

2021 -- H 5388

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO HEALTH AND SAFETY -- ANATOMICAL GIFTS

Introduced By: Representatives Potter, Giraldo, Kazarian, Baginski, Bennett,
McLaughlin, and Tanzi

Date Introduced: February 05, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 3-8-6 and 3-8-6.1 of the General Laws in Chapter 3-8 entitled
2 "Regulation of Sales" are hereby amended to read as follows:

3 **3-8-6. Unlawful drinking and misrepresentation by underage persons -- Identification**
4 **cards for persons twenty-one and older.**

5 (a) It is unlawful for:

6 (1) A person who has not reached his or her twenty-first (21st) birthday to enter any
7 premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing or having
8 served or delivered to him or her alcoholic beverages; or

9 (2) A person who has not reached his or her twenty-first (21st) birthday to consume any
10 alcoholic beverage on premises licensed for the retail sale of alcoholic beverages or to purchase,
11 attempt to purchase, or have another purchase for him or her any alcoholic beverage; or

12 (3) A person to misrepresent or misstate his or her age, or the age of any other persons, or
13 to misrepresent his or her age through the presentation of any of the following documents:

14 (i) An armed service identification card, valid passport, the identification card license, or
15 any other documentation used for identification purposes that may belong to any other person who
16 is twenty-one (21) years or older;

17 (ii) A motor vehicle operator's license that bears the date of birth of the licensee and that is
18 issued by this state or any other state;

19 (iii) A Rhode Island identification card, as defined in subsection (b), for the purpose of

1 inducing any licensee, or any employee of any licensee, to sell, serve, or deliver any alcoholic
2 beverage to a minor.

3 (b)(1) The administrator of the division of motor vehicles shall issue to any person who
4 has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon payment
5 of a fee of twenty-five dollars (\$25), and, upon presentation of a certified birth or baptismal
6 certificate, or U.S. or foreign passport, or U.S. naturalization certificate or a valid immigrant or
7 refugee document issued by the United States Citizenship and Immigration Services, including, but
8 not limited to, any one of the following: Form I-551, Form I-94, Form I-688A, Form I-688, and a
9 form evidencing that the applicant is a current or past recipient of a grant of deferred action under
10 the Deferred Action for Childhood Arrivals program, together with a document bearing the
11 applicant's signature.

12 (2) A person who has reached his or her fifty-ninth (59th) birthday is not required to pay
13 the fee.

14 (3) Each registration card shall be subject to renewal every five (5) years upon payment of
15 a fee of twenty-five dollars (\$25).

16 (4) No person who holds an operator's license issued by this state or any other state shall
17 be issued a Rhode Island identification card.

18 (5) The identification card shall be signed by the administrator of the division of motor
19 vehicles and by the applicant and his or her picture shall appear on the card along with the required
20 information and the card shall be encased in laminated plastic. The card shall be two inches (2") in
21 height and four inches (4") in length and shall be printed in the following form:

22 RHODE ISLAND IDENTIFICATION CARD

23 Date Issued No.....

24 First Name Middle Name Last Name
25

26 Address
27

28 BIRTH RECORD

29 Month.....Day.....Year

30 Secure Photo by Pasting here Color of hair Color of eyes Sex Ht Wt.
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32 Issued by
33 Administrator of the Division of Motor Vehicles
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Administrator

(6) The identification cards shall be produced at the adult correctional institutions if they have facilities to do so; if the adult correctional institutions have no facilities to do so, then all cards shall be manufactured by the lowest responsible bidder following advertisement for the solicitation of bids.

(7) The identification cards shall be clearly distinguishable from those issued pursuant to § 3-8-6.1 and operators' and chauffeurs' licenses issued pursuant to title 31.

(8) Any person who has been designated as permanently and totally disabled by the social security administration or who upon certification by an optometrist, ophthalmologist, or physician that a holder of a valid and current motor vehicle operator's license is no longer able to operate a motor vehicle, the administrator of the division of motor vehicles shall issue to such person, upon request, a Rhode Island identification card for the unexpired term of the person's motor vehicle operator's license at no additional cost. Thereafter, a renewal of such card shall be subject to the standard renewal charge of twenty-five dollars (\$25) until the person shall reach his or her fifty-ninth (59th) birthday.

