided that the gauge of the wire is sufficient so as to not cause discomfort for the animal, provided that the spacing of the mesh is not so large that the dog's foot can pass through, and provided that the construction is sturdy enough so that the mesh floor does not sag.

i. Transportation: All standards set forth above that are required to be met for temperature, safety, ventilation, sanitation, and health of dogs while in their living quarters shall apply for dogs while being transported within the state.

j. Prohibited Actions:
1. Contact, by the public or any other animal, with an animal, or the saliva of an animal that is being held for rabies quarantine.
2. Holding an animal for rabies quarantine in a facility that has not received prior approval by the state veterinarian or his/her agent to conduct such rabies quarantine.
3. Possession of a dog for more than ~~seven~~ fourteen consecutive days that is eligible to be rabies vaccinated but is not currently vaccinated against rabies unless lawfully exempted. (R.I. General Laws Chapter 4-13).
4. Possession of any dog that has been imported into the state in violation of state importation regulations.

k. Exemptions
~~1. Minimum space requirements will not apply to dogs in transport within the borders of the state provided that the dog can stand up, sit down, lie down, and make natural~~

~~postural adjustments within the confines of the enclosure being used for transport. Duration of transport not to exceed 3 consecutive hours.~~

1. Exemptions from the minimum requirements may be granted for the temporary emergency housing of dogs as authorized by the state veterinarian.
2. Exemptions from the minimum space and exercise requirements may be granted on a case-by-case basis for veterinary medical treatment or as is authorized in writing by a veterinarian licensed to practice within the state of Rhode Island.

8.2 Cats

a. The temperature within the animal's living quarters shall be maintained between ~~55~~45-85 degrees Fahrenheit to be measured at the height that the animals live at. Temperature standards are applicable for cats whether they are housed indoors or outdoors.
   1. If the temperature falls below ~~55~~45 degrees F for more than ~~2~~4 consecutive hours, supplemental heat shall be provided.
   2. If the temperature rises above 85 degrees F for more than ~~2~~4 consecutive hours, supplemental cooling shall be provided.

b. The ventilation within the animal's living quarters must be maintained so as to ensure that noxious, contaminated, or harmful odors or fumes are not present in the area where animals are housed. Ventilation shall be draft free and may consist of passive or active systems.

c. Sanitation:
   1. Urine and feces must be removed at least once daily or more frequently in order to maintain animals in a clean and sanitary manner. A written history log documenting the time and date at which such duties were accomplished initialed by the staff person who accomplished the task shall be posted in the ~~animal's quarters~~ room where the animals are housed. This log is to be maintained and subject to inspection for a period of six (6) months.
   2. Disinfectants must be used in a manner consistent with label directions and all disinfectants must be approved for use in animal housing.
   3. All soiled bedding or other materials/objects that are contaminated with urine or feces must be cleaned or replaced daily. A written history log documenting the time and date at which such duties were accomplished initialed by the staff person who accomplished the task shall be posted in the ~~animal's quarters~~ room where the animals are housed. This log is to be maintained and subject to inspection for a period of six (6) months.
   4. All feeding and watering dishes/bowls/receptacles must be maintained in a clean and sanitary manner. Any such dish/bowl/receptacle that is permanently stained must be replaced.
   5. All cats and kittens must have access to a litter box or pan. The litter box or pan must contain a suitable litter and be maintained as stated above in 8.2.c.1.
   6. Litter boxes or pans must be a minimum of ~~twelve~~ ten inches by ~~eighteen~~ fourteen inches in dimension.
   7. A minimum of one litter box or pan must be provided for every three adult cats, or every five weaned/orphaned kittens, if the cats are housed in a manner where multiple cats use the same enclosure. Queens with a litter can share the same litter box.

d. Lighting must be sufficient to allow inspection of all cats to assess health, sanitation, food, and water.

e. Minimum Space Requirements for primary enclosures: ~~NOTE: the minimum space requirements are in addition to any area occupied by a litter box or pan.~~

1. Individual cats use following table.

WEIGHT OF CAT	MINIMUM AREA OF CAGE
less than 8~~.8~~ pounds	3 square feet
8~~.8~~ pounds or over	4 square feet

2. Multiple cats may share a primary enclosure if they are compatible and the area of the enclosure is increased by one-half of the minimum area referenced in Rule 8.2.e.1
3. Pregnant queens and queens with litters are not to be housed in the same primary enclosure with other cats.
4. Queens with litters (litters of any size) are required to have a minimum area of ~~ten~~ eight square feet until the kittens reach an age of ten weeks.
5. The minimum height for enclosures for all cats is ~~twenty-four~~ twenty-two inches.
6. Multiple cats may be kept in colony/common housing provided that:
   i. All cats have an individual primary enclosure available on the premises.
   ii. The minimum colony enclosure shall be thirty-six square feet of floor space and a minimum of six feet in height.
   iii. Cats must be of compatible behavior and sex (intact sexually mature males and intact sexually mature females should not be allowed in colony housing), and temperament. Kittens (less than six months of age) are not permitted to be housed in a colony with adult cats.
   iv. The number of cats allowed into the colony is not to exceed one cat per ten square feet of floor space for adult cats; one cat per seven and one-half square feet of floor space for kittens (less than six months of age).

