

RESOLUTION OF THE CITY COUNCIL

No. 203

Approved April 14, 2000

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 2000-S 2644 and House Bill 2000-H 7709 Relating to Animals and Animal Husbandry, in substantially the form attached.

IN CITY COUNCIL
APR 6 2000
READ AND PASSED

PRES.

CLERK

APPROVED

APR 14 2000

MAYOR

Burwellman Allen

2000 --

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LC02544
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

2000-S 2644

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY

00-S 2644

Introduced By: Senators Perry, Walton, Kells,
Cicilline, Ruggiero, et al.

Date Introduced: February 10, 2000

Referred To: Senate Committee on Special Legislation

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-18-3, 4-18-6, 4-18-13 of the General Laws in Chapter 4-18
2 entitled "Importation of Wild Animals" are hereby amended to read as follows:

3 **4-18-3. Permit required to import wild animals** -- No person shall import into, receive,
4 or possess in this state without first obtaining a permit from the department, animals of the
5 following orders, families, and genera: Primates, carnivores, amphibia, reptilia, canidae, and
6 insecta. The director may by regulation designate additional orders, families, genera, or species
7 requiring a permit to import, receive or possess; or the director may by regulation waive the
8 permit requirement for specific species, orders, families and genera.

9 An animal care facility accredited by the American Association of Zoos and Aquariums
10 shall be exempt from this provision. Provided, however, said facility provide the state
11 veterinarian with a quarterly summary of any and all animal acquisitions and dispositions.

12 **4-18-6. Exempted importations** -- (a) Short term nonresident exhibitions.. - Animals
13 subject to this chapter may be brought into the state for short term nonresident exhibition
14 purposes without permit. Animal(s) permitted entry under this section shall not be disposed of by
15 sale, trade or gift during the period within this state. Short term nonresident exhibition purposes
16 shall not exceed thirty (30) days.

17 (b) Animal breeding.. - Notwithstanding the provisions of section 4-18-5 animals being
18 moved for breeding purposes as part of a recognized animal colony established for experimental

1 breeding of animals in captivity, may be moved for this purpose upon issuance of permit
2 provided that the conditions specified by the department in the permit are adhered to in full.

3 (c) Personal pets under special permit. - Notwithstanding the provisions of sections 4-
4 18-4 and 4-18-5, a permit may be granted by the department to import a wild animal as a personal
5 pet, if a written affidavit or declaration under penalty of perjury is completed at the time of entry
6 at the site of first arrival and transmitted either by mail or in person to the department
7 immediately. The affidavit or declaration under penalty of perjury shall include, but not be
8 limited to, the following:

9 (1) The number and true scientific name of the species being imported as required in
10 section 4-18-3;

11 (2) The date and location of acquisition of the pet animal;

12 (3) A statement of the place or premises where the animal will be held in quarantine
13 pending completion of veterinary examination;

14 (4) An agreement that within ten (10) days the department will be notified of the name
15 and address of the veterinarian who conducts examinations and tests required by the department,
16 and that the required import fees be paid within the ten (10) days.

17 (d) Zoological Collections and Managed Propagation Facilities accredited by the
18 American Zoo and Aquarium Association (AZA) and licensed by the United States Department
19 of Agriculture (USDA). Animals subject to this chapter may be brought into the state or
20 propagated for zoological exhibition purposes without permit if imported or born directly to a
21 facility which is both AZA accredited and USDA licensed. Such facilities shall comply with
22 Departmental import/possession specifications prior to importation. Such importation/possession
23 requirements may include but are not limited to: disease diagnostic tests; veterinary procedures
24 and examinations; as well as individual identification requirements for the importation/possession
25 of each animal subject to this chapter. The Department reserves the right to immediate
26 examination and testing of such imported/possessed wild animals when there is probable cause as
27 determined by the Department to suspect that the animals are harboring diseases or parasites
28 suspected of endangering public health or the health of domestic animals or that of native wild
29 animals. Measures deemed necessary to protect domestic animals, public health and native wild
30 animals, may include, but are not limited to: quarantine; treatment; seizure; destruction; and
31 postmortem examination. The Department shall be notified within three (3) months of the death
32 and immediately upon the escape of any animal subject to this chapter. Animal care facilities
33 exempted under this section shall provide the Department with an annual summary of all animals

1 subject to this chapter.