(9) The administrator of the division of motor vehicles shall, upon presentation of a United States Department of Defense (DD) FORM 214 or other acceptable documentation of military service and verification of an honorable discharge, issue an identification card to the presenter that is clearly marked "veteran," at no additional cost.

(10) The division of motor vehicles shall cause to be produced application forms and renewal forms for identification cards that clearly notify Rhode Island residents that they shall be deemed to have consented to the donation of their organs and/or their body tissue unless they have completed and submitted to the division of motor vehicles an organ donor declination card. All identification card recipients shall be notified of their right to decline to consent to organ and tissue donation in accordance with § 31-10.1-8. Only a "yes" or affirmative response will be noted. Information held by the division of motor vehicles regarding a person's automatic consent to donate shall constitute the "Rhode Island Donor Registry." This information will be made available to all federally designated organ procurement organizations and law enforcement organizations twenty-four (24) hours a day via a password protected Internet connection and will only be used to facilitate anatomical gifts in accordance with the Revised Uniform Anatomical Gift Act, chapter 18.6.1 of title 23.

(11) Signs shall be conspicuously posted in all division of motor vehicle branches, the

1 [American Automobile Association \(AAA\), or any other private agency authorized to issue](#)
2 [identification cards clearly reading that all persons applying for the identification card shall be](#)
3 [deemed to have given their consent to the donation of their organs and/or body tissue, unless they](#)
4 [have completed and submitted to the division of motor vehicles an organ donor declination card.](#)

5 (c)(1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or
6 photographic reproduction equipment that provides the same information as required by the book.
7 That licensee or the licensee's employee shall require any person who has shown a document as set
8 forth in this section substantiating his or her age to sign that book or to permit the taking of his or
9 her photograph and indicate what document was presented. Use of the photographic reproduction
10 equipment is voluntary for every Class A, B, C and D licensee.

11 (2) The sign-in-as-minor book and photographic reproduction equipment shall be
12 prescribed, published, and approved at the direction and control of the division. The book shall
13 contain at least four hundred (400) pages; shall be uniform throughout the state; and shall be
14 distributed at a cost not to exceed seven dollars (\$7.00).

15 (3) If a person whose age is in question signs the sign-in-as-minor book or has a photograph
16 taken before he or she is sold any alcoholic beverage and it is later determined that the person had
17 not reached his or her twenty-first (21st) birthday at the time of sale, it is considered prima facie
18 evidence that the licensee and/or the licensee's agent or servant acted in good faith in selling any
19 alcoholic beverage to the person producing the document as set forth in this section misrepresenting
20 his or her age.

21 (4) Proof of good-faith reliance on any misrepresentation is a defense to the prosecution of
22 the licensee and/or the licensee's agent or servant for an alleged violation of this section.

23 (d)(1) Any person who violates this section shall be punished for the first offense by a
24 mandatory fine of not less than one hundred dollars (\$100) nor more than five hundred dollars
25 (\$500) and shall be further punished by thirty (30) hours of community service and shall be further
26 punished by a suspension of his or her motor vehicle operator's license or driving privileges for a
27 period of thirty (30) days; for the second offense by a mandatory fine of not less than five hundred
28 dollars (\$500) nor more than seven hundred fifty dollars (\$750) and shall be further punished by
29 forty (40) hours of community service and will be further punished by a suspension of his or her
30 motor vehicle operator's license or driving privileges for a period of three (3) months; and for the
31 third and subsequent offenses by a mandatory fine for each offense of not less than seven hundred
32 fifty dollars (\$750) nor more than one thousand dollars (\$1,000) and shall be further punished by
33 fifty (50) hours of community service and will be further punished by a suspension of his or her
34 motor vehicle operator's license or driving privileges for a period of one year.

