AN ACT
MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2022

Introduced By: Representative Marvin L. Abney
Date Introduced: March 11, 2021
Referred To: House Finance

It is enacted by the General Assembly as follows:

1. ARTICLE 1 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2022
2. ARTICLE 2 RELATING TO STATE FUNDS
3. ARTICLE 3 RELATING TO GOVERNMENT REFORM AND REORGANIZATION
4. ARTICLE 4 RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS
5. ARTICLE 5 RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM TAXES
6. ARTICLE 6 RELATING TO FEES
7. ARTICLE 7 RELATING TO THE ENVIRONMENT
8. ARTICLE 8 RELATING TO PUBLIC UTILITIES AND CARRIERS
9. ARTICLE 9 RELATING TO ECONOMIC DEVELOPMENT
10. ARTICLE 10 RELATING TO FISHING INDUSTRY MODERNIZATION
11. ARTICLE 11 RELATING TO ADULT USE MARIJUANA
12. ARTICLE 12 RELATING TO MEDICAL ASSISTANCE
13. ARTICLE 13 RELATING TO HUMAN SERVICES
14. ARTICLE 14 RELATING TO HOSPITAL UNCOMPENSATED CARE
15. ARTICLE 15 RELATING TO HEALTHCARE REFORM
16. ARTICLE 16 RELATING TO HOUSING
17. ARTICLE 17 RELATING TO EFFECTIVE DATE
ARTICLE 1

RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2022

SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained in this act, the following general revenue amounts are hereby appropriated out of any money in the treasury not otherwise appropriated to be expended during the fiscal year ending June 30, 2022. The amounts identified for federal funds and restricted receipts shall be made available pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the purposes and functions hereinafter mentioned, the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums or such portions thereof as may be required from time to time upon receipt by him or her of properly authenticated vouchers.

Administration

Central Management

General Revenues 2,569,679
Federal Funds 126,594,669
Total – Central Management 129,164,348

Legal Services

General Revenues 2,262,149

Accounts and Control

General Revenues 4,358,896
Restricted Receipts – OPEB Board Administration 137,697
Restricted Receipts – Grants Management System Administration 330,912
Total – Accounts and Control 4,827,505

Office of Management and Budget

General Revenues 8,076,487
Federal Funds 224,755
Restricted Receipts 300,000
Other Funds 1,117,615
Total – Office of Management and Budget 9,718,857

Purchasing

General Revenues 3,350,393
Restricted Receipts 298,059
Other Funds 497,386
Total – Purchasing 4,145,838

Human Resources
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<th>Description</th>
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<td>Miscellaneous Grants/Payments</td>
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<td>Provided that this amount be allocated to City Year for the Whole School Whole Child</td>
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<td>Program, which provides individualized support to at-risk students.</td>
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<td>Torts – Courts/Awards</td>
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<td>BHDDH DD &amp; Community Homes – Fire Code</td>
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<td>BHDDH DD Regional Facilities – Asset Protection</td>
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<td>Old State House</td>
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<td>State Office Reorganization &amp; Relocation</td>
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<td>Chapin Health Laboratory</td>
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<td>Arrigan Center</td>
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<td>Dunkin Donuts Center</td>
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<td>34</td>
<td>Pastore Center Building Demolition</td>
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<td>Veterans Auditorium</td>
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<td><strong>Debt Service Payments</strong></td>
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<td>Out of the general revenue appropriations for debt service, the General Treasurer is authorized to make payments for the I-195 Redevelopment District Commission loan up to the maximum debt service due in accordance with the loan agreement.</td>
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<td>Savings for Voluntary Retirement Incentive</td>
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<td>Business Regulation</td>
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<td><em>Commercial Licensing and Gaming and Athletics Licensing</em></td>
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<td>22</td>
<td>Sixty percent (60%) of the first $1,000,000 appropriated for airport impact aid shall be distributed to each airport serving more than 1,000,000 passengers based upon its percentage of the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent (40%) of the first $1,000,000 shall be distributed based on the share of landings during calendar year 2020 at North Central Airport, Newport-Middletown Airport, Block Island Airport, Quonset Airport, T.F. Green Airport and Westerly Airport, respectively. The Rhode Island Commerce Corporation shall make an impact payment to the towns or cities in which the airport is located based on this calculation. Each community upon which any part of the above airports is located shall receive at least $25,000.</td>
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<td><strong>Total – Quasi–Public Appropriations</strong></td>
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<td>Provided that notwithstanding any other provision of law, the appropriations for Distressed Communities Relief Fund, Payment in Lieu of Tax Exempt Properties, and Motor Vehicle Excise Tax Payments shall not exceed the amounts set forth above and shall be allocated to municipalities in the amounts already distributed as of the date of budget enactment, except for fire districts and the Town of Exeter which shall receive an allocation pursuant to chapter 44-34.1.</td>
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<td>Elections and Civics</td>
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<td>Provided that $125,000 be allocated to support the Rhode Island Historical Society pursuant to Rhode Island General Law, Section 29-2-1 and $18,000 be allocated to support the Newport Historical Society, pursuant to Rhode Island General Law, Section 29-2-2.</td>
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<td>21</td>
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<td>9</td>
<td>Total – Medical Assistance</td>
<td>2,849,687,147</td>
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<tr>
<td>10</td>
<td>Grand Total – Office of Health and Human Services</td>
<td>3,035,864,147</td>
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<td>11</td>
<td>Children, Youth, and Families</td>
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<tr>
<td>12</td>
<td>Central Management</td>
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</tr>
<tr>
<td>13</td>
<td>General Revenues</td>
<td>11,863,775</td>
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<td>14</td>
<td>Federal Funds</td>
<td>3,596,426</td>
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<td>15</td>
<td>Total – Central Management</td>
<td>15,460,201</td>
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<td>16</td>
<td>Children's Behavioral Health Services</td>
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<tr>
<td>17</td>
<td>General Revenues</td>
<td>6,358,192</td>
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<td>18</td>
<td>Federal Funds</td>
<td>6,718,331</td>
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<td>19</td>
<td>Total – Children's Behavioral Health Services</td>
<td>13,076,523</td>
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<tr>
<td>20</td>
<td>Juvenile Correction Services</td>
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<td>21</td>
<td>General Revenues</td>
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<td>22</td>
<td>Federal Funds</td>
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<td>23</td>
<td>Other Funds</td>
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</tr>
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<td>24</td>
<td>Rhode Island Capital Plan Funds</td>
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</tr>
<tr>
<td>25</td>
<td>Training School Asset Protection</td>
<td>250,000</td>
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<td>26</td>
<td>Total – Juvenile Correction Services</td>
<td>21,870,562</td>
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<tr>
<td>27</td>
<td>Child Welfare</td>
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<td>28</td>
<td>General Revenues</td>
<td>143,660,017</td>
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<td>29</td>
<td>Federal Funds</td>
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<td>30</td>
<td>Restricted Receipts</td>
<td>1,487,111</td>
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<td>31</td>
<td>Total – Child Welfare</td>
<td>213,917,545</td>
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<td>32</td>
<td>Higher Education Incentive Grants</td>
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<tr>
<td>33</td>
<td>General Revenues</td>
<td>200,000</td>
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<tr>
<td>34</td>
<td>Grand Total – Children, Youth, and Families</td>
<td>264,524,831</td>
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<tr>
<td>Health</td>
<td>Central Management</td>
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<tr>
<td></td>
<td>General Revenues</td>
<td>$3,639,905</td>
</tr>
<tr>
<td></td>
<td>Federal Funds</td>
<td>$4,631,858</td>
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<tr>
<td></td>
<td>Restricted Receipts</td>
<td>$10,667,820</td>
</tr>
<tr>
<td>Provided that the disbursement of any indirect cost recoveries on federal grants budgeted in this line item that are derived from grants authorized under The Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123); The Families First Coronavirus Response Act (P.L. 116-127); The Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136); The Paycheck Protection Program and Health Care Enhancement Act (P.L. 116-139); and the Consolidated Appropriations Act, 2021 (P.L. 116-260), are hereby subject to the review and prior approval of the Director of Management and Budget. No obligation or expenditure of these funds shall take place without such approval.</td>
<td></td>
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<tr>
<td>Total – Central Management</td>
<td>$18,939,583</td>
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<table>
<thead>
<tr>
<th>Health</th>
<th>Community Health and Equity</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General Revenues</td>
<td>$1,349,812</td>
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<td></td>
<td>Federal Funds</td>
<td>$70,929,222</td>
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<td>Restricted Receipts</td>
<td>$39,122,956</td>
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<td>Total – Community Health and Equity</td>
<td>$111,401,990</td>
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<thead>
<tr>
<th>Health</th>
<th>Environmental Health</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>General Revenues</td>
<td>$5,821,112</td>
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<td>Federal Funds</td>
<td>$7,382,886</td>
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<td>Restricted Receipts</td>
<td>$738,436</td>
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<td>Total – Environmental Health</td>
<td>$13,942,434</td>
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<table>
<thead>
<tr>
<th>Health</th>
<th>Health Laboratories and Medical Examiner</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General Revenues</td>
<td>$8,732,571</td>
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<td></td>
<td>Federal Funds</td>
<td>$2,878,489</td>
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<td></td>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Health Laboratories &amp; Medical Examiner Equipment</td>
<td>$600,000</td>
</tr>
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<td>Total – Health Laboratories and Medical Examiner</td>
<td>$12,211,060</td>
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<table>
<thead>
<tr>
<th>Health</th>
<th>Customer Services</th>
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<tbody>
<tr>
<td></td>
<td>General Revenues</td>
<td>$7,938,355</td>
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<td></td>
<td>Federal Funds</td>
<td>$5,158,613</td>
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<td></td>
<td>Restricted Receipts</td>
<td>Total – Customer Services</td>
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<tr>
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<td>--------------------------</td>
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<tr>
<td>1</td>
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<td>3,918,969</td>
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<tr>
<td>2</td>
<td><strong>Policy, Information and Communications</strong></td>
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</tr>
<tr>
<td>3</td>
<td>General Revenues</td>
<td>1,148,479</td>
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<td>4</td>
<td>Federal Funds</td>
<td>2,934,574</td>
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<td>5</td>
<td>Restricted Receipts</td>
<td>1,103,113</td>
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<td>6</td>
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<td>17,015,937</td>
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<td>7</td>
<td>Total – Policy, Information and Communications</td>
<td>5,186,166</td>
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<td>8</td>
<td><strong>Preparedness, Response, Infectious Disease &amp; Emergency Services</strong></td>
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<td>9</td>
<td>General Revenues</td>
<td>1,952,521</td>
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<td>10</td>
<td>Federal Funds</td>
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<td>11</td>
<td>Federal Funds</td>
<td>22,016,363</td>
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<td>12</td>
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<td>23,968,884</td>
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<td>13</td>
<td><strong>COVID-19</strong></td>
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<tr>
<td>14</td>
<td>Federal Funds</td>
<td>161,721,718</td>
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<td>15</td>
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<td>364,387,772</td>
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<td>16</td>
<td><strong>Human Services</strong></td>
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</tr>
<tr>
<td>17</td>
<td><strong>Central Management</strong></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>General Revenues</td>
<td>4,812,620</td>
</tr>
<tr>
<td>19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Of this amount, $300,000 is to support the Domestic Violence Prevention Fund to provide</td>
<td>direct services through the Coalition Against Domestic Violence, $250,000 to support Project</td>
</tr>
<tr>
<td>21</td>
<td></td>
<td>$217,000 is for outreach and</td>
</tr>
<tr>
<td>22</td>
<td></td>
<td>supportive services through Day One, $350,000 is for food collection and distribution through the</td>
</tr>
<tr>
<td>23</td>
<td></td>
<td>Rhode Island Community Food Bank. $500,000 for services provided to the homeless at Crossroads</td>
</tr>
<tr>
<td>24</td>
<td></td>
<td>Rhode Island, $600,000 for the Community Action Fund and $200,000 is for the Institute for the</td>
</tr>
<tr>
<td>25</td>
<td></td>
<td>Study and Practice of Nonviolence’s Reduction Strategy.</td>
</tr>
<tr>
<td>26</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Federal Funds</td>
<td>6,702,756</td>
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<tr>
<td>28</td>
<td>Restricted Receipts</td>
<td>150,000</td>
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<td>29</td>
<td>Total – Central Management</td>
<td>11,665,376</td>
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<tr>
<td>30</td>
<td><strong>Child Support Enforcement</strong></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>General Revenues</td>
<td>3,139,814</td>
</tr>
<tr>
<td>32</td>
<td>Federal Funds</td>
<td>8,889,388</td>
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<td>33</td>
<td>Restricted Receipts</td>
<td>4,100,000</td>
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<td>34</td>
<td>Total – Child Support Enforcement</td>
<td>16,129,202</td>
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### Individual and Family Support

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Revenues</td>
<td>39,321,694</td>
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<tr>
<td>Federal Funds</td>
<td>115,832,374</td>
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<tr>
<td>Restricted Receipts</td>
<td>255,255</td>
</tr>
<tr>
<td>Other Funds</td>
<td></td>
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<tr>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
</tr>
<tr>
<td>Blind Vending Facilities</td>
<td>165,000</td>
</tr>
<tr>
<td>Total – Individual and Family Support</td>
<td>155,574,323</td>
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### Office of Veterans Services

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td>29,371,663</td>
</tr>
<tr>
<td>Of this amount, $200,000 is to provide support services through Veterans’ organizations.</td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>11,625,281</td>
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<tr>
<td>Restricted Receipts</td>
<td>1,571,061</td>
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<tr>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
</tr>
<tr>
<td>Veterans Home Asset Protection</td>
<td>350,000</td>
</tr>
<tr>
<td>Veterans Memorial Cemetery</td>
<td>380,000</td>
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<tr>
<td>Total – Office of Veterans Services</td>
<td>43,298,005</td>
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### Health Care Eligibility

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Revenues</td>
<td>8,165,760</td>
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<td>Federal Funds</td>
<td>13,277,285</td>
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<td>Total – Health Care Eligibility</td>
<td>21,443,045</td>
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### Supplemental Security Income Program

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td>18,487,253</td>
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### Rhode Island Works

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Revenues</td>
<td>8,876,786</td>
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<tr>
<td>Federal Funds</td>
<td>82,199,093</td>
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<tr>
<td>Total – Rhode Island Works</td>
<td>91,075,879</td>
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### Other Programs

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td>882,000</td>
</tr>
<tr>
<td>Of this appropriation, $90,000 shall be used for hardship contingency payments.</td>
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</tr>
<tr>
<td>Federal Funds</td>
<td>254,157,901</td>
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<tr>
<td>Restricted Receipts</td>
<td>8,000</td>
</tr>
<tr>
<td>Total – Other Programs</td>
<td>255,047,901</td>
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</table>
### Office of Healthy Aging

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td>11,684,726</td>
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<tr>
<td>Federal Funds</td>
<td>16,913,728</td>
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<tr>
<td>Restricted Receipts</td>
<td>106,161</td>
</tr>
<tr>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td>Intermodal Surface Transportation Fund</td>
<td>4,428,478</td>
</tr>
<tr>
<td>Total – Office of Healthy Aging</td>
<td>33,133,093</td>
</tr>
<tr>
<td>Grand Total – Human Services</td>
<td>645,854,077</td>
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</tbody>
</table>

Of this amount, $325,000 is to provide elder services, including respite, through the Diocese of Providence, $40,000 for ombudsman services provided by the Alliance for Long Term Care in accordance with Rhode Island General Laws, Chapter 42-66.7, $85,000 for security for housing for the elderly in accordance with Rhode Island General Law, Section 42-66.1-3, $800,000 for Senior Services Support and $580,000 for elderly nutrition, of which $530,000 is for Meals on Wheels.

### Central Management

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td>5,449,516</td>
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<tr>
<td>Federal Funds</td>
<td>1,688,290</td>
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<td>Total – Central Management</td>
<td>7,137,806</td>
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### Hospital and Community System Support

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Revenues</td>
<td>3,436,958</td>
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<tr>
<td>Federal Funds</td>
<td>9,899</td>
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<tr>
<td>Restricted Receipts</td>
<td>(280,409)</td>
</tr>
<tr>
<td>Total – Hospital and Community System Support</td>
<td>3,166,448</td>
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### Services for the Developmentally Disabled

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Revenues</td>
<td>131,509,888</td>
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</tbody>
</table>

Of this general revenue funding, $10.0 million shall be expended to improve the quality of, and access to, integrated community day and employment support programs for individuals with intellectual and developmental disabilities. Funds shall be dedicated to a transformation and transition fund to help providers strengthen their operating and service delivery models and/or to give providers access to tools and technology that support consumers’ needs for living meaningful lives of their choosing in the community; allow providers the opportunity to participate in an outcome-based payment methodology that will link payments to quality benchmarks and performance standards; reducing administrative burdens for providers; and investments in state
infrastructure to implement and manage these initiatives, support substantial compliance with the consent decree, and prepare for inclusion of the I/DD population in the caseload estimating conference. All disbursements from this investment must be approved by the Office of Management and Budget and the Executive Office of Health and Human Services; approval will be based upon a review of final program details and evidence of a clear connection between spending and long-term system transformation goals to be provided by Behavioral Healthcare, Developmental Disabilities and Hospitals. All unexpended or unencumbered balances of this fund, at the end of any fiscal year, shall be reappropriated to the ensuing fiscal year and made immediately available for the same purposes.

Federal Funds 162,482,756

Of this federal funding, $5.0 million shall be expended to improve the quality of, and access to, integrated community day and employment support programs for individuals with intellectual and developmental disabilities. Funds shall be dedicated to a transformation and transition fund to help providers strengthen their operating and service delivery models and/or to give providers access to tools and technology that support consumers’ needs for living meaningful lives of their choosing in the community; allow providers the opportunity to participate in an outcome-based payment methodology that will link payments to quality benchmarks and performance standards; reducing administrative burdens for providers; and investments in state infrastructure to implement and manage these initiatives, support substantial compliance with the consent decree, and prepare for inclusion of the I/DD population in the caseload estimating conference. All disbursements from this investment must be approved by the Office of Management and Budget and the Executive Office of Health and Human Services; approval will be based upon a review of final program details and evidence of a clear connection between spending and long-term system transformation goals to be provided by Behavioral Healthcare, Developmental Disabilities and Hospitals. All unexpended or unencumbered balances of this fund, at the end of any fiscal year, shall be reappropriated to the ensuing fiscal year and made immediately available for the same purposes.

Restricted Receipts 336,275

Other Funds

Rhode Island Capital Plan Funds

DD Residential Development 100,000

Total – Services for the Developmentally Disabled 294,428,919

Behavioral Healthcare Services

General Revenues 2,245,753

Federal Funds 28,711,299
<table>
<thead>
<tr>
<th></th>
<th>Restricted Receipts</th>
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<tbody>
<tr>
<td></td>
<td>Total – Behavioral Healthcare Services</td>
<td>33,140,386</td>
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<tr>
<td></td>
<td><em>Hospital and Community Rehabilitative Services</em></td>
<td></td>
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<tr>
<td></td>
<td>General Revenues</td>
<td>77,704,398</td>
</tr>
<tr>
<td></td>
<td>Of this appropriation, funds may be used to support patient centered care provided in an appropriate setting.</td>
<td></td>
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<tr>
<td></td>
<td>Restricted Receipts</td>
<td>9,750</td>
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<td>Other Funds</td>
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</tr>
<tr>
<td></td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hospital Equipment</td>
<td>300,000</td>
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<tr>
<td></td>
<td>Total - Hospital and Community Rehabilitative Services</td>
<td>78,014,148</td>
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<tr>
<td></td>
<td>Grand Total – Behavioral Healthcare, Developmental Disabilities, and Hospitals</td>
<td>415,887,707</td>
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<td><em>Office of the Child Advocate</em></td>
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<tr>
<td></td>
<td>General Revenues</td>
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<td></td>
<td>Federal Funds</td>
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<td></td>
<td>Grand Total – Office of the Child Advocate</td>
<td>1,179,668</td>
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<td></td>
<td><em>Commission on the Deaf and Hard of Hearing</em></td>
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</tr>
<tr>
<td></td>
<td>General Revenues</td>
<td>612,440</td>
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<tr>
<td></td>
<td>Restricted Receipts</td>
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<tr>
<td></td>
<td>Grand Total – Comm. On Deaf and Hard of Hearing</td>
<td>775,242</td>
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<td></td>
<td>Governor’s Commission on Disabilities</td>
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</tr>
<tr>
<td></td>
<td>General Revenues</td>
<td>576,411</td>
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<tr>
<td></td>
<td>General Revenues</td>
<td>507,850</td>
</tr>
<tr>
<td></td>
<td>Provided that this will be used for home modification and accessibility enhancements to construct, retrofit, and/or renovate residences to allow individuals to remain in community settings.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>This will be in consultation with the Executive Office of Health and Human Services.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Federal Funds</td>
<td>380,316</td>
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<td>Restricted Receipts</td>
<td>59,455</td>
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<td>Total – Governor’s Commission on Disabilities</td>
<td>1,524,032</td>
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<tr>
<td></td>
<td>Office of the Mental Health Advocate</td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Revenues</td>
<td>646,303</td>
</tr>
</tbody>
</table>
Elementary and Secondary Education

**Administration of the Comprehensive Education Strategy**

- **General Revenues**: 23,407,506

  Provided that $90,000 be allocated to support the hospital school at Hasbro Children’s Hospital pursuant to Rhode Island General Law, Section 16-7-20 and that $395,000 be allocated to support child opportunity zones through agreements with the Department of Elementary and Secondary Education to strengthen education, health and social services for students and their families as a strategy to accelerate student achievement.

- **Federal Funds**: 233,440,010

**Davies Career and Technical School**

- **General Revenues**: 14,437,904

**RI School for the Deaf**

- **General Revenues**: 7,242,627

**Metropolitan Career and Technical School**

- **General Revenues**: 9,342,007
Other Funds

Rhode Island Capital Plan Funds

MET School Asset Protection 250,000

Total – Metropolitan Career and Technical School 9,592,007

Education Aid

General Revenues 1,022,047,297

Provided that the criteria for the allocation of early childhood funds shall prioritize prekindergarten seats and classrooms for four-year-olds whose family income is at or below one hundred eighty-five percent (185%) of federal poverty guidelines and who reside in communities with higher concentrations of low performing schools.

Restricted Receipts 36,146,758

Other Funds

Permanent School Fund 300,000

Total – Education Aid 1,058,494,055

Central Falls School District

General Revenues 47,702,746

School Construction Aid

General Revenues

School Housing Aid 79,409,186

School Building Authority Capital Fund 590,814

Total – School Construction Aid 80,000,000

Teachers’ Retirement

General Revenues 123,916,166

Grand Total – Elementary and Secondary Education 1,612,616,376

Public Higher Education

Office of Postsecondary Commissioner

General Revenues 17,339,410

Provided that $355,000 shall be allocated to the Rhode Island College Crusade pursuant to the Rhode Island General Law, Section 16-70-5 and that $75,000 shall be allocated to Best Buddies Rhode Island to support its programs for children with developmental and intellectual disabilities. It is also provided that $7,680,838 shall be allocated to the Rhode Island Promise Scholarship program and $147,000 shall be used to support Rhode Island’s membership in the New England Board of Higher Education.

Federal Funds
Federal Funds 6,780,470
Guaranty Agency Administration 400,000

Provided that an amount equivalent to not more than ten (10) percent of the guaranty agency operating fund appropriated for direct scholarship and grants in fiscal year 2022 shall be appropriated for guaranty agency administration in fiscal year 2022. This limitation notwithstanding, final appropriations for fiscal year 2022 for guaranty agency administration may also include any residual monies collected during fiscal year 2022 that relate to guaranty agency operations, in excess of the foregoing limitation.

Guaranty Agency Operating Fund – Scholarships & Grants 4,000,000

Restricted Receipts 3,485,642

Other Funds

Tuition Savings Program – Dual Enrollment 2,300,000
Tuition Savings Program – Scholarships and Grants 5,595,000
Nursing Education Center – Operating 2,589,674
Rhode Island Capital Plan Funds
Higher Education Centers 1,932,500

Provided that the state fund no more than 50.0 percent of the total project cost.

Total – Office of Postsecondary Commissioner 44,422,696

University of Rhode Island

General Revenues 83,827,615

Provided that in order to leverage federal funding and support economic development, $350,000 shall be allocated to the Small Business Development Center and that $50,000 shall be allocated to Special Olympics Rhode Island to support its mission of opportunities for individuals with intellectual and developmental disabilities, providing athletic opportunities for individuals with intellectual and developmental disabilities.

Debt Service 29,837,239
RI State Forensics Laboratory 1,317,901

Other Funds

University and College Funds 685,449,813
Debt – Dining Services 979,827
Debt – Education and General 4,833,788
Debt – Health Services 119,246
Debt – Housing Loan Funds 12,771,303
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Debt – Memorial Union</td>
<td>322,507</td>
</tr>
<tr>
<td>2</td>
<td>Debt – Ryan Center</td>
<td>2,734,158</td>
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<tr>
<td>3</td>
<td>Debt – Parking Authority</td>
<td>1,311,087</td>
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<tr>
<td>4</td>
<td>Debt – Restricted Energy Conservation</td>
<td>530,994</td>
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<tr>
<td>5</td>
<td>Debt – URI Energy Conservation</td>
<td>2,039,606</td>
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<td>6</td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
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<tr>
<td>7</td>
<td>Asset Protection</td>
<td>9,900,000</td>
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<td>8</td>
<td>Total – University of Rhode Island</td>
<td>835,975,084</td>
</tr>
<tr>
<td>9</td>
<td>Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2022 relating to the University of Rhode Island are hereby reappropriated to fiscal year 2023.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td><em>Rhode Island College</em></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>General Revenues</td>
<td></td>
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<tr>
<td>13</td>
<td>General Revenues</td>
<td>52,208,155</td>
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<tr>
<td>14</td>
<td>Debt Service</td>
<td>6,024,998</td>
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<td>15</td>
<td>Other Funds</td>
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<td>16</td>
<td>University and College Funds</td>
<td>113,860,455</td>
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<td>17</td>
<td>Debt – Education and General</td>
<td>881,355</td>
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<td>18</td>
<td>Debt – Housing</td>
<td>366,667</td>
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<tr>
<td>19</td>
<td>Debt – Student Center and Dining</td>
<td>155,000</td>
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<tr>
<td>20</td>
<td>Debt – Student Union</td>
<td>208,800</td>
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<td>21</td>
<td>Debt – G.O. Debt Service</td>
<td>1,642,434</td>
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<td>22</td>
<td>Debt – Energy Conservation</td>
<td>674,475</td>
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<td>23</td>
<td>Rhode Island Capital Plan Funds</td>
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<tr>
<td>24</td>
<td>Asset Protection</td>
<td>4,733,000</td>
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<tr>
<td>25</td>
<td>Infrastructure Modernization</td>
<td>4,550,000</td>
</tr>
<tr>
<td>26</td>
<td>Total – Rhode Island College</td>
<td>185,305,339</td>
</tr>
<tr>
<td>27</td>
<td>Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2022 relating to Rhode Island College are hereby reappropriated to fiscal year 2023.</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td></td>
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</tr>
<tr>
<td>29</td>
<td><em>Community College of Rhode Island</em></td>
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<tr>
<td>30</td>
<td>General Revenues</td>
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<td>31</td>
<td>Debt Service</td>
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<td>1</td>
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<td>2</td>
<td>Restricted Receipts</td>
<td>660,191</td>
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<td>3</td>
<td>Other Funds</td>
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<tr>
<td>4</td>
<td>University and College Funds</td>
<td>99,556,679</td>
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<td>5</td>
<td>Rhode Island Capital Plan Funds</td>
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<tr>
<td>6</td>
<td>Asset Protection</td>
<td>3,037,615</td>
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<tr>
<td>7</td>
<td>Knight Campus Renewal</td>
<td>2,750,000</td>
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<td>8</td>
<td>Knight Campus Lab Renovation</td>
<td>887,902</td>
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<td>9</td>
<td>Data, Cabling, and Power Infrastructure</td>
<td>1,500,000</td>
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<tr>
<td>10</td>
<td>Flanagan Campus Renovation and Modernization</td>
<td>2,000,000</td>
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<td>11</td>
<td>Total – Community College of RI</td>
<td>169,167,430</td>
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<td>12</td>
<td>Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2022 relating to the Community College of Rhode Island are hereby reappropriated to fiscal year 2023.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Grand Total – Public Higher Education</td>
<td>1,234,870,549</td>
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<tr>
<td>14</td>
<td>RI State Council on the Arts</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>General Revenues</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Operating Support</td>
<td>873,105</td>
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<tr>
<td>17</td>
<td>Grants</td>
<td>1,215,000</td>
</tr>
<tr>
<td>18</td>
<td>Provided that $375,000 be provided to support the operational costs of WaterFire Providence art installations.</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Federal Funds</td>
<td>1,164,562</td>
</tr>
<tr>
<td>20</td>
<td>Restricted Receipts</td>
<td>70,000</td>
</tr>
<tr>
<td>21</td>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Art for Public Facilities</td>
<td>495,000</td>
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<tr>
<td>23</td>
<td>Grand Total – RI State Council on the Arts</td>
<td>3,817,667</td>
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<tr>
<td>24</td>
<td>RI Atomic Energy Commission</td>
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<tr>
<td>25</td>
<td>General Revenues</td>
<td>1,068,650</td>
</tr>
<tr>
<td>26</td>
<td>Restricted Receipts</td>
<td>25,036</td>
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<tr>
<td>27</td>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>URI Sponsored Research</td>
<td>331,367</td>
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<td>29</td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
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<tr>
<td>30</td>
<td>RINSC Asset Protection</td>
<td>50,000</td>
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<tr>
<td>31</td>
<td>Grand Total – RI Atomic Energy Commission</td>
<td>1,475,053</td>
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RI Historical Preservation and Heritage Commission

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td>1,562,034</td>
</tr>
<tr>
<td>Provided that $30,000 support the operational costs of the Fort Adams Trust’s restoration activities.</td>
<td></td>
</tr>
<tr>
<td>Federal Funds</td>
<td>715,112</td>
</tr>
<tr>
<td>Restricted Receipts</td>
<td>424,100</td>
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<td>Other Funds</td>
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<tr>
<td>RIDOT Project Review</td>
<td>150,379</td>
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<tr>
<td>Grand Total – RI Historical Preservation and Heritage Comm.</td>
<td>2,851,625</td>
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Attorney General

Criminal

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Revenues</td>
<td>17,785,954</td>
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<tr>
<td>Federal Funds</td>
<td>2,524,560</td>
</tr>
<tr>
<td>Restricted Receipts</td>
<td>204,734</td>
</tr>
<tr>
<td>Total – Criminal</td>
<td>20,515,248</td>
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Civil

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Revenues</td>
<td>6,100,480</td>
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<tr>
<td>Restricted Receipts</td>
<td>766,603</td>
</tr>
<tr>
<td>Total – Civil</td>
<td>6,867,083</td>
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Bureau of Criminal Identification

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>General Revenues</td>
<td>1,836,927</td>
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<tr>
<td>Restricted Receipts</td>
<td>1,005,774</td>
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<td>Total – Bureau of Criminal Identification</td>
<td>2,842,701</td>
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General

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>General Revenues</td>
<td>4,161,573</td>
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<tr>
<td>Other Funds</td>
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<tr>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
</tr>
<tr>
<td>Building Renovations and Repairs</td>
<td>150,000</td>
</tr>
<tr>
<td>Total – General</td>
<td>4,311,573</td>
</tr>
<tr>
<td>Grand Total – Attorney General</td>
<td>34,536,605</td>
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Corrections

Central Management

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Revenues</td>
<td>15,762,495</td>
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Parole Board
<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
<th>Federal Funds</th>
<th>Total – Parole Board</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>1,402,115</td>
<td>77,534</td>
<td>1,479,649</td>
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</table>

**Custody and Security**

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
<th>Federal Funds</th>
<th>Total – Custody and Security</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>138,715,578</td>
<td>1,044,858</td>
<td>139,760,436</td>
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</table>

**Institutional Support**

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
<th>Other Funds</th>
<th>Rhode Island Capital Plan Funds</th>
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</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>21,580,243</td>
<td>5,125,000</td>
<td>26,705,243</td>
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</table>

**Institutional Based Rehab/Population Management**

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
<th>Federal Funds</th>
<th>Restricted Receipts</th>
<th>Total – Institutional Based Rehab/Population Mgt.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>11,163,869</td>
<td>832,927</td>
<td>49,600</td>
<td>12,046,396</td>
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</table>

**Healthcare Services**

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>25,847,217</td>
<td></td>
</tr>
</tbody>
</table>

Provided that $1,050,000 be allocated to Crossroads Rhode Island for sex offender discharge planning.

Of this general revenue funding, $750,000 shall be expended to expand access to behavioral healthcare for individuals with severe and persistent mental illnesses incarcerated at the Adult Correctional Institutions. Funds shall be dedicated to planning for and, as practicable, creation of a Transitional Care Unit to provide robust behavioral healthcare to individuals in this population whose needs do not rise to the level of requiring care at the existing Residential Treatment Unit at the High Security facility but who nonetheless would require or benefit from a level of care beyond that which is delivered to the general population. All disbursements from this fund must occur in pursuit of collaborative development by the Department of Corrections, the Office of the Governor, and the Office of management and Budget of a final approved long-term strategy for meeting the needs of the severely and persistently mentally ill population, or in furtherance of the needs and goals identified in the final approved long-term strategy, potentially including but not limited to creation of a Transitional Care Unit and expansion of programming. All unexpended or
unencumbered balances of this fund, at the end of any fiscal year, shall be reappropriated to the
ensuing fiscal year and made immediately available for the same purposes.

Federal Funds 193,103
Restricted Receipts 2,274,537
Total – Healthcare Services 28,314,857

Community Corrections
General Revenues 18,643,969
Federal Funds 97,867
Restricted Receipts 14,883
Total – Community Corrections 18,756,719

Grand Total – Corrections 242,825,795

Judiciary
Supreme Court
General Revenues
General Revenues 30,307,546
Provided however, that no more than $1,435,110 in combined total shall be offset to the
Public Defender’s Office, the Attorney General’s Office, the Department of Corrections, the
Department of Children, Youth, and Families, and the Department of Public Safety for square-
footage occupancy costs in public courthouses and further provided that $230,000 be allocated to
the Rhode Island Coalition Against Domestic Violence for the domestic abuse court advocacy
project pursuant to Rhode Island General Law, Section 12-29-7 and that $90,000 be allocated to
Rhode Island Legal Services, Inc. to provide housing and eviction defense to indigent individuals.

Defense of Indigents 5,075,432
Federal Funds 137,603
Restricted Receipts 3,860,637
Other Funds
Rhode Island Capital Plan Funds
Garrahy Courtroom Restoration 250,000
Murray Courtroom Restoration 700,000
Judicial Complexes – HVAC 1,000,000
Judicial Complexes Asset Protection 1,500,000
Judicial Complexes Fan Coil Unit Replacements 750,000
Licht Judicial Complex Restoration 750,000
Total - Supreme Court 44,331,218
<table>
<thead>
<tr>
<th></th>
<th>Judicial Tenure and Discipline</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>General Revenues</td>
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<td>3</td>
<td><strong>Superior Court</strong></td>
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<tr>
<td>4</td>
<td>General Revenues</td>
<td>25,094,424</td>
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<tr>
<td>5</td>
<td>Federal Funds</td>
<td>111,542</td>
</tr>
<tr>
<td>6</td>
<td>Restricted Receipts</td>
<td>407,207</td>
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<tr>
<td>7</td>
<td>Total – Superior Court</td>
<td>25,613,173</td>
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<tr>
<td>8</td>
<td><strong>Family Court</strong></td>
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</tr>
<tr>
<td>9</td>
<td>General Revenues</td>
<td>23,831,402</td>
</tr>
<tr>
<td>10</td>
<td>Federal Funds</td>
<td>3,106,857</td>
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<tr>
<td>11</td>
<td>Total – Family Court</td>
<td>26,938,259</td>
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<tr>
<td>12</td>
<td><strong>District Court</strong></td>
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<tr>
<td>13</td>
<td>General Revenues</td>
<td>14,537,079</td>
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<tr>
<td>14</td>
<td>Federal Funds</td>
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</tr>
<tr>
<td>15</td>
<td>Restricted Receipts</td>
<td>60,000</td>
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<tr>
<td>16</td>
<td>Total - District Court</td>
<td>14,782,954</td>
</tr>
<tr>
<td>17</td>
<td><strong>Traffic Tribunal</strong></td>
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<tr>
<td>18</td>
<td>General Revenues</td>
<td>9,786,908</td>
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<tr>
<td>19</td>
<td><strong>Workers’ Compensation Court</strong></td>
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<td>20</td>
<td>Restricted Receipts</td>
<td>9,309,410</td>
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<tr>
<td>21</td>
<td>Grand Total – Judiciary</td>
<td>130,917,785</td>
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<tr>
<td>22</td>
<td><strong>Military Staff</strong></td>
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<tr>
<td>23</td>
<td>General Revenues</td>
<td>2,608,853</td>
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<tr>
<td>24</td>
<td>Federal Funds</td>
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<td>25</td>
<td>Restricted Receipts</td>
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</tr>
<tr>
<td>26</td>
<td>RI Military Family Relief Fund</td>
<td>55,000</td>
</tr>
<tr>
<td>27</td>
<td>Other Funds</td>
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</tr>
<tr>
<td>28</td>
<td>Rhode Island Capital Plan Funds</td>
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</tr>
<tr>
<td>29</td>
<td>Aviation Readiness Center</td>
<td>535,263</td>
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<tr>
<td>30</td>
<td>AMC Roof Replacement</td>
<td>366,500</td>
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<tr>
<td>31</td>
<td>Asset Protection</td>
<td>930,000</td>
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<tr>
<td>32</td>
<td>Grand Total – Military Staff</td>
<td>41,109,910</td>
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<tr>
<td>33</td>
<td><strong>Public Safety</strong></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td><strong>Central Management</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>1</td>
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<td>2</td>
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<tr>
<td>3</td>
<td>Restricted Receipts</td>
<td>189,556</td>
</tr>
<tr>
<td>4</td>
<td><strong>Total – Central Management</strong></td>
<td>12,007,675</td>
</tr>
<tr>
<td>5</td>
<td>E-911 Emergency Telephone System</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Restricted Receipts</td>
<td>7,439,128</td>
</tr>
<tr>
<td>7</td>
<td><strong>Security Services</strong></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>General Revenues</td>
<td>27,319,253</td>
</tr>
<tr>
<td>9</td>
<td><strong>Municipal Police Training Academy</strong></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>General Revenues</td>
<td>313,703</td>
</tr>
<tr>
<td>11</td>
<td>Federal Funds</td>
<td>451,295</td>
</tr>
<tr>
<td>12</td>
<td><strong>Total – Municipal Police Training Academy</strong></td>
<td>764,998</td>
</tr>
<tr>
<td>13</td>
<td><strong>State Police</strong></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>General Revenues</td>
<td>77,205,503</td>
</tr>
<tr>
<td>15</td>
<td>Federal Funds</td>
<td>6,110,321</td>
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<tr>
<td>16</td>
<td>Restricted Receipts</td>
<td>1,705,997</td>
</tr>
<tr>
<td>17</td>
<td><strong>Other Funds</strong></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Airport Corporation Assistance</td>
<td>150,000</td>
</tr>
<tr>
<td>19</td>
<td>Road Construction Reimbursement</td>
<td>2,500,000</td>
</tr>
<tr>
<td>20</td>
<td>Weight and Measurement Reimbursement</td>
<td>400,000</td>
</tr>
<tr>
<td>21</td>
<td><strong>Rhode Island Capital Plan Funds</strong></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>DPS Asset Protection</td>
<td>791,000</td>
</tr>
<tr>
<td>23</td>
<td>Training Academy Upgrades</td>
<td>750,000</td>
</tr>
<tr>
<td>24</td>
<td>Administrative Support Bldg Renovation</td>
<td>200,000</td>
</tr>
<tr>
<td>25</td>
<td>Statewide Communications System Network</td>
<td>237,370</td>
</tr>
<tr>
<td>26</td>
<td><strong>Total – State Police</strong></td>
<td>90,050,191</td>
</tr>
<tr>
<td>27</td>
<td><strong>Grand Total – Public Safety</strong></td>
<td>137,581,245</td>
</tr>
<tr>
<td>28</td>
<td><strong>Office of Public Defender</strong></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>General Revenues</td>
<td>13,508,789</td>
</tr>
<tr>
<td>30</td>
<td>Federal Funds</td>
<td>75,665</td>
</tr>
<tr>
<td>31</td>
<td><strong>Grand Total – Office of Public Defender</strong></td>
<td>13,584,454</td>
</tr>
<tr>
<td>32</td>
<td><strong>Emergency Management Agency</strong></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>General Revenues</td>
<td>2,655,619</td>
</tr>
<tr>
<td>34</td>
<td>Federal Funds</td>
<td>16,472,597</td>
</tr>
<tr>
<td></td>
<td>Restricted Receipts</td>
<td>Other Funds</td>
</tr>
<tr>
<td>---</td>
<td>---------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>3</td>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>RI Statewide Communications Network</td>
<td>1,494,400</td>
</tr>
<tr>
<td>5</td>
<td>Emergency Management Building</td>
<td>250,000</td>
</tr>
<tr>
<td>6</td>
<td>Grand Total – Emergency Management Agency</td>
<td>21,400,088</td>
</tr>
</tbody>
</table>

**Environmental Management**

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>7,492,463</td>
</tr>
</tbody>
</table>

Of this general revenue amount, $50,000 is appropriated to the Conservation Districts.

<table>
<thead>
<tr>
<th></th>
<th>Restricted Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Total – Office of the Director</td>
</tr>
</tbody>
</table>

**Natural Resources**

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>25,656,995</td>
</tr>
<tr>
<td>14</td>
<td>Federal Funds</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Restricted Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Other Funds</td>
</tr>
<tr>
<td>16</td>
<td>DOT Recreational Projects</td>
</tr>
<tr>
<td>17</td>
<td>Blackstone Bike Path Design</td>
</tr>
<tr>
<td>18</td>
<td>Transportation MOU</td>
</tr>
<tr>
<td>19</td>
<td>Rhode Island Capital Plan Funds</td>
</tr>
<tr>
<td>20</td>
<td>Blackstone Valley Bike Path</td>
</tr>
<tr>
<td>21</td>
<td>Dam Repair</td>
</tr>
<tr>
<td>22</td>
<td>Fort Adams Rehabilitation</td>
</tr>
<tr>
<td>23</td>
<td>Galilee Pier Upgrades</td>
</tr>
<tr>
<td>24</td>
<td>Newport Pier Upgrades</td>
</tr>
<tr>
<td>25</td>
<td>Recreation Facility Asset Protection</td>
</tr>
<tr>
<td>26</td>
<td>Recreational Facilities Improvement</td>
</tr>
<tr>
<td>27</td>
<td>Total – Natural Resources</td>
</tr>
</tbody>
</table>

**Environmental Protection**

<table>
<thead>
<tr>
<th></th>
<th>General Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>13,487,916</td>
</tr>
<tr>
<td>31</td>
<td>Federal Funds</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Restricted Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>32</td>
<td>Other Funds</td>
</tr>
<tr>
<td>33</td>
<td>Restricted Receipts</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Transportation MOU</td>
</tr>
<tr>
<td>2</td>
<td>Total – Environmental Protection</td>
</tr>
<tr>
<td>3</td>
<td>Grand Total – Environmental Management</td>
</tr>
<tr>
<td>4</td>
<td><strong>Coastal Resources Management Council</strong></td>
</tr>
<tr>
<td>5</td>
<td>General Revenues</td>
</tr>
<tr>
<td>6</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>7</td>
<td>Restricted Receipts</td>
</tr>
<tr>
<td>8</td>
<td>Other Funds</td>
</tr>
<tr>
<td>9</td>
<td>Rhode Island Capital Plan Funds</td>
</tr>
<tr>
<td>10</td>
<td>Narragansett Bay SAMP</td>
</tr>
<tr>
<td>11</td>
<td>RI Coastal Storm Risk Study</td>
</tr>
<tr>
<td>12</td>
<td>Grand Total – Coastal Resources Mgmt. Council</td>
</tr>
<tr>
<td>13</td>
<td><strong>Transportation</strong></td>
</tr>
<tr>
<td>14</td>
<td><strong>Central Management</strong></td>
</tr>
<tr>
<td>15</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>16</td>
<td>Other Funds</td>
</tr>
<tr>
<td>17</td>
<td>Gasoline Tax</td>
</tr>
<tr>
<td>18</td>
<td>Total – Central Management</td>
</tr>
<tr>
<td>19</td>
<td><strong>Management and Budget</strong></td>
</tr>
<tr>
<td>20</td>
<td>Other Funds</td>
</tr>
<tr>
<td>21</td>
<td>Gasoline Tax</td>
</tr>
<tr>
<td>22</td>
<td><strong>Infrastructure Engineering</strong></td>
</tr>
<tr>
<td>23</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>24</td>
<td>Restricted Receipts</td>
</tr>
<tr>
<td>25</td>
<td>Other Funds</td>
</tr>
<tr>
<td>26</td>
<td>Gasoline Tax</td>
</tr>
<tr>
<td>27</td>
<td>Toll Revenue</td>
</tr>
<tr>
<td>28</td>
<td>Land Sale Revenue</td>
</tr>
<tr>
<td>29</td>
<td>Rhode Island Capital Plan Funds</td>
</tr>
<tr>
<td>30</td>
<td>Highway Improvement Program</td>
</tr>
<tr>
<td>31</td>
<td>Bike Path Facilities Maintenance</td>
</tr>
<tr>
<td>32</td>
<td>RIPTA - Land and Buildings</td>
</tr>
<tr>
<td>33</td>
<td>RIPTA - Warwick Bus Hub</td>
</tr>
<tr>
<td>34</td>
<td>RIPTA – URI Mobility Hub</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Total - Infrastructure Engineering</td>
</tr>
<tr>
<td>2</td>
<td><em>Infrastructure Maintenance</em></td>
</tr>
<tr>
<td>3</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>4</td>
<td>Other Funds</td>
</tr>
<tr>
<td>5</td>
<td>Gasoline Tax</td>
</tr>
<tr>
<td>6</td>
<td>Non-Land Surplus Property</td>
</tr>
<tr>
<td>7</td>
<td>Rhode Island Highway Maintenance Account</td>
</tr>
<tr>
<td>8</td>
<td>Rhode Island Capital Plan Funds</td>
</tr>
<tr>
<td>9</td>
<td>Maintenance Capital Equipment Replacement</td>
</tr>
<tr>
<td>10</td>
<td>Maintenance Facilities Improvements</td>
</tr>
<tr>
<td>11</td>
<td>Welcome Center</td>
</tr>
<tr>
<td>12</td>
<td>Salt Storage Facilities</td>
</tr>
<tr>
<td>13</td>
<td>Train Station Maintenance and Repairs</td>
</tr>
<tr>
<td>14</td>
<td>Total – Infrastructure Maintenance</td>
</tr>
<tr>
<td>15</td>
<td>Grand Total – Transportation</td>
</tr>
<tr>
<td>16</td>
<td>Statewide Totals</td>
</tr>
<tr>
<td>17</td>
<td>General Revenues</td>
</tr>
<tr>
<td>18</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>19</td>
<td>Restricted Receipts</td>
</tr>
<tr>
<td>20</td>
<td>Other Funds</td>
</tr>
<tr>
<td>21</td>
<td>Statewide Grand Total</td>
</tr>
</tbody>
</table>

SECTION 2. Each line appearing in Section 1 of this Article shall constitute an appropriation.

SECTION 3. Upon the transfer of any function of a department or agency to another department or agency, the Governor is hereby authorized by means of executive order to transfer or reallocate, in whole or in part, the appropriations and the full-time equivalent limits affected thereby; provided, however, in accordance with Rhode Island General Law, Section 42-6-5, when the duties or administrative functions of government are designated by law to be performed within a particular department or agency, no transfer of duties or functions and no re-allocation, in whole or part, or appropriations and full-time equivalent positions to any other department or agency shall be authorized.

SECTION 4. From the appropriation for contingency shall be paid such sums as may be required at the discretion of the Governor to fund expenditures for which appropriations may not exist. Such contingency funds may also be used for expenditures in the several departments and
agencies where appropriations are insufficient, or where such requirements are due to unforeseen
conditions or are non-recurring items of an unusual nature. Said appropriations may also be used
for the payment of bills incurred due to emergencies or to any offense against public peace and
property, in accordance with the provisions of Titles 11 and 45 of the General Laws of 1956, as
amended. All expenditures and transfers from this account shall be approved by the Governor.

SECTION 5. The general assembly authorizes the state controller to establish the internal
service accounts shown below, and no other, to finance and account for the operations of state
agencies that provide services to other agencies, institutions and other governmental units on a cost
reimbursed basis. The purpose of these accounts is to ensure that certain activities are managed in
a businesslike manner, promote efficient use of services by making agencies pay the full costs
associated with providing the services, and allocate the costs of central administrative services
across all fund types, so that federal and other non-general fund programs share in the costs of
general government support. The controller is authorized to reimburse these accounts for the cost
of work or services performed for any other department or agency subject to the following
expenditure limitations:

<table>
<thead>
<tr>
<th>Account</th>
<th>Expenditure Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Assessed Fringe Benefit Internal Service Fund</td>
<td>37,626,944</td>
</tr>
<tr>
<td>Administration Central Utilities Internal Service Fund</td>
<td>27,345,573</td>
</tr>
<tr>
<td>State Central Mail Internal Service Fund</td>
<td>6,736,424</td>
</tr>
<tr>
<td>State Telecommunications Internal Service Fund</td>
<td>3,100,546</td>
</tr>
<tr>
<td>State Automotive Fleet Internal Service Fund</td>
<td>12,664,678</td>
</tr>
<tr>
<td>Surplus Property Internal Service Fund</td>
<td>3,000</td>
</tr>
<tr>
<td>Health Insurance Internal Service Fund</td>
<td>272,604,683</td>
</tr>
<tr>
<td>Other Post-Employment Benefits Fund</td>
<td>63,858,483</td>
</tr>
<tr>
<td>Capitol Police Internal Service Fund</td>
<td>1,731,553</td>
</tr>
<tr>
<td>Corrections Central Distribution Center Internal Service Fund</td>
<td>7,410,210</td>
</tr>
<tr>
<td>Correctional Industries Internal Service Fund</td>
<td>8,590,417</td>
</tr>
<tr>
<td>Secretary of State Record Center Internal Service Fund</td>
<td>1,060,059</td>
</tr>
<tr>
<td>Human Resources Internal Service Fund</td>
<td>13,962,865</td>
</tr>
<tr>
<td>DCAMM Facilities Internal Service Fund</td>
<td>43,562,371</td>
</tr>
<tr>
<td>Information Technology Internal Service Fund</td>
<td>48,951,700</td>
</tr>
</tbody>
</table>

SECTION 6. Legislative Intent - The General Assembly may provide a written "statement
of legislative intent" signed by the chairperson of the House Finance Committee and by the
chairperson of the Senate Finance Committee to show the intended purpose of the appropriations
contained in Section 1 of this Article. The statement of legislative intent shall be kept on file in the
House Finance Committee and in the Senate Finance Committee.

At least twenty (20) days prior to the issuance of a grant or the release of funds, which grant
or funds are listed on the legislative letter of intent, all department, agency and corporation
directors, shall notify in writing the chairperson of the House Finance Committee and the
chairperson of the Senate Finance Committee of the approximate date when the funds are to be
released or granted.

SECTION 7. Appropriation of Temporary Disability Insurance Funds -- There is hereby
appropriated pursuant to sections 28-39-5 and 28-39-8 of the Rhode Island General Laws all funds
required to be disbursed for the benefit payments from the Temporary Disability Insurance Fund
and Temporary Disability Insurance Reserve Fund for the fiscal year ending June 30, 2022.

SECTION 8. Appropriation of Employment Security Funds -- There is hereby appropriated
pursuant to section 28-42-19 of the Rhode Island General Laws all funds required to be disbursed

SECTION 9. Appropriation of Lottery Division Funds -- There is hereby appropriated to
the Lottery Division any funds required to be disbursed by the Lottery Division for the purposes of
paying commissions or transfers to the prize fund for the fiscal year ending June 30, 2022.

SECTION 10. Appropriation of CollegeBoundSaver Funds -- There is hereby appropriated
to the Office of the General Treasurer designated funds received under the CollegeBoundSaver
program for transfer to the Division of Higher Education Assistance within the Office of the
Postsecondary Commissioner to support student financial aid for the fiscal year ending June 30,
2022.

SECTION 11. Departments and agencies listed below may not exceed the number of full-
time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions do
not include limited period positions or, seasonal or intermittent positions whose scheduled period
of employment does not exceed twenty-six consecutive weeks or whose scheduled hours do not
exceed nine hundred and twenty-five (925) hours, excluding overtime, in a one-year period. Nor do
they include individuals engaged in training, the completion of which is a prerequisite of
employment. Provided, however, that the Governor or designee, Speaker of the House of
Representatives or designee, and the President of the Senate or designee may authorize an
adjustment to any limitation. Prior to the authorization, the State Budget Officer shall make a
detailed written recommendation to the Governor, the Speaker of the House, and the President of
the Senate. A copy of the recommendation and authorization to adjust shall be transmitted to the
chairman of the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor
and the Senate Fiscal Advisor.

State employees whose funding is from non-state general revenue funds that are time
limited shall receive limited term appointment with the term limited to the availability of non-state
general revenue funding source.

FY 2022 FTE POSITION AUTHORIZATION

<table>
<thead>
<tr>
<th>Departments and Agencies</th>
<th>Full-Time Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>649.7</td>
</tr>
<tr>
<td>Provided that no more than 421.5 of the total authorization would be limited to positions</td>
<td></td>
</tr>
<tr>
<td>that support internal service fund programs.</td>
<td></td>
</tr>
<tr>
<td>Business Regulation</td>
<td>176.0</td>
</tr>
<tr>
<td>Executive Office of Commerce</td>
<td>16.0</td>
</tr>
<tr>
<td>Labor and Training</td>
<td>462.7</td>
</tr>
<tr>
<td>Revenue</td>
<td>574.5</td>
</tr>
<tr>
<td>Legislature</td>
<td>298.5</td>
</tr>
<tr>
<td>Office of the Lieutenant Governor</td>
<td>8.0</td>
</tr>
<tr>
<td>Office of the Secretary of State</td>
<td>59.0</td>
</tr>
<tr>
<td>Office of the General Treasurer</td>
<td>89.0</td>
</tr>
<tr>
<td>Board of Elections</td>
<td>13.0</td>
</tr>
<tr>
<td>Rhode Island Ethics Commission</td>
<td>12.0</td>
</tr>
<tr>
<td>Office of the Governor</td>
<td>45.0</td>
</tr>
<tr>
<td>Commission for Human Rights</td>
<td>14.0</td>
</tr>
<tr>
<td>Public Utilities Commission</td>
<td>54.0</td>
</tr>
<tr>
<td>Office of Health and Human Services</td>
<td>190.0</td>
</tr>
<tr>
<td>Children, Youth, and Families</td>
<td>627.5</td>
</tr>
<tr>
<td>Health</td>
<td>517.6</td>
</tr>
<tr>
<td>Human Services</td>
<td>753.0</td>
</tr>
<tr>
<td>Office of Veterans Services</td>
<td>263.1</td>
</tr>
<tr>
<td>Office of Healthy Aging</td>
<td>31.0</td>
</tr>
<tr>
<td>Behavioral Healthcare, Developmental Disabilities, and Hospitals</td>
<td>1,042.4</td>
</tr>
<tr>
<td>Office of the Child Advocate</td>
<td>10.0</td>
</tr>
<tr>
<td>Commission on the Deaf and Hard of Hearing</td>
<td>4.0</td>
</tr>
<tr>
<td>Governor’s Commission on Disabilities</td>
<td>4.0</td>
</tr>
<tr>
<td>Office of the Mental Health Advocate</td>
<td>4.0</td>
</tr>
<tr>
<td>1</td>
<td>Elementary and Secondary Education</td>
</tr>
<tr>
<td>2</td>
<td>School for the Deaf</td>
</tr>
<tr>
<td>3</td>
<td>Davies Career and Technical School</td>
</tr>
<tr>
<td>4</td>
<td>Office of Postsecondary Commissioner</td>
</tr>
<tr>
<td>5</td>
<td>Provided that 1.0 of the total authorization would be available only for positions that are supported by third-party funds, 10.0 would be available only for positions at the State’s Higher Education Centers located in Woonsocket and Westerly, and 10.0 would be available only for positions at the Nursing Education Center.</td>
</tr>
<tr>
<td>6</td>
<td>University of Rhode Island</td>
</tr>
<tr>
<td>7</td>
<td>Provided that 357.8 of the total authorization would be available only for positions that are supported by third-party funds.</td>
</tr>
<tr>
<td>8</td>
<td>Rhode Island College</td>
</tr>
<tr>
<td>9</td>
<td>Provided that 76.0 of the total authorization would be available only for positions that are supported by third-party funds.</td>
</tr>
<tr>
<td>10</td>
<td>Community College of Rhode Island</td>
</tr>
<tr>
<td>11</td>
<td>Provided that 89.0 of the total authorization would be available only for positions that are supported by third-party funds.</td>
</tr>
<tr>
<td>12</td>
<td>Rhode Island State Council on the Arts</td>
</tr>
<tr>
<td>13</td>
<td>RI Atomic Energy Commission</td>
</tr>
<tr>
<td>14</td>
<td>Historical Preservation and Heritage Commission</td>
</tr>
<tr>
<td>15</td>
<td>Office of the Attorney General</td>
</tr>
<tr>
<td>16</td>
<td>Corrections</td>
</tr>
<tr>
<td>17</td>
<td>Judicial</td>
</tr>
<tr>
<td>18</td>
<td>Military Stuff</td>
</tr>
<tr>
<td>19</td>
<td>Emergency Management Agency</td>
</tr>
<tr>
<td>20</td>
<td>Public Safety</td>
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SECTION 12. The amounts reflected in this Article include the appropriation of Rhode Island Capital Plan funds for fiscal year 2022 and supersede appropriations provided for FY 2022 within Section 12 of Article 1 of Chapter 080 of the P.L. of 2020.
The following amounts are hereby appropriated out of any money in the State’s Rhode Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending June 30, 2023, June 30, 2024, June 30, 2025, and June 30, 2026. These amounts supersede appropriations provided within Section 12 of Article 1 of Chapter 080 of the P.L. of 2020. In the event that a capital project appropriated in the budget year is overspent, the department may utilize future fiscal year’s funding as listed in this section below providing that the project in total does not exceed the limits set forth for each project.

For the purposes and functions hereinafter mentioned, the State Controller is hereby authorized and directed to draw his or her orders upon the General Treasurer for the payment of such sums and such portions thereof as may be required by him or her upon receipt of properly authenticated vouchers.
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<td>250,000</td>
<td>2,500,000</td>
<td>2,000,000</td>
</tr>
<tr>
<td>4</td>
<td>DOT – Maintenance Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Improvement</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
</tr>
<tr>
<td>6</td>
<td>DOT – Highway Improvement</td>
<td></td>
<td></td>
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<tr>
<td>7</td>
<td>Program</td>
<td>52,700,000</td>
<td>27,200,000</td>
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<tr>
<td>8</td>
<td>DOT – Bike Path Facilities</td>
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<tr>
<td>9</td>
<td>Maintenance</td>
<td>400,000</td>
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<tr>
<td>10</td>
<td>DOT – Salt Storage Facilities</td>
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<td>11</td>
<td>Improvement</td>
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<tr>
<td>12</td>
<td>DOT – Train Station</td>
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<tr>
<td>13</td>
<td>Maintenance</td>
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<td>350,000</td>
<td>350,000</td>
<td>350,000</td>
</tr>
<tr>
<td>14</td>
<td>DOT – Maintenance –</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Capital Equipment Replacement</td>
<td>1,500,000</td>
<td>1,800,000</td>
<td>1,800,000</td>
<td>1,800,000</td>
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<tr>
<td>16</td>
<td>DOT – Welcome Center</td>
<td>200,000</td>
<td>200,000</td>
<td>150,000</td>
<td>150,000</td>
</tr>
<tr>
<td>17</td>
<td>DOT – RIPTA –</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Land and Building Enhancements</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
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<td>19</td>
<td>DOT – RIPTA – URI Mobility</td>
<td>250,000</td>
<td>0</td>
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</tbody>
</table>

SECTION 13. Reappropriation of Funding for Rhode Island Capital Plan Fund Projects. – Any unexpended and unencumbered funds from Rhode Island Capital Plan Fund project appropriations shall be reappropriated in the ensuing fiscal year and made available for the same purpose. However, any such reappropriations are subject to final approval by the General Assembly as part of the supplemental appropriations act. Any unexpended funds of less than five hundred dollars ($500) shall be reappropriated at the discretion of the State Budget Officer.

SECTION 14. For the Fiscal Year ending June 30, 2022, the Rhode Island Housing and Mortgage Finance Corporation shall provide from its resources such sums as appropriate in support of the Neighborhood Opportunities Program. The Corporation shall provide a report detailing the amount of funding provided to this program, as well as information on the number of units of housing provided as a result to the Director of Administration, the Chair of the Housing Resources Commission, the Chair of the House Finance Committee, the Chair of the Senate Finance Committee and the State Budget Officer.

SECTION 15. Sections 16-107-3 and 16-107-6 of the General Laws in Chapter 16-107 entitled “Rhode Island Promise Scholarship” are hereby amended as follows:
16-107-3. Establishment of scholarship program.

Beginning with the high school graduating class of 2017, it is hereby established the Rhode Island promise scholarship programs that will end with the high school graduating class of 2021. The general assembly shall annually appropriate the funds necessary to implement the purposes of this chapter. Additional funds beyond the scholarships may be appropriated to support and advance the Rhode Island promise scholarship program. In addition to appropriation by the general assembly, charitable donations may be accepted into the scholarship program.

16-107-6. Eligibility for scholarship.

(a) Beginning with the students who enroll at the community college of Rhode Island in the fall of 2017 and ending with students who enroll at the community college of Rhode Island in the fall of 2021, to be considered for the scholarship, a student:

(1) Must qualify for in-state tuition and fees pursuant to the residency policy adopted by the council on postsecondary education, as amended, supplemented, restated, or otherwise modified from time to time ("residency policy"); provided, that, the student must have satisfied the high school graduation/ equivalency diploma condition prior to reaching nineteen (19) years of age; provided, further, that in addition to the option of meeting the requirement by receiving a high school equivalency diploma as described in the residency policy, the student can satisfy the condition by receiving other certificates or documents of equivalent nature from the state or its municipalities as recognized by applicable regulations promulgated by the council on elementary and secondary education;

(2) Must be admitted to, and must enroll and attend the community college of Rhode Island on a full-time basis by the semester immediately following high school graduation or the semester immediately following receipt of a high school equivalency diploma;

(3) Must complete the FAFSA and any required FAFSA verification by the deadline prescribed by the community college of Rhode Island for each year in which the student seeks to receive funding under the scholarship program;

(4) Must continue to be enrolled on a full-time basis;

(5) Must maintain an average annual cumulative grade point average (GPA) of 2.5 or greater, as determined by the community college of Rhode Island;

(6) Must remain on track to graduate on time as determined by the community college of Rhode Island;

(7) Must not have already received an award under this scholarship program; and

(8) Must commit to live, work, or continue their education in Rhode Island after graduation.
The community college of Rhode Island shall develop a policy that will secure this commitment from recipient students.

(b) Notwithstanding the eligibility requirements under subsection (a) of this section ("specified conditions"): (i) In the case of a recipient student who has an approved medical or personal leave of absence or is unable to satisfy one or more specified conditions because of the student's medical or personal circumstances, the student may continue to receive an award under the scholarship program upon resuming the student's education so long as the student continues to meet all other applicable eligibility requirements; and (ii) In the case of a recipient student who is a member of the national guard or a member of a reserve unit of a branch of the United States military and is unable to satisfy one or more specified conditions because the student is or will be in basic or special military training, or is or will be participating in a deployment of the student's guard or reserve unit, the student may continue to receive an award under the scholarship program upon completion of the student's basic or special military training or deployment.

SECTION 16. Appropriation of Economic Activity Taxes in accordance with the city of Pawtucket downtown redevelopment statute -- There is hereby appropriated for the fiscal year ending June 30, 2022, all State Economic Activity Taxes to be collected pursuant to § 45-33.4-4 of the Rhode Island General Laws, as amended (including, but not limited to, the amount of tax revenues certified by the Commerce Corporation in accordance with § 45-33.4-1(13) of the Rhode Island General Laws), for the purposes of paying debt service on bonds, funding debt service reserves, paying costs of infrastructure improvements in and around the ballpark district, arts district, and the growth center district, funding future debt service on bonds, and funding a redevelopment revolving fund established in accordance with § 45-33-1 of the Rhode Island General Laws.

SECTION 17. Reappropriation of Funding for the Intermodal Surface Transportation Fund Projects. – Any unexpended and unencumbered funds from Intermodal Surface Transportation Fund project appropriations shall be reappropriated in the ensuing fiscal year and made available for the same purpose subject to available cash resources in the fund. However, any such reappropriations are subject to final approval by the General Assembly as part of the supplemental appropriations act.

SECTION 18. Extension of previous bond authorizations. – The general assembly, pursuant to the provisions of section 35-8-25 of the general laws, hereby extends to the termination dates contained herein, the authority to issue the following general obligation bond authorizations.
in the amounts stated. The original authorizations enacted by public law and approved by the
people, that remain unissued as of March 1, 2021, are as follows:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Statutory Reference</th>
<th>Extended</th>
<th>Termination Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mass Transit Hub</td>
<td>Ch. 145-P.L. of 2014</td>
<td>$20,000,000</td>
<td>June 30, 2023</td>
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<tr>
<td>Infrastructure Bonds</td>
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<td></td>
</tr>
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</table>

SECTION 19. This article shall take effect as of July 1, 2021, except as otherwise provided herein.
ARTICLE 2

RELATING TO STATE FUNDS

SECTION 1. Sections 21-28.10-8 and 21-28.10-10 of the General Laws in Chapter 21-28.10 entitled “Opioid Stewardship Act” are hereby amended to read as follows:


By January of each calendar year, the department of behavioral healthcare, developmental disabilities and hospitals (BHDDH), the executive office of health and human services (EOHHS), the department of children, youth and families (DCYF), the Rhode Island department of education (RIDE), the Rhode Island office of veterans’ services, the department of corrections (DOC), and the department of labor and training (DLT), and any other department or agency receiving opioid stewardship funds shall report annually to the governor, the speaker of the house, and the senate president which programs in their respective departments were funded using monies from the opioid stewardship fund and the total amount of funds spent on each program.


(a) There is hereby established, in the custody of the department, a restricted-receipt account to be known as the “opioid stewardship fund.”

(b) Monies in the opioid stewardship fund shall be kept separate and shall not be commingled with any other monies in the custody of the department.

(c) The opioid stewardship fund shall consist of monies appropriated for the purpose of such account, monies transferred to such account pursuant to law, contributions consisting of promises or grants of any money or property of any kind or value, or any other thing of value, including grants or other financial assistance from any agency of government and monies required by the provisions of this chapter or any other law to be paid into or credited to this account.

(d) Monies of the opioid stewardship fund shall be available to provide opioid treatment, recovery, prevention, education services, and other related programs, subject to appropriation by the general assembly.

(e) The budget officer is hereby authorized to create restricted receipt accounts entitled “opioid stewardship fund allocation” in any department or agency of state government wherein monies from the opioid stewardship fund are appropriated by the general assembly for the programmatic purposes set forth in subsection (d) of this section.


The following terms, as used in this chapter, shall have the respective meanings hereinafter set forth:

(1) "Company" means a person engaging in or proposing or attempting to engage in any transaction or kind of insurance or surety business and any person or group of persons who may otherwise be subject to the administrative, regulatory or taxing authority of the director;

(2) "Department" means the department of business regulation;

(3) "Director" means the director of the department of business regulation of this state or his or her designee;

(4) "Examiner" means an individual or firm having been authorized by the director to conduct an examination or financial analysis under this chapter;

(5) "Insurer" means any insurance company doing business in this state; and

(6) "Person" means an individual, aggregation of individuals, trust, association, partnership or corporation, or any affiliate thereof; and

(7) "Pre-examination analysis," as used in this chapter, means a process whereby the department collects and analyzes information, including form complaints, filed forms, surveys, reports and other sources in order to identify policies of or practices by or on behalf of a company or a person subject to the jurisdiction of the office of the health insurance commissioner which may pose a potential direct or indirect harm to consumers or that may be in violation of state or federal laws or regulations.


(a) The total cost of the pre-examination analyses and the examinations shall be borne by the examined companies and shall include the following expenses:

(1) One hundred fifty percent (150%) of the total salaries and benefits paid to the examining personnel of the banking and insurance division engaged in pre-examination analyses and those examinations less any salary reimbursements;

(2) All reasonable technology costs related to the examination process. Technology costs shall include the actual cost of software and hardware utilized in the examination process and the cost of training examination personnel in the proper use of the software or hardware;

(3) All necessary and reasonable education and training costs incurred by the state to maintain the proficiency and competence of the examining personnel. All these costs shall be incurred in accordance with appropriate state of Rhode Island regulations, guidelines and procedures.

(b) Expenses incurred pursuant to subsections (a)(2) and (a)(3) of this section shall be allocated equally to each company domiciled in Rhode Island no more frequently than annually.
and shall not exceed an annual average assessment of three thousand five hundred dollars ($3,500) per company for any given three (3) calendar year period. Except as provided in R.I. Gen. Laws § 27-13.1-9(b), all revenues collected pursuant to this section shall be deposited as general revenues. That assessment shall be in addition to any taxes and fees payable to the state.

SECTION 3. Chapter 27-13.1 of the General Laws entitled “Examinations” is hereby amended by adding thereto the following section:


(a) There is hereby created in the general fund of the state and housed within the budget of the department of business regulation a restricted receipt account entitled “Health Insurance Regulation and System Planning Cost Recovery.” All funds in the account shall be utilized by the office of the health insurance commissioner to support the purposes of this chapter.

(b) Notwithstanding the provision in R.I. Gen. Law § 27-13.1-7(b), all revenues collected by the office of the health insurance commissioner or at the direction of the health insurance commissioner pursuant to R.I. Gen. Law § 27-13.1-7(a)(1) in connection with pre-examinations and examinations shall be deposited in the restricted receipt account created by subsection (a).

SECTION 4. Section 35-1.1-5 of the General Laws in Chapter 35-1.1 entitled, “Office of Management and Budget” is hereby amended to read as follows:

**35-1.1-5. Federal grants management.**

(a) The controller shall be responsible for managing federal grant applications; providing administrative assistance to agencies regarding reporting requirements; providing technical assistance; and approving agreements with federal agencies pursuant to § 35-1-1. The controller shall:

(1) Establish state goals and objectives for maximizing the utilization of federal aid programs;

(2) Ensure that the state establishes and maintains statewide federally mandated grants management processes and procedures as mandated by the federal Office of Management and Budget;

(3) Promulgate procedures and guidelines for all state departments, agencies, advisory councils, instrumentalities of the state, and public higher education institutions covering applications for federal grants;

(4) Require, upon request, any state department, agency, advisory council, instrumentality of the state, or public higher education institution receiving a grant of money from the federal
government to submit a report to the controller of expenditures and program measures for the fiscal
period in question;

(5) Ensure state departments and agencies adhere to the requirements of § 42-41-5
regarding legislative appropriation authority and delegation thereof;

(6) Manage and oversee the disbursements of federal funds in accordance with § 35-6-42;

(7) Prepare the statewide cost allocation plan and serve as the monitoring agency to ensure
that state departments and agencies are working within the guidelines contained in the plan; and

(8) Provide technical assistance to agencies to ensure resolution and closure of all single
state audit findings and recommendations made by the auditor general related to federal funding.

(b) The division of accounts and control shall serve as the state clearinghouse for purposes
of coordinating federal grants, aid, and assistance applied for and/or received by any state
department, agency, advisory council, or instrumentality of the state. Any state department, agency,
advisory council, or instrumentality of the state applying for federal funds, aids, loans, or grants
shall file a summary notification of the intended application with the controller.

(1) When as a condition to receiving federal funds, the state is required to match the federal
funds, a statement shall be filed with the notice of intent or summary of the application stating:

(i) The amount and source of state funds needed for matching purposes;

(ii) The length of time the matching funds shall be required;

(iii) The growth of the program;

(iv) How the program will be evaluated;

(v) What action will be necessary should the federal funds be canceled, curtailed, or
restricted; and

(vi) Any other financial and program management data required by the office or by law.

(2) Except as otherwise required, any application submitted by an executive agency for
federal funds, aids, loans, or grants which will require state matching or replacement funds at the
time of application or at any time in the future, must be approved by the director of the office of
management and budget, or his or her designated agents, prior to its filing with the appropriate
federal agency. Any application submitted by an executive agency for federal funds, aids, loans, or
grants which will require state matching or replacement funds at the time of application or at any
time in the future, when funds have not been appropriated for that express purpose, must be
approved by the general assembly in accordance with § 42-41-5. When the general assembly is not
in session, the application shall be reported to and reviewed by the director pursuant to rules and
regulations promulgated by the director.
(3) When any federal funds, aids, loans, or grants are received by any state department, agency, advisory council, or instrumentality of the state, a report of the amount of funds received shall be filed with the office; and this report shall specify the amount of funds that would reimburse an agency for indirect costs, as provided for under federal requirements.

(4) The controller may refuse to issue approval for the disbursement of any state or federal funds from the state treasury as the result of any application that is not approved as provided by this section, or in regard to which the statement or reports required by this section were not filed.

(5) The controller shall be responsible for the orderly administration of this section and for issuing the appropriate guidelines and regulations from each source of funds used.

c) There is hereby created in the general fund of the state and housed within the budget of the department of administration a restricted receipt account entitled “Grants Management System Administration.” This account shall be used to fund centralized services relating to managing federal grant applications; providing administrative assistance to agencies regarding reporting requirements; providing technical assistance; and approving agreements with federal agencies pursuant to § 35-1-1. Every state department and agency, as defined in R.I. General Laws § 35-1-4, which receives federal assistance funds shall set aside an amount of the funds received equal to a percentage as determined annually by the state controller multiplied by federal funds received. All funds set aside and designated to be used for grants management shall be deposited into the restricted receipt account established in this subsection.

SECTION 5. Section 35-3-24 of the General Laws in Chapter 35-3 entitled “State Budget” is hereby amended to read as follows:

35-3-24. Control of state spending.

(a) All department and agency heads and their employees are responsible for ensuring that financial obligations and expenditures for which they have responsibility do not exceed amounts appropriated and are spent in accordance with state laws.

(b) Persons with the authority to obligate the state contractually for goods and services shall be designated in writing by department and agency heads.

(c) In the event of an obligation, encumbrance, or expenditure in excess of general revenue amounts appropriated, the department or agency head with oversight responsibility shall make a written determination of the amount and the cause of the overobligation or overexpenditure, the person(s) responsible, and corrective actions taken to prevent reoccurrence. The plan of corrective actions contained within the report shall detail an appropriate plan to include, but not limited to, such issues as the implementation of waiting lists, pro-rata reduction in payments and changes in eligibility criteria as methods to address the shortfall. The report will be filed within thirty (30)
days of the discovery of the overobligation or overexpenditure with the budget officer, the controller, the auditor general, and the chairpersons of the house and senate finance committees.

(d) In the event a quarterly report demonstrates an obligation, encumbrance, or expenditure in excess of general revenue amounts appropriated in total to the department, the department or agency head with oversight responsibility shall file monthly budget reports with the chairpersons of the house and senate finance committees for the remainder of the fiscal year. The monthly budget reports shall detail steps taken towards corrective actions and other measures to bring spending in line with appropriations. In addition, the budget officer and controller shall ensure that the department's or agency's obligations, encumbrances, and expenditures for the remainder of the fiscal year result in the department or agency ending the fiscal year within amounts appropriated.

(e) The controller shall not authorize payments from general revenue for additional staff, contracts, or purchases beyond service levels provided in the previous fiscal year or one-time purchases of equipment or supplies for any department or agency not projected to end a fiscal year within amounts appropriated unless the payments are necessitated by immediate health and safety reasons or to be consistent with a corrective action plan, which shall be documented upon discovery and reported, along with anticipated or actual expenditures, to the chairpersons of the house and senate finance committees within fifteen (15) days.

(f) A state employee who has knowingly and willingly encumbered, obligated, or authorized the expenditure of state funds in excess of amounts appropriated for those purposes or entered into contracts without proper authorization may be placed on disciplinary suspension without pay for up to thirty (30) days in accordance with § 36-4-36.

(g) A state employee who knowingly, willfully, and repeatedly authorizes actions resulting in encumbrances or spending of state funds in excess of amounts appropriated may be fined up to one thousand dollars ($1,000) and/or terminated from employment.

(h) Upon receipt of any budgetary information indicating an obligation, encumbrance, or expenditure in excess of the amounts appropriated, the chairperson of the house or senate finance committee may request a written report to be submitted by the director of administration within ten (10) calendar days. The report shall indicate if the obligation, encumbrance, or expenditure in excess of the amounts appropriated resulted in any disciplinary action or other penalty in accordance with subsection (f) or (g) of this section. If not, the report shall explain why no disciplinary action or other penalty was imposed in accordance with subsection (f) or (g).

SECTION 6. Sections 35-4-22.1, 35-4-22.2 and 35-4-27 of the General Laws in Chapter 35-4 entitled “State Funds” are hereby amended to read as follows:

35-4-22.1. Legislative appropriation authority.
(a) An appropriation is a statutory enactment by the general assembly authorizing the withdrawal of money from the State treasury. An enactment by the general assembly which only authorizes, specifies, or otherwise provides that funds may be used for a particular purpose is not an appropriation.

(b) No agency shall establish new programs, or expand existing programs, including any program involving nonstate monies, beyond the scope of those already established, recognized, and appropriated for by the general assembly until the program and the availability of money is submitted by the agency to the budget officer for recommendation to the general assembly.

(c) No state agency may make expenditures of any restricted or special revenue funds, whether these monies are received prior to expenditure or as reimbursement, unless these expenditures are made pursuant to specific appropriations of the general assembly.

(d) Additional general revenue shall be deemed to be appropriated in order to:

(i) Comply with a court order.

(ii) Respond to a declared state of emergency.

(iii) Finance programs covered under the caseload estimating conference process set forth in chapter 35-17 up to the officially adopted estimates in the current fiscal year when the current appropriations act does not meet the revised estimate subject to the following conditions:

(1) Appropriations are made up to current fiscal year revenue availability as agreed to in the revenue estimating conference process.

(2) If there is less revenue availability than the additional caseload need, Medical Assistance and federally mandated programs are prioritized for additional appropriations and the remainder of the additional availability is proportionally assigned to the remaining caseload programs.

(e) If the general assembly enacts changes to the current year appropriations act, those changes shall override subdivision (iii) of subsection (d) of this section.

35-4-22.2 Use of restricted or special revenue funds.