2 **4-18-13. Exceptions** -- The department upon application may grant variances from the
3 requirements of these regulations as it determines are authorized by law and will not result in
4 hazard to the public health. Those applications, and variances made, shall be in writing and any
5 variances granted under this section shall set forth conditions designed to protect the public
6 health, and shall be granted only for a specified period, ~~not to exceed six (6) months.~~

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

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2000-S 2644

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY

- 1 This act would exempt animal care facilities accredited by the American Association
- 2 Zoos and Aquariums from obtaining a permit.
- 3 This act would take effect upon passage.

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

————— **2000-H 7709**
A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- IMPORTATION OF WILD
ANIMALS

2000-H 7709

Introduced By: Reps. Slater, Lima, Palangio, Carpenter
and Giannini

Date Introduced: February 3, 2000

Referred To: Committee on Special Legislation

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-18-3 of the General Laws in Chapter 4-18 entitled "Importation
2 of Wild Animals" is hereby amended to read as follows:

3 **4-18-3. Permit required to import wild animals** -- No person shall import into, receive,
4 or possess in this state without first obtaining a permit from the department, animals of the
5 following orders, families, and genera: Primates, carnivores, amphibia, reptilia, canidae, and
6 insecta. The director may by regulation designate additional orders, families, genera, or species
7 requiring a permit to import, receive or possess; or the director may by regulation waive the
8 permit requirement for specific species, orders, families and genera.

9 Any animal care facility accredited by the American Association of Zoos and Aquariums
10 shall be exempt from this provision. Provided, however, said facility provide the state
11 veterinarian with a quarterly summary of any and all animal acquisitions and dispositions.

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

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2000-H 7709 EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- IMPORTATION OF WILD
ANIMALS

- 1 This act would exempt animal care facilities accredited by the American Association of
- 2 Zoos and Aquariums from obtaining a permit.
- 3 This act would take effect upon passage.

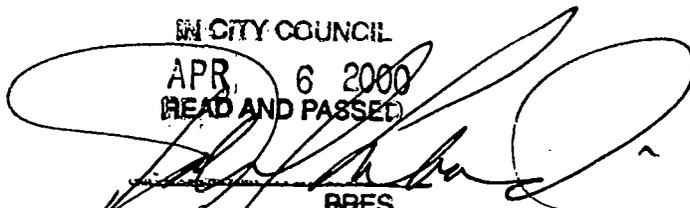
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RESOLUTION OF THE CITY COUNCIL

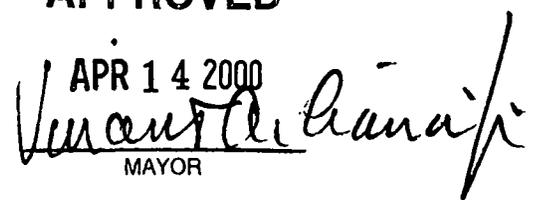
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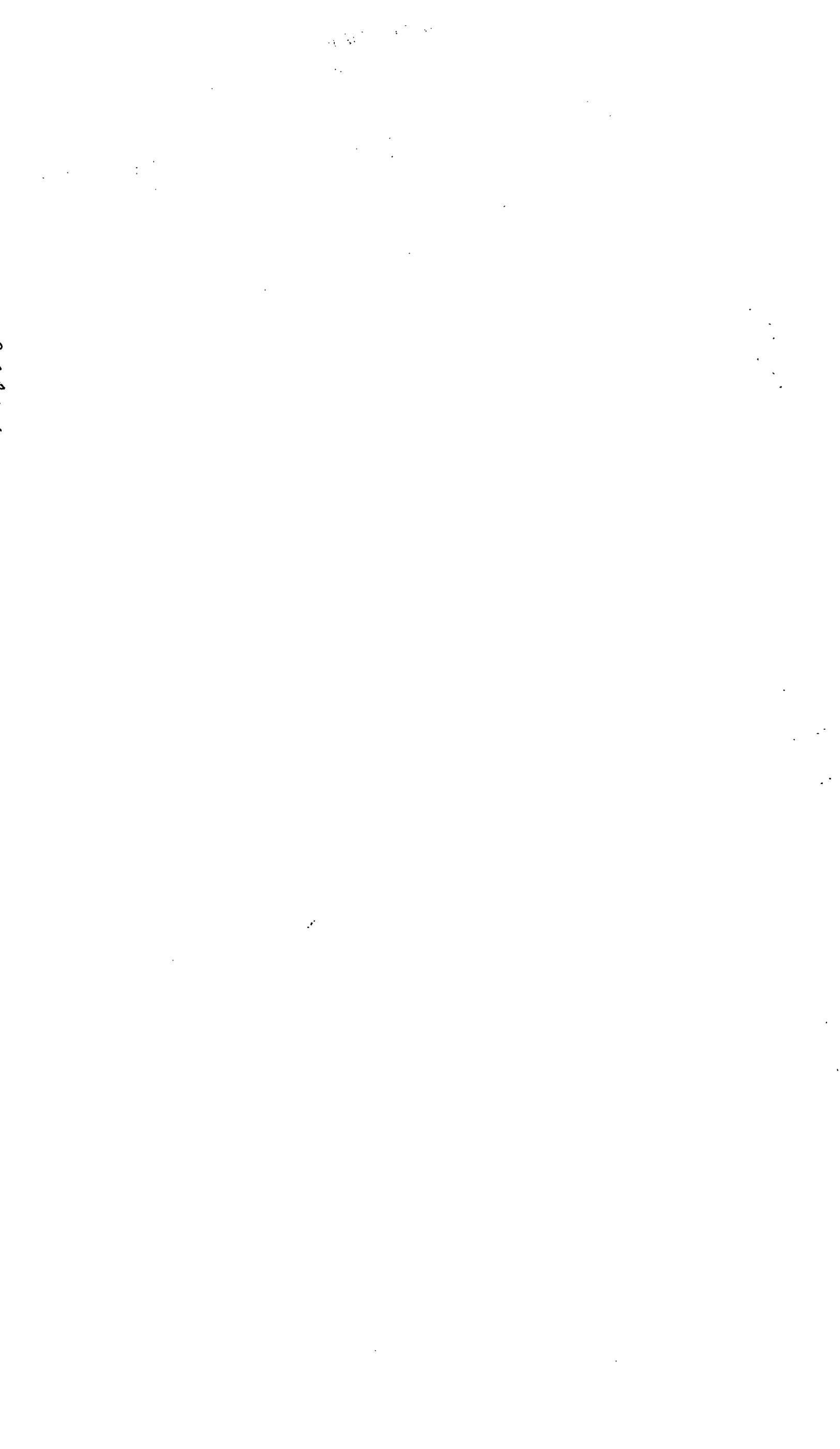
Approved April 14, 2000