1 (2) Any suspension of an operator's license or driving privilege pursuant to this section
2 shall not operate to affect the insurance rating of the offender and any operator's license or driving
3 privilege suspended pursuant to this section shall be reinstated without further expense upon
4 application.

5 (e) Within thirty (30) days after this incident the police chief of the city or town where the
6 incident took place is directed to inform, in writing, the department of business regulation whether
7 or not charges in accordance with this section have been preferred against a person who has not
8 reached his or her twenty-first (21st) birthday and has violated this section. If no charge is brought
9 against any person who has not reached his or her twenty-first (21st) birthday and has violated the
10 provisions of this section, then the police chief of the city or town where the incident took place
11 will state the reason for his or her failure to charge the person who has not reached his or her twenty-
12 first (21st) birthday.

13 (f) The Rhode Island identification card may be withdrawn at any time for just cause, at
14 the discretion of the administrator of the division of motor vehicles. The administrator of the
15 division of motor vehicles shall keep a record of the cards issued and each card shall contain an
16 identification number specifically assigned to the person to whom the card was issued.

17 (g) Issuance of a Rhode Island identification card under this section to a current or past
18 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
19 program shall not confer the right to vote in the state of Rhode Island.

20 **3-8-6.1. Identification cards for persons under the age of 21.**

21 (a)(1) The administrator of the division of motor vehicles shall issue to any person upon
22 request, who is under twenty-one (21) years of age, an identification card upon payment of a fee of
23 twenty-five dollars (\$25.00), and, upon presentation of a certified birth or baptismal certificate, or
24 U.S. or foreign passport, or U.S. naturalization certificate, or a valid immigrant or refugee
25 document issued by the United States Citizenship and Immigration Services including, but not
26 limited to, any one of the following: Form I-551, Form I-94, Form I-688A, Form I-688, and a form
27 evidencing that the applicant is a current or past recipient of a grant of deferred action under the
28 Deferred Action for Childhood Arrivals program, together with a document bearing the applicant's
29 signature. No person who holds an operator's license, issued by this state or any other state, shall
30 be issued an identification card.

31 (2) The identification card shall be subject to renewal every five (5) years upon the payment
32 of a fee of twenty-five dollars (\$25.00).

33 (3) The identification card shall be signed by the administrator of the division of motor
34 vehicles and also by the applicant, and his or her picture shall appear on the card along with the

1 required information and the card shall be encased in laminated plastic. The card shall be two inches
2 (2") in height and four inches (4") in length and shall be printed in the following form:

3 IDENTIFICATION CARD

4 Date Issued No.....
5 First Name Middle Name Last Name
6
7 Address
8

9 BIRTH RECORD

10 Month.....Day.....Year

11 Secure Photo by Pasting here	Color of hair	Color of eyes	Sex	Ht	Wt.
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13	Issued by				
14	Administrator of the Division of Motor Vehicles				
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18	Administrator				

19 (4) The identification cards shall be produced at the adult correctional institution if they
20 have facilities to do so; if the adult correctional institutions have no facilities to do so, then all cards
21 shall be manufactured by the lowest responsible bidder following advertisement for the solicitation
22 of bids.

23 (5) The identification cards shall be clearly distinguishable from those issued pursuant to
24 § 3-8-6 and operators' and chauffeurs' licenses issued pursuant to title 31.

25 (b) The identification card may be withdrawn at any time for just cause, at the discretion
26 of the administrator of the division of motor vehicles. The administrator of the division of motor
27 vehicles shall keep a record of the cards issued and each card shall contain an identification number
28 specifically assigned to the person to whom the card was issued.

29 (c) The administrator of the division of motor vehicles shall, upon presentation of a United
30 States Department of Defense (DD) FORM 214 or other acceptable documentation of military
31 service and verification of an honorable discharge, issue an identification card to the presenter that
32 is clearly marked "veteran," at no additional cost.

33 (d) Issuance of a Rhode Island identification card under this section to a current or past
34 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)

1 program shall not confer the right to vote in the state of Rhode Island.