(a) Any restricted or special revenue funds which are received by a state agency which is not otherwise appropriated to that state agency by the annual appropriation acts of the regular session of the general assembly are hereby appropriated for that state agency for the purpose set forth, except that no expenditure shall be made from and no obligation shall be incurred against any restricted receipts or special revenue fund which has not been previously appropriated or reappropriated or approved by the governor, the speaker of the house, and the president of the senate, until that authorization has been transmitted to the state agency to make expenditure therefrom.
(b) State agencies desiring the governor's approval to expend or obligate receipts not appropriated or reappropriated by the general assembly in the annual appropriation act or supplemental appropriation act shall forward a request to the state budget officer, who shall forward a copy to the speaker of the house and the president of the senate.

(c) Notwithstanding any law to the contrary, the budget officer is hereby authorized to create restricted receipt accounts within the budget of any state agency to account for the receipt and expenditure of either privately donated funds from individuals or corporate entities, funds received from any nonprofit charitable organization qualifying for exemption under section 501 (c) (3) of the internal revenue code, the proceeds of a multistate settlement administered by the office of the attorney general, and funds received pursuant to a contract or memorandum of agreement with a department of another state that are restricted to a specific, time-limited purpose. Expenditures from these accounts shall remain subject to the provisions of §§ 35-4-22, 35-4-22.1, 35-4-22.2 and 35-4-27.

(d) Upon the directive of the controller, with the consent of the auditor general, the budget officer is hereby authorized to convert any escrow liability account to a restricted receipt account whenever such conversion has been deemed prudent and appropriate by both the auditor general and the controller according to generally accepted governmental accounting principles and/or specific pronouncements of the governmental accounting standards board (GASB).

35-4-27. Indirect cost recoveries on restricted receipt accounts.

Indirect cost recoveries of ten percent (10%) of cash receipts shall be transferred from all restricted-receipt accounts, to be recorded as general revenues in the general fund. However, there shall be no transfer from cash receipts with restrictions received exclusively: (1) From contributions from non-profit charitable organizations; (2) From the assessment of indirect cost-recovery rates on federal grant funds; or (3) Through transfers from state agencies to the department of administration for the payment of debt service. These indirect cost recoveries shall be applied to all accounts, unless prohibited by federal law or regulation, court order, or court settlement. The following restricted receipt accounts shall not be subject to the provisions of this section:

- Executive Office of Health and Human Services
- Organ Transplant Fund
- HIV Care Grant Drug Rebates
- Health System Transformation Project
- Health Spending Transparency and Containment Account
- Adult Use Marijuana Program Licensing
- Department of Human Services
1 Veterans' home – Restricted account
2 Veterans' home – Resident benefits
3 Pharmaceutical Rebates Account
4 Demand Side Management Grants
5 Veteran's Cemetery Memorial Fund
6 Donations – New Veterans' Home Construction
7 Department of Health
8 Pandemic medications and equipment account
9 Miscellaneous Donations/Grants from Non-Profits
10 State Loan Repayment Match
11 Healthcare Information Technology
12 Adult Use Marijuana Program
13 Department of Behavioral Healthcare, Developmental Disabilities and Hospitals
14 Eleanor Slater non-Medicaid third-party payor account
15 Hospital Medicare Part D Receipts
16 RICLAS Group Home Operations
17 Adult Use Marijuana Program
18 Commission on the Deaf and Hard of Hearing
19 Emergency and public communication access account
20 Department of Environmental Management
21 National heritage revolving fund
22 Environmental response fund II
23 Underground storage tanks registration fees
24 De Coppet Estate Fund
25 Rhode Island Historical Preservation and Heritage Commission
26 Historic preservation revolving loan fund
27 Historic Preservation loan fund – Interest revenue
28 Department of Public Safety
29 E-911 Uniform Emergency Telephone System
30 Forfeited property – Retained
31 Forfeitures – Federal
32 Forfeited property – Gambling
33 Donation – Polygraph and Law Enforcement Training
34 Rhode Island State Firefighter's League Training Account
<table>
<thead>
<tr>
<th></th>
<th>Account Name</th>
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<tbody>
<tr>
<td>1</td>
<td>Fire Academy Training Fees Account</td>
</tr>
<tr>
<td>2</td>
<td>Adult Use Marijuana Program</td>
</tr>
<tr>
<td>3</td>
<td>Attorney General</td>
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<td>4</td>
<td>Forfeiture of property</td>
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<td>5</td>
<td>Federal forfeitures</td>
</tr>
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<td>6</td>
<td>Attorney General multi-state account</td>
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<td>7</td>
<td>Forfeited property – Gambling</td>
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<td>Department of Administration</td>
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<td>OER Reconciliation Funding</td>
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<td>Health Insurance Market Integrity Fund</td>
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<td>Information Technology Investment Fund</td>
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<td>Restore and replacement – Insurance coverage</td>
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<td>Convention Center Authority rental payments</td>
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<td>Investment Receipts – TANS</td>
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<td>16</td>
<td>OPEB System Restricted Receipt Account</td>
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<td>Car Rental Tax/Surcharge-Warwick Share</td>
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<td>18</td>
<td>Grants Management System Administration</td>
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<td>19</td>
<td>Executive Office of Commerce</td>
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<td>20</td>
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Governors’ Portrait Donation Fund
SECTION 7. Section 39-18.1-5 of the General Laws in Chapter 39-18.1 entitled “Transportation Investment and Debt Reduction Act of 2011” is hereby amended to read as follows:

(a) The monies in the highway maintenance fund to be directed to the department of transportation pursuant to § 39-18.1-4(b)(1) – (b)(3) shall be allocated through the transportation improvement program process to provide the state match for federal transportation funds, in place of borrowing, as approved by the state planning council. The expenditure of moneys in the highway maintenance fund shall only be authorized for projects that appear in the state's transportation improvement program.

(b) Provided, however, that beginning with fiscal year 2015 and annually thereafter, the department of transportation will allocate necessary funding to programs that are designed to eliminate structural deficiencies of the state's bridge, road, and maintenance systems and infrastructure.

(c) Provided, further, that beginning July 1, 2015, five percent (5%) of available proceeds in the Rhode Island highway maintenance account shall be allocated annually to the Rhode Island public transit authority for operating expenditures.

(d) Provided, further, that from July 1, 2017, and annually thereafter, in addition to the amount above, the Rhode Island public transit authority shall receive an amount of not less than five million dollars ($5,000,000) each fiscal year, except for the period July 1, 2019 through June 30, 2022 during which such amount or a portion thereof may come from federal coronavirus relief funds.

(e) Provided, further, that the Rhode Island public transit authority shall convene a coordinating council consisting of those state agencies responsible for meeting the needs of low-income seniors and persons with disabilities, along with those stakeholders that the authority deems appropriate and are necessary to inform, develop, and implement the federally required coordinated public transit human services transportation plan.

The council shall develop, as part of the state's federally required plan, recommendations for the appropriate and sustainable funding of the free-fare program for low-income seniors and persons with disabilities, while maximizing the use of federal funds available to support the transportation needs of this population.

The council shall report these recommendations to the governor, the speaker of the house of representatives, and the president of the senate no later than November 1, 2018.

SECTION 8. Section 42-75-13 of the General Laws in Chapter 42-75 entitled “Council on the Arts” is hereby amended to read as follows:


(a) During the fiscal year ending June 30, 2008, the state lottery division within the department of revenue shall conduct, pursuant to chapter 61 of title 42, an instant game to be known
as the “Arts Lottery Game." The net revenue from the first three (3) months of the running of the
"Arts Lottery Game" shall be deposited in a restricted-revenue account to be used by the Rhode
Island Council on the Arts for the support and improvement of the arts in this state. The provisions
of this section shall prevail over any inconsistent provisions of chapter 61 of title 42.

(b) The Rhode Island Council on the Arts shall deposit any funds received from the Rhode
Island Foundation in a restricted-receipt account to be used for the support and improvement of the
arts in this state. All such funds deposited shall be exempt from the indirect cost-recovery
provisions of § 35-24-27.

(c) Notwithstanding any law to the contrary, there is hereby created in the general fund of
the state and housed within the budget of the Rhode Island Council on the Arts a restricted receipt
account entitled “Governors’ Portrait Donation Fund.” This account shall be used to record all
receipts and expenditures of donations made for the purpose of supplementing the state
appropriation for the purchase of a governor’s portrait as set forth in R.I. Gen. Laws 37-8-9, and
for other related expenses as deemed appropriate by the Rhode Island Council on the Arts.

SECTION 9. This article shall take effect upon passage.
ARTICLE 3
RELATING TO GOVERNMENT REFORM AND REORGANIZATION

SECTION 1. Transferring certain revenue collection functions of the Department of Revenue, Division of Taxation, to the Department of Labor and Training.

In any General or Special Law of the State of Rhode Island, and specifically in Title 28, Chapters 39, 40, 42 and 43 of the General Laws of Rhode Island, 1956, as amended, reference to the collection of temporary disability insurance, employment security taxes or job development fund by the division of taxation within the department of administration, now within the department of revenue, shall be construed to refer to the department of labor and training. Any reference to the tax administrator within the department of administration, now within the department of revenue, with reference to the collection of temporary disability insurance, employment security taxes or job development fund revenues shall be construed to refer to the director of the department of labor and training. Any revenue collection duties conferred upon the division of taxation or the tax administrator by said Title 28, Chapters 39, 40, 42 and 43 shall be construed to refer to the department of labor and training or the director of the department of labor and training.

The law revision director of the joint committee on legislative services is authorized and empowered to make appropriate changes in said Title 28, Chapters 39, 40, 42 and 43 and any other section of the laws to carry out the intent of this act.

SECTION 2. Section 27-4.6-3 of the General Laws in Chapter 27-4.6 entitled "Risk-Based Capital (RBC) for Insurers Act" is hereby amended to read as follows:

27-4.6-3. Company action level event.

(a) "Company action level event" means any of the following events:

(i) The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC;

(ii) If a life and/or health insurer, the insurer has total adjusted capital that is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 2.5 3.0 and has a negative trend; or

(iii) If a property and casualty insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty RBC instructions.
(2) The notification by the commissioner to the insurer of an adjusted RBC report that
indicates an event in subdivision (a)(1), provided the insurer does not challenge the adjusted RBC
report under § 27-4.6-7; or

(3) If, pursuant to § 27-4.6-7, an insurer challenges an adjusted RBC report that indicates
the event in subdivision (a)(1), the notification by the commissioner to the insurer that the
commissioner has, after a hearing, rejected the insurer's challenge.

(b) In the event of a company action level event, the insurer shall prepare and submit to the
commissioner an RBC plan which shall:

(1) Identify the conditions that contribute to the company action level event;

(2) Contain proposals of corrective actions that the insurer intends to take and would be
expected to result in the elimination of the company action level event;

(3) Provide projections of the insurer's financial results in the current year and at least the
four (4) succeeding years, both in the absence of proposed corrective actions and giving effect to
the proposed corrective actions, including projections of statutory operating income, net income,
capital and/or surplus. (The projections for both new and renewal business might include separate
projections for each major line of business and separately identify each significant income, expense
and benefit component);

(4) Identify the key assumptions impacting the insurer's projections and the sensitivity of
the projections to the assumptions; and

(5) Identify the quality of, and problems associated with, the insurer's business, including,
but not limited to, its assets, anticipated business growth and associated surplus strain,
extraordinary exposure to risk, mix of business and use of reinsurance, if any, in each case.

(c) The RBC plan shall be submitted:

(1) Within forty-five (45) days of the company action level event; or

(2) If the insurer challenges an adjusted RBC report pursuant to § 27-4.6-7, within forty-
five (45) days after notification to the insurer that the commissioner has, after a hearing, rejected
the insurer's challenge.

(d) Within sixty (60) days after the submission by an insurer of an RBC plan to the
commissioner, the commissioner shall notify the insurer whether the RBC plan shall be
implemented or is, in the judgment of the commissioner, unsatisfactory. If the commissioner
determines that the RBC plan is unsatisfactory, the notification to the insurer shall set forth the
reasons for the determination, and may set forth proposed revisions which will render the RBC plan
satisfactory in the judgment of the commissioner. Upon notification from the commissioner, the
insurer shall prepare a revised RBC plan, which may incorporate by reference any revisions
proposed by the commissioner, and shall submit the revised RBC plan to the commissioner:

(1) Within forty-five (45) days after the notification from the commissioner; or

(2) If the insurer challenges the notification from the commissioner under § 27-4.6-7, within forty-five (45) days after a notification to the insurer that the commissioner has, after a hearing, rejected the insurer's challenge.

(e) In the event of a notification by the commissioner to an insurer that the insurer's RBC plan or revised RBC plan is unsatisfactory, the commissioner may at the commissioner's discretion, subject to the insurer's right to a hearing under § 27-4.6-7, specify in the notification that the notification constitutes a regulatory action level event.

(f) Every domestic insurer that files an RBC plan or revised RBC plan with the commissioner shall file a copy of the RBC plan or revised RBC plan with the insurance commissioner in any state in which the insurer is authorized to do business if:

(1) That state has an RBC provision substantially similar to § 27-4.6-8(a); and

(2) The insurance commissioner of that state has notified the insurer of its request for the filing in writing, in which case the insurer shall file a copy of the RBC plan or revised RBC plan in that state no later than the later of:

(i) Fifteen (15) days after the receipt of notice to file a copy of its RBC plan or revised RBC plan with the state; or

(ii) The date on which the RBC plan or revised RBC plan is filed under subsections (c) and (d) of this section.

SECTION 3. Section 31-3-33 of the General Laws in Chapter 31-3 entitled “Registration of Vehicles” is hereby amended to read as follows:

31-3-33. Renewal of registration.

(a) Application for renewal of a vehicle registration shall be made by the owner on a proper application form and by payment of the registration fee for the vehicle as provided by law.

(b) The division of motor vehicles may receive applications for renewal of registration, and may grant the renewal and issue new registration cards and plates at any time prior to expiration of registration.

(c) Upon renewal, owners will be issued a renewal sticker for each registration plate that shall be placed at the bottom, right-hand corner of the plate. Owners shall be issued a new, fully reflective plate beginning June 1, 2020 July 1, 2022, at the time of initial registration or at the renewal of an existing registration and reissuance will be conducted no less than every ten (10) years.
(d) No later than August 15, 2019, and every fifteenth day of the month through August 15, 2020, the division of motor vehicles shall submit a report outlining the previous month's activity and progress towards the implementation of the license plate reissuance to the chairpersons of the house finance and senate finance committee, the house fiscal advisor, and the senate fiscal advisor. The report shall include, but not be limited to, information on the status of project plans, obstacles to implementation, and actions taken toward implementation.

SECTION 4. Effective January 1, 2022, section 31-10.3-20 of the General Laws in Chapter 31-10.3 entitled “Rhode Island Uniform Commercial Driver's License Act” is hereby amended to read as follows:

31-10.3-20. Fees.

The fees charged for commercial licenses, endorsements, classifications, restrictions, and required examinations shall be as follows:

(1) For every commercial operator's first license, thirty dollars ($30.00);
(2) For every renewal of a commercial license, fifty dollars ($50.00);
(3) For every duplicate commercial license, ten dollars ($10.00);
(4) For every duplicate commercial learner's permit, ten dollars ($10.00);
(5) For any change of:
   (i) Classification(s), ten dollars ($10.00);
   (ii) Endorsement(s), ten dollars ($10.00);
   (iii) Restriction(s), ten dollars ($10.00);
(6) For every written and/or oral examination, ten dollars ($10.00);
(7) The Rhode Island board of education shall establish fees that are deemed necessary for the Community College of Rhode Island for the division of motor vehicles to administer the skill test, not to exceed one hundred dollars ($100);
(8) For every commercial learner's permit, sixty dollars ($60.00).
(9) [Deleted by P.L. 2019, ch. 49, § 1 and P.L. 2019, ch. 75, § 1].

SECTION 5. Section 35-17-1 and 35-17-3 of the General Laws in Chapter 35-17 entitled “Medical Assistance and Public Assistance Caseload Estimating Conference” are hereby amended to read as follows:

35-17-1. Purpose and membership.

(a) In order to provide for a more stable and accurate method of financial planning and budgeting, it is hereby declared the intention of the legislature that there be a procedure for the determination of official estimates of anticipated medical assistance expenditures and public
assistance caseloads, upon which the executive budget shall be based and for which appropriations
by the general assembly shall be made.

(b) The state budget officer, the house fiscal advisor, and the senate fiscal advisor shall
meet in regularly scheduled caseload estimating conferences (C.E.C.). These conferences shall be
open public meetings.

(c) The chairpersonship of each regularly scheduled C.E.C. will rotate among the state
budget officer, the house fiscal advisor, and the senate fiscal advisor, hereinafter referred to as
principals. The schedule shall be arranged so that no chairperson shall preside over two (2)
successive regularly scheduled conferences on the same subject.

(d) Representatives of all state agencies are to participate in all conferences for which their
input is germane.

(e) The department of human services shall provide monthly data to the members of the
caseload estimating conference by the fifteenth day of the following month. Monthly data shall
include, but is not limited to, actual caseloads and expenditures for the following case assistance
programs: Rhode Island Works, SSI state program, general public assistance, and child care. For
individuals eligible to receive the payment under § 40-6-27(a)(1)(vi), the report shall include the
number of individuals enrolled in a managed care plan receiving long-term care services and
supports and the number receiving fee-for-service benefits. The executive office of health and
human services shall report relevant caseload information and expenditures for the following
medical assistance categories: hospitals, long-term care, managed care, pharmacy, and other
medical services. In the category of managed care, caseload information and expenditures for the
following populations shall be separately identified and reported: children with disabilities,
children in foster care, and children receiving adoption assistance and RIte Share enrollees under §
40-8.4-12(j). The information shall include the number of Medicaid recipients whose estate may
be subject to a recovery and the anticipated amount to be collected from those subject to recovery,
the total recoveries collected each month and number of estates attached to the collections and each
month, the number of open cases and the number of cases that have been open longer than three
months.

(f) Beginning July 1, 2022, behavioral healthcare, developmental disabilities and hospitals
shall provide monthly data to the members of the caseload estimating conference by the fifteenth
day of the following month. Monthly data shall include, but is not limited to, actual caseloads and
expenditures for the private community developmental disabilities services program. Information
shall include, but not be limited to the number of cases and expenditures from the beginning of the
fiscal year at the beginning of the prior month; cases added and denied during the prior month;
expenditures made; and the number of cases and expenditures at the end of the month. The information concerning cases added and denied shall include summary information and profiles of the service-demand request for eligible adults meeting the state statutory definition for services from the division of developmental disabilities as determined by the division, including age, Medicaid eligibility and agency selection placement with a list of the services provided, and the reasons for the determinations of ineligibility for those cases denied. The department shall also provide, monthly, the number of individuals in a shared-living arrangement and how many may have returned to a 24-hour residential placement in that month. The department shall also report, monthly, any and all information for the consent decree that has been submitted to the federal court as well as the number of unduplicated individuals employed; the place of employment; and the number of hours working. The department shall also provide the amount of funding allocated to individuals above the assigned resource levels; the number of individuals and the assigned resource level; and the reasons for the approved additional resources. The department will also collect and forward to the house fiscal advisor, the senate fiscal advisor, and the state budget officer, by November 1 of each year, the annual cost reports for each community-based provider for the prior fiscal year. The department shall also provide the amount of patient liability to be collected and the amount collected as well as the number of individuals who have a financial obligation. The department will also provide a list of community-based providers awarded an advanced payment for residential and community-based day programs; the address for each property; and the value of the advancement. If the property is sold, the department must report the final sale, including the purchaser, the value of the sale, and the name of the agency that operated the facility. If residential property, the department must provide the number of individuals residing in the home at the time of sale and identify the type of residential placement that the individual(s) will be moving to. The department must report if the property will continue to be licensed as a residential facility. The department will also report any newly licensed twenty-four hour (24) group home; the provider operating the facility; and the number of individuals residing in the facility. Prior to December 1, 2017, the department will provide the authorizations for community-based and day programs, including the unique number of individuals eligible to receive the services and at the end of each month the unique number of individuals who participated in the programs and claims processed.

35-17-3. Additional meetings.

(a) Any time during a fiscal year that any principal feels that the recommendations of the caseload estimating conference are no longer valid, then that principal, with the appropriate notice, may convene a caseload estimating conference. The principal requesting the additional conference shall be the chairperson for that conference.
(b) If at any time during a fiscal year any participant feels that the recommendations of the caseload estimating conference are no longer valid with the respect to their caseload sources then that participant has a duty to and shall notify each of the principals. The director of the department of human services, secretary of the executive office of health and human services shall review the concerns of each participant and determine whether the problems are sufficient to request an additional conference.


On or before the fifteenth (15th) day of each month, the department shall provide a monthly report of monthly caseload and expenditure data, pertaining to eligible, developmentally disabled adults, to the chairperson of the house finance committee; the chairperson of the senate finance committee; the house fiscal advisor; the senate fiscal advisor; and the state budget officer. The monthly report shall be in such form, and in such number of copies, and with such explanation as the house and senate fiscal advisors may require. It shall include, but is not limited to, the number of cases and expenditures from the beginning of the fiscal year at the beginning of the prior month; cases added and denied during the prior month; expenditures made; and the number of cases and expenditures at the end of the month. The information concerning cases added and denied shall include summary information and profiles of the service demand request for eligible adults meeting the state statutory definition for services from the division of developmental disabilities as determined by the division, including age, Medicaid eligibility and agency selection placement with a list of the services provided, and the reasons for the determinations of ineligibility for those cases denied.

The department shall also provide, monthly, the number of individuals in a shared living arrangement and how many may have returned to a 24 hour residential placement in that month. The department shall also report, monthly, any and all information for the consent decree that has been submitted to the federal court as well as the number of unduplicated individuals employed; the place of employment; and the number of hours working.

The department shall also provide the amount of funding allocated to individuals above the assigned resource levels; the number of individuals and the assigned resource level; and the reasons for the approved additional resources. The department will also collect and forward to the house fiscal advisor, the senate fiscal advisor, and the state budget officer, by November 1 of each year, the annual cost reports for each community-based provider for the prior fiscal year.
The department shall also provide the amount of patient liability to be collected and the
amount collected as well as the number of individuals who have a financial obligation.

The department will also provide a list of community-based providers awarded an
advanced payment for residential and community based day programs; the address for each
property; and the value of the advancement. If the property is sold, the department must report the
final sale, including the purchaser, the value of the sale, and the name of the agency that operated
the facility. If residential property, the department must provide the number of individuals residing
in the home at the time of sale and identify the type of residential placement that the individual(s)
will be moving to. The department must report if the property will continue to be licensed as a
residential facility. The department will also report any newly licensed twenty-four hour (24) group
home; the provider operating the facility; and the number of individuals residing in the facility.

Prior to December 1, 2017, the department will provide the authorizations for com-
Based day programs, including the unique number of individuals eligible to receive the services
and at the end of each month the unique number of individuals who participated in the programs
and claims processed.

SECTION 7. Section 42-142-8 of the General Laws in Chapter 42-14 entitled “Department
of Revenue” is hereby amended to read as follows:

42-142-8. Collection unit
(a) The director of the department of revenue is authorized to establish within the
department of revenue a collection unit for the purpose of assisting state agencies in the collection
of debts owed to the state. The director of the department of revenue may enter into an agreement
with any state agency(ies) to collect any delinquent debt owed to the state.

(b) The director of the department of revenue shall initially implement a pilot program to
assist the agency(ies) with the collection of delinquent debts owed to the state.

(c) The agency(ies) participating in the pilot program shall refer to the collection unit
within the department of revenue, debts owed by delinquent debtors where the nature and amount
of the debt owed has been determined and reconciled by the agency and the debt is: (i) The subject
of a written settlement agreement and/or written waiver agreement and the delinquent debtor has
failed to timely make payments under the agreement and/or waiver and is therefore in violation of
the terms of the agreement and/or waiver; (ii) The subject of a final administrative order or decision
and the debtor has not timely appealed the order or decision; (iii) The subject of final order,
judgment, or decision of a court of competent jurisdiction and the debtor has not timely appealed
the order, judgment, or decision. The collection unit shall not accept a referral of any delinquent
debt unless it satisfies subsection (c)(i), (ii) or (iii) of this section.
(d) Any agency(ies) entering into an agreement with the department of revenue to allow
the collection unit of the department to collect a delinquent debt owed to the state shall indemnify
the department of revenue against injuries, actions, liabilities, or proceedings arising from the
collection, or attempted collection, by the collection unit of the debt owed to the state.

(e) Before referring a delinquent debt to the collection unit, the agency(ies) must notify the
debtor of its intention to submit the debt to the collection unit for collection and of the debtor's right
to appeal that decision not less than thirty (30) days before the debt is submitted to the collection
unit.

(f) At such time as the agency(ies) refers a delinquent debt to the collection unit, the agency
shall: (i) Represent in writing to the collection unit that it has complied with all applicable state and
federal laws and regulations relating to the collection of the debt, including, but not limited to, the
requirement to provide the debtor with the notice of referral to the collection unit under subsection
(e) of this section; and (ii) Provide the collection unit personnel with all relevant supporting
documentation including, but not limited to, notices, invoices, ledgers, correspondence,
agreements, waivers, decisions, orders, and judgments necessary for the collection unit to attempt
to collect the delinquent debt.

(g) The referring agency(ies) shall assist the collection unit by providing any and all
information, expertise, and resources deemed necessary by the collection unit to collect the
delinquent debts referred to the collection unit.

(h) Upon receipt of a referral of a delinquent debt from an agency(ies), the amount of the
delinquent debt shall accrue interest at the annual rate of interest established by law for the referring
agency or at an annual rate of 13%, whichever percentage rate is greater.

(i) Upon receipt of a referral of a delinquent debt from the agency(ies), the collection unit
shall provide the delinquent debtor with a "Notice of Referral" advising the debtor that:

1. The delinquent debt has been referred to the collection unit for collection; and
2. The collection unit will initiate, in its names, any action that is available under state law
for the collection of the delinquent debt, including, but not limited to, referring the debt to a third
party to initiate said action.

(j) Upon receipt of a referral of a delinquent debt from an agency(ies), the director of the
department of revenue shall have the authority to institute, in its name, any action(s) that are
available under state law for collection of the delinquent debt and interest, penalties, and/or fees
thereon and to, with or without suit, settle the delinquent debt.

(k) In exercising its authority under this section, the collection unit shall comply with all
state and federal laws and regulations related to the collection of debts.
Upon the receipt of payment from a delinquent debtor, whether a full or partial payment,
the collection unit shall disburse/deposit the proceeds of the payment in the following order:

(1) To the appropriate federal account to reimburse the federal government funds owed to
them by the state from funds recovered; and

(2) The balance of the amount collected to the referring agency.

(m) Notwithstanding the above, the establishment of a collection unit within the department
of revenue shall be contingent upon an annual appropriation by the general assembly of amounts
necessary and sufficient to cover the costs and expenses to establish, maintain, and operate the
collection unit including, but not limited to, computer hardware and software, maintenance of the
computer system to manage the system, and personnel to perform work within the collection unit.

(n) In addition to the implementation of any pilot program, the collection unit shall comply
with the provisions of this section in the collection of all delinquent debts under this section.

(o) The department of revenue is authorized to promulgate rules and regulations as it deems
appropriate with respect to the collection unit.

(p) By September 1, 2020, and each year thereafter, the department of revenue shall
specifically assess the performance, effectiveness, and revenue impact of the collections associated
with this section, including, but not limited to, the total amounts referred and collected by each
referring agency during the previous state fiscal year to the governor, the speaker of the house of
representatives, the president of the senate, the chairpersons of the house and senate finance
committees, and the house and senate fiscal advisors. The report shall include the net revenue
impact to the state of the collection unit.

(q) No operations of a collection unit pursuant to this chapter shall be authorized after June
30, 2021.

SECTION 8. This article shall take effect upon passage, except for section 4, which shall
take effect on January 1, 2022.
ARTICLE 4
RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS

SECTION 1. This article shall serve as joint resolution required pursuant to Rhode Island General Law § 35-18-1, et seq. and propose legislation related thereto.

SECTION 2. Section 2, Article 6 of Chapter 88 of the 2019 Public Laws is hereby amended to read as follows:

Section 2. University of Rhode Island – Memorial Union – Auxiliary Enterprise

WHEREAS, The Council on Postsecondary Education and the University have a long-standing commitment to the overall development of their students; and

WHEREAS, The University believes that the Memorial Union celebrates life at URI and acts as the nexus for campus community, student engagement, and leadership. It is an intersection connecting the academic core of campus and the campus’s socially active residential community.

The student union at the University is an integral part of the educational ecosystem that shapes the student experience; and

WHEREAS, The Council on Postsecondary Education and the University of Rhode Island are proposing a project which involves the renovation and expansion of the Memorial Union to meet the ongoing and growing needs of their students; and

WHEREAS, The University engaged a qualified architectural firm, which has completed an advanced planning study for this renovation; and

WHEREAS, The Rhode Island Public Corporation Debt Management Act requires the General Assembly to provide its consent to the issuance or incurring by the State of Rhode Island and other public agencies of certain obligations including financing guarantees or other agreements; and

WHEREAS, The design and construction associated with this work of an Auxiliary Enterprise building will be financed through the Rhode Island Health and Educational Building Corporation (RIHEBC) revenue bonds, with an expected term of thirty (30) years; and

WHEREAS, The total project costs associated with completion of the project through the proposed financing method is fifty-one million five hundred thousand dollars ($51,500,000) fifty-seven million six hundred thousand dollars ($57,600,000), including cost of issuance. Debt service payments would be supported by revenues derived from student fees and retail lease payments associated with the respective Auxiliary Enterprises of the University of Rhode Island occupying said facility. Total debt service on the bonds is not expected to exceed one hundred twelve million three hundred thousand dollars ($112,300,000) one hundred twenty-five million six hundred
thousand dollars ($125,600,000) in the aggregate based on an average interest rate of six (6%) percent; now, therefore be it

RESOLVED, That this General Assembly hereby approves financing in an amount not to exceed fifty-one million five hundred thousand dollars ($51,500,000) fifty-seven million six hundred thousand dollars ($57,600,000) for the Memorial Union project for the auxiliary enterprise building on the University of Rhode Island campus; and be it further

RESOLVED, That this Joint Resolution shall take effect upon passage.

SECTION 3. Section 4, Article 6 of Chapter 88 of the 2019 Public Laws is hereby amended to read as follows:

Section 4. University of Rhode Island – Combined Health & Counseling Center – Auxiliary Enterprise

WHEREAS, The Council on Postsecondary Education and the University have a long-standing commitment to the health and wellness of their students; and

WHEREAS, The University has a desire to create a one-stop center to address the physical, emotional, and mental health of its students; and

WHEREAS, The Council on Postsecondary Education and the University of Rhode Island are proposing a project which involves the construction of a new Combined Health & Counseling Center to meet the ongoing and growing health needs of their students; and

WHEREAS, The University engaged a qualified architectural firm, which has completed an advanced planning study for this new building; and

WHEREAS, The Rhode Island Public Corporation Debt Management Act requires the General Assembly to provide its consent to the issuance or incurring by the State of Rhode Island and other public agencies of certain obligations including financing guarantees or other agreements; and

WHEREAS, The design and construction associated with this work of an Auxiliary Enterprise building will be financed through the Rhode Island Health and Educational Building Corporation (RIHEBC) revenue bonds, with an expected term of thirty (30) years; and

WHEREAS, The total project costs associated with completion of the project through the proposed financing method is twenty-six nine hundred thousand dollars ($26,900,000) twenty-nine million dollars ($29,000,000), including cost of issuance. Debt service payments would be supported by revenues derived from student fees associated with the respective Auxiliary Enterprises of the University of Rhode Island occupying said facility. Total debt service on the bonds is not expected to exceed fifty-eight million seven hundred thousand dollars ($58,700,000).
RESOLVED, That this General Assembly hereby approves financing in an amount not to exceed twenty-six million nine hundred thousand dollars ($26,900,000) twenty-nine million dollars ($29,000,000) for the Combined Health & Counseling Center project for the auxiliary enterprise building on the University of Rhode Island campus; and be it further

RESOLVED, That, this Joint Resolution shall take effect upon passage.

SECTION 4. Section 5, Article 16 of Chapter 47 of the 2018 Public Laws is hereby amended to read as follows:

Section 5. Eleanor Slater Hospital Project-Regan Building Renovation

WHEREAS, The Eleanor Slater Hospital (the “Hospital”) provides long-term acute care and post-acute care for approximately two hundred twenty (220) individuals with complex psychiatric and medical needs on two campuses - Pastore and Zambarano; and

WHEREAS, The Hospital is licensed by the Rhode Island Department of Health (“RIDOH”) and accredited triennially by the Joint Commission for the Accreditation of Health Care Organizations (“JCAHO”) that enables it to bill Medicare, Medicaid, and commercial insurances for the care it provides; and

WHEREAS, The revenue the Hospital can bill Medicare, Medicaid, and other insurers approximates $55.0 million annually; and

WHEREAS, On the Pastore campus the patients who have psychiatric needs are currently in three buildings (Pinel, Regan and Adolph Meyer) that are older buildings that have not been updated in many years; and

WHEREAS, In January 2017, the Center for Medicare and Medicaid Services (“CMS”) published new standards designed to address the increased number of suicides and suicide attempts in hospitals; such standards required significant renovations to reduce ligature risks in inpatient psychiatric units; and

WHEREAS, In September 2017, JCAHO performed its triennial survey, identified significant ligature risks at the Pinel and the Adolph Meyer Buildings and as a result, gave the Hospital a rating of Immediate Threat to Life, requiring it to submit a long-term plan to address the ligature risks in both buildings; and

WHEREAS, The Pinel and the Adolph Meyer Buildings currently do not meet JCAHO and CMS requirements and a loss of accreditation for not meeting the submitted plan could lead to the loss of approximately $55.0 million in federal Medicaid match; and

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WHEREAS, The Hospital submitted to JCAHO a plan to renovate the Benton Center and
the Regan Building, and to close the Pinel and Adolph Meyer Buildings, thus enabling it to achieve
full accreditation; and

WHEREAS, A renovation of the existing Pinel and Adolph Meyer Buildings would not be
financially beneficial due to the magnitude of renovations that would need to be performed on these
buildings to allow the Hospital to achieve full accreditation; and

WHEREAS, The renovation of the Benton Center will be completed in June 2018, utilizing
Rhode Island Capital Plan Fund financing, enabling the Hospital to close the Pinel Building and 2
units in the Adolph Meyer Building and relocate approximately forty-five (45) psychiatric patients
to Benton; and

WHEREAS, This will leave approximately fifty (50) to fifty-five (55) psychiatric patients
remaining in the Adolph Meyer Building; and

WHEREAS, There are significant ligature risks that exist in Adolph Meyer and the current
size of the units are twelve (12) to fifteen (15) beds sizes that are too small to be efficient in
hospitals, while the size of the patient care units in Regan are twenty-four (24) to twenty-eight (28)
beds - more typical of patient care units today; and

WHEREAS, Closing inefficient units in the Adolph Meyer Building will enable the
Hospital to reduce operating costs and address the deficiencies cited by the JCAHO; and

WHEREAS, There are currently three (3) floors in the Regan Building that can house
patients, one that is vacant, one currently with twenty-eight (28) psychiatric patients, and another
with currently seventeen (17) medical patients; and whereas a fourth floor can be renovated into an
inpatient unit; and

WHEREAS, To accommodate the remaining psychiatric patients in the Adolph Meyer
Building, three (3) floors would require extensive renovations to meet the current building
standards for psychiatric inpatient units, including requirements for ligature resistant features,
program areas, step down areas, quiet rooms, restraint rooms and private rooms that currently do
not exist in the Regan or the Adolph Meyer Buildings; and

WHEREAS, The renovated facility would have a total of one hundred five (105) beds with
larger inpatient units and program space within the units, thus enabling the Hospital to reduce
operating costs and develop programs to assist patients in their recovery and ultimate discharge;
and

WHEREAS, Due to its age, the Regan Building requires significant infrastructure upgrades
including: elevator replacement, masonry and window leak repair, and a partial roof replacement
with an estimated total cost of nine million dollars ($9,000,000).
relocating from Adolph Meyer to the 6th floor of Regan, significant ligature risk remediation work
needs to be performed with an estimated total cost of seven million and nine hundred thousand
dollars ($7,900,000); and

WHEREAS, The capital costs associated with this project are estimated to be forty-nine
million, eight hundred fifty thousand dollars ($49,850,000). This includes $27,850,000 from the
Rhode Island Capital Plan Fund for the renovation of the Benton and Regan Buildings and
$22,000,000 from the issuance of Certificates of Participation to finance the Regan Building
renovations and other improvements to Eleanor Slater Hospital facilities. The total issuance would
be $22,000,000, with total lease payments over fifteen (15) years on the $22,000,000 issuance
projected to be $32,900,000, assuming an average coupon of five percent (5.0%). The lease
payments would be financed within the Department of Administration from general revenue
appropriations; now, therefore be it

RESOLVED, That a renovation of the Regan Building as part of Eleanor Slater Hospital,
is critical to provide patients with an environment that meets current building standards for
psychiatric hospitals and to meet CMS and JCAHO accreditation requirements; and be it further

RESOLVED, This General Assembly hereby approves the issuance of certificates of
participation in an amount not to exceed $22,000,000 for the renovation of the Regan Building,
part of Eleanor Slater Hospital and new construction of various facilities of the Eleanor Slater
Hospital system, including Regan, Benton, Mathias and Adolph Meyer Buildings on the Pastore
Campus, Beazley Building on the Zambarano campus, and newly constructed facilities as may be
determined to best address present and future public healthcare service needs; and be it further

RESOLVED, That this joint resolution shall apply to bonds issued within five (5) years of
the date of passage of this resolution; and be it further

RESOLVED, That this joint resolution shall take effect upon passage by this General
Assembly.

SECTION 5. Eleanor Slater Hospital Zambarano Campus Transformation

WHEREAS, The Zambarano facility (“Zambarano”) of Eleanor Slater Hospital provides
mental and physical healthcare services to people with varied care and treatment needs on its
Zambarano campus (“Zambarano”) located in Burrillville; and

WHEREAS, The healthcare services provided at Zambarano are unique in Rhode Island;
and

WHEREAS, The healthcare services provided at Zambarano include services that are
critical to the health, safety, and wellness of Rhode Islanders; and
WHEREAS, The Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals (“Department”) projects that there will be a sustained need in Rhode Island’s healthcare system for services that will not be easily accommodated by private healthcare providers; and

WHEREAS, The State has an obligation to ensure that all Rhode Islanders can receive healthcare that is appropriate to their needs at the exact time they require it; and

WHEREAS, Support of individual freedom and integration within the community is a core principle of healthcare delivery today and has guided the Department’s strategy for ensuring that all Rhode Islanders will receive care in the least-restrictive setting appropriate for their needs; and

WHEREAS, Hospital-based settings are considered restrictive, in that they do not afford their patients independence over their affairs to the maximum extent appropriate even though hospital settings are a critical piece of Rhode Island’s healthcare system; and

WHEREAS, Healthcare settings that are less restrictive should be preferred over more restrictive settings in all cases when clinically appropriate; and

WHEREAS, The least-restrictive setting appropriate for present and future patients of Zambarano is assessed by the Department to be a facility that allows for the delivery of skilled nursing facility services, custodial care nursing facility services, intensive care facility services, traumatic brain injury facility services, and other services that may enable the Department to provide healthcare in the least-restrictive and most therapeutically appropriate possible setting for individuals who otherwise cannot access healthcare at their level of need; and

WHEREAS, Healthcare facilities are required by their accrediting bodies to adhere to certain standards regarding patient and staff safety, cleanliness, ventilation, efficiency, and other factors essential to the delivery of healthcare; and

WHEREAS, A modern healthcare facility is necessary to provide present and future patients at Zambarano with the highest quality healthcare; and

WHEREAS, Facilities on the Zambarano campus include 307,000 square feet of space across 32 buildings; and

WHEREAS, Of the buildings on the Zambarano campus, only the Beazley Building, formerly called the Wallum Lake Administration Building, is occupied by patients receiving care at the Hospital; and

WHEREAS, Construction of the Beazley Building was completed in 1938; and

WHEREAS, The condition of the Beazley Building has deteriorated despite renovations undertaken over the course of its use as a state healthcare facility; and

WHEREAS, The Beazley Building has aged past the point at which renovation of the building is considered practical; and
WHEREAS, Constructing a new healthcare facility on the Zambarano campus has been deemed more practical than renovating the Beazley Building according to the assessment undertaken by the Division of Capital Asset Management and Maintenance; and

WHEREAS, Construction of a new facility on the Zambarano campus will allow patients receiving healthcare at Zambarano today to continue to receive healthcare at Zambarano with minimal interruption to their care; and

WHEREAS, The Beazley Building was not designed to provide the services that the Department has deemed are most critical for a state healthcare facility at Zambarano to provide, namely skilled nursing facility services, custodial care nursing facility services, intensive care facility services, and other services that may enable the Department to provide healthcare in the least restrictive and most therapeutically appropriate possible setting for individuals who otherwise cannot access healthcare at their level of need; and

WHEREAS, Construction of a new facility allows the state to build a facility that more closely reflects present and future assessed healthcare service needs; and

WHEREAS, The capital costs associated with this project are estimated to be fifty-three million, six hundred thousand dollars ($53,600,000), all of which will be dedicated to the construction of a new facility at Zambarano. The total issuance would be fifty-three million six hundred thousand dollars ($53,600,000), with total lease payments over fifteen (15) years on the $53,600,000 issuance projected to be sixty-six million five hundred thousand dollars ($66,500,000) assuming an estimated average interest rate of two and seventy-five hundredths percent (2.75%).

The payments would be financed within the department of administration from general revenue appropriations; and

RESOLVED, That construction of a new facility at Zambarano is necessary to provide patients at Eleanor Slater Hospital with the highest quality treatment in the least restrictive setting appropriate for their care; and be it further

RESOLVED, This General Assembly hereby approves the issuance of certificates of participation in an amount not to exceed fifty-three million six hundred thousand dollars ($53,600,000) for the construction of the new facility at Zambarano; and be it further

RESOLVED, That this joint resolution shall apply to bonds issued within five (5) years of the date of passage of this resolution; and be it further

RESOLVED, That this joint resolution shall take effect upon passage by this General Assembly.

SECTION 6. DCYF Child Welfare Information System Replacement
WHEREAS, The Rhode Island department of children, youth, and families is a department of the State of Rhode Island, exercising public and essential governmental functions of the State, created by the General Assembly pursuant to chapter 72 of title 42; and

WHEREAS, A new Statewide Automated Child Welfare Information System would be a comprehensive, automated case management tool that supports child welfare practice. This information system would be a complete, current accurate and unified case management history of all children and families served by Rhode Island’s Title IV-E. Such modern systems allow child welfare agencies to respond more adeptly to changes in standards and practices, as well as provide advanced analytics and data to ensure that children in care are kept safe; and

WHEREAS, The current department of children, youth, and families Child Welfare Information System (RICHIST) is over twenty two (22) years old and relies on dated technology (Sybase with PowerBuilder). The system has been highly customized over the years and is difficult to maintain. This technology, as set up today, impedes current child welfare practice through its lack of configurability, lack of mobile access for workers in the field, and lack of access to real-time information when making decisions impacting child placement and services. The system is currently on premise supported by a vendor. This dated technology also makes it difficult to acquire appropriate technical support to work on the system; and

WHEREAS, The project costs associated with the replacement of RICHIST are estimated to be twenty-eight million dollars ($28,000,000) and implementation costs would be shared by the federal government at forty percent (40%) begin in fiscal year 2021.

WHEREAS, The total payments on the State’s obligation over ten (10) years on the state’s share of seventeen million dollars ($17,000,000) issuance are projected to be nineteen million seven hundred thousand dollars ($19,700,000), assuming an estimated average interest rate of two and seventy-five hundredths percent (2.75%). The payments would be financed within the department of administration from general revenue appropriations; and

WHEREAS, The department of children, youth, and families will be able to leverage federal funding available to pay for forty percent (40%) of the system implementation costs during development; now, therefore be it

RESOLVED, That this general assembly hereby approves financing in an amount not to exceed seventeen million dollars ($17,000,000) for the provision of replacing the department of children, youth, and families’ child welfare information system, including costs of financing; and

RESOLVED, That this joint resolution shall take effect immediately upon its passage by the General Assembly.
Section 7. This article shall take effect upon passage.
ARTICLE 5

RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM TAXES

SECTION 1. (a) The State of Rhode Island is hereby authorized to borrow during its fiscal year ending June 30, 2022, in anticipation of receipts from taxes and other sources of such sum or sums, at such time or times and upon such terms and conditions not inconsistent with the provisions and limitations of Section 17 of Article VI of the constitution of Rhode Island, as the general treasurer, with the advice of the Governor, shall deem for the best interests of the state, provided that the amounts so borrowed shall not exceed three hundred million dollars ($300,000,000), at any time outstanding. The state is hereby further authorized to give its promissory note or notes or other evidences of indebtedness signed by the general treasurer and counter-signed by the secretary of state for the payment of any sum so borrowed. Any such proceeds shall be invested by the general treasurer until such time as they are needed. The interest income earned from such investments shall be used to pay the interest on the promissory note or notes, or other evidences of indebtedness, and any expense of issuing the promissory note or notes, or other evidences of indebtedness, with the balance remaining at the end of said fiscal year, if any, shall be used toward the payment of long-term debt service of the state, unless prohibited by federal law or regulation.

(b) Notwithstanding any other authority to the contrary, duly authorized borrowing in anticipation of receipts of taxes and other sources during the fiscal year ending June 30, 2022 may be issued in the form of notes or other evidences of indebtedness of the state. In connection therewith, the state, acting through the general treasurer, may enter into agreements with banks, trust companies or other financial institutions within or outside the state or with the United States government and agencies of the United States government, whether in the form of letters or lines of credit, liquidity facilities, insurance or other support arrangements. Any notes or other evidences of indebtedness shall be issued in such amounts and bear such terms as the general treasurer, with the advice of the governor, shall determine, which may include provisions for prepayment at any time with or without premium or other prepayment fee at the option of the state. Such notes may be sold on a competitive or negotiated basis at a premium or discount, and may bear interest or not and, if interest bearing, may bear interest at one or more fixed rates or at such rate or rates variable from time to time as determined by such index, banking loan rate or other method specified in any agreement relating to the notes or other evidences of indebtedness. Any such agreement may also include such other covenants and provisions for protecting the rights, security and remedies of the noteholders or lenders as may, in the discretion of the general treasurer, be reasonable, legal and proper. The general treasurer may also enter into agreements with firms to facilitate the issuance of the notes or other evidences of indebtedness, including but not limited to trustees, paying agents,
underwriters, broker-dealers or placement agents for the underwriting, placement, marketing or
remarketing of any such notes or evidences of indebtedness of the state.

SECTION 2. This article shall take effect upon passage.
ARTICLE 6
RELATING TO FEES

SECTION 1. Section 5-65-8 and 5-65-9 of the General Laws in Chapter 5-65 entitled “Contractors’ Registration and Licensing Board” are hereby amended to read as follows:

(a) A certificate of registration shall be valid for two (2) years from the date of issuance unless the registration is revoked or suspended as described in § 5-65-10. It may be renewed by the same procedure provided for an original registration upon application and furnishing of any additional supplemental information that the board may require by rule.
(b) The board shall issue a pocket-card certificate of registration to a contractor registered under this chapter including a picture of the registrant as prescribed by the board in the rules and regulations. The Rhode Island department of administration, division of motor vehicles, shall, upon the board's request, provide electronic copies of the digital photos of any registrant under this chapter on record to be incorporated into the contractors' registration data bank to match the drivers' licenses or IDs provided by registrants or applicants unless the applicant provides written notification to the board to the contrary.
(c) The board may vary the dates of registration renewal by giving to the registrant written notice of the renewal date assigned and by making appropriate adjustments in the renewal fee.
(d) The presentation of the registration or license identification card shall be mandatory at the time of permit application.
(e) If a registrant files in bankruptcy court, the board must be notified in writing by the registrant and kept informed of the status of the case until dismissed, discharged, or resolved in court.

5-65-9. Registration fee.
(a) Each applicant shall pay to the board:
(1) For original registration or renewal of registration, a fee of two hundred dollars ($200).
(2) A fee for all changes in the registration, as prescribed by the board, other than those due to clerical errors.
(b) All fees and fines collected by the board shall be deposited as general revenues to support the activities set forth in this chapter until June 30, 2008. Beginning July 1, 2008, all fees and fines collected by the board shall be deposited into a restricted-receipt account for the exclusive use of supporting programs established by this chapter.
(c) On or before January 15, 2018, and annually thereafter, the board shall file a report with the speaker of the house and the president of the senate, with copies to the chairpersons of the house and senate finance committees, detailing:

1. The total number of fines issued, broken down by category, including the number of fines issued for a first violation and the number of fines issued for a subsequent violation;
2. The total dollar amount of fines levied;
3. The total amount of fees, fines, and penalties collected and deposited for the most recently completed fiscal year; and
4. The account balance as of the date of the report.

(d) Each year, the department of business regulation shall prepare a proposed budget to support the programs approved by the board. The proposed budget shall be submitted to the board for its review. A final budget request shall be submitted to the legislature as part of the department of business regulation's annual request.

(e) New or renewal registrations may be filed online or with a third-party approved by the board, with the additional cost incurred to be borne by the registrant.

SECTION 2. Sections 73-4 of Chapter 5 of the General Laws entitled “Roofing Contractors” is hereby amended to read as follows:

5-73-4. Registration fee.

All roofing contractors shall submit a payment in the amount of four hundred dollars ($400), which shall support the licensing program, representing a license fee along with the application referenced in § 5-73-3, and be required to comply with the provisions of chapter 65 of this title and those provisions shall be interpreted to include commercial roofers as defined in this chapter. Beginning July 1, 2008, all fines and fees collected pursuant to this chapter shall be deposited into a restricted-receipt account for the exclusive use of supporting programs established by the board. The license shall expire every two (2) years on the anniversary date of the license's issuance and may be renewed upon payment of a two hundred dollar ($200) fee.

SECTION 3. Section 7-11-206 of the General Laws in Chapter 7-11 entitled “Rhode Island Uniform Securities Act” is hereby amended to read as follows:

7-11-206. Licensing and notice fees; and filing requirements for federal covered advisers.

(a) A federal covered adviser or an applicant for licensing shall pay an annual fee as follows:

(1) Broker-dealer three hundred dollars ($300) and for each branch office one hundred dollars ($100);
(2) Sales representative seventy-five dollars ($75.00); one hundred dollars ($100.00);

(3) Investment adviser three hundred dollars ($300);

(4) Investment adviser representative sixty dollars ($60.00); and

(5) Federal covered adviser three hundred dollars ($300).

(b) Except with respect to federal covered advisers whose only clients are those described in § 7-11-204(1)(i), a federal covered adviser shall file any documents filed with the U.S. Securities and Exchange Commission with the director, that the director requires by rule or order, together with any notice fee and consent to service of process that the director requires by rule or order. The notice filings under this subsection expire annually on December 31, unless renewed.

(c) A notice filing under this section is effective from receipt until the end of the calendar year. A notice filing may be renewed by filing any documents that have been filed with the U.S. Securities and Exchange Commission as required by the director along with a renewal fee of three hundred dollars ($300).

(d) A federal covered adviser may terminate a notice filing upon providing the director notice of the termination, which is effective upon receipt by the director.

(e) Notwithstanding the provisions of this section, until October 11, 1999, the director may require the registration as an investment adviser of any federal covered adviser who has failed to promptly pay the fees required by this section after written notification from the director of the nonpayment or underpayment of the fees. A federal covered adviser is considered to have promptly paid the fees if they are remitted to the director within fifteen (15) days following the federal covered adviser’s receipt of written notice from the director.

(f) For purposes of this section, “branch office” means any location where one or more associated persons of a broker-dealer regularly conducts the business of effecting any transactions in, or inducing or attempting to induce the purchase or sale of any security, or is held out as such, excluding:

(1) Any location that is established solely for customer service and/or back office type functions where no sales activities are conducted and that is not held out to the public as a branch office;

(2) Any location that is the associated person's primary residence; provided that:

(i) Only one associated person, or multiple associated persons who reside at that location and are members of the same immediate family, conduct business at the location;

(ii) The location is not held out to the public as an office and the associated person does not meet with customers at the location;

(iii) Neither customer funds nor securities are handled at that location;
(iv) The associated person is assigned to a designated branch office, and such designated branch office is reflected on all business cards, stationery, advertisements and other communications to the public by such associated person;

(v) The associated person's correspondence and communications with the public are subject to the firm's supervision in accordance with Rule 3010 of the Financial Industry Regulatory Authority;

(vi) Electronic communications are made through the broker-dealer's electronic system;

(vii) All orders are entered through the designated branch office or an electronic system established by the broker-dealer that is reviewable at the branch office;

(viii) Written supervisory procedures pertaining to supervision of sales activities conducted at the residence are maintained by the broker-dealer; and

(ix) A list of the residence locations is maintained by the broker-dealer;

(3) Any location, other than a primary residence, that is used for securities business for less than thirty (30) business days in any one calendar year, provided the broker-dealer complies with the provisions of subsections (f)(2)(i) through (ix) above;

(4) Any office of convenience, where associated person(s) occasionally and exclusively by appointment meet with customers, which is not held out to the public as an office;

(5) Any location that is used primarily to engage in non-securities activities and from which the associated person(s) effects no more than twenty-five (25) securities transactions in any one calendar year; provided that any advertisement or sales literature identifying such location also sets forth the address and telephone number of the location from which the associated person(s) conducting business at the non-branch locations are directly supervised;

(6) The floor of a registered national securities exchange where a broker-dealer conducts a direct access business with public customers;

(7) A temporary location established in response to the implementation of a business continuity plan.

(g) Notwithstanding the exclusions in subsection (f), any location that is responsible for supervising the activities of persons associated with the broker-dealer at one or more non-branch locations of the broker-dealer is considered to be a branch office.

(h) The term "business day" as used in subsection (f) shall not include any partial business day provided that the associated person spends at least four (4) hours on such business day at his or her designated branch office during the hours that such office is normally open for business.

(i) Where such office of convenience is located on bank premises, signage necessary to comply with applicable federal and state laws, rules and regulations and applicable rules and
regulations of the New York Stock Exchange, other self-regulatory organizations, and securities
and banking regulators may be displayed and shall not be deemed "holding out” for purposes of
subsection (f)(4).

(j) If an application is denied or withdrawn or the license is revoked, suspended, or
withdrawn, the director is not required to refund the fee paid.

(k) The director may issue a stop order suspending the activities of a federal covered
adviser in this state if the director reasonably believes there has been a violation of the provisions
of this section.

SECTION 4. Section 23-1-34 of the General Laws in Chapter 23-1 entitled “Department
of Health” is hereby amended to read as follows:

23-1-34. Health promotion income.

(a) The director shall maintain an accurate and timely accounting of money received from
the sale of health promotional products, services, or data created by the department of health. This
money shall be deposited as general revenue.

(b) The director is authorized to establish reasonable fees for processing special data
analysis of health data. “Special data analysis” shall mean compiling and/or analyzing health-
related data in a manner not ordinarily kept in the course of business by the department of health
and not otherwise subject to the state’s access to public records act (APRA) in chapter 2, title 38 of
the general laws. Special data requests are subject to the following requirements:

(1) Special data analysis requests shall include requests that require data analysis,
calculation, and interpretation. Requesters shall be notified in advance of costs for special data
analysis and shall be given an opportunity to not proceed.

(2) In its sole discretion, nothing herein shall require the department of health to process a
request for special data analysis.

(3) The fees collected for special data analysis shall be non-refundable, regardless of the
outcome of the special data analysis.

(4) The director shall have the authority to waive fees at his or her sole discretion.

(5) The final special data analysis shall be deemed to be public records in accordance with
APRA.

(c) The process for requesting special data analysis and fees shall be established through
the promulgation of rules and regulations, which also shall prohibit charging Rhode Island state
agencies fees for special data analysis. All fees collected for special data analysis shall be deposited
as general revenues, with approximately 50% of such fees collected appropriated to the department
of health on an annual basis to be used to sustain its capacity to manage and sustain data systems
necessary to meet data requester needs in a timely manner.

SECTION 5. Section 23-17-38.1 of the General Laws in Chapter 23-17 entitled “Licensing
of Health Care Facilities” is hereby amended to read as follows:

23-17-38.1. Hospitals – Licensing fee.
(a) There is also imposed a hospital licensing fee at the rate of six percent (6%) upon the
net patient services revenue of every hospital for the hospital’s first fiscal year ending on or after
January 1, 2017, except that the license fee for all hospitals located in Washington County, Rhode
Island shall be discounted by thirty-seven percent (37%). The discount for Washington County
hospitals is subject to approval by the Secretary of the U.S. Department of Health and Human
Services of a state plan amendment submitted by the executive office of health and human services
for the purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This
licensing fee shall be administered and collected by the tax administrator, division of taxation
within the department of revenue, and all the administration, collection, and other provisions of
chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator
on or before July 10, 2019, and payments shall be made by electronic transfer of monies to the
general treasurer and deposited to the general fund. Every hospital shall, on or before June 14,
2019, make a return to the tax administrator containing the correct computation of net patient
services revenue for the hospital fiscal year ending September 30, 2017, and the licensing fee due
upon that amount. All returns shall be signed by the hospital’s authorized representative, subject to
the pains and penalties of perjury.
(b) There is also imposed a hospital licensing fee at the rate of six percent (6%) upon
the net patient services revenue of every hospital for the hospital’s first fiscal year ending on or
after January 1, 2018, except that the license fee for all hospitals located in Washington County,
Rhode Island shall be discounted by thirty-seven percent (37%). The discount for Washington
County hospitals is subject to approval by the Secretary of the U.S. Department of Health and
Human Services of a state plan amendment submitted by the executive office of health and human
services for the purpose of pursuing a waiver of the uniformity requirement for the hospital license
fee. This licensing fee shall be administered and collected by the tax administrator, division of
taxation within the department of revenue, and all the administration, collection, and other
provisions of Chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax
administrator on or before July 13, 2020, and payments shall be made by electronic transfer of
monies to the general treasurer and deposited to the general fund. Every hospital shall, on or before
June 15, 2020, make a return to the tax administrator containing the correct computation of net
patient services revenue for the hospital fiscal year ending September 30, 2018, and the licensing fee due upon that amount. All returns shall be signed by the hospital's authorized representative, subject to the pains and penalties of perjury.

(c) There is also imposed a hospital licensing fee for state fiscal year 2021 against each hospital in the state. The hospital licensing fee is equal to five percent (5.0%) of the net patient-services revenue of every hospital for the hospital's first fiscal year ending on or after January 1, 2018, except that the license fee for all hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven percent (37%). The discount for Washington County hospitals is subject to approval by the Secretary of the U.S. Department of Health and Human Services of a state plan amendment submitted by the executive office of health and human services for the purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This licensing fee shall be administered and collected by the tax administrator, division of taxation within the department of revenue, and all the administration, collection, and other provisions of Chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 13, 2021, and payments shall be made by electronic transfer of monies to the general treasurer and deposited to the general fund. Every hospital shall, on or before June 15, 2020, make a return to the tax administrator containing the correct computation of net patient-services revenue for the hospital fiscal year ending September 30, 2018, and the licensing fee due upon that amount. All returns shall be signed by the hospital's authorized representative, subject to the pains and penalties of perjury.

(d) There is also imposed a hospital licensing fee for state fiscal year 2022 against each hospital in the state. The hospital licensing fee is equal to six percent (6.0%) of the net patient-services revenue of every hospital for the hospital's first fiscal year ending on or after January 1, 2020, except that the license fee for all hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven percent (37%). The discount for Washington County hospitals is subject to approval by the Secretary of the U.S. Department of Health and Human Services of a state plan amendment submitted by the executive office of health and human services for the purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This licensing fee shall be administered and collected by the tax administrator, division of taxation within the department of revenue, and all the administration, collection, and other provisions of Chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 13, 2022, and payments shall be made by electronic transfer of monies to the general treasurer and deposited to the general fund. Every hospital shall, on or before June 15, 2022, make a return to the tax administrator containing the correct computation of net patient-services revenue for the hospital fiscal year ending September 30, 2022, and the licensing fee due upon that amount. All returns shall be signed by the hospital's authorized representative, subject to the pains and penalties of perjury.
services revenue for the hospital fiscal year ending September 30, 2020, and the licensing fee due
upon that amount. All returns shall be signed by the hospital's authorized representative, subject to
the pains and penalties of perjury.

(d) For purposes of this section the following words and phrases have the following
meanings:

(1) "Hospital" means the actual facilities and buildings in existence in Rhode Island,
licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on
that license, regardless of changes in licensure status pursuant to chapter 17.14 of title 23 (hospital
conversions) and § 23-17-6(b) (change in effective control), that provides short-term acute inpatient
and/or outpatient care to persons who require definitive diagnosis and treatment for injury, illness,
disabilities, or pregnancy. Notwithstanding the preceding language, the negotiated Medicaid
managed care payment rates for a court-approved purchaser that acquires a hospital through
receivership, special mastership, or other similar state insolvency proceedings (which court-
approved purchaser is issued a hospital license after January 1, 2013) shall be based upon the newly
negotiated rates between the court-approved purchaser and the health plan, and such rates shall be
effective as of the date that the court-approved purchaser and the health plan execute the initial
agreement containing the newly negotiated rate. The rate-setting methodology for inpatient hospital
payments and outpatient hospital payments set forth in §§ 40-8-13.4(b) and 40-8-13.4(b)(2),
respectively, shall thereafter apply to negotiated increases for each annual twelve-month (12)
period as of July 1 following the completion of the first full year of the court-approved purchaser's
initial Medicaid managed care contract.

(2) "Gross patient-services revenue" means the gross revenue related to patient care
services.

(3) "Net patient-services revenue" means the charges related to patient care services less
(i) charges attributable to charity care; (ii) bad debt expenses; and (iii) contractual allowances.

(e) The tax administrator shall make and promulgate any rules, regulations, and procedures
not inconsistent with state law and fiscal procedures that he or she deems necessary for the proper
administration of this section and to carry out the provisions, policy, and purposes of this section.

(f) The licensing fee imposed by subsection (b) shall apply to hospitals as defined herein
that are duly licensed on July 1, 2020, and shall be in addition to the inspection fee imposed
by § 23-17-38 and to any licensing fees previously imposed in accordance with this section.

(g) The licensing fee imposed by subsection (b) shall apply to hospitals as defined
herein that are duly licensed on July 1, 2021, and shall be in addition to the inspection fee
imposed by § 23-17-38 and to any licensing fees previously imposed in accordance with this section.

SECTION 6. Section 42-17.1-9.1 of the General Laws in Chapter 42-17.1 entitled “User fees at state beaches, parks, and recreation areas” is hereby amended to read as follows:

42-17.1-9.1. User fees at state beaches, parks, and recreation areas.
(a) The department of environmental management in pursuance of its administrative duties and responsibilities may charge a user fee for any state beach, or recreational area under its jurisdiction, and fees for the use of its services or facilities.
(b) The fee may be on a daily or annual basis, or both, and may be based on vehicle parking or other appropriate means. The fees may recognize the contribution of Rhode Island taxpayers to support the facilities in relation to other users of the state's facilities. The fee structure may acknowledge the need to provide for all people, regardless of circumstances.
(c) An additional fee for camping and other special uses may be charged where appropriate.
Rates so charged should be comparable to equivalent commercial facilities.
(d) All such fees shall be established after a public hearing.
(e) All daily fees from beach parking, which shall also include fees charged and collected at Ninigret conservation area and Charlestown breachway, shall be shared with the municipality in which the facility is located on the basis of seventy-three percent (73%) retained by the state and twenty-seven percent (27%) remitted to the municipality; provided, further, from July 1, 2016, until October 1, 2021, the beach fees charged and collected under this subsection shall be equal to those in effect on June 30, 2011.
(1) Notwithstanding subsection (e), effective July 1, 2021, the fees charged and collected for facilities located in the town of Westerly may exceed those in effect on June 30, 2011, in an amount to be reasonably determined by the department of environmental management.
(f) Fifty percent (50%) of all user and concession fees received by the state shall be deposited as general revenues. For the year beginning July 1, 1979, the proportion of user and concession fees to be received by the state shall be sixty-five percent (65%); for the year beginning July 1, 1980, eighty-five percent (85%); and for the year beginning July 1, 1981, and all years thereafter, one hundred percent (100%). The general revenue monies appropriated are hereby specifically dedicated to meeting the costs of development, renovation of, and acquisition of state-owned recreation areas and for regular maintenance, repair and operation of state owned recreation areas. Purchases of vehicles and equipment and repairs to facilities shall not exceed four hundred thousand dollars ($400,000) annually. Notwithstanding the provisions of § 37-1-1 or any other provision of the general laws, the director of the department of environmental management is
hereby authorized to accept any grant, devise, bequest, donation, gift, or assignment of money, bonds, or other valuable securities for deposit in the same manner as provided above for user and concession fees retained by the state.

(g) No fee shall be charged to any school or other nonprofit organization provided that a representative of the school or other organization gives written notice of the date and time of their arrival to the facility.

SECTION 7. Sections 44-19-1 and 44-19-2 of the General Laws in Chapter 44-19 entitled “Sales and Use Taxes – Enforcement and Collection” are hereby amended to read as follows:

44-19-1. Annual permit required – Retail business subject to sales tax – Promotion of shows – Revocation of show permit.

(a)(1) Every person desiring to engage in or conduct within this state a business of making sales at retail, or engage in a business of renting living quarters in any hotel, rooming house, or tourist camp, the gross receipts from which sales or rental charges are required to be included in the measure of the tax imposed under chapter 18 of this title, shall file with the tax administrator an application for a permit for each place of business. The application shall be in a form, include information, and bear any signatures that the tax administrator may require. At the time of making an application, the applicant shall pay to the tax administrator a permit fee of ten dollars ($10.00) for each permit. There shall be no fee for this permit. Every permit issued under this chapter expires on June 30 of each year at the times prescribed by the tax administrator.

(2) Every permit holder shall annually, on or before February 1, on forms prescribed and at the times prescribed by the tax administrator of each year, renew its permit by filing an application for renewal along with a ten dollars ($10.00) renewal fee. The renewal permit is valid for the period July 1 of that calendar year through June 30 of the subsequent calendar year unless otherwise canceled, suspended or revoked. All fees received under this section are allocated to the tax administrator for enforcement and collection of all taxes.

(b)(1) Every promoter of a show shall, at least ten (10) days prior to the opening of each show, file with the tax administrator a notice stating the location and dates of the show, in a form prescribed by the tax administrator.

(2) The tax administrator shall, within five (5) days after the receipt of that notice, issue to the promoter, without charge, a permit to operate the show, unless the provisions of subdivision (5) of this subsection have been applied to the promoter. No promoter may operate a show without obtaining the permit. The permit shall be prominently displayed at the main entrance of the show.
(3) Any promoter who is a retailer shall comply with all of the provisions of this chapter and chapter 18 relating to retailers, in addition to all of the provisions of this chapter relating to promoters.

(4) A promoter may not permit any person to display or sell tangible personal property, services, or food and drink at a show unless that person is registered under subsection (a) of this section and displays his or her permit in accordance with the provisions of subsection (a) of this section.

(5) Any promoter who permits any person to display or sell tangible personal property, services, or food and drink at a show who is not registered, or does not display a permit, or fails to keep a record or file a monthly report of the name, address and permit number of every person whom the promoter permitted to sell or display tangible personal property, services, or food and drink at a show, is subject to revocation of all existing permits issued pursuant to this section to operate a show, and to the denial of a permit to operate any show for a period of not more than two years, in addition to the provisions of § 44-19-31.

44-19-2. Issuance of permit – Assignment prohibited – Display – Fee for renewal after suspension or revocation.

Upon receipt of the required application and permit fee, the tax administrator shall issue to the applicant a separate permit for each place of business within the state. If the applicant, at the time of making the application, owes any tax, penalty, or interest imposed under chapters 18 and 19 of this title, then before a permit is issued the applicant shall pay the amount owed. A permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated in the permit. The permit shall at all times be conspicuously displayed at the place for which issued. A retailer whose permit has been previously suspended or revoked shall pay to the tax administrator a fee of ten dollars ($10.00) for the renewal or issuance of a permit.

SECTION 8. Sections 46-23-7.1, 46-23-7.3, and 46-23-7.4 of the General Laws in Chapter 46 of entitled “Coastal Resources Management Council” are hereby amended to read as follows:

46-23-7.1 Administrative penalties.

Any person who violates, or refuses or fails to obey, any notice or order issued pursuant to § 46-23-7(a); or any assent, order, or decision of the council, may be assessed an administrative penalty by the chairperson or executive director in accordance with the following:

(1) The chairperson or executive director is authorized to assess an administrative penalty of not more than two thousand five hundred dollars ($2,500), ten thousand dollars ($10,000) for
each violation of this section, and is authorized to assess additional penalties of not more than five
hundred dollars ($500) one thousand ($1,000) for each day during which this violation continues
after receipt of a cease and desist order from the council pursuant to § 46-23-7(a), but in no event
shall the penalties in an aggregate equal or exceed ten thousand dollars ($10,000) fifty thousand
dollars ($50,000). Prior to the assessment of a penalty under this subdivision, the property owner
or person committing the violation shall be notified by certified mail or personal service that a
penalty is being assessed. The notice shall include a reference to the section of the law, rule,
regulation, assent, order, or permit condition violated; a concise statement of the facts alleged to
constitute the violation; a statement of the amount of the administrative penalty assessed; and a
statement of the party's right to an administrative hearing.

(2) The party shall have twenty-one (21) days from receipt of the notice within which to
deliver to the council a written request for a hearing. This request shall specify in detail the
statements contested by the party. The executive director shall designate a person to act as hearing
officer. If no hearing is requested, then after the expiration of the twenty-one (21) day period, the
council shall issue a final order assessing the penalty specified in the notice. The penalty is due
when the final order is issued. If the party shall request a hearing, any additional daily penalty shall
not commence to accrue until the council issues a final order.

(3) If a violation is found to have occurred, the council may issue a final order assessing
not more than the amount of the penalty specified in the notice. The penalty is due when the final
order is issued.

(4) The party may within thirty (30) days appeal the final order, of fine assessed by the
council to the superior court which shall hear the assessment of the fine de novo.

46-23-7.3 Criminal penalties.

Any person who knowingly violates any provision of this chapter, the coastal resources
management program, or any rule, regulation, assent, or order shall be guilty of a misdemeanor,
and, upon conviction thereof shall be fined not more than five hundred dollars ($500) one thousand
dollars ($1,000) or by imprisonment of not more than three (3) months or both; and each day the
violation is continued or repeated shall be deemed a separate offense.

46-23-7.4 Penalty for blocking or posting of rights-of-way.

Any person who shall post or block any tidal water, public right-of-way, as designated by
the council, shall be punished by a fine not exceeding five hundred dollars ($500) one thousand
dollars ($1,000) or by imprisonment for not more than three (3) months or both; and each day the
posting or blocking continues or is repeated shall be deemed a separate offense. The chairperson
of the council, through council's legal counsel or the attorney general, may apply to any court of
competent jurisdiction for an injunction to prevent the unlawful posting or blocking of any tidal
water, public right-of-way.

SECTION 9. This article shall take effect July 1, 2021.
ARTICLE 7
RELATING TO THE ENVIRONMENT

SECTION 1. Section 2-7-4 of the General Laws in Chapter 2-7 entitled "Commercial Fertilizer" is hereby amended to read as follows:

2-7-4. Registration.
(a) Each brand and grade of commercial fertilizer shall be registered by the manufacturer or by that person whose name appears upon the label before being distributed in this state. The application for registration shall be submitted to the director on a form furnished by the director, and shall be accompanied by a fee of seventy-two dollars ($72.00) one hundred dollars ($100) per brand or grade registered.
(1) All revenues received from registration fees shall be deposited as general revenues.
(2) All applications for registration shall be accompanied by a label or true copy of the label.
(3) Upon approval by the director, a copy of the registration shall be furnished to the applicant.
(4) All registrations expire on December 31st of each year.
(5) The application includes the following information:
(i) The brand and grade;
(ii) The guaranteed analysis;
(iii) The name and address of the registrant.
(b) A distributor is not required to register any commercial fertilizer which is already registered under this chapter by another person, providing the label does not differ in any respect.
(c) A distributor is not required to register each grade of commercial fertilizer formulated according to specifications which are furnished by a consumer prior to mixing.
(d) The plant nutrient content of each and every brand and grade of commercial fertilizer must remain uniform for the period of registration.

SECTION 2. Section 4-2-4 of the General Laws in Chapter 4-2 entitled "Commercial Feeds" is hereby amended to read as follows:

4-2-4. Registration.
(a) No person shall manufacture a commercial feed in this state, unless he or she has filed with the director on forms provided by the director, his or her name, place of business and location of each manufacturing facility in this state.
(b) No person shall distribute in this state a commercial feed except a customer formula feed, which has not been registered pursuant to this section. The application for registration,
accompanied by a sixty dollar ($60.00) one hundred dollars ($100) per brand registration fee, shall be submitted in the manner prescribed by the director, on forms furnished by the director. A tag, label, or facsimile for each brand to be registered must accompany the application. Upon approval by the director, the registration shall be issued to the applicant. All registrations expire on the 31st day of December of each year.

(c) The director is empowered to refuse registration of any commercial feed not in compliance with this chapter and to cancel any registration subsequently found not to be in compliance with any provisions of this chapter provided, that no registration shall be refused or canceled unless the registrant has been given an opportunity to be heard before the director and to amend his or her application in order to comply with the requirements of this chapter.

(d) Changes of either chemical or ingredient composition of a registered commercial feed may be permitted with no new registration required provided there is satisfactory evidence that those changes would not result in a lowering of the guaranteed analysis of the product for the purpose for which designed, and provided a new label is submitted to the director notifying the director of the change.

(e) All moneys received by the director under this chapter shall be deposited as general revenues and shall consist of all fertilizer registration and tonnage fees paid pursuant to §§ 2-7-4 and 2-7-6 and fees paid pursuant to § 4-2-4.

(f) All moneys appropriated for the feed and fertilizer quality testing program shall be made available for the following purposes:

1. To support the feed and fertilizer testing laboratory for the testing and analysis of commercial feeds distributed within this state for the expressed purpose of detection of deficiency.
2. For payment of ancillary services, personnel and equipment incurred in order to carry out the purposes of quality assurance defined by this chapter.

SECTION 3. Section 20-1-13 of the General Laws in Chapter 20-1 entitled “General Provisions” is hereby amended to read as follows:

20-1-13. Publication and effective date of seasons and bag limits.

Notice of the director’s intention to adopt regulations pursuant to § 20-1-12 and the holding of a public hearing on these regulations shall be published in at least one newspaper of general statewide circulation, not less than twenty (20) days prior to the date of the public hearing. These regulations shall remain in effect not longer than one year following the date of their effectiveness.

20-2-15. Freshwater fishing license.

(a)(1) Resident: eighteen dollars ($18.00); twenty-one dollars ($21.00); commencing July 1, 2025, twenty-four dollars ($24.00); commencing July 1, 2028, twenty-seven dollars ($27.00).

(2) Nonresident: thirty-five dollars ($35.00); thirty-eight dollars ($38.00); commencing July 1, 2025, forty-one dollars ($41.00); commencing July 1, 2028, forty-four dollars ($44.00).

(3) Nonresident tourist: sixteen dollars ($16.00); eighteen dollars ($18.00); commencing July 1, 2025, twenty dollars ($20.00); commencing July 1, 2028, twenty-two dollars ($22.00). This license shall entitle the licensee to fish in Rhode Island for three (3) consecutive days including the day of issue.

(b) Freshwater fishing licenses shall expire on the last day of February of each year.


(a)(1) Resident: eighteen dollars ($18.00); twenty-one dollars ($21.00); commencing July 1, 2025, twenty-four dollars ($24.00); commencing July 1, 2028, twenty-seven dollars ($27.00).

(2) Nonresident: forty-five dollars ($45.00); fifty-five dollars ($55.00); commencing July 1, 2025, sixty-five dollars ($65.00); commencing July 1, 2028, seventy-five dollars ($75.00).

(3) Nonresident landowner: a nonresident citizen of the United States and owner of real estate in Rhode Island assessed for taxation at a valuation of not less than thirty thousand dollars ($30,000) may obtain a resident’s hunting license.

(4) Shooting preserve: three dollars and fifty cents ($3.50).

(5) Nonresident three (3) day: sixteen dollars ($16.00); twenty dollars ($20.00). This license shall entitle the licensee to hunt in Rhode Island for three (3) consecutive days as validated by the issuing agent.

(6) Resident junior hunting license: fourteen dollars ($14.00).

(7) Nonresident junior hunting license: forty dollars ($40.00).

(b) Hunting licenses shall expire on the last day of February of each year.

20-2-17. Combination fishing and hunting license.

The director may grant to any eligible resident applying for a combination hunting and fishing license a license that shall entitle the licensee to the privileges of both hunting and fishing licenses, for a fee of thirty-three dollars ($33.00); thirty-eight dollars ($38.00); commencing July 1, 2025, forty-three dollars ($43.00); commencing July 1, 2028, forty-eight dollars ($48.00). The license shall expire on the last day of February of each year.

20-2-18. Deer Permits

(a)(1) Resident: twelve dollars and fifty-cents ($12.50); thirteen dollars ($13.00); commencing July 1, 2025, fourteen dollars ($14.00); commencing July 1, 2028, fifteen dollars
(2) Nonresident: twenty-five twenty-six dollars and fifty cents ($25.50$26.50); commencing July 1, 2025, twenty-seven dollars and fifty cents ($27.50); commencing July 1, 2028, twenty-eight dollars and fifty cents ($28.50).

(b) A deer permit is good only for the season in which it is issued.


(a) No person shall attempt to take any wild turkey without first obtaining a regular hunting license and a turkey permit for the current year. Permits shall be sold at the direction of the director for a fee of seven dollars and fifty cents eight dollars ($7.50$8.00) for residents and twenty-one dollars and fifty cents ($20.00$21.50) for nonresidents. Commencing July 1, 2025, permits shall be sold for a fee of nine dollars ($9.00) for residents and twenty-three dollars ($23.00) for nonresidents. Commencing July 1, 2028, permits shall be sold for a fee of ten dollars and fifty cents ($10.50) for residents and twenty-four dollars and fifty cents ($24.50) for nonresidents. The issuing agent may retain a fee of fifty cents ($0.50) for each permit and shall remit seven dollars ($7.00) for resident permits and nineteen dollars and fifty cents ($19.50) for nonresident permits to the department. Commencing July 1, 2025, the fee for a permit shall be eighteen dollars and fifty cents ($18.50). Commencing July 1, 2028, the fee for a permit shall be twenty-one dollars ($21.00). The issuing agent will retain a fee of fifty cents ($0.50) for each permit and shall remit fifteen dollars ($15.00) to the department. The permit will allow the person to harvest a daily bag and season limit as described in regulations promulgated by the director. All monies derived by the department from the sale of stocked game bird permits shall be expended for stocking game birds and wildlife habitat acquisition in Rhode Island.

20-2-18.3. Stocked game bird permit fees and bag limits.