f. Safety:

1. Mesh floors are not acceptable for housing of cats.
2. All enclosures must be escape proof.
3. Cats must not be allowed to have contact with hazardous materials, objects, chemicals, fixtures, or substances.
4. All enclosures must prevent the entry of other animals or vermin.

g. Transportation: All standards set forth above that are required to be met for temperature, safety, ventilation, sanitation, and health of cats while in their living quarters shall apply for cats while being transported within the state.

h. Prohibited Actions

1. Contact, by the public or any other animal, with an animal, or the saliva of an animal that is being held for rabies quarantine.
2. Holding an animal for rabies quarantine in a facility that has not received prior approval by the state veterinarian or his/her agent to conduct such rabies quarantine.
3. Possession of a sexually intact cat unless possession is consistent with the provisions of R.I. General Laws Chapter 4-24.
4. Possession of a cat for more than ~~seven~~ fourteen consecutive days that is eligible to be vaccinated against rabies but is not currently vaccinated. (R.I. General Laws Chapter 4-13).

5. Possession of any cat that has been imported into the state in violation of state importation regulations.

i. Exemptions

~~1. Minimum space requirements will not apply to cats in transport within the borders of the state provided that the cat can stand up, sit down, lie down, and make natural postural adjustments within the confines of the enclosure being used for transport. Duration of transport not to exceed 3 consecutive hours.~~

1. Exemptions from the minimum requirements may be granted for the temporary emergency housing of cats as authorized by the state veterinarian.
2. Exemptions from the minimum space and exercise requirements may be granted on a case-by-case basis for veterinary medical treatment or as is authorized in writing by a veterinarian licensed to practice within the state of Rhode Island.

8.3 Rabbits

a. The temperature within the animal's living quarters shall be maintained between 50-~~80~~85 degrees Fahrenheit to be measured at the height that the animals live at. Temperature standards are applicable for rabbits whether they are housed indoors or outdoors.

1. If the temperature falls below 50 degrees F for more than 2 consecutive hours, supplemental heat shall be provided.
2. If the temperature rises above 85 degrees F for more than 2 consecutive hours, supplemental cooling shall be provided.

b. The ventilation within the animal's living quarters must be maintained so as to ensure that noxious, contaminated, or harmful odors or fumes are not present in the area where animals are housed. Ventilation shall be draft free and may consist of passive or active systems.

c. Sanitation

1. Urine and feces must be removed at least once daily or more frequently in order to maintain animals in a clean and sanitary manner. A written history log documenting the time and date at which such duties were accomplished initialed by the staff person who accomplished the task shall be posted in the ~~animal's quarters~~ room where the animals are housed. This log is to be maintained and subject to inspection for a period of six (6) months.
2. Disinfectants must be used in a manner consistent with label directions and all disinfectants must be approved for use in animal housing.
3. All soiled bedding or other materials/objects that are contaminated with urine or feces must be cleaned or replaced daily. A written history log documenting the time and date at which such duties were accomplished initialed by the staff person who accomplished the task shall be posted in the ~~animal's quarters~~ room where the animals are housed. This log is to be maintained and subject to inspection for a period of six (6) months.
4. All feeding and watering dishes/bowls/receptacles must be maintained in a clean and sanitary manner. Any such dish/bowl/receptacle that is permanently stained must be replaced.

d. Lighting must be sufficient to allow inspection of all rabbits to assess health, sanitation, food, and water.

e. Minimum Space Requirements:

1. For general space requirements for primary enclosures please use the following: (weight is to be measured in pounds, area is to be measured in square feet)

SIZE OF RABBIT	WEIGHT	AREA
Small	< ~~3#~~4.4	~~3~~2
Medium	~~3-5~~4.4-8.8	~~4~~3
Intermediate	~~5-12~~8.8-12	~~6~~4
Large	>12#	~~8~~6

2. For general space requirements for does with litters please use the following: (weight is to be measured in pounds, area is to be measured in square feet)

SIZE OF DOE	WEIGHT	AREA
Small	< ~~3#~~4.4	4
Medium	~~3-5~~4.4-8.8	5
Intermediate	~~5-12~~8.8-12	6
Large	>12#	~~10~~8