2 (e) Any person who obtains an identification card, issued pursuant to this section, shall be
3 deemed to have consented to the donation of their organs and/or their body tissue unless they have
4 completed and submitted to the division of motor vehicles an organ donor declination card. All
5 recipients of this identification card shall be informed of their right to decline to automatically
6 consent to their organ donation. Information held by the division of motor vehicles regarding a
7 person's automatic consent to donate shall constitute the "Rhode Island Donor Registry." This
8 information will be made available to all federally-designated organ procurement organizations and
9 law enforcement organizations twenty-four (24) hours a day via a password protected Internet
10 connection and will only be used to facilitate anatomical gifts in accordance with the Revised
11 Uniform Anatomical Gift Act, chapter 18.6.1 of title 23.

12 (f) Signs shall be conspicuously posted in all division of motor vehicle branches, the
13 American Automobile Association (AAA), or any other private agency authorized to issue
14 identification cards clearly stating that all persons applying for the identification card shall be
15 deemed to have given their consent to the donation of their organs and/or body tissue, unless they
16 have completed and submitted to the division of motor vehicles an organ donor declination card.

17 SECTION 2. Section 31-10-26.1 of the General Laws in Chapter 31-10 entitled "Operators'
18 and Chauffeurs' Licenses" is hereby amended to read as follows:

19 **31-10-26.1. Anatomical gifts by drivers.**

20 (a) The division of motor vehicles shall cause to be sent to each person applying for or
21 renewing a license, as provided for in § 31-10-26, a document containing a summary description
22 and explanation of the Revised Uniform Anatomical Gift Act, chapter 18.6.1 of title 23- as well
23 as a notice of their right to decline to automatically consent to the organ donation. All drivers'
24 license recipients shall be deemed to have consented to the donation of their organs and/or their
25 body tissue unless they have completed and submitted to the division of motor vehicles an organ
26 donor declination card.

27 (b) The division of motor vehicles may, on behalf of the state accept and deposit with the
28 general treasurer any grant, gift, or contribution made to assist in meeting the cost of carrying out
29 the purposes of this section and to expend the grant, gift, or contribution for those purposes.

30 (c) The division of motor vehicles may make and sign any agreements and may do and
31 perform any and all acts which may be necessary or desirable to carry out the purposes of this
32 section.

33 (d) The division of motor vehicles shall issue special licenses upon request of a licensee
34 which conform to the provisions of the Revised Uniform Anatomical Gift Act, chapter 18.6.1 of

1 title 23.

2 (e) Neither the administrator of the division of motor vehicles nor any employee of the
3 state shall be liable in any suit for damages as a result of his or her acts or omissions or for any
4 action under the provisions of this section.

5 (f) The division of motor vehicles shall cause to be posted in all of its customer service
6 locations a sign or other material ~~encouraging~~ informing persons ~~to make~~ about the benefits of
7 making anatomical gifts during the process of issuing and renewing licenses provided for in § 31-
8 10.1-1 and in accordance with the Revised Uniform Anatomical Gift Act, chapter 18.6.1 of title 23.

9 (g) The division of motor vehicles shall cause to be produced application forms and
10 renewal forms for driver's licenses and nonoperator identification cards that clearly ~~offer~~ notify
11 Rhode Island residents that they shall be deemed to have consented to the donation of their organs
12 and/or body tissue unless they have completed and submitted to the division of motor vehicles an
13 organ donor declination card. All driver's license applicants and non-operator identification card
14 recipients shall be notified of their right to decline to make an organ donation ~~the option to consent~~
15 ~~to organ and tissue donation in accordance with § 31-10.1-8. Only a "yes" or affirmative response~~
16 ~~will be noted.~~ Information held by the division of motor vehicles regarding a person's automatic
17 consent to donate shall constitute the "Rhode Island Donor Registry." This information will be
18 made available to all federally designated organ procurement organizations and law enforcement
19 organizations twenty-four (24) hours a day via a password protected Internet connection and will
20 only be used to facilitate anatomical gifts in accordance with the Revised Uniform Anatomical Gift
21 Act, chapter 23-18.6.1.