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 2000-S 2670 Relating to Food and Drugs-- Uniform Controlled Substances Act, in substantially the form attached.

IN CITY COUNCIL
APR 6 2000
READ AND PASSED

PRES.

CLERK

APPROVED
APR 14 2000

MAYOR



2000 --

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LC02100
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

————— **2000-S 2670**
A N A C T

RELATING TO FOOD AND DRUGS - - UNIFORM CONTROLLED SUBSTANCE ACT

00-S 2670

Introduced By: Senators Graziano, Iglizzi, Ruggerio
and Goodwin

Date Introduced: February 10, 2000

Referred To: Senate Committee on Judiciary

It is enacted by the General Assembly as follows:

1 Section 1. Section 21-28-4.01 of the General Laws in chapter 21-22 entitled "Uniform
2 Controlled Substance Act" is hereby amended to read as follows:

3 **21-28-4.01. Prohibited acts A -- Penalties --** (A) Except as authorized by this chapter, it
4 shall be unlawful for any person to manufacture, deliver, or possess with intent to manufacture or
5 deliver a controlled substance.

6 (1) Any person who is not a drug dependent person, as defined in section 21-28-
7 1.02(15), who violates this subsection with respect to a controlled substance classified in
8 schedule I or II, except the substance classified as marijuana, is guilty of a crime and upon
9 conviction may be imprisoned to a term up to life, or fined not more than five hundred thousand
10 dollars (\$500,000) nor less than ten thousand dollars (\$10,000), or both. For a first conviction,
11 the person shall be imprisoned for not less than six (6) months. Upon the second conviction of
12 said violation, the person shall be imprisoned for a term of not less than nine (9) months. Upon
13 the third and any subsequent conviction of said crime, the person shall be imprisoned for a term
14 of not less than two (2) years, and shall not have the benefit of prohibition or parole.

15 Provided, however, that where the deliverance as prohibited herein shall be the
16 proximate cause of death to the person to whom the controlled substance is delivered, it shall not
17 be a defense that the person delivering the substance was at the time of delivery, a drug
18 dependent person as defined in section 21-28-1.02(15).

1 (2) Any person, except as provided for in subsection (A)(1) who violates this subsection
2 with respect to:

3 (a) A controlled substance classified in schedule I or II is guilty of a crime and upon
4 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one
5 hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

6 (b) A controlled substance classified in schedule III or IV, is guilty of a crime and upon
7 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty
8 thousand dollars (\$40,000), or both; provided, however, with respect to a controlled substance
9 classified in schedule III(d) upon conviction may be imprisoned for not more than five (5) years,
10 or fined not more than twenty thousand dollars (\$20,000), or both.