3. The minimum height for all rabbit enclosures shall be fourteen inches or allow the rabbit to stand on hind legs without their head touching the top of the enclosure
4. A nesting box that is a minimum of eighteen inches length, by eighteen inches width, by eighteen inches height must be provided for all pregnant does and does with litters.
5. Wire mesh floors must not exceed fifty percent of the entire floor surface of the primary enclosure. The remainder must be a solid surface.
6. Multiple rabbits may be housed together provided that:
   i. They are housed in compatible groups based on size, age, sex, and temperament. Intact sexually mature bucks should only be housed with intact sexually mature does if breeding is desired.
   ii. No more than twenty-five rabbits of any age may be housed in the same primary enclosure regardless of the size of the enclosure.
   iii. If more than one rabbit occupies a primary enclosure, floor space will be calculated for the largest rabbit, with each additional rabbit needing one half of the minimum floor space required.

f. Safety
1. Wire mesh floors are acceptable for use in rabbit housing provided that the space between the wires that make up the mesh is no greater than one-half inch by one-half inch, and in no case should allow the foot of a rabbit to pass through it.
2. All enclosures must be escape proof.
3. Rabbits must not be allowed to have contact with hazardous materials, objects, chemicals, fixtures, or substances.
4. All enclosures must prevent the entry of other animals or vermin.

g. Transportation: All standards set forth above that are required to be met for temperature, safety, ventilation, sanitation, and health of rabbits while in their living quarters shall apply for rabbits while being transported within the state.

h. Prohibited Actions:
1. Housing rabbits in the same room as carnivores.
2. Use of cedar shavings, ~~pine shavings,~~ rugs, carpets, ~~corncob litter,~~ or clumping cat litter is prohibited for use in the housing of rabbits or as bedding.

3. Retail sale of rabbits for use as pets unless the owner of the rabbits is in possession of a valid pet shop license pursuant to R.I. General Laws Chapter 4-19. Retail sale of rabbits intended to be slaughtered as livestock is permissible without a pet shop license.
4. Use of aquaria for primary enclosures of rabbits is prohibited.

i. Exemptions

~~1. Minimum space requirements will not apply to rabbits in transport within the borders of the state provided that the rabbit can stand up, sit down, lie down, and make natural postural adjustments within the confines of the enclosure being used for transport. Duration of transport not to exceed 3 consecutive hours.~~

2. Exemptions from the minimum requirements may be granted for the temporary emergency housing of rabbits as authorized by the state veterinarian.
3. Exemptions from the minimum space requirements may be granted on a case-by-case basis for veterinary medical treatment or as is authorized in writing by a veterinarian licensed to practice within the state of Rhode Island.

8.4 Rats and Mice

a. The temperature within the animal's living quarters shall be maintained between 60-85 degrees Fahrenheit to be measured at the height that the animals live at. Temperature standards are applicable for ~~hamsters and guinea pigs~~ rats and mice whether they are housed indoors or outdoors.
   1. If the temperature falls below 60 degrees F for more than 2 consecutive hours, supplemental heat shall be provided.
   2. If the temperature rises above 85 degrees F for more than 2 consecutive hours, supplemental cooling shall be provided.

b. The ventilation within the animal's living quarters must be maintained so as to ensure that noxious, contaminated, or harmful odors or fumes are not present in the area where animals are housed. Ventilation shall be draft free and may consist of passive or active systems.

c. Sanitation
   1. Urine and feces must be removed at least once daily or more frequently in order to maintain animals in a clean and sanitary manner. A written history log documenting the time and date at which such duties were accomplished initialed by the staff person who accomplished the task shall be posted on the ~~animal's quarters~~ room where the animals are housed This log is to be maintained and subject to inspection for a period of six (6) months.
   2. Disinfectants must be used in a manner consistent with label directions and all disinfectants must be approved for use in animal housing.
   3. All soiled bedding or other materials/objects that are contaminated with urine or feces must be cleaned or replaced daily. A written history log documenting the time and date at which such duties were accomplished initialed by the staff person who accomplished the task shall be posted on the ~~animal's quarters~~ room where the animals are housed. This log is to be maintained and subject to inspection for a period of six (6) months.
   4. All feeding and watering dishes/bowls/receptacles must be maintained in a clean and sanitary manner. Any such dish/bowl/receptacle that is permanently stained must be replaced.

d. Lighting must be sufficient to allow inspection of all rats/mice to assess health, sanitation, food, and water.

e. Minimum Space Requirements

1. Minimum Space Requirements for Mice is as follows:

SIZE of MOUSE	WEIGHT(grams)	# Per Sq Foot
Small	<18	~~5~~12
Medium	18-25	~~4~~8
Large	>25	~~3~~6

*In no case will the space requirement be less than 1 sq. foot

The minimum height for mouse enclosures shall be no less than six inches and must allow the mouse to stand in its hind legs without head touching the top of the enclosure.