22 (h) Signs shall be posted in all division of motor vehicle branches, the American
23 Automobile Association (AAA), or any other private agency authorized to issue identification cards
24 clearly stating that all persons applying for the identification card shall be deemed to have given
25 their consent to the donation of their organs and/or body tissue, unless they have completed and
26 submitted to the division of motor vehicles an organ donor declination card.

27 ~~(h)~~(i) The division of motor vehicles shall develop by January 1, 2008 a method that
28 requires written consent and confirmation to allow residents of Rhode Island to have their names
29 accurately added to or deleted from the division's Rhode Island Donor Registry in the periods
30 between mandated driver's license renewals. Persons added to the Donor Registry in this manner
31 shall be considered as having made a document of gift.

32 SECTION 3. Section 31-10.1-8 of the General Laws in Chapter 31-10.1 entitled "Special
33 License for Motorcycles, Motor Scooters, and Other Motor Driven Cycles" is hereby amended to
34 read as follows:

1 **31-10.1-8. Anatomical gifts by operators.**

2 (a) The division of motor vehicles, in conjunction with the federally designated organ and
3 tissue procurement agency, shall develop and implement a program ~~encouraging and allowing for~~
4 ~~persons to make~~ promoting the making of anatomical gifts, during the process of issuing and
5 renewing licenses provided for in § 31-10.1-1. All persons who apply for or receive a Rhode Island
6 operator's license after January 1, 2022, shall be deemed to have consented to the donation of their
7 organs and/or their body tissue unless they have completed and submitted an organ declination
8 card. The division of motor vehicles shall give to all persons seeking the licenses, a document
9 containing a summary description and explanation of the Anatomical Gift Act, chapter 18.6 of title
10 23. Any person ~~wishing~~ declining to donate tissue or organs under the provisions of chapter 18.6
11 of title 23 shall be issued a donor declination card. ~~included in the Rhode Island Donor Registry as~~
12 ~~defined by § 31-10-26.1(g) and issued a driver's license or nonoperator's identification card bearing~~
13 ~~a notation or symbol indicating the person's consent to donate under the chapter and defining the~~
14 ~~term "qualified donee" as outlined in chapter 18.6 of title 23.~~ The division of motor vehicles, in
15 conjunction with the federally designated organ and tissue procurement agency, may on behalf of
16 the state, accept and deposit with the general treasurer any grant, gift or contribution made to assist
17 in meeting the cost of carrying out the purposes of this section, and may expend the funds for these
18 purposes.

19 (b) Signs shall be posted in all division of motor vehicle branches, the American
20 Automobile Association (AAA), or any other private agency authorized to issue identification cards
21 clearly stating that all persons applying for the identification card shall be deemed to have given
22 their consent to the donation of their organs and/or body tissue, unless they have completed and
23 submitted to the division of motor vehicles an organ donor declination card.

24 ~~(b)~~(c) Application for monies to support these purposes will be made to the general
25 treasurer by the division of motor vehicles, and/or the federally designated organ and tissue
26 procurement agency.

27 ~~(c)~~(d) The division of motor vehicles may make and sign any agreements and may do and
28 perform any and all acts necessary to carry out the purposes of this section.

29 SECTION 4. Chapter 23-18.6 of the General Laws entitled "Uniform Anatomical Gift Act"
30 is hereby amended by adding thereto the following section:

31 **23-18.6-2.6. Organ donor presumption.**

32 Notwithstanding any provision of the general, public laws or this chapter to the contrary,
33 effective January 1, 2022, any person possessing a motor vehicle operator's or chauffeur's license
34 or division of motor vehicles identification card shall be deemed to have consented to be an organ

1 [donor, unless they have completed and submitted an organ declination card.](#)

2 SECTION 5. This act shall take effect on January 1, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- ANATOMICAL GIFTS

1 This act would require that all applicants for driver's licenses and registry-issued
2 identification cards automatically become organ donors unless they execute a declination card. The
3 act would also require that notices be clearly and conspicuously posted which inform affected
4 persons that they are deemed to consent to the organ and tissue donation unless they sign a card to
5 the contrary.

6 This act would take effect on January 1, 2022.

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