Permits shall be sold at the direction of the director for a fee of fifteen seventeen dollars and fifty cents ($15.50$17.00). Commencing July 1, 2025, the fee for a permit shall be eighteen dollars and fifty cents ($18.50). Commencing July 1, 2028, the fee for a permit shall be twenty-one dollars ($21.00). The issuing agent will retain a fee of fifty cents ($0.50) for each permit and shall remit fifteen dollars ($15.00) to the department. The permit will allow the person to harvest a daily bag and season limit as described in regulations promulgated by the director. All monies derived by the department from the sale of stocked game bird permits shall be expended for stocking game birds and wildlife habitat acquisition in Rhode Island.


(a)(1) Fur trapper – Resident: fifteen dollars ($15.00); commencing July 1, 2025, twenty dollars ($20.00); commencing July 1, 2028, twenty-five dollars ($25.00).

(2) Fur trapper – Nonresident: thirty-five dollars ($35.00$50.00); commencing July 1, 2025, seventy-five dollars ($75.00); commencing July 1, 2028, one hundred dollars ($100.00).
(b) Fur trapper and fur licenses expire on the last day of March of each year.

20-2-37. Waterfowl stamp fees.

(a) Stamps shall be sold at the direction of the director for a fee of seven dollars and fifty cents ($7.50). Commencing July 1, 2025, the fee for a stamp shall be nine dollars ($9.00). Commencing July 1, 2028, the fee for a stamp shall be ten dollars ($10.00). The issuing agent may retain a fee of fifty cents ($0.50) for each stamp and shall remit seven dollars ($7.00) the remainder of each fee to the department. The director shall establish a uniform sale price for all categories of by-products.

(b) [Deleted by P.L. 2002, ch. 65, art. 13, § 16.]

20-2-42. Trout conservation stamp fee.

Stamps shall be sold at the direction of the director for a fee of five dollars and fifty cents ($5.50). Commencing July 1, 2025, the fee for a stamp shall be six dollars ($6.00). Commencing July 1, 2028, the fee for a stamp shall be six dollars and fifty cents ($6.50). The issuing agent may retain a fee of fifty cents ($0.50) for each stamp sold and shall remit five dollars ($5.00) the remainder of each fee to the department. The director shall establish uniform sale prices for all categories of by-products.

SECTION 5. Section 23-25-6.1 of the General Laws in Chapter 23-25 entitled “Pesticide Control” is hereby amended to read as follows:

23-25-6.1. Registration fee - Surcharge.

In addition to the annual registration fee of fifty dollars ($50.00) as required by § 23-25-6, an additional one hundred fifty dollar ($150) registration surcharge fee shall be imposed upon each pesticide to be sold or used within the state, unless the director has determined the subject product is a “statewide minor use” product pursuant to § 23-25-6(b)(3). The registration surcharge fee shall be deposited as general revenues.

SECTION 6. This article shall take effect on July 1, 2021.
ARTICLE 8

RELATING TO PUBLIC UTILITIES AND CARRIERS

SECTION 1. Chapter 39-2 of the General Laws entitled "Duties of Utilities and Carriers" is hereby amended by adding thereto the following sections:

39-2-26. Emergency response plans

Submission, approval, penalties for failure to file, and denial of recovery of service restoration costs for failure to implement emergency response plan.

(a) Each electric distribution company and natural gas distribution company conducting business in the state shall, on or before May 15, 2022 and annually thereafter, submit to the division an emergency response plan for review and approval. The emergency response plan shall be designed for the reasonably prompt restoration of service in the case of an emergency event, which is an event where widespread outages have occurred in the service area of the company due to storms or other causes beyond the control of the company.

(b) After review of an electric distribution or natural gas distribution company's emergency response plan, the division may request that the company amend the plan. The division may open an investigation of the company's plan. If, after hearings, the division finds a material deficiency in the plan, the division may order the company to make such modifications that it deems reasonably necessary to remedy the deficiency.

(c) Any investor-owned electric distribution or natural gas distribution company that fails to file its emergency response plan may be fined five hundred dollars ($500) for each day during which such failure continues. Any fines levied by the division shall be returned to ratepayers through distribution rates in a manner determined by the commission.

(d) Each investor-owned electric distribution or natural gas distribution company, when implementing an emergency response plan, shall designate an employee or employees to remain stationed at the Rhode Island emergency management agency's emergency operations center for the duration of the emergency when the emergency operations center is activated in response to an emergency with an electric or gas service restoration component. In the event of a virtual activation of the emergency activation center, each investor-owned electric and natural gas distribution company shall designate an employee or employees to participate in the virtual activation. The employee or employees shall coordinate communications efforts with designated local and state emergency management officials, as required by this section.

(e) Each investor-owned electric distribution or natural gas distribution company, when implementing an emergency response plan, shall designate an employee or employees to serve as community liaisons for each municipality within their service territory. An investor-owned electric
distribution or natural gas distribution company shall provide each community liaison with the
necessary feeder map or maps outlining municipal substations and distribution networks and up-to-date customer outage reports at the time of designation as a community liaison. An investor-owned electric distribution or natural gas distribution company shall, at a minimum, provide each community liaison with three (3) customer outage report updates for each twenty-four (24) hour period, to the liaison's respective city or town. The community liaison shall utilize the maps and outage reports to respond to inquiries from state and local officials and relevant regulatory agencies.

(f) On or before October 1 of each year, every city or town shall notify each investor-owned electric distribution or natural gas distribution company and the Rhode Island emergency management agency of the name of the emergency management official or designee responsible for coordinating the emergency response during storm restoration. If a municipality does not have a designated emergency management official, the chief municipal officer shall designate one public safety official responsible for said emergency response.

(g) Notwithstanding any existing power or authority, the division may open an investigation to review the performance of any investor-owned electric distribution or natural gas distribution company in restoring service during an emergency event. If, after evidentiary hearings or other investigatory proceedings, the division finds that, as a result of the failure of the company to follow its approved emergency response plan, the length of the outages were materially longer than they would have been but for the company's failure, the division shall recommend that the commission enter an order denying the recovery of all, or any part of, the service restoration costs through distribution rates, commensurate with the degree and impact of the service outage.

(h) Notwithstanding any general or special law or rule or regulation to the contrary, upon request by the commission, division and any emergency management agency each electric distribution or natural gas distribution company conducting business in the state shall provide periodic reports regarding emergency conditions and restoration performance during an emergency event consistent with orders of the commission and/or division.


The division shall open a docket and establish standards of acceptable performance for emergency preparation and restoration of service for each investor-owned electric and gas distribution company doing business in the state. The division shall levy a penalty not to exceed one hundred thousand dollars ($100,000) for each violation for each day that the violation of the division's standards persists; provided, however, that the maximum penalty shall not exceed seven million five hundred thousand dollars ($7,500,000) for any related series of violations. The division

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shall open a full investigation, upon its own initiative. Nothing herein shall prohibit any affected
city or town from filing a complaint with the division regarding a violation of the division's
standards of acceptable performance by an investor-owned electric distribution or natural gas
distribution company; provided, however, that said petition shall be filed with the division no later
than ninety (90) days after the violation has been remedied. After an initial review of the complaint,
the division shall make a determination as to whether to open a full investigation.

39-2-28. Levied penalties to be credited back to customers.

Any penalty levied by the division against an investor-owned electric distribution or natural
gas distribution company for any violation of the division's standards of acceptable performance
for emergency preparation and restoration of service for electric and gas distribution companies
shall be credited back to the company's customers in a manner determined by the commission.

SECTION 2. This article shall take effect upon passage.
ARTICLE 9

RELATING TO ECONOMIC DEVELOPMENT

SECTION 1. Sections 5-8-2, 5-8-10, 5-8-11, 5-8-12 and 5-8-15 of Chapter 5-8 of the General Laws entitled “Engineers” are hereby amended as follows:

5-8-2. Definitions.

As used or within the intent of this chapter:

(a) “Accredited program” means specific engineering curricula within established institutions of higher learning that have both met the criteria of, and have been designated by, the Engineering Accreditation Commission of the following commissions of the Accreditation Board for Engineering and Technology, Inc. (ABET-EAC) (“ABET”); the Engineering Accreditation Commission (“ABET-EAC”) and the Engineering Technology Accreditation Commission (“ABET-ETAC”).

(b) "Board" means the state board of registration for professional engineers subsequently provided by this chapter.

(c) "Department" means the department of business regulation.

(d) "Director" means the director of the department of business regulation or his or her designee.

(e) "Engineer" means a person who, by reason of his or her special knowledge and use of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering, as subsequently defined, and as attested by his or her registration as an engineer.

(f) "Engineer-in-training" means a person who complies with the requirements for education, experience, and character, and has passed an examination in the fundamental engineering subjects, as provided in §§ 5-8-11 and 5-8-13.

(g) "National Council of Examiners for Engineering and Surveying (NCEES)” is a nationally recognized organization that assists state boards and territorial boards to better discharge their duties and responsibilities in regulating the practice of engineering and land surveying.

(h)(1) "Practice of engineering” means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to services or creative work, such as consultation, investigation, evaluation surveys, planning and design of engineering systems, and the supervision of construction for the purpose of assuring compliance with specifications; and embracing those services or work in connection with any public or private
utilities, structures, buildings, machines, equipment, processes, work, or projects in which the public welfare or the safeguarding of life, health, or property is concerned.

(2) Any person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, who:

(i) Practices any branch of the profession of engineering;

(ii) By verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be an engineer, or through the use of some other title implies that he or she is an engineer or that he or she is registered under this chapter; or

(iii) Holds himself or herself out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner or recognized as engineering.

(i) "Professional engineer" means a person who has been registered and licensed by the state board of registration for professional engineers.

(j) "Responsible charge" means direct control and personal supervision of engineering work.

(k) "Rules and regulations" means that document of the same title, as amended from time to time, subject to the director's approval, that has been adopted by the board and filed with the secretary of state in accordance with §§ 42-35-3(a), 42-35-4(b), and 5-8-8.

5-8-10. Roster of registered engineers.

A complete roster showing the names and last known addresses of all registered engineers is available on the Department’s website or through an Access to Public Records Request, will be published by the board once each year. Copies of this roster may be mailed to each person so registered, placed on file with the secretary of state, county, and city officials and may be distributed to the public.

5-8-11. General requirements for registration or certification.

(a) Engineer or engineer-in-training. To be eligible for registration as a professional engineer or certification as an engineer-in-training, an applicant must be of good character and reputation and shall submit five (5) references with his or her application for registration, three (3) of which references shall be registered engineers having personal knowledge of his or her engineering experience, or in the case of an application for certification as an engineer-in-training, by three (3) character references.

professional Engineer. The following shall be considered minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer or for certification as an engineer-in-training, respectively:

(1) Eligibility. To be eligible for registration as a professional engineer, an applicant shall
meet the following requirements:

(i) Be of good character and reputation;

(ii) Submit five (5) references with his or her application for registration, three (3) of which references shall be from registered professional engineers having personal knowledge of the applicant’s engineering experience;

(iii) Satisfy the education criteria set forth in this section;

(iv) Satisfy the experience criteria set forth in this section; and

(v) Pass the applicable examinations as required in this section.

As a professional engineer:

(A) Registration by endorsement comity. A person holding a current certificate of registration to engage in the practice of engineering, on the basis of comparable written NCEES examinations, issued to him or her by either a proper authority of a state, territory, or possession of the United States, the District of Columbia, or of any foreign country, and whose qualifications meet the requirements of this chapter, based on verified evidence may, upon application, be registered without further examination.

(B) A person holding a certificate of qualification issued by the National Council of Examiners for Engineering and Surveying—NCEES Record, whose qualifications as evidenced by the NCEES Record meet the requirements of this chapter, may, upon application, be registered without further examination, provided he or she is qualified.

(iii) Graduation from an accredited program, experience and examination.

(i) A graduate of or senior enrolled in an ABET-EAC accredited engineering curriculum of four (4) years or more approved by the board as being of satisfactory standing, shall be admitted to an examination in the fundamentals of engineering. Upon passing this examination and obtaining a specific record of a minimum of four (4) years of experience in engineering work of a grade and character which indicates to the board that the applicant may be competent to practice engineering, the applicant may be admitted, upon application to an examination in the principles and practice of engineering. Upon passing that examination, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he or she is qualified.

(ii) A graduate of an ABET-ETAC accredited engineering technology curriculum of four (4) years or more approved by the board as being of satisfactory standing, who has passed a NCEES
examination in the fundamentals of engineering and obtained a specific record of a minimum of
eight (8) years of experience in engineering work of a grade and character which indicates to the
board that the applicant may be competent to practice engineering, may be admitted, upon
application, to a NCEES examination in the principles and practice of engineering.

(4) Waiver of Requirement for NCEES Examination in Fundamentals of Engineering.

(i) A graduate of an ABET-EAC accredited engineering curriculum having a specific
record of twelve (12) years or more of experience in engineering work of a grade and character
which indicates to the board that the applicant may be competent to practice engineering, shall be
admitted to a NCEES examination in the principles and practice of engineering. Upon passing that
examination, the applicant shall be granted a certificate of registration to practice engineering in
this state, provided he or she is qualified.

(ii) A graduate of an engineering technology curriculum, whether accredited by ABET-
ETAC or unaccredited, applying for initial or comity registration as a professional engineer in
Rhode Island shall not be eligible for waiver of this requirement.

(iii) (5) Graduation from a non-accredited program, experience, and examination.

(i) A graduate of or senior enrolled in an engineering curriculum of four (4) years or more
other than those approved by the board as being of satisfactory standing shall be admitted to an
engineering. Upon passing this examination and obtaining a specific record of a
minimum of four (4) six (6) years of experience in engineering work of a grade and character which
indicates to the board that the applicant may be competent to practice engineering, the applicant
may be admitted, upon application, to a NCEES examination in the principles and practice of
engineering. Upon passing these examinations, the applicant shall be granted a certificate of
registration to practice engineering in this state, provided he or she is qualified.

(ii) A graduate of an engineering technology curriculum of four (4) years or more that is
not accredited by ABET-ETAC is not eligible for registration as a professional engineer in
this state unless they obtain an advanced engineering degree from an ABET-EAC accredited program.

(iv) (6) Teaching. Engineering teaching in a college or university offering an ABET-EAC
accredited engineering curriculum of four (4) years or more may be considered as engineering
experience.

(v) (7) Engineers previously registered. Each engineer holding a certificate of registration
and each engineer in training under the laws of this state as previously in effect shall be deemed
registered as an engineer or engineer-in-training as appropriate under this chapter in accordance
with the laws in effect at the time of their initial registration.
As an engineer in-training: the following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for certification as an engineer-in-training:

(1) Eligibility. To be eligible for registration as an engineer-in-training, an applicant shall meet the following requirements:

(i) Be of good character and reputation;

(ii) Submit three (3) character references, one (1) of which must be from a registered professional engineer;

(iii) Satisfy the education requirements set forth in this section; and

(iv) Satisfy the examination requirements set forth in this section.

(2) Graduation and examination. A graduate of an ABET EAC or an ABET ETAC accredited engineering curriculum program of four (4) years or more who has passed the board's NCEES examination in the fundamentals of engineering shall be certified or enrolled as an engineer-in-training, if he or she is qualified.

(3) Graduation from a non-accredited program and examination. A graduate of a non-accredited engineering curriculum of four (4) years or more who has passed the board's NCEES examination in the fundamentals of engineering and has obtained two (2) years of engineering experience of a grade and character approved by the board shall be certified and enrolled as an engineer in training, if he or she is qualified. Graduates of a non-accredited engineering technology curriculum are not eligible for certification as an engineer in training.

(4) Duration of engineer in training certification. The certification or enrollment of an engineer in training shall be valid for a minimum period of twelve (12) years not expire and does not need to be renewed.

5-8-12 Form of application for registration or certification – Registration, certification, and enrollment fees.

(a) Application for registration as a professional engineer or land surveyor or certification as an engineer-in-training shall:

(1) Be on a form prescribed and furnished by the board;

(2) Establish compliance with the licensing requirements pursuant to § 5-8-11; and

(3) Contain references as prescribed in § 5-8-11, none of whom may be members of the board.

(b) The application and reexamination fees for professional engineers shall be set by the board in an amount to cover the charges and expenses of examination and scoring reviewing applications and shall accompany the application.
(c) The fee for engineer-in-training certification or enrollment shall be set by the board in an amount to cover the charges and expenses of examination and scoring, reviewing applications, and shall accompany the application.

(d) Should the board deny the issuance of a certificate to any applicant, the fee paid shall be retained as an application fee. All application fees are non-refundable, even if an application is denied.

5-8-15. Expiration and renewal of certificates of registration for professional engineers. (a) Certificates of registration shall expire on the last day of the month of June following their issuance and become invalid after that date unless renewed. It is the duty of the board to notify every person registered under this chapter of the date of the expiration of his or her certificate and the amount of the fee required for its renewal. The notice shall be delivered, electronically or otherwise, to the registrant, at his or her last-known e-mail address, at least one month in advance of the date of the expiration of the certificate.

(b) Renewal may be effected at any time. Certificates of registration must be renewed prior to, or during the month of, June by the payment of a fee set by the board in an amount not less than one hundred fifty dollars ($150), but not to exceed one hundred eighty dollars ($180). Renewal of an expired certificate may be effected within a period of three years, provided evidence is submitted to the board attesting to the continued competence and good character of the applicant. In the event renewal is not made before the end of the third year, the board may require any reexamination that it deems appropriate. The amount to be paid for that renewal is the annual fee set by the board in an amount not to exceed one hundred eighty dollars ($180) times the number of years the applicant has been delinquent, plus a penalty of sixty dollars ($60.00) per delinquent year.

SECTION 2. Sections 42-64.20-5 and 42-64.20-10 of the General Laws in Chapter 42-64.20 entitled “Rebuild Rhode Island Tax Credit” are hereby amended to read as follows:

42-64.20-5. Tax credits.

(a) An applicant meeting the requirements of this chapter may be allowed a credit as set forth hereinafter against taxes imposed upon such person under applicable provisions of title 44 of the general laws for a qualified development project.

(b) To be eligible as a qualified development project entitled to tax credits, an applicant’s chief executive officer or equivalent officer shall demonstrate to the commerce corporation, at the time of application, that:
(1) The applicant has committed a capital investment or owner equity of not less than twenty percent (20%) of the total project cost;

(2) There is a project financing gap in which after taking into account all available private and public funding sources, the project is not likely to be accomplished by private enterprise without the tax credits described in this chapter; and

(3) The project fulfills the state's policy and planning objectives and priorities in that:

(i) The applicant will, at the discretion of the commerce corporation, obtain a tax stabilization agreement from the municipality in which the real estate project is located on such terms as the commerce corporation deems acceptable;

(ii) It (A) Is a commercial development consisting of at least 25,000 square feet occupied by at least one business employing at least 25 full-time employees after construction or such additional full-time employees as the commerce corporation may determine; (B) Is a multi-family residential development in a new, adaptive reuse, certified historic structure, or recognized historical structure consisting of at least 20,000 square feet and having at least 20 residential units in a hope community; or (C) Is a mixed-use development in a new, adaptive reuse, certified historic structure, or recognized historical structure consisting of at least 25,000 square feet occupied by at least one business, subject to further definition through rules and regulations promulgated by the commerce corporation; and

(iii) Involves a total project cost of not less than $5,000,000, except for a qualified development project located in a hope community or redevelopment area designated under § 45-32-4 in which event the commerce corporation shall have the discretion to modify the minimum project cost requirement.

(c) The commerce corporation shall develop separate, streamlined application processes for the issuance of rebuild RI tax credits for each of the following:

(1) Qualified development projects that involve certified historic structures;

(2) Qualified development projects that involve recognized historical structures;

(3) Qualified development projects that involve at least one manufacturer; and

(4) Qualified development projects that include affordable housing or workforce housing.

(d) Applications made for a historic structure or recognized historic structure tax credit under chapter 33.6 of title 44 shall be considered for tax credits under this chapter. The division of taxation, at the expense of the commerce corporation, shall provide communications from the commerce corporation to those who have applied for and are in the queue awaiting the offer of tax credits pursuant to chapter 33.6 of title 44 regarding their potential eligibility for the rebuild RI tax credit program.
(e) Applicants (1) Who have received the notice referenced in subsection (d) above and who may be eligible for a tax credit pursuant to chapter 33.6 of title 44, (2) Whose application involves a certified historic structure or recognized historical structure, or (3) Whose project is occupied by at least one manufacturer shall be exempt from the requirements of subsections (b)(3)(ii) and (b)(3)(iii). The following procedure shall apply to such applicants:

(i) The division of taxation shall remain responsible for determining the eligibility of an applicant for tax credits awarded under chapter 33.6 of title 44;

(ii) The commerce corporation shall retain sole authority for determining the eligibility of an applicant for tax credits awarded under this chapter; and

(iii) The commerce corporation shall not award in excess of fifteen percent (15%) of the annual amount authorized in any fiscal year to applicants seeking tax credits pursuant to this subsection (e).

(f) Maximum project credit.

(1) For qualified development projects, the maximum tax credit allowed under this chapter shall be the lesser of (i) Thirty percent (30%) of the total project cost; or (ii) The amount needed to close a project financing gap (after taking into account all other private and public funding sources available to the project), as determined by the commerce corporation.

(2) The credit allowed pursuant to this chapter, inclusive of any sales and use tax exemptions allowed pursuant to this chapter, shall not exceed fifteen million dollars ($15,000,000) for any qualified development project under this chapter; except as provided in subsection (f)(3) of this section; provided however, any qualified development project that exceeds the project cap upon passage of this act shall be deemed not to exceed the cap, shall not be reduced, nor shall it be further increased. No building or qualified development project to be completed in phases or in multiple projects shall exceed the maximum project credit of fifteen million dollars ($15,000,000) for all phases or projects involved in the rehabilitation of the building. Provided, however, that for purposes of this subsection and no more than once in a given fiscal year, the commerce corporation may consider the development of land and buildings by a developer on the "I-195 land" as defined in § 42-64.24-3(6) as a separate, qualified development project from a qualified development project by a tenant or owner of a commercial condominium or similar legal interest including leasehold improvement, fit out, and capital investment. Such qualified development project by a tenant or owner of a commercial condominium or similar legal interest on the I-195 land may be exempted from subsection (f)(1)(i) of this section.

(3) The credit allowed pursuant to this chapter, inclusive of any sales and use tax exemptions allowed pursuant to this chapter, shall not exceed twenty-five million dollars
($25,000,000) for the project for which the I-195 redevelopment district was authorized to enter into a purchase and sale agreement for parcels 42 and P4 on December 19, 2018, provided that project is approved for credits pursuant to this chapter by the commerce corporation.

(g) Credits available under this chapter shall not exceed twenty percent (20%) of the project cost, provided, however, that the applicant shall be eligible for additional tax credits of not more than ten percent (10%) of the project cost, if the qualified development project meets any of the following criteria or other additional criteria determined by the commerce corporation from time to time in response to evolving economic or market conditions:

(1) The project includes adaptive reuse or development of a recognized historical structure;

(2) The project is undertaken by or for a targeted industry;

(3) The project is located in a transit-oriented development area;

(4) The project includes residential development of which at least twenty percent (20%) of the residential units are designated as affordable housing or workforce housing;

(5) The project includes the adaptive reuse of property subject to the requirements of the industrial property remediation and reuse act, § 23-19.14-1 et seq.; or

(6) The project includes commercial facilities constructed in accordance with the minimum environmental and sustainability standards, as certified by the commerce corporation pursuant to Leadership in Energy and Environmental Design or other equivalent standards.

(h) Maximum aggregate credits. The aggregate sum authorized pursuant to this chapter, inclusive of any sales and use tax exemptions allowed pursuant to this chapter, shall not exceed two hundred ten million dollars ($210,000,000) two hundred forty million dollars ($240,000,000), excluding any tax credits allowed pursuant to subsection (f)(3) of this section.

(i) Tax credits shall not be allowed under this chapter prior to the taxable year in which the project is placed in service.

(j) The amount of a tax credit allowed under this chapter shall be allowable to the taxpayer in up to five, annual increments; no more than thirty percent (30%) and no less than fifteen percent (15%) of the total credits allowed to a taxpayer under this chapter may be allowable for any taxable year.

(k) If the portion of the tax credit allowed under this chapter exceeds the taxpayer's total tax liability for the year in which the relevant portion of the credit is allowed, the amount that exceeds the taxpayer's tax liability may be carried forward for credit against the taxes imposed for the succeeding four (4) years, or until the full credit is used, whichever occurs first. Credits allowed to a partnership, a limited-liability company taxed as a partnership, or multiple owners of property shall be passed through to the persons designated as partners, members, or owners respectively pro
rata or pursuant to an executed agreement among persons designated as partners, members, or
owners documenting an alternate distribution method without regard to their sharing of other tax
or economic attributes of such entity.

(i) The commerce corporation, in consultation with the division of taxation, shall establish,
by regulation, the process for the assignment, transfer, or conveyance of tax credits.

(m) For purposes of this chapter, any assignment or sales proceeds received by the taxpayer
for its assignment or sale of the tax credits allowed pursuant to this section shall be exempt from
taxation under title 44. If a tax credit is subsequently revoked or adjusted, the seller's tax calculation
for the year of revocation or adjustment shall be increased by the total amount of the sales proceeds,
without proration, as a modification under chapter 30 of title 44. In the event that the seller is not a
natural person, the seller's tax calculation under chapter 11, 13, 14, or 17 of title 44, as applicable,
for the year of revocation, or adjustment, shall be increased by including the total amount of the
sales proceeds without proration.

(n) The tax credit allowed under this chapter may be used as a credit against corporate
income taxes imposed under chapter 11, 13, 14, or 17, of title 44, or may be used as a credit against
personal income taxes imposed under chapter 30 of title 44 for owners of pass-through entities such
as a partnership, a limited-liability company taxed as a partnership, or multiple owners of property.

(o) In the case of a corporation, this credit is only allowed against the tax of a corporation
included in a consolidated return that qualifies for the credit and not against the tax of other
corporations that may join in the filing of a consolidated tax return.

(p) Upon request of a taxpayer and subject to annual appropriation, the state shall redeem
this credit, in whole or in part, for ninety percent (90%) of the value of the tax credit. The division
of taxation, in consultation with the commerce corporation, shall establish by regulation a
redemption process for tax credits.

(q) Projects eligible to receive a tax credit under this chapter may, at the discretion of the
commerce corporation, be exempt from sales and use taxes imposed on the purchase of the
following classes of personal property only to the extent utilized directly and exclusively in the
project: (1) Furniture, fixtures, and equipment, except automobiles, trucks, or other motor vehicles;
or (2) Other materials, including construction materials and supplies, that are depreciable and have
a useful life of one year or more and are essential to the project.

(r) The commerce corporation shall promulgate rules and regulations for the administration
and certification of additional tax credit under subsection (e), including criteria for the eligibility,
evaluation, prioritization, and approval of projects that qualify for such additional tax credit.
(s) The commerce corporation shall not have any obligation to make any award or grant any benefits under this chapter.

42-64.20-10. Sunset.

No credits shall be authorized to be reserved pursuant to this chapter after June 30, 2021.

42-64.21-9. Sunset.

The commerce corporation shall enter into no agreement under this chapter after June 30, 2021.

SECTION 3. Section 42-64.21-9 of the General Laws in Chapter 42-64.21 entitled “Rhode Island Tax Increment Financing” is hereby amended to read as follows:

42-64.21-9. Sunset.

No credits shall be authorized to be reserved pursuant to this chapter after June 30, 2021.

SECTION 4. Section 42-64.22-15 of the General Laws in Chapter 42-64.22 entitled “Tax Stabilization Incentive” is hereby amended to read as follows:

42-64.22-15. Sunset.

No credits shall be authorized to be reserved pursuant to this chapter after June 30, 2021.

SECTION 5. Section 42-64.23-8 of the General Laws in Chapter 42-64.23 entitled “First Wave Closing Fund Act” is hereby amended to read as follows:

42-64.23-8. Sunset.

No funding shall be authorized to be reserved pursuant to this chapter after June 30, 2021.

SECTION 6. Section 42-64.24-8 of the General Laws in Chapter 42-64.24 entitled “I-195 Redevelopment Project Fund Act” is hereby amended as follows:

42-64.24-8. Sunset.

No funding, credits, or incentives shall be authorized or authorized to be reserved pursuant to this chapter after June 30, 2021.

SECTION 7. Section 42-64.25-14 of the General Laws in Chapter 42-64.25 entitled “Rhode Island Small Business Assistance Program” is amended to read as follows:

§ 42-64.25-14. Sunset.

No grants, funding, or incentives shall be authorized pursuant to this chapter after June 30, 2021.

SECTION 8. Sections 42-64.26-3, 42-64.26-5, 42-64.26-8 and 42-64.26-12 of the General Laws in Chapter 42-64.26 entitled “Stay Invested in RI Wavemaker Fellowship” are hereby amended to read as follows:

42-64.26-3. Definitions.
As used in this chapter:

(1) “Eligible graduate” means an individual who meets the eligibility requirements under this chapter.

(2) “Applicant” means an eligible graduate who applies for a tax credit for education loan repayment expenses under this chapter.

(3) “Award” means a tax credit awarded by the commerce corporation to an applicant as provided under this chapter.

(4) “Business” means any corporation, state bank, federal savings bank, trust company, national banking association, bank holding company, loan and investment company, mutual savings bank, credit union, building and loan association, insurance company, investment company, broker-dealer company or surety company, limited liability company, partnership, sole proprietorship, or federal agency or subsidiaries thereof.

(5) “Taxpayer” means an applicant who receives a tax credit under this chapter.

(6) “Commerce corporation” means the Rhode Island commerce corporation established pursuant to chapter 64 of title 42.

(7) “Eligible expenses” or “education loan repayment expenses” means annual higher education loan repayment expenses, including, without limitation, principal, interest and fees, as may be applicable, incurred and paid by an eligible graduate and which the eligible graduate is obligated to repay for attendance at a post-secondary institution of higher learning.

(8) “Eligibility period” means a term of up to four (4) consecutive service periods beginning with the date that an eligible graduate receives initial notice of award under this chapter and expiring at the conclusion of the fourth service period after such date specified.

(9) “Eligibility requirements” means the following qualifications or criteria required for an applicant to claim an award under this chapter:

(i) That the applicant shall have graduated from an accredited two (2) year, four (4) year or graduate post-secondary institution of higher learning with an associate’s, bachelor’s, graduate, or post-graduate degree and at which the applicant incurred education loan repayment expenses;

(ii) That the applicant shall be a full-time employee with a Rhode Island-based employer located in this state throughout the eligibility period, whose employment is for work in one or more of the following covered fields: life, natural or environmental sciences; computer, information or software technology; advanced mathematics or finance; engineering; industrial design or other commercially related design field; or medicine or medical device technology.

(10) “Full-time employee” means a person who is employed by a business for consideration for a minimum of at least thirty-five (35) hours per week, or who renders any other
standard of service generally accepted by custom or practice as full-time employment, or who is employed by a professional employer organization pursuant to an employee leasing agreement between the business and the professional employer organization for a minimum of thirty-five (35) hours per week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose wages are subject to withholding and whose earnings are subject to Rhode Island income tax.

(10) “Service period” means a twelve (12) month period beginning on the date that an eligible graduate applicant receives initial notice of award under this chapter.

(11) “Student loan” means a loan to an individual by a public authority or private lender to assist the individual to pay for tuition, books, and living expenses in order to attend a post-secondary institution of higher learning.

(12) “Rhode Island-based employer” means (i) an employer having a principal place of business or at least fifty-one percent (51%) of its employees located in this state; or (ii) an employer registered to conduct business in this state that reported Rhode Island tax liability in the previous tax year.

(13) “Fund” refers to the “Stay Invested in RI Wavemaker Fellowship Fund” established pursuant to § 42-64.26-4.

42-64.26-5. Administration.

(a) Application. An eligible graduate claiming an award under this chapter shall submit to the commerce corporation an application in the manner that the commerce corporation shall prescribe.

(b) Upon receipt of a proper application from an applicant who meets all of the eligibility requirements, the commerce corporation shall select applicants on a competitive basis to receive credits for up to a maximum amount for each service period of one thousand dollars ($1,000) for an associate’s degree holder, four thousand dollars ($4,000) for a bachelor’s degree holder, and six thousand dollars ($6,000) for a graduate or post-graduate degree holder, but not to exceed the education loan repayment expenses incurred by such taxpayer during each service period completed, for up to four (4) consecutive service periods provided that the taxpayer continues to meet the eligibility requirements throughout the eligibility period. The commerce corporation shall delegate the selection of the applicants that are to receive awards to one or more fellowship committees to be convened by the commerce corporation and promulgate the selection procedures the fellowship committee or committees will use, which procedures shall require that the committee’s consideration of applications be conducted on a name-blind and employer-blind basis and that the applications and other supporting documents received or reviewed by the fellowship
committee or committees shall be redacted of the applicant’s name, street address, and other personally-identifying information as well as the applicant’s employer’s name, street address, and other employer-identifying information. The commerce corporation shall determine the composition of the fellowship committee or committees and the selection procedures it will use in consultation with the state’s chambers of commerce.

(c) The credits awarded under this chapter shall not exceed one hundred percent (100%) of the education loan repayment expenses incurred paid by such taxpayer during each service period completed for up to four (4) consecutive service periods. Tax credits shall be issued annually to the taxpayer upon proof that (i) the taxpayer has actually incurred and paid such education loan repayment expenses; (ii) the taxpayer continues to meet the eligibility requirements throughout the service period; (iii) The award shall not exceed the original loan amount plus any capitalized interest less award previously claimed under this section; and (iv) that the taxpayer claiming an award is current on his or her student loan repayment obligations.

(d) The commerce corporation shall not commit to overall awards in excess of the amount contained in the fund.

(e) The commerce corporation shall reserve seventy percent (70%) of the awards issued in a calendar year to applicants who are permanent residents of the state of Rhode Island or who attended an institution of higher education located in Rhode Island when they incurred the education loan expenses to be repaid.

(f) In administering awards, the commerce corporation shall:

(1) Require suitable proof that an applicant meets the eligibility requirements for award under this chapter;

(2) Determine the contents of applications and other materials to be submitted in support of an application for award under this chapter; and

(3) Collect reports and other information during the eligibility period for each award to verify that a taxpayer continues to meet the eligibility requirements for an award.

42-64.26-8. Carry forward and redemption of tax credits.

(a) If the amount of the tax credit allowed under this chapter exceeds the taxpayer’s total tax liability for the year in which the credit is allowed, the amount of such credit that exceeds the taxpayer’s tax liability may be carried forward and applied against the taxes imposed for the succeeding four (4) years, or until the full credit is used, whichever occurs first.

(b) The tax credit allowed under this chapter may be used as a credit against personal income taxes imposed under chapter 30 of title 44.
(c) The division of taxation shall at the request of a taxpayer redeem such credits in whole
or in part for one hundred percent (100%) of the value of the tax credit.

(d) Any amounts paid to a taxpayer for the redemption of tax credits allowed pursuant to this chapter after January 1, 2021 shall be exempt from taxation under title 44 of the General Laws.

42-64.26-12. Sunset.

No incentives or credits shall be authorized pursuant to this chapter after June 30, 2024.

2024December 31, 2022.

SECTION 9. Section 42-64.27-6 of the General Laws in Chapter 42-64.27 entitled “Main Street Rhode Island Streetscape Improvement Fund” is hereby amended as follows:

§ 42-64.27-6. Sunset.

No incentives shall be authorized pursuant to this chapter after June 30, 2024.

2022.

SECTION 10. Section 42-64.28-10 of the General Laws in Chapter 42-64.28 entitled “Innovation Initiative” is hereby amended as follows:

42-64.28-10. Sunset.

No vouchers, grants, or incentives shall be authorized pursuant to this chapter after June 30, 2024.

2022.

SECTION 11. Section 42-64.29-8 of the General Laws in Chapter 42-64.29 entitled “Industry Cluster Grants” is hereby amended as follows:

42-64.29-8. Sunset.

No grants or incentives shall be authorized to be reserved pursuant to this chapter after June 30, 2021.

2022.

SECTION 12. Section 42-64.31-4 of the General Laws in Chapter 42-64.31 entitled “High School, College, and Employer Partnerships” is hereby amended as follows:

42-64.31-4. Sunset.

No grants shall be authorized pursuant to this chapter after June 30, 2021.

2022.

SECTION 13. Section 42-64.32-6 of the General Laws in Chapter 42-64.32 entitled “Air Service Development Fund” is hereby amended as follows:

42-64.32-6. Sunset.

No grants, credits, or incentives shall be authorized or authorized to be reserved pursuant to this chapter after June 30, 2021.
SECTION 14. Sections 42-64.33-2, 42-64.33-3, 42-64.33-4, 42-64.33-5 and 42-64.33-9 of the General Laws in Chapter 42-64.33 entitled “Small Business Development Loan Fund” are hereby amended to read as follows:

42-64.33-2. Definitions.

(a) As used in this chapter:

(1) "Affiliate" means an entity that directly, or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with another entity. For the purposes of this chapter, an entity is "controlled by" another entity if the controlling entity holds, directly or indirectly, the majority voting or ownership interest in the controlled entity or has control over the day-to-day operations of the controlled entity by contract or by law.

(2) "Applicable percentage" means zero percent (0%) for the first three (3) credit allowance dates, and up to twenty-one and one-half percent (21.5%) for the fourth, fifth, and sixth credit allowance dates.

(3) "Capital investment" means any equity or debt investment in a small business development fund by a small business fund investor that:

(i) Is acquired after July 5, 2019, at its original issuance solely in exchange for cash;

(ii) Has one hundred percent (100%) of its cash purchase price used by the small business development fund to make qualified investments in eligible businesses located in this state within three (3) years of the initial credit allowance date; and

(iii) Is designated by the small business development fund as a capital investment under this chapter and is certified by the corporation pursuant to § 42-64.33-4. This term shall include any capital investment that does not meet the provisions of § 42-64.33-4(a) if the investment was a capital investment in the hands of a prior holder.

(4) "Corporation" means the Rhode Island commerce corporation.

(5) "Credit allowance date" means the date on which a capital investment is made and each of the five (5) anniversary dates of the date thereafter.

(6) "Eligible business" means a business that, at the time of the initial qualified investment in the company:

(i) Has less than two hundred fifty (250) employees;

(ii) Has not more than fifteen million dollars ($15,000,000) in net income from the preceding tax year;

(iii) Has its principal business operations in this state; and

(iv) Is engaged in industries related to clean energy, biomedical innovation, life sciences, information technology, software, cyber physical systems, cybersecurity, data analytics, defense,
shipbuilding, maritime, composites, advanced business services, design, food, manufacturing,
transportation, distribution, logistics, arts, education, hospitality, tourism, or, if not engaged in the
industries, the corporation makes a determination that the investment will be beneficial to the
economic growth of the state.

(7) "Eligible distribution" means a corporation approved distribution in relation to an application which is:

(i) A distribution of cash to one or more equity owners of a small business fund investor to
fully or partially offset a projected increase in the owner's federal or state tax liability, including
any penalties and interest, related to the owner's ownership, management, or operation of the small
business fund investor;

(ii) A distribution of cash as payment of interest and principal on the debt of the small
business fund investor or small business development fund; or

(iii) A distribution of cash related to the reasonable costs and expenses of forming,
syndicating, managing, and operating the small business fund investor or the small business
development fund, or a return of equity or debt to affiliates of a small business fund investor or
small business development fund. The distributions may include reasonable and necessary fees paid
for professional services, including legal and accounting services, related to the formation and
operation of the small business development fund.

(8) "Jobs created" means a newly created position of employment that was not previously
located in the state at the time of the qualified investment in the eligible business and requiring a
minimum of thirty five (35) hours worked each week, measured each year by subtracting the
number of full-time, thirty-five hours-per-week (35) employment positions at the time of the initial
qualified investment in the eligible business from the monthly average of full-time, thirty-five
hours-per-week (35) employment positions for the applicable year. The number shall not be less
than zero.

(9) "Jobs retained" means a position requiring a minimum of thirty five (35) hours worked
each week that existed prior to the initial qualified investment. Retained jobs shall be counted each
year based on the monthly average of full-time, thirty-five hours-per-week (35) employment
positions for the applicable year. The number shall not exceed the initial amount of retained jobs
reported and shall be reduced each year if employment at the eligible business concern drops below
that number.

(10) "Minority business enterprise" means an eligible business which is certified by the
Rhode Island office of diversity, equity and opportunity as being a minority or women business
talent.
(11) "Principal business operations" means the location where at least sixty percent (60%) of a business's employees work or where employees who are paid at least sixty percent (60%) percent of the business's payroll work. A business that has agreed to relocate employees using the proceeds of a qualified investment to establish its principal business operations in a new location shall be deemed to have its principal business operations in the new location if it satisfies these requirements no later than one hundred eighty (180) days after receiving a qualified investment.

(12) "Purchase price" means the amount paid to the small business development fund that issues a capital investment that shall not exceed the amount of capital investment authority certified pursuant to § 42-64.33-4.

(13) "Qualified investment" means any investment in an eligible business or any loan to an eligible business with a stated maturity date of at least one year after the date of issuance, excluding revolving lines of credit and senior secured debt unless the eligible business has a credit refusal letter or similar correspondence from a depository institution or a referral letter or similar correspondence from a depository institution referring the business to a small business development fund; provided that, with respect to any one eligible business, the maximum amount of investments made in the business by one or more small business development funds, on a collective basis with all of the businesses' affiliates, with the proceeds of capital investments shall be twenty percent (20%) of the small business development fund's capital investment authority, exclusive of investments made with repaid or redeemed investments or interest or profits realized thereon. An eligible business, on a collective basis with all of the businesses' affiliates, is prohibited from receiving more than four million dollars ($4,000,000) in investments from one or more small business development funds with the proceeds of capital investments.

(14) "Small business development fund" means an entity certified by the corporation under § 42-64.33-4.

(15) "Small business fund investor" means an entity that makes a capital investment in a small business development fund.

(16) "State" means the state of Rhode Island and Providence Plantations.

(17) "State tax liability" means any liability incurred by any entity under chapters 11, 13, 14, 17 and 30, of title 44, § 44-17-1 et seq.

42-64.33-3. Tax credit established.

(a) Upon making a capital investment in a small business development fund, a small business fund investor earns a vested right to a credit against the entity's state tax liability that may be utilized on each credit allowance date of the capital investment in an amount equal to the applicable percentage for the credit allowance date multiplied by the purchase price paid to the
small business development fund for the capital investment. The amount of the credit claimed by
any entity shall not exceed the amount of the entity’s minimum state tax liability for the tax year
for which the credit is claimed. Any amount of credit that an entity is prohibited from claiming in
a taxable year as a result of this section may be carried forward for a period of seven (7) years. It
is the intent of this chapter that an entity claiming a credit under this section is not required to pay
any additional tax that may arise as a result of claiming the credit.

(b) No credit claimed under this section shall be refundable or saleable on the open market.
Credits earned by or allocated to a partnership, limited liability company, or S corporation may be
allocated to the partners, members, or shareholders of the entity for their direct use for state tax
liability as defined in this chapter in accordance with the provisions of any agreement among the
partners, members, or shareholders, and a small business development fund must notify the
corporation of the names of the entities that are eligible to utilize credits pursuant to an allocation
of credits or a change in allocation of credits or due to a transfer of a capital investment upon the
allocation, change, or transfer. The allocation shall be not considered a sale for purposes of this
section. Credits may be assigned, transferred, conveyed or sold by an owner or holder of such
credits.

(c) The corporation shall provide copies of issued certificates to the division of taxation;
such certifications to include information deemed necessary by the division of taxation for tax
administration.

42-64.33-4. Application, approval and allocations.

(a) The corporation shall publicly solicit applicants and approve applications through a
selection process. A small business development fund that seeks to have an equity or debt
investment certified as a capital investment and eligible for credits under this chapter shall apply to
the corporation in response to a public solicitation. The corporation shall issue the first public
solicitation for applicants by November 1, 2021, begin accepting applications within ninety (90)
days of July 5, 2019. The small business development fund application shall include the following:

(1) The amount of capital investment requested;

(2)(A) A copy of the applicant’s or an affiliate of the applicant’s license as a rural business
investment company under 7 U.S.C. § 2009cc, or as a small business investment company under
15 U.S.C. § 681, and a certificate executed by an executive officer of the applicant attesting that
the license remains in effect and has not been revoked; or (B) evidence satisfactory to the
corporation that the applicant is a mission-oriented community financial institution such as a
community development financial institution, minority depository institution, certified
development company, or microloan intermediary, or an organization with demonstrated experience of making capital investments in small businesses.

(3) Evidence that, as of the date the application is submitted, the applicant or affiliates of the applicant have invested at least one hundred million dollars ($100,000,000) in nonpublic companies.

(4) An estimate of the number of jobs that will be created or retained in this state as a result of the applicant's qualified investments;

(5) A business plan that includes a strategy for reaching out to and investing in minority business enterprises and a revenue impact assessment projecting state and local tax revenue to be generated by the applicant's proposed qualified investment prepared by a nationally recognized, third-party, independent economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant's business plan over the ten (10) years following the date the application is submitted to the corporation; and

(6) A nonrefundable application fee of five thousand dollars ($5,000), which fee shall be set by regulation; and

(6) Such other criteria as the corporation deems appropriate.

(b) After the close of a public solicitation period, the corporation shall make a determination based upon the criteria set forth in the application or any supplementary materials or information requested by the corporation as to which of the qualified applicants, if any, shall receive an award of tax credits. Within thirty (30) days after receipt of a completed application, the corporation shall grant or deny the application in full or in part. The corporation shall deny the application if:

(1) The applicant does not satisfy all of the criteria described in subsection (a) of this section;

(2) The revenue impact assessment submitted with the application does not demonstrate that the applicant's business plan will result in a positive economic impact on this state over a ten-year (10) period that exceeds the cumulative amount of tax credits that would be issued to the applicant if the application were approved; or

(3) The corporation has already approved the maximum amount of capital investment authority under subsection (g) of this section.

(c) If the corporation denies any part of the application, it shall inform the applicant of the grounds for the denial. If the applicant provides any additional information required by the corporation or otherwise completes its application within fifteen (15) days of the notice of denial, the application shall be considered completed as of the original date of submission. If the applicant
fails to provide the information or fails to complete its application within the fifteen-day (15) period, the application remains denied and must be resubmitted in full with a new submission date.

(d) If the application is approved deemed to be complete and the applicant deemed to meet all of the requirements of subsections (a) and (b), the corporation shall certify the proposed equity or debt investment as a capital investment that is eligible for credits under this chapter, subject to the limitations contained in subsection (ge) of this section. The corporation shall provide written notice of the certification to the small business development fund.

(e) The corporation shall certify capital investments in the order that the applications were received by the corporation. Applications received on the same day shall be deemed to have been received simultaneously.

(f) For applications that are complete and received on the same day, the corporation shall certify applications in proportionate percentages based upon the ratio of the amount of capital investments requested in an application to the total amount of capital investments requested in all applications.

(g) The corporation shall certify no more than sixty-five million dollars ($65,000,000) in capital investments pursuant to this section; provided that not more than twenty million dollars ($20,000,000) may be allocated to any individual small business development fund certified under this section.

(h) Within sixty (60) days of the applicant receiving notice of certification, the small business development fund shall issue the capital investment to and receive cash in the amount of the certified amount from a small business fund investor. At least forty-five percent (45%) of the small business fund investor's capital investment shall be composed of capital raised by the small business fund investor from sources, including directors, members, employees, officers, and affiliates of the small business fund investor, other than the amount of capital invested by the allocatee claiming the tax credits in exchange for the allocation of tax credits; provided that at least ten percent (10%) of the capital investment shall be derived from the small business investment fund's managers. The small business development fund shall provide the corporation with evidence of the receipt of the cash investment within sixty-five (65) days of the applicant receiving notice of certification. If the small business development fund does not receive the cash investment and issue the capital investment within the time period following receipt of the certification notice, the certification shall lapse and the small business development fund shall not issue the capital investment without reapplying to the corporation for certification. Lapsed certifications revert to the authority and shall be reissued pro rata to applicants whose capital investment allocations were reduced pursuant to this chapter and then in accordance with the application process.

42-64.33-5. Tax credit recapture and exit.
(a) The corporation, working in coordination with the division of taxation, may recapture, from any entity, including partners, members, or shareholders of the entity, that receives a tax credit certificate as a result of certification claims a credit on a tax return, the credit allowed under this chapter if:

1. The small business development fund does not invest one hundred (100%) percent of its capital investment authority in qualified investments in this state within three (3) years of the first credit allowance date;

2. The small business development fund, after satisfying subsection (a)(1) of this section, fails to maintain qualified investments equal to one hundred (100%) percent of its capital investment authority until the sixth anniversary of the initial credit allowance date. For the purposes of this subsection, a qualified investment is considered maintained even if the qualified investment was sold or repaid so long as the small business development fund reinvests an amount equal to the capital returned or recovered by the small business development fund from the original investment, exclusive of any profits realized, in other qualified investments in this state within twelve (12) months of the receipt of the capital. Amounts received periodically by a small business development fund shall be treated as continually invested in qualified investments if the amounts are reinvested in one or more qualified investments by the end of the following calendar year. A small business development fund shall not be required to reinvest capital returned from qualified investments after the fifth anniversary of the initial credit allowance date, and the qualified investments shall be considered held continuously by the small business development fund through the sixth anniversary of the initial credit allowance date;

3. The small business development fund, before exiting the program in accordance with subsection (e) of this section, makes a distribution or payment that results in the small business development fund having less than one hundred percent (100%) of its capital investment authority invested in qualified investments in this state or available for investment in qualified investments and held in cash and other marketable securities;

4. The small business development fund, before exiting the program in accordance with subsection (e) of this section, fails to make qualified investments in minority business enterprises that when added together equal at least ten percent (10%) of the small business development fund's capital investment authority; or

5. The small business development fund violates subsection (d) of this section.

(b) Recaptured credits and the related capital investment authority revert to the corporation and shall be reissued pro rata to applicants whose capital investment allocations were reduced pursuant to § 42-64.33-4(f) and then in accordance with the application process.
(c) Enforcement of each of the recapture provisions of subsection (a) of this section shall be subject to a six-month (6) cure period. No recapture shall occur until the small business development fund has been given notice of noncompliance and afforded six (6) months from the date of the notice to cure the noncompliance.

(d) In the event that tax credits, or a portion of tax credits, have been transferred or assigned in an arms-length transaction, for value, and without notice of violation, fraud, or misrepresentation, the corporation will pursue its recapture rights and remedies against the applicant for the tax credits and/or the recipient of the certification who shall be liable to repay to the corporation the face value of all tax credits assigned or transferred and all fees paid by the applicant shall be deemed forfeited. No redress shall be sought against assignees or transferees of such tax credits provided the tax credits were acquired by way of an arms-length transaction, for value, and without notice of violation, fraud, or misrepresentation.

(e) No eligible business that receives a qualified investment under this chapter, or any affiliates of the eligible business, may directly or indirectly:

1. Own or have the right to acquire an ownership interest in a small business development fund or member or affiliate of a small business development fund, including, but not limited to, a holder of a capital investment issued by the small business development fund; or

2. Loan to or invest in a small business development fund or member or affiliate of a small business development fund, including, but not limited to, a holder of a capital investment issued by a small business development fund, where the proceeds of the loan or investment are directly or indirectly used to fund or refinance the purchase of a capital investment under this chapter.

(f) On or after the sixth anniversary of the initial credit allowance date, a small business development fund may apply to the corporation to exit the program and no longer be subject to regulation under this chapter. The corporation shall respond to the exit application within thirty (30) days of receipt. In evaluating the exit application, the fact that no credits have been recaptured and that the small business development fund has not received a notice of recapture that has not been cured pursuant to subsection (c) of this section shall be sufficient evidence to prove that the small business development fund is eligible for exit. The corporation shall not unreasonably deny an exit application submitted under this subsection. If the exit application is denied, the notice shall include the reasons for the determination.

(g) If the number of jobs created or retained by the eligible businesses that received qualified investments from the small business development fund, calculated pursuant to reports filed by the small business development fund pursuant to § 42-64.33-7, is:
(1) Less than sixty percent (60%) of the amount projected in the approved small business
development fund's business plan filed as part of its application for certification under § 42-64.33-
4, then the state shall receive thirty percent (30%) of any distribution or payment to an equity or
debt holder in an approved small business development fund made after its exit from the program
in excess of eligible distributions; or

(2) Greater than sixty percent (60%) but less than one hundred percent (100%) of the amount
projected in the approved small business development fund's business plan filed as part of its
application for certification under § 42-64.33-4, then the state shall receive fifteen percent (15%)
of any distribution or payment to an equity or debt holder in an approved small business
development fund made after its exit from the program in excess of eligible distributions.

At the time a small business development fund applies to the corporation to exit the
program, it shall calculate the aggregate internal rate of return of its qualified investments. If the
small business development fund's aggregate internal rate of return on its qualified investments at
exit exceeds ten percent (10%), then, after eligible distributions, the state shall receive ten percent
(10%) of any distribution or payment in excess of the aggregate ten percent (10%) internal rate of
return to an equity or debtholder in an approved small business development fund.

The corporation shall not revoke a tax credit certificate after the small business
development fund's exit from the program.

42-64.33-9. Rules and regulations.
The corporation and the division of taxation shall jointly promulgate and adopt rules and
regulations pursuant to § 42-35-3 of the general laws, as are necessary to implement this chapter,
including, but not limited to: the determination of additional limits; the promulgation of procedures
and forms necessary to apply for a tax credit, including the enumeration of the certification
procedures; the promulgation of procedures and forms relating to the issuance of tax credit
certificates and assignment of credits; and provisions for tax credit applicants to be charged ongoing
service fees, to cover the administrative costs related to the tax credit.

The corporation and division of taxation may issue reasonable rules and regulations, consistent
with this chapter, as are necessary to carry out the intent and purpose and implementation of the
responsibilities under this chapter.

SECTION 15. Chapter 42-64.33 of the General Laws entitled “Small Business
Development Loan Fund” is hereby amended by adding thereto the following section:

42-64.33-10. Program integrity.
Program integrity being of paramount importance, the corporation shall establish
procedures to ensure ongoing compliance with the terms and conditions of the program established
herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the objectives of the program.

SECTION 16. Section 44-48.3-14 of the General Laws in Chapter 44-48.3 entitled “Rhode Island Qualified Jobs Incentive Act of 2015” is hereby amended as follows:

**44-48.3-14. Sunset.**

No credits shall be authorized to be reserved pursuant to this chapter after June 30, 2021.

SECTION 17. This article shall take effect upon passage.
ARTICLE 10

RELATING TO RELATING TO FISHING INDUSTRY MODERNIZATION

SECTION 1. Section 20-2-27.1 of the General Laws in Chapter 20-2 entitled “Licensing” is hereby amended to read as follows:

20-2-27.1. Rhode Island party and charter boat vessel license.

(a) All party and charter boats vessels carrying recreational passengers to take or attempt to take marine fish species upon the navigable state and coastal waters of Rhode Island shall be required to obtain a Rhode Island party and charter boat vessel license. The licenses shall be issued by the department on a biennial basis for a fee of twenty-five dollars ($25) per vessel. The annual fee shall be one hundred dollars ($100) for a resident of Rhode Island and shall be three hundred dollars ($300) for a non-resident. All licensed party and charter boats vessels shall be required to display a party and charter boat vessel decal provided by the department. To obtain a license, the owner of a qualified vessel must submit:

(1) A current copy of the operator's United States Coast Guard license to carry passengers for hire;

(2) A current copy of the vessel's "Certificate of Documentation" certifying that the vessel is documented "Coastwise", or if the vessel is under five (5) net tons, a copy of the vessel's state registration;

(3) Proof that the operator and crew are currently enrolled in a random drug testing program that complies with the federal government's 46 C.F.R. § 16.101 et seq. "Drug Testing Program" regulations; and

(4) A signed license application form certifying that the vessel is and will be operated in compliance with all state and federal safety regulations for the vessel.

(b) Rhode Island party and charter boat vessel licenses shall expire on the last day of February December every other year, with the first expiration date being in February 2001.

SECTION 2. Sections 20-2.1-3, 20-2.1-4, 20-2.1-7 and 20-2.1-8 of the General Laws in Chapter 20-2.1 entitled “Commercial Fishing Licenses” are hereby amended to read as follows:


For the purposes of this chapter the following terms shall mean:

(1) "Basic harvest and gear levels" means fishery-specific harvest and/or gear levels, established and regularly updated by the department by rule, that, in a manner consistent with the state or federally sanctioned management plans or programs that may be in effect, and to the extent possible given those plans and programs, provide a maximum level of participation for commercial fishing license holders in accordance with applicable endorsements.
(1) “Activity Standard” means a level of fishing participation used to establish criteria for the issuance of new licenses.

(2) “Commercial fisherman” means a natural person licensed to catch, harvests, or takes finfish, crustaceans, or shellfish marine species from the marine waters for sale.

(3) "Council" means the marine fisheries council established by chapter 3 of this title.

(4) "Crustaceans" means lobsters, crabs, shrimp, and for purposes of this chapter it also includes horseshoe crabs.

(5) “Director” means the director of the department of environmental management.

(6) "Endorsement" means the designation of a fishery in which a license holder may participate at either basic or full harvest and gear levels. Endorsement categories and levels shall be established annually by the department by rule, based on the status of the various fisheries, the levels of participation of existing license holders, and the provisions of applicable management plans or programs. At a minimum, endorsement categories and endorsement opportunities shall include, but may not be limited to: non-lobster crustacean; lobster; non-quahaug shellfish; quahaug; non-restricted finfish; and restricted finfish. Endorsements, when available, shall be issued in accordance with applicable qualifying criteria.

(7) “February 28” means the twenty-eighth (28th) day in the month of February or the next business day if February 28 falls on a Saturday or Sunday for the purpose of application submittals and renewal deadlines.

(6) “Family member” means a spouse, mother, father, brother, sister, child, or grandchild of the holder or transferor of a commercial fishing license.

(8) "Finfish" means cold-blooded aquatic vertebrates with fins, including fish, sharks, rays, skates, and eels and also includes, for the purposes of this chapter, squid.

(9) "Fisheries sectors" means and comprises crustaceans, finfish, shellfish, as defined in this section, each of which shall singularly be considered a fishery sector.

(10) “Full harvest and gear levels” means fishery-specific harvest and/or gear levels, established and regularly updated by the department by rule, that, in a manner consistent with the state or federally-sanctioned management plans or programs that may be in effect, and to the extent possible given those plans and programs, provide a maximum level of participation for principal effort license holders in accordance with applicable endorsements and for all multi-purpose license holders.

(9) "Fishery Endorsement" means the authorization for a license holder to participate in a designated fishery sector at a limited or unlimited level.
"Grace period" means sixty (60) calendar days commencing the last day of February, as defined herein, and shall only apply to renewals of licenses from the immediately preceding year, provided, that for calendar year 2004 the grace period shall be ninety (90) calendar days commencing February 29, 2004.

"Medical hardship" means a significant medical condition that prevents a license applicant from meeting the application requirements, renders an active licensed person unable to fish for a period in excess of fourteen (14) days, either as a result of the physical loss of function or impairment of a body part or parts, or debilitating pain. Demonstration of the medical hardship shall be in the form of a diagnosis and prognosis signed by a medical doctor (M.D. or O.D.).

"Medical Incapacity" means death or injury that renders an active license holder permanently unable to actively fish. Demonstration of medical incapacity shall be in the form of a death certificate, or a diagnosis and prognosis signed by a medical doctor (M.D. or O.D.).

"Other Endorsement" means the authorization for a license holder or vessel to participate in a designated activity.

"Shellfish" means quahogs, clams, mussels, scallops, oysters, conches, and mollusks in general other than squid.

"Student commercial fisherman" means a resident twenty-three (23) years of age or younger, licensed pursuant to this chapter, who is a full-time student.

20-2.1-4 Licenses—General provisions governing licenses issued.

(a) Licenses and vessel declarations required. It shall be unlawful for any person in Rhode Island or the waters of the state: (1) To take, catch, harvest, possess, or to hold, or transport for sale in Rhode Island any marine finfish, crustacean, or shellfish species without a license issued under the provisions of this title, provided, however, that marine finfish, crustaceans, or shellfish species may be transported by a duly licensed dealer if the marine finfish, crustaceans, or shellfish species have previously been sold by a duly licensed person; or (2) To engage in commercial fishing from a vessel unless the vessel has been declared a commercial fishing vessel as provided in § 20-2.1-5(23) and has a decal affixed to it or is displaying a plate.

(b) Validation of license. No license issued under this chapter shall be valid until signed by the licensee in his or her own handwriting.

(c) Transfer or loan of license. Unless otherwise provided for in this title, a license issued to a person under this chapter shall be good only for the person to whom it is issued and any transfer or loan of the license shall be grounds for revocation or suspension of that license pursuant to § 20-2-13.
(d) Reporting and inspections condition of license. All persons granted a license under the provisions of this chapter are deemed to have consented to the reporting requirements applicable to commercial fishing actively that are established pursuant to this title and to the reasonable inspection of any boat, vessel, net, rake, bullrake, tong, dredge, trap, pot, vehicle, structure, or other contrivance used regularly for the keeping or storage of fish, shellfish or crustacean marine species, and any creel, box, locker, basket, crate, blind, fishing, or paraphernalia used in conjunction with the licensed activity by persons duly authorized by the director. The provisions of § 20-1-8(a)(7)(ii) shall apply to these inspections.

(e) Possession, inspection, and display of license. Every person holding a license issued under this chapter shall have that license in his or her possession at all times while engaged in the licensed activity and shall present the license for inspection on demand by any authorized person. Any person who shall refuse to present a license on demand shall be liable to the same punishment as if that person were fishing without a license.

(f) Application for license. Every person entitled to a license under this chapter shall file an application with the director, or the director's authorized agent, properly sworn to, stating the name, age, occupation, place of residence, mailing address, weight, height, and color of hair and eyes of the applicant for whom the license is wanted and providing any other information that may be required pursuant to rule in order to effectuate the purposes of this chapter, and pay the fees as provided in this chapter. All licenses issued under this chapter shall be valid only for the calendar year of issuance, unless otherwise specified in this chapter or in the rules and regulations adopted pursuant to this chapter. If the person will be either the owner or the operator as provided in § 20-2.1-5(57) of a commercial fishing vessel, the person shall declare, on the application for each commercial fishing vessel, the vessel name, length, horsepower, state registration number or coast guard documentation number, federal permit number, if any, gear type(s), the principal fishery or fisheries, and average projected crew size.

(g) Application deadline, grace period for renewals, and limitation on appeals after the deadlines. For commercial marine fishing licenses provided for in §§ 20-2.1-5 and 20-2.1-6, the following provisions shall apply:

(1) Unless otherwise specified in this chapter, an individual qualified to obtain a license must submit an application to the department of environmental management no later than the last day of February 28 of each year; license application shall be deemed valid if submitted to the department prior to the close of regular office hours on the last day of February 28 or if postmarked by the last day of February 28.
(2) Unless otherwise specified in this title, no new or renewed licenses shall be issued after the last day of February 28 of each year, unless an applicant has submitted an application by the February 28 deadline required by this section;

(3) The department shall notify all license holders, in writing, regarding the December 31 expiration and the February 28 renewal deadline no later than November 1 of each year;

(4) For renewals of existing commercial marine fishing licenses that expire on December 31 of the immediately preceding year, there shall be a sixty-day (60) grace period from the renewal deadline of February 28; licenses issued during the grace period shall be subject to a late fee in the amount of two-hundred dollars ($200) in addition to all other applicable fees;

(5) Except as provided for in subsection (g)(4) of this section or § 20-2.1-5(1)(a)(iii), the department shall not accept any applications submitted after the last day of February 28; and

(6) There shall be no right to request reconsideration by the commercial fishing license review board or an appeal to the department of environmental management's administrative adjudication division (AAD) for the rejection of any new license applications submitted after the last day of February 28, or any license renewal applications submitted after the sixty (60) day grace period, except in the case of a documented medical hardship as defined herein medical condition that prevents a license applicant from meeting the application requirements, the license applicant has no more than one year after the expiration of a license to appeal to AAD. Demonstration of such medical condition shall be in the form of a diagnosis and prognosis signed by a medical doctor (M.D. or O.D.).

(h) Lost or destroyed licenses and duplicate licenses. Whoever loses, or by a mistake or accident destroys his or her certificate of a commercial marine fisheries license, may, upon application to the department accompanied by an affidavit fully setting forth the circumstances of the loss, receive a duplicate certificate license for the remainder of the year covered by the original certificate, for a fee of ten dollars ($10.00) for each duplicate license.

(i) Revocation of licenses.

(1) License revocation. The license of any person who has violated the provisions of this chapter, or rules adopted pursuant to the provisions of this chapter, or rules and regulations that pertain to commercial fishing and reporting issued pursuant to this title, may be suspended or revoked by the director as the director shall determine by regulation. Any person aggrieved by an order of suspension or revocation may appeal this order in accordance with the provisions of the administrative procedures act, chapter 35 of title 42.

(2) False statements and violations; cancellation of license. Any person who willfully makes a false representation as to birthplace or requirements of identification or of other facts
required in an application for license under this chapter, or is otherwise directly or indirectly a party
to a false representation, shall be punished by a fine of not more than fifty dollars ($50.00). A
license obtained by any person through a false representation shall be null and void, and the license
shall be surrendered immediately to the director. No license shall be issued under this title to this
person for a period of one year from the date of imposition of a penalty under this section.

(3) False, altered, forged, or counterfeit licenses. Every person who falsely makes, alters,
forges, or counterfeits, or who causes to be made, altered, forged, or counterfeited, a license issued
under this chapter or title or purporting to be a license issued under this chapter or title, or who
shall have in his or her possession such a license knowing it to be false, altered, forged, or
counterfeit, is guilty of a misdemeanor and is subject to the penalties prescribed in § 20-1-16.

(j) Expiration. Unless otherwise specified in this title, all licenses issued under this chapter
shall be annual and shall expire on December 31 of each year. It shall be unlawful for any person
to fish commercially in Rhode Island waters on an expired license; and the application and grace
periods set forth in subsections (g)(1) and (g)(4) above shall not extend the validity of any expired
license.

(k) Notice of change of address. Whenever any person holding any commercial fishing
license shall move from the address named in his or her last application, that person shall, within
ten (10) days subsequent to moving, notify the office of boat registration and licensing of his or her
former and current address.


Landing permits shall be issued as provided for in chapter 4 of this title. In addition, a non-
resident must obtain a landing permit, for a fee of two hundred dollars ($200), to off-load or land
species harvested outside Rhode Island waters. The landing permit shall be valid for the calendar
year in which it was issued. The department shall adopt any rules and procedures that may be
necessary for the timely issuance of landing permits in order to facilitate the off-loading and sale
of non-quota species harvested outside state waters.

(a) All residents or non-residents, with the exception of persons or vessels with qualifying
Rhode Island fishing licenses, who have charge of a vessel carrying seafood products legally
harvested outside Rhode Island waters shall obtain a permit to land, sell or offer for sale seafood
products in Rhode Island. The permit shall be issued by the department upon proof that the
applicant holds a valid state or federal commercial fishing license.

(1) Resident landing permit: for the landing, sale or offering for sale of marine species
(including process product), caught by any means; the fee shall be three hundred dollars ($ 300).
(2) Non-resident landing permit: for the landing, sale or offering for sale of marine species (including process product), caught by any means, excluding restricted species as defined by rule. The fee shall be six hundred dollars ($600).

(3) Non-resident exempted landing permits.

(i) A new landing permit shall not be issued to any non-resident to off-load, land, offer for sale, or sell any restricted marine species, the definition of which shall be established by the department by rule and shall take into account species for which a quota has been allocated to the state of Rhode Island by the Atlantic States Marine Fisheries Council or the National Marine Fisheries service, unless:

(A) the landing shall be counted against the quota of the state where the vessel making the landing is registered or documented; or

(B) the state where the vessel making the landing is registered or documented issues new landing permits to Rhode Island residents to land against that state's quota for the same species. For purposes of this section, the renewal of any non-resident landing permit shall be considered a new non-resident landing permit unless the applicant can show, to the satisfaction of the director, historic participation in the fishery and landings of the species; and any change or upgrade of a vessel twenty percent (20%) or greater in length, displacement, or horsepower above the named vessel shall be considered a new landing permit. Issuance of a landing permit shall not be deemed to create a property right that can be sold, transferred, or encumbered; landing permits shall be surrendered to the state upon their non-renewal or forfeiture, and the acquisition of a named vessel by a non-resident who does not already have a landing permit shall not entitle the non-resident to a landing permit unless a new landing permit can be issued as allowed in this section.

(4) Fee: The fee shall be six hundred dollars ($600).

(b) Landing permits shall be valid for the calendar year in which they are issued.

(c) The department shall adopt any rules and procedures that may be necessary for the timely issuance of these permits in order to facilitate the off-loading and sale of seafood products, except restricted finfish, harvested outside Rhode Island waters.

(d) Notwithstanding the provisions of this section, a commercial vessel with seafood products on board may, without a landing permit, enter Rhode Island waters and be secured to a shoreside facility for purposes other than landing, selling, or offering for sale the seafood products on board if the person having charge of the vessel obtains permission from the department's division of law enforcement prior to securing the vessel to the shoreside facility.

In accordance with §§ 20-4.4, 20-6-24, and 20-7-5.1, the following dealers' licenses shall be issued by the department:

(a) No person, partnership, firm, association, or corporation shall barter or trade in marine species taken by persons licensed under this chapter unless a license so to do has been obtained from the director of environmental management.

(b) Any licensee operating under the provisions of this section shall purchase marine species from licensed persons only and shall purchase or possess only those lobsters legally taken or possessed.

(c) The director shall issue and enforce rules and regulations and orders governing bartering and trading in marine species by licensed persons of marine species and licensed dealers, and other persons, partnerships, firms, associations, or corporations.

(d) License types and fees:

(1) Multi-purpose Rhode Island dealer's license. This license shall allow the holder dealer to deal purchase or sell all marine products in the state of Rhode Island. The license shall be valid for the calendar year in which it is issued. The cost of the license fee shall be three hundred and fifty dollars ($350).

(2) Finfish dealer's license. This license shall allow the holder dealer to deal purchase or sell all finfish products in the state of Rhode Island. The license shall be valid for the calendar year in which it is issued. The cost of the license fee shall be two hundred three hundred dollars ($200-300).

(3) Shellfish dealer's license. This license shall allow the holder dealer to deal purchase or sell all shellfish products in the state of Rhode Island. The license shall be valid for the calendar year in which it is issued. The cost of the license fee shall be two hundred three hundred dollars ($200-300).

(4) Crustacean dealer license. This license shall allow the dealer to purchase all crustacean products in the state of Rhode Island. The license shall be valid for the calendar year in which it is issued. The fee shall be three hundred dollars ($300).

(e) Seafood dealers license – suspension or revocation. The director may suspend, revoke, or deny the license of a seafood dealer or fisher of marine species for the violation of any provision of this title or the rules, regulations, or orders adopted or issued pursuant to this title.

(f) Any person aggrieved by the decisions of the director may appeal the decision pursuant to the provisions of the Administrative Procedures Act, chapter 35 of title 42.

(g) The director is authorized to enter and inspect the business premises, appurtenant structures, vehicles, or vessels of any seafood dealer and to inspect the records maintained by a
seafood dealer for the purpose of determining compliance with the provisions of this section and any rules, regulations, or orders issued under this section, and no person shall interfere with, obstruct the entrance, or inspection of the director or the director's agents of those business premises, appurtenant structures, vehicles or vessels.

(h) Any violation of the provisions of this section or any rule, regulation, or order adopted under this section shall be subject to penalties prescribed in § 20-1-16.

SECTION 3. Effective on July 1, 2022, Sections 20-2.1-5 and 20-2.1-6 of the General Laws in Chapter 20-2.1 entitled “Commercial Fishing Licenses” are hereby amended to read as follows:

20-2.1-5. Resident licenses, endorsements and fees.

The director shall establish, as a minimum, the following types of licenses and endorsements set forth in this section. In addition, the director may establish any other classes and types of licenses and endorsements, consistent with the provisions of this chapter and with adopted management plans that may be necessary to accomplish the purposes of this chapter:

(1) Types of licenses.

(i) Standard resident commercial fishing license. Rhode Island residents shall be eligible to obtain a standard resident commercial fishing license; the license shall allow the holder to engage in commercial fishing in fisheries sectors, per dictated by the fishery endorsement(s) associated with the license at basic harvest and gear levels. Fishery endorsements shall be established by the department consistent with fishery management plans developed pursuant to this chapter. The annual fee for a commercial fishing license shall be fifty dollars ($50.00) and twenty-five dollars ($25.00) for each endorsement at the basic harvest and gear levels.

(ii) Principal effort license. Duly licensed persons, in a fishery as of December 31 of the immediately preceding year, shall be eligible to obtain a principal effort license for the fishery sector for which they were licensed on December 31 of the immediately preceding year, which principal effort license shall allow its holder to fish in a fishery sector at the full harvest and gear levels. Principal effort license holders, in addition to the fishery sector of their principal effort, shall be eligible to obtain endorsements for the other fishery sectors at the full harvest and gear levels, if and when those endorsements are made available; the annual fee for each other fishery sector endorsement shall be seventy-five dollars ($75). Principal effort license holders shall also be eligible to obtain a commercial fishing license with endorsements, except for fisheries in which the license holder can fish at the full harvest and gear levels.

(iii) Multi-purpose license. All multi-purpose license holders as of December 31 of the immediately preceding year shall be eligible to obtain a multi-purpose license that shall allow the
holder to engage in commercial fishing in all fisheries sectors at the full harvest and gear levels. At
the time of application for a multi-purpose license and each annual renewal of it, the applicant shall
make a non-binding declaration of which fishing sectors the applicant intends to place significant
fishing effort during the period covered by the license. The annual fee for multi-purpose license
shall be three hundred dollars ($300).

(Aii) Student shellfish license. A resident twenty-three (23) years or younger shall pay fifty
dollars ($50.00) for a student commercial license to take shellfish upon provision of proof of full-
time student status. An individual qualified to obtain a license must submit an application to the
department of environmental management no later than June 30; a license application shall be
deemed valid if submitted to the department prior to the close of regular office hours on June 30 or
if postmarked by June 30.

(Biv) Over sixty-five (65) shellfish license. A resident sixty-five (65) years of age and over
shall be eligible for a shellfish license to shellfish commercially and there shall be no fee for this
license.

(v) Multipurpose vessel license. Any multipurpose license holder shall be eligible to obtain
a multipurpose vessel license that shall allow the vessel owner to designate any operator to engage
in commercial fishing for all marine species aboard their owned vessel, provided the vessel owner
has consigned a multipurpose fishing license to the department. The department may then re-issue
the consigned multipurpose fishing license to the commercially declared fishing vessel as a
multipurpose vessel license. The director has the authority to limit the number of multipurpose
vessel licenses issued annually by rule. The fee for a multipurpose vessel license shall be one
thousand dollars ($1,000).

(2) Fees.

(i) Standard resident commercial fishing license.

(A) Standard resident commercial fishing license plus one limited fishery endorsement:
The fee shall be one hundred fifty dollars ($150).

(B) Standard resident commercial fishing license plus two limited fishery endorsement:
The fee shall be two hundred dollars ($200).

(C) Standard resident commercial fishing license plus three limited fishery endorsement:
The fee shall be two hundred fifty dollars ($250).

(D) Standard resident commercial fishing license plus one unlimited fishery endorsement:
The fee shall be three hundred dollars ($300).

(E) Standard resident commercial fishing license plus one unlimited fishery endorsement
and one limited fishery endorsement: The fee shall be three hundred fifty dollars ($350).
(F) Standard resident commercial fishing license plus two unlimited fishery endorsement: The fee shall be three hundred seventy-five dollars ($375).

(G) Standard resident commercial fishing license plus one unlimited fishery endorsement and two limited fishery endorsement: The fee shall be four hundred dollars ($400).

(H) Standard resident commercial fishing license plus two unlimited fishery endorsement and one limited fishery endorsement: The fee shall be four hundred twenty-five dollars ($425).

(ii) Multipurpose license: The fee shall be four hundred fifty dollars ($450).

(iv) Special licenses.

(23) Vessel declaration and fees; gear endorsement and fees.

(i) Vessel declaration and fee. (A) The department shall require the owner and/or the operator of a commercial fishing vessel to declare the vessel on the owner/operator's commercial fishing license. The declaration shall be made at the time of initial license issuance and each renewal, or prior to the vessel being used for commercial fishing by the owner and/or operator if the first usage of the vessel for commercial fishing occurs during the course of a year after the license has been issued or renewed. If the declaration is for a vessel of less than twenty-five feet (25') in length, the declaration shall be transferable to another vessel less than twenty-five feet (25') in length, provided the vessel is identified as commercial fishing vessel while it is being used for commercial fishing by displaying a plate as provided in § 20-2.1-4. (B) The annual fee for each vessel declaration shall be twenty-five dollars ($25.00) for the first twenty-five feet (25') or under, plus fifty cents ($0.50) per foot for each whole foot over twenty-five feet (25'); this declaration fee shall entitle the holder to a decal. The holder of a valid decal for twenty-five feet (25') in length or under may obtain a plate from the department for display on a vessel twenty-five feet (25') in length that is being used temporarily for commercial fishing; the annual fee for a plate shall be fifteen dollars ($15.00).

(A) Shellfish dredging endorsement. A resident of this state who holds a multipurpose license and/or an appropriate shellfish license is also eligible to apply for a shellfish dredging endorsement to take quahogs, mussels, and surf clams by dredges hauled by powerboat. The annual fee shall be twenty dollars ($20.00).

(B) Fish trap endorsements. A person who holds a multi-purpose license and/or a principal effort license for finfish is also eligible to apply for a fish trap endorsement in accordance with the permitting provisions in chapter 5 of this title. The fee shall be twenty dollars ($20.00) per trap location for a three-year (3) period. Applicants who possessed a valid fish trap endorsement as of the immediately preceding year may obtain a fish trap endorsement for the immediately following
year, subject to the same terms and conditions in effect as the immediately preceding year. New fish trap endorsement opportunities shall be established by the department by rule, pursuant to applicable management plans and the provisions in chapter 5 of this title.

(G) Gill net endorsements. A person who holds a multipurpose license, or a vessel with a multipurpose vessel license, and/or a principal effort license for finfish is also eligible to apply for a commercial gill net endorsement in accordance with the provisions of this section. The annual fee for a commercial gill net endorsement is shall be twenty dollars ($20.00). Applicants who possessed a gill net endorsement as of the immediately preceding year may obtain a gill net endorsement for the immediately following year. New gill net endorsement opportunities shall be established by the department by rule, pursuant to applicable management plans.

(Dii) Miscellaneous gear Other endorsements. The department may establish by rule any specific gear endorsements that may be necessary or appropriate to effectuate the purposes of this chapter and facilitate participation in a specific fishery with a specific type of gear; the fee for such a gear endorsement shall not be greater than two hundred dollars ($200), but may be a lesser amount. This endorsement shall be issued only in a manner consistent with the general requirements of this chapter, including specifically those governing residency.

(25) New licenses.

(i) Eligibility. For new principal effort standard resident commercial fishing and multipurpose licenses, priority shall be given to applicants who have held a lower level of commercial fishing license for two (2) years or more, applicants with military service, and applicants who have completed a department authorized commercial fishing training program, with preference to family members and crew members of a license holder who is retiring his or her license.