2. Minimum Space Requirements for Rats is as follows:

SIZE of RAT	WEIGHT(grams)	Sq ~~Foot~~ Inches Per Animal
Small	<85	~~2~~60
Medium	85-175	~~3~~100
Large	>175	~~4~~144

The minimum height of rat enclosures shall be ~~twelve~~ nine inches.

f. Safety

1. Wire mesh floors are not permitted for housing rats and mice.
2. All enclosures must be escape proof.
3. All enclosures must prevent entry of other animals and vermin.

g. Transportation: All standards set forth above that are required to be met for temperature, safety, ventilation, sanitation, and health of rats and mice while in their living quarters shall apply for rats and mice while being transported within the state.

h. Prohibited Actions

1. Housing rats and mice in the ~~same room as~~ line of sight of carnivores.
2. Use of cedar shavings, ~~pine shavings,~~ rugs, carpets, ~~corncob litter,~~ or clumping cat litter is prohibited for use in the housing of rats and mice.
3. When live rats and mice are used as feeders for reptiles and other animals, any rat or mouse that is not consumed by the animal within 30 minutes is to be removed from the predator animal's enclosure and returned to a proper enclosure for the rat or mouse. Upon return to that enclosure the animal must be cared for as defined in the above standards.

8.5 Hamsters/Gerbils and Guinea Pigs

a. The temperature within the animal's living quarters shall be maintained between 60-85 degrees Fahrenheit to be measured at the height that the animals live at. Temperature standards are applicable for hamsters and guinea pigs whether they are housed indoors or outdoors.

1. If the temperature falls below 60 degrees F for more than 2 consecutive hours, supplemental heat shall be provided.
2. If the temperature rises above 85 degrees F for more than 2 consecutive hours, supplemental cooling shall be provided.

b. The ventilation within the animal's living quarters must be maintained so as to ensure that noxious, contaminated, or harmful odors or fumes are not present in the area where

animals are housed. Ventilation shall be draft free and may consist of passive or active systems.

c. Sanitation:

1. Urine and feces must be removed at least once daily or more frequently in order to maintain animals in a clean and sanitary manner. A written history documenting the time and date at which such duties were accomplished initialed by the staff person who accomplished the task shall be posted on the ~~animal's quarters~~ room where the animals are housed. This log is to be maintained and subject to inspection for a period of six (6) months.
2. Disinfectants must be used in a manner consistent with label directions and all disinfectants must be approved for use in animal housing.
3. All soiled bedding or other materials/objects that are contaminated with urine or feces must be cleaned or replaced daily. A written history documenting the time and date at which such duties were accomplished initialed by the staff person who accomplished the task shall be posted on the ~~animal's quarters~~ room where the animals are housed. This log is to be maintained and subject to inspection for a period of six (6) months.
4. All feeding and watering dishes/bowls/receptacles must be maintained in a clean and sanitary manner. Any such dish/bowl/receptacle that is permanently stained must be replaced.

d. Lighting must be sufficient to allow inspection of all hamsters/gerbils/guinea pigs to assess health, sanitation, food, and water.

e. Minimum Space Requirements

1. Minimum Space Requirements for Guinea Pigs is as follows:

~~SIZE of~~ GUINEA PIG	**WEIGHT(grams)**	**Sq ~~Foot~~ Inches Per Animal**
Small	<175	~~2~~ 80
~~Medium~~ Large	~~85~~ 175 or greater	~~3~~ 144
~~Large~~ Nursing females with litter	~~>175~~ Any	~~4~~ 144

The minimum height of the primary enclosure shall be no less than ~~twelve~~ nine inches.

2. A pregnant sow or sow with a litter must be housed in accordance with the above referenced standard provided that they are housed in a separate primary enclosure from other guinea pigs.

2. Minimum Space Requirements for Hamsters/Gerbils is as follows:

SIZE of HAMSTER/GERBIL	**WEIGHT(grams)**	**# Per Sq Foot**
Small	<60	~~3~~12
Medium	61-100	~~2~~8
Large	>100	~~1~~6

*In no case less than 1 Sq foot

i. For hamsters the minimum height of the enclosure shall be ~~twelve~~ nine inches.
ii. For gerbils the minimum height of the enclosure shall be six inches.
iii. Pregnant hamsters and gerbils and/or hamsters and gerbils with a litter must be housed in accordance with the above referenced standard provided that they are housed in a separate primary enclosure from other hamsters and/or gerbils.

f. Safety

1. Cedar shavings shall not be used in or around guinea pig enclosures.
2. Wire mesh floors are not permitted for housing hamsters/gerbils or guinea pigs.
3. All enclosures must be escape proof.
4. All enclosures must prevent entry of other animals and vermin.

g. Transportation: All standards set forth above that are required to be met for temperature, safety, ventilation, sanitation, and health of hamsters, gerbils and guinea pigs while in their living quarters shall apply for hamsters, gerbils and guinea pigs while being transported within the state.

h. Prohibited Actions
   1. Housing hamsters, gerbils and guinea pigs in the ~~same room as~~ line of sight of carnivores.
   2. Use of cedar shavings, ~~pine shavings,~~ rugs, carpets, ~~corncob litter,~~ or clumping cat litter is prohibited for use in the housing of hamsters, gerbils and guinea or as bedding.

