

2026 -- S 2612

LC005274

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

Introduced By: Senators Zurier, and McKenney

Date Introduced: February 13, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-46-2, 42-46-5, 42-46-6, 42-46-7 and 42-46-13 of the General
2 Laws in Chapter 42-46 entitled "Open Meetings" are hereby amended to read as follows:

3 **42-46-2. Definitions.**

4 As used in this chapter:

5 (1) Advisory body” means any department, agency, commission, committee, board,
6 council, bureau, or authority, or any subdivision thereof, of state or municipal government, or other
7 like body that does not have decision-making authority and whose primary purpose is to consider
8 an issue or issues designated by the appointing entity so as to provide such authority with advice
9 or recommendations concerning the formulation of any public policy or legislation or other matter
10 assigned to the advisory body.

11 ~~(1)~~(2) “Meeting” means the convening of a public body to discuss and/or act upon a matter
12 over which the public body has supervision, control, jurisdiction, or advisory power. As used
13 herein, the term “meeting” expressly includes, without limiting the generality of the foregoing, so-
14 called “workshop,” “working,” or “work” sessions.

15 ~~(2)~~(3) “Open call” means a public announcement by the chairperson of the committee that
16 the meeting is going to be held in executive session and the chairperson must indicate which
17 exception of § 42-46-5 is being involved.

18 ~~(3)~~(4) “Open forum” means the designated portion of an open meeting, if any, on a properly
19 posted notice reserved for citizens to address comments to a public body relating to matters

1 affecting the public business.

2 ~~(4)~~(5) “Prevailing plaintiff” includes those persons and entities deemed “prevailing parties”
3 pursuant to 42 U.S.C. § 1988.

4 ~~(5)~~(6) “Public body” means any department, agency, commission, committee, board,
5 council, bureau, or authority, or any subdivision thereof, of state or municipal government or the
6 board of directors of any library that funded at least twenty-five percent (25%) of its operational
7 budget in the prior budget year with public funds, and shall include all authorities defined in § 42-
8 35-1. For purposes of this section, any political party, organization, or unit thereof meeting or
9 convening is not and should not be considered to be a public body; provided, however, that no such
10 meeting shall be used to circumvent the requirements of this chapter.

11 ~~(6)~~(7) “Quorum,” unless otherwise defined by applicable law, means a simple majority of
12 the membership of a public body.

13 **42-46-5. Purposes for which meeting may be closed — Use of electronic**
14 **communications — Judicial proceedings — Disruptive conduct.**

15 (a) A public body may hold a meeting closed to the public pursuant to § 42-46-4 for one
16 or more of the following purposes:

17 (1) Any discussions of the job performance, character, or physical or mental health of a
18 person or persons provided that the person or persons affected shall have been notified in advance
19 in writing and advised that they may require that the discussion be held at an open meeting.

20 Failure to provide notification shall render any action taken against the person or persons
21 affected null and void. Before going into a closed meeting pursuant to this subsection, the public
22 body shall state for the record that any persons to be discussed have been so notified and this
23 statement shall be noted in the minutes of the meeting.

24 (2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to
25 collective bargaining or litigation.

26 (3) Discussion regarding the matter of security including, but not limited to, the deployment
27 of security personnel or devices.

28 (4) Any investigative proceedings regarding allegations of misconduct, either civil or
29 criminal.

30 (5) Any discussions or considerations related to the acquisition or lease of real property for
31 public purposes, or of the disposition of publicly held property wherein advanced public
32 information would be detrimental to the interest of the public.

33 (6) Any discussions related to or concerning a prospective business or industry locating in
34 the state of Rhode Island when an open meeting would have a detrimental effect on the interest of

1 the public.

2 (7) A matter related to the question of the investment of public funds where the premature
3 disclosure would adversely affect the public interest. Public funds shall include any investment
4 plan or matter related thereto, including, but not limited to, state lottery plans for new promotions.

5 (8) Any executive sessions of a local school committee exclusively for the purposes: (i) Of
6 conducting student disciplinary hearings; or (ii) Of reviewing other matters that relate to the privacy
7 of students and their records, including all hearings of the various juvenile hearing boards of any
8 municipality; provided, however, that any affected student shall have been notified in advance in
9 writing and advised that the student may require that the discussion be held in an open meeting.

10 Failure to provide notification shall render any action taken against the student or students
11 affected null and void. Before going into a closed meeting pursuant to this subsection, the public
12 body shall state for the record that any students to be discussed have been so notified and this
13 statement shall be noted in the minutes of the meeting.

14 (9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining
15 agreement.