(ii) Priority or preference applicants. A new license shall be granted to priority/preference applicants who have acquired vessel and/or gear from a license holder who has retired a license, provided, that as the result of any such transaction, for each license retired, not more than one new license may be granted, nor may the nominal effort, including the total number of licenses, in a fishery subject to effort controls or catch restrictions be increased.

(iii) Availability of new or additional licenses. New principal effort standard resident commercial fishing and multipurpose licenses that increase the total number of licenses in the fishery may be made available by rule consistent with management plan for issuance effective January 1, in any year, based on status of resource and economic condition of fishery. Priority for new licenses shall be given to Rhode Island residents.
(46) Retirement of licenses. Issuance of a commercial fishing license shall not be deemed to create a property right such that the license can be sold or transferred by the license holder; fishing licenses shall be surrendered to the state upon their non-renewal, forfeiture, or revocation.

(57) Transfer for Issuance of temporary operator permits in cases of medical hardship. Notwithstanding the provisions of § 20-2.1-4(c), a license may be transferred to a family member upon the incapacity or death of the license holder who has actively participated in commercial fishing. The transfer shall be effective upon its registration with the department. A family member shall be defined as the spouse, mother, father, brother, sister, child, or grandchild of the transferee. The department shall make available, as necessary, temporary operator permits to provide solely for the continued operation of a fishing vessel upon the illness, incapacity, or death determination of medical hardship of a license holder who has actively participated in commercial fishing, which temporary operator permits shall be subject at a minimum to the conditions and restrictions that applied to the license holder.

(8) Issuance of new Licenses to family members in cases of medical incapacity: Upon determination of medical incapacity, an actively fished license may be surrendered to the Department for the purpose of the concurrent issuance of a new license to a resident family member.

(9) Issuance of new licenses upon the sale of a commercial fishing business: Upon the sale of a commercial fishing business, as defined by rule, a new license may be issued to the buyer upon the surrender of the seller’s license to the department for the purpose of the concurrent issuance of a new license.

(610) Transfer of vessels and gear. Vessels and gear may be sold, transferred, or disposed at the sole discretion of the owner; provided, however, that the subsequent level of use of the gear may be restricted in Rhode Island waters in order to accomplish the purposes of a duly adopted management plan or other duly adopted program to reduce effort.

20-2.1-6, Non-resident licenses, endorsements and fees.

Subject to the rules of the department, non-residents may apply for the following commercial fishing licenses:

(1) Standard Non-resident principal effort commercial fishing license.

(i) Non-residents age eighteen (18) and over shall be eligible to obtain a standard non-resident commercial fishing license and, in accordance with applicable qualifying criteria, available fishery sector endorsements, provided that the state of residence of the person affords the same privilege in a manner that is not more restrictive to Rhode Island residents. A standard non-resident principal effort commercial fishing license shall allow the license holder to harvest, land, and sell in a lawful manner any marine species of finfish, as dictated by the fishery endorsement(s).
principal harvest and gear levels and as allowed in a management plan adopted by the department
associated with the license. Fishery endorsements shall be established by the department consistent
with fishery management plans developed pursuant to this chapter.

(ii) Duly Rhode Island-licensed non-residents in a commercial fishery as of December 31
of the immediately preceding year shall be eligible to obtain a standard non-resident principal effort
commercial fishing license with a single sector endorsement applicable to the fishery sectors for
which they were licensed as of December 31 of the immediately preceding year; provided:

(A) that the state of residence of the person affords the same privilege in a manner that is
not more restrictive to Rhode Island residents;

(B) that those persons apply for the standard non-resident principal effort commercial
fishing license in accordance with § 20-2.1-4(g); and

(C) that those persons shall also be subject to any other restrictions that were applicable to
the license as of December 31 of the immediately preceding year, which other restrictions may be
altered or changed consistent with a fishery management plan adopted by the department
developed pursuant to this chapter.

(iii) Persons not duly licensed as of December 31 of the immediately preceding year shall
be eligible to obtain a standard non-resident principal effort commercial fishing license, per
endorsement, when available, consistent with fishery management plans developed pursuant to this
chapter, in accordance with applicable qualifying criteria and as allowed in a management plan
adopted by the department, provided that the state of residence of the person affords the same
privilege in a manner that is not more restrictive to Rhode Island residents.

(iv) The annual fee for a standard non-resident principal effort license shall be four hundred
dollars ($400), plus one hundred dollars ($100) per endorsement.

(2) Non-resident commercial fishing license. (i) A non-resident commercial fishing license
shall allow the holder to harvest, land, and sell in a lawful manner any species of finfish, per
endorsement(s), at basic harvest and gear levels and as allowed in a management plan adopted by
the department.

(ii) Non-residents age eighteen (18) and over shall be eligible to obtain a non-resident
commercial fishing license and, in accordance with applicable qualifying criteria, available fishery
sector endorsements, provided that the state of residence of the person affords the same privilege
in a manner that is not more restrictive to Rhode Island residents.

(iii) Holders of non-resident principal effort licenses shall not be eligible to obtain non-
residential commercial fishing licenses with the same fishery sector endorsements.
(iv) Duly Rhode Island licensed non-residents in a commercial fishery as of December 31 of the immediately preceding year shall be eligible to obtain a non-resident commercial fishing license in their endorsed fishery sector as of December 31 of the immediately preceding year provided:

(A) That the state of residence of the person affords the same privilege in a manner that is not more restrictive to Rhode Island residents;

(B) That those persons apply for the non-resident commercial fishing license in accordance with § 20-21-4(g); and

(C) That those persons shall also be subject to any other restrictions that were applicable to the license as of December 31 of the immediately preceding year which other restrictions may be altered or changed consistent with a management plan adopted by the department.

(v) The annual fee for a non-resident commercial fishing license shall be one hundred fifty dollars ($150), plus fifty dollars ($50.00) per endorsement.

(2) Fees.

(i) Standard non-resident commercial fishing license.

(A) Standard non-resident commercial fishing license plus one limited fishery endorsement: The fee shall be three hundred fifty dollars ($350).

(B) Standard non-resident commercial fishing license plus one unlimited fishery endorsement: The fee shall be seven hundred dollars ($700).

(C) Standard non-resident commercial fishing license plus two limited fishery endorsements: The fee shall be seven hundred dollars ($700).

(D) Standard non-resident commercial fishing license plus three limited fishery endorsements: The fee shall be one thousand fifty dollars ($1050).

(E) Standard non-resident commercial fishing license plus one unlimited fishery endorsement and one limited fishery endorsement: The fee shall be one thousand fifty dollars ($1050).

(F) Standard non-resident commercial fishing license plus one unlimited fishery endorsement and two limited fishery endorsements: The fee shall be one thousand four hundred dollars ($1400).

(G) Standard non-resident commercial fishing license plus two unlimited fishery endorsements: The fee shall be one thousand four hundred dollars ($1400).

(H) Standard non-resident commercial fishing license plus two unlimited and one limited fishery endorsement: The fee shall be one thousand seven hundred fifty dollars ($1750).
(3) Vessel declaration and fees. The department shall require a non-resident owner and/or operator of a commercial fishing vessel to make a declaration for that vessel; which shall be made at the time of initial license issuance and each renewal, or prior to the vessel's being used for commercial fishing in Rhode Island waters by the non-resident owner and/or operator if the first usage of the vessel for commercial fishing occurs during the course of a year after the license has been issued or renewed, for a cost of fifty dollars ($50.00), plus one dollar and fifty cents ($1.50) for each whole foot over twenty-five feet (25') in length overall.

(4) New licenses. Any resident of a state that accords to Rhode Island residents commercial fishing privileges that include an ability to obtain a new license to fish for finfish species that are subject to restrictions and/or quotas, may on species specific reciprocal basis be eligible to obtain commercial fishing licenses and principal effort standard non-resident commercial fishing licenses by endorsement as provided in this section, subject to availability and with the priority established in § 20-2.1-5(2)(ii).

SECTION 4. Sections 20-4-1.1, 20-4-1.2 and 20-4-1.3 of the General Laws in Chapter 20-4 entitled "Commercial Fisheries" are hereby repealed.

20-4-1.1. Finfish dealers license — License for finfish buyers — Suspension or revocation.

(a) No person, partnership, firm, association, or corporation shall barter or trade in finfish taken by persons licensed under this chapter unless a license so to do has been obtained from the director of environmental management.

(b) Any licensee operating under the provisions of this section shall purchase finfish from licensed persons only and shall purchase or possess only those finfish legally taken or possessed.

(c) The director shall issue and enforce rules and regulations and orders governing bartering and trading in finfish by licensed fishers of finfish and licensed finfish buyers and other persons, partnerships, firms, associations, or corporations.

(d) The director may suspend, revoke, or deny the license of a finfish buyer or fisher of finfish for the violation of any provision of this title or the rules, regulations, or orders adopted or issued pursuant to this title.

(e) Any person aggrieved by the decisions of the director may appeal the decision pursuant to the provisions of the Administrative Procedures Act, chapter 35 of title 42.

(f) The director of the department of environmental management and the director's agents are authorized to enter and inspect the business premises, appurtenant structures, vehicles, or vessels of any finfish buyer and to inspect the records maintained by a finfish buyer for the purpose of determining compliance with the provisions of this section and any rules, regulations, or orders.
issued under this section, and no person shall interfere with, obstruct the entrance, or inspection of
the director or the director’s agents of those business premises, appurtenant structures, vehicles or
vessels.

(g) Any violation of the provisions of this section or any rule, regulation, or order adopted
under this section shall be subject to penalties prescribed in § 20-1-16.

20-4.1.2. Resident or non-resident commercial landing permit.

(a) Each resident or non-resident who has charge of a vessel carrying seafood products
legally harvested outside Rhode Island waters shall obtain a permit to land, sell or offer for sale
seafood products in Rhode Island. The permit shall be issued by the department upon proof that the
applicant holds a valid state or federal commercial fishing license and upon payment of the
following fees:

(1) Resident or non-resident finfish landing permit: for the landing sale or offering for sale
of non-restricted finfish, the definition of which shall be established by the department by rule,
caught by any means, two hundred dollars ($200) for residents of the state; four hundred dollars
($400) for non-residents of the state.

(2) Resident or non-resident shellfish landing permit: (includes process product), two
hundred dollars ($200) for residents of the state; four hundred dollars ($400) for non-residents of
the state. This permit allows the holder to land shellfish (surf clams, blue mussels, ocean quahogs,
sea scallops) legally harvested in federal water.

(3) Resident or non-resident miscellaneous landing permit: includes all other seafood
products not specified under any other provision of this chapter, two hundred dollars ($200) for
residents of the state; four hundred dollars ($400) for non-residents of the state.

(4) Multi-purpose resident or non-resident landing permit: This permit allows a resident or
non-resident to land and sell all marine products in the state of Rhode Island, except restricted
finfish, the definition of which shall be established by the department by rule, three hundred dollars
($300) for residents of the state; six hundred dollars ($600) for non-residents of the state.

(b) Landing permits shall be valid for the calendar year in which they are issued.

(c) The department shall adopt any rules and procedures that may be necessary for the
timely issuance of these permits in order to facilitate the off-loading and sale of seafood products,
except restricted finfish, harvested outside Rhode Island waters.

(d) Notwithstanding the provisions of this section, a commercial vessel with seafood
products on board may, without a landing permit, enter Rhode Island waters and be secured to a
shoreside facility for purposes other than landing, selling, or offering for sale the seafood products.
on board if the person having charge of the vessel obtains permission from the department's division of law enforcement prior to securing the vessel to the shoreside facility.

20-4-1.3. Non-resident landing permits.

A new landing permit shall not be issued to any non-resident to off-load, land, offer for sale, or sell any restricted marine species, the definition of which shall be established by the department by rule and shall take into account species for which a quota has been allocated to the state of Rhode Island by the Atlantic States Marine Fisheries Council or the National Marine Fisheries service, unless: (1) the landing shall be counted against the quota of the state where the vessel making the landing is registered or documented; or (2) the state where the vessel making the landing is registered or documented issues new landing permits to Rhode Island residents to land against that state's quota for the same species. For purposes of this section, the renewal of any non-resident landing permit shall be considered a new non-resident landing permit unless the applicant can show, to the satisfaction of the director, historic participation in the fishery and landings of the species; and any change or upgrade of a vessel twenty percent (20%) or greater in length, displacement, or horsepower above the named vessel shall be considered a new landing permit.

Issuance of a landing permit shall not be deemed to create a property right that can be sold, transferred, or encumbered; landing permits shall be surrendered to the state upon their non-renewal or forfeiture, and the acquisition of a named vessel by a non-resident who does not already have a landing permit shall not entitle the non-resident to a landing permit unless a new landing permit can be issued as allowed in this section.

SECTION 5. Section 20-6-24 of the General Laws in Chapter 20-6 entitled “Shellfish” is hereby repealed.

20-6-24. License for shellfish buyers—Suspension or revocation.

(a) No person, partnership, firm, association, or corporation shall barter or trade in shellfish taken by persons licensed under this chapter unless a license so to do has been obtained from the director of environmental management.

(b) Any licensee operating under the provisions of this section shall purchase shellfish from licensed persons only and shall purchase or possess only those shellfish legally taken or possessed.

(c) The director shall issue and enforce rules and regulations and orders governing bartering and trading in shellfish by licensed fishers of shellfish, licensed shellfish buyers and other persons, partnerships, firms, associations, or corporations.

(d) The director may suspend, revoke, or deny the license of a shellfish buyer or fisher of shellfish for the violation of any provision of this title or the rules, regulations, or orders adopted or issued pursuant to this title.
(e) Any person aggrieved by the decision of the director may appeal the decision pursuant to the provisions of the Administrative Procedures Act, chapter 35 of title 42.

(f) The director of the department of environmental management and the director's agents are authorized to enter and inspect the business premises, appurtenant structures, vehicles, or vessels of any fisher of lobsters and to inspect records maintained by a fisher of lobsters for the purpose of determining compliance with the provisions of this section and any rules, regulations, or orders issued under this section, and no person shall interfere with or obstruct the entrance or inspection of the director or the director's agents of those business premises, appurtenant structures, vehicles, or vessels.

(g) Any violation of the provisions of this section or any rule, regulation, or order adopted under this section shall be subject to the penalties prescribed in § 20-7-16.

SECTION 6. Section 20-7-5.1 of the General Laws in Chapter 20-7 entitled “Lobsters and Other Crustaceans” is hereby repealed.

20-7-5.1 Lobster dealer’s license.

(a) No person, partnership, firm, association, or corporation shall barter or trade in lobsters taken by persons licensed under this chapter unless a license so to do has been obtained from the director of environmental management.

(b) Any licensee operating under the provisions of this section shall purchase lobsters from licensed persons only and shall purchase or possess only those lobsters legally taken or possessed.

(c) The director shall issue and enforce rules and regulations and orders governing bartering and trading in lobsters by licensed fishers of lobster and licensed lobster buyers and other persons, partnerships, firms, associations, or corporations.

(d) The director may suspend, revoke, or deny the license of a lobster buyer or fisher of lobster for the violation of any provision of this title or the rules, regulations, or orders adopted or issued pursuant to this title.

(e) Any person aggrieved by the decision of the director may appeal the decision pursuant to the provisions of the Administrative Procedures Act, chapter 35 of title 42.

(f) The director of the department of environmental management and the director's agents are authorized to enter and inspect the business premises, appurtenant structures, vehicles or vessels of any lobster buyer and to inspect records maintained by a lobster buyer for the purpose of determining compliance with the provisions of this section and any rules, regulations, or orders issued under this section, and no person shall interfere with or obstruct the entrance or inspection of the director or the director's agents of those business premises, appurtenant structures, vehicles or vessels.
(g) Any violation of the provisions of this section or any rule, regulation or order adopted hereunder shall be subject to the penalties prescribed in § 20-1-16.

SECTION 7. Section 21-14-12 of the General Laws in Chapter 21-14 entitled “Shellfish Packing Houses” is hereby amended to read as follows:


(a) The director shall make regular inspections of the business premises of licensees and no person shall interfere with or obstruct the entrance of the director to any packing house or structural appurtenance to it, vessel, or vehicle for the purpose of making inspection as to sanitary conditions during reasonable business hours, and no person shall obstruct the conduct of this inspection; provided, that inspections as to sanitary conditions shall be made only by the director or employees of the department of health. These employees of the department of health shall not be construed to include agents whom the director may appoint in other departments for the purpose of enforcing other provisions of this chapter; and provided, that nothing in this section shall be construed as having granted to the director or any duly authorized official of the department the right of search and seizure without a warrant.

(b) The director shall be authorized to establish a dockside program, including the promulgation of any rules and regulations deemed necessary or advisable in connection therewith, pursuant to the relevant provisions of the National Shellfish Sanitation Program (NSSP) Model Ordinance. Promulgating such rules and regulations pursuant to the NSSP Model Ordinance shall assure that the marine shellfish processors, licensed by the department to land and process surf clams and/or other marine shellfish species acquired in federal waters, are doing so in sanitary fashion that comports with national standards. Such rules and regulations shall also be consistent with the landing permit requirements of the department of environmental management in section 20-2.1-7. The dockside program shall not apply to aquaculture processors.

(c) The licensing fees from the dockside program shall be deposited into the general fund. However, the amount of the revenues collected for the dockside program shall be appropriated to the department of health for its administration of this program. The director shall have the authority to establish the licensing fees and limit the number of licenses issued, at his or her sole discretion.

SECTION 8. Section 3 of this article shall take effect on July 1, 2022. The remainder of this article shall take effect upon passage.
ARTICLE 11

RELATING TO ADULT USE MARIJUANA

SECTION 1. Section 2-26-5 of the General Laws in Chapter 2-26 entitled “Hemp Growth Act” is hereby amended as follows:

2-26-5. Authority over licensing and sales.

(a) The department shall prescribe rules and regulations for the licensing and regulation of hemp growers, handlers, licensed CBD distributors, and licensed CBD retailers and persons employed by the applicant not inconsistent with law, to carry into effect the provision of this chapter and shall be responsible for the enforcement of the licensing.

(b) All growers, handlers, licensed CBD distributors, and licensed CBD retailers must have a hemp license issued by the department. All production, distribution, and retail sale of hemp-derived consumable CBD products must be consistent with any applicable state or local food processing and safety regulations, and the applicant shall be responsible to ensure its compliance with the regulations and any applicable food safety licensing requirements, including, but not limited to, those promulgated by the department on health.

(c) The application for a hemp license shall include, but not be limited to, the following:

(1) (i) The name and address of the applicant who will supervise, manage, or direct the growing and handling of hemp and the names and addresses of any person or entity partnering or providing consulting services regarding the growing or handling of hemp; and

(ii) The name and address of the applicant who will supervise, manage, or direct the distribution or sale of hemp-derived consumable CBD products, and names and addresses of any person or entity partnering or providing consulting services regarding the distribution or sale of hemp-derived CBD products.

(2) A certificate of analysis that the seeds or plants obtained for cultivation are of a type and variety that do not exceed the maximum concentration of delta-9 THC, as set forth in § 2-26-3; any seeds that are obtained from a federal agency are presumed not to exceed the maximum concentration and do not require a certificate of analysis.

(3) (i) The location of the facility, including the Global Positioning System location, and other field reference information as may be required by the department with a tracking program and security layout to ensure that all hemp grown is tracked and monitored from seed to distribution outlets; and

(ii) The location of the facility and other information as may be required by the department as to where the distribution or sale of hemp-derived consumable CBD products will occur.
(4) An explanation of the seed to sale tracking, cultivation method, extraction method, and certificate of analysis or certificate of analysis for the standard hemp seeds or hemp product if required by the department.

(5) Verification, prior to planting any seed, that the plant to be grown is of a type and variety of hemp that will produce a delta-9 THC concentration of no more than three-tenths of one percent (0.3%) on a dry-weight basis.

(6) Documentation that the licensee and/or its agents have entered into a purchase agreement with a hemp handler, processor, distributor or retailer.

(7) All applicants:
   (i) Shall apply to the state police, attorney general, or local law enforcement for a National Criminal Identification records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of a disqualifying conviction defined in subsections (c)(7)(iv) and (c)(7)(v), and in accordance with the rules promulgated by the department, the state police shall inform the applicant, in writing, of the nature of the conviction, and the state police shall notify the department, in writing, without disclosing the nature of the conviction, that a conviction has been found;
   (ii) In those situations in which no conviction has been found, the state police shall inform the applicant and the department, in writing, of this fact;
   (iii) All applicants shall be responsible for any expense associated with the criminal background check with fingerprints.
   (iv) Any applicant who has been convicted of any felony offense under chapter 28 of title 21, or any person who has been convicted of murder; manslaughter; first-degree sexual assault; second-degree sexual assault; first-degree child molestation; second-degree child molestation; kidnapping; first-degree arson; second-degree arson; mayhem; robbery; burglary; breaking and entering; assault with a dangerous weapon; or any assault and battery punishable as a felony or assault with intent to commit any offense punishable as a felony, shall be disqualified from holding any license or permit under this chapter. The department shall notify any applicant, in writing, of a denial of a license pursuant to this subsection, provided that any disqualification or denial of license shall be subject to the provisions of § 28-5.1-14 of the general laws.
   (v) For purposes of this section, "conviction" means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty, or plea of guilty, those instances where the defendant has entered a plea of nolo contendere and has received a jail sentence or a suspended jail sentence, or those instances wherein the defendant has entered into a deferred sentence agreement with the Rhode Island attorney general and the period of deferment has not been completed.
(8) Any other information as set forth in rules and regulations as required by the department.

d) [Deleted by P.L. 2019, ch. 88, art. 15, §1].

e) The department shall issue a hemp license to the grower or handler applicant if he, she, or it meets the requirements of this chapter, upon the applicant paying a licensure fee of two thousand five hundred dollars ($2,500). Said license shall be renewed every two (2) years upon payment of a two thousand five hundred dollar ($2,500) renewal fee. Any licensee convicted of any disqualifying offense described in subsection (c)(7)(iv) shall have his, her, or its license revoked. All license fees shall be directed to the department to help defray the cost of enforcement.

The department shall collect a nonrefundable application fee of two hundred fifty dollars ($250) for each application to obtain a license.

f) Any grower or handler license applicant or license holder may also apply for and be issued a CBD distributor and/or CBD retailer license at no additional cost provided their grower or handler license is issued or renewed. CBD distributor and CBD retailer licenses shall be renewed each year at no additional fee provided the applicant also holds or renews a grower and/or handler license.

(g) For applicants who do not hold, renew, or receive a grower or handler license, CBD distributor and CBD retailer licenses shall have a licensure fee of five hundred dollars ($500). The licenses shall be renewed each year upon approval by the department and payment of a five hundred dollar ($500) renewal fee.

SECTION 2. Section 21-28.5-2 of Chapter 21-28.5 of the General Laws entitled “Sale of Drug Paraphernalia” is hereby amended as follows:


It is unlawful for any person to deliver, sell, possess with intent to deliver, or sell, or manufacture with intent to deliver, or sell drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or introduce into the human body a controlled substance in violation of chapter 28 of this title. A violation of this section shall be punishable by a fine not exceeding five thousand dollars ($5,000) or imprisonment not exceeding two (2) years, or both.

Notwithstanding any other provision of the general laws, the sale, manufacture, or delivery of drug paraphernalia to a person acting in accordance with chapters 28.6, 28.11, or 28.12 of this title shall not be considered a violation of this chapter.
Chapter 21-28.6 entitled “The Edward O. Hawkins and Thomas C. Slater Medical Marijuana
Act” are hereby amended as follows:

21-28.6-3 Definitions.

For the purposes of this chapter:

(1) “Authorized purchaser” means a natural person who is at least twenty-one (21) years
old and who is registered with the department of health for the purposes of assisting a qualifying
patient in purchasing marijuana from a compassion center. An authorized purchaser may assist no
more than one patient, and is prohibited from consuming marijuana obtained for the use of the
qualifying patient. An authorized purchaser shall be registered with the department of health and
shall possesses a valid registry identification card.

(2) “Cannabis” means all parts of the plant of the genus marijuana, also known as marijuana
sativa L, whether growing or not; the seeds thereof; the resin extracted from any part of the
plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its
seeds, or resin regardless of cannabinoid content or cannabinoid potency including “marijuana”, and
“industrial hemp” or “industrial hemp products” which satisfy the requirements of chapter 26 of
title 2.

(3) “Cannabis testing laboratory” means a third-party analytical testing laboratory licensed
by the department of health, in coordination with the department of business regulation, to collect
and test samples of cannabis.

(4) “Cardholder” means a person who has been registered or licensed with the department
of health or the department of business regulation pursuant to this chapter and possesses a valid
registry identification card or license.

(5) “Commercial unit” means a building, or other space within a commercial or industrial
building, for use by one business or person and is rented or owned by that business or person.

(6)(i) “Compassion center” means a not-for-profit corporation, subject to the provisions of
chapter 6 of title 7, and licensed under § 21-28.6-12, that acquires, possesses, cultivates,
manufactures, delivers, transfers, transports, supplies, or dispenses medical marijuana, and/or
related supplies and educational materials, to patient cardholders and/or their registered caregiver,
cardholder or authorized purchaser.

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(ii) "Compassion center cardholder" means a principal officer, board member, employee, volunteer, or agent of a compassion center who has registered with the department of business regulation and has been issued and possesses a valid, registry identification card.

(7) "Debilitating medical condition" means:

(i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, Hepatitis C, post-traumatic stress disorder, or the treatment of these conditions;

(ii) A chronic or debilitating disease or medical condition, or its treatment, that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain; severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to, those characteristic of multiple sclerosis or Crohn's disease; or agitation of Alzheimer's Disease; or

(iii) Any other medical condition or its treatment approved by the department of health, as provided for in § 21-28.6-5.

(8) "Department of business regulation" means the Rhode Island department of business regulation or its successor agency.

(9) "Department of health" means the Rhode Island department of health or its successor agency.

(10) "Department of public safety" means the Rhode Island department of public safety or its successor agency.

(11) "Dried marijuana" means the dried leaves and flowers of the marijuana plant as defined by regulations promulgated by the department of business regulation.

(12) "Dwelling unit" means the room, or group of rooms, within a residential dwelling used or intended for use by one family or household, or by no more than three (3) unrelated individuals, with facilities for living, sleeping, sanitation, cooking, and eating.

(13) "Equivalent amount" means the portion of usable marijuana, be it in extracted, edible, concentrated, or any other form, found to be equal to a portion of dried marijuana, as defined by regulations promulgated by the department of business regulation.

(14) "Immature marijuana plant" means a marijuana plant, rooted or unrooted, with no observable flowers or buds.

(15) "Licensed medical marijuana cultivator" means a person or entity, as identified in § 43-3-6, who has been licensed by the department of business regulation to cultivate medical marijuana pursuant to § 21-28.6-16.
(16) "Marijuana" has the meaning given that term in § 21-28-1.02.

(17) "Marijuana establishment licensee" means any person or entity licensed by the department of business regulation under this chapter or chapter 28.12 of title 21 whose license permits it to engage in or conduct activities in connection with the medical marijuana program or adult use marijuana industry. "Marijuana establishment licensees" shall include but not be limited to, compassion centers, medical marijuana cultivators, and cannabis testing laboratories, adult use marijuana retailers, hybrid marijuana cultivators, and the holder of any other license issued by the department of business regulation under chapters 28.6 or 28.12 of title 21 of the general laws and/or as specified and defined in regulations promulgated by the department of business regulation.

(18) "Mature marijuana plant" means a marijuana plant that has flowers or buds that are readily observable by an unaided visual examination.

(19) “Medical marijuana emporium” means any establishment, facility or club, whether operated for-profit or nonprofit, or any commercial unit, at which the sale, distribution, transfer or use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among registered patients, registered caregivers, authorized purchaser cardholders or any other person. This shall not include a compassion center regulated and licensed by the department of business regulation pursuant to the terms of this chapter.

(20) “Medical marijuana” means marijuana and marijuana products that satisfy the requirements of this chapter and have been given the designation of “medical marijuana” due to dose, potency, form. Medical marijuana products are only available for use by patient cardholders, and may only be sold to or possessed by patient cardholders, or their registered caregiver, or authorized purchaser in accordance with this chapter. Medical marijuana may not be sold to, possessed by, manufactured by, or used except as permitted as under this chapter.

(21) “Medical marijuana plant tag set” or “plant tag” means any tag, identifier, registration, certificate, or inventory tracking system authorized or issued by the department or which the department requires be used for the lawful possession and cultivation of medical marijuana plants in accordance with this chapter.

(22) "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer, or transportation of medical marijuana or paraphernalia relating to the consumption of marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms associated with the medical condition in accordance with the provisions of this chapter.

(23) "Practitioner" means a person who is licensed with authority to prescribe drugs pursuant to chapters 34, 37, and 54 of title 5 who may provide a qualifying patient with a written certification in accordance with regulations promulgated by the department of health.
(24) “Primary caregiver” means a natural person who is at least twenty-one (21) years old who is registered under this chapter in order to, and who may assist one (1) qualifying patient, but no more than five (5) qualifying patients, with their medical use of marijuana, provided that a qualified patient may also serve as his or her own primary caregiver subject to the registration and requirements set forth in § 21-28.6-4.

(25) “Qualifying patient” means a person who has been certified by a practitioner as having a debilitating medical condition and is a resident of Rhode Island.

(26) “Registry identification card” means a document issued by the department of health or the department of business regulation, as applicable, that identifies a person as a registered qualifying patient, a registered primary caregiver, or authorized purchaser, or a document issued by the department of business regulation or department of health that identifies a person as a registered principal officer, board member, employee, volunteer, or agent of a compassion center, licensed medical marijuana cultivator, cannabis testing lab, or any other medical marijuana licensee.

(27) “Usable marijuana” means the leaves and flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

(28) “Wet marijuana” means the harvested leaves and flowers of the marijuana plant before they have reached a dry state, as defined by regulations promulgated by the department of health and department of business regulation.

(29) “Written certification” means a statement signed by a practitioner, stating that, in the practitioner's professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. A written certification shall be made only in the course of a bona fide, practitioner-patient relationship after the practitioner has completed a full assessment of the qualifying patient's medical history. The written certification shall specify the qualifying patient's debilitating medical condition or conditions which may include the qualifying patient’s medical records.

21-28.6-5 Departments of health and business regulation to issue regulations.

(a) Not later than ninety (90) days after the effective date of this chapter, the department of health shall promulgate regulations governing the manner in which it shall consider petitions from the public to add debilitating medical conditions to those included in this chapter. In considering such petitions, the department of health shall include public notice of, and an opportunity to comment in a public hearing, upon such petitions. The department of health shall, after hearing,
approve or deny such petitions within one hundred eighty (180) days of submission. The approval or denial of such a petition shall be considered a final department of health action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court. The denial of a petition shall not disqualify qualifying patients with that condition, if they have a debilitating medical condition as defined in § 21-28.6-3(67). The denial of a petition shall not prevent a person with the denied condition from raising an affirmative defense.

(b) Not later than ninety (90) days after the effective date of this chapter, the department of health shall promulgate regulations governing the manner in which it shall consider applications for, and renewals of, registry identification cards for qualifying patients and authorized purchasers. The department of health's regulations shall establish application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering this chapter. The department of health may vary the application and renewal fees along a sliding scale that accounts for a qualifying patient's or caregiver's income. The department of health may accept donations from private sources in order to reduce the application and renewal fees.

(c) Not later than October 1, 2019 January 1, 2022, the department of business regulation shall promulgate regulations not inconsistent with law, to carry into effect the provisions of this section, governing the manner in which it shall consider applications for, and renewals of, registry identification cards for primary caregivers. The department of business regulation’s regulations shall establish application and renewal fees. The department of business regulation may vary the application and renewal fees along a sliding scale that accounts for a qualifying patient's or caregiver's income. The department of business regulation may accept donations from private sources in order to reduce the application and renewal fees.

21-28.6-6 Administration of departments of health and business regulation regulations.

(a) The department of health shall issue registry identification cards to qualifying patients who submit the following, in accordance with the department's regulations. Applications shall include but not be limited to:

(1) Written certification as defined in § 21-28.6-3;
(2) Application fee, as applicable;
(3) Name, address, and date of birth of the qualifying patient; provided, however, that if the patient is homeless, no address is required;
(4) Name, address, and telephone number of the qualifying patient's practitioner;
(5) Whether the patient elects to grow medical marijuana plants for himself or herself; and
(6) Name, address, and date of birth of one primary caregiver of the qualifying patient and any authorized purchaser for the qualifying patient, if any primary caregiver or authorized purchaser is chosen by the patient or allowed in accordance with regulations promulgated by the departments of health or business regulation.

(b) The department of health shall not issue a registry identification card to a qualifying patient under the age of eighteen (18) unless:

(1) The qualifying patient's practitioner has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal custody of the qualifying patient; and

(2) A parent, guardian, or person having legal custody consents in writing to:

(i) Allow the qualifying patient's medical use of marijuana;

(ii) Serve as the qualifying patient's primary caregiver or authorized purchaser; and

(iii) Control the acquisition of the marijuana, the dosage, and the frequency of the medical use of marijuana by the qualifying patient.

(c) The department of health shall renew registry identification cards to qualifying patients in accordance with regulations promulgated by the department of health and subject to payment of any applicable renewal fee.

(d) The department of health shall not issue a registry identification card to a qualifying patient seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen (18).

(e) The department of health shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within thirty-five (35) days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the department determines that the information provided was falsified, or that the renewing applicant has violated this chapter under their previous registration. Rejection of an application or renewal is considered a final department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior court.

(f) If the qualifying patient's practitioner notifies the department of health in a written statement that the qualifying patient is eligible for hospice care or chemotherapy, the department of health and department of business regulation, as applicable, shall give priority to these applications when verifying the information in accordance with subsection (e) and issue a registry identification card to these qualifying patients, primary caregivers and authorized purchasers within seventy-two (72) hours of receipt of the completed application. The departments shall not charge a registration fee to the patient, caregivers or authorized purchasers named in the application. The
department of health may identify through regulation a list of other conditions qualifying a patient
for expedited application processing.

(g) Following the promulgation of regulations pursuant to § 21-28.6-5(c), the department
of business regulation may issue or renew a registry identification card to the qualifying patient
cardholder's primary caregiver, if any, who is named in the qualifying patient's approved
application. The department of business regulation shall verify the information contained in
applications and renewal forms submitted pursuant to this chapter prior to issuing any registry
identification card. The department of business regulation may deny an application or renewal if
the applicant or appointing patient did not provide the information required pursuant to this section,
or if the department determines that the information provided was falsified, or if the applicant or
appointing patient has violated this chapter under their previous registration or has otherwise failed
to satisfy the application or renewal requirements.

(1) A primary caregiver applicant or an authorized purchaser applicant shall apply to the
bureau of criminal identification of the department of attorney general, department of public safety
division of state police, or local police department for a national criminal records check that shall
include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any
disqualifying information as defined in subsection (g)(5), and in accordance with the rules
promulgated by the director, the bureau of criminal identification of the department of attorney
general, department of public safety division of state police, or the local police department shall
inform the applicant, in writing, of the nature of the disqualifying information; and, without
disclosing the nature of the disqualifying information, shall notify the department of business
regulation or department of health, as applicable, in writing, that disqualifying information has been
discovered.

(2) In those situations in which no disqualifying information has been found, the bureau of
criminal identification of the department of attorney general, department of public safety division
of state police, or the local police shall inform the applicant and the department of business
regulation or department of health, as applicable, in writing, of this fact.

(3) The department of health or department of business regulation, as applicable, shall
maintain on file evidence that a criminal records check has been initiated on all applicants seeking
a primary caregiver registry identification card or an authorized purchaser registry identification
card and the results of the checks. The primary caregiver cardholder shall not be required to apply
for a national criminal records check for each patient he or she is connected to through the
department's registration process, provided that he or she has applied for a national criminal records
check within the previous two (2) years in accordance with this chapter. The department of health
and department of business regulation, as applicable, shall not require a primary caregiver

cardholder or an authorized purchaser cardholder to apply for a national criminal records check

more than once every two (2) years.

(4) Notwithstanding any other provision of this chapter, the department of business

regulation or department of health may revoke or refuse to issue any class or type of registry

identification card or license if it determines that failing to do so would conflict with any federal

law or guidance pertaining to regulatory, enforcement and other systems that states, businesses, or

other institutions may implement to mitigate the potential for federal intervention or enforcement.

This provision shall not be construed to prohibit the overall implementation and administration of

this chapter on account of the federal classification of marijuana as a schedule I substance or any

other federal prohibitions or restrictions.

(5) Information produced by a national criminal records check pertaining to a conviction

for any felony offense under chapter 28 of this title 21 ("Rhode Island Controlled Substances Act");
murder; manslaughter; rape; first-degree sexual assault; second-degree sexual assault; first-degree
child molestation; second-degree child molestation; kidnapping; first-degree arson; second-degree
arson; mayhem; robbery; burglary; breaking and entering; assault with a dangerous weapon; assault
or battery involving grave bodily injury; and/or assault with intent to commit any offense
punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the
applicant and the department of health or department of business regulation, as applicable,
disqualifying the applicant. If disqualifying information has been found, the department of health
or department of business regulation, as applicable may use its discretion to issue a primary
caregiver registry identification card or an authorized purchaser registry identification card if the
applicant's connected patient is an immediate family member and the card is restricted to that
patient only. Any disqualification or denial of registration hereunder shall be subject to the
provisions of § 28-5.1-14 of the general laws.

(6) The primary caregiver or authorized purchaser applicant shall be responsible for any
expense associated with the national criminal records check.

(7) For purposes of this section, "conviction" means, in addition to judgments of conviction
entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the
defendant has entered a plea of nolo contendere and has received a sentence of probation and those
instances where a defendant has entered into a deferred sentence agreement with the attorney
general.
(8) The office of cannabis regulation may adopt rules and regulations based on federal
guidance provided those rules and regulations are designed to comply with federal guidance and
mitigate federal enforcement against the registrations and licenses issued under this chapter.

(h) (1) On or before December 31, 2016, the department of health shall issue registry
identification cards within five (5) business days of approving an application or renewal that shall
expire two (2) years after the date of issuance.

(2) Effective January 1, 2017, and thereafter, the department of health or the department of
business regulation, as applicable, shall issue registry identification cards within five (5) business
days of approving an application or renewal that shall expire one year after the date of issuance.

(3) Registry identification cards shall contain:

(i) The date of issuance and expiration date of the registry identification card;

(ii) A random registry identification number;

(iii) A photograph; and

(iv) Any additional information as required by regulation or the department of health or
business regulation as applicable.

(i) Persons issued registry identification cards by the department of health or department
of business regulation shall be subject to the following:

(1) A qualifying patient cardholder shall notify the department of health of any change in
his or her name, address, primary caregiver, or authorized purchaser; or if he or she ceases to have
his or her debilitating medical condition, within ten (10) days of such change.

(2) A qualifying patient cardholder who fails to notify the department of health of any of
these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred
fifty dollars ($150). If the patient cardholder has ceased to suffer from a debilitating medical
condition, the card shall be deemed null and void and the person shall be liable for any other
penalties that may apply to the person's nonmedical use of marijuana.

(3) A primary caregiver cardholder or authorized purchaser shall notify the issuing
department of any change in his or her name or address within ten (10) days of such change. A
primary caregiver cardholder or authorized purchaser who fails to notify the issuing department of
any of these changes is responsible for a civil infraction, punishable by a fine of no more than one
hundred fifty dollars ($150).

(4) When a qualifying patient cardholder or primary caregiver cardholder notifies the
department of health or department of business regulation, as applicable, of any changes listed in
this subsection, the department of health or department of business regulation, as applicable, shall
issue the qualifying patient cardholder and each primary caregiver cardholder a new registry
identification card within ten (10) days of receiving the updated information and a ten-dollar ($10.00) fee.

(5) When a qualifying patient cardholder changes his or her primary caregiver or authorized purchaser, the department of health or department of business regulation, as applicable shall notify the primary caregiver cardholder or authorized purchaser within ten (10) days. The primary caregiver cardholder's protections as provided in this chapter as to that patient shall expire ten (10) days after notification by the issuing department. If the primary caregiver cardholder or authorized purchaser is connected to no other qualifying patient cardholders in the program, he or she must return his or her registry identification card to the issuing department.

(6) If a cardholder or authorized purchaser loses his or her registry identification card, he or she shall notify the department that issued the card and submit a ten-dollar ($10.00) fee within ten (10) days of losing the card. Within five (5) days, the department of health or department of business regulation shall issue a new registry identification card with new random identification number.

(7) Effective January 1, 2019, if a patient cardholder chooses to alter his or her registration with regard to the growing of medical marijuana for himself or herself, he or she shall notify the department prior to the purchase of medical marijuana tags or the growing of medical marijuana plants.

(8) If a cardholder or authorized purchaser willfully violates any provision of this chapter as determined by the department of health or the department of business regulation, his or her registry identification card may be revoked.

(j) Possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or property of the person to inspection by any governmental agency.

(k)(1) Applications and supporting information submitted by qualifying patients, including information regarding their primary caregivers, authorized purchaser, and practitioners, are confidential and protected in accordance with the federal Health Insurance Portability and Accountability Act of 1996, as amended, and shall be exempt from the provisions of chapter 2 of title 38 et seq. (Rhode Island access to public records act) and not subject to disclosure, except to authorized employees of the departments of health and business regulation as necessary to perform official duties of the departments, and pursuant to subsection (l) and (m).

(2) The application for qualifying patient's registry identification card shall include a question asking whether the patient would like the department of health to notify him or her of any
clinical studies about marijuana's risk or efficacy. The department of health shall inform those
patients who answer in the affirmative of any such studies it is notified of, that will be conducted
in Rhode Island. The department of health may also notify those patients of medical studies
conducted outside of Rhode Island.

(3) The department of health and the department of business regulation, as applicable, shall
maintain a confidential list of the persons to whom the department of health or department of
business regulation has issued authorized patient, primary caregiver, and authorized purchaser
registry identification cards. Individual names and other identifying information on the list shall be
confidential, exempt from the provisions of Rhode Island access to public records, chapter 2 of title
38, and not subject to disclosure, except to authorized employees of the departments of health and
business regulation as necessary to perform official duties of the departments and of this section.

(I) Notwithstanding subsections (k) and (m), the departments of health and business
regulation, as applicable, shall verify to law enforcement personnel whether a registry identification
card is valid and may provide additional information to confirm whether a cardholder is compliant
with the provisions of this chapter and the regulations promulgated hereunder. The department of
business regulation shall verify to law enforcement personnel whether a registry identification card
is valid and may confirm whether the cardholder is compliant with the provisions of this chapter
and the regulations promulgated hereunder. This verification may occur through the use of a shared
database, provided that any medical records or confidential information in this database related to
a cardholder’s specific medical condition is protected in accordance with subsection (k)(1).

(m) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a one
thousand dollar ($1,000) fine, for any person, including an employee or official of the departments
of health, business regulation, public safety, or another state agency or local government, to breach
the confidentiality of information obtained pursuant to this chapter. Notwithstanding this provision,
the department of health and department of business regulation employees may notify law
enforcement about falsified or fraudulent information submitted to the department or violations of
this chapter. Nothing in this act shall be construed as to prohibit law enforcement, public safety,
fire, or building officials from investigating violations of, or enforcing state law.

(n) On or before the fifteenth day of the month following the end of each quarter of the
fiscal year, the department of health and the department of business regulation shall report to the
governor, the speaker of the House of Representatives, and the president of the senate on
applications for the use of marijuana for symptom relief. The report shall provide:

(I) The number of applications for registration as a qualifying patient, primary caregiver,
or authorized purchaser that have been made to the department of health and the department of
business regulation during the preceding quarter, the number of qualifying patients, primary
caregivers, and authorized purchasers approved, the nature of the debilitating medical conditions
of the qualifying patients, the number of registrations revoked, and the number and specializations,
if any, of practitioners providing written certification for qualifying patients.

(o) On or before September 30 of each year, the department of health and the department
of business regulation, as applicable, shall report to the governor, the speaker of the House of
Representatives, and the president of the senate on the use of marijuana for symptom relief. The
report shall provide:

1. The total number of applications for registration as a qualifying patient, primary
caregiver, or authorized purchaser that have been made to the department of health and the
department of business regulation, the number of qualifying patients, primary caregivers, and
authorized purchasers approved, the nature of the debilitating medical conditions of the qualifying
patients, the number of registrations revoked, and the number and specializations, if any, of
practitioners providing written certification for qualifying patients;

2. The number of active qualifying patient, primary caregiver, and authorized purchaser
registrations as of June 30 of the preceding fiscal year;

3. An evaluation of the costs permitting the use of marijuana for symptom relief, including
any costs to law enforcement agencies and costs of any litigation;

4. Statistics regarding the number of marijuana-related prosecutions against registered
patients and caregivers, and an analysis of the facts underlying those prosecutions;

5. Statistics regarding the number of prosecutions against physicians for violations of this
chapter; and

6. Whether the United States Food and Drug Administration has altered its position
regarding the use of marijuana for medical purposes or has approved alternative delivery systems
for marijuana.

(p) After June 30, 2018, the department of business regulation shall report to the speaker
of the house, senate president, the respective fiscal committee chairpersons, and fiscal advisors
within 60 days of the close of the prior fiscal year. The report shall provide:

1. The number of applications for registry identification cards to compassion center staff,
the number approved, denied and the number of registry identification cards revoked, and the
number of replacement cards issued;

2. The number of applications for compassion centers and licensed cultivators;

3. The number of marijuana plant tag sets ordered, delivered, and currently held within
the state;
(4) The total revenue collections of any monies related to its regulator activities for the prior fiscal year, by the relevant category of collection, including enumerating specifically the total amount of revenues foregone or fees paid at reduced rates pursuant to this chapter.

SECTION 4. Chapter 21-28.6 of the General Laws entitled “The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act” is hereby amended by adding thereto the following section:

21-28.6-16.1 Procurement and transfer of marijuana.

(a) A compassion center or licensed medical marijuana cultivator that obtains a corresponding hybrid license pursuant to chapter 28.12 of title 21 may procure marijuana and marijuana products from or transfer medical marijuana for processing and product manufacturing to a marijuana establishment that is licensed under chapter 28.12 provided such procurement, processing, manufacturing and transfer is conducted in accordance and compliance with chapters 28.6, 28.11 and 28.12 of title 21 and regulations promulgated by the office of cannabis regulation including regulations regarding product testing, labeling, packaging and other requirements designed to ensure health, safety and patient access and all applicable provisions of title 44.

(b) Notwithstanding any other provision of the general laws, a licensed compassion center that also holds a license as a hybrid marijuana retailer pursuant to chapter 28.12 of title 21 and the regulations promulgated hereunder shall be exempt from the requirements of chapter 28.6 of title 21 requiring registration as a not-for-profit corporation under chapter 6 of title 7 of the general laws, provided the compassion center maintains operation and licensure as a hybrid marijuana retailer in good standing with the department of business regulation. The department of business regulation may promulgate regulations or issue guidance to facilitate the transition from a not-for-profit corporation to a for profit corporation or other entity including but not limited to the requirement that the compassion center must update and/or resubmit licensing and application documents which reflect this transfer.

SECTION 5. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby amended by adding thereto the following chapters 28.11 and 28.12:

CHAPTER 28.11

ADULT USE OF MARIJUANA ACT


This chapter shall be known and may be cited as the "Adult Use of Marijuana Act."


The general assembly finds and declares that:
(1) Prohibiting the possession, cultivation, and sale of cannabis to adults has proven to be an ineffective policy for the State of Rhode Island. In the absence of a legal, tightly regulated market, an illicit cannabis industry has thrived, undermining the public health, safety and welfare of Rhode Islanders.

(2) Regional and national shifts in cannabis policy have increased access to legal cannabis and marijuana products for Rhode Islanders in other states, the sale of which benefits the residents of the providing state while providing no funds to the State of Rhode Island to address the public health, safety and welfare externalities that come with increased access to cannabis, including marijuana.

(3) It is in the best interests of the State of Rhode Island to implement a new regulatory framework and tax structure for the commercial production and sale of cannabis and cannabis products, all aspects of which shall be tightly regulated and controlled by the provisions of this act and the office of cannabis regulation, the revenue from which is to be used to tightly regulate cannabis and cannabis products and to study and mitigate the risks and deleterious impacts that cannabis and marijuana use may have on the citizens and State of Rhode Island.


For purposes of this chapter:

(1) “Adult use marijuana cultivator” means an entity that holds a license to cultivate marijuana pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation and includes a hybrid marijuana cultivator.

(2) “Adult use marijuana retailer” means an entity that holds a license to sell marijuana at retail pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation and includes a hybrid marijuana retailer.

(3) “Cannabis” means all parts of the plant of the genus marijuana, also known as marijuana sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin regardless of cannabinoid content or cannabinoid potency including “marijuana”, and “industrial hemp” or “industrial hemp products” which satisfy the requirements of chapter 2-26 of the general laws and the regulations promulgated thereunder.

(4) “Cannabis plant” means a cannabis plant, rooted or unrooted, mature, or immature, with or without flowers or buds.

(5) “Department” or “department of business regulation” means the office of cannabis regulation within the department of business regulation or its successor agency.
(6) "Dwelling unit" means a room or group of rooms within a residential dwelling used or intended for use by one family or household, or by no more than three (3) unrelated individuals, with facilities for living, sleeping, sanitation, cooking, and eating.

(7) "Equivalent amount" means the portion of usable marijuana, be it in extracted, edible, concentrated, or any other form, found to be equal to a portion of dried, marijuana, as defined by regulations promulgated by the office of cannabis regulation.

(8) "Hybrid marijuana cultivator" means an entity that holds a medical marijuana cultivator license pursuant to chapter 28.6 of title 21 that also holds a license to cultivate marijuana pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation.

(9) "Hybrid marijuana retailer" means an entity that holds a medical marijuana compassion center license pursuant to chapter 28.6 of title 21 that also holds a license to sell marijuana at retail pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation.

(10) "Industrial Hemp" means the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent (0.3%) on a dry-weight basis of any part of the plant cannabis, or per volume or weight of cannabis product or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of the moisture content, which satisfy the requirements of chapter 2-26 of the general laws and the regulations promulgated thereunder.

(11) "Industrial Hemp products" means all products made from industrial hemp plants, including, but not limited to, concentrated oil, cloth, cordage, fiber, food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified for cultivation which satisfy the requirements of chapter 2-26 of the general laws and the regulations promulgated thereunder.

(12) "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not, the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is incapable of germination. Marijuana shall not include “industrial hemp” or “industrial hemp products” which satisfy the requirements of chapter 26 of title 2 of the general laws and the regulations promulgated thereunder.
(13) "Marijuana establishment" and "marijuana establishment licensee" means any person or entity licensed by the office of cannabis regulation under chapter 28.12 or chapter 28.6 of title 21 whose license permits it to engage in or conduct activities in connection with the adult use marijuana industry or medical marijuana program and includes but is not limited to a licensed adult use marijuana retailer, marijuana testing facility, hybrid marijuana retailer, adult use marijuana cultivator, hybrid marijuana cultivator, compassion center, medical marijuana cultivator, or any other license issued by the office of cannabis regulation under chapter 28.12 or chapter 28.6 of title 21 and/or as specified and defined in regulations promulgated by the office of cannabis regulation.

(14) "Marijuana paraphernalia" means equipment, products, and materials which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, or inhaling marijuana, or otherwise introducing marijuana into the human body.

(15) "Marijuana products" means any form of marijuana, including concentrated marijuana and products that are comprised of marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, extracts, infusions, edible products, ointments, and tinctures, as further defined in regulations promulgated by the office of cannabis regulation.

(16) "Marijuana testing facility" and "cannabis testing laboratory" means a third-party analytical testing laboratory licensed by the departments of health and office of cannabis regulation to collect and test samples of cannabis pursuant to regulations promulgated by the departments.

(17) "Office of cannabis regulation" means the office of cannabis regulation within the department of business regulation.

(18) "Public place" means any street, alley, park, sidewalk, public building other than individual dwellings, or any place of business or assembly open to or frequented by the public, and any other place to which the public has access.

(19) "Smoke" or "smoking" means heating to at least the point of combustion, causing plant material to burn, inhaling, exhaling, burning, or carrying any lighted or heated cigarette, pipe, weed, plant, other marijuana product in any manner or in any form intended for inhalation in any manner or form and includes but is not limited to the use of electronic cigarettes, electronic pipes, electronic marijuana delivery system products, or other similar products that rely on vaporization or aerosolization.

(20) "State prosecution" means prosecution initiated or maintained by the state of Rhode Island or an agency or political subdivision of the state of Rhode Island.
(21) “Vaporize” or “vape” means heating below the point of combustion and resulting in a vapor or mist.

21-28.11-4. Exempt activities.

Effective from and after April 1, 2022, except as otherwise provided in this chapter:

(1) A person who is twenty-one (21) years of age or older is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state prosecution for solely engaging in the following acts:

(ii) Actually or constructively using, obtaining, purchasing, transporting, or possessing one ounce (1 oz.) or less of marijuana plant material, or an equivalent amount of marijuana product as determined by regulations promulgated by the office of cannabis regulation, provided that a person who is twenty-one (21) years of age or older may only purchase one ounce (1 oz.) of marijuana plant material, or an equivalent amount of marijuana product as determined by regulations promulgated by the office of cannabis regulation per day;

(ii) Possessing in the person’s primary residence in secured and locked storage five ounces (5 oz) or less of marijuana plant material or an equivalent amount of marijuana product as determined by regulations promulgated by the office of cannabis regulation, or possessing in any dwelling unit used as the primary residence by two or more persons who are each twenty-one (21) years of age or older in secured and locked storage ten ounces (10 oz.) or less of marijuana plant material or an equivalent amount of marijuana product as determined by regulations promulgated by the office of cannabis regulation;

(iii) Controlling any premises or vehicle where persons who are twenty-one (21) years of age or older possess, process, or store amounts of marijuana plant material and marijuana products that are legal under state law under subsections (1)(i) and (1)(ii) of this section, provided that any and all marijuana plant material and/or marijuana products in a vehicle are sealed, unused, and in their original unopened packaging;

(iv) Giving away, without consideration, the amounts of marijuana and marijuana products that are legal under state law under subsection (1)(i) of this section, if the recipient is a person who is twenty-one (21) years of age or older, provided the gift or transfer of marijuana is not advertised or promoted to the public and the gift or transfer of marijuana is not in conjunction with the sale or transfer of any money, consideration or value, or another item or any other services in an effort to evade laws governing the sale of marijuana;

(v) Aiding and abetting another person who is twenty-one (21) years of age or older in the actions allowed under this chapter; and
(vi) Any combination of the acts described within subsections (1)(i) through (1)(v) of this section, inclusive.

(2) Except as provided in this chapter and chapter 28.12 of title 21, an adult use marijuana retailer, hybrid marijuana retailer or any person who is twenty-one (21) years of age or older and acting in their capacity as an owner, principal officer, partner, board member, employee, or agent of a licensed retailer is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state prosecution for solely engaging in the following acts:

(i) Actually or constructively transporting or possessing marijuana or marijuana products that were purchased from a hybrid marijuana cultivator, another adult use marijuana retailer, or any other marijuana establishment in accordance with regulations promulgated by the office of cannabis regulation;

(ii) Manufacturing, possessing, producing, obtaining, or purchasing marijuana paraphernalia;

(iii) Selling, delivering, or transferring marijuana or marijuana products to another retailer in accordance with regulations promulgated by the office of cannabis regulation;

(iv) Selling, transferring, or delivering, no more than, one ounce (1 oz.) of marijuana, or an equivalent amount of marijuana product per day, or marijuana paraphernalia to any person who is twenty-one (21) years of age or older, in accordance with regulations promulgated by the office of cannabis regulation and within the transaction limits of this chapter, chapter 21-28.12 and transactions limits specified in regulations promulgated by the office of cannabis regulation;

(v) Transferring or delivering marijuana or marijuana products to a cannabis testing facility in accordance with regulations promulgated by the office of cannabis regulation;

(vi) Controlling any premises or vehicle where marijuana, marijuana products, and marijuana paraphernalia are possessed, sold, or deposited in a manner that is not in conflict with this chapter or the regulations pursuant thereto; and

(vii) Any combination of the acts described within subsections (2)(i) through (2)(vi) of this section, inclusive.

(3) Except as provided in this chapter and chapter 28.12 of title 21, an adult use marijuana cultivator, hybrid marijuana cultivator or any person who is twenty-one (21) years of age or older and acting in their capacity as an owner, principal officer, partner, board member, employee, or agent of a licensed cultivator is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state prosecution for solely engaging in the following acts:
(i) Cultivating, packing, processing, transporting, or manufacturing marijuana, but not marijuana products, in accordance with regulations promulgated by the office of cannabis regulation;

(ii) Transporting or possessing marijuana that was produced by the hybrid marijuana cultivator or another marijuana establishment, in accordance with regulations promulgated by the office of cannabis regulation;

(iii) Selling, delivering, or transferring marijuana to an adult use marijuana retailer, hybrid marijuana retailer, another hybrid marijuana cultivator, or any other marijuana establishment, in accordance with regulations promulgated by the office of cannabis regulation;

(iv) Purchasing marijuana from another hybrid marijuana cultivator;

(v) Delivering or transferring marijuana to a marijuana testing facility;

(vi) Controlling any premises or vehicle where marijuana is possessed, manufactured, sold, or deposited, in accordance with regulations promulgated by the office of cannabis regulation; and

(vii) Any combination of the acts described within subsections (3)(i) through (3)(vi) of this section, inclusive.

(4) Except as provided in this chapter and chapter 28.12 of title 21, a cannabis testing facility or any person who is twenty-one (21) years of age or older and acting in their capacity as an owner, principal officer, owner, partner, board member, employee, or agent of a licensed cannabis testing facility shall not be subject to state prosecution; search, except by the department of business regulation or department of health pursuant to §21-28.12-8; seizure; or penalty in any manner or be denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a court or business licensing board or entity solely engaging in the following acts:

(i) Acquiring, transporting, storing, or possessing marijuana or marijuana products, in accordance with regulations promulgated by the office of cannabis regulation;

(ii) Returning marijuana and marijuana products to marijuana cultivation facilities, marijuana retailers, other marijuana establishment licensees and industrial hemp license holders, in accordance with regulations promulgated by the office of cannabis regulation;

(iii) Receiving compensation for analytical testing, including but not limited to testing for contaminants and potency; and

(iv) Any combination of the acts described within subsections (4)(i) through (4)(iii) of this section, inclusive.
(5) The acts listed in subsections (1) through (4) of this section, when undertaken in compliance with the provisions of this chapter and regulations promulgated hereunder, are lawful under Rhode Island law.

(6) Except as provided in this chapter and chapter 28.12 of title 21, a marijuana establishment licensee or any person who is twenty-one (21) years of age or older and acting in their capacity as an owner, principal officer, partner, board member, employee, or agent of licensed a marijuana establishment created by the office of cannabis regulation is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state prosecution solely for possessing, transferring, dispensing, or delivering marijuana in accordance with the corresponding marijuana establishment license regulations promulgated by the office of cannabis regulation, or otherwise engaging in activities permitted under the specific marijuana establishment license it holds as issued by the office of cannabis regulation and the regulations promulgated by the office of cannabis regulation.

(7) Except for the exemptions set forth in subsection (1) of this section which shall be effective from and after April 1, 2022, the exemptions set forth in subsections (2), (3), (4), (5) and (6) of this section shall be effective as to a marijuana establishment licensee from and after the date of issuance of a license by the office of cannabis regulation.

21-28.11-5. Authorized activities; paraphernalia.

(a) Any person who is twenty-one (21) years of age or older is authorized to manufacture, produce, use, obtain, purchase, transport, or possess, actually or constructively, marijuana paraphernalia in accordance with all applicable laws.

(b) Any person who is twenty-one (21) years of age or older is authorized to distribute or sell marijuana paraphernalia to marijuana establishments or persons who are twenty-one (21) years of age or older in accordance with all applicable laws.

21-28.11-6. Unlawful activities; penalties.

(a) Except as expressly provided in this chapter and chapters 2-26, 28.6 and 21-28.12, no person or entity shall cultivate, grow, manufacture, process, or otherwise produce cannabis, cannabis plants or cannabis products.

(b) Any person who cultivates, grows, manufactures, processes, or otherwise produces cannabis, cannabis plants or cannabis products in violation of this chapter and chapters 2-26, 21-28.6, 21-28.12, and/or the regulations promulgated hereunder shall be subject to imposition of an administrative penalty and order by the office of cannabis regulation as follows:
(i) for a violation of this section involving one (1) to five (5) cannabis plants, an administrative penalty of $2,000 per plant and an order requiring forfeiture and/or destruction of said plants;

(ii) for a violation of this section involving six (6) to ten (10) cannabis plants, an administrative penalty of $3,000 per plant and an order requiring forfeiture and/or destruction of said plants;

(iii) for a violation of this section involving eleven (11) to twenty (20) cannabis plants, an administrative penalty of $4,000 per plant and an order requiring forfeiture and/or destruction of said plants;

(iv) for a violation of this section involving more than twenty (20) cannabis plants, an administrative penalty of $5,000 per plant and an order requiring forfeiture and/or destruction of said plants;

(v) for any violation of this section involving more than twenty (20) cannabis plants, such person and, in the case of an entity such entity’s principal officers and other key persons, shall also be guilty of a felony, and upon conviction shall be punished by imprisonment and a fine as provided in chapter 21-28 of the general laws and the attorney general shall prosecute such criminal violation; and

(vi) for any violation of this section involving possession of marijuana material or marijuana products over the legal possession limits of this chapter, there shall be an administrative penalty of $2,000 per ounce of equivalent marijuana material over the legal possession limit and an order requiring forfeiture and/or destruction of said marijuana.

The provisions of this chapter do not exempt any person from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board or authority, and state prosecution for, nor may they establish an affirmative defense based on this chapter to charges arising from, any of the following acts:

1. Driving, operating, or being in actual physical control of a vehicle or a vessel under power or sail while impaired by marijuana or marijuana products;

2. Possessing marijuana or marijuana products if the person is incarcerated;

3. Possessing marijuana or marijuana products in any local detention facility, county jail, state prison, reformatory, or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or


(a) No person shall smoke, vaporize or otherwise consume or use cannabis in a public place. A person who violates this section shall be subject to imposition of any applicable penalty or fine established pursuant to local ordinance by the municipality where the public consumption or use occurred.

(b) No person shall smoke or vaporize cannabis in, on or about the premises of any housing that is subject to regulation or otherwise within the purview of chapters 45-25, 45-26, 45-53 or 45-60 of the general laws and any regulations promulgated thereunder. A person who smokes or vaporizes cannabis in, on or about such housing premises shall be subject to imposition of any applicable penalty established pursuant to local ordinance, access prohibition or restriction, eviction or other action that may lawfully be taken by the owner and/or applicable authority with respect to said housing.

(c) No person shall smoke or vaporize cannabis in, on or about the premises of any multi-unit housing complex or building without the written permission of the owner of such property and/or any applicable governing body of the housing complex or building. A person who smokes or vaporizes cannabis in, on or about any multi-unit housing complex or building premises without such written permission shall be subject to imposition of any applicable penalty established pursuant to local ordinance, access prohibition or restriction, eviction or other action that may lawfully be taken by the owner and/or any applicable authority with respect to such multi-unit housing complex or building.

(d) No person or entity shall permit smoking, vaporizing or other consumption or use, sale, distribution or other transfer or any proposed sale, distribution or transfer, of cannabis or cannabis products in, on or about the premises of any place of business, establishment, or club, whether public or private, and whether operated for-profit or nonprofit, or any commercial property or other premises as further defined through regulations promulgated by the office of cannabis regulation, unless a cannabis social use license or temporary cannabis social use permit has been issued by the office of cannabis regulation with respect to such business, establishment, club or commercial property premises in accordance with regulations promulgated by the office of cannabis regulation. Any person or entity who violates this section shall be subject to imposition of administrative fine and/or other penalty as prescribed by the office of cannabis regulation in such regulations.


(a) Nothing in this chapter shall be construed to require an employer to accommodate the use or possession of marijuana, or being under the influence of marijuana, in any workplace.
(b) An employer shall be entitled to implement policies prohibiting the use or possession of marijuana in the workplace and/or working under the influence of marijuana, provided such policies are in writing and uniformly applied to all employees and an employee is given prior written notice of such policies by the employer.

(c) The provisions of this chapter shall not permit any person to undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice, jeopardize workplace safety, or to operate, navigate or be in actual physical control of any motor vehicle or other transport vehicle, aircraft, motorboat, machinery or equipment, or firearms under the influence of marijuana.

(d) Notwithstanding any other section of the general laws, upon specific request of a person who is a qualifying medical marijuana patient cardholder under chapter 28.6 of title 21, the department of health may verify the requesting cardholder’s status as a valid patient cardholder to the qualifying patient cardholder’s employer, in order to ensure compliance with patient protections of §21-28.6-4(e).

(e) Notwithstanding any other section of the general laws, an employer may take disciplinary action against an employee, including termination of employment, if the results of a drug test administered in accordance with section § 28-6.5-1 of the general laws demonstrates that the employee was under the influence of or impaired by marijuana while in the workplace or during the performance of work. For purposes of this subsection (e), a drug test that yields a positive result for cannabis metabolites shall not be construed as proof that an employee is under the influence of or impaired by marijuana unless the test yields a positive result for active THC, delta-9-tetrahydrocannabinol, delta-8-tetrahydrocannabinol, or any other active cannabinoid found in marijuana which causes intoxication and/or impairment.


(a) Except as provided in this section, the provisions of this chapter do not require any person, corporation, or any other entity that occupies, owns, or controls a property to allow the consumption, or transfer of marijuana on or in that property.

(b) Except as provided in this section, in the case of the rental of a residential dwelling unit governed by chapter 18 of title 34, a landlord may not prohibit the consumption of cannabis by non-smoked or non-vaporized means, or the transfer without compensation of cannabis by the tenant as defined in § 34-18-11, provided the tenant is in compliance with the possession and transfer limits and other requirements set forth in § 21-28.11-4(1)(i)-(vi), and provided any such consumption or transfer by the tenant is done within the tenant’s dwelling unit and is not visible from outside of the individual residential dwelling unit. A landlord may prohibit the consumption,
display, and transfer of cannabis by a roomer as defined in § 34-18-11 and by any other person who
is not a tenant.

21-28.11-12. Unlawful distribution to minors; penalties.

(a) Except as expressly provided in chapter 28.6 of title 21 of the general laws, no person
or entity shall sell, deliver or otherwise transfer to any person who is under twenty-one (21) years
of age marijuana, marijuana plants or marijuana products.

(b) Any person or entity who sells, delivers or otherwise transfers marijuana, marijuana
plants or marijuana products to any person who is under twenty-one (21) years of age violation of
this chapter and chapter 28.12 of title 21 and/or the regulations promulgated hereunder shall be
subject to imposition of an administrative penalty by the office of cannabis regulation in the amount
of $10,000 per violation.

(c) As to any violation of this section, such person, and in the case of an entity such entity’s
principal officers and other key persons, shall also be guilty of a felony, and upon conviction shall
be punished by imprisonment and a fine as provided in chapter 28 of title 21 of the general laws
and the attorney general shall prosecute such criminal violation.


(a) No person, other than a licensee who is authorized to process marijuana pursuant to
a license under chapter 28.12 of title 21 and who is in compliance with this chapter, chapter 28.12
and accompanying regulations or an agent of such licensee acting in that capacity, may extract
compounds from marijuana using solvents other than water, glycerin, propylene glycol, vegetable
oil, or food grade ethanol (ethyl alcohol). No person may extract compounds from marijuana using
ethanol in the presence or vicinity of open flame.

(b) A person who violates this section shall be subject to imposition of an administrative
penalty by the office of cannabis regulation of up to five thousand dollars ($5,000) per violation.

(c) A person who violates this section shall also be guilty of a felony punishable by imprisonment
and a fine in accordance with chapter 28 of title 21 of the general laws and the attorney general shall
prosecute such criminal violation.


(a) No later than April 1, 2023, the department of business regulation shall, in collaboration
with the department of health and the office of management and budget, conduct and deliver to the
Governor, the Speaker of the House of Representatives, and the President of the Senate a study
relating to the impact of the implementation of adult use cannabis in Rhode Island on the existing
medical marijuana program (MMP) established pursuant to chapter 28.6 of title 21. This study shall
examine and make recommendations relating to, without limitation, the following:
(b) The extent to which the introduction of adult use cannabis has diminished or eliminated the availability of certain medical marijuana products or product types;

(c) The extent to which patient cardholders in Rhode Island have experienced new or greater obstacles to obtaining medical marijuana, including on the basis of price, quantity, product type, or geographic location;

(d) The extent to which the number of caregiver registrations and/or the number of plant tag certificates issued by the office of cannabis regulation increases or decreases; and

(e) The extent to which the introduction of the new adult use cannabis tax and license fee structure requires a realignment of the existing medical marijuana tax and license fee structure.

(f) Any recommendations delivered to the Governor pursuant to this study shall be considered by the Governor, the department, and the office of management and budget in the development of the act proposing appropriations for the fiscal year beginning July 1, 2024.

CHAPTER 28.12
MARIJUANA REGULATION, CONTROL, AND TAXATION ACT
This chapter shall be known and may be cited as the "Marijuana Regulation, Control, and Taxation Act."

For purposes of this chapter:

(1) "Adult use marijuana cultivator" means an entity that holds a license to cultivate marijuana pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation and includes a hybrid marijuana cultivator.

(2) "Adult use marijuana retailer" means an entity that holds a license to sell marijuana at retail pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation and includes a hybrid marijuana retailer.

(3) "Cannabis" means all parts of the plant of the genus marijuana, also known as marijuana sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin regardless of cannabinoid content or cannabinoid potency including "marijuana", and "industrial hemp" or "industrial hemp products" which satisfy the requirements of chapter 26 of title 2 of the general laws and the regulations promulgated thereunder.

(4) "Equivalent amount" means the portion of usable marijuana, be it in extracted, edible, concentrated, or any other form, found to be equal to a portion of dried marijuana, as defined by regulations promulgated by the office of cannabis regulation.
(5) "Hybrid marijuana cultivator" means an entity that holds a medical marijuana cultivator license pursuant to chapter 28.6 of title 21 that also holds a license to cultivate marijuana pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation.

(6) "Hybrid marijuana retailer" means an entity that holds a medical marijuana compassion center license pursuant to chapter 28.6 of title 21 that also holds a license to sell marijuana at retail pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation.

(7) "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is incapable of germination. Marijuana shall not include “industrial hemp or” industrial hemp products” which satisfy the requirements of chapter 2-26 of the general laws and the regulations promulgated thereunder.

(8) "Marijuana establishment" and “marijuana establishment licensee” means any person or entity licensed by the office of cannabis regulation under this chapter or chapter 21-28.6 whose license permits it to engage in or conduct activities in connection with the adult use marijuana industry or medical marijuana program and includes but is not limited to a licensed adult use marijuana retailer, marijuana testing facility, adult use marijuana cultivator, hybrid marijuana retailer, hybrid marijuana cultivator, compassion center, medical marijuana cultivator or any other license issued by the office of cannabis regulation under this chapter or chapter 28.6 of title 21 and/or as specified and defined in regulations promulgated by the office of cannabis regulation.

(9) "Marijuana paraphernalia" means equipment, products, and materials which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, or inhaling marijuana, or otherwise introducing marijuana into the human body.

(10) "Marijuana products" means any form of marijuana, including concentrated marijuana and products that are comprised of marijuana and other ingredients that are intended for use, or consumption, such as, but not limited to, extracts, infusions, edible products, ointments, and tinctures, as further defined in regulations promulgated by the office of cannabis regulation.
(11) "Marijuana testing facility" or “cannabis testing laboratory” means a third-party analytical testing laboratory licensed by the departments of health and office of cannabis regulation to collect and test samples of cannabis pursuant to regulations promulgated by the departments.

(12) "Smoke" or “smoking” means heating to at least the point of combustion, causing plant material to burn, inhaling, exhaling, burning, or carrying any lighted or heated cigarette, pipe, weed, plant, other marijuana product in any manner or in any form intended for inhalation in any manner or form and includes but is not limited to the use of electronic cigarettes, electronic pipes, electronic marijuana delivery system products, or other similar products that rely on vaporization or aerosolization.

(13) "State prosecution" means prosecution initiated or maintained by the state of Rhode Island or an agency or political subdivision of the state of Rhode Island.

(14) “Vaporize” or “vape” means heating below the point of combustion and resulting in a vapor or mist.


(a) The office of cannabis regulation within the department of business regulation shall oversee the regulation, licensing and control of cannabis, including marijuana, medical marijuana and industrial hemp, and such other matters within the jurisdiction of the department as determined by the director. The head of the office shall serve as the chief of the office of cannabis regulation. The chief shall be the executive and administrative head of the office and shall be responsible for administering and enforcing the laws and regulations relating to cannabis in the state of Rhode Island.

(b) Whenever in chapter 26 of title 2, and chapters 28.6, 28.11, and 28.12 of title 21 and chapter 49.1 of title 44 of the general laws the words “department of business regulation” shall appear, the words shall be deemed to mean the office of cannabis regulation within the department of business regulation. Whenever in chapter 26 of title 2, and chapters 28.6, 28.11, and 28.12 of title 21 and chapter 49.1 of title 44 of the general laws the words "office of cannabis regulation" shall appear, the words shall be deemed to mean the office of cannabis regulation within the department of business regulation.

(c) The office of cannabis regulation shall coordinate the executive branch response to the regulation and control of cannabis including, but not limited to, strategic planning, coordination and approval of regulations, educational content, planning and implementation, community engagement, budget coordination, data collection and analysis functions, and any other duties deemed necessary and appropriate by the office of cannabis regulation to carry out the provisions of this chapter.
(d) In furtherance of coordinating the oversight of cannabis, including marijuana, medical marijuana and industrial hemp, across state agencies, the office of cannabis regulation shall:

1. Coordinate with the staff designated by the respective directors of each state agency regarding the agency's promulgation and implementation of rules and regulations regarding adult use of marijuana, medical marijuana and industrial hemp with the objective of producing positive economic, public safety, and health outcomes for the state and its citizens;

2. Offer guidance to and communicate with municipal officials regarding the implementation and enforcement of this chapter and chapters 28.6 and 28.11;

3. Align all policy objectives and the promulgation of rules and regulations across state agencies to increase efficiency and eliminate unintended negative impacts on the state and its citizens;

4. Communicate with regulatory officials from other states that allow marijuana for adult use, medical marijuana use and industrial hemp production to learn from the experiences of those states;

5. Anticipate, prioritize, and respond to emerging issues with the regulation of marijuana;

6. Coordinate the collection of data on adult use of marijuana and medical marijuana use from state agencies and report to the governor and legislature no later than April 1, 2023, and every year thereafter. The report shall include, but is not limited to:

   (i) The number and geographic distribution of all licensed marijuana establishments;

   (ii) Data on the total amount of sales of marijuana and the total amount of revenue raised from taxes and fees levied on marijuana;

   (iii) Projected estimate of the total marijuana revenue that will be raised in the proceeding year;

   (iv) The distribution of funds to programs and agencies from revenue raised from fees and taxes levied on marijuana; and

   (v) Any findings from the departments of health and public safety related to changes in marijuana use rates and the impact, if any, of marijuana use on public health and public safety.


(a) There is hereby created the Governor's Cannabis Reinvestment Task Force, members of which shall be appointed by and serve at the pleasure of the Governor. There shall be fifteen (15) members, with eight (8) members constituting a quorum. The members shall serve for an initial term of one (1) year and may be reappointed for an additional period of one (1) year. The members shall serve on the task force without compensation.

(b) The task force shall be co-chaired by the Director of the Department of Business Regulation or her or his designee and the Secretary of the Executive Office of Health and Human Services.
Services or her or his designee and shall also include the Directors of the Departments of Health, Labor and Training, Public Safety, and the President of the Rhode Island Commerce Corporation, or their designees.

(c) The task force shall further consist of, but not be limited to, representatives of municipal government, faith-based organizations, Rhode Island-based community development corporations (CDCs), industry associations, small business owners, and at least two (2) members of the Rhode Island cannabis industry, including at least one (1) representative of a licensed compassion center and one (1) representative of a licensed cultivator. No later than July 1, 2022, the task force shall present recommendations to the office of cannabis regulation and the office of management and budget specifically relating to the long-term reinvestment of adult use cannabis revenues in existing or new programs or initiatives which shall include, but not be limited to: job training, small business access to capital, affordable housing, health equity, and neighborhood and community development. These recommendations shall contemplate an overall proportion of cannabis revenues to be reinvested in these targeted areas, and shall be made with a specific focus on racial equity, worker and family economic empowerment, the disproportionate impact of cannabis-related law enforcement policies and procedures, and structural barriers to participation in Rhode Island’s cannabis industry.

(d) All meetings of the task force shall be open meetings and all records of the task force shall be public records. The office of cannabis regulation, the office of management and budget, and the executive office of health and human services shall provide administrative support to the task force as needed.


(a) The department of business regulations shall accept applications for adult use marijuana retailer licenses on an annual basis according to the following methodology:

(1) During the 12-month period beginning July 1, 2021, the department of business regulation shall establish and open a first application period, the duration of which shall be determined by the department, during which the department will accept applications for twenty-five (25) adult use marijuana retailer licenses;

(2) During the 12-month period beginning July 1, 2022, the department of business regulation shall establish and open a second application period, the duration of which shall be determined by the department, during which the department will accept applications for an additional twenty-five (25) adult use marijuana retailer licenses;

(3) During the 12-month period beginning July 1, 2023, the department of business regulation shall establish and open a third application period, the duration of which shall be
determined by the department, during which the department will accept applications for an
additional twenty-five (25) adult use marijuana retail licenses; such that by June 30, 2024, the
department will have awarded or issued preliminary approval for no more than seventy-five (75)
adult use retail licenses:

(b) Beginning July 1, 2024, and for the years that follow, the department may make
additional retail adult use cannabis licenses available based on market factors including, but not
limited to, the findings of a market demand study conducted pursuant to § 21-28.12-18, and taking
into consideration the impact of said additional licenses on public health and safety.

(c) Excluding applications for hybrid marijuana retailer licenses as described in subsection
(f), to the extent that the total number of qualifying applications for retail licenses received during
any application period exceeds the number of licenses made available by the department pursuant
to this section, the department shall award the licenses to qualifying applicants selected by way of
a randomized lottery in accordance with rules and regulations promulgated by the department,
provided in no case shall the number of licenses awarded to qualifying minority business
enterprises, as defined in chapter 14.1 of title 37 and regulations promulgated thereunder, be fewer
than five (5) or twenty percent (20%) of the total number of licenses awarded on an annual basis,
whichever is greater.

(d) By January 1, 2023, the department of business regulation shall conduct a disparity
study examining the extent to which minority-owned businesses have been able to participate in
the adult use cannabis market in Rhode Island, and may recommend revisions to the ratio set forth
in subsection (c) as needed based on the findings of this study.

(e) The departments of administration and business regulation are hereby authorized to
jointly promulgate additional rules and regulations as needed to clarify and implement the process
of certification as a minority business enterprise for the purposes of this section.