RULE 9: APPLICATIONS FOR LICENSES OR CERTIFICATES OF REGISTRATION TO OPERATE AN ANIMAL CARE FACILITY

9.01 Any municipality wishing to operate a pound may apply for a certificate of registration pursuant to **RI General Laws § 4-19-3 Registration of municipal dog pounds.** The issuance of a certificate of registration authorizes the operation of a pound. Pound licenses expire annually on December 31. Applications must be made by submitting the appropriate form to the Rhode Island state veterinarian on form(s) provided by the office of the Rhode Island state veterinarian.

9.02 Any applicant wishing to operate an animal shelter may apply for a certificate of registration pursuant to **RI General Laws § 4-19-4 Registration of animal shelters.** The issuance of a certificate of registration authorizes the operation of an animal shelter. Animal shelter licenses expire annually on December 31. Applications must be made by submitting the appropriate form to the Rhode Island state veterinarian on form(s) provided by the office of the Rhode Island state veterinarian.

9.03 An applicant wishing to operate a pet shop may apply for a license pursuant to **RI General Laws § 4-19-5 Pet shop licenses.** The issuance of a pet shop license authorizes the operation of a pet shop. Pet shop licenses expire at the end of the fiscal year, June 30 Applications must be made by submitting the appropriate form to the Rhode Island state veterinarian on form(s) provided by the office of the Rhode Island state veterinarian.

9.04 An applicant wishing to operate a kennel may apply for a license pursuant to **RI General Laws § 4-19-6 Public auction and kennel licenses.** The issuance of a kennel license authorizes the operation of a kennel. Kennel licenses expire at the end of the fiscal year, June 30. Applications must be made by submitting the appropriate form to the Rhode Island state veterinarian on form(s) provided by the office of the Rhode Island state veterinarian.

9.05 Any applicant wishing to operate as an animal rescue, broker, or transporter may apply for a certificate of registration pursuant to Rule 8 of ***Rules and Regulations Governing the Importation of Animals.*** The issuance of a certificate of registration authorizes operation as an animal rescue,

broker, or transporter as designated. Certificates of registration expire annually on December 31. Applications must be made by submitting the appropriate form to the Rhode Island state veterinarian on form(s) provided by the office of the Rhode Island state veterinarian.

9.06 All applications listed in Rules 9.01 through 9.05 shall be on forms provided by the office of the Rhode Island state veterinarian. The applicant shall identify the intended purpose of seeking the appropriate license or certificate, the proposed operational plan for the facility if approved, copies of any applicable state and federal licenses, any municipal approvals that may have been granted for the operation of the proposed facility, and the location and dates upon which the proposed facility is available for inspection by the Rhode Island state veterinary and/or his staff.

9.07 All licensed or registered entities are prohibited from operating other than in strict compliance with the conditions as set forth in its operational plan. Any proposed changes to the operations of these entities must be approved by the office of the Rhode Island state veterinarian in writing before operations can be changed. All proposed changes must be submitted in writing to the office of the Rhode Island state veterinarian.

9.08 The license or certificate of registration is only valid for the owner to whom it is issued. The transfer of ownership of the subject facility voids said facility's license or certificate of registration unless prior written approval for the transfer of said license or certificate is obtained through the submittal of an application the Rhode Island state veterinarian is approved.

RULE 10: DENIAL, SUSPENSION OR REVOCATION OF LICENSES OR CERTIFICATES OF REGISTRATION

10.1 In addition to other penalties provided by law or other rule or Regulation that are provided below pursuant to Rule 12, any operator of an animal care facility who violates the provisions of these Rules and Regulations or any order issued by the Director shall be subject to suspension, revocation or denial of his/her license or certificate of registration in accordance with R.I. General Laws Chapter 42-17.7.

10.2 The Director may deny renewal of the license or certificate of registration of any operator of an animal care facility for the violation of the provisions of these Rules and Regulations or any order issued by the Director during a prior license or certificate of registration period.