11 (c) A controlled substance classified in schedule V, is guilty of a crime and upon
12 conviction may be imprisoned for not more than one year, or fined not more than ten thousand
13 dollars (\$10,000), or both.

14 (B) Except as authorized by this chapter, it is unlawful for any person to create, deliver,
15 or possess with intent to deliver, a counterfeit substance.

16 (1) Any person who violates this subsection with respect to:

17 (a) A counterfeit substance classified in schedule I or II, is guilty of a crime and upon
18 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one
19 hundred thousand dollars (\$100,000), or both;

20 (b) A counterfeit substance classified in schedule III or IV, is guilty of a crime and upon
21 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty
22 thousand dollars (\$40,000), or both; provided, however, with respect to a controlled substance
23 classified in schedule III(d) upon conviction may be imprisoned for not more than five (5) years,
24 or fined not more than twenty thousand dollars (\$20,000) or both.

25 (c) A counterfeit substance classified in schedule V, is guilty of a crime and upon
26 conviction may be imprisoned for not more than one year, or fined not more than ten thousand
27 dollars (\$10,000), or both.

28 (C) It shall be unlawful for any person knowingly or intentionally to possess a controlled
29 substance unless the substance was obtained directly from or pursuant to, a valid prescription or
30 order of a practitioner while acting in the course of his or her professional practice, or except as
31 otherwise authorized by this chapter.

32 (1) Any person who violates this subsection with respect to:

1 (a) A controlled substance classified in schedules I, II and III, IV, and V, except the
2 substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned for
3 not more than three (3) years or fined not less than five hundred dollars (\$500) nor more than five
4 thousand dollars (\$5,000), or both;

5 (b) A controlled substance classified in schedule I as marijuana is guilty of a
6 misdemeanor and upon conviction may be imprisoned for not more than one year or fined not
7 less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both;

8 (2) Additionally every person convicted or who pleads nolo contendere under subsection
9 (C)(1)(a) or convicted or who pleads nolo contendere a second or subsequent time under
10 subsection (C)(1)(b) above, who is not sentenced to a term of imprisonment to serve for the
11 offense. shall be required to:

12 (a) Perform no less than one hundred (100) hours of community service;

13 (b) Be referred to Treatment Alternatives to Street Crime (TASC) to determine the
14 existence of problems of drug abuse. Should TASC determine the person needs treatment, it will
15 arrange for said treatment to be provided and after completion of said treatment, the person shall
16 perform his or her required community service and attend the drug education program.

17 (c) Attend and complete a drug counseling and education program as prescribed by the
18 director of the department of health and pay the sum of four hundred dollars (\$400) to help
19 defray the costs of this program which shall be deposited as general revenues. Failure to attend
20 may result after hearing by the court in jail sentence up to one year;

21 (d) The court shall not suspend any part or all of the imposition of the fee required by
22 this subsection, unless the court finds an inability to pay.

23 (e) If the offense involves the use of any automobile to transport the substance or the
24 substance is found within an automobile, then a person convicted or who pleads nolo contendere
25 under those subsections shall be subject to a loss of license for a period of six (6) months for a
26 first offense and one year for each offense thereafter.

27 (3) All fees assessed and collected pursuant to subsection (C)(2)(c) shall be deposited as
28 general revenues and shall be collected from the person convicted or who pleads nolo contendere
29 before any other fines authorized by this chapter.

30 (D) It shall be unlawful for any person to manufacture, distribute, or possess with intent
31 to manufacture or distribute, an imitation controlled substance. Any person who violates this
32 subsection is guilty of a crime, and upon conviction shall be subject to the same term of
33 imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the

2000-S 2670

1 controlled substance which the particular imitation controlled substance forming the basis of the
2 prosecution was designed to resemble and/or represented to be; but in no case shall the
3 imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars
4 (\$20,000).

5 (E) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an
6 anabolic steroid or human growth hormone for (i) enhancing performance in an exercise, sport,
7 or game, or (ii) hormonal manipulation intended to increase muscle mass, strength, or weight
8 without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor
9 and upon conviction may be imprisoned for not more than six (6) months or a fine of not more
10 than one thousand dollars (\$1,000), or both.

11 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 FOOD AND DRUGS - - UNIFORM CONTROLLED SUBSTANCE ACT

1 This act would specify prison sentence for first time and repeated offenders convicted of
2 manufacturing, delivering or possessing with or intent to deliver a controlled substance.

3 This act would take effect upon passage.

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