(f) In addition to the adult use marijuana retailer licenses issued pursuant to subsection (a),
any person or entity to whom the department of business regulation has issued a compassion center
license or conditional compassion center application approval as of the date the department’s
opening of the application period, and who is in good standing with the department pursuant to
chapter 28.6 of title 21 may apply for and shall be issued a hybrid marijuana retailer license during
the first application period, provided that any such applicant is in compliance with all applicable
regulations and demonstrates to the satisfaction of the department in accordance with regulations
promulgated hereunder that the applicant’s proposed adult use licensure will have no adverse effect
on the medical marijuana program market and patient need. The department may deny an
application that fails to make this demonstration and/or may impose restrictions and conditions to
licensure as it deems appropriate to ensure no adverse effect on the medical marijuana program
market and patient needs. A hybrid marijuana retailer licensee must maintain its compassion center
license in good standing as a condition to licensure for its hybrid marijuana retailer license.

(g) An adult use marijuana retailer licensed under this section may acquire marijuana and
marijuana products from licensed hybrid marijuana cultivators and other licensed marijuana
establishments in accordance with regulations promulgated by department of business regulation,
and possess, deliver, transfer, transport, supply and sell at retail marijuana, marijuana products and
marijuana paraphernalia to persons who are twenty-one (21) years of age or older in accordance
with the provisions of chapters 28.11 and 28.12 of title 21 and the regulations promulgated by the
department of business regulation. A licensed adult use marijuana retailer shall not be a primary
caregiver cardholder and shall not hold a cooperative cultivation license. A licensed adult use
marijuana retailer shall not hold an adult use marijuana cultivator license and shall not grow or
cultivate marijuana except to the extent the adult use marijuana retailer is licensed as a hybrid
marijuana retailer issued to a compassion center that has been approved for cultivation of marijuana
pursuant to such compassion center license. The department of business regulation may restrict the
number, types, and classes of adult use marijuana licenses an applicant may be issued through
regulations promulgated by the department.

(h) The department of business regulation may promulgate regulations governing the
manner in which it shall consider applications for the licensing of adult use marijuana retailers and
registration of all of its owners, officers, directors, managers, members, partners, employees, and
agents, including but not limited to regulations governing:

(1) The form and content of licensing and renewal applications, including, without
limitation, required submission materials upon which the department shall determine suitability of
an applicant;

(2) Minimum oversight requirements for licensed adult use marijuana retailers;

(3) Minimum record-keeping requirements for adult use marijuana retailers;

(4) Minimum insurance requirements for adult use marijuana retailers;

(5) Minimum security requirements for adult use marijuana retailers; and

(6) Procedures for suspending, revoking, or terminating the license of adult use marijuana
retailers that violate any provisions of this chapter or the regulations promulgated hereunder.

(7) Applicable application and license fees.

(i) The license issued by the department of business regulation to an adult use marijuana
retailer and the registration issued to each of its owners, officers, directors, managers, members,
partners, employees and agents shall expire one (1) year after it was issued and the licensee may apply for renewal with the department in accordance with its regulations pertaining to licensed adult use marijuana retailers.

(j) The department of business regulation may promulgate regulations that govern how much marijuana a licensed adult use marijuana retailer may possess. All marijuana acquired, possessed and sold by a licensed adult use marijuana retailer must be catalogued in a seed to sale inventory tracking system in accordance with regulations promulgated by the department of business regulation.

(k) Adult use marijuana retailers shall only sell marijuana, marijuana products and marijuana paraphernalia at retail to persons twenty-one (21) years of age or older in accordance with chapters 28.11 and 28.12 of title 21 and the regulations promulgated by the department of business regulation thereunder. Adult use marijuana retailers shall not sell any other products except as otherwise permitted in regulations promulgated by the department of business regulation. The department may suspend and/or revoke the adult use marijuana retailer’s license and the registration of any owner, officer, director, manager, member, partner, employee, or agent of such adult use marijuana retailer and/or impose an administrative penalty in accordance with such regulations promulgated by the department for any violation of chapters 28.11 or 28.12 of title 21 or the regulations promulgated thereunder. In addition, any violation of chapters 28.11 or 28.12 of title 21 or the regulations promulgated pursuant to this subsection and subsection (h) shall cause a licensed adult use marijuana retailer to lose the protections described in § 21-28.11-4(2) and may subject the licensed adult use marijuana retailer and its owners, officers, directors, managers, members, partners, employees, and agents to arrest and prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

(l) Adult use marijuana retailers shall be subject to any regulations promulgated by the department of health or department of business regulation that specify how marijuana must be tested for items, including, but not limited to, potency, cannabinoid profile, and contaminants;

(m) Adult use marijuana retailers shall be subject to any product labeling requirements promulgated by the department of business regulation and the department of health;

(n) Adult use marijuana retailers shall only be licensed to possess and sell marijuana, marijuana products and marijuana paraphernalia at the location(s) set forth in its adult use marijuana retailer license and registered with the department of business regulation and the department of public safety. The department of business regulation may promulgate regulations governing the department’s approval of locations where adult use marijuana retailers are allowed
to operate. Adult use marijuana retailers must abide by all local ordinances, including zoning ordinances.

(o) Adult use marijuana retailers shall be subject to inspection and audit by the department of business regulation or the department of health for the purposes of enforcing regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

(p) An adult use marijuana retailer applicant, unless they are an employee with no equity, ownership, financial interest, or managing control, shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in subdivision (p)(2), and in accordance with the rules promulgated by the director of the department of business regulation, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, shall notify the department of business regulation, in writing, that disqualifying information has been discovered.

(1) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant and the department of business regulation, in writing, of this fact.

(2) Information produced by a national criminal records check pertaining to a conviction for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a sentence of probation shall result in a letter to the applicant and the department of business regulation disqualifying the applicant.

(3) The adult use marijuana retailer applicant shall be responsible for any expense associated with the national criminal records check.

(q) Persons issued adult use marijuana retailer licenses or registration cards shall be subject to the following:

(1) A licensed adult use marijuana retailer cardholder shall notify and request approval from the department of business regulation of any change in his or her name or address within ten days of such change. An adult use marijuana retailer cardholder who fails to notify the department of business regulation of any of these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars ($150).
(2) When a licensed adult use marijuana retailer cardholder notifies the department of business regulation of any changes listed in this subsection, the department of business regulation shall issue the adult use marijuana retailer cardholder a new license or registry identification card after the department approves the changes and receives from the licensee payment of a fee specified in regulation.

(3) If a licensed adult use marijuana retailer cardholder loses his or her registry identification card, he or she shall notify the department of business regulation and submit a fee specified in regulation within ten (10) days of losing the registry identification card. The department of business regulation shall issue a new registry identification card with a new random identification number.

(4) A licensed adult use marijuana retailer cardholder shall notify the department of business regulation of any disqualifying criminal convictions as defined in subsection (p)(2). The department of business regulation may choose to suspend and/or revoke his or her card after such notification.

(5) If a licensed adult use marijuana retailer or adult use marijuana retailer cardholder violates any provision of this chapter or regulations promulgated hereunder as determined by the department of business regulation, his or her card or the issued license may be suspended and/or revoked.

(r) No person or entity shall engage in activities described in this § 21-28.12-5 without an adult use marijuana retailer license issued by the department of business regulation in accordance with chapters 28.11 and 28.12 of title 21 and regulations promulgated thereunder by the department of business regulation.


(a) On or after July 1, 2021, the department of business regulation shall establish and open an application period during which it will accept applications for adult use marijuana cultivator licenses. The duration of the application period, the number and class of adult use marijuana licenses and the method of selection shall be determined in accordance with regulations promulgated by the department of business regulation taking into consideration market demand and the impact of said additional licenses on public health and safety.

(b) A medical marijuana cultivator licensed and in good standing with the department of business regulation as of the opening of the application period may apply for and shall be issued a hybrid marijuana cultivator license under this section, provided that a medical marijuana cultivator licensee who applies for a hybrid marijuana cultivator license will be required to demonstrate to
the satisfaction of the department of business regulation in accordance with regulations promulgated hereunder that the applicant’s proposed adult use licensure will have no adverse effect on the medical marijuana program market and patient need. The department of business regulation may deny an application that fails to make this demonstration and/or may impose restrictions and conditions to licensure as it deems appropriate to ensure no adverse effect on the medical marijuana program market and patient needs. A licensed hybrid marijuana cultivator must maintain its medical marijuana cultivator license in good standing as a condition to licensure for its hybrid marijuana cultivator license.

(c) An adult use marijuana cultivator licensed pursuant to this section shall be authorized to acquire, possess, cultivate, package, process, manufacture and transfer marijuana and marijuana products, in accordance with chapters 28.11 and 28.12 of title 21 and regulations promulgated by the department of business regulation, and may sell, deliver, or transfer marijuana and marijuana products to adult use marijuana retailers, a cannabis testing laboratory, or another marijuana establishment licensee in accordance with regulations promulgated by the department of business regulation. A licensed cultivator shall not be a primary caregiver cardholder and shall not hold a cooperative cultivation license. A licensed adult use marijuana cultivator shall not sell, deliver, or transfer marijuana or marijuana products to a compassion center licensed under chapter 28.6 of title 21 except to the extent that the adult use marijuana cultivator is licensed as a hybrid cultivator issued to a medical marijuana cultivator licensed and in good standing with the department of business regulation and in accordance with the applicable regulations. A licensed adult use marijuana cultivator shall not sell marijuana or marijuana products at retail or otherwise to the general public. The department of business regulation may restrict the number, types, and classes of adult use marijuana establishment licenses an applicant may be issued through regulations promulgated by the department.

(d) The department of business regulation may promulgate regulations governing the manner in which it shall consider applications for the licensing of adult use marijuana cultivators, including but not limited to regulations governing:

(1) The form and content of licensing and renewal applications;
(2) Minimum oversight requirements for licensed adult use marijuana cultivators;
(3) Minimum record-keeping requirements for adult use marijuana cultivators;
(4) Minimum insurance requirements for adult use marijuana cultivators;
(5) Minimum security requirements for adult use marijuana cultivators; and
(6) Procedures for suspending, revoking, or terminating the license of adult use marijuana cultivators that violate any provisions of this chapter or the regulations promulgated hereunder.
(7) Applicable application and license fees.

e) A adult use marijuana cultivator license issued by the department of business regulation shall expire one (1) years after it was issued and the licensed hybrid marijuana cultivator may apply for renewal with the department in accordance with its regulations pertaining to licensed adult use marijuana cultivators.

(f) The department of business regulation may promulgate regulations that govern how much marijuana a licensed adult use marijuana cultivator may cultivate and possess. All marijuana possessed by a licensed adult use marijuana cultivator must be catalogued in a seed to sale inventory tracking system in accordance with regulations promulgated by the department of business regulation.

(g) Adult use marijuana cultivators shall only sell marijuana and marijuana products to adult use marijuana retailers or another licensed marijuana establishment licensee in accordance with regulations promulgated by the department of business regulation. The department may suspend and/or revoke the adult use marijuana cultivator’s license and the registration of any owner, officer, director, manager, member, partner, employee, or agent of such adult use marijuana cultivator and/or impose an administrative penalty in accordance with such regulations promulgated by the department for any violation of this section or the regulations. In addition, any violation of this section or the regulations promulgated pursuant to this subsection and subsection (f) shall cause a licensed adult use marijuana cultivator to lose the protections described in § 21-28.11-4(3) and may subject the licensed adult use marijuana cultivator and its owners, officers, directors, managers, members, partners, employees, or agents to arrest and prosecution under chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

(h) Adult use marijuana cultivators shall be subject to any regulations promulgated by the department of health or department of business regulation for marijuana testing, including, but not limited to, potency, cannabinoid profile, and contaminants:

(i) Adult use marijuana cultivators shall be subject to any product packaging and labeling requirements promulgated by the department of business regulation and the department of health;

(j) Adult use marijuana cultivators shall only be licensed to cultivate and process marijuana at a single location, registered with the department of business regulation and the department of public safety provided that a hybrid marijuana cultivator licensee whose hybrid license and medical marijuana cultivator license under chapter 28.6 of title 21 is in good standing may cultivate and process adult use marijuana at an additional location that is separate from its original licensed premises if approved in accordance with regulations adopted by the department of business regulation.
regulation. Adult use marijuana cultivators must abide by all local ordinances, including zoning ordinances.

(k) Adult use marijuana cultivators shall be subject to reasonable inspection by the department of business regulation and the department of health for the purposes of enforcing regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

(l) A adult use marijuana cultivator applicant, unless they are an employee with no equity, ownership, financial interest, or managing control, shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in subdivision (l)(2), and in accordance with the rules promulgated by the director of the department of business regulation, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, shall notify the department of business regulation, in writing, that disqualifying information has been discovered.

(1) Where no disqualifying information has been found, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant and the department of business regulation, in writing, of this fact.

(2) Information produced by a national criminal records check pertaining to a conviction for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a sentence of probation shall result in a letter to the applicant and the department of business regulation disqualifying the applicant.

(3) An adult use marijuana cultivator applicant shall be responsible for any expense associated with the national criminal records check.

(m) Persons issued adult use marijuana cultivator licenses or registration cards shall be subject to the following:

(1) A licensed hybrid marijuana cultivator cardholder shall notify and request approval from the department of business regulation of any change in his or her name or address within ten days of such change. An adult use marijuana cultivator cardholder who fails to notify the department of business regulation of any of these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars ($150).
(2) When a licensed adult use marijuana cultivator cardholder notifies the department of business regulation of any changes listed in this subsection, the department of business regulation shall issue the adult use marijuana cultivator cardholder a new license or registry identification card after the department approves the changes and receives from the licensee payment of a fee specified in regulation.

(3) If a licensed adult use marijuana cultivator cardholder loses his or her registry identification card, he or she shall notify the department of business regulation and submit a fee specified in regulation within ten (10) days of losing the registry identification card. The department of business regulation shall issue a new registry identification card with a new random identification number.

(4) A licensed adult use marijuana cultivator cardholder shall notify the department of business regulation of any disqualifying criminal convictions as defined in subdivision (l)(2). The department of business regulation may choose to suspend and/or revoke his or her card after such notification.

(5) If a licensed adult use marijuana cultivator or hybrid marijuana cultivator cardholder violates any provision of this chapter or regulations promulgated hereunder as determined by the department of business regulation, his or her card or the issued license may be suspended and/or revoked.

(n) No person or entity shall engage in activities described in this § 21-28.12-6 without an adult use marijuana cultivator license issued by the department of business regulation.


(a) The office of cannabis regulation shall have the authority to promulgate regulations to establish and implement additional types and classes of commercial marijuana establishment licenses, including but not limited to, craft cultivators, marijuana processors and licenses for businesses to engage in marijuana, destruction, delivery, disposal, research and development, transportation, social use licenses, or any other commercial activity needed to support licensed hybrid marijuana cultivators, licensed adult use marijuana retailers, and licensed cannabis testing facilities, provided no such license created by the department shall allow for the retail sale of marijuana.

(b) The office of cannabis regulation shall promulgate regulations governing the manner in which it shall accept applications and issue licenses for such additional types and classes of marijuana establishment licenses, in accordance with this section provided that any regulations establishing a new license type shall include a mechanism to issue not less than 50% of such license
type to minority business enterprises (MBEs), as defined in chapter 14.1 of title 37 and regulations promulgated thereunder, during the first application period, provided that this ratio shall be subject to annual review and revision according to rules and regulations promulgated by the department pursuant to this section and the disparity study conducted pursuant to § 21-28.12-5(d).

(c) The office of cannabis regulation shall promulgate regulations governing the manner in which it shall consider applications for the licensing and renewal of each type of additional marijuana establishment license necessary and proper to enforce the provisions of and carry out the duties assigned to it under this chapter and chapter 28.11, including but not limited to regulations governing:

1. The form and content of licensing and renewal applications;
2. Application and licensing fees for marijuana establishment licensees;
3. Procedures for the approval or denial of a license, and procedures for suspension or revocation of the license of any marijuana establishment licensee that violates the provisions of this chapter, chapter 28.11 or the regulations promulgated thereunder in accordance with the provisions of chapter 35 of title 42 of the general laws;
4. Minimum oversight requirements for marijuana establishment licensees;
5. The allowable size, scope and permitted activities of marijuana establishment licensees and facilities and the number and type of licenses that a marijuana establishment licensee may be issued;
6. Minimum record-keeping requirements for marijuana establishment licensees;
7. Minimum security requirements for additional adult use marijuana establishment licensees; and
8. Compliance with municipal zoning restrictions, if any, which comply with § 21-28.12-12 of this chapter.

(d) The department of health, in coordination with the office of cannabis regulation, shall have authority to promulgate regulations to create and implement all licenses involving cannabis reference testing requirements including approval, laboratory proficiency programs and proficiency sample providers, quality assurance sample providers, round robin testing and regulations establishing quality control and test standardization, and create and implement additional types and classes of licensed cannabis testing facilities in accordance with regulations promulgated hereunder.

(e) The department of health or the office of cannabis regulation, as applicable, shall issue each principal officer, board member, agent, volunteer, and employee of a marijuana establishment license a registry identification card or renewal card after receipt of the person's name, address,
date of birth; a fee in an amount established by the department of health or the office of cannabis
regulation; and, when the applicant holds an ownership, equity, controlling, or managing stake in
the marijuana establishment license as defined in regulations promulgated by the office of cannabis
regulation, notification to the department of health or the office of cannabis regulation by the
department of public safety division of state police, attorney general’s office, or local law
enforcement that the registry identification card applicant has not been convicted of a felony drug
offense or has not entered a plea of nolo contendere for a felony drug offense and received a
sentence of probation. Each card shall specify that the cardholder is a principal officer, board
member, agent, volunteer, employee, or other designation required by the departments of marijuana
establishment license and shall contain the following:

(i) The name, address, and date of birth of card applicant;

(ii) The legal name of the marijuana establishment licensee to which the applicant is
affiliated;

(iii) A random identification number that is unique to the cardholder;

(iv) The date of issuance and expiration date of the registry identification card; and

(v) A photograph, if the department of health or the office of cannabis regulation decides
to require one; and

(vi) Any other information or card classification that the office of cannabis regulation or
department of health requires.

(f) Except as provided in subsection (e), neither the department of health nor the office of
cannabis regulation shall issue a registry identification card to any card applicant who holds an
ownership, equity, controlling, or managing stake in the marijuana establishment license as defined
in regulations promulgated by the office of cannabis regulation, who has been convicted of a felony
drug offense or has entered a plea of nolo contendere for a felony drug offense and received a
sentence of probation or who the department has otherwise deemed unsuitable. If a registry
identification card is denied, the applicant will be notified in writing of the purpose for denying the
registry identification card.

(g) (i) All registry identification card applicants who hold an ownership, equity,
controlling, or managing stake in the marijuana establishment license as defined in regulations
promulgated by the office of cannabis regulation shall apply to the department of public safety
division of state police, the attorney general’s office, or local law enforcement for a national
criminal identification records check that shall include fingerprints submitted to the federal bureau
of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo
contendere for a felony drug offense with a sentence of probation, and in accordance with the rules

promulgated by the department of health and the office of cannabis regulation, the department of public safety division of state police, the attorney general’s office, or local law enforcement shall inform the applicant, in writing, of the nature of the felony and the department of public safety division of state police shall notify the department of health or the office of cannabis regulation, in writing, without disclosing the nature of the felony, that a felony drug offense conviction or a plea of nolo contendere for a felony drug offense with probation has been found.

(ii) In those situations in which no felony drug offense conviction or plea of nolo contendere for a felony drug offense with probation has been found, the department of public safety division of state police, the attorney general’s office, or local law enforcement shall inform the applicant and the department of health or the office of cannabis regulation, in writing, of this fact.

(iii) All registry identification card applicants shall be responsible for any expense associated with the criminal background check with fingerprints.

(h) A registry identification card of a principal officer, board member, agent, volunteer, or employee, or any other designation required by the office of cannabis regulation shall expire one year after its issuance, or upon the termination of the principal officer, board member, agent, volunteer or employee's relationship with the marijuana establishment licensee, or upon the termination or revocation of the affiliated marijuana establishment’s license, whichever occurs first.

(i) A registration identification card holder shall notify and request approval from the office of cannabis regulation or department of health of any change in his or her name or address within ten (10) days of such change. A cardholder who fails to notify the office of cannabis regulation or health of any of these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars ($150).

(j) When a cardholder notifies the department of health or the office of cannabis regulation of any changes listed in this subsection, the department shall issue the cardholder a new registry identification after receiving the updated information and a ten dollar ($10.00) fee.

(k) If a cardholder loses his or her registry identification card, he or she shall notify the department of health or the office of cannabis regulation and submit a ten dollar ($10.00) fee within ten (10) days of losing the card and the department shall issue a new card.

(l) Registry identification cardholders shall notify the office of cannabis regulation or health of any disqualifying criminal convictions as defined in subdivision (g)(i). The applicable department may choose to suspend and/or revoke his or her registry identification card after such notification.
(m) If a registry identification cardholder violates any provision of this chapter or regulations promulgated hereunder as determined by the departments of health and office of cannabis regulation, his or her registry identification card may be suspended and/or revoked.

(n) The office of cannabis regulation may limit or prohibit a medical marijuana establishment’s operation under an adult use marijuana establishment license if the office of cannabis regulation determines that failure to do so would threaten medical marijuana patients' access to marijuana products needed to treat qualifying conditions.

(o) Licensees may hold a medical marijuana establishment license and an adult use marijuana establishment license in accordance with regulations promulgated by the office of cannabis regulation.


A marijuana establishment may not operate, and a prospective marijuana establishment may not apply for a license, if any of the following are true:

(1) The person or entity is applying for a license to operate as a marijuana establishment and the establishment would operate in a location that is within one thousand (1,000) feet of the property line of a preexisting public or private school; or

(2) The establishment would be located at a site where the use is not permitted by applicable zoning classification or by special use permit or other zoning approval, or if the proposed location would otherwise violate a municipality's zoning ordinance; or

(3) The establishment would be located in a municipality in which the kind of marijuana establishment being proposed is not permitted pursuant to a referendum approved in accordance with § 21-28.12-12. For purpose of illustration but not limitation, an adult use marijuana retailer may not operate in a municipality in which residents have approved by a simple majority referendum a ban on marijuana retailers.

(4) If any marijuana establishment licensee including an adult use marijuana retailer applicant is deemed unsuitable or denied a license or any of its owners, officers, directors, managers, members, partners or agents is denied a registry identification card by the office of cannabis regulation.


No person or entity shall engage in any activities in which a licensed marijuana establishment licensee may engage pursuant to chapters 28.6, 28.11 or 28.12 of title 21 and the regulations promulgated thereunder, without the license that is required in order to engage in such activities issued by the office of cannabis regulation and compliance with all provisions of such chapters 28.6, 28.11 and 28.12 of title 21 and the regulations promulgated thereunder.

21-28.12-10. Enforcement
(a) (1) Notwithstanding any other provision of this chapter, if the director of the department of business regulation or his or her designee has cause to believe that a violation of any provision of chapters 21-28.6, 21-28.11 or 28.12 or any regulations promulgated thereunder has occurred by a licensee that is under the department’s jurisdiction pursuant to chapters 21-28.6, 21-28.11 or 28.12, or that any person or entity is conducting any activities requiring licensure or registration by the office of cannabis regulation under chapters 21-28.6, 21-28.11 or 28.12 or the regulations promulgated thereunder without such licensure or registration, the director or his or her designee may, in accordance with the requirements of the administrative procedures act, chapter 35 of title 42:

(i) With the exception of patients and authorized purchasers, revoke or suspend a license or registration;

(ii) Levy an administrative penalty in an amount established pursuant to regulations promulgated by the office of cannabis regulation;

(iii) Order the violator to cease and desist such actions;

(iv) Require a licensee or registrant or person or entity conducting any activities requiring licensure or registration under chapters 21-28.6, 21-28.11 or 28.12 to take such actions as are necessary to comply with such chapter and the regulations promulgated thereunder; or

(v) Any combination of the above penalties.

(2) If the director of the department of business regulation finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in his or her order, summary suspension of license or registration and/or cease and desist may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

(b) If a person exceeds the possession limits set forth in chapters 21-28.6, 21-28.11 or 21-28.12, or is in violation of any other section of chapters 21-28.6, 21-28.11 or 28.12 or the regulations promulgated thereunder, he or she may also be subject to arrest and prosecution under chapter 28 of title 21 of the general laws.

(c) All marijuana establishment licensees are subject to inspection by the office of cannabis regulation including but not limited to, the licensed premises, all marijuana and marijuana products located on the licensed premises, personnel files, training materials, security footage, all business records and business documents including but not limited to purchase orders, transactions, sales, and any other financial records or financial statements whether located on the licensed premises or not.
(d) All marijuana products that are held within the borders of this state in violation of the provisions of chapters 28.6, 28.11 or 28.12 of title 21 or the regulations promulgated thereunder are declared to be contraband goods and may be seized by the office of cannabis regulation, the tax administrator or his or her agents, or employees, or by any sheriff, or his or her deputy, or any police or other law enforcement officer when requested by the tax administrator or office of cannabis regulation to do so, without a warrant. All contraband goods seized by the state under this chapter may be destroyed.

(e) Notwithstanding any other provision of law, the office of cannabis regulation may make available to law enforcement and public safety personnel, any information that the department’s director or his or her designee may consider proper contained in licensing records, inspection reports and other reports and records maintained by the office of cannabis regulation, as necessary or appropriate for purposes of ensuring compliance with state laws and regulations. Nothing in this act shall be construed to prohibit law enforcement, public safety, fire, or building officials from investigating violations of, or enforcing state law.


(a) The department of business regulation may adopt all rules and regulations necessary and convenient to carry out and administer the provisions in this chapter and chapter 28.11 including operational requirements applicable to licensees and regulations as are necessary and proper to enforce the provisions of and carry out the duties assigned to it under this chapter and chapter 28.11, including but not limited to regulations governing:

1. Record-keeping requirements for marijuana establishment licensees;
2. Security requirements for marijuana establishment licensees including but not limited to the use of:
   1. An alarm system, with a backup power source, that alerts security personnel and local law enforcement officials of any unauthorized breach;
   2. Perpetual video surveillance system, with a backup power source, that records video surveillance must be stored for at least two (2) months and be accessible to the office of cannabis regulation via remote access and to law enforcement officials upon request;
   3. Protocols that ensure the secure transport, delivery, and storage of cannabis and cannabis products;
   4. Additional security measures to protect against diversion or theft of cannabis from cannabis cultivation facilities that cultivate cannabis outdoors; and
   5. any additional requirements deemed necessary by the office of cannabis regulation;
(3) Requirements for inventory tracking and the use of seed to sale monitoring system(s) approved by the state which tracks all cannabis from its origin up to and including the point of sale;

(4) Permitted forms of advertising and advertising content. (5) Permitted forms of marijuana products including, but not limited to, regulations which:

(i) prohibit any form of marijuana product which is in the shape or form of an animal, human, vehicle, or other shape or form which may be attractive to children;
(ii) prohibit any marijuana “additives” which could be added, mixed, sprayed on, or applied to an existing food product without a person’s knowledge; and
(iii) include any other requirements deemed necessary by the office of cannabis regulation;

and

(6) Limits for marijuana product serving sizes, doses, and potency including but not limited to regulations which:

(i) limit all servings of edible forms of marijuana to no more than five milligrams (5 mg) of THC per serving;
(ii) limit the total maximum amount of THC per edible product package to one hundred milligrams (100 mg) of THC;
(iii) limit the THC potency of any product;
(iv) may establish product or package limits based on the total milligrams of THC; and
(v) include any additional requirements or limitations deemed necessary by the office of cannabis regulation in consultation with the department of health;

(7) Product restrictions including but not limited to regulations which:

(i) establish a review process for the office of cannabis regulation to approve or deny forms of marijuana products which may require marijuana establishment licensees to submit a proposal, which includes photographs of the proposed product properly packaged and labeled and any other materials deemed necessary by the office of cannabis regulation, to the office of cannabis regulation for each line of cannabis products;
(ii) place additional restrictions on marijuana products to safeguard public health and safety, as determined by the office of cannabis regulation in consultation with the executive branch state agencies;
(iii) require all servings of edible products to be marked, imprinted, molded, or otherwise display a symbol chosen by the department to alert consumers that the product contains marijuana;
(iv) standards to prohibit cannabis products that pose public health risks, that are easily confused with existing non-cannabis products, or that are especially attractive to youth; and
(v) any other requirements deemed suitable by the department:
(8) Limits and restrictions for marijuana transactions and sales including but not limited to regulations which:

   (i) establish processes and procedures to ensure all transactions and sales are properly tracked through the use of a seed to sale inventory tracking and monitoring system;
   (ii) establish rules and procedures for customer age verification;
   (iii) establish rules and procedures to ensure retailers to no dispense, and customers to not purchase amounts of marijuana in excess of the one ounce (1 oz) marijuana or equivalent amount per transaction and/or per day;
   (iv) establish rules and procedures to ensure no marijuana is dispensed to anyone under the age of twenty-one (21); and
   (v) include any additional requirements deemed necessary by the office of cannabis regulation;

(9) The testing and safety of marijuana and marijuana products including but not limited to regulations promulgated by the office of cannabis regulation or department of health, as applicable which:

   (i) license and regulate the operation of cannabis testing facilities, including requirements for equipment, training, and qualifications for personnel;
   (ii) set forth procedures that require random sample testing to ensure quality control, including, but not limited to, ensuring that cannabis and cannabis products are accurately labeled for tetrahydrocannabinol (THC) content and any other product profile;
   (iii) testing for residual solvents or toxins; harmful chemicals; dangerous molds or mildew; filth; and harmful microbial such as E. coli or salmonella and pesticides, and any other compounds, elements, or contaminants;
   (iv) require all cannabis and cannabis products must undergo random sample testing at a licensed cannabis testing facility or other laboratory equipped to test cannabis and cannabis products that has been approved by the office of cannabis regulation;
   (v) require any products which fail testing be quarantined and/or recalled and destroyed in accordance with regulations;
   (vi) allow for the establishment of other quality assurance mechanisms which may include but not be limited to the designation or creation of a reference laboratory, creation of a secret shopper program, round robin testing, or any other mechanism to ensure the accuracy of product testing and labeling;
   (vii) require marijuana establishment licensees and marijuana products to comply with any applicable food safety requirements determined by the office of cannabis regulation and/or the department of health;
(viii) include any additional requirements deemed necessary by the office of cannabis regulation and the department of health; and

(ix) allow the office of cannabis regulation, in coordination with the department of health, at their discretion, to temporarily remove, or phase in, any requirement for laboratory testing if it finds that there is not sufficient laboratory capacity for the market.

(10) Online sales;

(11) Transport and delivery;

(12) Marijuana and marijuana product packaging and labeling including but not limited to requirements that packaging be:

(i) opaque;

(ii) constructed to be significantly difficult for children under five (5) years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995) or another approval standard or process approved by the office of cannabis regulation;

(iii) be designed in a way that is not deemed as especially appealing to children; and

(iv) any other regulations required by the office of cannabis regulation; and

(13) Regulations for the quarantine and/or destruction of unauthorized materials;

(14) Industry and licensee production limitations;

(15) Procedures for the approval or denial of a license, and procedures for suspension or revocation of the license of any marijuana establishment licensee that violates the provisions of this chapter, chapter 28.11 or the regulations promulgated thereunder in accordance with the provisions of chapter 35 of title 42 of the general laws;

(16) Compliance with municipal zoning restrictions, if any, which comply with § 21-28.12 of this chapter;

(17) Standards and restrictions for marijuana manufacturing and processing which shall include but not be limited to requirements that marijuana processors:

(i) comply with all applicable building and fire codes;

(ii) receive approval from the state fire marshal’s office for all forms of manufacturing that use a heat source or flammable solvent;

(iii) require any marijuana processor that manufactures edibles of marijuana infused food products to comply with all applicable requirements and regulations issued by the department of health’s office of food safety; and

(iv) comply with any other requirements deemed suitable by the office of cannabis regulation.

(18) Standards for employee and workplace safety and sanitation;
(19) Standards for employee training including but not limited to:

(i) requirements that all employees of cannabis establishments must participate in a comprehensive training on standard operating procedures, security protocols, health and sanitation standards, workplace safety, and the provisions of this chapter prior to working at the establishment. Employees must be retrained on an annual basis or if state officials discover a cannabis establishment in violation of any rule, regulation, or guideline in the course of regular inspections or audits; and

(ii) any other requirements deemed appropriate by the office of cannabis regulation; and

(20) Mandatory labeling that must be affixed to all packages containing cannabis or cannabis products including but not limited to requirements that the label display:

(i) the name of the establishment that cultivated the cannabis or produced the cannabis product;

(ii) the tetrahydrocannabinol (THC) content of the product;

(iii) a "produced on" date;

(iv) warnings that state: "Consumption of cannabis impairs your ability to drive a car or operate machinery" and "Keep away from children" and, unless federal law has changed to accommodate cannabis possession, "Possession of cannabis is illegal under federal law and in many states outside of Rhode Island";

(v) a symbol that reflects these products are not safe for children which contains poison control contact information; and

(vi) any other information required by the office of cannabis regulation; and

(21) Standards for the use of pesticides;

(22) General operating requirements, minimum oversight, and any other activities, functions, or aspects of a marijuana establishment licensee in furtherance of creating a stable, regulated cannabis industry and mitigating its impact on public health and safety; and

(23) Rules and regulations based on federal law provided those rules and regulations are designed to comply with federal guidance and mitigate federal enforcement against the marijuana establishments and adult use state stores authorized, licensed and operated pursuant to this chapter.


(a) Municipalities shall:

(i) Have the authority to enact local zoning and use ordinances not in conflict with this chapter or with rules and regulations adopted by the office of cannabis regulation regulating the time, place, and manner of marijuana establishments' operations, provided that no local authority may prohibit any type of marijuana establishment operations altogether, either expressly
or through the enactment of ordinances or regulations which make any type of marijuana establishments’ operation impracticable; and

(b) Zoning ordinances enacted by a local authority shall not require a marijuana establishment licensee or marijuana establishment applicant to enter into a community host agreement or pay any consideration to the municipality other than reasonable zoning and permitting fees as determined by the office of cannabis regulation. The office of cannabis regulation is the sole licensing authority for marijuana establishment licensees. A municipality shall not enact any local zoning ordinances or permitting requirements that establishes a de facto local license or licensing process unless explicitly enabled by this chapter or ensuing regulations promulgated by the office of cannabis regulation.

(c) Notwithstanding subsection (a) of this section:

(i) Municipalities may enact local zoning and use ordinances which prohibit specific classes of marijuana establishment licenses, or all classes of marijuana establishment licenses from being issued within their jurisdiction and which may remain in effect until November 2, 2021. A local zoning and use ordinance which prohibits specific classes of marijuana establishment licenses, or all classes of marijuana establishment licenses from being issued within a city or town’s jurisdiction may only remain in effect past November 2, 2021, if the residents of the municipality have approved, by a simple majority of the electors voting, a referendum to ban adult use marijuana cultivator facilities, adult use state stores, adult use marijuana processors or cannabis testing facilities, provided such referendum must be conducted on or before November 2, 2021, and any ordinances related thereto must be adopted before April 1, 2022;

(ii) Municipalities must put forth a separate referendum question to ban each class of marijuana establishment. A single question to ban all classes of marijuana establishments shall not be permitted; and

(iii) Municipalities which ban the licensure of marijuana establishments located within their jurisdiction pursuant to subsection (c)(i), and/or adopt local zoning and other ordinances, in accordance with this section, may hold future referenda to prohibit previously allowed licenses, or allow previously prohibited licenses, provided those subsequent referenda are held on the first Tuesday after the first Monday in the month of November.

(d) Notwithstanding subsections (a), (b) or (c) of this section, a municipality may not prohibit a medical marijuana establishment licensee from continuing to operate under a marijuana establishment license issued by the office of cannabis regulation or previously issued by the department of business regulation if that marijuana establishment licensee was approved or licensed prior to the passage of this chapter.
(e) Notwithstanding any other provision of this chapter, no municipality or local authority shall restrict the transport or delivery of marijuana through their jurisdiction, or to local residents, provided all transport and/or delivery is in accordance with this chapter.

(f) Municipalities may impose civil and criminal penalties for the violation of ordinances enacted pursuant to and in accordance with this section.

(g) Notwithstanding subsection (b) of this section, a city or town may receive a municipal impact fee from a newly licensed and operating marijuana establishment located within their jurisdiction provided:

(i) the municipal impact fee must offset or reimburse actual costs and expenses incurred by the city or town during the first three (3) months that the licensee is licensed and/or operational;

(ii) the municipal impact fee must offset or reimburse reasonable and appropriate expenses incurred by the municipality, which are directly attributed to, or are a direct result of, the licensed operations of the marijuana establishment which may include but not be limited to, increased traffic or police details needed to address new traffic patterns, increased parking needs, or pedestrian foot traffic by consumers;

(iii) the municipality is responsible for estimating or calculating projected impact fees and must follow the same methodology if providing a fee estimate or projection for multiple marijuana establishment locations or applicants;

(iv) marijuana establishment licensees or applicants may not offer competing impact fees or pay a fee that is more than the actual and reasonable costs and expenses incurred by the municipality;

and

(v) the office of cannabis regulation may suspend, revoke or refuse to issue a license to an applicant or for a proposed establishment within a municipality if the municipality and/or marijuana establishment local impact fee violates the requirements of this section.


The office of cannabis regulation shall promulgate regulations regarding secure transportation of marijuana for eligible adult use marijuana retailers delivering products to purchasers in accordance with this chapter and shipments of marijuana or marijuana products between marijuana establishment licensees.


A marijuana establishment shall not allow any person who is under twenty-one (21) years of age to be present inside any room where marijuana or marijuana products are stored, produced, or sold by the marijuana establishment unless the person who is under twenty-one (21) years of age is:
(1) A government employee performing their official duties; or

(2) If the marijuana establishment is a hybrid marijuana retailer that also holds a compassion center license pursuant §21-28.6-12 for the same licensed premises and the individual under twenty-one (21) years of age is a qualifying patient registered under chapter 28.6 of title 21 and the retail establishment complies with applicable regulations promulgated by the department of business regulation.


It is the public policy of the state that contracts related to the operation of a marijuana establishment or a licensee under chapter 26 of title 2 or chapters 28.6 and 28.12 of title 21 in accordance with Rhode Island law shall be enforceable. It is the public policy of the state that no contract entered into by a licensed marijuana establishment or other licensee under chapter 26 of title 2 or chapters 28.6 and 28.12 of title 21 of the general laws or its employees or agents as permitted pursuant to a valid license issued by the office of cannabis regulation, or by those who allow property to be used by an establishment, its employees, or its agents as permitted pursuant to a valid license, shall be unenforceable solely on the basis that cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, testing or using marijuana or hemp is prohibited by federal law.


(a) There is created with the general fund a restricted receipt accounts collectively known as the “marijuana trust fund”, otherwise known as the “adult use marijuana licensing” or “adult use marijuana program licensing” accounts. Taxes collected pursuant to chapter 49.1 of title 44, including sales and use tax attributable to marijuana products, and fees collected pursuant to chapter 28.12 of title 21 shall be deposited into this account. The state share of trust fund revenue will be used to fund programs and activities related to program administration; revenue collection and enforcement; substance use disorder prevention for adults and youth; education and public awareness campaigns; treatment and recovery support services; public health monitoring, research, data collection, and surveillance; law enforcement training and technology improvements including grants to local law enforcement; and such other related uses that may be deemed necessary by the office of management and budget. The restricted receipt account will be housed within the budgets of the departments of behavioral healthcare, developmental disabilities, and hospitals; business regulation; health; revenue and public safety, and the executive office of health and human services.

All amounts deposited into the marijuana trust fund shall be exempt from the indirect cost recovery provisions of § 35-4-27. The allocation of the marijuana trust fund shall be:
(1) Twenty-five percent (25%) of trust fund revenue to the departments of business regulation, health, revenue and public safety, and the executive office of health and human services, except that in fiscal year 2022 the office of management and budget may allocate up to an additional four million nine hundred thousand dollars ($4,900,000) from trust fund revenues to these agencies;

(2) Fifteen percent (15%) of trust fund revenue to cities and towns; and

(3) Sixty percent (60%) of trust fund revenue to the general fund.

(b) All revenue allocated to cities and towns under subsection (a)(2) shall be distributed at least quarterly by the division of taxation and department of business regulation, credited and paid by the state treasurer to the city or town based on the following allocation:

(1) One-quarter based in an equal distribution to each city or town in the state;

(2) One-quarter based on the share of total licensed marijuana cultivators, licensed marijuana processors, and licensed marijuana retailers found in each city or town at the end of the quarter that corresponds to the distribution, with licensed marijuana retailers assigned a weight twice that of the other license types; and

(3) One-half based on the volume of sales of adult use marijuana products that occurred in each city or town in the quarter of the distribution.

(c) The division of taxation and the department of business regulation shall jointly promulgate regulations to effectuate the distribution under subsection (a)(2).

The department of business regulation shall transfer all revenue collected pursuant to this chapter, including penalties or forfeitures, interest, costs of suit and fines, to the marijuana trust fund established by § 21-28.12-16.


(a) No later than January 1, 2024, the department of business regulation shall conduct a market demand study to determine the effect of the phased implementation of adult use marijuana retail licenses on the Rhode Island market. This study shall include, but not be limited to, an analysis of price changes, product availability, geographic dispersion, and downstream effects on cultivators, manufacturers, and other market participants licensed under chapter 28.12 of title 21.

(b) The study may further contemplate, based on this analysis, a recommendation for an overall cap on retail licenses in Rhode Island. The study shall be made public by the department and delivered to the Governor, the Speaker of the House of Representatives, and the President of the Senate.

If any provision of this chapter or its application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 6. Sections 31-27-2.3, 31-27-2.1 and 31-27-2.9 of Chapter 31-27 of the General Laws entitled “Motor Vehicles Offenses” are hereby amended as follows:

31-27-2. Driving under influence of liquor or drugs.

(a) Whoever drives or otherwise operates any vehicle in the state while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, shall be guilty of a misdemeanor, except as provided in subsection (d)(3), and shall be punished as provided in subsection (d).

(b)(1) Any person charged under subsection (a), whose blood alcohol concentration is eight one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis of a blood, breath, or urine sample, shall be guilty of violating subsection (a). This provision shall not preclude a conviction based on other admissible evidence, including the testimony of a drug recognition expert or evaluator, certified pursuant to training approved by the Rhode Island Department of Transportation Office on Highway Safety. Proof of guilt under this section may also be based on evidence that the person charged was under the influence of intoxicating liquor, drugs, toluene, or any controlled substance defined in chapter 28 of title 21, or any combination of these, to a degree that rendered the person incapable of safely operating a vehicle. The fact that any person charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not constitute a defense against any charge of violating this section.

(2) Whoever drives, or otherwise operates, any vehicle in the state with a blood presence of any scheduled controlled substance as defined within chapter 28 of title 21, as shown by analysis of a blood or urine sample, shall be guilty of a misdemeanor and shall be punished as provided in subsection (d).

(c) In any criminal prosecution for a violation of subsection (a), evidence as to the amount of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, in the defendant's blood at the time alleged as shown by a chemical analysis of the defendant's breath, blood, saliva or urine or other bodily substance, shall be admissible and competent, provided that evidence is presented that the following conditions have been complied with:
(1) The defendant has consented to the taking of the test upon which the analysis is made. Evidence that the defendant had refused to submit to the test shall not be admissible unless the defendant elects to testify.

(2) A true copy of the report of the test result was mailed within seventy-two (72) hours of the taking of the test to the person submitting to a breath test.

(3) Any person submitting to a chemical test of blood, urine, saliva or other body fluids shall have a true copy of the report of the test result mailed to him or her within thirty (30) days following the taking of the test.

(4) The test was performed according to methods and with equipment approved by the director of the department of health of the state of Rhode Island and by an authorized individual.

(5) Equipment used for the conduct of the tests by means of breath analysis had been tested for accuracy within thirty (30) days preceding the test by personnel qualified as hereinbefore provided, and breathalyzer operators shall be qualified and certified by the department of health within three hundred sixty-five (365) days of the test.

(6) The person arrested and charged with operating a motor vehicle while under the influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination of these in violation of subsection (a), was afforded the opportunity to have an additional chemical test. The officer arresting or so charging the person shall have informed the person of this right and afforded him or her a reasonable opportunity to exercise this right, and a notation to this effect is made in the official records of the case in the police department. Refusal to permit an additional chemical test shall render incompetent and inadmissible in evidence the original report.

(d)(1)(i) Every person found to have violated subsection (b)(1) shall be sentenced as follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood presence of any scheduled controlled substance as defined in subsection (b)(2), shall be subject to a fine of not less than one hundred dollars ($100), nor more than three hundred dollars ($300); shall be required to perform ten (10) to sixty (60) hours of public community restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge and/or shall be required to attend a special course on driving while intoxicated or under the influence of a controlled substance; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration, and his or her driver's license shall be suspended for thirty (30) days up to one hundred eighty (180) days. The
sentencing judge or magistrate may prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(ii) Every person convicted of a first violation whose blood alcohol concentration is one-tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less than one hundred ($100) dollars, nor more than four hundred dollars ($400), and shall be required to perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge. The person's driving license shall be suspended for a period of three (3) months to twelve (12) months. The sentencing judge shall require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and/or alcoholic or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration. The sentencing judge or magistrate may prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to a fine of five hundred dollars ($500) and shall be required to perform twenty (20) to sixty (60) hours of public community restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge. The person's driving license shall be suspended for a period of three (3) months to eighteen (18) months. The sentencing judge shall require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(2)(i) Every person convicted of a second violation within a five-year (5) period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or who has a blood presence of any controlled substance as defined in subsection (b)(2), and every person convicted of a second violation within a five-year (5) period, regardless of whether the prior
violation and subsequent conviction was a violation and subsequent conviction under this statute
or under the driving under the influence of liquor or drugs statute of any other state, shall be subject
to a mandatory fine of four hundred dollars ($400). The person's driving license shall be suspended
for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten
(10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult
correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight
(48) hours of imprisonment shall be served consecutively. The sentencing judge shall require
alcohol or drug treatment for the individual; provided, however, that the court may permit a
servicemember or veteran to complete any court-approved counseling program administered or
approved by the Veterans' Administration and shall prohibit that person from operating a motor
vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(ii) Every person convicted of a second violation within a five-year (5) period whose blood
alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as shown by
a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug,
toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to mandatory
imprisonment of not less than six (6) months, nor more than one year; a mandatory fine of not less
than one thousand dollars ($1,000); and a mandatory license suspension for a period of two (2)
years from the date of completion of the sentence imposed under this subsection. The sentencing
judge shall require alcohol or drug treatment for the individual; provided, however, that the court
may permit a servicemember or veteran to complete any court approved counseling program
administered or approved by the Veterans' Administration. The sentencing judge or magistrate shall
prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock
system as provided in § 31-27-2.8.

(3)(i) Every person convicted of a third or subsequent violation within a five-year (5)
period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above,
but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is
unknown or who has a blood presence of any scheduled controlled substance as defined in
subsection (b)(2), regardless of whether any prior violation and subsequent conviction was a
violation and subsequent conviction under this statute or under the driving under the influence of
liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory
fine of four hundred ($400) dollars. The person's driving license shall be suspended for a period of
two (2) years to three (3) years, and the individual shall be sentenced to not less than one year and
not more than three (3) years in jail. The sentence may be served in any unit of the adult correctional
institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours
(ii) Every person convicted of a third or subsequent violation within a five-year (5) period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory fine of not less than one thousand dollars ($1,000), nor more than five thousand dollars ($5,000); and a mandatory license suspension for a period of three (3) years from the date of completion of the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug treatment for the individual. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(iii) In addition to the foregoing penalties, every person convicted of a third or subsequent violation within a five-year (5) period, regardless of whether any prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be subject, in the discretion of the sentencing judge, to having the vehicle owned and operated by the violator seized and sold by the state of Rhode Island, with all funds obtained by the sale to be transferred to the general fund.

(4) Whoever drives or otherwise operates any vehicle in the state while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, when his or her license to operate is suspended, revoked, or cancelled for operating under the influence of a narcotic drug or intoxicating liquor, shall be guilty of a felony punishable by imprisonment for not more than three (3) years and by a fine of not more than three thousand dollars ($3,000). The court shall require alcohol and/or drug treatment for the individual; provided, the penalties provided for in this subsection (d)(4) shall not apply to an individual who has surrendered his or her license and served the court-ordered period of suspension, but who, for any reason, has not had his or her license reinstated after the period of suspension, revocation, or suspension has expired; provided, further, the individual shall be subject to the provisions of subdivision (d)(2)(i), (d)(2)(ii), (d)(3)(i), (d)(3)(ii), or (d)(3)(iii) regarding subsequent offenses, and any other applicable provision of this section.
(5)(i) For purposes of determining the period of license suspension, a prior violation shall constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1.

(ii) Any person over the age of eighteen (18) who is convicted under this section for operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of these, while a child under the age of thirteen (13) years was present as a passenger in the motor vehicle when the offense was committed shall be subject to immediate license suspension pending prosecution. Any person convicted of violating this section shall be guilty of a misdemeanor for a first offense and may be sentenced to a term of imprisonment of not more than one year and a fine not to exceed one thousand dollars ($1,000). Any person convicted of a second or subsequent offense shall be guilty of a felony offense and may be sentenced to a term of imprisonment of not more than five (5) years and a fine not to exceed five thousand dollars ($5,000). The sentencing judge shall also order a license suspension of up to two (2) years, require attendance at a special course on driving while intoxicated or under the influence of a controlled substance, and alcohol or drug education and/or treatment. The individual may also be required to pay a highway assessment fee of no more than five hundred dollars ($500) and the assessment shall be deposited in the general fund.

(6)(i) Any person convicted of a violation under this section shall pay a highway assessment fine of five hundred dollars ($500) that shall be deposited into the general fund. The assessment provided for by this subsection shall be collected from a violator before any other fines authorized by this section.

(ii) Any person convicted of a violation under this section shall be assessed a fee of eighty-six dollars ($86).

(7)(i) If the person convicted of violating this section is under the age of eighteen (18) years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of public community restitution and the juvenile's driving license shall be suspended for a period of six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing judge shall also require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and alcohol or drug education and/or treatment for the juvenile. The juvenile may also be required to pay a highway assessment fine of no more than five hundred dollars ($500) and the assessment imposed shall be deposited into the general fund.

(ii) If the person convicted of violating this section is under the age of eighteen (18) years, for a second or subsequent violation regardless of whether any prior violation and subsequent conviction was a violation and subsequent under this statute or under the driving under the influence of liquor or drugs statute of any other state, he or she shall be subject to a mandatory suspension of
his or her driving license until such time as he or she is twenty-one (21) years of age and may, in
the discretion of the sentencing judge, also be sentenced to the Rhode Island training school for a
period of not more than one year and/or a fine of not more than five hundred dollars ($500).

(8) Any person convicted of a violation under this section may undergo a clinical
assessment at the community college of Rhode Island's center for workforce and community
education. Should this clinical assessment determine problems of alcohol, drug abuse, or
psychological problems associated with alcoholic or drug abuse, this person shall be referred to an
appropriate facility, licensed or approved by the department of behavioral healthcare,
developmental disabilities and hospitals, for treatment placement, case management, and
monitoring. In the case of a servicemember or veteran, the court may order that the person be
evaluated through the Veterans' Administration. Should the clinical assessment determine problems
of alcohol, drug abuse, or psychological problems associated with alcohol or drug abuse, the person
may have their treatment, case management, and monitoring administered or approved by the
Veterans' Administration.

(e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per
one hundred (100) cubic centimeters of blood.

(f)(1) There is established an alcohol and drug safety unit within the division of motor
vehicles to administer an alcohol safety action program. The program shall provide for placement
and follow-up for persons who are required to pay the highway safety assessment. The alcohol and
drug safety action program will be administered in conjunction with alcohol and drug programs
licensed by the department of behavioral healthcare, developmental disabilities and hospitals.

(2) Persons convicted under the provisions of this chapter shall be required to attend a
special course on driving while intoxicated or under the influence of a controlled substance, and/or
participate in an alcohol or drug treatment program, which course and programs must meet the
standards established by the Rhode Island department of behavioral healthcare, developmental
disabilities and hospitals; provided, however, that the court may permit a servicemember or veteran
to complete any court-approved counseling program administered or approved by the Veterans'
Administration. The course shall take into consideration any language barrier that may exist as to
any person ordered to attend, and shall provide for instruction reasonably calculated to
communicate the purposes of the course in accordance with the requirements of the subsection.
Any costs reasonably incurred in connection with the provision of this accommodation shall be
borne by the person being retrained. A copy of any violation under this section shall be forwarded
by the court to the alcohol and drug safety unit. In the event that persons convicted under the
provisions of this chapter fail to attend and complete the above course or treatment program, as
ordered by the judge, then the person may be brought before the court, and after a hearing as to why the order of the court was not followed, may be sentenced to jail for a period not exceeding one year.

(3) The alcohol and drug safety action program within the division of motor vehicles shall be funded by general revenue appropriations.

(g) The director of the health department of the state of Rhode Island is empowered to make and file with the secretary of state regulations that prescribe the techniques and methods of chemical analysis of the person’s body fluids or breath and the qualifications and certification of individuals authorized to administer this testing and analysis.

(h) Jurisdiction for misdemeanor violations of this section shall be with the district court for persons eighteen (18) years of age or older and to the family court for persons under the age of eighteen (18) years. The courts shall have full authority to impose any sentence authorized and to order the suspension of any license for violations of this section. All trials in the district court and family court of violations of the section shall be scheduled within thirty (30) days of the arraignment date. No continuance or postponement shall be granted except for good cause shown. Any continuances that are necessary shall be granted for the shortest practicable time. Trials in superior court are not required to be scheduled within thirty (30) days of the arraignment date.

(i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on driving while intoxicated or under the influence of a controlled substance, public community restitution, or jail provided for under this section can be suspended.

(j) An order to attend a special course on driving while intoxicated that shall be administered in cooperation with a college or university accredited by the state, shall include a provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars ($25.00), and a fee of one hundred seventy-five dollars ($175), which fee shall be deposited into the general fund.

(k) For the purposes of this section, any test of a sample of blood, breath, or urine for the presence of alcohol that relies in whole or in part upon the principle of infrared light absorption is considered a chemical test.

(l) If any provision of this section, or the application of any provision, shall for any reason be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of the section, but shall be confined in this effect to the provision or application directly involved in the controversy giving rise to the judgment.

(m) For the purposes of this section, “servicemember” means a person who is presently serving in the armed forces of the United States, including the Coast Guard, a reserve component
thereof, or the National Guard. "Veteran" means a person who has served in the armed forces, including the Coast Guard of the United States, a reserve component thereof, or the National Guard, and has been discharged under other than dishonorable conditions.

31-27-2.1. Refusal to submit to chemical test.

(a) Any person who operates a motor vehicle within this state shall be deemed to have given his or her consent to chemical tests of his or her breath, blood, saliva and/or urine for the purpose of determining the chemical content of his or her body fluids or breath. No more than two (2) complete tests, one for the presence of intoxicating liquor and one for the presence of toluene or any controlled substance, as defined in § 21-28-1.02(8), shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these. The director of the department of health is empowered to make and file, with the secretary of state, regulations that prescribe the techniques and methods of chemical analysis of the person's body fluids or breath and the qualifications and certification of individuals authorized to administer the testing and analysis.

(b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the person may file an affidavit with the division of motor vehicles stating the reasons why he or she cannot be required to take blood tests and a notation to this effect shall be made on his or her license. If that person is asked to submit to chemical tests as provided under this chapter, the person shall only be required to submit to chemical tests of his or her breath, saliva or urine. When a person is requested to submit to blood tests, only a physician or registered nurse, or a medical technician certified under regulations promulgated by the director of the department of health, may withdraw blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to the taking of breath, saliva or urine specimens. The person tested shall be permitted to have a physician of his or her own choosing, and at his or her own expense, administer chemical tests of his or her breath, blood, saliva and/or urine in addition to the tests administered at the direction of a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given, but a judge or magistrate of the traffic tribunal or district court judge or magistrate, upon receipt of a report of a law enforcement officer: that he or she had reasonable grounds to believe the arrested person had been driving a motor vehicle within this state under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these; that the person had been informed of his or her rights in accordance with § 31-27-3; that the
person had been informed of the penalties incurred as a result of noncompliance with this section; and that the person had refused to submit to the tests upon the request of a law enforcement officer; shall promptly order that the person's operator's license or privilege to operate a motor vehicle in this state be immediately suspended, however, said suspension shall be subject to the hardship provisions enumerated in § 31-27-2.8. A traffic tribunal judge or magistrate, or a district court judge or magistrate, pursuant to the terms of subsection (c), shall order as follows:

(1) Impose, for the first violation, a fine in the amount of two hundred dollars ($200) to five hundred dollars ($500) and shall order the person to perform ten (10) to sixty (60) hours of public community restitution. The person's driving license in this state shall be suspended for a period of six (6) months to one year. The traffic tribunal judge or magistrate shall require attendance at a special course on driving while intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for the individual. The traffic tribunal judge or magistrate may prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(2) Every person convicted of a second violation within a five-year (5) period, except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor; shall be imprisoned for not more than six (6) months; shall pay a fine in the amount of six hundred dollars ($600) to one thousand dollars ($1,000); perform sixty (60) to one hundred (100) hours of public community restitution; and the person's driving license in this state shall be suspended for a period of one year to two (2) years. The judge or magistrate shall require alcohol and/or drug treatment for the individual. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

(3) Every person convicted for a third or subsequent violation within a five-year (5) period, except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor; and shall be imprisoned for not more than one year; fined eight hundred dollars ($800) to one thousand dollars ($1,000); shall perform not less than one hundred (100) hours of public community restitution; and the person's operator's license in this state shall be suspended for a period of two (2) years to five (5) years. The sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8. The judge or magistrate shall require alcohol or drug treatment for the individual. Provided, that prior to the reinstatement of a license to a person charged with a third or subsequent violation within a three-year (3) period, a hearing shall be held before a judge or magistrate. At the hearing, the judge or magistrate shall review the person's driving record, his or her employment
history, family background, and any other pertinent factors that would indicate that the person has
demonstrated behavior that warrants the reinstatement of his or her license.

(4) For a second violation within a five-year (5) period with respect to a refusal
to submit to a blood test, a fine in the amount of six hundred dollars ($600) to one thousand dollars
($1,000); the person shall perform sixty (60) to one hundred (100) hours of public community
restitution; and the person's driving license in this state shall be suspended for a period of two (2)
years. The judicial officer shall require alcohol and/or drug treatment for the individual. The
sentencing judicial officer shall prohibit that person from operating a motor vehicle that is not
equipped with an ignition interlock system as provided in § 31-27-2.8. Such a violation with respect
to refusal to submit to a chemical blood test shall be a civil offense.

(5) For a third or subsequent violation within a five-year (5) period with respect to a case
of a refusal to submit to a blood test, a fine in the amount of eight hundred dollars ($800) to one
thousand dollars ($1,000); the person shall perform not less than one hundred (100) hours of public
community restitution; and the person's driving license in this state shall be suspended for a period
of two (2) to five (5) years. The sentencing judicial officer shall prohibit that person from operating
a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8. The judicial officer shall require alcohol and/or drug treatment for the individual. Such a violation
with respect to refusal to submit to a chemical test of blood shall be a civil offense. Provided, that
prior to the reinstatement of a license to a person charged with a third or subsequent violation within
a three-year (3) period, a hearing shall be held before a judicial officer. At the hearing, the judicial
officer shall review the person's driving record, his or her employment history, family background,
and any other pertinent factors that would indicate that the person has demonstrated behavior that
warrants the reinstatement of their license.

(6) For purposes of determining the period of license suspension, a prior violation shall
constitute any charge brought and sustained under the provisions of this section or § 31-27-2.

(7) In addition to any other fines, a highway safety assessment of five hundred dollars
($500) shall be paid by any person found in violation of this section, the assessment to be deposited
into the general fund. The assessment provided for by this subsection shall be collected from a
violator before any other fines authorized by this section.

(8) In addition to any other fines and highway safety assessments, a two-hundred-dollar
($200) assessment shall be paid by any person found in violation of this section to support the
department of health's chemical testing programs outlined in § 31-27-2(4), that shall be deposited
as general revenues, not restricted receipts.
(9) No fines, suspensions, assessments, alcohol or drug treatment programs, course on
driving while intoxicated or under the influence of a controlled substance, or public community
restitution provided for under this section can be suspended.

(c) Upon suspending or refusing to issue a license or permit as provided in subsection (a),
the traffic tribunal or district court shall immediately notify the person involved in writing, and
upon his or her request, within fifteen (15) days, shall afford the person an opportunity for a hearing
as early as practical upon receipt of a request in writing. Upon a hearing, the judge may administer
oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books
and papers. If the judge finds after the hearing that:

(1) The law enforcement officer making the sworn report had reasonable grounds to believe
that the arrested person had been driving a motor vehicle within this state while under the influence
of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or
any combination of these;

(2) The person, while under arrest, refused to submit to the tests upon the request of a law
enforcement officer;

(3) The person had been informed of his or her rights in accordance with § 31-27-3; and

(4) The person had been informed of the penalties incurred as a result of noncompliance
with this section, the judge shall sustain the violation. The judge shall then impose the penalties set
forth in subsection (b). Action by the judge must be taken within seven (7) days after the hearing
or it shall be presumed that the judge has refused to issue his or her order of suspension.

(d) For the purposes of this section, any test of a sample of blood, breath, or urine for the
presence of alcohol that relies, in whole or in part, upon the principle of infrared light absorption is
considered a chemical test.

(e) If any provision of this section, or the application of any provision, shall, for any reason,
be judged invalid, the judgment shall not affect, impair, or invalidate the remainder of the section,
but shall be confined in this effect to the provisions or application directly involved in the
controversy giving rise to the judgment.


(a) Notwithstanding any provision of § 31-27-2.1, if an individual refuses to consent to a
chemical test as provided in § 31-27-2.1, and a peace officer, as defined in § 12-7-21, has probable
cause to believe that the individual has violated one or more of the following sections: 31-27-1, 31-
27-1.1, 31-27-2.2, or 31-27-2.6 and that the individual was operating a motor vehicle under the
influence of any intoxicating liquor, toluene or any controlled substance as defined in chapter 21-
28, or any combination thereof, a chemical test may be administered without the consent of that
individual provided that the peace officer first obtains a search warrant authorizing administration
of the chemical test. The chemical test shall determine the amount of the alcohol or the presence of
a controlled substance in that person's blood, saliva or breath.

(b) The chemical test shall be administered in accordance with the methods approved by
the director of the department of health as provided for in subdivision 31-27-2(c)(4). The individual
shall be afforded the opportunity to have an additional chemical test as established in subdivision
31-27-2(c)(6).

(c) Notwithstanding any other law to the contrary, including, but not limited to, chapter 5-
37.3, any health care provider who, as authorized by the search warrant in subsection (a):

(i) Takes a blood, saliva or breath sample from an individual; or

(ii) Performs the chemical test; or

(iii) Provides information to a peace officer pursuant to subsection (a) above and who uses
reasonable care and accepted medical practices shall not be liable in any civil or criminal
proceeding arising from the taking of the sample, from the performance of the chemical test or from
the disclosure or release of the test results.

(d) The results of a chemical test performed pursuant to this section shall be admissible as
competent evidence in any civil or criminal prosecution provided that evidence is presented in
compliance with the conditions set forth in subdivisions 31-27-2(c)(3), 31-27-2(c)(4) and 31-27-
2(c)(6).

(e) All chemical tests administered pursuant to this section shall be audio and video
recorded by the law enforcement agency which applied for and was granted the search warrant
authorizing the administration of the chemical test.

SECTION 7. Sections 44-49-1, 44-49-2, 44-49-4, 44-49-5, 44-49-7, 44-49-8, 44-49-9, 44-
of Marijuana and Controlled Substances” are hereby amended as follows:

44-49-1, Short title.
This chapter shall be known as the "Marijuana and Controlled Substances Taxation Act".

44-49-2, Definitions.
(a) "Controlled substance" means any drug or substance, whether real or counterfeit, as
defined in § 21-28-1.02(8), that is held, possessed, transported, transferred, sold, or offered to be
sold in violation of Rhode Island laws. "Controlled substance" does not include marijuana.

(b) "Dealer" means a person who in violation of Rhode Island law manufactures, produces,
ships, transports, or imports into Rhode Island or in any manner acquires or possesses more than
forty-two and one half (42.5) grams of marijuana, or seven (7) or more grams of any controlled
substance, or ten (10) or more dosage units of any controlled substance which is not sold by weight.

A quantity of marijuana or a controlled substance is measured by the weight of the substance whether pure or impure or dilute, or by dosage units when the substance is not sold by weight, in the dealer's possession. A quantity of a controlled substance is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or fillers.

(c) "Marijuana" means any marijuana, whether real or counterfeit, as defined in § 21-28-1.02(30), that is held, possessed, transported, transferred, sold, or offered to be sold in violation of Rhode Island laws.


The tax administrator may adopt rules necessary to enforce this chapter. The tax administrator shall adopt a uniform system of providing, affixing, and displaying official stamps, official labels, or other official indicia for marijuana and controlled substances on which a tax is imposed.

44-49-5. Tax payment required for possession.

No dealer may possess any marijuana or controlled substance upon which a tax is imposed under this chapter unless the tax has been paid on the marijuana or a controlled substance as evidenced by a stamp or other official indicia.


Nothing in this chapter shall require persons lawfully in possession of marijuana or a controlled substance to pay the tax required under this chapter.


For the purpose of calculating this tax, a quantity of marijuana or a controlled substance is measured by the weight of the substance whether pure or impure or dilute, or by dosage units when the substance is not sold by weight, in the dealer's possession. A quantity of a controlled substance is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or fillers.


A tax is imposed on marijuana and controlled substances as defined in § 44-49-2 at the following rates:

(1) On each gram of marijuana, or each portion of a gram, three dollars and fifty cents ($3.50); and

(2) On each gram of controlled substance, or portion of a gram, two hundred dollars ($200); or
On each ten (10) dosage units of a controlled substance that is not sold by weight, or portion of the dosage units, four hundred dollars ($400).

### 44-49-9.1. Imposition of tax, interest and liens.

(a) Any law enforcement agency seizing marijuana and/or controlled substances as defined in § 44-49-2 in the quantities set forth in that section shall report to the division of taxation no later than the twenty-fifth (25th) of each month, the amount of all marijuana and controlled substances seized during the previous month and the name and address of each dealer from whom the marijuana and controlled substances were seized.

(b) The tax administrator shall assess the dealer for any tax due at the rate provided by § 44-49-9. The tax shall be payable within fifteen (15) days after its assessment and, if not paid when due, shall bear interest from the date of its assessment at the rate provided in § 44-1-7 until paid.

(c) The tax administrator may file a notice of tax lien upon the real property of the dealer located in this state immediately upon mailing a notice of assessment to the dealer at the address listed in the report of the law enforcement agency. The tax administrator may discharge the lien imposed upon the filing of a bond satisfactory to the tax administrator in an amount equal to the tax, interest and penalty imposed under this chapter.


(a) Penalties. Any dealer violating this chapter is subject to a penalty of one hundred percent (100%) of the tax in addition to the tax imposed by § 44-49-9. The penalty will be collected as part of the tax.

(b) Criminal penalty; sale without affixed stamps. In addition to the tax penalty imposed, a dealer distributing or possessing marijuana or controlled substances without affixing the appropriate stamps, labels, or other indicia is guilty of a crime and, upon conviction, may be sentenced to imprisonment for not more than five (5) years, or to payment of a fine of not more than ten thousand dollars ($10,000), or both.

(c) Statute of limitations. An indictment may be found and filed, or a complaint filed, upon any criminal offense specified in this section, in the proper court within six (6) years after the commission of this offense.

### 44-49-11. Stamp price.

Official stamps, labels, or other indicia to be affixed to all marijuana or controlled substances shall be purchased from the tax administrator. The purchaser shall pay one hundred percent (100%) of face value for each stamp, label, or other indicia at the time of the purchase.

### 44-49-12. Payment due.
(a) Stamps affixed. When a dealer purchases, acquires, transports, or imports into this state marijuana or controlled substances on which a tax is imposed by § 44-49-9, and if the indicia evidencing the payment of the tax have not already been affixed, the dealer shall have them permanently affixed on the marijuana or controlled substance immediately after receiving the substance. Each stamp or other official indicia may be used only once.

(b) Payable on possession. Taxes imposed upon marijuana or controlled substances by this chapter are due and payable immediately upon acquisition or possession in this state by a dealer.

SECTION 8. Title 44 of the General Laws entitled “TAXATION” is hereby amended by adding thereto the following chapter 44-49.1:

44-49.1-1. Short title.
This chapter shall be known as the “Cannabis Taxation Act.”

As used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

(1) “Adult use marijuana retailer” has the meaning given that term in § 21-28.11-3.

(2) “Cannabis” has the meaning given that term in § 21-28.11-3.

(3) “Department of business regulation” means the office of cannabis regulation with the department of business regulation or its successor agency.

(4) “Licensee” has the same meaning as "marijuana establishment licensee" in § 21-28.11-3.

(5) “Marijuana” has the meaning given that term in § 21-28-1.02.

(6) “Marijuana cultivator” means a licensed medical marijuana cultivator as defined in § 21-28.6-3, an adult use marijuana cultivator as defined in § 21-28.11-3, or any other person licensed by the department of business regulation to cultivate marijuana in the state. A marijuana cultivator does not include a primary caregiver or qualifying patients, as defined in 21-28.6-3, who are growing marijuana pursuant to § 21-28.6-4 and in accordance with chapter 28.6 of title 21 and the regulations promulgated thereunder.

(7) “Marijuana flower” means the flower or bud from a marijuana plant.

(8) “Marijuana products” has the meaning given that term in § 21-28.11-3.

(9) “Marijuana trim” means any part of the marijuana plant other than marijuana flower.

(10) "Person" means any individual, including an employee or agent, firm, fiduciary, partnership, corporation, trust, or association, however formed.

(11) "Tax administrator" means the tax administrator within the division of taxation of the department of revenue as defined in § 44-1-1.
44-49.1-3. Adult use cultivator, retailer licenses required.

Each person engaging in the business of cultivating adult use marijuana or selling adult use marijuana products, shall secure a license from the department of business regulation before engaging in that business, or continuing to engage in it. A separate application and license is required for each place of business operated by the retailer. A licensee shall notify the department of business regulation and tax administrator simultaneously within thirty (30) days in the event that it changes its principal place of business. A separate license is required for each type of business if the applicant is engaged in more than one of the activities required to be licensed by this section.


(a) An excise tax is imposed on all marijuana cultivated by marijuana cultivators. The rate of taxation is as follows:

(1) Three dollars ($3.00) for every dried ounce of marijuana trim and a proportionate tax at the like rate on all fractional parts of an ounce thereof, and

(2) Ten dollars ($10.00) for every dried ounce of marijuana flower and a proportionate tax at the like rate on all fractional parts of an ounce thereof.

(b) Marijuana trim and marijuana flower that has not reached a dried state will be taxed using equivalent amounts as established by regulations promulgated by the department of taxation and the department of business regulation.

(c) The excise tax is assessed and levied upon the sale or transfer of marijuana by a marijuana cultivator to any party or upon the designation of the product for retail sale by the cultivator, whichever occurs earlier.

(d) The tax bears interest at the annual rate provided by § 44-1-7 from the twentieth (20th) day after the close of the month for which the amount, or any portion of it, should have been paid until the date of payment.

(e) This section is effective as of January 1, 2022.

44-49.1-5. Adult use marijuana retail excise tax.

(a) An excise tax is imposed on all marijuana sold by adult use marijuana retailers pursuant to chapter 28.12 of title 21 at a rate of ten percent (10%) of the gross sales of marijuana products.

This excise tax is in addition to all other taxes imposed by title 44. The burden of proving the tax was collected is upon the person who makes the sale and the purchaser, unless the person who makes the sales takes from the purchaser a certificate to the effect that the purchase was for resale.

The certificate shall contain any information and be in the form that the tax administrator may require.
(b) Any adult use marijuana retailer shall collect the taxes imposed by this section from any purchaser to whom the sale of marijuana products is made and shall remit to the state the tax levied by this section. The retail sale of marijuana products shall not be bundled with any other non-marijuana tangible personal property or taxable services set forth in R.I. Gen. Laws § 44-18-7.3.

(c) The adult use marijuana retailer shall add the tax imposed by this chapter to the sale price or charge, and when added the tax constitutes a part of the price or charge, is a debt from the consumer or user to the retailer, and is recoverable at law in the same manner as other debts; provided, that the amount of tax that the retailer collects from the consumer or user is as follows:

<table>
<thead>
<tr>
<th>Amount of Fair Market Value, as Tax</th>
<th>Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.01 to $.09 inclusive</td>
<td>No Tax</td>
</tr>
<tr>
<td>$.10 to $.19 inclusive</td>
<td>.01</td>
</tr>
<tr>
<td>$.20 to $.29 inclusive</td>
<td>.02</td>
</tr>
<tr>
<td>$.30 to $.39 inclusive</td>
<td>.03</td>
</tr>
<tr>
<td>$.40 to $.49 inclusive</td>
<td>.04</td>
</tr>
<tr>
<td>$.50 to $.59 inclusive</td>
<td>.05</td>
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<tr>
<td>$.60 to $.69 inclusive</td>
<td>.06</td>
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<tr>
<td>$.70 to $.79 inclusive</td>
<td>.07</td>
</tr>
<tr>
<td>$.80 to $.89 inclusive</td>
<td>.08</td>
</tr>
<tr>
<td>$.90 to $.99 inclusive</td>
<td>.09</td>
</tr>
<tr>
<td>$1.00 to $1.09 inclusive</td>
<td>.10</td>
</tr>
</tbody>
</table>

and where the amount of the sale is more than one dollar and nine cents ($1.09) the amount of the tax is computed at the rate of ten percent (10%).

(d) It shall be deemed a violation of this section for an adult use marijuana retailer to fail to separately state the tax imposed in this section and instead include it in the sale price of marijuana products. The tax levied in this article shall be imposed in addition to all other taxes imposed by the state, or any municipal corporation or political subdivision of any of the foregoing.

(e) The tax bears interest at the annual rate provided by § 44-1-7 from the twentieth (20th) day after the close of the month for which the amount, or any portion of it, should have been paid until the date of payment.


(a) Every marijuana cultivator shall, on or before the twentieth (20th) day of the month following the sale or transfer of marijuana, make a return to the tax administrator for taxes due
under § 44-49.1-4. Marijuana cultivators shall file their returns on a form as prescribed by the tax administrator.

(b) Every licensed adult use marijuana retailer shall, on or before the twentieth (20th) day of the month following the sale of marijuana products, make a return to the tax administrator for taxes due under § 44-49.1-5. Adult use marijuana retailers shall file their returns on a form as prescribed by the tax administrator.

(c) If for any reason an adult use marijuana retailer fails to collect the tax imposed § 44-49.1-5 from the purchaser, the purchaser shall file a return and pay the tax directly to the state, on or before the date required by subsection (b) of this section.

(d) There is created with the general fund a restricted receipt account to be known as the "marijuana cash use surcharge" account. Surcharge collected pursuant to subsection (f) shall be deposited into this account and be used to finance costs associated with processing and handling cash payments for taxes paid under this chapter. The restricted receipt account will be housed within the budget of the department of revenue. All amounts deposited into the marijuana cash use surcharge account shall be exempt from the indirect cost recovery provisions of § 35-4-27.

(e) Any licensee who makes a payment in cash for taxes due under this chapter, or taxes due under chapters 18 or 67 of this title, shall pay a ten percent (10%) penalty on the amount of that payment to the division of taxation. Payment of a tax return with less than one thousand dollars ($1,000) in taxes due per month, on average, shall not be subject to the penalty.

(f) Notwithstanding any other provision of law, the department of business regulation and tax administrator may, on a periodic basis, prepare and publish for public distribution a list of entities and their active licenses administered under this chapter. Each list may contain the license type, name of the licensee, and the amount of tax paid under this chapter.

**44-49.1-8. Sale of contraband products prohibited.**

(a) No person shall sell, offer for sale, display for sale, or possess with intent to sell any contraband marijuana, marijuana products.

(b) Any marijuana or marijuana products exchanged in which one of the two entities does not have a license or exchanged between a non-licensed entity and a consumer shall be considered contraband.

(c) Any marijuana or marijuana products for which applicable taxes have not been paid as specified in title 44 shall be considered contraband.

(d) Failure to comply with the provisions of this chapter may result in the imposition of the applicable civil penalties in Section 44-49.1-13 below; however, the possession of marijuana or
marijuana products as described in this chapter do not constitute contraband for purposes of
imposing a criminal penalty under chapter 28 of title 21.


(a) Each licensee shall maintain copies of invoices or equivalent documentation for, or
itemized for, each of its facilities for each involving the sale or transfer of marijuana or marijuana
products. All records and invoices required under this section must be safely preserved for three
(3) years in a manner to insure permanency and accessibility for inspection by the administrator or
his or her authorized agents.

(b) Records required under this section shall be preserved on the premises described in the
relevant license in such a manner as to ensure permanency and accessibility for inspection at
reasonable hours by authorized personnel of the administrator. With the tax administrator's
permission, persons with multiple places of business may retain centralized records but shall
transmit duplicates of the invoices or the equivalent documentation to each place of business within
twenty-four (24) hours upon the request of the administrator or his or her designee.

(c) Any person who fails to submit the reports required in this chapter or by the tax
administrator under this chapter, or who makes any incomplete, false, or fraudulent report, or who
refuses to permit the tax administrator or his or her authorized agent to examine any books, records,
papers, or stocks of marijuana or marijuana products as provided in this chapter, or who refuses to
supply the tax administrator with any other information which the tax administrator requests for
the reasonable and proper enforcement of the provisions of this chapter, shall be guilty of a
misdemeanor punishable by imprisonment up to one (1) year, or a fine of not more than five
thousand dollars ($5,000), or both, for the first offense, and for each subsequent offense, shall be
fined not more than ten thousand dollars ($10,000), or be imprisoned not more than five (5) years,
or both.

44-49.1-10. Inspections and investigations.

(a) The tax administrator or his or her duly authorized agent shall have authority to enter
and inspect, without a warrant during normal business hours, and with a warrant during nonbusiness
hours, the facilities and records of any licensee.

(b) In any case where the administrator or his or her duly authorized agent, or any police
officer of this state, has knowledge or reasonable grounds to believe that any vehicle is transporting
marijuana or marijuana products in violation of this chapter, the administrator, such agent, or such
police officer, is authorized to stop such vehicle and to inspect the same for contraband marijuana
or marijuana products.
(c) For the purpose of determining the correctness of any return, determining the amount
of tax that should have been paid, determining whether or not the licensee should have made a
return or paid taxes, or collecting any taxes under this chapter, the tax administrator may examine,
or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making
those determinations, whether the books, papers, records, or memoranda, are the property of or in
the possession of the licensee or another person. The tax administrator may require the attendance
of any person having knowledge or information that may be relevant, compel the production of
books, papers, records, or memoranda by persons required to attend, take testimony on matters
material to the determination, and administer oaths or affirmations. Upon demand of the tax
administrator or any examiner or investigator, the court administrator of any court shall issue a
subpoena for the attendance of a witness or the production of books, papers, records, and
memoranda. The tax administrator may also issue subpoenas. Disobedience of subpoenas issued
under this chapter is punishable by the superior court of the district in which the subpoena is issued,
or, if the subpoena is issued by the tax administrator, by the superior court of the county in which
the party served with the subpoena is located, in the same manner as contempt of superior court.