10.3 The Director may suspend, revoke or deny issuance of a license or certificate of registration to operate a animal care facility upon a finding that the business of the license or certificate of registration holder or applicant is owned, managed or operated, in whole or in part, by a person, firm, association or corporation whose license or certificate of registration to operate an animal care facility has been suspended, revoked or denied on account of noncompliance with these regulations.

10.4 The Director may suspend, revoke or deny issuance of a license or certificate of registration to operate an animal care facility upon a finding that the business of the license or certificate of registration holder or applicant is owned, managed or operated, in whole or in part, by a person, firm, association or corporation whose permit, license or certificate of registration to operate an animal care facility has been suspended, revoked or denied in another state.

10.5 Penalties --The following penalties shall apply to violations of these regulations: In addition to the penalty described in Rule 12, the license or certificate of registration to operate a animal care facility of any person who violates any of the terms of Rules and Regulations shall have his/her license or certificate of registration suspended by the Director for a period of 30 days for a first offense, 90 days for a second offense, and 365 days for a third offense, and revocation for a fourth offense.

10.6 Other Requirements -- Operators subject to these rules and regulations are also responsible for complying with other applicable state, local and federal laws, including DOH laws and regulations relating to animal care facilities.

RULE 11: ADMINISTRATIVE APPEALS

11.1 Denial of a license or certificate of registration: Persons denied the issuance or renewal of a license or certificate of registration or the reissuance of a license or certificate of registration to operate an animal care facility may request an appeal as provided by R.I. General Laws Chapter 42-17.7 and pursuant to DEM's *"Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters"* by presenting a written request for a hearing within thirty (30) days of the applicant's receipt *of* the denial. The written request must be presented to the clerk of the Administrative Adjudication Division, 1 Capital Way, Providence, RI 02908.

11.2 Enforcement Action: Any person adversely affected by a decision of the Director for an enforcement action pursuant to these regulations may file and appeal in accordance with RIGL Chapter 42-17.7 and DEM's *Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters* by presenting a written request for a hearing within twenty (20) days of the applicant's receipt *of* the notice of the enforcement action. The written request must be presented to the clerk of the Administrative Adjudication Division, 1 Capital Way, Providence, RI 02908.

RULE 12: VIOLATIONS

Any person, firm or corporation who violates any provision of these regulations shall be subject, upon conviction after a hearing, to a fine of five hundred dollars ($500.00) for the first offense and not to exceed one thousand dollars ($1000.00) for the second offense and any subsequent offense. Any offense may result in the seizure of animals by the Department and/or revocation of license and/or certificate of registration. Each day for which the violation persists without remedy shall constitute a separate violation.

RULE 13: ENFORCEMENT

Any employee of the Department of Environmental Management, Divisions of Agriculture, Fish and Wildlife, and Law Enforcement is empowered and authorized to enforce any of the provisions in these Rules and Regulations.

RULE 14: SEVERABILITY

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected.

RULE 15: EFFECTIVE DATE

The foregoing "Rules and Regulations Governing the Importation of Animals", after due notice, are hereby adopted and filed with the Secretary of State this day of _____, to become effective twenty (20) days thereafter, in accordance with the provisions of Section 4-19-13, and Chapters 42-35, 42-17.1 and 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

_____

Janet L. Coit, Director
Department of Environmental Management

Notice Given on:

Public Hearing held:

Filing Date:

Effective Date:

ERLID:

State of Rhode Island and Providence Plantations
Department of Administration
Office of Management and Budget - Budget Office
(Revised: 02/18/2014)

Fiscal Note for Proposed Administrative Rules (R.I.G.L. 22-12-1.1)

Date of Notice: March 11, 2016 **Date of Hearing: April 4, 2016**

Title of Administrative Rule: ***Rules and Regulations Governing Animal Care Facilities***

RIGL: These rules and regulations are promulgated pursuant to Chapter 42-17.1, Environmental Management, and Section 4-19-13 in accordance with Chapter 42-35, Administrative Procedures, of the Rhode Island General Laws of 1956, as amended.

FISCAL IMPACT

State Revenues		***State Expenditures***		***City/Town Expenditures***	
FY 2017	$0	FY 2017	$0	FY 2017	$0
FY 2018	$0	FY 2018	$0	FY 2018	$0
FY 2019	$0	FY 2019	$0	FY 2019	$0

Summary of Policy Change: These amendments will provide minimum care standards for state licensed or registered animal care facilities.

Summary of State Fiscal Impact: There will not be any fiscal impact upon the State due to the adoption of the proposed amendments to existing regulations.

City or Town Impact: The only impact will be to municipal towns that have a pound that has substandard facilities as described in these regulations. To the knowledge of the Department, all municipal pounds are currently in compliance with the proposed regulations or could be brought into compliance without any expenditure of funds.