16 (10) Any discussion of the personal finances of a prospective donor to a library.

17 (b) No meeting of members of a public body or use of electronic communication, including
18 telephonic communication and telephone conferencing, shall be used to circumvent the spirit or
19 requirements of this chapter; provided, however, these meetings and discussions are not prohibited.

20 (1) Provided, further however, that discussions of a public body via electronic
21 communication, including telephonic communication and telephone conferencing, shall be
22 permitted only to schedule a meeting, except as provided in this subsection.

23 (2) Provided, further however, that a member of a public body may participate by use of
24 electronic communication or telephone communication while on active duty in the armed services
25 of the United States.

26 (3) Provided, further however, that a member of that public body, who has a disability as
27 defined in chapter 87 of this title and:

28 (i) Cannot attend meetings of that public body solely by reason of the member's disability;
29 and

30 (ii) Cannot otherwise participate in the meeting without the use of electronic
31 communication or telephone communication as reasonable accommodation, may participate by use
32 of electronic communication or telephone communication in accordance with the process below.

33 (4) The governor's commission on disabilities is authorized and directed to:

34 (i) Establish rules and regulations for determining whether a member of a public body is

1 not otherwise able to participate in meetings of that public body without the use of electronic
2 communication or telephone communication as a reasonable accommodation due to that member's
3 disability;

4 (ii) Grant a waiver that allows a member to participate by electronic communication or
5 telephone communication only if the member's disability would prevent the member from being
6 physically present at the meeting location, and the use of such communication is the only
7 reasonable accommodation; and

8 (iii) Any waiver decisions shall be a matter of public record.

9 (5) ~~The university of Rhode Island board of trustees members, established pursuant to §
10 16-32-2, are authorized to participate remotely in open public meetings of the board; provided,
11 however, that:~~

12 ~~(i) The remote members and all persons present at the meeting location are clearly audible
13 and visible to each other;~~

14 ~~(ii) A quorum of the body is participating;~~

15 ~~(iii) If videoconferencing is used to conduct a meeting, the public notice for the meeting
16 shall inform the public that videoconferencing will be used and include instructions on how the
17 public can access the virtual meeting; and~~

18 ~~(iv) The board shall adopt rules defining the requirements of remote participation including
19 its use for executive session, and the conditions by which a member is authorized to participate
20 remotely.~~ Notwithstanding the provisions of this chapter, members of an advisory body defined in
21 § 42-46-2(1) may participate in a public meeting using videoconferencing; provided, however, that:

22 (i) The public body shall provide members of the public with the opportunity to attend the
23 public meeting contemporaneously using the platform for videoconferencing when any member or
24 members of the public body participate using videoconferencing;

25 (ii) The videoconferencing platform provided to members of the public shall be without
26 subscription, toll, or similar charge to join the public meeting;

27 (iii) If the public body by practice, statute, ordinance, or policy, provides an opportunity
28 for members of the public in attendance to provide input during the public meeting, an effective
29 means of communication between all members of the public body and all members of the public in
30 attendance, either in person or by videoconferencing, shall be provided;

31 (iv) Notice of the meeting shall be provided in accordance with § 42-46-6. Such notice
32 shall also include;

33 (A) What members of the public body will be participating by videoconferencing;

34 (B) Instructions for the public to attend and participate in the meeting by means of

1 videoconferencing pursuant to subsection (b)(5)(ii) of this section; and

2 (C) A valid online link or an email address where a member of the public can request and
3 obtain a link to a recording of the meeting pursuant to subsection (b)(5)(x) of this section;

4 (v) A member of the public body who participates in a meeting using videoconferencing
5 shall not be deemed present for purposes of a quorum or voting if the member is not visually present
6 on camera;

7 (vi) A member of the public body who participates in a public meeting using
8 videoconferencing shall:

9 (A) Identify themselves when the meeting is convened; and

10 (B) Be able to hear the conduct of the meeting and be heard throughout the meeting;

11 (vii) All non-unanimous votes taken during a public meeting with members participating
12 using videoconferencing shall be taken by roll call;

13 (viii) If a quorum of the members of a public body are participating using
14 videoconferencing from the same physical location, members of the public shall be allowed to
15 attend the meeting at the physical location;

16 (ix) Whenever a public meeting being conducted with members of the public body
17 participating using videoconferencing is interrupted by the more than momentary failure,
18 disconnection or in the chair's determination, unacceptable degradation of the videoconferencing
19 technology, the meeting shall adjourn;

20 (x) If any members of the public body participate using videoconferencing, the public body
21 shall ensure that the meeting is recorded, and make a recording of the meeting available online
22 within twenty-four (24) hours of adjournment of the meeting, excepting weekends and holidays,
23 and retain a link to the recording on a public website for public inspection, without subscription,
24 toll, or similar charge, for a period of five (5) years; and

25 (xi) When using videoconferencing technology, the public body shall comply with
26 nondiscrimination on the basis of disability requirements of Rhode Island Constitution article I
27 section 2 and applicable federal and state nondiscrimination laws to include 29 U.S.C. § 794,
28 chapter 87 of this title, and chapter 24 of title 11. Public bodies shall adopt procedures for requesting
29 reasonable accommodations and provide information about that procedure on its published
30 agendas.