44-49.1-11. Suspension or revocation of license.

The tax administrator may instruct the department of business regulation to, and upon such
instruction the department shall be authorized to suspend or revoke any license under this chapter
for failure of the licensee to comply with any provision of this chapter or with any provision of any
other law or ordinance relative to the sale or transfer of marijuana or marijuana products.


Any marijuana or marijuana products found in violation of this chapter shall be declared
to be contraband goods and may be seized by the tax administrator, his or her agents, or employees,
or by any deputy sheriff, or police officer when directed by the tax administrator to do so, without
a warrant. For the purposes of seizing and destroying contraband marijuana, employees of the
department of business regulation may act as agents of the tax administrator. The seizure and/or
destruction of any marijuana or marijuana products under the provisions of this section does not
relieve any person from a fine or other penalty for violation of this chapter. The department of
business regulation, in conjunction with the tax administrator and the department of public safety,
may promulgate rules and regulations for the destruction of contraband goods pursuant to this
section.


(a) Failure to file tax returns or to pay tax. In the case of failure:
(1) **To file.** The tax return on or before the prescribed date, unless it is shown that the failure is due to reasonable cause and not due to willful neglect, an addition to tax shall be made equal to ten percent (10%) of the tax required to be reported. For this purpose, the amount of tax required to be reported shall be reduced by an amount of the tax paid on or before the date prescribed for payment and by the amount of any credit against the tax which may properly be claimed upon the return:

(2) **To pay.** The amount shown as tax on the return on or before the prescribed date for payment of the tax unless it is shown that the failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount shown as tax on the return ten percent (10%) of the amount of the tax.

(b) **Negligence.** If any part of a deficiency is due to negligence or intentional disregard of the Rhode Island General Laws or rules or regulations under this chapter (but without intent to defraud), five percent (5%) of that part of the deficiency shall be added to the tax.

(c) **Fraud.** If any part of a deficiency is due to fraud, fifty percent (50%) of that part of the deficiency shall be added to the tax. This amount shall be in lieu of any other additional amounts imposed by subsections (a) and (b) of this section.

(d) **Failure to collect and pay over tax.** Any person required to collect, truthfully account for, and pay over any tax under this title who willfully fails to collect the tax or truthfully account for and pay over the tax or willfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a civil penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(e) **Additions and penalties treated as tax.** The additions to the tax and civil penalties provided by this section shall be paid upon notice and demand and shall be assessed, collected, and paid in the same manner as taxes.

(f) **Bad checks.** If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered the check, upon notice and demand by the tax administrator or his or her delegate, in the same manner as tax, an amount equal to one percent (1%) of the amount of the check, except that if the amount of the check is less than five hundred dollars ($500), the penalty under this section shall be five dollars ($5.00). This subsection shall not apply if the person tendered the check in good faith and with reasonable cause to believe that it would be duly paid.

(g) **Misuse of Trust Funds.** Any retailer and any officer, agent, servant, or employee of any corporate retailer responsible for either the collection or payment of the tax, who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to
the extent that the money required to be collected is not available for payment on the due date as
prescribed in this chapter, shall upon conviction for each offense be fined not more than ten
thousand dollars ($10,000), or be imprisoned for one year, or by both fine and imprisonment, both
fine and imprisonment to be in addition to any other penalty provided by this chapter.

(h) Whoever fails to pay any tax imposed by § 44-49.1-4, § 44-49.1-5, or § 44-49.1-6 at
the time prescribed by law or regulations, shall, in addition to any other penalty provided in this
chapter, be liable for a penalty of one thousand dollars ($1,000) or not more than five (5) times the
tax due but unpaid, whichever is greater.

(i) When determining the amount of a penalty sought or imposed under this section,
evidence of mitigating or aggravating factors, including history, severity, and intent, shall be
considered.


Whenever the tax administrator determines that any person is entitled to a refund of any
moneys paid by a person under the provisions of this chapter, or whenever a court of competent
jurisdiction orders a refund of any moneys paid, the general treasurer shall, upon certification by
the tax administrator and with the approval of the director of revenue, pay the refund from any
moneys in the treasury not appropriated without any further act or resolution making appropriation
for the refund. No refund is allowed unless a claim is filed with the tax administrator within three
(3) years from the fifteenth (15th) day after the close of the month for which the overpayment was
made.


(a) Any person aggrieved by any action under this chapter of the tax administrator or his
or her authorized agent for which a hearing is not elsewhere provided may apply to the tax
administrator, in writing, within thirty (30) days of the action for a hearing, stating the reasons why
the hearing should be granted and the manner of relief sought. The tax administrator shall notify
the applicant of the time and place fixed for the hearing. After the hearing, the tax administrator
may make the order in the premises as may appear to the tax administrator just and lawful and shall
furnish a copy of the order to the applicant. The tax administrator may, by notice in writing, at any
time, order a hearing on his or her own initiative and require the licensee or any other individual
whom the tax administrator believes to be in possession of information concerning any growing,
processing, distribution, sales, or transfer of cannabis products to appear before the tax
administrator or his or her authorized agent with any specific books of account, papers, or other
documents, for examination relative to the hearing.
(b) Appeals from administrative orders or decisions made pursuant to any provisions of this chapter shall be to the sixth division district court pursuant to chapter 8 of title 8. The taxpayer's right to appeal under this section shall be expressly made conditional upon prepayment of all taxes, interest, and penalties, unless the taxpayer moves for and is granted an exemption from the prepayment requirement pursuant to § 8-8-26.


Notwithstanding any other provision of law, the tax administrator may make available to an officer or employee of the office of cannabis regulation of the Rhode Island department of business regulation, any information that the administrator may consider proper contained in tax reports or returns or any audit or the report of any investigation made with respect to them, filed pursuant to the tax laws of this state, to whom disclosure is necessary for the purpose of ensuring compliance with state law and regulations.

44-49.1-17. Transfer of revenue to the marijuana trust fund.

(a) The division of taxation shall transfer all collections from marijuana cultivator excise tax and the adult use marijuana retail excise tax, including penalties or forfeitures, interest, costs of suit and fines, to the marijuana trust fund established by § 21-28.12-18.

(b) The division of taxation shall transfer all collections remitted by adult use marijuana retailers pursuant to § 44-18-18 due to the net revenue of marijuana products. The tax administrator may base this transfer on an estimate of the net revenue of marijuana products derived from any other tax data collected under title 44 or data shared by the department of business regulation.


The tax administrator is authorized to promulgate rules and regulations to carry out the provisions, policies, and purposes of this chapter. The provisions of this chapter shall be liberally construed to foster the enforcement of and compliance with all provisions herein related to taxation.


If any provision of this chapter or the application of this chapter to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 9. This article shall take effect upon passage.
ARTICLE 12

RELATING TO MEDICAL ASSISTANCE

SECTION 1. Section 40-6-27 and 40-6-27.2 of the General Laws in Chapter 40-6 entitled “Public Assistance Act” is hereby amended to read as follows:

40-6-27. Supplemental Security Income.

(a)(1) The director of the department is hereby authorized to enter into agreements on behalf of the state with the secretary of the Department of Health and Human Services or other appropriate federal officials, under the Supplementary Security Income (SSI) program established by title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq., concerning the administration and determination of eligibility for SSI benefits for residents of this state, except as otherwise provided in this section. The state’s monthly share of supplementary assistance to the Supplementary Security Income program shall be as follows:

(i) Individual living alone: $39.92

(ii) Individual living with others: $51.92

(iii) Couple living alone: $79.38

(iv) Couple living with others: $97.30

(v) Individual living in state licensed assisted living residence: $332.00

(vi) Individual eligible to receive Medicaid-funded long term services and supports and living in a Medicaid-certified state-licensed assisted living residence or adult supportive-care residence, as defined in § 23-17.24-1, participating in the program authorized under § 40-8.13-12 or an alternative, successor, or substitute program or delivery option designated for such purposes by the secretary of the executive office of health and human services:

(A) With countable income above one hundred and twenty (120) percent of poverty: up to $465.00;

(B) With countable income at or below one hundred and twenty (120) percent of poverty: up to the total amount established in (v) and $465: $797

(vii) Individual living in state-licensed supportive residential-care settings that, depending on the population served, meet the standards set by the department of human services in conjunction with the department(s) of children, youth and families, elderly affairs and/or behavioral healthcare, developmental disabilities and hospitals: $300.00.

Provided, however, that the department of human services shall by regulation reduce, effective January 1, 2009, the state’s monthly share of supplementary assistance to the Supplementary Security Income (SSI) program for each of the above-listed payment levels, by the same value as the annual federal cost of living adjustment to be published by the federal Social...
Security Administration in October 2008 and becoming effective on January 1, 2009, as determined under the provisions of title XVI of the federal Social Security Act [42 U.S.C. § 1381 et seq.]; and provided further, that it is the intent of the general assembly that the January 1, 2009, reduction in the state's monthly share shall not cause a reduction in the combined federal and state payment level for each category of recipients in effect in the month of December 2008; provided further, that the department of human services is authorized and directed to provide for payments to recipients in accordance with the above directives.

(2) As of July 1, 2010, state supplement payments shall not be federally administered and shall be paid directly by the department of human services to the recipient.

(3) Individuals living in institutions shall receive a twenty dollar ($20.00) per month personal needs allowance from the state that shall be in addition to the personal needs allowance allowed by the Social Security Act, 42 U.S.C. § 301 et seq.

(4) Individuals living in state-licensed supportive residential-care settings and assisted-living residences who are receiving SSI supplemental payments under this section who are participating in the program under § 40.8.13-12 or an alternative, successor, or substitute program or delivery option, or otherwise shall be allowed to retain a minimum personal needs allowance of fifty-five dollars ($55.00) per month from their SSI monthly benefit prior to payment of any monthly fees in addition to any amounts established in an administrative rule promulgated by the secretary of the executive office of health and human services for persons eligible to receive Medicaid-funded long-term services and supports in the settings identified in subsections (a)(1)(v) and (a)(1)(vi).

(5) Except as authorized for the program authorized under § 40.8.13-12 or an alternative, successor, or substitute program, or delivery option designated by the secretary to ensure that supportive residential care or an assisted-living residence is a safe and appropriate service setting, the department is authorized and directed to make a determination of the medical need and whether a setting provides the appropriate services for those persons who:

(i) Have applied for or are receiving SSI, and who apply for admission to supportive residential care setting and assisted living residences on or after October 1, 1998; or

(ii) Who are residing in supportive residential care settings and assisted living residences, and who apply for or begin to receive SSI on or after October 1, 1998.

(6) The process for determining medical need required by subsection (a)(5) of this section shall be developed by the executive office of health and human services in collaboration with the departments of that office and shall be implemented in a manner that furthers the goals of
establishing a statewide coordinated long-term care entry system as required pursuant to the
Medicaid section 1115 waiver demonstration.

(7) To assure access to high quality coordinated services, the executive office of health and
human services is further authorized and directed to establish certification or contract standards
that must be met by those state-licensed supportive residential-care settings, including adult
supportive-care homes and assisted-living residences admitting or serving any persons eligible for
state-funded supplementary assistance under this section or the program established under § 40-
8.13-12. Such certification or contract standards shall define:

(i) The scope and frequency of resident assessments, the development and implementation
of individualized service plans, staffing levels and qualifications, resident monitoring, service
coordination, safety risk management and disclosure, and any other related areas;

(ii) The procedures for determining whether the certifications or contract standards have
been met; and

(iii) The criteria and process for granting a one time, short-term good cause exemption
from the certification or contract standards to a licensed supportive residential care setting or
assisted living residence that provides documented evidence indicating that meeting or failing to
meet said standards poses an undue hardship on any person eligible under this section who is a
prospective or current resident.

(8) The certification or contract standards required by this section or § 40-8.13-12 or an
alternative, successor, or substitute program, or delivery option designated by the secretary shall
be developed in collaboration by the departments, under the direction of the executive office of
health and human services, so as to ensure that they comply with applicable licensure regulations
either in effect or in development.

(b) The department is authorized and directed to provide additional assistance to
individuals eligible for SSI benefits for:

(1) Moving costs or other expenses as a result of an emergency of a catastrophic nature
which is defined as a fire or natural disaster; and

(2) Lost or stolen SSI benefit checks or proceeds of them; and

(3) Assistance payments to SSI eligible individuals in need because of the application of
federal SSI regulations regarding estranged spouses; and the department shall provide such
assistance, in a form and amount, which the department shall by regulation determine.

40-6-27.2, Supplementary cash assistance payment for certain Supplemental Security
Income recipients.
There is hereby established a $206 monthly payment for disabled and elderly individuals who, on or after July 1, 2012, receive the state supplementary assistance payment for an individual in a state-licensed assisted-living residence under § 40-6-27 and further reside in an assisted-living facility that is not eligible to receive funding under Title XIX of the Social Security Act, 42 U.S.C. § 1381 et seq., or reside in any assisted living facility financed by the Rhode Island housing and mortgage finance corporation prior to January 1, 2006, and receive a payment under § 40-6-27. The monthly payment shall not be made on behalf of persons participating in the program authorized under § 40-8-12 or an alternative, successor, or substitute program, or delivery option designated for such purposes by the secretary of the executive office of health and human services.

SECTION 2. Section 40-8-4 and 40-8-26 of the General Laws in Chapter 40-8 entitled “Medical Assistance” is hereby amended to read as follows:

40-8-4. Direct vendor payment plan.

(a) The department shall furnish medical care benefits to eligible beneficiaries through a direct vendor payment plan. The plan shall include, but need not be limited to, any or all of the following benefits, which benefits shall be contracted for by the director:

(1) Inpatient hospital services, other than services in a hospital, institution, or facility for tuberculosis or mental diseases;

(2) Nursing services for the period of time as the director shall authorize;

(3) Visiting nurse service;

(4) Drugs for consumption either by inpatients or by other persons for whom they are prescribed by a licensed physician;

(5) Dental services; and

(6) Hospice care up to a maximum of two hundred and ten (210) days as a lifetime benefit.

(b) For purposes of this chapter, the payment of federal Medicare premiums or other health insurance premiums by the department on behalf of eligible beneficiaries in accordance with the provisions of Title XIX of the federal Social Security Act, 42 U.S.C. § 1396 et seq., shall be deemed to be a direct vendor payment.

(c) With respect to medical care benefits furnished to eligible individuals under this chapter or Title XIX of the federal Social Security Act, the department is authorized and directed to impose:

(1) Nominal co-payments or similar charges upon eligible individuals for non-emergency services provided in a hospital emergency room, and

(2) Co-payments for prescription drugs in the amount of one dollar ($1.00) for generic drug prescriptions and three dollars ($3.00) for brand-name drug prescriptions in accordance with the provisions of 42 U.S.C. § 1396 et seq.
(d) The department is authorized and directed to promulgate rules and regulations to impose co-payments or charges and to provide that, with respect to subsection (c)(2), those regulations shall be effective upon filing.

(e) No state agency shall pay a vendor for medical benefits provided to a recipient of assistance under this chapter until and unless the vendor has submitted a claim for payment to a commercial insurance plan, Medicare, and/or a Medicaid managed care plan, if applicable for that recipient, in that order. This includes payments for skilled nursing and therapy services specifically outlined in Chapters 7, 8, and 15 of the Medicare Benefit Policy Manual.


(a) For the purposes of this section, the term community health centers refers to federally qualified health centers and rural health centers.

(b) To support the ability of community health centers to provide high-quality medical care to patients, the executive office of health and human services ("executive office") shall, may adopt and implement an alternative payment methodology (APM) for determining a Medicaid per-visit reimbursement for community health centers that is compliant with the prospective payment system (PPS) provided for in the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000. The following principles are to ensure that the APM PPS prospective payment rate determination methodology is part of the executive office overall value purchasing approach. For community health centers that do not agree to the Principles of Reimbursement that reflects the APM PPS, EOHHS shall reimburse such community health centers at the federal PPS rate, as required per 1902(bb)(3) of the Social Security Act. For community health centers that are reimbursed at the federal PPS rate, RIGL Sections 40-8-26(d) through (f) apply.

(c) The APM PPS rate determination methodology will (i) Fairly recognize the reasonable costs of providing services. Recognized reasonable costs will be those appropriate for the organization, management, and direct provision of services and (ii) Provide assurances to the executive office that services are provided in an effective and efficient manner, consistent with industry standards. Except for demonstrated cause and at the discretion of the executive office, the maximum reimbursement rate for a service (e.g., medical, dental) provided by an individual community health center shall not exceed one hundred twenty-five percent (125%) of the median rate for all community health centers within Rhode Island.

(d) Community health centers will cooperate fully and timely with reporting requirements established by the executive office.

(e) Reimbursement rates established through this methodology shall be incorporated into the PPS reconciliation for services provided to Medicaid-eligible persons who are enrolled in a
health plan on the date of service. Monthly payments by the executive office related to PPS for persons enrolled in a health plan shall be made directly to the community health centers.

(f) Reimbursement rates established through this methodology shall be incorporated into the actuarially certified capitation rates paid to a health plan. The health plan shall be responsible for paying the full amount of the reimbursement rate to the community health center for each service eligible for reimbursement under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000. If the health plan has an alternative payment arrangement with the community health center the health plan may establish a PPS reconciliation process for eligible services and make monthly payments related to PPS for persons enrolled in the health plan on the date of service. The executive office will review, at least annually, the Medicaid reimbursement rates and reconciliation methodology used by the health plans for community health centers to ensure payments to each are made in compliance with the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

SECTION 3. Section 40-8.3-10 of the General Laws in Chapter 40-8.3 entitled "Uncompensated Care" is hereby repealed in its entirety.

40-8.3-10. Hospital adjustment payments.

Effective July 1, 2012, and for each subsequent year, the executive office of health and human services is hereby authorized and directed to amend its regulations for reimbursement to hospitals for outpatient services as follows:

(a) Each hospital in the state of Rhode Island, as defined in § 23-17-38.1, shall receive a quarterly outpatient adjustment payment each state fiscal year of an amount determined as follows:

(1) Determine the percent of the state's total Medicaid outpatient and emergency department services (exclusive of physician services) provided by each hospital during each hospital's prior fiscal year;

(2) Determine the sum of all Medicaid payments to hospitals made for outpatient and emergency department services (exclusive of physician services) provided during each hospital's prior fiscal year;

(3) Multiply the sum of all Medicaid payments as determined in subsection (a)(2) by a percentage defined as the total identified upper payment limit for all hospitals divided by the sum of all Medicaid payments as determined in subsection (a)(2); and then multiply that result by each hospital's percentage of the state's total Medicaid outpatient and emergency department services as determined in subsection (a)(1) to obtain the total outpatient adjustment for each hospital to be paid each year;
(4) Pay each hospital on or before July 20, October 20, January 20, and April 20 one quarter (1/4) of its total outpatient adjustment as determined in subsection (a)(3).

(b) [Deleted by P.L. 2019, ch. 88, art. 13, § 6.]

(c) The amounts determined in subsection (a) are in addition to Medicaid outpatient payments and emergency services payments (exclusive of physician services) paid to hospitals in accordance with current state regulation and the Rhode Island Plan for Medicaid Assistance pursuant to Title XIX of the Social Security Act and are not subject to recoupment or settlement.

SECTION 4. Section 40-8.9-9 of the General Laws in Chapter 40-8.9 entitled “Medical Assistance – Long-Term Care Service and Finance Reform” is hereby amended to read as follows:


(a) Notwithstanding any other provision of state law, the executive office of health and human services is authorized and directed to apply for, and obtain, any necessary waiver(s), waiver amendment(s), and/or state-plan amendments from the Secretary of the United States Department of Health and Human Services, and to promulgate rules necessary to adopt an affirmative plan of program design and implementation that addresses the goal of allocating a minimum of fifty percent (50%) of Medicaid long-term-care funding for persons aged sixty-five (65) and over and adults with disabilities, in addition to services for persons with developmental disabilities, to home- and community-based care; provided, further, the executive office shall report annually as part of its budget submission, the percentage distribution between institutional care and home- and community-based care by population and shall report current and projected waiting lists for long-term-care and home- and community-based care services. The executive office is further authorized and directed to prioritize investments in home- and community-based care and to maintain the integrity and financial viability of all current long-term-care services while pursuing this goal.

(b) The reformed long-term-care system rebalancing goal is person-centered and encourages individual self-determination, family involvement, interagency collaboration, and individual choice through the provision of highly specialized and individually tailored home-based services. Additionally, individuals with severe behavioral, physical, or developmental disabilities must have the opportunity to live safe and healthful lives through access to a wide range of supportive services in an array of community-based settings, regardless of the complexity of their medical condition, the severity of their disability, or the challenges of their behavior. Delivery of services and supports in less-costly and less-restrictive community settings will enable children, adolescents, and adults to be able to curtail, delay, or avoid lengthy stays in long-term-care institutions, such as behavioral health residential-treatment facilities, long-term-care hospitals, intermediate-care facilities, and/or skilled nursing facilities.
(c) Pursuant to federal authority procured under § 42-7.2-16, the executive office of health and human services is directed and authorized to adopt a tiered set of criteria to be used to determine eligibility for services. The criteria shall be developed in collaboration with the state's health and human services departments and, to the extent feasible, any consumer group, advisory board, or other entity designated for these purposes, and shall encompass eligibility determinations for long-term-care services in nursing facilities, hospitals, and intermediate-care facilities for persons with intellectual disabilities, as well as home- and community-based alternatives, and shall provide a common standard of income eligibility for both institutional and home- and community-based care. The executive office is authorized to adopt clinical and/or functional criteria for admission to a nursing facility, hospital, or intermediate-care facility for persons with intellectual disabilities that are more stringent than those employed for access to home- and community-based services. The executive office is also authorized to promulgate rules that define the frequency of re-assessments for services provided for under this section. Levels of care may be applied in accordance with the following:

(1) The executive office shall continue to apply the level-of-care criteria in effect on June 30, 2015, for any recipient determined eligible for and receiving Medicaid-funded long-term services in supports in a nursing facility, hospital, or intermediate-care facility for persons with intellectual disabilities on or before that date, unless:

(i) The recipient transitions to home- and community-based services because he or she would no longer meet the level-of-care criteria in effect on June 30, 2015; or

(ii) The recipient chooses home- and community-based services over the nursing facility, hospital, or intermediate-care facility for persons with intellectual disabilities. For the purposes of this section, a failed community placement, as defined in regulations promulgated by the executive office, shall be considered a condition of clinical eligibility for the highest level of care. The executive office shall confer with the long-term-care ombudsperson with respect to the determination of a failed placement under the ombudsperson's jurisdiction. Should any Medicaid recipient eligible for a nursing facility, hospital, or intermediate-care facility for persons with intellectual disabilities as of June 30, 2015, receive a determination of a failed community placement, the recipient shall have access to the highest level of care; furthermore, a recipient who has experienced a failed community placement shall be transitioned back into his or her former nursing home, hospital, or intermediate-care facility for persons with intellectual disabilities whenever possible. Additionally, residents shall only be moved from a nursing home, hospital, or intermediate-care facility for persons with intellectual disabilities in a manner consistent with applicable state and federal laws.
(2) Any Medicaid recipient eligible for the highest level of care who voluntarily leaves a nursing home, hospital, or intermediate-care facility for persons with intellectual disabilities shall not be subject to any wait list for home- and community-based services.

(3) No nursing home, hospital, or intermediate-care facility for persons with intellectual disabilities shall be denied payment for services rendered to a Medicaid recipient on the grounds that the recipient does not meet level-of-care criteria unless and until the executive office has:

(i) Performed an individual assessment of the recipient at issue and provided written notice to the nursing home, hospital, or intermediate-care facility for persons with intellectual disabilities that the recipient does not meet level-of-care criteria; and

(ii) The recipient has either appealed that level-of-care determination and been unsuccessful, or any appeal period available to the recipient regarding that level-of-care determination has expired.

(d) The executive office is further authorized to consolidate all home- and community-based services currently provided pursuant to 42 U.S.C. § 1396n into a single system of home- and community-based services that include options for consumer direction and shared living. The resulting single home- and community-based services system shall replace and supersede all 42 U.S.C. § 1396n programs when fully implemented. Notwithstanding the foregoing, the resulting single program home- and community-based services system shall include the continued funding of assisted-living services at any assisted-living facility financed by the Rhode Island housing and mortgage finance corporation prior to January 1, 2006, and shall be in accordance with chapter 66.8 of title 42 as long as assisted-living services are a covered Medicaid benefit.

(e) The executive office is authorized to promulgate rules that permit certain optional services including, but not limited to, homemaker services, home modifications, respite, and physical therapy evaluations to be offered to persons at risk for Medicaid-funded long-term care subject to availability of state-appropriated funding for these purposes.

(f) To promote the expansion of home- and community-based service capacity, the executive office is authorized to pursue payment methodology reforms that increase access to homemaker, personal care (home health aide), assisted living, adult supportive-care homes, and adult day services, as follows:

(1) Development of revised or new Medicaid certification standards that increase access to service specialization and scheduling accommodations by using payment strategies designed to achieve specific quality and health outcomes.

(2) Development of Medicaid certification standards for state-authorized providers of adult day services, excluding providers of services authorized under § 40.1-24-1(3), assisted living, and
adult supportive care (as defined under chapter 17.24 of title 23) that establish for each, an acuity-based, tiered service and payment methodology tied to: licensure authority; level of beneficiary needs; the scope of services and supports provided; and specific quality and outcome measures.

The standards for adult day services for persons eligible for Medicaid-funded long-term services may differ from those who do not meet the clinical/functional criteria set forth in § 40-8.10-3.

(3) As the state's Medicaid program seeks to assist more beneficiaries requiring long-term services and supports in home- and community-based settings, the demand for home-care workers has increased, and wages for these workers has not kept pace with neighboring states, leading to high turnover and vacancy rates in the state's home-care industry, the executive office shall institute a one-time increase in the base-payment rates for FY 2019, as described below, for home-care service providers to promote increased access to and an adequate supply of highly trained home-healthcare professionals, in amount to be determined by the appropriations process, for the purpose of raising wages for personal care attendants and home health aides to be implemented by such providers.

(i) A prospective base adjustment, effective not later than July 1, 2018, of ten percent (10%) of the current base rate for home-care providers, home nursing care providers, and hospice providers contracted with the executive office of health and human services and its subordinate agencies to deliver Medicaid fee-for-service personal care attendant services.

(ii) A prospective base adjustment, effective not later than July 1, 2018, of twenty percent (20%) of the current base rate for home-care providers, home nursing care providers, and hospice providers contracted with the executive office of health and human services and its subordinate agencies to deliver Medicaid fee-for-service skilled nursing and therapeutic services and hospice care.

(iii) Effective upon passage of this section, hospice provider reimbursement, exclusively for room and board expenses for individuals residing in a skilled nursing facility, shall revert to the rate methodology in effect on June 30, 2018, and these room and board expenses shall be exempted from any and all annual rate increases to hospice providers as provided for in this section.

(iv) On the first of July in each year, beginning on July 1, 2019, the executive office of health and human services will initiate an annual inflation increase to the base rate for home-care providers, home nursing care providers, and hospice providers contracted with the executive office and its subordinate agencies to deliver Medicaid fee-for-service personal care attendant services, skilled nursing and therapeutic services and hospice care. The base rate increase shall be a
percentage amount equal to the New England Consumer Price Index card as determined by the United States Department of Labor for medical care and for compliance with all federal and state laws, regulations, and rules, and all national accreditation program requirements.

(g) As the state's Medicaid program seeks to assist more beneficiaries requiring long-term services and supports in home- and community-based settings, the demand for home-care workers has increased, and wages for these workers has not kept pace with neighboring states, leading to high turnover and vacancy rates in the state's home-care industry, to promote increased access to and an adequate supply of direct care workers the executive office shall institute a payment methodology change, in Medicaid fee-for-service and managed care, for FY 2022, which shall be passed through directly to the direct care workers’ wages that are employed by home nursing care and home care providers licensed by Rhode Island Department of Health, as described below:

(1) Effective July 1, 2021, increase the existing shift differential modifier by $0.19 per fifteen (15) minutes for Personal Care and Combined Personal Care/Homemaker.

(i) Employers must pass on one-hundred percent (100%) of the shift differential modifier increase per fifteen (15) minute unit of service to the CNAs that rendered such services. This compensation shall be provided in addition to the rate of compensation that the employee was receiving as of June 30, 2021. For an employee hired after June 30, 2021, the agency shall use not less than the lowest compensation paid to an employee of similar functions and duties as of June 30, 2021 as the base compensation to which the increase is applied.

(ii) Employers must provide to EOHHS an annual compliance statement showing wages as of June 30, 2021, amounts received from the increases outlined herein, and compliance with this section by July 1, 2022. EOHHS may adopt any additional necessary regulations and processes to oversee this section.

(2) Effective January 1, 2022, establish a new behavioral healthcare enhancement of $0.39 per fifteen (15) minutes for Personal Care, Combined Personal Care/Homemaker, and Homemaker only for providers who have at least thirty percent (30%) of their direct care workers (which includes Certified Nursing Assistants (CNA) and Homemakers) certified in behavioral healthcare training.

(i) Employers must pass on one-hundred percent (100%) of the behavioral healthcare enhancement per fifteen (15) minute unit of service rendered by only those CNAs and Homemakers who have completed the thirty (30) hour behavioral health certificate training program offered by Rhode Island College, or a training program that is prospectively determined to be compliant per EOHHS, to those CNAs and Homemakers. This compensation shall be provided in addition to the rate of compensation that the employee was receiving as of December 31, 2021. For an employee...
hired after December 31, 2021, the agency shall use not less than the lowest compensation paid to
an employee of similar functions and duties as of December 31, 2021 as the base compensation to
which the increase is applied.

(ii) By January 1, 2023, employers must provide to EOHHS an annual compliance
statement showing wages as of December 31, 2021, amounts received from the increases outlined
herein, and compliance with this section, including which behavioral healthcare training programs
were utilized. EOHHS may adopt any additional necessary regulations and processes to oversee
this section.

(b) The executive office shall implement a long-term-care-options counseling program
to provide individuals, or their representatives, or both, with long-term-care consultations that shall
include, at a minimum, information about: long-term-care options, sources, and methods of both
public and private payment for long-term-care services and an assessment of an individual's
functional capabilities and opportunities for maximizing independence. Each individual admitted
to, or seeking admission to, a long-term-care facility, regardless of the payment source, shall be
informed by the facility of the availability of the long-term-care-options counseling program and
shall be provided with long-term-care-options consultation if they so request. Each individual who
applies for Medicaid long-term-care services shall be provided with a long-term-care consultation.

(j) The executive office is also authorized, subject to availability of appropriation of
funding, and federal, Medicaid-matching funds, to pay for certain services and supports necessary
to transition or divert beneficiaries from institutional or restrictive settings and optimize their health
and safety when receiving care in a home or the community. The secretary is authorized to obtain
any state plan or waiver authorities required to maximize the federal funds available to support
expanded access to home- and community-transition and stabilization services; provided, however,
payments shall not exceed an annual or per-person amount.

(k) To ensure persons with long-term-care needs who remain living at home have
adequate resources to deal with housing maintenance and unanticipated housing-related costs, the
secretary is authorized to develop higher resource eligibility limits for persons or obtain any state
plan or waiver authorities necessary to change the financial eligibility criteria for long-term services
and supports to enable beneficiaries receiving home and community waiver services to have the
resources to continue living in their own homes or rental units or other home-based settings.

(l) The executive office shall implement, no later than January 1, 2016, the following
home- and community-based service and payment reforms:
(1) Community-based, supportive living program established in § 40-8.13-12 or an alternative, successor, or substitute program, or delivery option designated for these purposes by the secretary of the executive office of health and human services;

(2) Adult day services level of need criteria and acuity-based, tiered-payment methodology; and

(3) Payment reforms that encourage home- and community-based providers to provide the specialized services and accommodations beneficiaries need to avoid or delay institutional care.

The secretary is authorized to seek any Medicaid section 1115 waiver or state-plan amendments and take any administrative actions necessary to ensure timely adoption of any new or amended rules, regulations, policies, or procedures and any system enhancements or changes, for which appropriations have been authorized, that are necessary to facilitate implementation of the requirements of this section by the dates established. The secretary shall reserve the discretion to exercise the authority established under §§ 42-7.2-5(6)(v) and 42-7.2-6.1, in consultation with the governor, to meet the legislative directives established herein.

SECTION 5. Section 40-8.13-12 of the General Laws in Chapter 40-8.13 entitled “Long-Term Managed Care Arrangements” is hereby repealed in its entirety.


(a) To expand the number of community-based service options, the executive office of health and human services shall establish a program for beneficiaries opting to participate in managed care long-term care arrangements under this chapter who choose to receive Medicaid-funded assisted living, adult supportive care home, or shared living long-term care services and supports. As part of the program, the executive office shall implement Medicaid certification or, as appropriate, managed care contract standards for state-authorized providers of these services that establish an acuity-based, tiered service and payment system that ties reimbursements to: a beneficiary’s clinical/functional level of need; the scope of services and supports provided; and specific quality and outcome measures. These standards shall set the base level of Medicaid state-plan and waiver services that each type of provider must deliver, the range of acuity-based service enhancements that must be made available to beneficiaries with more intensive care needs, and the minimum state licensure and/or certification requirements a provider must meet to participate in the pilot at each service/payment level. The standards shall also establish any additional requirements, terms, or conditions a provider must meet to ensure beneficiaries have access to high-quality, cost-effective care.

(b) Room and board. The executive office shall raise the cap on the amount Medicaid-certified assisted-living and adult supportive home-care providers are permitted to charge.
participating beneficiaries for room and board. In the first year of the program, the monthly charges
for a beneficiary living in a single room who has income at or below three hundred percent (300%) of the Supplemental Security Income (SSI) level shall not exceed the total of both the maximum
monthly federal SSI payment and the monthly state supplement authorized for persons requiring
long-term services under § 40-6-27(a)(1)(vi), less the specified personal needs allowance. For a
beneficiary living in a double room, the room and board cap shall be set at eighty-five percent
(85%) of the monthly charge allowed for a beneficiary living in a single room.

(c) Program cost-effectiveness. The total cost to the state for providing the state supplement
and Medicaid-funded services and supports to beneficiaries participating in the program in the
initial year of implementation shall not exceed the cost for providing Medicaid-funded services to
the same number of beneficiaries with similar acuity needs in an institutional setting in the initial
year of the operation. The program shall be terminated if the executive office determines that the
program has not met this target. The state shall expand access to the program to qualified
beneficiaries who opt out of a long-term services and support (LTSS) arrangement, in accordance
with § 40-8.13-2, or are required to enroll in an alternative, successor, or substitute program, or
delivery option designated for these purposes by the secretary of the executive office of health and
human services if the enrollment in an LTSS plan is no longer an option.

SECTION 6. Section 42-7.2-5 of the General Laws in Chapter 42-7.2 entitled “Office of
Health and Human Services” is hereby amended to read as follows:

42-7.2-5. Duties of the secretary.

The secretary shall be subject to the direction and supervision of the governor for the
oversight, coordination, and cohesive direction of state-administered health and human services
and in ensuring the laws are faithfully executed, not withstanding any law to the contrary. In this
capacity, the secretary of the executive office of health and human services (EOHHS) shall be
authorized to:

(1) Coordinate the administration and financing of healthcare benefits, human services, and
programs including those authorized by the state's Medicaid section 1115 demonstration waiver
and, as applicable, the Medicaid State Plan under Title XIX of the U.S. Social Security Act.
However, nothing in this section shall be construed as transferring to the secretary the powers,
duties, or functions conferred upon the departments by Rhode Island public and general laws for
the administration of federal/state programs financed in whole or in part with Medicaid funds or
the administrative responsibility for the preparation and submission of any state plans, state plan
amendments, or authorized federal waiver applications, once approved by the secretary.
(2) Serve as the governor's chief advisor and liaison to federal policymakers on Medicaid reform issues as well as the principal point of contact in the state on any such related matters.

(3)(i) Review and ensure the coordination of the state's Medicaid section 1115 demonstration waiver requests and renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan or formal amendment changes, as described in the special terms and conditions of the state's Medicaid section 1115 demonstration waiver with the potential to affect the scope, amount or duration of publicly funded healthcare services, provider payments or reimbursements, or access to or the availability of benefits and services as provided by Rhode Island general and public laws. The secretary shall consider whether any such changes are legally and fiscally sound and consistent with the state's policy and budget priorities. The secretary shall also assess whether a proposed change is capable of obtaining the necessary approvals from federal officials and achieving the expected positive consumer outcomes. Department directors shall, within the timelines specified, provide any information and resources the secretary deems necessary in order to perform the reviews authorized in this section.

(ii) Direct the development and implementation of any Medicaid policies, procedures, or systems that may be required to assure successful operation of the state's health and human services integrated eligibility system and coordination with HealthSource RI, the state's health insurance marketplace.

(iii) Beginning in 2015, conduct on a biennial basis a comprehensive review of the Medicaid eligibility criteria for one or more of the populations covered under the state plan or a waiver to ensure consistency with federal and state laws and policies, coordinate and align systems, and identify areas for improving quality assurance, fair and equitable access to services, and opportunities for additional financial participation.

(iv) Implement service organization and delivery reforms that facilitate service integration, increase value, and improve quality and health outcomes.

(4) Beginning in 2020, prepare and submit to the governor, the chairpersons of the house and senate finance committees, the caseload estimating conference, and to the joint legislative committee for health-care oversight, by no later than March-September 15 of each year, a comprehensive overview of all Medicaid expenditures outcomes, administrative costs, and utilization rates. The overview shall include, but not be limited to, the following information:

(i) Expenditures under Titles XIX and XXI of the Social Security Act, as amended;

(ii) Expenditures, outcomes and utilization rates by population and sub-population served (e.g. families with children, persons with disabilities, children in foster care, children receiving adoption assistance, adults ages nineteen (19) to sixty-four (64), and elders);
(iii) Expenditures, outcomes and utilization rates by each state department or other
municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the Social
Security Act, as amended;
(iv) Expenditures, outcomes and utilization rates by type of service and/or service provider;
and
(v) Expenditures by mandatory population receiving mandatory services and, reported
separately, optional services, as well as optional populations receiving mandatory services and,
reported separately, optional services for each state agency receiving Title XIX and XXI funds.
The directors of the departments, as well as local governments and school departments,
shall assist and cooperate with the secretary in fulfilling this responsibility by providing whatever
resources, information and support shall be necessary.
(5) Resolve administrative, jurisdictional, operational, program, or policy conflicts among
departments and their executive staffs and make necessary recommendations to the governor.
(6) Ensure continued progress toward improving the quality, the economy, the
accountability and the efficiency of state-administered health and human services. In this capacity,
the secretary shall:
(i) Direct implementation of reforms in the human resources practices of the executive
office and the departments that streamline and upgrade services, achieve greater economies of scale
and establish the coordinated system of the staff education, cross-training, and career development
services necessary to recruit and retain a highly-skilled, responsive, and engaged health and human
services workforce;
(ii) Encourage EOHHS-wide consumer-centered approaches to service design and delivery
that expand their capacity to respond efficiently and responsibly to the diverse and changing needs
of the people and communities they serve;
(iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
power, centralizing fiscal service functions related to budget, finance, and procurement,
centralizing communication, policy analysis and planning, and information systems and data
management, pursuing alternative funding sources through grants, awards and partnerships and
securing all available federal financial participation for programs and services provided EOHHS-
wide;
(iv) Improve the coordination and efficiency of health and human services legal functions
by centralizing adjudicative and legal services and overseeing their timely and judicious
administration;
(v) Facilitate the rebalancing of the long term system by creating an assessment and coordination organization or unit for the expressed purpose of developing and implementing procedures EOHHS-wide that ensure that the appropriate publicly funded health services are provided at the right time and in the most appropriate and least restrictive setting;

(vi) Strengthen health and human services program integrity, quality control and collections, and recovery activities by consolidating functions within the office in a single unit that ensures all affected parties pay their fair share of the cost of services and are aware of alternative financing;

(vii) Assure protective services are available to vulnerable elders and adults with developmental and other disabilities by reorganizing existing services, establishing new services where gaps exist and centralizing administrative responsibility for oversight of all related initiatives and programs.

(7) Prepare and integrate comprehensive budgets for the health and human services departments and any other functions and duties assigned to the office. The budgets shall be submitted to the state budget office by the secretary, for consideration by the governor, on behalf of the state's health and human services agencies in accordance with the provisions set forth in § 35-3-4.

(8) Utilize objective data to evaluate health and human services policy goals, resource use and outcome evaluation and to perform short and long-term policy planning and development.

(9) Establishment of an integrated approach to interdepartmental information and data management that complements and furthers the goals of the unified health infrastructure project initiative and that will facilitate the transition to a consumer-centered integrated system of state administered health and human services.

(10) At the direction of the governor or the general assembly, conduct independent reviews of state-administered health and human services programs, policies and related agency actions and activities and assist the department directors in identifying strategies to address any issues or areas of concern that may emerge therefrom. The department directors shall provide any information and assistance deemed necessary by the secretary when undertaking such independent reviews.

(11) Provide regular and timely reports to the governor and make recommendations with respect to the state's health and human services agenda.

(12) Employ such personnel and contract for such consulting services as may be required to perform the powers and duties lawfully conferred upon the secretary.

(13) Assume responsibility for complying with the provisions of any general or public law or regulation related to the disclosure, confidentiality and privacy of any information or records, in
the possession or under the control of the executive office or the departments assigned to the executive office, that may be developed or acquired or transferred at the direction of the governor or the secretary for purposes directly connected with the secretary's duties set forth herein.

(14) Hold the director of each health and human services department accountable for their administrative, fiscal and program actions in the conduct of the respective powers and duties of their agencies.

SECTION 7. Section 15 of Article 5 of Chapter 141 of the Public Laws of 2015 is hereby repealed.

A pool is hereby established of up to $4.0 million to support Medicaid Graduate Education funding for Academic Medical Centers who provide care to the state’s critically ill and indigent populations. The office of Health and Human Services shall utilize this pool to provide up to $5 million per year in additional Medicaid payments to support Graduate Medical Education programs to hospitals meeting all of the following criteria:

(a) Hospital must have a minimum of 25,000 inpatient discharges per year for all patients regardless of coverage.

(b) Hospital must be designated as Level 1 Trauma Center.

(c) Hospital must provide graduate medical education training for at least 250 interns and residents per year.

The Secretary of the Executive Office of Health and Human Services shall determine the appropriate Medicaid payment mechanism to implement this program and amend any state plan documents required to implement the payments.

Payments for Graduate Medical Education programs shall be made annually.


WHEREAS, the General Assembly enacted Chapter 12.4 of Title 42 entitled “The Rhode Island Medicaid Reform Act of 2008”; and

WHEREAS, a legislative enactment is required pursuant to Rhode Island General Laws 42-12.4-1, et seq.; and

WHEREAS, Rhode Island General Law Section 42-7.2-5(3)(a) provides that the Secretary of Health and Human Services (“Secretary”), of the Executive Office of Health and Human Services (“Executive Office”), is responsible for the review and coordination of any Medicaid section 1115 demonstration waiver requests and renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan or changes as described in the demonstration, “with potential to affect the scope, amount, or duration of publicly-funded health care services,
provider payments or reimbursements, or access to or the availability of benefits and services provided by Rhode Island general and public laws”; and

WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is fiscally sound and sustainable, the Secretary requests legislative approval of the following proposals to amend the demonstration:

(a) Provider rates – Adjustments. The Executive Office proposes to:

(i) reduce managed care organizations profit margins, within actuarially sound capitation rates, from 1.5% to 1.25% of benefit expense;

(b) Eliminate Outpatient Upper Payment Limit and Graduate Medical Education payments. The Executive Office proposes to eliminate the supplemental hospital payments for outpatient Upper Payment Limit (UPL) and Graduate Medical Education (GME).

(c) Update dental benefits for children. The Executive Office proposes to allow coverage for dental caries arresting treatments using Silver Diamine Fluoride when necessary. Implementation of this initiative requires amendments to the Medicaid State Plan.

(d) Perinatal Doula Services. The Executive Office proposes to establish medical assistance coverage and reimbursement rates for perinatal doula services, a practice to provide non-clinical emotional, physical and informational support before, during and after birth for expectant mothers, in order to reduce maternal health disparities, reduce the likelihood of costly interventions during births, such as cesarean birth and epidural pain relief, while increasing the likelihood of a shorter labor, a spontaneous vaginal birth, and a positive childbirth experience.

(e) Community Health Workers. To improve health outcomes, increase access to care, and reduce healthcare costs, the Executive Office proposes to provide medical assistance coverage and reimbursement to community health workers.

(f) HCBS Maintenance of Need Allowance Increase. The Executive Office proposes to increase the Home and Community Based Services (HCBS) Maintenance of Need Allowance from 100% of the Federal Poverty Limit (FPL) plus twenty dollars to 300% of the Federal Social Security Income (SSI) standard to enable the Executive Office to provide sufficient support for individuals who are able to, and wish to, receive services in their homes.

(g) Change to Rates for Nursing Facility Services. To more effectively compensate the nursing facilities for the costs of providing care to members who require behavioral healthcare or ventilators, the Executive Office proposes to revise the fee-for-service Medicaid payment rate for nursing facility residents in the following ways:

(i) Re-weighting towards behavioral health care, such that the average Resource Utilization Group (RUG) weight is not increased as follows:
1. Increase the RUG weights related to behavioral healthcare; and
2. Decrease all other RUG weights
(ii) Increase the RUG weight related to ventilators; and
(iii) Implement a behavioral health per-diem add-on for particularly complex patients, who
have been hospitalized for six months or more, are clinically appropriate for discharge to a nursing
facility, and where the nursing facility is Medicaid certified to provide or facilitate enhanced levels
of behavioral healthcare.

(h) Increase Shared Living Rates. In order to better incentivize the utilization of home- and
community-based care for individuals that wish to receive their care in the community, the
Executive Office proposes a ten percent (10%) increase to shared living caregiver stipend rates that
are paid to providers through Medicaid fee-for-service and managed care.

(i) Increase rates for home nursing care and home care providers licensed by Rhode Island
Department of Health. To ensure better access to home- and community-based services, the
Executive Office proposes, for both fee-for-service and managed care, to increase the existing shift
differential modifier by $0.19 per fifteen (15) minutes for Personal Care and Combined Personal
Care/Homemaker effective July 1, 2021, and to establish a new behavioral healthcare enhancement
of $0.39 per fifteen (15) minutes for Personal Care, Combined Personal Care/Homemaker, and
Homemaker only for providers who have at least thirty percent (30%) of their direct care workers
(which includes Certified Nursing Assistants (CNA) and Homemakers) certified in behavioral
healthcare training effective January 1, 2022.

(j) Expansion of First Connections Program. In collaboration with the Rhode Island
Department of Health (RIDOH), the Executive Office proposes to seek federal matching funds for
the expansion of the First Connections Program, a risk assessment and response home visiting
program designed to ensure that families are connected to appropriate services such as food
assistance, mental health, child care, long term family home visiting, Early Intervention (EI) and
other programs, to prenatal women. The Executive Office would establish medical assistance
coverage and reimbursement rates for such First Connection services provided to prenatal women.

(k) Parents as Teachers Program. In collaboration with RIDOH, the Executive Office
proposes to seek federal matching funds for the coverage of the Parents as Teachers Program, to
ensure that parents of young children are connected with the medical and social supports necessary
to support their families.

(l) Increase Assisted Living rates. To ensure better access to home- and community-based
services, the Executive Office proposes to increase the rates for Assisted Living providers in both
fee-for-service and managed care.
(m) **Elimination of Category F State Supplemental Payments.** To ensure better access to home- and community-based services, the Executive Office proposes to eliminate the State Supplemental Payment for Category F individuals.

(n) **Establish an intensive, expanded Mental Health Psychiatric Rehabilitative Residential (“MHPRR”).** In collaboration with BHDDH, the Executive Office proposes to establish a MHPRR to provide discharge planning, medical and/or psychiatric treatment, and identification and amelioration of barriers to transition to less restrictive settings.

(o) **Federal Financing Opportunities.** The Executive Office proposes to review Medicaid requirements and opportunities under the U.S. Patient Protection and Affordable Care Act of 2010 (PPACA) and various other recently enacted federal laws and pursue any changes in the Rhode Island Medicaid program that promote service quality, access and cost-effectiveness that may warrant a Medicaid state plan amendment or amendment under the terms and conditions of Rhode Island’s section 1115 waiver, its successor, or any extension thereof. Any such actions by the Executive Office shall not have an adverse impact on beneficiaries or cause there to be an increase in expenditures beyond the amount appropriated for state fiscal year 2020.

Now, therefore, be it

RESOLVED, the General Assembly hereby approves the proposals stated in (a) through (f) above; and be it further;

RESOLVED, the Secretary of the Executive Office is authorized to pursue and implement any 1115 demonstration waiver amendments, Medicaid state plan amendments, and/or changes to the applicable department’s rules, regulations and procedures approved herein and as authorized by Chapter 42-12.4; and be it further;

RESOLVED, that this Joint Resolution shall take effect upon passage.

SECTION 9. This article shall take effect upon passage.
ARTICLE 13
RELATING TO HUMAN SERVICES

SECTION 1. Section 12-19-14 of the General Laws in Chapter 12-19 entitled “Sentence and Execution” is hereby amended to read as follows:


(a) Whenever any person who has been placed on probation by virtue of the suspension of execution of his or her sentence pursuant to § 12-19-13 violates the terms and conditions of his or her probation as fixed by the court by being formally charged with committing a new criminal offense, the police or department of corrections division of rehabilitative services shall cause the defendant to appear before the court. The division of rehabilitative services shall promptly render a written report relative to the conduct of the defendant, and the information contained in any report under § 12-13-24.1. The division of rehabilitative services may recommend that the time served up to that point is a sufficient response to a violation that is not a new, alleged crime. The court may order the defendant held without bail for a period not exceeding ten (10) days excluding Saturdays, Sundays, and holidays if the new criminal charge(s) constitutes a violent crime as defined in the Rhode Island General Laws, a domestic violence crime, or a crime involving driving under the influence.

(b) Whenever any person who has been placed on probation by virtue of the suspension of execution of his or her sentence pursuant to § 12-19-13 allegedly commits a technical violation of the terms and conditions of his or her probation as fixed by the court that does not constitute a new criminal offense, including but not limited to failure to report to the probation officer, failure to remain within the state of Rhode Island, failure to notify the probation officer of change of address, telephone number, or employment, failure to be steadily employed or attend school or vocational training, or failure to pay restitution, court costs, and fines, the department of corrections division of rehabilitative services may, at its discretion and depending upon the circumstances of the individual case, cause the defendant to appear before the court. This section shall be liberally construed to limit the use of incarceration for technical violations of probation to defendants who pose a clear and articulable public safety risk. If the defendant is caused to appear before the court, the division of rehabilitative services shall promptly render a written report relative to the conduct of the defendant, and the information contained in any report under § 12-13-24.1, in which the division shall make a finding on the record as to the clear public safety risk posed by the defendant that warrants the defendant to appear before the court. The division of rehabilitative services may
recommend that the time served be a sufficient response to a violation that is not a new, alleged

crime.

(b) (c) The court shall conduct a hearing within thirty (30) days of arrest, unless waived
by the defendant, to determine whether the defendant has violated the terms and conditions of his
or her probation, at which hearing the defendant shall have the opportunity to be present and to
respond. Upon a determination by a fair preponderance of the evidence that the defendant has
violated the terms and conditions of his or her probation, the court, in open court and in the presence
of the defendant, may as to the court may seem just and proper:

(1) Revoke the suspension and order the defendant committed on the sentence previously
imposed, or on a lesser sentence;

(2) Impose a sentence if one has not been previously imposed;

(3) Stay all or a portion of the sentence imposed after removal of the suspension;

(4) Continue the suspension of a sentence previously imposed; or

(5) Convert a sentence of probation without incarceration to a suspended sentence.

SECTION 2. Chapter 13-8 of the General Laws entitled “Parole” is hereby amended by
adding thereto the following section:

13-8-14.2. Special parole consideration for persons convicted as juveniles.

(a) When a person who is serving a sentence imposed as the result of an offense or offenses
committed when he or she was less than eighteen years of age becomes eligible for parole pursuant
to applicable provisions of law, the parole board shall ensure that he or she is provided a
meaningful
opportunity to obtain release and shall adopt rules and guidelines to do so, consistent with existing
law.

(b) During a parole hearing involving a person described in subsection (a) of this section,
in addition to other factors required by law or under the parole guidelines set forth by the parole
board, the parole board shall also take into consideration the diminished culpability of juveniles as
compared to that of adults and any subsequent growth and increased maturity of the prisoner during
incarceration. The board shall also consider the following:

(1) A review of educational and court documents;

(2) Participation in available rehabilitative and educational programs while in prison;

(3) Age at the time of the offense;

(4) Immaturity at the time of the offense;

(5) Home and community environment at the time of the offense;

(6) Efforts made toward rehabilitation;

(7) Evidence of remorse; and
(8) Any other factors or circumstances the Board considers relevant

(c) The parole board shall have access to all relevant records and information in the possession of any state official or agency relating to the board’s consideration of the factors detailed in the foregoing sections.

SECTION 3. Sections 13-8-11, 13-8-13, 13-8-18, and 13-8-18.1 of the General Laws in Chapter 13-8 entitled “Parole” are hereby amended to read as follows:

13-8-11. Good conduct, industrial, and meritorious service time included in computation.

(a) In computing the one-third (1/3) of any term of sentence for the purpose of §§ 13-8-9 – 13-8-14, the time a prisoner shall have earned pursuant to §§ 42-56-24 and 42-56-26 shall be considered by the parole board to reduce inmate overcrowding when directed by the criminal justice oversight committee, pursuant to the provisions of § 42-26-13.3(e), or when directed by the governor, pursuant to the provisions of § 42-26-13.3(f).

(b) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

(i) “Compliance,” the absence of a finding by a Parole Officer or the Parole Board of a violation of the terms or conditions of a permit or conditions of parole supervision set by the Rhode Island Parole Board.

(ii) “Compliance credits,” credits that an eligible offender earns through compliance with Parole Board-ordered conditions of parole supervision; provided, however, that such credits shall operate to reduce the length of parole supervision.

(iii) “Eligible parolee,” any offender who is currently serving a term of post-incarceration parole supervision except any such person serving a sentence of a violation of §§ 11-5-1 (where the specified felony is murder or sexual assault), 11-23-1, 11-26-1.4, 11-37-2, 11-37-8.1 or 11-37-8.3.

(c) On the first day of each calendar month after July 1, 2021, an eligible parolee shall earn 5 days of compliance credits if the eligible parolee served on parole without any documented behavior that could constitute a violation of the terms and conditions of parole for the prior calendar month. Any compliance credits so granted and not rescinded pursuant to guidelines set forth by the parole board shall reduce the period of time that a parolee is subject to the jurisdiction of the parole board under § 13-8-9.

(d) The parole board shall issue guidelines governing the awarding of compliance credits, any disqualifiers to the earning of compliance credits, and the rescission or suspension of compliance credits as applicable.
(e) The award or rescission of credits pursuant to this section shall not be the subject of judicial review.

(f) This section shall apply to all individuals sentenced to imprisonment and subsequently granted parole including those sentences granted prior to passage of this legislation and shall not alter the ability of the Parole Board to revoke parole. The calculation of compliance credits shall be prospective from the date of passage, while eligibility to earn compliance credits shall be prospective and retrospective.

(g) The parole board shall calculate an eligible parolee’s supervision termination date, taking into consideration any earned compliance credits at the end of each calendar quarter. Upon such calculation, the parole board shall inform the eligible offender of the termination date.

13-8-13. Life prisoners and prisoners with lengthy sentences.

(a) In the case of a prisoner sentenced to imprisonment for life, a parole permit may be issued at any time after the prisoner has served not less than ten (10) years imprisonment; provided that:

(1) In the case of a prisoner serving a sentence or sentences of a length making him or her ineligible for a permit in less than ten (10) years, pursuant to §§ 13-8-9 and 13-8-10, the permit may be issued at any time after the prisoner has served not less than ten (10) years imprisonment.

(2) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree murder committed after July 10, 1989, the permit may be issued only after the prisoner has served not less than fifteen (15) years imprisonment.

(3) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree murder committed after June 30, 1995, the permit may be issued only after the prisoner has served not less than twenty (20) years imprisonment; and

(4) In the case of a prisoner sentenced to imprisonment for life for a first- or second-degree murder committed after July 1, 2015, the permit may be issued only after the prisoner has served not less than twenty-five (25) years imprisonment.

(5) In the case of a prisoner sentenced to imprisonment for life for a crime, other than first- or second-degree murder, committed after July 1, 2015, the permit may be issued only after the prisoner has served not less than twenty (20) years imprisonment.

(b) The permit shall be issued only by a unanimous vote of all the attending members of the board; provided that not less than four (4) members are present, and whenever, after the issue of the permit, the prisoner shall be pardoned, then the control of the board over the prisoner shall cease and terminate.
(c)(1) In the case of a prisoner sentenced to imprisonment for life who is convicted of escape or attempted escape from the lawful custody of the warden of the adult correctional institutions, the permit may be issued only after the prisoner has served not less than twenty-five (25) years imprisonment; provided, however, that as to a prisoner who has been sentenced to imprisonment for life for a conviction of first- or second-degree murder, committed after July 1, 2015, and who is convicted thereafter of escape or attempted escape from the lawful custody of the warden of the adult correctional institutions, the permit may be issued only after the prisoner has served not less than thirty-five (35) years imprisonment; and

(2) For each subsequent conviction of escape or attempted escape, an additional five (5) years shall be added to the time required to be served.

(d) In the case of a prisoner sentenced consecutively to more than one life term for crimes occurring after May 7, 1981, the permit may be issued only after the prisoner has served not less than ten (10) years consecutively on each life sentence; provided, in the case of a prisoner sentenced consecutively to more than one life term for crimes occurring after June 30, 1995, the permit may be issued only after the prisoner has served not less than fifteen (15) years consecutively on each life sentence. In the case of a prisoner sentenced consecutively to more than one life term for crimes occurring after July 1, 2015, the permit may be issued only after the prisoner has served not less than twenty (20) years consecutively on each life sentence. In the case of a prisoner sentenced consecutively to more than one life term for crimes, including first- or second-degree murder, occurring after July 1, 2015, the permit may be issued only after the prisoner has served not less than twenty-five (25) years consecutively on each life sentence.

(e) Any person sentenced for any offense committed prior to his or her twenty-second birthday, other than a person serving life without parole, shall be eligible for parole review and a parole permit may be issued after the person has served no fewer than ten (10) years imprisonment unless the person is entitled to earlier parole eligibility pursuant to any other provisions of law. This subsection shall be given prospective and retroactive effect for all offenses occurring on or after January 1, 1991.


The parole board may, by a majority vote of all of its members, revoke, in accordance with the provisions of § 13-8-18.1, any permit issued by it to any prisoner under the provisions of this chapter or revoke any permit issued by another state or jurisdiction where the prisoner is being supervised by the Rhode Island parole board whenever it shall appear to the board that the prisoner has violated any of the terms or conditions of his or her permit or conditions of parole set by an out-of-state jurisdiction, or has during the period of his or her parole violated any state laws.
Whenever it shall come to the knowledge of the board that any prisoner at liberty under a permit issued by this state or another state or jurisdiction has been guilty of a violation of parole related to a new criminal charge, the chairperson shall issue his or her warrant to any officer authorized to serve criminal process to arrest the prisoner and commit him or her to the adult correctional institutions, to be detained until the board shall have an opportunity to determine whether the permit of the prisoner is to be revoked in accordance with the provisions of § 13-8-18.1, or in the case of prisoners granted parole by another state or jurisdiction, and supervised by the Rhode Island parole board, until that state or jurisdiction takes custody of the prisoner. Whenever it shall come to the knowledge of the board that any prisoner at liberty under a permit issued by this state or another state or jurisdiction has been guilty of a technical violation of parole, absent a new criminal charge, the chairperson may, at his or her discretion, issue his or her warrant to any officer authorized to serve criminal process to arrest the prisoner and commit him or her to the adult correctional institutions, to be detained until the board shall have an opportunity to determine whether the permit of the prisoner is to be revoked in accordance with the provisions of § 13-8-18.1, or in the case of prisoners granted parole by another state or jurisdiction, and supervised by the Rhode Island parole board, until that state or jurisdiction takes custody of the prisoner. If the board shall determine that the permit shall not be revoked, then the board shall immediately order the prisoner to be set at liberty under the terms and conditions of his or her original permit.

13-8-18.1. Preliminary parole violation hearing.

(a) As soon as is practicable after a detention for an alleged violation of parole, the parole board shall afford the alleged parole violator a preliminary parole revocation hearing before a hearing officer designated by the board. Such hearing officer shall not have had any prior supervisory involvement over the alleged violator.

(b) The alleged violator shall, within five (5) days of the detention, in Rhode Island be given written notice of the time, place and purpose of the preliminary hearing. The notice shall state the specific conditions of parole that are alleged to have been violated and in what manner. The notice shall also inform the alleged violator of the following rights in connection with the preliminary hearing:

(1) The right to appear and speak in his/her own behalf;

(2) The right to call witnesses and present evidence;

(3) The right to confront and cross-examine the witnesses against him/her, unless the hearing officer finds on the record that a witness may be subjected to risk of harm if his or her identity is revealed; and
The right to retain counsel and, if unable to afford counsel, the right under certain circumstances to the appointment of counsel for the preliminary hearing.

The determination of whether or not the alleged violator is entitled to appointed counsel, if such a request is made, shall be made on the record and in accordance with all relevant statutory and constitutional provisions.

c) The notice form must explain in clear and unambiguous language the procedures established by the parole board concerning an alleged violator’s exercise of the rights denominated in subsection (b), including the mechanism for compelling the attendance of witnesses, the mechanism for obtaining documentary evidence, and the mechanism for requesting the appointment of counsel.

d) The preliminary hearing shall take place no later than ten (10) days after service of notice set forth in subsection (b). A preliminary hearing may be postponed beyond the ten (10) day time limit for good cause at the request of either party, but may not be postponed at the request of the state for more than five (5) additional days. The parole revocation charges shall be dismissed with prejudice if a preliminary hearing is not conducted within the time period established by this paragraph, not including any delay directly attributed to a postponement requested by the alleged violator.

e) If the alleged violator has requested the appointment of counsel at least five (5) days prior to the preliminary hearing, the preliminary hearing may not proceed without counsel present unless the hearing officer finds on the record, in accordance with all relevant statutory and constitutional provisions, that the alleged violator is not entitled to appointed counsel. If the alleged violator is found to have been entitled to counsel and no such counsel has been appointed, the parole violation charges must be dismissed with prejudice. If the request for counsel was made four (4) or fewer days in advance of the preliminary hearing, the time limit within which the preliminary hearing must be held may be extended up to five (5) additional days.

f) The standard of proof at the preliminary hearing shall be probable cause to believe that the alleged violator has violated one or more conditions of his or her parole and that the violation or violations were not de minimus in nature. Proof of conviction of a crime committed subsequent to release on parole shall constitute probable cause for the purposes of the preliminary hearing.

g) At the preliminary hearing, the hearing officer shall review the violation charges with the alleged violator, direct the presentation of the evidence concerning the alleged violation, receive the statements of the witnesses and documentary evidence, and allow cross-examination of those witnesses in attendance. All proceedings shall be recorded and preserved.
(h) At the conclusion of the preliminary hearing, the hearing officer shall inform the alleged violator of his or her decision as to whether there is probable cause to believe that the alleged violator has violated one or more conditions of his or her parole and, if so, whether the violation or violations were de minimus in nature. Those determinations shall be based solely on the evidence adduced at the preliminary hearing. The hearing officer shall state in writing the reasons for his or her determinations and the evidence relied upon for those determinations. A copy of the written findings shall be sent to the alleged violator, and his or her counsel if applicable, within fourteen (14) days of the preliminary hearing.

(i) If the hearing officer finds that there is no probable cause to believe that the alleged violator has violated one or more conditions of his or her parole or that the violation or violations, if any, were de minimus in nature, the parole chairperson shall rescind the detention warrant and direct that the alleged violator, unless in custody for other reasons, be released and restored to parole supervision.

(j) If the hearing officer finds that there is probable cause to believe that the alleged violator has violated one or more conditions of his or her parole and that the violation or violations were not de minimus in nature, the alleged violator shall be held for a final parole revocation hearing. A final parole revocation hearing must be held as soon as is practicable, but in no event more than ninety (90) days after the conclusion of the preliminary hearing.

(k) An alleged violator may waive his or her right to a preliminary hearing. Such a waiver must be in written form. In the event of such a written waiver, a final parole revocation hearing must be held as soon as is practicable, but in no event more than ninety (90) days after the right to a preliminary hearing is waived. Notwithstanding the above, a final parole revocation hearing may be continued by the alleged violator beyond the ninety (90) day time period. For parole violations not involving a new criminal offense, an alleged violator may waive his or her right to a final parole revocation hearing, where there is no dispute as to the alleged violation and the parolee charged with such violation(s) freely admits to the violation and accepts the appropriate sanction imposed by the parole board.


13-8.1-1. Short title. This chapter shall be known as the "Medical and Geriatric Parole Act".

13-8.1-2. Purpose. (a) Medical parole is made available for humanitarian reasons and to alleviate exorbitant medical expenses associated with inmates whose chronic and incurable illness render their
incarceration non-punitive and non-rehabilitative. Notwithstanding other statutory or administrative provisions to the contrary, all prisoners except those serving life without parole shall at any time after they begin serving their sentences be eligible for medical parole consideration, regardless of the crime committed or the sentence imposed.

(b) Geriatric parole is made available for humanitarian reasons and to alleviate exorbitant expenses associated with the cost of aging, for inmates whose advanced age reduces the risk that they pose to the public safety. Notwithstanding other statutory or administrative provisions to the contrary, all prisoners except those serving life without parole shall be eligible for geriatric parole consideration upon meeting the criteria set forth below, regardless of the crime committed or the sentence imposed.


(a) "Permanently physically incapacitated" means suffering from a physical condition caused by injury, disease, illness, or cognitive insult such as dementia or persistent vegetative state, which, to a reasonable degree of medical certainty, permanently and irreversibly physically incapacitates the individual to the extent that the individual needs help with most of the activities that are necessary for independence such as feeding, toileting, dressing, and bathing and transferring, or no significant physical activity is possible, and the individual is confined to bed or a wheelchair or suffering from an incurable, progressive condition that substantially diminishes the individual’s capacity to function in a correctional setting.

(b) “Cognitively incapacitated” means suffering from a cognitive condition such as dementia which greatly impairs activities that are necessary for independence such as feeding, toileting, dressing, and bathing and renders their incarceration non-punitive and non-rehabilitative.

(c) “Terminally ill” means suffering from a condition caused by injury (except self-inflicted injury), disease, or illness which, to a reasonable degree of medical certainty, is a life-limiting diagnosis that will lead to profound functional, cognitive and/or physical decline, and likely will result in death within eighteen (18) months.

(d) “Severely ill” means suffering from a significant and permanent or chronic physical and/or mental condition that: (1) Requires extensive medical and/or psychiatric treatment with little to no possibility of recovery; and (2) Precludes significant rehabilitation from further incarceration.

(e) “Aging prisoner” means an individual who is sixty-five (65) years of age or older and suffers from functional impairment, infirmity, or illness.

(a) The parole board is authorized to grant medical parole release of a prisoner, except a prisoner serving life without parole, at any time, who is determined to be terminally ill, severely ill, or permanently physically or cognitively incapacitated within the meaning of § 13-8.1-3(a) -

(d) Inmates who are severely ill will only be considered for such release when their treatment causes the state to incur exorbitant expenses as a result of continued and frequent medical treatment during their incarceration, as determined by the office of financial resources of the department of corrections.

(b) The parole board is authorized to grant geriatric parole release of a prisoner, except a prisoner serving life without parole, who is an aging prisoner within the meaning of § 13-8.1-3(e) or under medical parole as outlined by § 13-8.1-2.

(c) In order to apply for this relief, the prisoner or his or her family member or friend, with an attending physician's written approval, or an attending physician, on behalf of the prisoner, shall file an application with the director of the department of corrections. Within seventy-two (72) hours after the filing of any application, the director shall refer the application to the health service unit of the department of corrections for a medical report and a medical or geriatric discharge plan to be completed within ten (10) days. Upon receipt of the medical discharge plan, the director of the department of corrections shall immediately transfer the medical discharge plan, together with the application, to the parole board for its consideration and decision.

(d) The report shall contain, at a minimum, the following information:

(1) Diagnosis of the prisoner's medical conditions, including related medical history;
(2) Detailed description of the conditions and treatments;
(3) Prognosis, including life expectancy, likelihood of recovery, likelihood of improvement, mobility and trajectory and rate of debilitation;
(4) Degree of incapacity or disability, including an assessment of whether the prisoner is ambulatory, capable of engaging in any substantial physical activity, ability to independently provide for their daily life activities, and the extent of that activity;
(5) An opinion from the medical director as to whether the person is terminally ill, and if so, the stage of the illness, or whether the person is permanently physically or cognitively incapacitated, or severely ill, or an aging prisoner. If the medical director's opinion is that the person is not terminally ill, permanently, physically or cognitively incapacitated, or severely ill, or an aging prisoner as defined in § 13-8.1-3, the petition for medical or geriatric parole shall not be forwarded to the parole board.
(6) In the case of a severely ill inmate, the report shall also contain a determination from the office of financial resources that the inmate's illness causes the state to incur exorbitant expenses as a result of continued and frequent medical treatment during incarceration.

(6)(e) When the director of corrections refers a prisoner to the parole board for medical or geriatric parole, the director shall provide to the parole board a medical or geriatric discharge plan that is acceptable to the parole board.

(6)(f) The department of corrections and the parole board shall jointly develop standards for the medical or geriatric discharge plan that are appropriately adapted to the criminal justice setting. The discharge plan should ensure at the minimum that:

(1) An appropriate placement for the prisoner has been secured, including, but not limited to: a hospital, nursing facility, hospice, or family home;

(2) A referral has been made for the prisoner to secure a source for payment of the prisoner's medical expenses;

(3) A parole officer has been assigned to periodically obtain updates on the prisoner's medical condition to report back to the board.

(6)(g) If the parole board finds from the credible medical evidence that the prisoner is terminally ill, permanently physically or cognitively incapacitated, or severely ill, or an aging prisoner, the board shall grant release to the prisoner but only after the board also considers whether, in light of the prisoner's medical condition, there is a reasonable probability that the prisoner, if released, will live and remain at liberty without violating the law, and that the release is compatible with the welfare of society and will not so depreciate the seriousness of the crime as to undermine respect for the law. Notwithstanding any other provision of law, medical or geriatric release may be granted any time during the term of a prisoner's sentence.

(6)(h) There shall be a presumption that the opinion of the physician and/or medical director will be accepted. However, the applicant, the physician, the director, or the parole board may request an independent medical evaluation within seven (7) days after the physician's and/or medical director's report is presented. The evaluation shall be completed and a report, containing the information required by subsection (6)(c) of this section, filed with the director and the parole board, and a copy sent to the applicant within fourteen (14) days from the date of the request.

(6)(i) Within seven (7) days of receiving the application, the medical or geriatric report and the discharge plan, the parole board shall determine whether the application, on its face, demonstrates that relief may be warranted. If the face of the application clearly demonstrates that relief is unwarranted, the board may deny the application without a hearing or further proceedings, and within seven (7) days shall notify the prisoner in writing of its decision to deny the application,
setting forth its factual findings and a brief statement of the reasons for denying release without a hearing. Denial of release does not preclude the prisoner from reapplying for medical or geriatric parole after the expiration of sixty (60) days. A reapplication under this section must demonstrate a material change in circumstances.

**(i)** Upon receipt of the application from the director of the department of corrections the parole board shall, except as provided in subsection (j) of this section, set the case for a hearing within thirty (30) days;

**(j)** Notice of the hearing shall be sent to the prosecutor and the victim(s), if any, of the offense(s) for which the prisoner is incarcerated, and the prosecutor and the victim(s) shall have the right to be heard at the hearing, or in writing, or both;

**(k)** At the hearing, the prisoner shall be entitled to be represented by an attorney or by the public defender if qualified or other representative.

**(l)** Within seven (7) days of the hearing, the parole board shall issue a written decision granting or denying medical or geriatric parole and explaining the reasons for the decision. If the board determines that medical or geriatric parole is warranted, it shall impose conditions of release, that shall include the following:

**(1)** Periodic medical examinations;

**(2)** Periodic reporting to a parole officer, and the reporting interval;

**(3)** Any other terms or conditions that the board deems necessary; and

**(4)** In the case of a prisoner who is medically paroled due to being severely ill, the parole board shall require electronic monitoring as a condition of the medical parole, unless the health care plan mandates placement in a medical facility that cannot accommodate the electronic monitoring.

**(m)** If after release the releasee's condition or circumstances change so that he or she would not then be eligible for medical or geriatric parole, the parole board may order him or her returned to custody to await a hearing to determine whether his or her release should be revoked. A release may also be revoked for violation of conditions otherwise applicable to parole.

**(n)** An annual report shall be prepared by the director of corrections for the parole board and the general assembly. The report shall include:

**(1)** The number of inmates who have applied for medical or geriatric parole;

**(2)** The number of inmates who have been granted medical or geriatric parole;

**(3)** The nature of the illness, cognitive condition, functional impairment, and/or infirmity of the applicants, and the nature of the placement pursuant to the medical discharge plan;

**(4)** The categories of reasons for denial for those who have been denied;
(5) The number of releasees on medical or geriatric parole who have been returned to the custody of the department of corrections and the reasons for return.

(6) The number of inmates who meet the statutory definition of “aging prisoner” and would be potentially-eligible for geriatric parole.

(n) An annual educational seminar will be offered by the department of corrections healthcare services unit to the parole board and community stakeholders on aging and infirmity in prison and special considerations that should be applied to aging prisoners and prisoners with severe or terminal illnesses during parole consideration.

SECTION 5. Section 40-5.2-8, 40-5.2-10, 40-5.2-20 and 40-5.2-33 of the General Laws in Chapter 40-5.2 entitled “The Rhode Island Works Program” are hereby amended to read as follows:

40-5.2-8, Definitions.

As used in this chapter, the following terms having the meanings set forth herein, unless the context in which such terms are used clearly indicates to the contrary:

(1) “Applicant” means a person who has filed a written application for assistance for herself/himself and her/his dependent child(ren). An applicant may be a parent or non-parent caretaker relative.

(2) "Assistance" means cash and any other benefits provided pursuant to this chapter.

(3) “Assistance unit” means the assistance-filing unit consisting of the group of persons, including the dependent child(ren), living together in a single household who must be included in the application for assistance and in the assistance payment if eligibility is established. An assistance unit may be the same as a family.

(4) "Benefits" shall mean assistance received pursuant to this chapter.

(5) "Community service programs” means structured programs and activities in which cash assistance recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. Community service programs are designed to improve the employability of recipients not otherwise able to obtain paid employment.

(6) "Department” means the department of human services.

(7) "Dependent child” means an individual, other than an individual with respect to whom foster care maintenance payments are made, who is: (A) under the age of eighteen (18); or (B) under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent level of vocational or educational training), if before he or she attains age nineteen (19), he or she may reasonably be expected to complete the program of such secondary school (or such training).

(8) "Director” means the director of the department of human services.
(9) "Earned income" means income in cash or the equivalent received by a person through the receipt of wages, salary, commissions, or profit from activities in which the person is self-employed or as an employee and before any deductions for taxes.

(10) "Earned income tax credit" means the credit against federal personal income tax liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section, the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26 U.S.C. § 3507 [repealed], or any successor section and any refund received as a result of the earned income tax credit, as well as any refundable state earned income tax credit.

(11) "Education directly related to employment" means education, in the case of a participant who has not received a high school diploma or a certificate of high school equivalency, related to a specific occupation, job, or job offer.

(12) "Family" means: (A) a pregnant woman from and including the seventh month of her pregnancy; or (B) a child and the following eligible persons living in the same household as the child: (C) each biological, adoptive or stepparent of the child, or in the absence of a parent, any adult relative who is responsible, in fact, for the care of such child; and (D) the child's minor siblings (whether of the whole or half blood); provided, however, that the term "family" shall not include any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq. A family may be the same as the assistance unit.

(13) "Gross earnings" means earnings from employment and self-employment further described in the department of human services rules and regulations.

(14) "Individual employment plan" means a written, individualized plan for employment developed jointly by the applicant and the department of human services that specifies the steps the participant shall take toward long-term economic independence developed in accordance with § 40-5.2-10(e). A participant must comply with the terms of the individual employment plan as a condition of eligibility in accordance with § 40-5.2-10(e).

(15) "Job search and job readiness" means the mandatory act of seeking or obtaining employment by the participant, or the preparation to seek or obtain employment.

In accord with federal requirements, job search activities must be supervised by the department of labor and training and must be reported to the department of human services in accordance with TANF work verification requirements.

Except in the context of rehabilitation employment plans, and special services provided by the department of children, youth and families, job-search and job-readiness activities are limited to four (4) consecutive weeks, or for a total of six (6) weeks in a twelve-month (12) period, with limited exceptions as defined by the department. The department of human services, in consultation
with the department of labor and training, shall extend job-search, and job-readiness assistance for up to twelve (12) weeks in a fiscal year if a state has an unemployment rate at least fifty percent (50%) greater than the United States unemployment rate if the state meets the definition of a "needy state" under the contingency fund provisions of federal law.

Preparation to seek employment, or job readiness, may include, but may not be limited to, the participant obtaining life-skills training, homelessness services, domestic violence services, special services for families provided by the department of children youth and families, substance abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who are otherwise employable. The services, treatment, or therapy must be determined to be necessary and certified by a qualified medical or mental health professional. Intensive work-readiness services may include work-based literacy, numeracy, hands-on training, work experience, and case management services. Nothing in this section shall be interpreted to mean that the department of labor and training shall be the sole provider of job-readiness activities described herein.

(16) "Job skills training directly related to employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. Job skills training directly related to employment must be supervised on an ongoing basis.

(17) "Minor parent" means a parent under the age of eighteen (18). A minor parent may be an applicant or recipient with his or her dependent child(ren) in his/her own case or a member of an assistance unit with his or her dependent child(ren) in a case established by the minor parent's parent.

(18) "Net income" means the total gross income of the assistance unit less allowable disregards and deductions as described in § 40-5.2-10(g).

(19) "On-the-job-training" means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job. On-the-job training must be supervised by an employer, work-site sponsor, or other designee of the department of human services on an ongoing basis.

(20) "Participant" means a person who has been found eligible for assistance in accordance with this chapter and who must comply with all requirements of this chapter, and has entered into an individual employment plan. A participant may be a parent or non-parent caretaker relative included in the cash assistance payment.

(21) "Recipient" means a person who has been found eligible and receives cash assistance in accordance with this chapter.
(22) “Relative” means a parent, stepparent, grandparent, great-grandparent, great-great-grandparent, aunt, great-aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister, brother, stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great-niece, great-great niece, nephew, great-nephew, or great-great nephew.