Approved**:**

Thomas A. Mullaney *Date*
Executive Director/State Budget Officer

Economic Impact Statement for Existing Regulations: Rules and Regulations Governing Animal Care Facilities

SMALL BUSINESS IMPACT STATEMENT

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency submitting regulation: RI Department of Environmental Management/Division of Agriculture

Subject matter of regulation: The standards of care for animals kept in state licensed or registered animal care facilities.

ERLID No: Current ERLID No. 8125.

Statutory authority: These rules and regulations are promulgated pursuant to Chapter 42-17.1, Environmental Management, and Section 4-19-13 in accordance with Chapter 42-35, Administrative Procedures, of the Rhode Island General Laws of 1956, as amended.

Other agencies affected: None outside DEM

Other regulations that may duplicate or conflict with the regulation: None

Describe the scope and objectives of the regulation: These rules and regulations are established to provide minimum standards to govern all licensed or registered animal care facilities. They serve as standards for the construction and maintenance of such facilities, the care of animals in those facilities, as well as the criteria for inspectors to use when conducting inspections for licensure or in response to a complaint concerning their operation. DEM is proposing minor amendments to these regulations to provide clarifications and to respond to stakeholders that requested aligning the spatial requirements more closely with federal regulations.

What was the rationale for establishing this regulation? The Rhode Island Department of Environmental Management is charged with ensuring the welfare of animals that are kept in kennels, pet shops, pounds, animal shelters, and in the custody of brokers and rescuers. The standards for animal care are constantly improving and evolving. The residents of the state are generally concerned for the welfare of the animals that are kept by these entities and in fact, the Department often receives complaints from concerned individuals that animals are not being properly cared for. These rules and regulations will provide minimum standards for the care of animals to ensure the welfare of those animals. They will also provide for various administrative enforcement and penalty options that do not exist as an alternative to . the only options of criminal prosecution or revocation of license that are currently statutorily available to the Department. The proposed amendments to these regulations are to provide clarification and to align the spatial requirements more closely with federal regulations.

Does the rationale still exist? Yes

Is the rationale still relevant? The rationale is extremely relevant. The Department receives numerous complaints (one per week on average) about the welfare of animals being kept in entities that are licensed or registered with the department. Unfortunately, the Department lacks the tools to establish minimum standards for the care of these animals and for enforcement of those care standards. These regulations will provide the standards and the means of enforcement of those standards.

Business industry (s) affected by the regulation: Animal care facilities

Types of businesses included in the industry (s): Pet shops and kennels.

Total number of small businesses included in the regulated industry (s) Approximately 65

Number of small businesses potentially subject to the proposed regulation: Approximately 65

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues? These regulations were promulgated in 2015 and went into effect in October, 2015. Once they were in effect the Department received feedback that some components of the regulations were unclear. We also received feedback that some of the spatial requirements were excessively large. Therefore, the Department is proposing amendment to address these stakeholder concerns.

What is the cost to your agency of establishing and enforcing this regulation? There is no direct cost.

What would the consequences be if the regulation did not exist? Substandard care of animals in licensed and registered facilities.

Effective date used in cost estimate: April 2015

For each question below, please answer "yes" or "no" and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.

1.	Yes	No **X**	**Do small businesses have to create, file, or issue additional reports?**
2.	Yes X	No	**Do small businesses have to implement additional recordkeeping procedures?**

			Encumbered facilities will need to keep records pertaining to animal care such as verification of the animals being exercised, facility cleaning, source and disposition information of animals.
3.	Yes	No X	**Do small businesses have to provide additional administrative oversight?**
4.	Yes	No X	**Do small businesses have to hire additional employees in order to comply with the proposed regulation?**
5.	Yes	No X	**Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?**
6.	Yes X	No	**Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?** Most of the regulated entities are not considered businesses. A few small businesses may need to make small capital investments to improve their facilities to provide proper safe enclosures for the animals, proper ventilation, proper lighting, or proper temperature control
7.	Yes	No X	**Are performance standards more appropriate than design standards?**
8.	Yes X	No	**Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?** By statute all licensed and regulated entities governed by these regulations are subject to inspections by the Department.
9.	Yes	No X	**Does the regulation have the effect of creating additional taxes and/or fees for small businesses?**
10.	Yes	No X	**Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?**
11.	Yes	No X	**Is the regulation likely to *deter* the formation of small businesses in RI?**
12.	Yes	No X	**Is the regulation likely to *encourage* the formation of small businesses in RI?**
13.	Yes	No X	**Can the regulation provide for less stringent compliance or reporting requirements for small businesses?**

14.	Yes	No X	**Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?**
15.	Yes	No X	**Can the compliance or reporting requirements be consolidated or simplified for small businesses?** By statute, all required reporting must be in a manner acceptable to the Department. The Department recently developed an on-line reporting system to reduce burden on the regulated entities.
16.	Yes	No X	**Can performance standards for small businesses replace design or operational standards?**
17.	Yes	No X	**Are there alternative regulatory methods that would minimize the adverse impact on small businesses?**
18.	Yes	No X	**Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.** Not for this document, but stakeholder outreach through meetings and email correspondence has occurred. The specific amendments are wholly driven by comments submitted by the regulated entities. In addition, all interested parties will be encouraged to comment on the proposed regulations in accordance with the *Administrative Procedures Act*, R.I. Gen. Laws Chapter 42-35.