31 ~~(6) The Rhode Island Life Science Hub board of directors, established pursuant to § 23-~~
32 ~~99-4, is authorized to participate remotely in open public meetings of the board, in accordance with~~
33 ~~the provisions of § 23-99-4(e). The University of Rhode Island board of trustees members and the~~
34 Rhode Island Life Sciences Hub board of directors are authorized to participate in public meetings

1 of those bodies using videoconferencing pursuant to the requirements set forth in § 42-46-5(b)(5).
2 (7) Effective January 1, 2027, all city and town councils and school boards and committees
3 shall provide a livestream of their meetings; provided, however, that:
4 (i) The livestream shall be without subscription, toll, or similar charge to join the public
5 meeting;
6 (ii) Notice of the meeting shall be provided in accordance with § 42-46-6. Such notice shall
7 also include a link to the livestream, and a valid online link or an email address where a member
8 of the public can request and obtain a link to a recording of the meeting pursuant to subsection
9 (b)(7)(iii) of this section;
10 (iii) The public body shall ensure that the livestream of the meeting is recorded, and make
11 a recording of the meeting available online within twenty-four (24) hours of adjournment of the
12 meeting, excepting weekends and holidays, and retain a link to the recording on a public website
13 for public inspection, without subscription, toll, or similar charge, for a period of five (5) years;
14 and
15 (iv) Nothing contained in this subsection shall allow members of said bodies to participate
16 using electronic communication or telephone communication, except as prescribed by § 42-46-
17 5(b)(1) through (4).
18 (8)(i) Effective January 1, 2028, all city and town councils and school boards and
19 committees that by practice, statute, ordinance, or policy, provide an opportunity for members of
20 the public in attendance to provide input during the public meeting, shall also provide an effective
21 means of participation by members of the public by videoconferencing.
22 (ii) In addition to the meeting notice requirements contained in subsection (b)(7)(ii) of this
23 section, the notice of any meetings subject to subsection (b)(8)(i) of this section shall include
24 instructions for the public to participate by videoconferencing.
25 (iii) When using videoconferencing technology, the public body must comply with the
26 nondiscrimination on the basis of disability requirements of Rhode Island Constitution article I
27 section 2 and applicable federal and state nondiscrimination laws to include 29 U.S.C. § 794,
28 chapter 87 of this title, and chapter 24 of title 11. Public bodies must adopt procedures for
29 requesting a reasonable accommodation and provide information about that procedure on its
30 published agendas.
31 (vi) Nothing contained in this subsection shall allow members of said bodies to participate
32 using electronic communication or telephone communication, except as prescribed by § 42-46-
33 5(b)(1) through(4).
34 (c) This chapter shall not apply to proceedings of the judicial branch of state government

1 or probate court or municipal court proceedings in any city or town.

2 (d) This chapter shall not prohibit the removal of any person who willfully disrupts a
3 meeting to the extent that orderly conduct of the meeting is seriously compromised.

4 **42-46-6. Notice.**

5 (a) All public bodies shall give written notice of their regularly scheduled meetings at the
6 beginning of each calendar year. The notice shall include the dates, times, and places of the
7 meetings and shall be provided to members of the public upon request and to the secretary of state
8 at the beginning of each calendar year in accordance with subsection (f).