(23) “Resident” means a person who maintains residence by his or her continuous physical presence in the state.

(24) “Self-employment income” means the total profit from a business enterprise, farming, etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses directly related to producing the goods or services and without which the goods or services could not be produced. However, items such as depreciation, personal business and entertainment expenses, and personal transportation are not considered business expenses for the purposes of determining eligibility for cash assistance in accordance with this chapter.

(25) “State” means the State of Rhode Island and Providence Plantations.

(26) “Subsidized employment” means employment in the private or public sectors for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing a recipient. It includes work in which all or a portion of the wages paid to the recipient are provided to the employer either as a reimbursement for the extra costs of training or as an incentive to hire the recipient, including, but not limited to, grant diversion.

(27) “Subsidized housing” means housing for a family whose rent is restricted to a percentage of its income.

(28) “Unsubsidized employment” means full- or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.

(29) “Vocational educational training” means organized educational programs, not to exceed twelve (12) months with respect to any participant, that are directly related to the preparation of participants for employment in current or emerging occupations. Vocational educational training must be supervised.

(30) “Work activities” mean the specific work requirements that must be defined in the individual employment plan and must be complied with by the participant as a condition of eligibility for the receipt of cash assistance for single and two-family (2) households outlined in § 40-5.2-12 of this chapter.

(31) “Work experience” means a work activity that provides a participant with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment. The purpose of work experience is to improve the employability of those who cannot
find unsubsidized employment. An employer, work site sponsor, and/or other appropriate designee of the department must supervise this activity.

(32) "Work supplementation," also known as "grant diversion," means the use of all or a portion of a participant's cash assistance grant and food stamp grant as a wage supplement to an employer. The supplement shall be limited to a maximum period of twelve (12) months. An employer must agree to continue the employment of the participant as part of the regular work force, beyond the supplement period, if the participant demonstrates satisfactory performance.

40-5.2-10. Necessary requirements and conditions.

The following requirements and conditions shall be necessary to establish eligibility for the program.

(a) Citizenship, alienage, and residency requirements.

(1) A person shall be a resident of the State of Rhode Island.

(2) Effective October 1, 2008, a person shall be a United States citizen, or shall meet the alienage requirements established in § 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section may hereafter be amended [8 U.S.C. § 1612]; a person who is not a United States citizen and does not meet the alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in accordance with this chapter.

(b) The family/assistance unit must meet any other requirements established by the department of human services by rules and regulations adopted pursuant to the Administrative Procedures Act, as necessary to promote the purpose and goals of this chapter.

(c) Receipt of cash assistance is conditional upon compliance with all program requirements.

(d) All individuals domiciled in this state shall be exempt from the application of subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any individual ineligible for certain state and federal assistance if that individual has been convicted under federal or state law of any offense that is classified as a felony by the law of the jurisdiction and that has as an element the possession, use, or distribution of a controlled substance as defined in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

(e) Individual employment plan as a condition of eligibility.

(1) Following receipt of an application, the department of human services shall assess the financial conditions of the family, including the non-parent caretaker relative who is applying for cash assistance for himself or herself as well as for the minor child(ren), in the context of an
eligibility determination. If a parent or non-parent caretaker relative is unemployed or under-
employed, the department shall conduct an initial assessment, taking into account: (A) The physical
capacity, skills, education, work experience, health, safety, family responsibilities and place of
residence of the individual; and (B) The child care and supportive services required by the applicant
to avail himself or herself of employment opportunities and/or work readiness programs.

(2) On the basis of this assessment, the department of human services and the department
of labor and training, as appropriate, in consultation with the applicant, shall develop an individual
employment plan for the family which requires the individual to participate in the intensive
employment services. Intensive employment services shall be defined as the work requirement
activities in § 40-5.2-12(g) and (i).

(3) The director, or his or her designee, may assign a case manager to an
applicant/participant, as appropriate.

(4) The department of labor and training and the department of human services in
conjunction with the participant shall develop a revised individual employment plan that shall
identify employment objectives, taking into consideration factors above, and shall include a
strategy for immediate employment and for preparing for, finding, and retaining employment
consistent, to the extent practicable, with the individual's career objectives.

(5) The individual employment plan must include the provision for the participant to
engage in work requirements as outlined in § 40-5.2-12.

(6)(i) The participant shall attend and participate immediately in intensive assessment and
employment services as the first step in the individual employment plan, unless temporarily exempt
from this requirement in accordance with this chapter. Intensive assessment and employment
services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

(ii) Parents under age twenty (20) without a high school diploma or general equivalency
diploma (GED) shall be referred to special teen parent programs which will provide intensive
services designed to assist teen parents to complete high school education or GED, and to continue
approved work plan activities in accord with Rhode Island works program requirements.

(7) The applicant shall become a participant in accordance with this chapter at the time the
individual employment plan is signed and entered into.

(8) Applicants and participants of the Rhode Island works program shall agree to comply
with the terms of the individual employment plan, and shall cooperate fully with the steps
established in the individual employment plan, including the work requirements.

(9) The department of human services has the authority under the chapter to require
attendance by the applicant/participant, either at the department of human services or at the
department of labor and training, at appointments deemed necessary for the purpose of having the
applicant enter into and become eligible for assistance through the Rhode Island works program.
The appointments include, but are not limited to, the initial interview, orientation and assessment;
job readiness and job search. Attendance is required as a condition of eligibility for cash assistance
in accordance with rules and regulations established by the department.

(10) As a condition of eligibility for assistance pursuant to this chapter, the
applicant/participant shall be obligated to keep appointments, attend orientation meetings at the
department of human services and/or the Rhode Island department of labor and training; participate
in any initial assessments or appraisals; and comply with all the terms of the individual employment
plan in accordance with department of human services rules and regulations.

(11) A participant, including a parent or non-parent caretaker relative included in the cash
assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause as
defined in this chapter or the department's rules and regulations.

(12) A participant who voluntarily quits or refuses a job without good cause, as defined in
§ 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall be sanctioned
in accordance with rules and regulations promulgated by the department.

(f) Resources.

(1) The family or assistance unit's countable resources shall be less than the allowable
resource limit established by the department in accordance with this chapter.

(2) No family or assistance unit shall be eligible for assistance payments if the combined
value of its available resources (reduced by any obligations or debts with respect to such resources)
exceeds one thousand dollars ($1,000).

(3) For purposes of this subsection, the following shall not be counted as resources of the
family/assistance unit in the determination of eligibility for the works program:

(i) The home owned and occupied by a child, parent, relative or other individual;

(ii) Real property owned by a husband and wife as tenants by the entirety, if the property
is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
the property;

(iii) Real property that the family is making a good faith effort to dispose of, however, any
cash assistance payable to the family for any such period shall be conditioned upon such disposal
of the real property within six (6) months of the date of application and any payments of assistance
for that period shall (at the time of disposal) be considered overpayments to the extent that they
would not have occurred at the beginning of the period for which the payments were made. All
overpayments are debts subject to recovery in accordance with the provisions of the chapter;
(iv) Income-producing property other than real estate including, but not limited to, equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or services that the department determines are necessary for the family to earn a living;

(v) One vehicle for each adult household member, but not to exceed two (2) vehicles per household, and in addition, a vehicle used primarily for income producing purposes such as, but not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle that annually produces income consistent with its fair market value, even if only used on a seasonal basis; a vehicle necessary to transport a family member with a disability where the vehicle is specially equipped to meet the specific needs of the person with a disability or if the vehicle is a special type of vehicle that makes it possible to transport the person with a disability;

(vi) Household furnishings and appliances, clothing, personal effects, and keepsakes of limited value;

(vii) Burial plots (one for each child, relative, and other individual in the assistance unit) and funeral arrangements;

(viii) For the month of receipt and the following month, any refund of federal income taxes made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating to earned income tax credit), and any payment made to the family by an employer under § 3507 of the Internal Revenue Code of 1986, 26 U.S.C. § 3507 [repealed] (relating to advance payment of such earned income credit);

(ix) The resources of any family member receiving supplementary security income assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

(g) Income.

(1) Except as otherwise provided for herein, in determining eligibility for and the amount of cash assistance to which a family is entitled under this chapter, the income of a family includes all of the money, goods, and services received or actually available to any member of the family.

(2) In determining the eligibility for and the amount of cash assistance to which a family/assistance unit is entitled under this chapter, income in any month shall not include the first one hundred seventy dollars ($170) of gross earnings plus fifty percent (50%) of the gross earnings of the family in excess of one hundred seventy dollars ($170) earned during the month.

(3) The income of a family shall not include:

(i) The first fifty dollars ($50.00) in child support received in any month from each non-custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars ($50.00) per month multiplied by the number of months in which the support has been in arrears) that are paid in any month by a non-custodial parent of a child;
(ii) Earned income of any child;

(iii) Income received by a family member who is receiving supplemental security income (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;

(iv) The value of assistance provided by state or federal government or private agencies to meet nutritional needs, including: value of USDA donated foods; value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended and the special food service program for children under Title VII, nutrition program for the elderly, of the Older Americans Act of 1965 as amended, and the value of food stamps;

(v) Value of certain assistance provided to undergraduate students, including any grant or loan for an undergraduate student for educational purposes made or insured under any loan program administered by the United States Commissioner of Education (or the Rhode Island council on postsecondary education or the Rhode Island division of higher education assistance);

(vi) Foster care payments;

(vii) Home energy assistance funded by state or federal government or by a nonprofit organization;

(viii) Payments for supportive services or reimbursement of out-of-pocket expenses made to foster grandparents, senior health aides or senior companions and to persons serving in SCORE and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 5000 et seq.;

(ix) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules and regulations;

(x) Certain payments to native Americans; payments distributed per capita to, or held in trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134, 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17, 1975;

(xi) Refund from the federal and state earned income tax credit;

(xii) The value of any state, local, or federal government rent or housing subsidy, provided that this exclusion shall not limit the reduction in benefits provided for in the payment standard section of this chapter.

(xiii) The earned income of any adult family member who gains employment while an active RI Works household member. Such income is excluded for the first six (6) months of employment in which the income is earned, or until the household’s total gross income exceeds
one hundred and eighty five (185) percent of the federal poverty level, unless the household reaches its forty-eight (48) month time limit first.

(4) The receipt of a lump sum of income shall affect participants for cash assistance in accordance with rules and regulations promulgated by the department.

(h) Time limit on the receipt of cash assistance.

(1) On or after January 1, 2020, no cash assistance shall be provided, pursuant to this chapter, to a family or assistance unit that includes an adult member who has received cash assistance for a total of forty-eight (48) months (whether or not consecutive), to include any time receiving any type of cash assistance in any other state or territory of the United States of America as defined herein. Provided further, in no circumstances other than provided for in subsection (h)(3) with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to a family or assistance unit which includes an adult member who has received cash assistance for a total of a lifetime limit of forty-eight (48) months.

(2) Cash benefits received by a minor dependent child shall not be counted toward their lifetime time limit for receiving benefits under this chapter should that minor child apply for cash benefits as an adult.

(3) Certain minor children not subject to time limit. This section regarding the lifetime time limit for the receipt of cash assistance, shall not apply only in the instances of a minor child(ren) living with a parent who receives SSI benefits and a minor child(ren) living with a responsible adult non-parent caretaker relative who is not in the cash assistance payment.

(4) Receipt of family cash assistance in any other state or territory of the United States of America shall be determined by the department of human services and shall include family cash assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds [Title IV-A of the Federal Social Security Act 42 U.S.C. § 601 et seq.] and/or family cash assistance provided under a program similar to the Rhode Island families work and opportunity program or the federal TANF program.

(5)(i) The department of human services shall mail a notice to each assistance unit when the assistance unit has six (6) months of cash assistance remaining and each month thereafter until the time limit has expired. The notice must be developed by the department of human services and must contain information about the lifetime time limit, the number of months the participant has remaining, the hardship extension policy, the availability of a post-employment-and-closure bonus, and any other information pertinent to a family or an assistance unit nearing the forty-eight-month (48) lifetime time limit.
(ii) For applicants who have less than six (6) months remaining in the forty-eight-month (48) lifetime time limit because the family or assistance unit previously received cash assistance in Rhode Island or in another state, the department shall notify the applicant of the number of months remaining when the application is approved and begin the process required in subsection (h)(5)(i).

(6) If a cash assistance recipient family was closed pursuant to Rhode Island's Temporary Assistance for Needy Families Program (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family independence program, more specifically under § 40-5.1-9(2)(c) [repealed], due to sanction because of failure to comply with the cash assistance program requirements; and that recipient family received forty-eight (48) months of cash benefits in accordance with the family independence program, then that recipient family is not able to receive further cash assistance for his/her family, under this chapter, except under hardship exceptions.

(7) The months of state or federally funded cash assistance received by a recipient family since May 1, 1997, under Rhode Island's Temporary Assistance for Needy Families Program (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family independence program, shall be countable toward the time limited cash assistance described in this chapter.

(i) Time limit on the receipt of cash assistance.

(1) No cash assistance shall be provided, pursuant to this chapter, to a family assistance unit in which an adult member has received cash assistance for a total of sixty (60) months (whether or not consecutive) to include any time receiving any type of cash assistance in any other state or territory of the United States as defined herein effective August 1, 2008. Provided further, that no cash assistance shall be provided to a family in which an adult member has received assistance for twenty-four (24) consecutive months unless the adult member has a rehabilitation employment plan as provided in § 40-5.2-12(g)(5).

(2) Effective August 1, 2008, no cash assistance shall be provided pursuant to this chapter to a family in which a child has received cash assistance for a total of sixty (60) months (whether or not consecutive) if the parent is ineligible for assistance under this chapter pursuant to subdivision 40-5.2(a) (2) to include any time they received any type of cash assistance in any other state or territory of the United States as defined herein.

(j) Hardship exceptions.

(1) The department may extend an assistance unit's or family's cash assistance beyond the time limit, by reason of hardship; provided, however, that the number of families to be exempted by the department with respect to their time limit under this subsection shall not exceed twenty
percent (20%) of the average monthly number of families to which assistance is provided for under
this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by
federal law, any waiver granted under § 40-5.2-35, for domestic violence, shall not be counted in
determining the twenty percent (20%) maximum under this section.

(2) Parents who receive extensions to the time limit due to hardship must have and comply
with employment plans designed to remove or ameliorate the conditions that warranted the
extension.

(k) Parents under eighteen (18) years of age.

(1) A family consisting of a parent who is under the age of eighteen (18), and who has
never been married, and who has a child; or a family consisting of a woman under the age of
eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if
the family resides in the home of an adult parent, legal guardian, or other adult relative. The
assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of
the individual and child unless otherwise authorized by the department.

(2) This subsection shall not apply if the minor parent or pregnant minor has no parent,
legal guardian, or other adult relative who is living and/or whose whereabouts are unknown; or the
department determines that the physical or emotional health or safety of the minor parent, or his or
her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same
residence as his or her parent, legal guardian, or other adult relative (refusal of a parent, legal
guardian or other adult relative to allow the minor parent or his or her child, or a pregnant minor,
to live in his or her home shall constitute a presumption that the health or safety would be so
jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent or
legal guardian for a period of at least one year before either the birth of any child to a minor parent
or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental
regulations, for waiving the subsection; and the individual resides in a supervised supportive living
arrangement to the extent available.

(3) For purposes of this section, "supervised supportive-living arrangement" means an
arrangement that requires minor parents to enroll and make satisfactory progress in a program
leading to a high school diploma or a general education development certificate, and requires minor
parents to participate in the adolescent parenting program designated by the department, to the
extent the program is available; and provides rules and regulations that ensure regular adult
supervision.
(l) Assignment and cooperation. As a condition of eligibility for cash and medical assistance under this chapter, each adult member, parent, or caretaker relative of the family/assistance unit must:

(1) Assign to the state any rights to support for children within the family from any person that the family member has at the time the assignment is executed or may have while receiving assistance under this chapter;

(2) Consent to and cooperate with the state in establishing the paternity and in establishing and/or enforcing child support and medical support orders for all children in the family or assistance unit in accordance with title 15 of the general laws, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.

(3) Absent good cause, as defined by the department of human services through the rule-making process, for refusing to comply with the requirements of (l)(1) and (l)(2), cash assistance to the family shall be reduced by twenty-five percent (25%) until the adult member of the family who has refused to comply with the requirements of this subsection consents to and cooperates with the state in accordance with the requirements of this subsection.

(4) As a condition of eligibility for cash and medical assistance under this chapter, each adult member, parent, or caretaker relative of the family/assistance unit must consent to and cooperate with the state in identifying and providing information to assist the state in pursuing any third-party who may be liable to pay for care and services under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.

40-5.2-20. Childcare assistance - Families or assistance units eligible.

(a) The department shall provide appropriate child care to every participant who is eligible for cash assistance and who requires child care in order to meet the work requirements in accordance with this chapter.

(b) Low-income child care. The department shall provide child care to all other working families with incomes at or below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, these other families require child care in order to work at paid employment as defined in the department's rules and regulations. Beginning October 1, 2013, the department shall also provide child care to families with incomes below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, these families require child care to participate on a short-term basis, as defined in the department's rules and regulations, in training, apprenticeship, internship, on-the-job training, work experience, work immersion, or other job-readiness/job-attachment program sponsored or funded by the human resource investment council (governor's workforce board) or state agencies that are part of the coordinated program system pursuant to §
Effective from January 1, 2021 through June 30, 2022, the department shall also provide child care assistance to families with incomes below one hundred eighty percent (180%) of the federal poverty level when such assistance is necessary for a member of these families to enroll or maintain enrollment in a Rhode Island public institution of higher education provided that eligibility to receive funding is capped when expenditures reach $200,000 for this provision.

c) No family/assistance unit shall be eligible for childcare assistance under this chapter if the combined value of its liquid resources exceeds one million dollars ($1,000,000), which corresponds to the amount permitted by the federal government under the state plan and set forth in the administrative rulemaking process by the department. Liquid resources are defined as any interest(s) in property in the form of cash or other financial instruments or accounts that are readily convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit union, or other financial institution savings, checking, and money market accounts; certificates of deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments or accounts. These do not include educational savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse.

The department is authorized to promulgate rules and regulations to determine the ownership and source of the funds in the joint account.

d) As a condition of eligibility for childcare assistance under this chapter, the parent or caretaker relative of the family must consent to, and must cooperate with, the department in establishing paternity, and in establishing and/or enforcing child support and medical support orders for any children in the family receiving appropriate child care under this section in accordance with the applicable sections of title 15 of the state's general laws, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.

e) For purposes of this section, "appropriate child care" means child care, including infant, toddler, pre-school, nursery school, and school-age, that is provided by a person or organization qualified, approved, and authorized to provide the care by the state agency or agencies designated to make the determinations in accordance with the provisions set forth herein.

(f)(1) Families with incomes below one hundred percent (100%) of the applicable federal poverty level guidelines shall be provided with free child care. Families with incomes greater than one hundred percent (100%) and less than one hundred eighty percent (180%) of the applicable federal poverty guideline shall be required to pay for some portion of the child care they receive, according to a sliding-fee scale adopted by the department in the department's rules.
(2) Families who are receiving childcare assistance and who become ineligible for childcare assistance as a result of their incomes exceeding one hundred eighty percent (180%) of the applicable federal poverty guidelines shall continue to be eligible for childcare assistance until their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty guidelines. To be eligible, the families must continue to pay for some portion of the child care they receive, as indicated in a sliding-fee scale adopted in the department's rules and in accordance with all other eligibility standards.

(g) In determining the type of child care to be provided to a family, the department shall take into account the cost of available childcare options; the suitability of the type of care available for the child; and the parent's preference as to the type of child care.

(h) For purposes of this section, “income” for families receiving cash assistance under § 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and unearned income as determined by departmental regulations.

(i) The caseload estimating conference established by chapter 17 of title 35 shall forecast the expenditures for child care in accordance with the provisions of § 35-17-1.

(j) In determining eligibility for childcare assistance for children of members of reserve components called to active duty during a time of conflict, the department shall freeze the family composition and the family income of the reserve component member as it was in the month prior to the month of leaving for active duty. This shall continue until the individual is officially discharged from active duty.

40-5.2-33. School-age children.

Subject to general assembly appropriation, one (1) month each year, each dependent school-age child as defined by the department of human services who lives in a family receiving cash assistance under this chapter in that month shall be given a supplementary payment of no less than one hundred dollars ($100) for the purchase of clothing in accordance with Title IV-A of the Social Security Act, 42 U.S.C. § 601 et seq.

SECTION 6. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled “Child Care – State Subsidies” is hereby amended to read as follows:

40-6.2-1.1. Rates Established.

(a) Through June 30, 2015-2022, subject to the payment limitations in subsection (e), the minimum base reimbursement rates paid to licensed childcare centers for the childcare of infant/toddlers, preschool aged, and school aged children by the departments of human services, and children, youth and families is based on the schedule of the 25th percentile of the 2018 weekly
market rates as set forth in the chart herein. In addition, the maximum rates paid to these centers by both departments for childcare for infant/toddler and preschool aged children is implemented in a tiered manner that reflects the quality rating a center has achieved in accordance with the system established in § 42-12-23.1, and is based on the 75th percentile of the 2018 weekly market rates, as is also indicated in said chart below: the maximum reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers and licensed family childcare providers shall be based on the following schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average of the 75th percentile of the 2002 and the 2004 weekly market rates:

<table>
<thead>
<tr>
<th>Licensed Childcare Centers</th>
<th>Tier 1</th>
<th>Tier 2</th>
<th>Tier 3</th>
<th>Tier 4</th>
<th>Tier 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infant/Toddler</td>
<td>$222.38</td>
<td>$227.65</td>
<td>$239.96</td>
<td>$248.75</td>
<td>$257.54</td>
</tr>
<tr>
<td>Pre-School Age</td>
<td>$187.50</td>
<td>$193.88</td>
<td>$208.76</td>
<td>$219.38</td>
<td>$230.00</td>
</tr>
</tbody>
</table>

*Percentile of Weekly Market Rate Based on 2018 Survey

The weekly reimbursement rate for childcare provided to school age children by licensed childcare centers is $148.50.

The minimum based reimbursement rates for licensed family childcare providers paid by the departments of human services, and children, youth, and families is determined through collective bargaining. The maximum reimbursement rates for infant/toddler and preschool age children paid to licensed family childcare providers by both departments is implemented in a tiered manner that reflects the quality rating the provider has achieved in accordance with § 42-12-23.1.

Effective July 1, 2015, subject to the payment limitations in subsection (c), the maximum reimbursement rates to be paid by the departments of human services and children, youth and families are as follows:

<table>
<thead>
<tr>
<th>LICENSED CHILDCARE CENTERS</th>
<th>75th PERCENTILE OF WEEKLY MARKET RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INFANT</td>
<td>$182.00</td>
</tr>
<tr>
<td>PRESCHOOL</td>
<td>$150.00</td>
</tr>
<tr>
<td>SCHOOL-AGE</td>
<td>$135.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LICENSED FAMILY CHILDCARE PROVIDERS</th>
<th>75th PERCENTILE OF WEEKLY MARKET RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INFANT</td>
<td>$150.00</td>
</tr>
<tr>
<td>PRESCHOOL</td>
<td>$150.00</td>
</tr>
<tr>
<td>SCHOOL-AGE</td>
<td>$135.00</td>
</tr>
</tbody>
</table>

The weekly reimbursement rate for childcare provided to school age children by licensed childcare centers is $148.50.
families for licensed childcare centers and licensed family childcare providers shall be based on
the above schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average
of the 75th percentile of the 2002 and the 2004 weekly market rates. These rates shall be increased
by ten dollars ($10.00) per week for infant/toddler care provided by licensed family childcare
providers and license exempt providers and then the rates for all providers for all age groups shall
be increased by three percent (3%). For the fiscal year ending June 30, 2018, licensed childcare
centers shall be reimbursed a maximum weekly rate of one hundred ninety-three dollars and sixty-
four cents ($193.64) for infant/toddler care and one hundred sixty-one dollars and seventy-one
cents ($161.71) for preschool-age children.

(b) Effective July 1, 2018, subject to the payment limitations in subsection (c), the
maximum infant/toddler and preschool age reimbursement rates to be paid by the departments of
human services and children, youth and families for licensed childcare centers shall be
implemented in a tiered manner, reflective of the quality rating the provider has achieved within
the state’s quality rating system outlined in § 42-12-23.1.

(1) For infant/toddler childcare, tier one shall be reimbursed two and one half percent
(2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above
the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY 2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly amount, and tier five shall be reimbursed thirty-three percent (33%) above the FY 2018 weekly amount.

(2) For preschool reimbursement rates, tier one shall be reimbursed two and one half
(2.5%) percent above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%)
above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY 2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018 weekly amount, and tier five shall be reimbursed twenty one percent (21%) above the FY 2018 weekly amount.

(c) [Deleted by P.L. 2019, ch. 88, art. 13, § 4].

(d) By June 30, 2004, and biennially through June 30, 2014, the department of labor and
training shall conduct an independent survey or certify an independent survey of the then current
weekly market rates for childcare in Rhode Island and shall forward such weekly market rate survey
to the department of human services. The next survey shall be conducted by June 30, 2016, and
biennially thereafter. The departments of human services and labor and training will jointly
determine the survey criteria including, but not limited to, rate categories and sub-categories.
(e) In order to expand the accessibility and availability of quality childcare, the department of human services is authorized to establish by regulation alternative or incentive rates of reimbursement for quality enhancements, innovative or specialized childcare and alternative methodologies of childcare delivery, including non-traditional delivery systems and collaborations.

(f) Effective January 1, 2007, all childcare providers have the option to be paid every two weeks and have the option of automatic direct deposit and/or electronic funds transfer of reimbursement payments.

(g) Effective July 1, 2019, the maximum infant/toddler reimbursement rates to be paid by the departments of human services and children, youth and families for licensed family childcare providers shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state's quality rating system outlined in § 42-12-23.1. Tier one shall be reimbursed two percent (2%) above the prevailing base rate for step 1 and step 2 providers, three percent (3%) above prevailing base rate for step 3 providers, and four percent (4%) above the prevailing base rate for step 4 providers; tier two shall be reimbursed five percent (5%) above the prevailing base rate; tier three shall be reimbursed eleven percent (11%) above the prevailing base rate; tier four shall be reimbursed fourteen percent (14%) above the prevailing base rate; and tier five shall be reimbursed twenty-three percent (23%) above the prevailing base rate.

SECTION 7. Section 42-56-20.2, 42-56-24 and 42-56-38 of the General Laws in Chapter 42-56 entitled “Corrections Department” are hereby amended to read as follows:

42-56-20.2. Community confinement.

(a) Persons subject to this section. Every person who shall have been adjudged guilty of any crime after trial before a judge, a judge and jury, or before a single judge entertaining the person's plea of nolo contendere or guilty to an offense (“adjudged person”), and every person sentenced to imprisonment in the adult correctional institutions (“sentenced person”) including those sentenced or imprisoned for civil contempt, and every person awaiting trial at the adult correctional institutions (“detained person”) who meets the criteria set forth in this section shall be subject to the terms of this section except:

(1) Any person who is unable to demonstrate that a permanent place of residence (“eligible residence”) within this state is available to that person; or

(2) Any person who is unable to demonstrate that he or she will be regularly employed, or enrolled in an educational or vocational training program within this state, and within thirty (30) days following the institution of community confinement; or
(3)(i) Any adjudged person or sentenced person or detained person who has been convicted, within the five (5) years next preceding the date of the offense for which he or she is currently so adjudged or sentenced or detained, of a violent felony.

A "violent felony" as used in this section shall mean any one of the following crimes or an attempt to commit that crime: murder, manslaughter, sexual assault, mayhem, robbery, burglary, assault with a dangerous weapon, assault or battery involving serious bodily injury, arson, breaking and entering into a dwelling, child molestation, kidnapping, DWI resulting in death or serious injury, driving to endanger resulting in death or serious injury; or

(ii) Any person currently adjudged guilty of or sentenced for or detained on any capital felony; or

(iii) Any person currently adjudged guilty of or sentenced for or detained on a felony offense involving the use of force or violence against a person or persons.

These shall include, but are not limited to, those offenses listed in subsection (a)(3)(i) of this section; or

(iv) Any person currently adjudged guilty, sentenced, or detained for the sale, delivery, or possession with intent to deliver a controlled substance in violation of § 21-28-4.01(a)(4)(i) or possession of a certain enumerated quantity of a controlled substance in violation of §§ 21-28-4.01.1 or 21-28-4.01.2; or

(v) Any person currently adjudged guilty of, or sentenced for, or detained on an offense involving the illegal possession of a firearm.

(b) Findings prior to sentencing to community confinement. In the case of adjudged persons, if the judge intends to impose a sentence of community confinement, he or she shall first make specific findings, based on evidence regarding the nature and circumstances of the offense and the personal history, character, record, and propensities of the defendant which are relevant to the sentencing determination, and these findings shall be placed on the record at the time of sentencing. These findings shall include, but are not limited to:

(1) A finding that the person does not demonstrate a pattern of behavior indicating a propensity for violent behavior;

(2) A finding that the person meets each of the eligibility criteria set forth in subsection (a);

(3) A finding that simple probation is not an appropriate sentence;

(4) A finding that the interest of justice requires, for specific reasons, a sentence of non-institutional confinement; and

(5) A finding that the person will not pose a risk to public safety if placed in community confinement.
The facts supporting these findings shall be placed on the record and shall be subject to review on appeal.

(c) Community confinement.

(1) There shall be established within the department of corrections, a community confinement program to serve that number of adjudged persons, sentenced persons, and detainees, that the director of the department of corrections ("director") shall determine on or before July 1 of each year. Immediately upon that determination, the director shall notify the presiding justice of the superior court of the number of adjudged persons, sentenced persons, and detainees that can be accommodated in the community confinement program for the succeeding twelve (12) months. One-half (1/2) of all persons sentenced to community confinement shall be adjudged persons, and the balance shall be detainees and sentenced persons. The director shall provide to the presiding justice of the superior court and the family court on the first day of each month a report to set forth the number of adjudged persons, sentenced persons, and detainees participating in the community confinement program as of each reporting date. Notwithstanding any other provision of this section, if on April 1 of any fiscal year less than one-half (1/2) of all persons sentenced to community confinement shall be adjudged persons, then those available positions in the community confinement program may be filled by sentenced persons or detainees in accordance with the procedures set forth in subsection (c)(2) of this section.

(2) In the case of inmates other than those classified to community confinement under subsection (h) of this section, the director may make written application ("application") to the sentencing judge for an order ("order") directing that a sentenced person or detainee be confined within an eligible residence for a period of time, which in the case of a sentenced person, shall not exceed the term of imprisonment. This application and order shall contain a recommendation for a program of supervision and shall contain the findings set forth in subsections (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5) of this section and facts supporting these findings. The application and order may contain a recommendation for the use of electronic surveillance or monitoring devices. The hearing on this application shall be held within ten (10) business days following the filing of this application. If the sentencing judge is unavailable to hear and consider the application the presiding justice of the superior court shall designate another judge to do so.

(3) In lieu of any sentence that may be otherwise imposed upon any person subject to this section, the sentencing judge may cause an adjudged person to be confined within an eligible residence for a period of time not to exceed the term of imprisonment otherwise authorized by the statute the adjudged person has been adjudged guilty of violating.
(4) With authorization by the sentencing judge, or, in accordance with the order, persons confined under the provisions of this chapter may be permitted to exit the eligible residence in order to travel directly to and from their place of employment or education or training and may be confined in other terms or conditions consistent with the basic needs of that person that justice may demand, including the right to exit the eligible residence to which that person is confined for certain enumerated purposes such as religious observation, medical and dental treatment, participation in an education or vocational training program, and counseling, all as set forth in the order.

(d) Administration.

(1) Community confinement. The supervision of persons confined under the provisions of this chapter shall be conducted by the director, or his or her designee.

(2) Intense surveillance. The application and order shall prescribe a program of intense surveillance and supervision by the department of corrections. Persons confined under the provisions of this section shall be subject to searches of their persons or of their property when deemed necessary by the director, or his or her designee, in order to ensure the safety of the community, supervisory personnel, the safety and welfare of that person, and/or to ensure compliance with the terms of that person's program of community confinement; provided, however, that no surveillance, monitoring or search shall be done at manifestly unreasonable times or places nor in a manner or by means that would be manifestly unreasonable under the circumstances then present.

(3) The use of any electronic surveillance or monitoring device which is affixed to the body of the person subject to supervision is expressly prohibited unless set forth in the application and order or, in the case of sentenced persons classified to community confinement under subsection (h), otherwise authorized by the director of corrections.

(4) Regulatory authority. The director shall have full power and authority to enforce any of the provisions of this section by regulation, subject to the provisions of the Administrative Procedures Act, chapter 35 of title 42. Notwithstanding any provision to the contrary, the department of corrections may contract with private agencies to carry out the provisions of this section. The civil liability of those agencies and their employees, acting within the scope of their employment, and carrying out the provisions of this section, shall be limited in the same manner and dollar amount as if they were agencies or employees of the state.

(e) Violations. Any person confined pursuant to the provisions of this section, who is found to be a violator of any of the terms and conditions imposed upon him or her according to the order,
or in the case of sentenced persons classified to community confinement under subsection (h),
otherwise authorized by the director of corrections, this section, or any rules, regulations, or
restrictions issued pursuant hereto shall serve the balance of his or her sentence in a classification
deemed appropriate by the director. If that conduct constitutes a violation of § 11-25-2, the person,
upon conviction, shall be subject to an additional term of imprisonment of not less than one year
and not more than twenty (20) years. However, it shall be a defense to any alleged violation that
the person was at the time of the violation acting out of a necessary response to an emergency
situation. An “emergency situation” shall be construed to mean the avoidance by the defendant of
death or of substantial personal injury, as defined above, to him or herself or to others.

(f) Costs. Each person confined according to this section shall reimburse the state for the
costs or a reasonable portion thereof incurred by the state relating to the community confinement
of those persons. Costs shall be initially imposed by the sentencing judge or in the order and shall
be assessed by the director prior to the expiration of that person's sentence. Once assessed, those
costs shall become a lawful debt due and owing to the state by that person. Monies received under
this section shall be deposited as general funds.

(g) Severability. Every word, phrase, clause, section, subsection, and any of the provisions
of this section are hereby declared to be severable from the whole, and a declaration of
unenforceability or unconstitutionality of any portion of this section, by a judicial court of
competent jurisdiction, shall not affect the portions remaining.

(h) Sentenced persons approaching release. Notwithstanding the provisions set forth
within this section, any sentenced person committed under the direct care, custody, and control of
the adult correctional institutions, who is within six (6) months one (1) year of the projected good
time release date, provided that the person shall have completed at least one-half (1/2) of the full
term of incarceration, or any person who is sentenced to a term of six (6) months or less of
incarceration, provided that the person shall have completed at least three-fourths (3/4) one-half
(1/2) of the term of incarceration, may in the discretion of the director of corrections be classified
to community confinement. This provision shall not apply to any person whose current sentence
was imposed upon conviction of murder, first degree sexual assault or first degree child
molestation.

(i) Notification to police departments. The director, or his or her designee, shall notify the
appropriate police department when a sentenced, adjudged or detained person has been placed into
community confinement within that department's jurisdiction. That notice will include the nature
of the offense and the express terms and conditions of that person's confinement. That notice shall
also be given to the appropriate police department when a person in community confinement within
that department's jurisdiction is placed in escape status.

(j) No incarceration credit for persons awaiting trial. No detainee shall be given
incarceration credit by the director for time spent in community confinement while awaiting trial.

(k) No confinement in college or university housing facilities. Notwithstanding any
provision of the general laws to the contrary, no person eligible for community confinement shall
be placed in any college or university housing facility, including, but not limited to, dormitories,
fraternities or sororities. College or university housing facilities shall not be considered an "eligible
residence" for "community confinement."

(l) A sentencing judge shall have authority to waive overnight stay or incarceration at the
adult correctional institution after the sentencing of community confinement. Such a waiver shall
be binding upon the adult correctional institution and the staff thereof, including, but not limited to
the community confinement program.

42-56-24. Earned time for good behavior or program participation or completion.

(a) A person serving a sentence of a violation of §§ 11-5-1 (where the specified felony is
murder), 11-23-1, 11-26-1.4, 11-37-2, 11-37-8.1 or 11-37-8.3 shall not be eligible to earn time off
their term or terms of incarceration for good behavior.

(b) The director, or his or her designee, shall keep a record of the conduct of each prisoner,
and for each month that a prisoner who has been sentenced to imprisonment for six (6) months or
more and not under sentence to imprisonment for life, appears by the record to have faithfully
observed all the rules and requirements of the institutions and not to have been subjected to
discipline, and is serving a sentence imposed for violation of sexual offenses under §§ 11-37-4, 11-
37-6, 11-37-8 or 11-9-1.3 there shall, with the consent of the director of the department of
corrections, or his or her designee, upon recommendation to him or her by the assistant director of
institutions/operations, be deducted from the term or terms of sentence of that prisoner the same
number of days that there are years in the term of his or her sentence; provided, that when the
sentence is for a longer term than ten (10) years, only ten (10) days shall be deducted for one
month's good behavior; and provided, further, that in the case of sentences of at least six (6) months
and less than one year, one day per month shall be deducted.

For the purposes of this subsection computing the number of days to be deducted for good
behavior, consecutive sentences shall be counted as a whole sentence. This subsection recognizes
the serious nature of sex offenses; promotes community safety and protection of the public; and
maintains the ability of the department of corrections to oversee the rehabilitation and supervision
of sex offenders.
(c) For all prisoners serving sentences of more than one month, and not serving a sentence
of imprisonment for life or a sentence imposed for a violation of the offenses identified in
subsection (a) or (b) the director, or his or her designee, shall keep a record of the conduct of each
prisoner, and for each month that prisoner has faithfully observed all the rules and requirements of
the institutions and has not been subjected to discipline, there shall, with the consent of the director
of the department of corrections or his or her designee and upon recommendation by the assistant
director of institutions/operations, be deducted from the term or terms of sentence of that prisoner
ten (10) days for each month's good behavior.

(d) For every day a prisoner shall be shut up or otherwise disciplined for bad conduct, as
determined by the assistant director, institutions/operations, subject to the authority of the director,
there shall be deducted one day from the time he or she shall have gained for good conduct.

(e) The assistant director, or his or her designee, subject to the authority of the director,
shall have the power to restore lost good conduct time in whole or in part upon a showing by the
prisoner of subsequent good behavior and disposition to reform.

(f) For each month that a prisoner who has been sentenced to imprisonment for more than
one month and not under sentence to imprisonment for life who has faithfully engaged in
institutional industries there shall, with the consent of the director, upon the recommendations to
him or her by the assistant director, institutions/operations, be deducted from the term or terms of
the prisoner an additional two (2) days a month.

(g) Except those prisoners serving a sentence imposed for violation of subsection (a) or (b),
for each month that a prisoner who has been sentenced to imprisonment for more than one month
and not under sentence to imprisonment for life has participated faithfully in programs that have
been determined by the director or his/her designee to address that prisoner's individual needs that
are related to his/her criminal behavior, there may, with the consent of the director and upon the
recommendation of the assistant director, rehabilitative services, be deducted from the term or
terms of the prisoner up to an additional five (5) days a month. Furthermore, whenever the prisoner
has successfully completed such program, they may; with the consent of the director and upon the
recommendation by the assistant director, rehabilitative services, be deducted from the term or
terms of the prisoner up to an additional thirty (30) days.

(h) A person who is serving a term or terms of a probation sentence of one year or
longer, including a person who has served a term of incarceration followed by a probation
sentence, except those serving a term of probation for a sentence in violation of §§ 11-5-1 (where
the specified felony is murder or sexual assault), 11-23-1, 11-26-1.4, 11-37-2, 11-37-8.1 or 11-37-
8.3 shall upon serving three years of their probation sentence be eligible to earn time off their term
or terms of the probation sentence for compliance with court-ordered terms and conditions of
probation. Calculation of these credits shall commence upon the probationer’s completion
of all terms of incarceration.

(i) The director, or his or her designee, shall keep a record of the conduct of each
probationer. For each month that the probationer has not had a judicial finding of a violation of
conditions of probation, there shall, with the consent of the director of the department of
corrections, or designee, upon recommendation of the assistant director of
institutions/operations, or designee, be deducted from the term or terms of the probationer’s
sentence (10) ten days for each month’s compliance with the terms and conditions of their
probation.

(ii) For each month that a violation of probation is pending the probationer shall not be
eligible to earn probation compliance credits. In the event there is a judicial determination that the
probationer did not violate his or her terms and conditions of probation, credit will be awarded
retroactive to the date of the filing of the probation violation. In the event there is a judicial
determination that the probationer did violate his or her terms and conditions of
probation, the probationer shall not be awarded compliance credits for the time during which the
violation was pending, and further, the court may order revocation of prior
earned compliance credits.

(iii) The probation department of the Department of Corrections shall keep a record of the
probationer’s sentence to include the person’s end of sentence date based on earned credits for
compliance with their terms and conditions of probation.

(iv) This section shall apply to all individuals sentenced to probation, including those
sentenced prior to enactment of the statute. However, the award of probation compliance
credits shall be prospective only from the date of enactment of the statute.

42-56-38. Assessment of costs.

(a) Each sentenced offender committed to the care, custody or control of the department of
corrections shall reimburse the state for the cost or the reasonable portion of the cost incurred by
the state relating to that commitment; provided, however, that a person committed, awaiting trial
and not convicted, shall not be liable for the reimbursement. Items of cost shall include physical
services and commodities such as food, medical, clothing and specialized housing, as well as social
services such as specialized supervision and counseling. Costs shall be assessed by the director of
corrections, or his or her designee, based upon each person's ability to pay, following a public
hearing of proposed fee schedules. Each offender's family income and number of dependents shall
be among the factors taken into consideration when determining ability to pay. Moneys received
under this section shall be deposited as general revenues. The director shall promulgate rules and
regulations necessary to carry out the provisions of this section. The rules and regulations shall
provide that the financial situation of persons, financially dependent on the person, be considered
prior to the determination of the amount of reimbursement. This section shall not be effective until
the date the rules and regulations are filed with the office of the secretary of state.

(b) Notwithstanding the provision of subsection (a), or any rule or regulation promulgated
by the director, any sentenced offender who is ordered or directed to the work release program,
shall pay no less than thirty percent (30%) of his or her gross net salary for room and board.

SECTION 8. This article shall take effect upon passage.
ARTICLE 14

RELATING TO HOSPITAL UNCOMPENSATED CARE

SECTION 1. Sections 40-8.3-2 and 40-8.3-3 of the General Laws in Chapter 40-8.3 entitled “Uncompensated Care” are hereby amended to read as follows:

40-8.3-2. Definitions. As used in this chapter:

(1) “Base year” means, for the purpose of calculating a disproportionate share payment for any fiscal year ending after September 30, 2020, the period from October 1, 2018, through September 30, 2019, and for any fiscal year ending after September 30, 2021, the period from October 1, 2016, through September 30, 2019.

(2) “Medicaid inpatient utilization rate for a hospital” means a fraction (expressed as a percentage), the numerator of which is the hospital’s number of inpatient days during the base year attributable to patients who were eligible for medical assistance during the base year and the denominator of which is the total number of the hospital’s inpatient days in the base year.

(3) “Participating hospital” means any nongovernment and nonpsychiatric hospital that:

(i) Was licensed as a hospital in accordance with chapter 17 of title 23 during the base year and shall mean the actual facilities and buildings in existence in Rhode Island, licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on that license, regardless of changes in licensure status pursuant to chapter 17.14 of title 23 (hospital conversions) and § 23-17-6(b) (change in effective control), that provides short-term, acute inpatient and/or outpatient care to persons who require definitive diagnosis and treatment for injury, illness, disabilities, or pregnancy. Notwithstanding the preceding language, the negotiated Medicaid managed-care payment rates for a court-approved purchaser that acquires a hospital through receivership, special mastership, or other similar state insolvency proceedings (which court-approved purchaser is issued a hospital license after January 1, 2013), shall be based upon the newly negotiated rates between the court-approved purchaser and the health plan, and the rates shall be effective as of the date that the court-approved purchaser and the health plan execute the initial agreement containing the newly negotiated rate. The rate-setting methodology for inpatient hospital payments and outpatient hospital payments set forth in §§ 40-8-13.4(b)(1)(i)(C) and 40-8-13.4(b)(2), respectively, shall thereafter apply to negotiated increases for each annual twelve-month (12) period as of July 1 following the completion of the first full year of the court-approved purchaser’s initial Medicaid managed-care contract;

(ii) Achieved a medical assistance inpatient utilization rate of at least one percent (1%) during the base year; and
(iii) Continues to be licensed as a hospital in accordance with chapter 17 of title 23 during the payment year.

(4) “Uncompensated-care costs” means, as to any hospital, the sum of: (i) The cost incurred by such hospital during the base year for inpatient or outpatient services attributable to charity care (free care and bad debts) for which the patient has no health insurance or other third-party coverage less payments, if any, received directly from such patients; and (ii) The cost incurred by such hospital during the base year for inpatient or outpatient services attributable to Medicaid beneficiaries less any Medicaid reimbursement received therefor; multiplied by the uncompensated-care index.

(5) “Uncompensated-care index” means the annual percentage increase for hospitals established pursuant to § 27-19-14 for each year after the base year, up to and including the payment year; provided, however, that the uncompensated-care index for the payment year ending September 30, 2007, shall be deemed to be five and thirty-eight hundredths percent (5.38%), and that the uncompensated-care index for the payment year ending September 30, 2008, shall be deemed to be five and forty-seven hundredths percent (5.47%), and that the uncompensated-care index for the payment year ending September 30, 2009, shall be deemed to be five and thirty-eight hundredths percent (5.38%), and that the uncompensated-care index for the payment years ending September 30, 2010, September 30, 2011, September 30, 2012, September 30, 2013, September 30, 2014, September 30, 2015, September 30, 2016, September 30, 2017, September 30, 2018, September 30, 2019, and September 30, 2020, September 30, 2021, and September 30, 2022 shall be deemed to be five and thirty-hundredths percent (5.30%).

40-8.3-3. Implementation.

(a) For federal fiscal year 2018, commencing on October 1, 2017, and ending September 30, 2018, the executive office of health and human services shall submit to the Secretary of the United States Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid DSH Plan to provide:

(1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of $138.6 million, shall be allocated by the executive office of health and human services to the Pool D component of the DSH Plan; and

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct proportion to the individual participating hospital’s uncompensated care costs for the base year, inflated by the uncompensated care index to the total uncompensated care costs for the base year inflated by uncompensated care index for all participating hospitals. The disproportionate share payments shall be made on or before July 10, 2018, and are expressly conditioned upon approval
on or before July 5, 2018, by the Secretary of the United States Department of Health and Human Services, or his or her authorized representative, of all Medicaid state plan amendments necessary to secure for the state the benefit of federal financial participation in federal fiscal year 2018 for the disproportionate share payments.

(b) For federal fiscal year 2019, commencing on October 1, 2018, and ending September 30, 2019, the executive office of health and human services shall submit to the Secretary of the United States Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid DSH Plan to provide:

(1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of $142.4 million, shall be allocated by the executive office of health and human services to the Pool D component of the DSH Plan; and

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct proportion to the individual participating hospital’s uncompensated-care costs for the base year, inflated by the uncompensated-care index to the total uncompensated-care costs for the base year inflated by uncompensated-care index for all participating hospitals. The disproportionate share payments shall be made on or before July 10, 2019, and are expressly conditioned upon approval on or before July 5, 2019, by the Secretary of the United States Department of Health and Human Services, or his or her authorized representative, of all Medicaid state plan amendments necessary to secure for the state the benefit of federal financial participation in federal fiscal year 2019 for the disproportionate share payments.

(c) For federal fiscal year 2020, commencing on October 1, 2019, and ending September 30, 2020, the executive office of health and human services shall submit to the Secretary of the United States Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid DSH Plan to provide:

(1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of $142.4 million, shall be allocated by the executive office of health and human services to the Pool D component of the DSH Plan; and

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct proportion to the individual participating hospital’s uncompensated-care costs for the base year, inflated by the uncompensated-care index to the total uncompensated-care costs for the base year inflated by uncompensated-care index for all participating hospitals. The disproportionate share payments shall be made on or before July 13, 2020, and are expressly conditioned upon approval on or before July 6, 2020, by the Secretary of the United States Department of Health and Human Services, or his or her authorized representative, of all Medicaid state plan amendments necessary
to secure for the state the benefit of federal financial participation in federal fiscal year 2020 for
the disproportionate share payments.

(b) For federal fiscal year 2021, commencing on October 1, 2020, and ending September
30, 2021, the executive office of health and human services shall submit to the Secretary of the
U.S. Department of Health and Human Services a state plan amendment to the Rhode Island
Medicaid DSH Plan to provide:

(1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of
$142.3 million, shall be allocated by the executive office of health and human services to the Pool
D component of the DSH Plan; and

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct
proportion to the individual participating hospital's uncompensated care costs for the base year,
inflated by the uncompensated care index to the total uncompensated care costs for the base year
inflated by uncompensated care index for all participating hospitals. The disproportionate share
payments shall be made on or before July 12, 2021, and are expressly conditioned upon approval
on or before July 5, 2021, by the Secretary of the U.S. Department of Health and Human Services,
or his or her authorized representative, of all Medicaid state plan amendments necessary to secure
for the state the benefit of federal financial participation in federal fiscal year 2021 for the
disproportionate share payments.

(c) For federal fiscal year 2022, commencing on October 1, 2021, and ending September
30, 2022, the executive office of health and human services shall submit to the Secretary of the
U.S. Department of Health and Human Services a state plan amendment to the Rhode Island
Medicaid DSH Plan to provide:

(1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of
$142.5 million, shall be allocated by the executive office of health and human services to the Pool
D component of the DSH Plan; and

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct
proportion to the individual participating hospital's uncompensated care costs for the base year,
inflated by the uncompensated care index to the total uncompensated care costs for the base year
inflated by uncompensated care index for all participating hospitals. The disproportionate share
payments shall be made on or before July 12, 2022, and are expressly conditioned upon approval
on or before July 5, 2022, by the Secretary of the U.S. Department of Health and Human Services,
or his or her authorized representative, of all Medicaid state plan amendments necessary to secure
for the state the benefit of federal financial participation in federal fiscal year 2022 for the
disproportionate share payments.
(d) No provision is made pursuant to this chapter for disproportionate-share hospital payments to participating hospitals for uncompensated-care costs related to graduate medical education programs.

(e) The executive office of health and human services is directed, on at least a monthly basis, to collect patient-level uninsured information, including, but not limited to, demographics, services rendered, and reason for uninsured status from all hospitals licensed in Rhode Island.

SECTION 2. This article shall take effect as of July 1, 2021.
ARTICLE 15
RELATING TO HEALTHCARE REFORM

SECTION 1. Title 5 of the General Laws entitled “Businesses and Professions” is hereby amended by adding thereto the following chapter:

CHAPTER 37.8
THE INTERSTATE MEDICAL LICENSURE COMPACT

5-37.8-1. Short title.
This chapter shall be known and may be cited as the “interstate medical licensure compact act.”

5-37.8-2. Purpose.
In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the interstate medical licensure compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards, provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The compact creates another pathway for licensure and does not otherwise change a state’s existing medical practice act. The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact.

5-37.8-3. Definitions.
As used in this chapter, the following words and terms shall have the following meanings:

(1) “Bylaws” means those bylaws established by the interstate commission pursuant to §5-37.8-12 for its governance, or for directing and controlling its actions and conduct.

(2) “Commissioner” means the voting representative designated by each member board pursuant to § 5-37.8-12.

(3) “Conviction” means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt, nolo contendere, or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

(4) “Expedited license” means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.
(5) "Interstate commission" means the interstate commission created pursuant to § 5-37.8.

12.

(6) “Interstate medical licensure compact” or “compact” means the interstate medical licensure compact created pursuant to this chapter.

(7) "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.

(8) "Medical practice act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state.

(9) "Member board" means the Rhode Island board of medical licensure and discipline.

(10) "Member state" means a state that has enacted the compact.

(11) "Practice of medicine" means the clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of this state.

(12) "Physician" means any person who:

(i) Is a graduate of a medical school accredited by the Liaison Committee on Medical Education, the Commission on Osteopathic College Accreditation, or a medical school listed in the International Medical Education Directory or its equivalent;

(ii) Passed each component of the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) within three (3) attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;

(iii) Successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

(iv) Holds specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association’s Bureau of Osteopathic Specialists;

(v) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;

(vi) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(vii) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to non-payment of fees related to a license;
(viii) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration; and
(ix) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

(13) "Offense" means a felony, gross misdemeanor, or crime of moral turpitude.
(14) "Rule" means a written statement by the interstate commission promulgated pursuant to § 5-37.8-13 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(15) "State" means any state, commonwealth, district, or territory of the United States.
(16) "State of principal license" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

5-37.8-4. Eligibility.

(a) A physician must meet the eligibility requirements as defined in § 5-37.8-3(11) to receive an expedited license under the terms and provisions of the compact.
(b) A physician who does not meet the requirements of § 5-37.8-3(11) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the compact, relating to the issuance of a license to practice medicine in that state.

5-37.8-5. Designation of state principal license.

(a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:
(1) The state of primary residence for the physician; or
(2) The state where at least twenty-five percent (25%) of the practice of medicine occurs; or
(3) The location of the physician's employer; or
(4) If no state qualifies under §§ 5-37.8-5(a)(1), (2), or (3), the state designated as state of residence for purpose of federal income tax.

(b) A physician may redesignate a member state as state of principal license at any time, as long as the state meets the requirements in § 5-37.8-5(a).
(c) The interstate commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.
5-37.8-6. Application and issuance of expedited licensure.

(a) A physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license.

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the interstate commission.

(1) State qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the interstate commission through rule, shall not be subject to additional primary source verification where already primary source verified by the state of principal license.

(2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with U.S.C.F.R. § 731.202.

(3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the laws of that state.

(c) Upon verification in § 5-37.8-6(b), physicians eligible for an expedited license shall complete the registration process established by the interstate commission to receive a license in a member state selected pursuant to § 5-37.8-6(a), including the payment of any applicable fees.

(d) After receiving verification of eligibility under § 5-37.8-6(b) and any fees under § 5-37.8-6(c), a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice act and all applicable laws and regulations of the issuing member board and member state.

(e) An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state.

(f) An expedited license obtained through the compact shall be terminated if a physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

(g) The interstate commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license.
5-37.8-7. Fees for expedited licensure.

(a) A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the compact.

(b) The interstate commission is authorized to develop rules regarding fees for expedited licenses.

5-37.8-8. Renewal and continued participation.

(a) A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the interstate commission if the physician:

(1) Maintains a full and unrestricted license in a state of principal license;

(2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

(3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license; and

(4) Has not had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration.

(b) Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

(c) The interstate commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

(d) Upon receipt of any renewal fees collected in § 5-37.8-8(c), a member board shall renew the physician's license.

(e) Physician information collected by the interstate commission during the renewal process will be distributed to all member boards.

(f) The interstate commission is authorized to develop rules to address renewal of licenses obtained through the compact.

5-37.8-9. Coordinated information system.

(a) The interstate commission shall establish a database of all physicians licensed, or who have applied for licensure, under § 5-37.8-6.

(b) Notwithstanding any other provision of law, member boards shall report to the interstate commission any public action or complaints against a licensed physician who has applied or received an expedited license through the compact.

(c) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the interstate commission.
(d) Member boards may report any non-public complaint, disciplinary, or investigatory
information not required by § 5-37.8-6(c) to the interstate commission.
(e) Member boards shall share complaint or disciplinary information about a physician
upon request of another member board.
(f) All information provided to the interstate commission or distributed by member boards
shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.
(g) The interstate commission is authorized to develop rules for mandated or discretionary
sharing of information by member boards.

5-37.8-10. Joint investigations.
(a) Licensure and disciplinary records of physicians are deemed investigative.
(b) In addition to the authority granted to a member board by its respective medical practice
act or other applicable state law, a member board may participate with other member boards in
joint investigations of physicians licensed by the member boards.
(c) A subpoena issued by a member state shall be enforceable in other member states.
(d) Member boards may share any investigative, litigation, or compliance materials in
furtherance of any joint or individual investigation initiated under the compact.
(e) Any member state may investigate actual or alleged violations of the statutes
authorizing the practice of medicine in any other member state in which a physician holds a license
to practice medicine.

5-37.8-11. Disciplinary actions.
(a) Any disciplinary action taken by any member board against a physician licensed
through the compact shall be deemed unprofessional conduct which may be subject to discipline
by other member boards, in addition to any violation of the medical practice act or regulations in
that state.
(b) If a license granted to a physician by the member board in the state of principal license
is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued
to the physician by member boards shall automatically be placed, without further action necessary
by any member board, on the same status. If the member board in the state of principal license
subsequently reinstates the physician's license, a license issued to the physician by any other
member board shall remain encumbered until that respective member board takes action to reinstate
the license in a manner consistent with the medical practice act of that state.
(c) If disciplinary action is taken against a physician by a member board not in the state of
principal license, any other member board may deem the action conclusive as to matter of law and
fact decided, and:
(1) impose the same or lesser sanction(s) against the physician so long as such sanctions are consistent with the medical practice act of that state; or

(2) Pursue separate disciplinary action against the physician under its respective medical practice act, regardless of the action taken in other member states.

(d) If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license(s) issued to the physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit the member board(s) to investigate the basis for the action under the medical practice act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety (90) day suspension period in a manner consistent with the medical practice act of that state.

5-37.8-12. Interstate medical licensure compact commission.

(a) The member states hereby create the "Interstate Medical Licensure Compact commission".

(b) The purpose of the interstate commission is the administration of the interstate medical licensure compact, which is a discretionary state function.

(c) The interstate commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact.

(d) The interstate commission shall consist of two (2) voting representatives designated by each member state who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A commissioner shall be a(n):

(1) Allopathic or osteopathic physician appointed to a member board;

(2) Executive director, executive secretary, or similar executive of a member board; or

(3) Member of the public appointed to a member board.

(e) The interstate commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.
(f) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

(g) Each commissioner participating at a meeting of the interstate commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of § 5-37.8-12(d).

(h) The interstate commission shall not be subject to the requirements of the Rhode Island Open Meetings Act, R.I. Gen. Laws §§ 42-46-1 et seq., but rather shall adhere to the requirements stated in this chapter. The interstate commission shall provide public notice of all meetings and all meetings shall be open to the public. The interstate commission may close a meeting, in full or in portion, where it determines by a two-thirds (2/3) vote of the commissioners present that an open meeting would be likely to:

1. Relate solely to the internal personnel practices and procedures of the interstate commission;
2. Discuss matters specifically exempted from disclosure by federal statute;
3. Discuss trade secrets, commercial, or financial information that is privileged or confidential;
4. Involve accusing a person of a crime, or formally censuring a person;
5. Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. Discuss investigative records compiled for law enforcement purposes; or
7. Specifically relate to the participation in a civil action or other legal proceeding.

(i) The interstate commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.

(j) The interstate commission shall not be subject to the requirements of the Rhode Island Access to Public Records Act, R.I. Gen. Laws §§ 38-2-1 et seq., but rather shall adhere to the requirements stated in this chapter. The interstate commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection.

(k) The interstate commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have
the power to act on behalf of the interstate commission, with the exception of rulemaking, during
periods when the interstate commission is not in session. When acting on behalf of the interstate
commission, the executive committee shall oversee the administration of the compact including
enforcement and compliance with the provisions of the compact, its bylaws and rules, and other
such duties as necessary.

(l) The interstate commission may establish other committees for governance and
administration of the compact.

5-37.8-13. Powers and duties of the interstate commission. -- The interstate commission
shall have the duty and power to:

(1) Oversee and maintain the administration of the compact;

(2) Promulgate rules which shall be binding to the extent and in the manner provided for
in the compact (such promulgation not being subject to the requirements of the Rhode Island
Administrative Procedures Act, R.I. Gen. Laws §§ 42-35-1 et seq., but rather adhering to the
requirements stated in this chapter);

(3) Issue, upon the request of a member state or member board, advisory opinions
concerning the meaning or interpretation of the compact, its bylaws, rules, and actions;

(4) Enforce compliance with compact provisions, the rules promulgated by the interstate
commission, and the bylaws, using all necessary and proper means, including, but not limited to,
the use of judicial process;

(5) Establish and appoint committees including, but not limited to, an executive committee
as required by § 5-37.8-12, which shall have the power to act on behalf of the interstate commission
in carrying out its powers and duties;

(6) Pay, or provide for the payment of the expenses related to the establishment,
organization, and ongoing activities of the interstate commission;

(7) Establish and maintain one or more offices;

(8) Borrow, accept, hire, or contract for services of personnel;

(9) Purchase and maintain insurance and bonds;

(10) Employ an executive director who shall have such powers to employ, select or appoint
employees, agents, or consultants, and to determine their qualifications, define their duties, and fix
their compensation;

(11) Establish personnel policies and programs relating to conflicts of interest, rates of
compensation, and qualifications of personnel;
(12) Accept donations and grants of money, equipment, supplies, materials and services,
and to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies
established by the interstate commission;

(13) Lease, purchase, accept contributions or donations of, or otherwise to own, hold,
 improve or use, any property, real, personal, or mixed;

(14) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
property, real, personal, or mixed;

(15) Establish a budget and make expenditures;

(16) Adopt a seal and bylaws governing the management and operation of the interstate
commission;

(17) Report annually to the legislatures and governors of the member states concerning the
activities of the interstate commission during the preceding year. Such reports shall also include
reports of financial audits and any recommendations that may have been adopted by the interstate
commission;

(18) Coordinate education, training, and public awareness regarding the compact, its
implementation, and its operation;

(19) Maintain records in accordance with the bylaws;

(20) Seek and obtain trademarks, copyrights, and patents; and

(21) Perform such functions as may be necessary or appropriate to achieve the purposes of
the compact.

5-37.8-14. Finance powers.

(a) The interstate commission may levy on and collect an annual assessment from each
member state to cover the cost of the operations and activities of the interstate commission and its
staff. The total assessment must be sufficient to cover the annual budget approved each year for
which revenue is not provided by other sources. The aggregate annual assessment amount shall be
allocated upon a formula to be determined by the interstate commission, which shall promulgate a
rule binding upon all member states.

(b) The interstate commission shall not incur obligations of any kind prior to securing the
funds adequate to meet the same.

(c) The interstate commission shall not pledge the credit of any of the member states, except
by, and with the authority of, the member state.

(d) The interstate commission shall be subject to a yearly financial audit conducted by a
certified or licensed public accountant and the report of the audit shall be included in the annual
report of the interstate commission.
5-37.8-15. Organization and operation of the interstate commission.

(a) The interstate commission shall, by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact within twelve (12) months of the first interstate commission meeting.

(b) The interstate commission shall elect or appoint annually from among its commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission.

(c) Officers selected in § 5-37.8-15(b) shall serve without remuneration from the interstate commission.

(d) The officers and employees of the interstate commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(1) The liability of the executive director and employees of the interstate commission or representatives of the interstate commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(2) The interstate commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual
or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorneys' fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

5-37.8-16. Rulemaking functions of the interstate commission.

(a) The interstate commission shall not be subject to the requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 et seq., but rather shall adhere to the requirements stated in this chapter. The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

(b) Rules deemed appropriate for the operations of the interstate commission shall be made pursuant to a rulemaking process that substantially conforms to the “model state administrative procedure act” of 2010, and subsequent amendments thereto.

(c) Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the interstate commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the interstate commission.

5-37.8-17. Oversight of the interstate compact.

(a) The executive, legislative, and judicial branches of state government in each member state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the compact’s purposes and intent. Unless otherwise expressly stated herein, the provisions of the
compact and the rules promulgated hereunder shall have standing as statutory law but shall not
override existing state authority to regulate the practice of medicine.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or
administrative proceeding in a member state pertaining to the subject matter of the compact which
may affect the powers, responsibilities or actions of the interstate commission.

(c) The interstate commission shall be entitled to receive all service of process in any such
proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to
provide service of process to the interstate commission shall render a judgment or order void as to
the interstate commission, the compact, or promulgated rules.

5-37.8-18. Enforcement of interstate compact.

(a) The interstate commission, in the reasonable exercise of its discretion, shall enforce the
provisions and rules of the compact.

(b) The interstate commission may, by majority vote of the commissioners, initiate legal
action in the United States District Court for the District of Columbia, or, at the discretion of the
interstate commission, in the federal district where the interstate commission has its principal
offices, to enforce compliance with the provisions of the compact, and its promulgated rules and
bylaws, against a member state in default. The relief sought may include both injunctive relief and
damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all
costs of such litigation including reasonable attorney's fees.

(c) The remedies herein shall not be the exclusive remedies of the interstate commission.
The interstate commission may avail itself of any other remedies available under state law or the
regulation of a profession.

5-37.8-19. Default procedures.

(a) The grounds for default include, but are not limited to, failure of a member state to
perform such obligations or responsibilities imposed upon it by the compact, or the rules and bylaws
of the interstate commission promulgated under the compact.

(b) If the interstate commission determines that a member state has defaulted in the
performance of its obligations or responsibilities under the compact, or the bylaws or promulgated
rules, the interstate commission shall:

(1) Provide written notice to the defaulting state and other member states, of the nature of
the default, the means of curing the default, and any action taken by the interstate commission. The
interstate commission shall specify the conditions by which the defaulting state must cure its
default; and

(2) Provide remedial training and specific technical assistance regarding the default.
(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the commissioners and all rights, privileges, and benefits conferred by the compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the interstate commission to the governor, the speaker, the senate president and minority leaders of the defaulting state's legislature, and each of the member states.

(e) The interstate commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.

(f) The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.

(g) The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

(h) The defaulting state may appeal the action of the interstate commission by petitioning the United States District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

5-37.8-20. Dispute resolution.

(a) The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states or member boards.

(b) The interstate commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

5-37.8-21. Member states, effective date and amendment.

(a) Any state is eligible to become a member state of the compact.

(b) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than seven (7) states. Thereafter, it shall become effective and binding on a state upon enactment of the compact into law by that state.
(c) The governors of non-member states, or their designees, shall be invited to participate in the activities of the interstate commission on a non-voting basis prior to adoption of the compact by all states.

(d) The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

5-37.8-22. Withdrawal.

(a) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(b) Withdrawal from the compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

(c) The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing the compact in the withdrawing state.

(d) The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt of notice provided under § 5-37.822(c).

(e) The withdrawing state is responsible for all dues, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

(g) The interstate commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license.

5-37.8-23. Dissolution.

(a) The compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.
(b) Upon the dissolution of the compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

(a) The provisions of the compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.
(b) The provisions of the compact shall be liberally construed to effectuate its purposes.
(c) Nothing in the compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

5-37.8-25. Binding effect of compact and other laws.
(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.
(b) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.
(c) All lawful actions of the interstate commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.
(d) All agreements between the interstate commission and the member states are binding in accordance with their terms.
(e) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

SECTION 2. Chapter 5-34.3 of the General Laws entitled "Nurse Licensure Compact" is hereby amended by adding thereto the following sections:

5-34.3-10.1. Rulemaking.
(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. The commission shall not be subject to the requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws §§ 42-35-1 et seq., but rather shall adhere to the requirements stated in this chapter. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact.
(b) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.
(c) Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

(d) The notice of proposed rulemaking shall include:

(1) The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

(2) The text of the proposed rule or amendment, and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person; and

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(e) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(f) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

(g) The commission shall publish the place, time and date of the scheduled public hearing.

(1) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

(2) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(h) If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this compact and in this section shall be retroactively
applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety or welfare;

(2) Prevent a loss of commission or party state funds; or

(3) Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

(i) The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

5-34.3-11.1. Oversight, dispute resolution and enforcement.

(a) Oversight.

(1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact’s purposes and intent.

(2) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b) Default, technical assistance and termination.

(1) If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(i) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission; and

(ii) Provide remedial training and specific technical assistance regarding the default;

(2) If a state in default fails to cure the default, the defaulting state's membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date
of termination. A cure of the default does not relieve the offending state of obligations or liabilities
incurred during the period of default;

(3) Termination of membership in this compact shall be imposed only after all other means
of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given
by the commission to the governor of the defaulting state and to the executive officer of the
defaulting state's licensing board and each of the party states;

(4) A state whose membership in this compact has been terminated is responsible for all
assessments, obligations and liabilities incurred through the effective date of termination, including
obligations that extend beyond the effective date of termination;

(5) The commission shall not bear any costs related to a state that is found to be in default
or whose membership in this compact has been terminated unless agreed upon in writing between
the commission and the defaulting state;

(6) The defaulting state may appeal the action of the commission by petitioning the U.S.
District Court for the District of Columbia or the federal district in which the commission has its
principal offices. The prevailing party shall be awarded all costs of such litigation, including
reasonable attorneys' fees.

(c) Dispute Resolution.

(1) Upon request by a party state, the commission shall attempt to resolve disputes related
to the compact that arise among party states and between party and non-party states;

(2) The commission shall promulgate a rule providing for both mediation and binding
dispute resolution for disputes, as appropriate;

(3) In the event the commission cannot resolve disputes among party states arising under
this compact:

(i) The party states may submit the issues in dispute to an arbitration panel, which will be
comprised of individuals appointed by the compact administrator in each of the affected party states
and an individual mutually agreed upon by the compact administrators of all the party states
involved in the dispute;

(ii) The decision of a majority of the arbitrators shall be final and binding.

(d) Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the
provisions and rules of this compact;

(2) By majority vote, the commission may initiate legal action in the U.S. District Court
for the District of Columbia or the federal district in which the commission has its principal offices
against a party state that is in default to enforce compliance with the provisions of this compact and
its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages.

In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees:

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

SECTION 3. Sections 5-34.3-3, 5-34.3-4, 5-34.3-5, 5-34.3-6, 5-34.3-8, 5-34.3-9, 5-34.3-10, 5-34.3-12 and 5-34.3-14 of the General Laws in Chapter 5-34.3 entitled "Nurse Licensure Compact" are hereby amended to read as follows:

5-34.3-3. Legislative findings.

(a) The general assembly finds and declares that:

(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

(2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

(3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's healthcare delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulations;

(4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex; and

(5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states; and

(6) Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

(b) The general purposes of this compact are to:

(1) Facilitate the states' responsibility to protect the public's health and safety;

(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions;

(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction; and

(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.
(6) Decrease redundancies in the consideration and issuance of nurse licenses; and

(7) Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

5-34.3-4, Definitions.

As used in this chapter:

(1) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.

(2) "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.

(3) "Commission" means the interstate commission of nurse license compact administrators, the governing body of the nurse licensure compact.

(4) "Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards.

(5) "Current significant investigative information" means investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.

(6) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.

(7) "Home state" means the party state which is the nurse's primary state of residence.

(8) "Home state action" means any administrative, civil, equitable, or criminal action permitted by the home state's laws which are imposed on a nurse by the home state's licensing board or other authority including actions against an individual's license such as: revocation, suspension, probation or any other action which affects a nurse's authorization to practice.

(9) "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.
"Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse's privilege such as revocation, suspension, probation or any other action which affects a nurse's authorization to practice, a license to practice as a registered nurse (RN) or a licensed practical nurse/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

"Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or licensed practical nurse/vocational nurse (LPN/VN) in a remote state.

"Nurse" means a registered nurse or licensed practical/vocational nurse, as those terms are defined by each party's state practice laws.

"Party state" means any state that has adopted this compact.

"Remote state" means a party state, other than the home state, where the patient is located at the time nursing care is provided or, in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.

"Remote state action" means any administrative, civil, equitable or criminal action permitted by a remote state's laws which are imposed on a nurse by the remote state's licensing board or other authority including actions against an individual's multistate licensure privilege to practice in the remote state, and cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof.

"Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

"State" means a state, territory, or possession of the United States, the District of Columbia.

"State practice laws" means those individual party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. It does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

5-34.3-5. Permitted activities and jurisdiction. General provisions and jurisdiction.
A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.

Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and courts, as well as the laws, in that party state.

This compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.

(a) A multistate license to practice registered or licensed practical nursing/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed practical nurse/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party state.

(b) A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose
of obtaining an applicant's criminal history record information from the Federal Bureau of
Investigation, and the agency responsible for retaining that state's criminal records.

(c) Each party state shall require the following for an applicant to obtain or retain a
multistate license in the home state:

(1) Meets the home state's qualifications for licensure or renewal of licensure, as well as
all other applicable state laws;

(2)(i) Has graduated or is eligible to graduate from a licensing board-approved RN or
LPN/VN prelicensure education program; or

(ii) Has graduated from a foreign RN or LPN/VN prelicensure education program that:
(A) Has been approved by the authorized accrediting body in the applicable country; and
(B) Has been verified by an independent credentials review agency to be comparable to a
licensing board-approved prelicensure education program;

(3) Has, if a graduate of a foreign prelicensure education program not taught in English or
if English is not the individual's native language, successfully passed an English proficiency
examination that includes the components of reading, speaking, writing and listening;

(4) Has successfully passed an NCLEX-RN® or NCLEX-PN® Examination or recognized
predecessor, as applicable;

(5) Is eligible for or holds an active, unencumbered license;

(6) Has submitted, in connection with an application for initial licensure or licensure by
endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history
record information from the Federal Bureau of Investigation and the agency responsible for
retaining that state's criminal records;

(7) Has not been convicted or found guilty nor entered into an agreed disposition of a felony
offense under applicable state or federal criminal law;

(8) Has not been convicted or found guilty nor entered into an agreed disposition of a
misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

(9) Is not currently enrolled in an alternative program;

(10) Is subject to self-disclosure requirements regarding current participation in an
alternative program; and

(11) Has a valid United States Social Security number.

(d) All party states shall be authorized, in accordance with existing state due process law,
to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension,
probation or any other action that affects a nurse's authorization to practice under a multistate
licensure privilege, including cease and desist actions. If a party state takes such action, it shall
promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

e) A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the laws of the party state in which the client is located at the time service is provided.

f) Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the singlestate license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license.

g) Any nurse holding a home state multistate license, on the effective date of this compact, may retain and renew the multistate license issued by the nurse's then-current home state, provided that:

(1) A nurse, who changes primary state of residence after this compact’s effective date, must meet all applicable requirements to obtain a multistate license from a new home state; and

(2) A nurse who fails to satisfy the multistate licensure requirements due to a disqualifying event occurring after this compact’s effective date shall be ineligible to retain or renew a multistate license, and the nurse’s multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the commission.

5-34.3-6. Applications for licensure in a party state.

(a) Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

(b) A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.

(c) A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party
state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.

(d) When a nurse changes primary state of residence by:

(1) Moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid;

(2) Moving from a non-party state to a party state, and obtains a license from the new home state, the individual state license issued by the non-party state is not affected and will remain in full force if so provided by the laws of the non-party state;

(3) Moving from a party state to a non-party state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.

(a) Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program.

(b) A nurse may hold a multistate license, issued by the home state, in only one party state at a time.

(c) If a nurse changes primary state of residence by moving between two (2) party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the commission.

(1) The nurse may apply for licensure in advance of a change in primary state of residence.

(2) A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

(d) If a nurse changes primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

5-34.3-8. Additional authorities invested in party state nurse licensing boards.

(a) Notwithstanding any other powers conferred by state law, party state nurse licensing boards shall have the authority to:

(1) If otherwise, permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;
(2) Issue subpoenas for both hearings and investigations which require the attendance and
testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing
board in a party state for the attendance and testimony of witnesses, and/or the production of
evidence from another party state, shall be enforced in the latter state by any court of competent
jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in
proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses,
mileage and other fees required by the service statutes of the state where the witnesses and/or
evidence are located.

(3) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their
state;

(4) Promulgate uniform rules and regulations as provided for in subsection 5.34.3-10(c).

(1) Take adverse action against a nurse's multistate licensure privilege to practice within
that party state.

(i) Only the home state shall have the power to take adverse action against a nurse's license
issued by the home state.

(ii) For purposes of taking adverse action, the home state licensing board shall give the
same priority and effect to reported conduct received from a remote state as it would if such conduct
had occurred within the home state. In so doing, the home state shall apply its own state laws to
determine appropriate action.

(2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to
practice within that party state.

(3) Complete any pending investigations of a nurse who changes primary state of residence
during the course of such investigations. The licensing board shall also have the authority to take
appropriate action(s) and shall promptly report the conclusions of such investigations to the
administrator of the coordinated licensure information system. The administrator of the coordinated
licensure information system shall promptly notify the new home state of any such actions.

(4) Issue subpoenas for both hearings and investigations that require the attendance and
testimony of witnesses, as well as, the production of evidence. Subpoenas issued by a licensing
board in a party state for the attendance and testimony of witnesses or the production of evidence
from another party state shall be enforced in the latter state by any court of competent jurisdiction,
according to the practice and procedure of that court applicable to subpoenas issued in proceedings
pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and
other fees required by the service statutes of the state in which the witnesses or evidence are located.
(5) Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.

(6) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.

(7) Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.

(b) If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

(c) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

5.34.3-9. Coordinated licensure information system. Coordinated licensure information system and exchange of information.

(a) All party states shall participate in a cooperative effort to create a coordinated data base of all licensed registered nurses (RNs) and licensed practical nurses/vocational nurses (LPNs/VNs). This system will include information on the licensure and disciplinary history of each nurse, as contributed submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

(b) Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials, to the coordinated licensure information system. The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this compact.

(c) All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications
(with the reasons for such denials) and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.

(d) Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.

(c) Notwithstanding any other provision of law, all party states’ licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

(f) Any personally identifiable information obtained from the coordinated licensure information system by a party state’s licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

(g) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information, shall also be expunged from the coordinated licensure information system.

(h) The compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this compact.

(i) The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include, at a minimum:

(1) Identifying information;
(2) Licensure data;
(3) Information related to alternative program participation; and
(4) Other information that may facilitate the administration of this compact, as determined by commission rules.

(i) The compact administrator of a party state shall provide all investigative documents and information requested by another party state.

5-34.3-10. Compact administration and interchange of information Establishment of the interstate commission of nurse licensure compact administrators.

(a) The head of the nurse licensing board, or his/her designee, of each party state shall be the administrator of this compact for his/her state.
(b) The compact administrator of each party shall furnish to the compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this compact.

c) Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by party states, under the authority invested under § 5-34.3-8(4).

(a) The party states hereby create and establish a joint public entity known as the interstate commission of nurse licensure compact administrators (the "commission").

(1) The commission is an instrumentality of the party states.

(2) Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting and meetings:

(1) Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

(2) Each administrator shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission. The commission shall not be subject to the requirements of the Rhode Island Open Meetings Act, R.I. Gen. Laws §§ 42-46-1 et seq. and/or the Rhode Island Access to Public Records Act, R.I. Gen. Laws §§ 38-2-1 et seq., but rather shall adhere to the requirements stated in this chapter.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in § 5-34.3-10.1.
(5) The commission may convene in a closed, nonpublic meeting if the commission must discuss:

(i) Noncompliance of a party state with its obligations under this compact;

(ii) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(iii) Current, threatened or reasonably anticipated litigation;

(iv) Negotiation of contracts for the purchase or sale of goods, services or real estate;

(v) Accusing any person of a crime or formally censuring any person;

(vi) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(vii) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(viii) Disclosure of investigatory records compiled for law enforcement purposes;

(ix) Disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact; or

(x) Matters specifically exempted from disclosure by federal or state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(c) The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact, including, but not limited to:

(1) Establishing the fiscal year of the commission;

(2) Providing reasonable standards and procedures:

(i) For the establishment and meetings of other committees; and

(ii) Governing any general or specific delegation of any authority or function of the commission;
(3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;

(4) Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission;

(5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission; and

(6) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations;

(d) The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the commission.