Date of Public Notice: March 11, 2016 Date of Public Hearing: April 4, 2016
or End of Comment period: April 12, 2016

NOTIFICATION FORM
Name of Department or Agency here:
SMALL BUSINESS REGULATORY IMPACT AND REGULATORY FLEXIBILITY ANALYSIS
(R.I.G.L. § 42-35.1-4)

Title of Administrative Rule or Regulation: ***Rules and Regulations Governing Animal Care Facilities***

Statutory Authority: (R.I. General Law(s)) These rules and regulations are promulgated pursuant to Chapter 42-17.1, Environmental Management, and Section 4-19-13 in accordance with Chapter 42-35, Administrative Procedures, of the Rhode Island General Laws of 1956, as amended.

The Regulation: (*The purpose for the amendment(s)*): These rules and regulations are established to provide minimum standards to govern all licensed or registered animal care facilities (i.e., municipal pounds, animal shelters, animal rescues, pet shops and kennels). They will serve as standards for the construction and maintenance of such facilities, the care of animals in those facilities, as well as the criteria for inspectors to use when conducting inspections for licensure or in response to a complaint concerning their operation. They must be considered minimum standards that must be maintained.

Expected Small Business Impact: Most of the entities that these rules will regulate are not small businesses. The only regulated entities that are pet shops and kennels given that, the other regulated entities are generally non-profit organizations dedicated to animal welfare or are municipal pounds. In fact only a few of the regulated entities will need to make any facilities improvements to meet the minimum standards set forth in these regulations. The proposed amendments will reduce the burden on small businesses. The original version of these regulations was inadvertently over burdensome. The Department is proposing these amendments in response to concerns that the regulated entities had.

Regulatory Flexibility Analysis: **(***agency should make a determination as to whether there is an impact on small businesses)*

The agency shall consider, without limitation, each of the following methods of reducing the impact of the proposed regulation on small businesses:

(1) The establishment of less stringent compliance or reporting requirements for small businesses.

Less stringent means of assurance of adequate animal care were considered. Unfortunately there does not appear to any viable option available other that the proposed regulations achieve this agency's statutory obligation to ensure that minimal care standards, are satisfied for the animals being cared for. The Department considered guidance documents for the entities that would be covered by these proposed regulations. In fact, the Department has used guidance documents to encourage proper animal care and to serve as a reference for the regulated community. The regulations themselves are necessary and are largely embraced by the regulated community.

However, there were some minor technical issues in the first version of the regulations that were brought to the attention of the Department by those stakeholder entities. The Department is therefore proposing amendments to address those issues by clarifying some language and by reducing some of the spatial requirements that some of the entities found difficult to comply with.

(2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

Most of the entities that are governed by these regulations will be in compliance on the effective date of these regulations and will not need to take any action. However, a small minority of facilities will need to make certain improvements. The establishment of a less stringent deadline for compliance will require the imposition of improper housing and care of animals during the delay provided. The proposed amendments actually will make compliance easier to achieve.

(3) The consolidation or simplification of compliance or reporting requirements for small businesses.

There is no consolidation necessary or possible. The only entities that could potentially consolidate are municipal pounds. These entities are not businesses.

(4) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation.

There is no need to establish performance standards since these regulations will not result in modification of design standards, and potentially will have only minimal influence on operational standards of the regulated entities.

(5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

Very few small businesses will be financially affected by these regulations and those that are affected are the entities that represent the greatest risk. There is no need for exemption for small businesses from the proposed regulations since the majority of the entities engaged in the housing of animals are rescues, shelters, and municipal pounds, and as such are not businesses. Many are volunteer based humane groups. The only encumbered small businesses are pet shops and kennels. The majority of the complaints that the Department receives are related to the conditions of animals kept in pet shops. The cost of mitigation, response, and investigation of mistreatment of animals will far outweigh any slight negative impact that these regulations will impose on the regulated entity. The proposed amendments will make it easier for regulated entities to comply.

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Any questions regarding these proposed regulations should be directed to the RI State Veterinarian, Scott Marshall, DVM. Dr Marshall can be reached via telephone at (401) 222-2781 ext. 4503, or via email at scott.marshall@dem.ri.gov.