9 (b) Public bodies shall give supplemental written public notice of any meeting within a
10 minimum of forty-eight (48) hours, excluding weekends and state holidays in the count of hours,
11 before the date. This notice shall include the date the notice was posted; the date, time, and place
12 of the meeting; and a statement specifying the nature of the business to be discussed. Copies of the
13 notice shall be maintained by the public body for a minimum of one year. Nothing contained herein
14 shall prevent a public body, other than a school committee, from adding additional items to the
15 agenda by majority vote of the members. School committees may, however, add items for
16 informational purposes only, pursuant to a request, submitted in writing, by a member of the public
17 during the public comment session of the school committee's meetings. Said informational items
18 may not be voted upon unless they have been posted in accordance with the provisions of this
19 section. Such additional items shall be for informational purposes only and may not be voted on
20 except where necessary to address an unexpected occurrence that requires immediate action to
21 protect the public or to refer the matter to an appropriate committee or to another body or official.
22 [All documents to be discussed at an open meeting of a public body shall be posted or linked with](#)
23 [the electronic filing of the agenda submitted to the secretary of state pursuant to § 42-46-6\(f\).](#)
24 [Notwithstanding any provisions of § 38-2-2\(4\), any documents reviewed, considered, or submitted](#)
25 [at a public meeting of a public body shall be deemed public and shall also be made available upon](#)
26 [request to any member of the public while present at the meeting.](#)

27 (c) Written public notice shall include, but need not be limited to, posting a copy of the
28 notice at the principal office of the public body holding the meeting, or if no principal office exists,
29 at the building in which the meeting is to be held, and in at least one other prominent place within
30 the governmental unit, and electronic filing of the notice with the secretary of state pursuant to
31 subsection (f); however, nothing contained herein shall prevent a public body from holding an
32 emergency meeting, upon an affirmative vote of the majority of the members of the body when the
33 meeting is deemed necessary to address an unexpected occurrence that requires immediate action
34 to protect the public. If an emergency meeting is called, a meeting notice and agenda shall be posted

1 as soon as practicable and shall be electronically filed with the secretary of state pursuant to
2 subsection (f) and, upon meeting, the public body shall state for the record and minutes why the
3 matter must be addressed in less than forty-eight (48) hours in accordance with subsection (b) of
4 this section and only discuss the issue or issues that created the need for an emergency meeting.
5 Nothing contained herein shall be used in the circumvention of the spirit and requirements of this
6 chapter.

7 (d) Nothing within this chapter shall prohibit any public body, or the members thereof,
8 from responding to comments initiated by a member of the public during a properly noticed open
9 forum even if the subject matter of a citizen's comments or discussions were not previously posted,
10 provided such matters shall be for informational purposes only and may not be voted on except
11 where necessary to address an unexpected occurrence that requires immediate action to protect the
12 public or to refer the matter to an appropriate committee or to another body or official. Nothing
13 contained in this chapter requires any public body to hold an open-forum session to entertain or
14 respond to any topic nor does it prohibit any public body from limiting comment on any topic at
15 such an open-forum session. No public body, or the members thereof, may use this section to
16 circumvent the spirit or requirements of this chapter.

17 (e) A school committee may add agenda items not appearing in the published notice
18 required by this section under the following conditions:

19 (1) The revised agenda is electronically filed with the secretary of state pursuant to
20 subsection (f), and is posted on the school district's website and the two (2) public locations
21 required by this section at least forty-eight (48) hours in advance of the meeting in accordance with
22 subsection (b) of this section;

23 (2) The new agenda items were unexpected and could not have been added in time for
24 newspaper publication;

25 (3) Upon meeting, the public body states for the record and minutes why the agenda items
26 could not have been added in time for newspaper publication and need to be addressed at the
27 meeting;

28 (4) A formal process is available to provide timely notice of the revised agenda to any
29 person who has requested that notice, and the school district has taken reasonable steps to make the
30 public aware of this process; and

31 (5) The published notice shall include a statement that any changes in the agenda will be
32 posted on the school district's website and the two (2) public locations required by this section and
33 will be electronically filed with the secretary of state at least forty-eight (48) hours in advance of
34 the meeting in accordance with subsection (b) of this section.

1 (f) All notices required by this section to be filed with the secretary of state shall be
2 electronically transmitted to the secretary of state in accordance with rules and regulations that shall
3 be promulgated by the secretary of state. This requirement of the electronic transmission and filing
4 of notices with the secretary of state shall take effect one year after this subsection takes effect.

5 (g) If a public body fails to transmit notices in accordance with this section, then any
6 aggrieved person may file a complaint with the attorney general in accordance with § 42-46-8.

7 **42-46-7. Minutes.**

8 (a) All public bodies shall keep written minutes of all their meetings. The minutes shall
9 include, but need not be limited to:

10 (1) The date, time, and place of the meeting;

11 (2) The members of the public body recorded as either present or absent;

12 (3) A record by individual members of any vote taken; ~~and~~

13 (4) Any other information relevant to the business of the public body that any member of
14 the public body requests be included or reflected in the minutes;

15 (5) Which members of the public body, if any, participated using videoconferencing
16 pursuant to § 42-46-5(b); and

17 (6) The email address where a member of the public can request access to a recording of
18 any public meeting conducted using videoconferencing pursuant to § 42-46-5(b)(5).

19 (b)(1) A record of all votes taken at all meetings of public bodies, listing how each member
20 voted on each issue, shall be a public record and shall be available to the public at the office of the
21 public body within two (2) weeks of the date of the vote. The minutes shall be public records and
22 unofficial minutes shall be available to the public at the office of the public body within thirty-five
23 (35) days of the meeting or at the next regularly scheduled meeting, whichever is earlier, except
24 where the disclosure would be inconsistent with §§ 42-46-4 and 42-46-5 or where the public body
25 by majority vote extends the time period for the filing of the minutes and publicly states the reason.

26 (2) In addition to the provisions of subsection (b)(1), all volunteer fire companies,
27 associations, fire district companies, or any other organization currently engaged in the mission of
28 extinguishing fires and preventing fire hazards, whether it is incorporated or not, and whether it is
29 a paid department or not, shall post unofficial minutes of their meetings within twenty-one (21)
30 days of the meeting, but not later than seven (7) days prior to the next regularly scheduled meeting,
31 whichever is earlier, on the secretary of state's website. Except for discussions related to finances,
32 the provisions of this subsection shall not apply to a volunteer fire company if the matters of the
33 volunteer fire company are under the supervision, control, or jurisdiction of another public body.

34 (c) The minutes of a closed session shall be made available at the next regularly scheduled

1 meeting unless the majority of the body votes to keep the minutes closed pursuant to §§ 42-46-4
2 and 42-46-5.

3 (d) All public bodies shall keep official and/or approved minutes of all meetings of the
4 body and shall file a copy of the minutes of all open meetings with the secretary of state for
5 inspection by the public within thirty-five (35) days of the meeting; provided that this subsection
6 shall not apply to public bodies whose responsibilities are solely advisory in nature.

7 (e) All minutes and unofficial minutes required by this section to be filed with the secretary
8 of state shall be electronically transmitted to the secretary of state in accordance with rules and
9 regulations that shall be promulgated by the secretary of state. If a public body fails to transmit
10 minutes or unofficial minutes in accordance with this subsection, then any aggrieved person may
11 file a complaint with the attorney general in accordance with § 42-46-8.

12 **42-46-13. Accessibility for persons with disabilities.**

13 (a) All public bodies, to comply with the nondiscrimination on the basis of disability
14 requirements of R.I. Const., Art. I, § 2 and applicable federal and state nondiscrimination laws (29
15 U.S.C. § 794, chapter 87 of this title, and chapter 24 of title 11), shall develop a transition plan
16 setting forth the steps necessary to ensure that all open meetings of said public bodies are accessible
17 to persons with disabilities.

18 (b) The state building code standards committee shall, by September 1, 1989, adopt an
19 accessibility of meetings for persons with disabilities standard that includes provisions ensuring
20 that the meeting location is accessible to and usable by all persons with disabilities.

21 (c) This section does not require the public body to make each of its existing facilities
22 accessible to and usable by persons with disabilities so long as all meetings required to be open to
23 the public pursuant to this chapter are held in accessible facilities by the dates specified in
24 subsection (e).

25 (d) The public body may comply with the requirements of this section through such means
26 as reassignment of meetings to accessible facilities, alteration of existing facilities, or construction
27 of new facilities, or meeting online if the public body is advisory and complies with the
28 requirements of § 42-46-5. The public body is not required to make structural changes in existing
29 facilities where other methods are effective in achieving compliance with this section.

30 (e) The public body shall comply with the obligations established under this section by July
31 1, 1990, except that where structural changes in facilities are necessary in order to comply with this
32 section, such changes shall be made by December 30, 1991, but in any event as expeditiously as
33 possible unless an extension is granted by the state building commissioner for good cause.

34 (f) Each municipal government and school district shall, with the assistance of the state

1 building commission, complete a transition plan covering the location of meetings for all public
2 bodies under their jurisdiction. Each chief executive of each city or town and the superintendent of
3 schools will submit their transition plan to the governor's commission on disabilities for review
4 and approval. The governor's commission on disabilities with assistance from the state building
5 commission shall approve or modify, with the concurrence of the municipal government or school
6 district, the transition plans.

7 (g) The provisions of §§ 45-13-7 — 45-13-10, inclusive, shall not apply to this section.

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

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LC005274
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- OPEN MEETINGS

1 This act would allow advisory bodies to participate in a public meeting using
2 videoconferencing, subject to certain requirements. This act would also require all city and town
3 councils and school committees to provide livestreaming of their meetings by January 1, 2027.

4 This would take effect upon passage.

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