(e) The commission shall maintain its financial records in accordance with the bylaws.

(f) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(g) The commission shall have the following powers:

(1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states;

(2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept or contract for services of personnel, including, but not limited to, employees of a party state or nonprofit organizations;

(5) To cooperate with other organizations that administer state compacts related to the regulation of nursing, including, but not limited to, sharing administrative or staff expenses, office space or other resources.
(6) To hire employees, elect or appoint officers, fix compensation, define duties, grant such
individuals appropriate authority to carry out the purposes of this compact, and to establish the
commission's personnel policies and programs relating to conflicts of interest, qualifications of
personnel and other related personnel matters;

(7) To accept any and all appropriate donations, grants and gifts of money, equipment,
supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all
times the commission shall avoid any appearance of impropriety or conflict of interest;

(8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
improve or use, any property, whether real, personal or mixed; provided that at all times the
commission shall avoid any appearance of impropriety;

(9) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of
any property, whether real, personal or mixed;

(10) To establish a budget and make expenditures;

(11) To borrow money;

(12) To appoint committees, including advisory committees comprised of administrators,
state nursing regulators, state legislators or their representatives, and consumer representatives, and
other such interested persons;

(13) To provide and receive information from, and to cooperate with, law enforcement
agencies;

(14) To adopt and use an official seal; and

(15) To perform such other functions as may be necessary or appropriate to achieve the
purposes of this compact consistent with the state regulation of nurse licensure and practice.

(h) Financing of the commission:

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of
its establishment, organization and ongoing activities;

(2) The commission may also levy on and collect an annual assessment from each party
state to cover the cost of its operations, activities and staff in its annual budget as approved each
year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to
be determined by the commission, which shall promulgate a rule that is binding upon all party
states;

(3) The commission shall not incur obligations of any kind prior to securing the funds
adequate to meet the same; nor shall the commission pledge the credit of any of the party states,
extcept by, and with the authority of, such party state;
(4) The commission shall keep accurate accounts of all receipts and disbursements. The
receipts and disbursements of the commission shall be subject to the audit and accounting
procedures established under its bylaws. However, all receipts and disbursements of funds handled
by the commission shall be audited yearly by a certified or licensed public accountant, and the
report of the audit shall be included in and become part of the annual report of the commission.

(i) Qualified immunity, defense and indemnification:
(1) The administrators, officers, executive director, employees and representatives of the
commission shall be immune from suit and liability, either personally or in their official capacity,
for any claim for damage to or loss of property or personal injury or other civil liability caused by
or arising out of any actual or alleged act, error or omission that occurred, or that the person against
whom the claim is made had a reasonable basis for believing occurred, within the scope of
commission employment, duties or responsibilities; provided that nothing in this paragraph shall
be construed to protect any such person from suit or liability for any damage, loss, injury or liability
caused by the intentional, willful or wanton misconduct of that person;

(2) The commission shall defend any administrator, officer, executive director, employee
or representative of the commission in any civil action seeking to impose liability arising out of
any actual or alleged act, error or omission that occurred within the scope of commission
employment, duties or responsibilities, or that the person against whom the claim is made had a
reasonable basis for believing occurred within the scope of commission employment, duties or
responsibilities; provided that nothing herein shall be construed to prohibit that person from
retaining their own counsel; and provided further that the actual or alleged act, error or omission
did not result from that person’s intentional, willful or wanton misconduct;

(3) The commission shall indemnify and hold harmless any administrator, officer,
executive director, employee or representative of the commission for the amount of any settlement
or judgment obtained against that person arising out of any actual or alleged act, error or omission
that occurred within the scope of commission employment, duties or responsibilities, or that such
person had a reasonable basis for believing occurred within the scope of commission employment,
duties or responsibilities, provided that the actual or alleged act, error or omission did not result
from the intentional, willful or wanton misconduct of that person.

5-34.3-12. Entry into force, withdrawal and amendment Effective date, withdrawal
and amendment.

(a) This compact shall enter into force and become effective as to any state when it has
been enacted into the laws of that state. Any party state may withdraw from this compact by
enacting a statute repealing the same, but no such withdrawal shall take effect until six (6) months.
after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

(b) No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the compact of any report of adverse action occurring prior to the withdrawal.

(c) Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

(d) This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

(a) This compact shall become effective upon passage. All party states to this compact, that also were parties to the prior nurse licensure compact, superseded by this compact, ("prior compact"), shall be deemed to have withdrawn from said prior compact within six (6) months after the effective date of this compact.

(b) Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior compact until such party state has withdrawn from the prior compact.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

(d) A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

(e) Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this compact.

(f) This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

(g) Representatives of non-party states to this compact shall be invited to participate in the activities of the commission, on a nonvoting basis, prior to the adoption of this compact by all states.

5-34.3-14. Construction and severability.
(a) This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

(b) In the event party states find a need for settling disputes arising under this compact:

(1) The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the compact administrator in the home state; an individual appointed by the compact administrator in the remote state(s) involved; and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute.

(2) The decision of a majority of the arbitrators shall be final and binding.

SECTION 4. Sections 5-34.3-7 and 5-34.3-11 of the General Laws in Chapter 5-34.3 entitled "Nurse Licensure Compact" are hereby repealed.

5-34.3-7. Adverse actions.

In addition to the provisions described in 5-34.3-5, the following provisions apply:

(1) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports.

(2) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate action(s), and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

(3) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state.
(4) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.

(5) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.

(6) Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action and that such participation shall remain non-public if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.

5-34.3-11. Immunity.

No party state or the officers or employees or agents of a party state's nurse licensing board who acts in accordance with the provisions of this compact shall be liable on account of any act or omission in good faith while engaged in the performance of their duties under this compact. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

SECTION 5. Title 5 of the General Laws entitled “Business and Professions” is hereby amended by adding thereto the following chapter:

CHAPTER 44.1

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

5-44.1-1. Short title. – This chapter shall be known and may be cited as the psychology interjurisdictional compact act.

5-44.1-2. Purpose.

WHEREAS, states license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice; and

WHEREAS, this compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

WHEREAS, this compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;
WHEREAS, this compact is intended to authorize state psychology regulatory authorities
to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists
licensed in another state;

WHEREAS, this compact recognizes that states have a vested interest in protecting the public’s health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

WHEREAS, this compact does not apply when a psychologist is licensed in both the home and receiving states; and

WHEREAS, this compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this compact is designed to achieve the following purposes and objectives:

(1) Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;

(2) Enhance the states’ ability to protect the public’s health and safety, especially client/patient safety;

(3) Encourage the cooperation of compact states in the areas of psychology licensure and regulation;

(4) Facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history;

(5) Promote compliance with the laws governing psychological practice in each compact state; and

(6) Invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

544.1-3. – Definitions

(a) “Adverse action” means any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.

(b) “Association of state and provincial psychology boards (ASPPB)” means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.
(c) “Authority to practice interjurisdictional telepsychology” means a licensed psychologist’s authority to practice telepsychology, within the limits authorized under this compact, in another compact state.

(d) “Bylaws” means those bylaws established by the psychology interjurisdictional compact commission pursuant to section 5-44.1-11 for its governance, or for directing and controlling its actions and conduct.

(e) “Client/patient” means the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.

(f) “Commissioner” means the voting representative designated by each state psychology Regulatory Authority pursuant to section 5-44.1-11.

(g) “Compact state” means a state, the District of Columbia, or United States territory that has enacted this compact legislation and which has not withdrawn pursuant to section 5-44.1-14 (e) or been terminated pursuant to section 5-44.1-13 (b).

(h) “Coordinated licensure information system” also referred to as “coordinated database” means an integrated process for collecting, storing, and sharing information on psychologists’ licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.

(i) “Confidentiality” means the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.

(j) “Day” means any part of a day in which psychological work is performed.

(k) “Distant State” means the compact state where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-person, face-to-face psychological services.

(l) “E.Passport” means a certificate issued by the ASPPB that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

(m) “Executive board” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(n) “Home state” means a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one compact state and is practicing under the authorization to practice interjurisdictional telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If
the psychologist is licensed in more than one compact state and is practicing under the temporary 
authorization to practice, the home state is any compact state where the psychologist is licensed.

(o) “Identity history summary” means a summary of information retained by the FBI, or 
other designee with similar authority, in connection with arrests and, in some instances, federal 
employment, naturalization, or military service.

(p) “In-person, face-to-face” means interactions in which the psychologist and the 
client/patient are in the same physical space and which does not include interactions that may occur 
through the use of telecommunication technologies.

(q) “Interjurisdictional practice certificate (IPC)” means a certificate issued by the ASPPB 
that grants temporary authority to practice based on notification to the state psychology regulatory 
authority of intention to practice temporarily, and verification of one’s qualifications for such 
practice.

(r) “License” means authorization by a state psychology regulatory authority to engage in 
the independent practice of psychology, which would be unlawful without the authorization.

(s) “Non-compact state” means any state which is not at the time a compact state.

(t) “Psychologist” means an individual licensed for the independent practice of 
psychology.

(u) “Psychology interjurisdictional compact” means the formal compact authorized in 
chapter 5-44.1.

(v) “Psychology interjurisdictional compact commission” also referred to as “commission” 
means the national administration of which all compact states are members.

(w) “Receiving State” means a compact state where the client/patient is physically located 
when the telepsychological services are delivered.

(x) “Rule” means a written statement by the psychology interjurisdictional compact 
commission promulgated pursuant to section 5-44.1-12 that is of general applicability, implements, 
interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or 
practice requirement of the commission and has the force and effect of statutory law in a compact 
state, and includes the amendment, repeal or suspension of an existing rule.

(y) “Significant investigatory information” means investigative information that a state 
psychology regulatory authority, after a preliminary inquiry that includes notification and an 
opportunity to respond if required by state law, has reason to believe, if proven true, would indicate 
more than a violation of state statute or ethics code that would be considered more substantial than 
minor infraction; or investigative information that indicates that the psychologist represents an
immediate threat to public health and safety regardless of whether the psychologist has been
notified and/or had an opportunity to respond.

(z) “State” means a state, commonwealth, territory, or possession of the United States, the
District of Columbia.

(aa) “State psychology regulatory authority” means the board, office or other agency with
the legislative mandate to license and regulate the practice of psychology.

(bb) “Telepsychology” means the provision of psychological services using
telecommunication technologies.

(cc) “Temporary authorization to practice” means a licensed psychologist’s authority to
conduct temporary in-person, face-to-face practice, within the limits authorized under this compact,
in another compact state.

(dd) “Temporary in-person, face-to-face practice” means where a psychologis is
physically present (not through the use of telecommunications technologies), in the distant state to
provide for the practice of psychology for 30 days within a calendar year and based on notification
to the distant state.

544.1-4. – Home state licensure.

(a) The home state shall be a compact state where a psychologist is licensed to practice
psychology.

(b) A psychologist may hold one or more compact State licenses at a time. If the
psychologist is licensed in more than one compact State, the home State is the compact state where
the psychologist is physically present when the services are delivered as authorized by the authority
to practice interjurisdictional telepsychology under the terms of this compact.

(c) Any compact state may require a psychologist not previously licensed in a compact
state to obtain and retain a license to be authorized to practice in the compact state under
circumstances not authorized by the authority to practice interjurisdictional telepsychology under
the terms of this compact.

(d) Any compact state may require a psychologist to obtain and retain a license to be
authorized to practice in a compact state under circumstances not authorized by temporary
authorization to practice under the terms of this compact.

(e) A home state’s license authorizes a psychologist to practice in a receiving state under
the authority to practice interjurisdictional telepsychology only if the compact state:

(1) Currently requires the psychologist to hold an active E.Passport;

(2) Has a mechanism in place for receiving and investigating complaints about licensed
individuals;
(3) Notifies the commission, in compliance with the terms herein, of any adverse action or
significant investigatory information regarding a licensed individual;
(4) Requires an identity history summary of all applicants at initial licensure, including the
use of the results of fingerprints or other biometric data checks compliant with the requirements of
the Federal Bureau of Investigation (FBI), or other designee with similar authority, no later than
ten years after activation of the compact; and
(5) Complies with the bylaws and rules.
(f) A home state’s license grants temporary authorization to practice to a psychologist in a
distant state only if the compact state:
   (1) Currently requires the psychologist to hold an active IPC;
   (2) Has a mechanism in place for receiving and investigating complaints about licensed
   individuals;
   (3) Notifies the commission, in compliance with the terms herein, of any adverse action or
   significant investigatory information regarding a licensed individual;
   (4) Requires an identity history summary of all applicants at initial licensure, including the
   use of the results of fingerprints or other biometric data checks compliant with the requirements of
   the FBI, or other designee with similar authority, no later than ten years after activation of the
   compact; and
   (5) Complies with the bylaws and rules.
5-44.1-5 Compact privilege to practice telepsychology.
   (a) Compact states shall recognize the right of a psychologist, licensed in a compact state
   in conformance with section 5-44.1-4, to practice telepsychology in other compact states (receiving
   states) in which the psychologist is not licensed, under the authority to practice interjurisdictional
   telepsychology as provided in the compact.
   (b) To exercise the authority to practice interjurisdictional telepsychology under the terms
   and provisions of this compact, a psychologist licensed to practice in a compact state must:
   (1) Hold a graduate degree in psychology from an institute of higher education that was, at
   the time the degree was awarded:
   (i) Regionally accredited by an accrediting body recognized by the U.S. department of
   education to grant graduate degrees, or authorized by provincial statute or royal charter to grant
   doctoral degrees; or
   (ii) A foreign college or university deemed to be equivalent to 1(a) above by a foreign
   credential evaluation service that is a member of the national association of credential evaluation
   services (NACES) or by a recognized foreign credential evaluation service; and
(2) Hold a graduate degree in psychology that meets the following criteria: and
(3) The program, wherever it may be administratively housed, must be clearly identified
and labeled as a psychology program. Such a program must specify in pertinent institutional
catalogues and brochures its intent to educate and train professional psychologists;
(4) The psychology program must stand as a recognizable, coherent, organizational entity
within the institution;
(5) There must be a clear authority and primary responsibility for the core and specialty
areas whether or not the program cuts across administrative lines;
(6) The program must consist of an integrated, organized sequence of study;
(7) There must be an identifiable psychology faculty sufficient in size and breadth to carry
out its responsibilities;
(8) The designated director of the program must be a psychologist and a member of the
core faculty;
(9) The program must have an identifiable body of students who are matriculated in that
program for a degree;
(10) The program must include supervised practicum, internship, or field training
appropriate to the practice of psychology;
(11) The curriculum shall encompass a minimum of three academic years of full-time
graduate study for doctoral degree and a minimum of one academic year of full-time graduate study
for master’s degree;
(12) The program includes an acceptable residency as defined by the rules.
(13) Possess a current, full and unrestricted license to practice psychology in a home state
which is a compact state;
(14) Have no history of adverse action that violate the rules;
(15) Have no criminal record history reported on an Identity history summary that violates
the rules;
(16) Possess a current, active E.Passport;
(17) Provide attestations in regard to areas of intended practice, conformity with standards
of practice, competence in telepsychology technology; criminal background; and knowledge and
adherence to legal requirements in the home and receiving states, and provide a release of
information to allow for primary source verification in a manner specified by the commission; and
(18) Meet other criteria as defined by the rules.
(c) The home state maintains authority over the license of any psychologist practicing into
a Receiving State under the authority to practice interjurisdictional telepsychology.
(d) A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state’s scope of practice. A receiving state may, in accordance with that state’s due process law, limit or revoke a psychologist’s Authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state’s applicable law to protect the health and safety of the receiving State’s citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

(e) If a psychologist’s license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under the authority to practice interjurisdictional telepsychology.

5-44.1-6. – Compact temporary authorization to practice.

(a) Compact states shall also recognize the right of a psychologist, licensed in a compact state in conformance with section 5-44.1-4, to practice temporarily in other compact states (distant states) in which the psychologist is not licensed, as provided in the compact.

(b) To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

(1) Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

(i) Regionally accredited by an accrediting body recognized by the U.S. department of education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or

(ii) A foreign college or university deemed to be equivalent to (a) above by a foreign credential evaluation service that is a member of the national association of credential evaluation services (NACES) or by a recognized foreign credential evaluation service; and

(2) Hold a graduate degree in psychology that meets the following criteria:

(i) The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(ii) The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

(iii) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
(iv) The program must consist of an integrated, organized sequence of study;

(v) There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

(vi) The designated director of the program must be a psychologist and a member of the core faculty;

(vii) The program must have an identifiable body of students who are matriculated in that program for a degree;

(viii) The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

(ix) The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master’s degree;

(x) The program includes an acceptable residency as defined by the rules.

(3) Possess a current, full and unrestricted license to practice psychology in a home state which is a compact state:

(4) No history of adverse action that violate the rules;

(5) No criminal record history that violates the rules;

(6) Possess a current, active IPC;

(7) Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(8) Meet other criteria as defined by the rules.

(c) A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

(d) A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state’s authority and law. A distant state may, in accordance with that state’s due process law, limit or revoke a psychologist’s temporary authorization to practice in the distant state and may take any other necessary actions under the distant state’s applicable law to protect the health and safety of the distant state’s citizens. If a distant state takes action, the state shall promptly notify the home state and the commission.

(e) If a psychologist’s license in any home state, another compact state, or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.
5-44.1-7. – Conditions of telepsychology practice in a receiving state.

(a) A psychologist may practice in a receiving state under the authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules, and under the following circumstances:

(1) The psychologist initiates a client/patient contact in a home state via telecommunications technologies with a client/patient in a receiving state;

(2) Other conditions regarding telepsychology as determined in the rules.

5-44.1-8. – Adverse actions.

(a) A home state shall have the power to impose adverse action against a psychologist’s license issued by the home state. A distant state shall have the power to take adverse action on a psychologist’s temporary authorization to practice within that distant state.

(b) A receiving state may take adverse action on a psychologist’s authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

(c) If a home state takes adverse action against a psychologist’s license, that psychologist’s authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist’s temporary authorization to practice is terminated and the IPC is revoked.

(1) All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules. A compact state shall report adverse actions in accordance with the rules.

(2) In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules.

(3) Other actions may be imposed as determined by the rules.

(d) A home state’s psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within the home state. In such cases, the home state’s law shall control in determining any adverse action against a psychologist’s license.

(e) A distant state’s psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization practice which occurred in that distant state as it would if such conduct
had occurred by a licensee within the home state. In such cases, distant state’s law shall control in
determining any adverse action against a psychologist’s temporary authorization to practice.

(f) Nothing in this compact shall override a compact state’s decision that a psychologist’s
participation in an alternative program may be used in lieu of adverse action and that such
participation shall remain non-public if required by the compact state’s law. Compact states must
require psychologists who enter any alternative programs to not provide telepsychology services
under the authority to practice interjurisdictional telepsychology or provide temporary
psychological services under the temporary authorization to practice in any other compact state
during the term of the alternative program.

(g) No other judicial or administrative remedies shall be available to a psychologist in the
event a compact State imposes an adverse action pursuant to subsection c, above.

5.44.1-9. -- Additional authorities invested in a compact state’s psychology regulatory
authority.

(a) In addition to any other powers granted under state law, a compact state’s psychology
regulatory Authority shall have the authority under this compact to:

(1) Issue subpoenas, for both hearings and investigations, which require the attendance and
testimony of witnesses and the production of evidence. Subpoenas issued by a compact state’s
psychology regulatory authority for the attendance and testimony of witnesses, and/or the
production of evidence from another compact state shall be enforced in the latter state by any court
of competent jurisdiction, according to that court’s practice and procedure in considering subpoenas
issued in its own proceedings. The issuing state psychology regulatory authority shall pay any
witness fees, travel expenses, mileage and other fees required by the service statutes of the state
where the witnesses and/or evidence are located; and

(2) Issue cease and desist and/or injunctive relief orders to revoke a psychologist’s
authority to practice interjurisdictional telepsychology and/or temporary authorization to practice.

(3) During the course of any investigation, a psychologist may not change his/her home
state licensure. A home state psychology regulatory authority is authorized to complete any
pending investigations of a psychologist and to take any actions appropriate under its law. The
home state psychology regulatory authority shall promptly report the conclusions of such
investigations to the commission. Once an investigation has been completed, and pending the
outcome of said investigation, the psychologist may change his/her home state licensure. The
commission shall promptly notify the new home state of any such decisions as provided in the rules.

All information provided to the commission or distributed by compact states pursuant to the
psychologist shall be confidential, filed under seal and used for investigatory or disciplinary
matters. The commission may create additional rules for mandated or discretionary sharing of information by compact States.

5-44.1-10. – Coordinated licensure information system.

(a) The commission shall provide for the development and maintenance of a coordinated licensure information system and reporting system containing licensure and disciplinary action information on all psychologists to whom this compact is applicable in all compact states as defined by the rules.

(b) Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules, including:

(i) Identifying information;

(ii) Licensure data;

(iii) Significant investigatory information;

(iv) Adverse actions against a psychologist’s license;

(v) An indicator that a psychologist’s authority to practice interjurisdictional telepsychology and/or temporary authorization to practice is revoked;

(vi) Non-confidential information related to alternative program participation information;

(vii) Any denial of application for licensure, and the reasons for such denial; and

(viii) Other information which may facilitate the administration of this compact, as determined in the rules.

(c) The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

(d) Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

(e) Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact State reporting the information shall be removed from the coordinated database.

5-44.1-11. – Establishment of the psychology interjurisdictional compact commission.

(a) The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

(1) The commission is a body politic and an instrumentality of the compact states.
(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting, and meetings

(1) The commission shall consist of one voting representative designated by each compact state who shall serve as that state’s commissioner. The state psychology regulatory authority shall designate its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to:

(i) Executive director, executive secretary or similar executive;

(ii) Current member of the state psychology regulatory authority of a compact State; or

(iii) Designee empowered with the appropriate delegate authority to act on behalf of the compact State.

(2) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists.

(3) Each commissioner shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The By-Laws may provide for commissioner’s participation in meetings by telephone or other means of communication.

(4) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(5) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the provisions of Chapter 46 of Title 42, but otherwise, the commission shall not be subject to the requirements of the Rhode Island Open Meetings Act, R.I. Gen. Laws § 42-46-1 et seq. and/or the Rhode Island Access to Public Records Act, R.I. Gen. Laws § 38-2-1 et seq. Rather, the commission shall adhere to the requirements stated in this chapter.

(6) The commission may convene in a closed, non-public meeting if the commission must discuss:

(i) Non-compliance of a compact state with its obligations under the compact;
(ii) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission’s internal personnel practices and procedures;

(iii) Current, threatened, or reasonably anticipated litigation against the commission;

(iv) Negotiation of contracts for the purchase or sale of goods, services or real estate;

(v) Accusation against any person of a crime or formally censuring any person;

(vi) Disclosure of trade secrets or commercial or financial information which is privileged or confidential;

(vii) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(viii) Disclosure of investigatory records compiled for law enforcement purposes;

(ix) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; or

(x) Matters specifically exempted from disclosure by federal and state statute.

(7) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission’s legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(8) The commission shall, by a majority vote of the commissioners, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

(i) Establishing the fiscal year of the commission;

(ii) Providing reasonable standards and procedures;

(iii) for the establishment and meetings of other committees; and

(iv) governing any general or specific delegation of any authority or function of the commission;

(v) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for
attendance of such meetings by interested parties, with enumerated exceptions designed to protect
the public’s interest, the privacy of individuals of such proceedings, and proprietary information,
including trade secrets. The commission may meet in closed session only after a majority of the
commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the
commission must make public a copy of the vote to close the meeting revealing the vote of each
commisioner with no proxy votes allowed;

(vi) Establishing the titles, duties and authority and reasonable procedures for the election
of the officers of the commission;

(vii) Providing reasonable standards and procedures for the establishment of the personnel
policies and programs of the commission. Notwithstanding any civil service or other similar law
of any compact State, the bylaws shall exclusively govern the personnel policies and programs of
the commission;

(viii) Promulgating a code of ethics to address permissible and prohibited activities of
commission members and employees;

(ix) Providing a mechanism for concluding the operations of the commission and the
equitable disposition of any surplus funds that may exist after the termination of the compact after
the payment and/or reserving of all of its debts and obligations;

(9) The commission shall publish its Bylaws in a convenient form and file a copy thereof
and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact
states;

(10) The commission shall maintain its financial records in accordance with the Bylaws;
and

(11) The commission shall meet and take such actions as are consistent with the provisions
of this compact and the bylaws.

(c) The commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation
and administration of this compact. The rule shall have the force and effect of law and shall be
binding in all compact states;

(2) To bring and prosecute legal proceedings or actions in the name of the commission,
provided that the standing of any state psychology regulatory authority or other regulatory body
responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept or contract for services of personnel, including, but not limited to,
employees of a compact state:
(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such
individuals appropriate authority to carry out the purposes of the compact, and to establish the
commission’s personnel policies and programs relating to conflicts of interest, qualifications of
personnel, and other related personnel matters;

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall strive to avoid any appearance of impropriety;

(8) To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

(d) The executive board. The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact.

(1) The executive board shall be comprised of six members:

(i) Five voting members who are elected from the current membership of the commission by the commission;

(ii) One ex-officio, nonvoting member from the recognized membership organization composed of state and provincial psychology regulatory authorities.

(1) The ex-officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization.

(2) The commission may remove any member of the executive board as provided in the bylaws.
(3) The executive board shall meet at least annually.

(4) The executive board shall have the following duties and responsibilities:

(i) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees;

(ii) Ensure compact administration services are appropriately provided, contractual or otherwise;

(iii) Prepare and recommend the budget;

(iv) Maintain financial records on behalf of the commission;

(v) Monitor compact compliance of member states and provide compliance reports to the commission;

(vi) Establish additional committees as necessary; and

(vii) Other duties as provided in rules or bylaws.

(e) Financing of the commission

(1) The commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states.

(1) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the compact States, except by and with the authority of the compact state.

(2) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(a) Qualified immunity, defense, and indemnification

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity,
for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person’s intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

5-44.1-12. – Rulemaking.

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in section 5-44.1-12 and the rules adopted thereunder. rules and amendments shall become binding as of the date specified in each rule or amendment. The commission shall not be subject to the requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 et seq., but rather shall adhere to the requirements stated in this chapter.

(b) If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.
(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and

(2) On the website of each compact states’ psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

(e) The Notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) The text of the proposed rule or amendment and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person; and

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least twenty-five (25) persons who submit comments independently of each other;

(2) A governmental subdivision or agency; or

(3) A duly appointed person in an association that has having at least twenty-five (25) members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.
4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of commission or compact state funds;

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) Protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

5.44.1-13. -- Oversight, dispute resolution, and enforcement.

(a) Oversight
(1) The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact’s purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b) Default, technical assistance, and termination

(1) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default and/or any other action to be taken by the commission; and

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the compact states.

(4) A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

(5) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.
(6) The defaulting state may appeal the action of the commission by petitioning the U.S. district court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney’s fees.

(c) Dispute resolution

(1) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and non-compact states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

(d) Enforcement

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States district court for the State of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney’s fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

5-44.1-14. Date of implementation of the psychology interjurisdictional compact commission and associated rules, withdrawal, and amendments.

(a) The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state which joins the compact subsequent to the commission’s initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any compact state may withdraw from this compact by enacting a statute repealing the same.
(1) A compact state’s withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state’s psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a non-compact state which does not conflict with the provisions of this compact.

(e) This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact State until it is enacted into the law of all compact states.

544.1-15. – Construction and severability.
This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact States.

SECTION 6. Title 5 of the General Laws entitled “Business and Professions” is hereby amended by adding thereto the following chapter:

CHAPTER 40.2
RHODE ISLAND PHYSICAL THERAPIST LICENSURE COMPACT

This chapter shall be known and may be cited as the Rhode Island physical therapist licensure compact act.

540.2-2. Purpose.
(a) The purpose of the physical therapist licensure compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of the state to protect public health and safety through the current system of state licensure. The compact is designed to achieve the following objectives:

(1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

(2) Enhance the states’ ability to protect the public’s health and safety;

(3) Encourage the cooperation of member states in regulating multi-state physical therapy practice:
(4) Support spouses of relocating military members;

(5) Enhance the exchange of licensure, investigative, and disciplinary information between member states; and

(6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state’s practice standards.

5-40.2-3. Definitions.

As used in this compact, and except as otherwise provided, the following definitions shall apply:

(a) “Active duty military” means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

(b) “Adverse action” means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.

(c) “Alternative program” means a non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.

(d) “Compact privilege” means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.

(e) “Continuing competence” means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

(f) “Data system” means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.

(g) “Encumbered license” means a license that a physical therapy licensing board has limited in any way.

(h) “Executive board” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(i) “Home state” means the member state that is the licensee’s primary state of residence.

(j) “Investigative information” means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.

(k) “Jurisprudence requirement” means the assessment of an individual’s knowledge of the laws and rules governing the practice of physical therapy in a state.
(l) “Licensee” means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.

(m) “Member state” means a state that has enacted the compact.

(n) “Party state” means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

(o) “Physical therapist” means an individual who is licensed by a state to practice physical therapy.

(p) “Physical therapist assistant” means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.

(q) “Physical therapy,” “physical therapy practice,” and “the practice of physical therapy” mean the care and services provided by or under the direction and supervision of a licensed physical therapist.

(r) “Physical therapy compact” means the formal compact authorized in chapter 5-40.2.

(s) “Physical therapy compact commission” or “commission” means the national administrative body whose membership consists of all states that have enacted the compact.

(t) “Physical therapy licensing board” or “licensing board” means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

(u) “Remote state” means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

(v) “Rule” means a regulation, principle, or directive promulgated by the commission that has the force of law.

(w) “State” means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

5-40.2-4, State participation in the compact.

(a) To participate in the compact, a state must:

(1) Participate fully in the commission’s data system, including using the commission’s unique identifier as defined in rules;

(2) Have a mechanism in place for receiving and investigating complaints about licensees;

(3) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

(4) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on
criminal background checks and use the results in making licensure decisions in accordance with
section 5-40.2-4 (b);

(5) Comply with the rules of the commission;

(6) Utilize a recognized national examination as a requirement for licensure pursuant to the
rules of the commission; and

(7) Have continuing competence requirements as a condition for license renewal.

(b) Upon adoption of this statute, the member state shall have the authority to obtain
biometric-based information from each physical therapy licensure applicant and submit this
information to the Federal Bureau of Investigation for a criminal background check in accordance

(c) A member state shall grant the compact privilege to a licensee holding a valid
unencumbered license in another member state in accordance with the terms of the compact and
rules.

(d) Member states may charge a fee for granting a compact privilege.

5-40.2-5. Compact privilege.

(a) To exercise the compact privilege under the terms and provisions of the compact, the
licensee shall:

(1) Hold a license in the home state;

(2) Have no encumbrance on any state license;

(3) Be eligible for a compact privilege in any member state in accordance with section 5-
40.2-5 (d), (g), and (h);

(4) Have not had any adverse action against any license or compact privilege within the
previous two years;

(5) Notify the commission that the licensee is seeking the compact privilege within a
remote state(s);

(6) Pay any applicable fees, including any state fee, for the compact privilege;

(7) Meet any jurisprudence requirements established by the remote state(s) in which the
licensee is seeking a compact privilege; and

(8) Report to the commission adverse action taken by any non-member state within 30 days
from the date the adverse action is taken.

(b) The compact privilege is valid until the expiration date of the home license. The licensee
must comply with the requirements of section 5-40.2-5 (a) to maintain the compact privilege in the
remote state.
(c) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(d) A licensee providing physical therapy in a remote state is subject to that state’s regulatory authority. A remote state may, in accordance with due process and that state’s laws, remove a licensee’s compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(e) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) The home state license is no longer encumbered; and
(2) Two years have elapsed from the date of the adverse action.

(f) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of section 5-40.2-5 (a) to obtain a compact privilege in any remote state.

(g) If a licensee’s compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

(1) The specific period of time for which the compact privilege was removed has ended;
(2) All fines have been paid; and
(3) Two years have elapsed from the date of the adverse action.

(h) Once the requirements of section 5-40.2-5 (g) have been met, the license must meet the requirements in section 5-40.2-5 (a) to obtain a compact privilege in a remote state.

5-40.2-6. Active duty military personnel or their spouses.

(a) A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

(1) Home of record;
(2) Permanent change of station (PCS); or
(3) State of current residence if it is different than the PCS state or home of record.

5-40.2-7. Adverse Actions.

(a) A home state shall have exclusive power to impose adverse action against a license issued by the home state.

(b) A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.
(c) Nothing in this compact shall override a member state’s decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state’s laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

(d) Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

(e) A remote state shall have the authority to:

1. Take adverse actions as set forth in section 5-40.2-5 (d) against a licensee’s compact privilege in the state;

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

3. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(f) Joint Investigations

1. In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

5-40.2-8. Establishment of the physical therapy compact commission.

(a) The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission:

1. The commission is an instrumentality of the compact states;

2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the
commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, Voting, and Meetings

(1) Each member state shall have and be limited to one delegate selected by that member state’s licensing board.

(2) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the commission.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates’ participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year.

(8) Additional meetings shall be held as set forth in the bylaws.

(c) The commission shall have the following powers and duties:

(1) Establish the fiscal year of the commission;

(2) Establish bylaws;

(3) Maintain its financial records in accordance with the bylaws;

(4) Meet and take such actions as are consistent with the provisions of this compact and the bylaws;

(5) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

(6) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

(7) Purchase and maintain insurance and bonds;

(8) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state:
(9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission’s personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

(11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

(12) Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(13) Establish a budget and make expenditures;

(14) Borrow money;

(15) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(16) Provide and receive information from, and cooperate with, law enforcement agencies;

(17) Establish and elect an executive board; and

(18) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

d) The executive board shall have the power to act on behalf of the commission according to the terms of this compact. The executive board shall be composed of nine members:

(1) Seven voting members who are elected by the commission from the current membership of the commission;

(2) One ex-officio, nonvoting member from the recognized national physical therapy professional association; and

(3) One ex-officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

(4) The ex-officio members will be selected by their respective organizations.

(5) The commission may remove any member of the executive board as provided in bylaws.

(e) The executive board shall meet at least annually.
(f) The executive board shall have the following duties and responsibilities:

(1) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

(2) Ensure compact administration services are appropriately provided, contractual or otherwise;

(3) Prepare and recommend the budget;

(4) Maintain financial records on behalf of the commission;

(5) Monitor compact compliance of member states and provide compliance reports to the commission;

(6) Establish additional committees as necessary; and

(7) Other duties as provided in rules or bylaws.

(g) All meetings of the commission shall be open to the public, and public notice of meetings shall be given in the same manner as required under the provisions of Chapter 46 of Title 42, but otherwise, the commission shall not be subject to the requirements of the Rhode Island Open Meetings Act, R.I. Gen. Laws § 42-46-1 et seq. and/or the Rhode Island Access to Public Records Act, R.I. Gen. Laws § 38-2-1 et seq. Rather, the commission shall adhere to the requirements stated in this chapter.

(1) The commission or the executive board or other committees of the commission may convene in a closed, non-public meeting if the commission or executive board or other committees of the commission must discuss:

(2) Non-compliance of a member state with its obligations under the compact;

(3) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission’s internal personnel practices and procedures;

(4) Current, threatened, or reasonably anticipated litigation;

(5) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(6) Accusing any person of a crime or formally censuring any person;

(7) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(8) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(9) Disclosure of investigative records compiled for law enforcement purposes;
(10) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

(11) Matters specifically exempted from disclosure by federal or member state statute.

(h) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission’s legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(i) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(j) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(1) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(2) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(3) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(4) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(k) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by
or arising out of any actual or alleged act, error or omission that occurred, or that the person against
whom the claim is made had a reasonable basis for believing occurred within the scope of
commission employment, duties or responsibilities; provided that nothing in this paragraph shall
be construed to protect any such person from suit and/or liability for any damage, loss, injury, or
liability caused by the intentional or willful or wanton misconduct of that person.

(1) The commission shall defend any member, officer, executive director, employee or
representative of the commission in any civil action seeking to impose liability arising out of any
actual or alleged act, error, or omission that occurred within the scope of commission employment,
duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis
for believing occurred within the scope of commission employment, duties, or responsibilities;
provided that nothing herein shall be construed to prohibit that person from retaining his or her own
counsel; and provided further, that the actual or alleged act, error, or omission did not result from
that person’s intentional or willful or wanton misconduct.

(2) The commission shall indemnify and hold harmless any member, officer, executive
director, employee, or representative of the commission for the amount of any settlement or
judgment obtained against that person arising out of any actual or alleged act, error or omission
that occurred within the scope of commission employment, duties, or responsibilities, or that such
person had a reasonable basis for believing occurred within the scope of commission employment,
duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result
from the intentional or willful or wanton misconduct of that person.


(a) The commission shall provide for the development, maintenance, and utilization of a
coordinated database and reporting system containing licensure, adverse action, and investigative
information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall
submit a uniform data set to the data system on all individuals to whom this compact is applicable
as required by the rules of the commission, including:

(1) Identifying information;

(2) Licensure data;

(3) Adverse actions against a license or compact privilege;

(4) Non-confidential information related to alternative program participation;

(5) Any denial of application for licensure, and the reason(s) for such denial; and

(6) Other information that may facilitate the administration of this compact, as determined
by the rules of the commission.
(c) Investigative information pertaining to a licensee in any member state will only be available to other party states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

5-40-.2-10. Rulemaking.

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment. The commission shall not be subject to the requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 et seq., but rather shall adhere to the requirements stated in this chapter.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed Rulemaking:

(1) On the website of the commission or other publicly accessible platform; and

(2) On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) The text of the proposed rule or amendment and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person; and

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.
(f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

1. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(k) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

1. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare:
(2) Prevent a loss of commission or member state funds;

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) Protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

5-40-2-11. Oversight, dispute resolution, and enforcement.

(a) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact’s purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

(c) The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(d) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and

(2) Provide remedial training and specific technical assistance regarding the default.

(e) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges
and benefits conferred by this compact may be terminated on the effective date of termination. A
cure of the default does not relieve the offending state of obligations or liabilities incurred during
the period of default.

(f) Termination of membership in the compact shall be imposed only after all other means
of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given
by the commission to the governor, the majority and minority leaders of the defaulting state’s
legislature, and each of the member states.

(g) A state that has been terminated is responsible for all assessments, obligations, and
liabilities incurred through the effective date of termination, including obligations that extend
beyond the effective date of termination.

(h) The commission shall not bear any costs related to a state that is found to be in default
or that has been terminated from the compact, unless agreed upon in writing between the
commission and the defaulting state.

(i) The defaulting state may appeal the action of the commission by petitioning the U.S.
district court for the District of Columbia or the federal district where the commission has its
principal offices. The prevailing member shall be awarded all costs of such litigation, including
reasonable attorney’s fees.

(j) Upon request by a member state, the commission shall attempt to resolve disputes
related to the compact that arise among member states and between member and non-member
states.

(k) The commission shall promulgate a rule providing for both mediation and binding
dispute resolution for disputes as appropriate.

(l) The commission, in the reasonable exercise of its discretion, shall enforce the provisions
and rules of this compact.

(m) By majority vote, the commission may initiate legal action in the United States district
court for the District of Columbia or the federal district where the commission has its principal
offices against a member state in default to enforce compliance with the provisions of the compact
and its promulgated rules and bylaws. The relief sought may include both injunctive relief and
damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded
all costs of such litigation, including reasonable attorney’s fees.

(n) The remedies herein shall not be the exclusive remedies of the commission. The
commission may pursue any other remedies available under federal or state law.

5-40-2.12. Date of implementation of the interstate commission for physical therapy
practice and associated rules, withdrawal, and amendment
(a) The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission’s initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state’s withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state’s physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

5-40.2-13. Construction and severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

SECTION 7. Title 23 of the General Laws entitled “Health and Safety” is hereby amended by adding thereto the following chapter:

CHAPTER 23-4.2
EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT

23-4.2-1. Short title. — This chapter shall be known and may be cited as the Emergency medical Services Personnel Licensure Interstate Compact.

23-4.2-2. Purpose. — In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and paramedics. This Compact is intended to facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This Compact recognizes that states have a vested interest in protecting the public’s health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This Compact is designed to achieve the following purposes and objectives:

(1) Increase public access to EMS personnel;
(2) Enhance the states’ ability to protect the public’s health and safety, especially patient safety;
(3) Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;
(4) Support licensing of military members who are separating from an active duty tour and their spouses;
(5) Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information;
(6) Promote compliance with the laws governing EMS personnel practice in each member state; and
(7) Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.


(a) “Advanced emergency medical technician (AEMT)” means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national EMS education standards and national EMS scope of practice model.

(b) “Adverse action” means: any administrative, civil, equitable or criminal action permitted by a state’s laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual’s license such as
revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual’s practice, letters of reprimand or admonition, fines, criminal convictions and state court judgments enforcing adverse actions by the state EMS authority.

(c) “Alternative program” means: a voluntary, non-disciplinary substance abuse recovery program approved by a state EMS authority.

(d) “Certification” means the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination.

(e) “Commission” means the national administrative body of which all states that have enacted the compact are members.

(f) “Emergency medical technician (EMT)” means: an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national EMS education standards and national EMS scope of practice model.

(g) “Home state” means a member state where an individual is licensed to practice emergency medical services.

(h) “License” means the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic.

(i) “Medical director” means: a physician licensed in a member state who is accountable for the care delivered by EMS personnel.

(j) “Member state” means a state that has enacted this compact.

(k) “Privilege to practice” means: an individual’s authority to deliver emergency medical services in remote states as authorized under this compact.

(l) “Paramedic” means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national EMS education standards and national EMS scope of practice model.

(m) “Remote state” means a member state in which an individual is not licensed.

(n) “Restricted” means the outcome of an adverse action that limits a license or the privilege to practice.

(o) “Rule” means a written statement by the interstate commission promulgated pursuant to section 23-4.2-13 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.
(p) “Scope of practice” means defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform.

(q) “Significant investigatory information” means:

1. investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

2. investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.

(r) “State” means any state, commonwealth, district, or territory of the United States.

(s) “State EMS authority” means: the board, office, or other agency with the legislative mandate to license EMS personnel.

23-4.2-4 Home state licensure.

(a) Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

(b) Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

(c) A home state’s license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

1. Currently requires the use of the national registry of emergency medical technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

2. Has a mechanism in place for receiving and investigating complaints about individuals;

3. Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

4. No later than five years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in
accordance with US CFR §731.202 and submit documentation of such as promulgated in the rules of the commission; and

5) Complies with the rules of the commission.

23-4.2-5– Compact privilege to practice.

(a) Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with section 23-4.2-4.

(b) To exercise the privilege to practice under the terms and provisions of this compact, an individual must:

1) Be at least 18 years of age;

2) Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

3) Practice under the supervision of a medical director.

(c) An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the commission.

(d) Except as provided in this subsection, an individual practicing in a remote state will be subject to the remote state’s authority and laws. A remote state may, in accordance with due process and that state’s laws, restrict, suspend, or revoke an individual’s privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the Commission.

(e) If an individual’s license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual’s home state license is restored.

(f) If an individual’s privilege to practice in any remote state is restricted, suspended, or revoked the individual shall not be eligible to practice in any remote state until the individual’s privilege to practice is restored.

23-4.2-6– Conditions of practice in a remote site.

An individual may practice in a remote site under a privilege to practice only in the performance of the individual’s EMS duties as assigned by an appropriate authority, as defined in the rules of the Commission, and under the following circumstances:

1) The individual originates a patient transport in a home state and transports the patient to a remote state:
(2) The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;

(3) The individual enters a remote state to provide patient care and/or transport within that remote state;

(4) The individual enters a remote state to pick up a patient and provide care and transport to a third member state;

(5) Other conditions as determined in the rules.

23.4.2.7 – Relationship to emergency management assistance compact.

Upon a member state’s governor’s declaration of a state of emergency or disaster that activates the emergency management assistance compact (EMAC), all relevant terms and provisions of EMAC shall apply and to the extent any terms or provisions of this compact conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

23.4.2.8 – Veterans, service members separating from active duty military, and their spouses.

Member states shall consider a veteran, active military service member, and member of the national guard and reserves separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

(b) Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the national guard and reserves separating from an active duty tour, and their spouses.

(c) All individuals functioning with a privilege to practice under this section remain subject to the adverse actions provisions of section 23.4.2.9.

23.4.2.9 – Adverse actions.

A home state shall have exclusive power to impose adverse action against an individual’s license issued by the home state.

(b) If an individual’s license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual’s home state license is restored.

(1) All home state adverse action orders shall include a statement that the individual’s compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state’s EMS authority.
(2) An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state’s EMS authority.

(3) A member state shall report adverse actions and any occurrences that the individual’s compact privileges are restricted, suspended, or revoked to the commission in accordance with the rules.

(4) A remote state may take adverse action on an individual’s privilege to practice within that state.

(5) Any member state may take adverse action against an individual’s privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

(c) A home state’s EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state’s law shall control in determining the appropriate adverse action.

(d) Nothing in this compact shall override a member state’s decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state’s laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

23-4.2-10- Additional powers invested in a member state’s emergency medical services authority.

A member state’s EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:

(1) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state’s EMS authority for the attendance and testimony of witnesses, and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court’s practice and procedure in considering subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

(2) Issue cease and desist orders to restrict, suspend, or revoke an individual’s privilege to practice in the state.
23-4.2-11– Establishment of the interstate commission for emergency medical personnel practice.

(a) The compact states hereby create and establish a joint public agency known as the interstate commission for EMS personnel practice.

(1) The commission is a body politic and an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting, and meetings

(1) Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state will determine which entity will be responsible for assigning the delegate.

(2) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates’ participation in meetings by telephone or other means of communication.

(3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under Chapter 35 of Title 42, but otherwise, the commission shall not be subject to the requirements of the Rhode Island Open Meetings Act, R.I. Gen. Laws § 42-46-1 et seq. and/or the Rhode Island Access to Public Records Act, R.I. Gen. Laws § 38-2-1 et seq. Rather, the commission shall adhere to the requirements stated in this chapter.

(5) The commission may convene in a closed, non-public meeting if the Commission must discuss:

(i) Non-compliance of a member state with its obligations under the compact;
(ii) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission’s internal personnel practices and procedures;

(iii) Current, threatened, or reasonably anticipated litigation;

(iv) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

(v) Accusing any person of a crime or formally censuring any person;

(vi) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(vii) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(viii) Disclosure of investigatory records compiled for law enforcement purposes;

(ix) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

(x) Matters specifically exempted from disclosure by federal or member state statute.

(6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission’s legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(c) The commission shall, by a majority vote of the delegates, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

(1) Establishing the fiscal year of the commission;

(2) Providing reasonable standards and procedures;

(3) for the establishment and meetings of other committees; and

(4) governing any general or specific delegation of any authority or function of the commission;

(5) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect...
the public’s interest, the privacy of individuals, and proprietary information, including trade secrets.

The commission may meet in closed session only after a majority of the membership votes to close
a meeting in whole or in part. As soon as practicable, the commission must make public a copy of
the vote to close the meeting revealing the vote of each member with no proxy votes allowed;

(6) Establishing the titles, duties and authority, and reasonable procedures for the election
of the officers of the commission;

(7) Providing reasonable standards and procedures for the establishment of the personnel
policies and programs of the commission. Notwithstanding any civil service or other similar laws
of any member state, the bylaws shall exclusively govern the personnel policies and programs of
the commission;

(8) Promulgating a code of ethics to address permissible and prohibited activities of
commission members and employees;

(9) Providing a mechanism for winding up the operations of the commission and the
equitable disposition of any surplus funds that may exist after the termination of the compact after
the payment and/or reserving of all of its debts and obligations;

(10) The commission shall publish its bylaws and file a copy thereof, and a copy of any
amendment thereto, with the appropriate agency or officer in each of the member states, if any,

(11) The commission shall maintain its financial records in accordance with the bylaws,

(12) The commission shall meet and take such actions as are consistent with the provisions
of this compact and the bylaws,

(d) The commission shall have the following powers:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation
and administration of this compact. The rules shall have the force and effect of law and shall be
binding in all member states;

(2) To bring and prosecute legal proceedings or actions in the name of the commission,
provided that the standing of any state EMS authority or other regulatory body responsible for EMS
personnel licensure to sue or be sued under applicable law shall not be affected;

(3) To purchase and maintain insurance and bonds;

(4) To borrow, accept, or contract for services of personnel, including, but not limited to,
employees of a member state;

(5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such
individuals appropriate authority to carry out the purposes of the compact, and to establish the
commission’s personnel policies and programs relating to conflicts of interest, qualifications of
personnel, and other related personnel matters;
(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

(8) To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(9) To establish a budget and make expenditures;

(10) To borrow money;

(11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(12) To provide and receive information from, and to cooperate with, law enforcement agencies;

(13) To adopt and use an official seal; and

(14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of EMS personnel licensure and practice.

(e) Financing of the commission

(1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.
(5) The commission shall keep accurate accounts of all receipts and disbursements. The
receipts and disbursements of the commission shall be subject to the audit and accounting
procedures established under its bylaws. However, all receipts and disbursements of funds handled
by the commission shall be audited yearly by a certified or licensed public accountant, and the
report of the audit shall be included in and become part of the annual report of the commission.

(f) Qualified immunity, defense, and indemnification

(1) The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity,
for any claim for damage to or loss of property or personal injury or other civil liability caused by
or arising out of any actual or alleged act, error or omission that occurred, or that the person against
whom the claim is made had a reasonable basis for believing occurred within the scope of
commission employment, duties or responsibilities; provided that nothing in this paragraph shall
be construed to protect any such person from suit and/or liability for any damage, loss, injury, or
liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or
representative of the commission in any civil action seeking to impose liability arising out of any
actual or alleged act, error, or omission that occurred within the scope of commission employment,
duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis
for believing occurred within the scope of commission employment, duties, or responsibilities;
provided that nothing herein shall be construed to prohibit that person from retaining his or her own
counsel; and provided further, that the actual or alleged act, error, or omission did not result from
that person’s intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive
director, employee, or representative of the commission for the amount of any settlement or
judgment obtained against that person arising out of any actual or alleged act, error or omission
that occurred within the scope of commission employment, duties, or responsibilities, or that such
person had a reasonable basis for believing occurred within the scope of commission employment,
duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result
from the intentional or willful or wanton misconduct of that person.

23-4.2-12 Coordinated database.

(a) The commission shall provide for the development and maintenance of a coordinated
database and reporting system containing licensure, adverse action, and significant investigatory
information on all licensed individuals in member states.
(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(1) Identifying information;
(2) Licensure data;
(3) Significant investigatory information;
(4) Adverse actions against an individual’s license;
(5) An indicator that an individual’s privilege to practice is restricted, suspended or revoked;
(6) Non-confidential information related to alternative program participation;
(7) Any denial of application for licensure, and the reason(s) for such denial; and
(8) Other information that may facilitate the administration of this Compact, as determined by the rules of the commission.

(c) The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

(d) Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

(e) Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

23-4.2-13– Rulemaking.

The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. The commission shall not be subject to the requirements of the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 et seq., but rather shall adhere to the requirements stated in this chapter. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.
(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission; and
(2) On the website of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) The text of the proposed rule or amendment and the reason for the proposed rule;

(3) A request for comments on the proposed rule from any interested person; and

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least twenty-five (25) persons;
(2) A governmental subdivision or agency; or
(3) An association having at least twenty-five (25) members.

(h) A hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.
(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(k) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of commission or member state funds;

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) Protect public health and safety.

(m) The commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

23-4.2-14– Oversight, dispute resolution, and enforcement.

(a) Oversight

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the
compact’s purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

(b) The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(c) Default, technical assistance, and termination

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(i) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and

(ii) Provide remedial training and specific technical assistance regarding the default.

(iii) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(iv) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state’s legislature, and each of the member states.

(2) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(3) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(4) The defaulting state may appeal the action of the commission by petitioning the U.S. district court for the District of Columbia or the federal district where the commission has its
principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney’s fees.

(d) Dispute resolution

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(e) Enforcement

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney’s fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

23-4.2-15– Date of implementation of the interstate compact commission for emergency medical personnel practice and associated rules, withdrawal, and amendment.

The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission’s initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state’s withdrawal shall not take effect until six (6) months after enactment of the repealing statute.
(2) Withdrawal shall not affect the continuing requirement of the withdrawing state’s EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

23-4.2-16. Construction and severability.

This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

SECTION 8. This section shall take effect upon passage and sunset on July 1, 2026. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 42-7.5

THE HEALTH SPENDING TRANSPARENCY AND CONTAINMENT ACT

42-7.5-1. Short title.

This chapter shall be known and may be cited as “The Health Spending Transparency and Containment Act.”

42-7.5-2. Background and Purposes.

(a) WHEREAS, in August of 2018, the Cost Trend Steering Committee, composed of stakeholders including business and consumer advocates and health industry leaders, was created to advise the RI health care cost trend project in partnership with the Office of the Health Insurance Commissioner and the Executive Office on Health and Human Services.

(b) WHEREAS, the vision of the cost trend steering committee is to provide every Rhode Islander with access to high-quality, affordable healthcare through greater transparency of healthcare performance and increased accountability by key stakeholders to ensure healthcare spending does not increase at a rate that significantly outpaces the projected state domestic product.

(c) WHEREAS, the goal of the cost trend work is to use actionable data insights, analytic tools, State authority, and stakeholder engagement to drive meaningful changes in healthcare spending in Rhode Island.
WHEREAS, since August 2018, Rhode Island has: (1) convened a diverse group of stakeholders to consider the establishment of a cost growth target; (2) achieved unanimous consensus on the establishment of such a target; and (3) issued an executive order to formalize the cost target.

(c) WHEREAS, the cost trend steering committee also convened national experts with RI government officials, advocates, business leaders, and healthcare leaders to share best practices on claims-based analyses, leading to the development of a strategy to track overall healthcare spending, report at several levels, and produce information that will inform and enhance provider decision making.

(f) WHEREAS, the values that guide Rhode Island’s cost trend efforts include commitments to (1) broad based stakeholder engagement that ensures consensus and support, (2) transparency and actionability of data and reports, and (3) collaboration between experts in state government, the private sector, and academia that results in key decision makers using data in smarter ways to reduce costs while ensuring high quality care.

(g) WHEREAS, in the final year of Peterson Center RI health care cost trend project funding (ending August of 2021), the steering committee has committed to work on sustainability planning to codify the cost trend analytics and convenings in the annual practices of the state. This will require reporting in early 2021 on the state’s performance against the cost growth target, demonstrating that healthcare cost analytics can catalyze policy and behavior change, and coordinating the cost trend work with the other on-going health reform and data use work in Rhode Island.

(h) WHEREAS, the mission of the Executive Office of Health and Human Services is to assure access to high quality and cost-effective services that foster the health, safety, and independence of all Rhode Islanders. The complementary responsibility of the RI Office of the Health Insurance Commissioner includes addressing the affordability of healthcare and viewing the healthcare system as a whole, combining consumer protection and commercial insurer regulation with system reform policy-making.

42-7.5-3 Definitions.

The following words and phrases as used in this chapter shall have the following meaning:

(1)(i) “Contribution enrollee” means an individual residing in this state, with respect to whom an insurer administers, provides, pays for, insures, or covers healthcare services, unless excepted by this section.

(ii) “Contribution enrollee” shall not include an individual whose healthcare services are paid or reimbursed by Part A or Part B of the Medicare program, a Medicare supplemental policy.
as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss(g)(1), or Medicare
managed care policy, the federal employees' health benefit program, the Veterans' healthcare
program, the Indian health service program, or any local governmental corporation, district, or
agency providing health benefits coverage on a self-insured basis.

(2) “Healthcare services funding contribution” means per capita amount each contributing
insurer must contribute to support the health spending transparency and containment program
funded by the method established under this section, with respect to each contribution enrollee.

(3)(i) "Insurer" means all persons offering, administering, and/or insuring healthcare
services, including, but not limited to:

(A) Policies of accident and sickness insurance, as defined by chapter 18 of title 27;
(B) Nonprofit hospital or medical-service plans, as defined by chapters 19 and 20 of title
27;
(C) Any person whose primary function is to provide diagnostic, therapeutic, or preventive
services to a defined population on the basis of a periodic premium;
(D) All domestic, foreign, or alien insurance companies, mutual associations, and
organizations;
(E) Health maintenance organizations, as defined by chapter 41 of title 27;
(F) All persons providing health benefits coverage on a self-insurance basis;
(G) All third-party administrators described in chapter 20.7 of title 27; and
(H) All persons providing health benefit coverage under Title XIX of the Social Security
Act (Medicaid) as a Medicaid managed care organization offering managed Medicaid.

(ii) "Insurer" shall not include any nonprofit dental service corporation as defined in § 27-
20.1-2, nor any insurer offering only those coverages described in § 42-7.5-8.

(4) "Person" means any individual, corporation, company, association, partnership, limited
liability company, firm, state governmental corporations, districts, and agencies, joint stock
associations, trusts, and the legal successor thereof.

(5) “Secretary” means the secretary of health and human services.

42-7.5-4. Imposition of health spending transparency and containment funding
contribution.

(a) Each insurer is required to pay the health spending transparency and containment
funding contribution for each contribution enrollee of the insurer as of December 31 of the
proceeding calendar year, at the rate set forth in this section.

(1) Within 7 days of passage of this act, the secretary shall set the health spending
transparency and containment funding contribution each fiscal year in an amount not to exceed one

dollar ($1) per contribution enrollee per year of all insurers. The funding contribution shall be

established based upon the anticipated spending necessary to administer the program as set forth in

section 42-7.5-10. Any amount collected in excess of the actual amount spent for the program

pursuant to section 42-7.5-10 shall be used to reduce the funding contribution required for the

following assessment period.

(2) The assessment set forth herein shall be in addition to any other fees or assessments

upon the insurer allowable by law.

(b) The contribution shall be paid by the insurer; provided, however, a person providing

health benefits coverage on a self-insurance basis that uses the services of a third-party

administrator shall not be required to make a contribution for a contribution enrollee where the

contribution on that enrollee has been or will be made by the third-party administrator.

42-7.5-5. Returns and payment.

(a) Every insurer required to make a contribution shall, on or before the first day of

September of each year, beginning September of 2021, make a return to the secretary together with

payment of the annual health spending transparency and containment funding contribution.

(b) All returns shall be signed by the insurer required to make the contribution, or by its

authorized representative, subject to the pains and penalties of perjury.

(c) If a return shows an overpayment of the contribution due, the secretary shall refund or

credit the overpayment to the insurer required to make the contribution.

42-7.5-6. Method of payment and deposit of contribution.

(a) The payments required by this chapter may be made by electronic transfer of

monies to the general treasurer.

(b) The general treasurer shall take all steps necessary to facilitate the transfer of monies

to the health spending transparency and containment funding account established in § 42-7.5-9 in

the amount described in § 42-7.5-4.

(c) The general treasurer shall provide the secretary with a record of any monies transferred

and deposited.

42-7.5-7. Rules and regulations.

The secretary is authorized to make and promulgate rules, regulations, and procedures not

inconsistent with state law and fiscal procedures as he or she deems necessary for the proper

administration of this chapter.

42-7.5-8. Excluded coverage from the health spending transparency and containment

funding act.
(a) In addition to any exclusion and exemption contained elsewhere in this chapter, this chapter shall not apply to insurance coverage providing benefits for, nor shall an individual be deemed a contribution enrollee solely by virtue of receiving benefits for the following:

1. Hospital confinement indemnity;
2. Disability income;
3. Accident only;
4. Long-term care;
5. Medicare supplement;
6. Limited benefit health;
7. Specified disease indemnity;
8. Sickness or bodily injury or death by accident or both; or
9. Other limited benefit policies.


(a) There is created a restricted receipt account to be known as the “health spending transparency and containment account.” All money in the account shall be utilized by the Executive Office of Health and Human Services, with the advice of and in coordination with the Office of the Health Insurance Commissioner, to effectuate the program described in § 42-7.5-10.

(b) All money received pursuant to this section shall be deposited in the health spending transparency and containment account. The general treasurer is authorized and directed to draw his or her orders on the account upon receipt of properly authenticated vouchers from the Executive Office of Health and Human Services.

(c) The health spending transparency and containment account shall be exempt from the indirect cost recovery provisions of § 35-4-27.

42-7.5-10. Health Spending Transparency and Containment Program.

(a) The health spending transparency and containment program (“Program”) is hereby created to utilize health care claims data to help reduce health care costs.

(b) The Program, based on the input of the cost trend steering committee, shall:

1. Maintain an annual health care cost growth target that will be used as a voluntary benchmark to measure Rhode Island health care spending performance relative to the target, which performance shall be publicly reported annually.
2. Use data to determine what factors are causing increased health spending in the state, and to create actionable analysis to drive changes in practice and policy and develop cost reduction strategies.
(c) Annual reports shall be made public and recommendations shall be issued to the Governor and the General Assembly. Said annual reports shall be presented at a public meeting to obtain input and comment prior to submission to the Governor and General Assembly.

42-7.5-11. Sunset.

The provision of this chapter shall sunset on July 1, 2026.

SECTION 9. Section 40-8.4-12 of the General Laws in Chapter 40-8.4 entitled “Health Care for Families” is hereby amended to read as follows:

40-8.4-12. Rite Share health insurance premium assistance program.

(a) Basic Rite Share health insurance premium assistance program. Under the terms of Section 1906 of Title XIX of the U.S. Social Security Act, 42 U.S.C. § 1396e, states are permitted to pay a Medicaid-eligible person's share of the costs for enrolling in employer-sponsored health insurance (ESI) coverage if it is cost-effective to do so. Pursuant to the general assembly's direction in the Rhode Island health reform act of 2000, the Medicaid agency requested and obtained federal approval under § 1916, 42 U.S.C. § 1396o, to establish the Rite Share premium assistance program to subsidize the costs of enrolling Medicaid-eligible persons and families in employer-sponsored health insurance plans that have been approved as meeting certain cost and coverage requirements.

The Medicaid agency also obtained, at the general assembly's direction, federal authority to require any such persons with access to Employer-Sponsored Health Insurance (ESI) coverage to enroll as a condition of retaining eligibility providing that doing so meets the criteria established in Title XIX for obtaining federal matching funds.

(b) Definitions. For the purposes of this section, the following definitions apply:

(1) "Cost-effective" means that the portion of the ESI that the state would subsidize, as well as the costs of wrap-around costs, services and cost sharing, would on average cost less to the state than enrolling that same person/family in a managed-care delivery system.

(2) "Cost sharing" means any co-payments, deductibles, or co-insurance associated with ESI.

(3) "Employee premium" means the monthly premium share a person or family is required to pay to the employer to obtain and maintain ESI coverage.

(4) “Employer” means any individual, partnership, association, corporation, estate, trust, fiduciary, limited liability company, limited liability partnership, or any other legal entity that employed at least fifty (50) employees during the preceding calendar year. Excluded from this definition are all charitable, not for profit organizations specifically formed for purposes other than operating a profit-seeking business and all state or municipal governmental entities.
"Employer-sponsored health insurance” or “ESI” means health insurance or a group health plan offered to employees by an employer. This includes plans purchased by small employers through the state health insurance marketplace, healthsource, RI (HSRI).

"Policy holder" means the person in the household with access to ESI, typically the employee.

"Rlite Share-approved employer-sponsored health insurance (ESI)” means an employer-sponsored health insurance plan that meets the coverage and cost-effectiveness criteria for Rlite Share.

"Rlite Share buy-in" means the monthly amount an Medicaid-ineligible policy holder must pay toward Rlite Share-approved ESI that covers the Medicaid-eligible children, young adults, or spouses with access to the ESI. The buy-in only applies in instances when household income is above one hundred fifty percent (150%) of the FPL.

"Rlite Share premium assistance program” (referred to hereafter as “Rlite Share”) means the Rhode Island Medicaid premium assistance program in which the State pays the eligible Medicaid member’s share of the cost of enrolling in a Rlite Share-approved ESI plan, as well as coverage of wrap-around services, or those that are covered under Medicaid, but not the ESI plan.

This allows the state to share the cost of the health insurance coverage with the employer.

"Rlite Share unit” means the entity within the executive office of health and human services (EOHHS) responsible for assessing the cost-effectiveness of ESI, contacting employers about ESI as appropriate, initiating the Rlite Share enrollment and disenrollment process, handling member communications, and managing the overall operations of the Rlite Share program.

"Third-party liability (TPL)” means other health insurance coverage. This insurance is in addition to Medicaid and is usually provided through an employer. Since Medicaid is always the payer of last resort, the TPL is always the primary coverage.

"Wrap-around services or coverage” means any healthcare services not included in the ESI plan that would have been covered had the Medicaid member been enrolled in a Rlite Care or Rhody Health Partners plan. Coverage of deductibles and co-insurance is included in the wrap-around services or coverage. Co-payments to providers are not covered as part of the wrap-around coverage.

(c) Rlite Share populations. Medicaid beneficiaries subject to Rlite Share include: children, families, parent and caretakers eligible for Medicaid or the children's health insurance program (CHIP) under this chapter or chapter 12.3 of title 42; and adults between the ages of nineteen (19) and sixty-four (64) who are eligible under chapter 8.12 of this title, not receiving or eligible to
receive Medicare, and are enrolled in managed care delivery systems. The following additional conditions apply:

(1) The income of Medicaid beneficiaries shall affect whether and in what manner they must participate in RIte Share as follows:

   (i) Income at or below one hundred fifty percent (150%) of FPL – Persons and families determined to have household income at or below one hundred fifty percent (150%) of the federal poverty level (FPL) guidelines based on the modified adjusted gross income (MAGI) standard or other standard approved by the secretary are required to participate in RIte Share if a Medicaid-eligible adult or parent/caretaker has access to cost-effective ESI. Enrolling in ESI through RIte Share shall be a condition of maintaining Medicaid health coverage for any eligible adult with access to such coverage.

   (ii) Income above one hundred fifty percent (150%) of FPL and policy holder is not Medicaid-eligible – Premium assistance is available when the household includes Medicaid-eligible members, but the ESI policy holder (typically a parent/caretaker, or spouse) is not eligible for Medicaid. Premium assistance for parents/caretakers and other household members who are not Medicaid-eligible may be provided in circumstances when enrollment of the Medicaid-eligible family members in the approved ESI plan is contingent upon enrollment of the ineligible policy holder and the executive office of health and human services (executive office) determines, based on a methodology adopted for such purposes, that it is cost-effective to provide premium assistance for family or spousal coverage.

(d) RIte Share enrollment as a condition of eligibility. For Medicaid beneficiaries over the age of nineteen (19), enrollment in RIte Share shall be a condition of eligibility except as exempted below and by regulations promulgated by the executive office.

   (1) Medicaid-eligible children and young adults up to age nineteen (19) shall not be required to enroll in a parent/caretaker relative's ESI as a condition of maintaining Medicaid eligibility if the person with access to RIte Share-approved ESI does not enroll as required. These Medicaid-eligible children and young adults shall remain eligible for Medicaid and shall be enrolled in a RIte Care plan.

   (2) There shall be a limited six-month (6) exemption from the mandatory enrollment requirement for persons participating in the RI works program pursuant to chapter 5.2 of this title.

(e) Approval of health insurance plans for premium assistance. The executive office of health and human services shall adopt regulations providing for the approval of employer-based health insurance plans for premium assistance and shall approve employer-based health insurance plans based on these regulations.
(1) In order for an employer-based health insurance plan to gain approval, the executive office must determine that the benefits offered by the employer-based health insurance plan are substantially similar in amount, scope, and duration to the benefits provided to Medicaid-eligible persons enrolled in a Medicaid managed care plan, when the plan is evaluated in conjunction with available supplemental benefits provided by the executive office of health and human services. The executive office of health and human services shall obtain and make available to persons otherwise eligible for Medicaid, identified in this section as supplemental benefits, those benefits not reasonably available under employer-based health insurance plans that are required for Medicaid beneficiaries by state law or federal law or regulation. Once it has been determined by the Medicaid agency that the ESI offered by a particular employer is Rite Share-approved, all Medicaid members with access to that employer's plan are required to participate in Rite Share. Failure to meet the mandatory enrollment requirement shall result in the termination of the Medicaid eligibility of the policy holder and other Medicaid members nineteen (19) or older in the household who could be covered under the ESI until the policy holder complies with the Rite Share enrollment procedures established by the executive office.

(2) Any employer defined in 40-8.4-12(b)(4) shall be required to:
   (i) annually provide the executive office of health and human services and the Division of Taxation with sufficient and necessary information for the Medicaid agency to determine employee eligibility for Rite Share in accordance with section 40-8.4-12(e)(1).
   (ii) include instructions provided by EOHHS for Rite Share determination and enrollment as a part of ESI enrollment materials whenever a new employee is offered ESI and/or during the employer’s annual open enrollment period for health insurance coverage.
   (iii) participate in the executive office of health and human services’ employer education and outreach campaign concerning the Rite Share program and all ESI options.
   (iv) not offer financial incentives for employees to turn down ESI and remain on Medicaid.

(3) Any employer defined in 40-8.4-12(b)(4), that does not timely comply with the requirements of section 40-8.4-12(e)(2)(i), shall in accordance with section 44-1-2(9) be assessed a penalty by the Division of Taxation in the amount of twenty-five hundred dollars ($2500) pursuant to regulations promulgated by the executive office of health and human services in consultation with the Division of taxation.

(4) Any employer defined in 40-8.4-12(b)(4), that fails to comply with the requirements of section 40-8.4-12(e)(2)(i) or who falsifies any data or reports required to be submitted to the executive office of health and human services pursuant to section 40-8.4-12(e)(2)(i), shall in accordance with the requirements of section 44-1-2 (9) be assessed a penalty by the Division of
Taxation in amount of five thousand dollars ($5000) on such dates and terms to be established pursuant to regulations promulgated by the executive office of health and human services in consultation with the division of taxation.

(5) The executive office of health and human services shall adopt regulations providing for the approval of employer-based health insurance plans for premium assistance, the mandatory data and reporting requirements for any employer defined in 40-8.4-12(b)(4).

(f) Premium assistance. The executive office shall provide premium assistance by paying all or a portion of the employee's cost for covering the eligible person and/or his or her family under such a Rite Share-approved ESI plan subject to the buy-in provisions in this section.

(g) Buy-in. Persons who can afford it shall share in the cost. – The executive office is authorized and directed to apply for and obtain any necessary state plan and/or waiver amendments from the Secretary of the United States Department of Health and Human Services (DHHS) to require that persons enrolled in a Rite Share-approved employer-based health plan who have income equal to or greater than one hundred fifty percent (150%) of the FPL to buy-in to pay a share of the costs based on the ability to pay, provided that the buy-in cost shall not exceed five percent (5%) of the person's annual income. The executive office shall implement the buy-in by regulation, and shall consider co-payments, premium shares, or other reasonable means to do so.

(h) Maximization of federal contribution. The executive office of health and human services is authorized and directed to apply for and obtain federal approvals and waivers necessary to maximize the federal contribution for provision of medical assistance coverage under this section, including the authorization to amend the Title XXI state plan and to obtain any waivers necessary to reduce barriers to provide premium assistance to recipients as provided for in Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq.

(i) Implementation by regulation. The executive office of health and human services is authorized and directed to adopt regulations to ensure the establishment and implementation of the premium assistance program in accordance with the intent and purpose of this section, the requirements of Title XIX, Title XXI, and any approved federal waivers.

(j) Outreach and reporting. The executive office of health and human services shall develop a plan to identify Medicaid-eligible individuals who have access to employer-sponsored insurance and increase the use of Rite Share benefits. Beginning October 1, 2019, the executive office shall submit the plan to be included as part of the reporting requirements under § 35-17-1. Starting January 1, 2020, the executive office of health and human services shall include the number of Medicaid recipients with access to employer-sponsored insurance, the number of plans that did
not meet the cost-effectiveness criteria for Rite Share, and enrollment in the premium assistance program as part of the reporting requirements under § 35-17-1.

SECTION 10. Section 44-1-2 of the General Laws in Chapter 44-1 entitled “State Tax Officials” is hereby amended to read as follows:


The tax administrator is required:

(1) To assess and collect all taxes previously assessed by the division of state taxation in the department of revenue and regulation, including the franchise tax on domestic corporations, corporate excess tax, tax upon gross earnings of public service corporations, tax upon interest bearing deposits in national banks, the inheritance tax, tax on gasoline and motor fuels, and tax on the manufacture of alcoholic beverages;

(2) To assess and collect the taxes upon banks and insurance companies previously administered by the division of banking and insurance in the department of revenue and regulation, including the tax on foreign and domestic insurance companies, tax on foreign building and loan associations, deposit tax on savings banks, and deposit tax on trust companies;

(3) To assess and collect the tax on pari-mutuel or auction mutuel betting, previously administered by the division of horse racing in the department of revenue and regulation;

(4) [Deleted by P.L. 2006, ch. 246, art. 38, § 10];

(5) To assess and collect the monthly surcharges that are collected by telecommunication services providers pursuant to § 39-21.1-14 and are remitted to the division of taxation;

(6) To audit, assess, and collect all unclaimed intangible and tangible property pursuant to chapter 21.1 of title 33;

(7) To provide to the department of labor and training any state tax information, state records, or state documents they or the requesting agency certify as necessary to assist the agency in efforts to investigate suspected misclassification of employee status, wage and hour violations, or prevailing wage violations subject to the agency's jurisdiction, even if deemed confidential under applicable law, provided that the confidentiality of such materials shall be maintained, to the extent required of the releasing department by any federal or state law or regulation, by all state departments to which the materials are released and no such information shall be publicly disclosed, except to the extent necessary for the requesting department or agency to adjudicate a violation of applicable law. The certification must include a representation that there is probable cause to believe that a violation has occurred. State departments sharing this information or materials may enter into written agreements via memorandums of understanding to ensure the safeguarding of such released information or materials; and
(8) To preserve the Rhode Island tax base under Rhode Island law prior to the December 22, 2017, Congressional enactment of Public Law 115-97, The Tax Cuts and Jobs Act, the tax administrator, upon prior written notice to the speaker of the house, senate president, and chairpersons of the house and senate finance committees, is specifically authorized to amend tax forms and related instructions in response to any changes the Internal Revenue Service makes to its forms, regulations, and/or processing which will materially impact state revenues, to the extent that impact is measurable. Any Internal Revenue Service changes to forms, regulations, and/or processing which go into effect during the current tax year or within six (6) months of the beginning of the next tax year and which will materially impact state revenue will be deemed grounds for the promulgation of emergency rules and regulations under § 42-35-2.10. The provisions of this subsection (8) shall sunset on December 31, 2021.

(9) To collect the penalties from all Rhode Island employers, as defined in section 40-8.4-12(b)(4), during the preceding calendar year, who fail to provide the information required by the executive office of health and human services pursuant to section 40-8.4-12 of the Rhode Island General Laws and associated rules and regulations. An employer is required to provide such information to the executive office of health and human services on an annual basis if it had at least an average of fifty (50) or more employees during the preceding calendar year. The first submissions under this program will be required to be filed with the executive office of health and human services from employers who had at least an average of fifty (50) or more employees during 2020. The required information must be filed with the executive office of health and human services between November 15th and December 15th during the year in which such information is due. The first reports under this program will be due between November 15, 2021 and December 15, 2021. The penalties set forth in section 40-8.4-12 may be assessed by the tax administrator. The executive office of health and human services shall transmit to the division of taxation a list of Rhode Island employers and related documentation or information required by Section 40-8.4-12, including the list of employers who are not participating in RIte Share, for the purpose of complying with this chapter as well as chapter 8.4 of title 40. The tax administrator shall collect the penalty assessment with interest in the same manner with the same powers as are prescribed for collection of taxes in title 44.

SECTION 11. Section 8 of this article shall take effect upon passage and sunset on July 1, 2026. The remaining sections of this article shall take effect upon passage.
ARTICLE 16

RELATING TO HOUSING

SECTION 1. Section 42-55-4 of the General Laws in Chapter 42-55 entitled “Rhode Island Housing and Mortgage Finance Corporation” is hereby amended to read as follows:


(a) There is authorized the creation and establishment of a public corporation of the state, having a distinct legal existence from the state and not constituting a department of the state government, with the politic and corporate powers as are set forth in this chapter to be known as the “Rhode Island housing and mortgage finance corporation” to carry out the provisions of this chapter. The corporation is constituted a public instrumentality exercising public and essential governmental functions, and the exercise by the corporation of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function of the state. It is the intent of the general assembly by the passage of this chapter to authorize the incorporation of a public corporation and instrumentality and agency of the state for the purpose of carrying on the activities authorized by this chapter, and to vest the corporation with all of the powers, authority, rights, privileges, and titles that may be necessary to enable it to accomplish these purposes. This chapter shall be liberally construed in conformity with the purpose expressed.

(b) The powers of the corporation shall be vested in seven (7) nine (9) commissioners consisting of the director of administration, or his or her designee; the general treasurer, or his or her designee; the director of business regulations, or designee; the executive director of the housing resources commission, or his or her designee; the chairperson of the housing resources commission, or his or her designee; and four (4) members to be appointed by the governor with the advice and consent of the senate who shall among them be experienced in all aspects of housing design, development, finance, management, and state and municipal finance. The executive director of the housing resources commission and the chairperson of the housing resources commission shall serve as non-voting, ex officio members of the board. On or before July 1, 1973, the governor shall appoint one member to serve until the first day of July, 1974 and until his or her successor is appointed and qualified, one member to serve until the first day of July, 1975, and until his or her successor is appointed and qualified, one member to serve until the first day of July, 1976 and until his or her successor is appointed and qualified, one member to serve until the first day of July, 1977 and until his or her successor is appointed and qualified, one member to serve until the first day of July, 1977 and until his or her successor is appointed and qualified. During the month of June, 1974, and during the month of June annually thereafter, the governor shall appoint a member to succeed the member whose term will then next expire to serve for a term of four (4) years commencing on the first day of July then next following and until his or her successor is appointed and qualified. A
vacancy in the office of a commissioner, other than by expiration, shall be filled in like manner as an original appointment, but only for the unexpired portion of the term. If a vacancy occurs when the senate is not in session, the governor shall appoint a person to fill the vacancy, but only until the senate shall next convene and give its advice and consent to a new appointment. A member shall be eligible to succeed him or herself. The governor shall designate a member of the corporation to serve as chairperson. Any member of the corporation may be removed by the governor for misfeasance, malfeasance, or willful neglect of duty.

(c) The commissioners shall elect from among their number a vice-chairperson annually and those other officers as they may determine. Meetings shall be held at the call of the chairperson or whenever two (2) commissioners so request. Four (4) commissioners of the corporation shall constitute a quorum and any action taken by the corporation under the provisions of this chapter may be authorized by resolution approved by a majority but not less than three (3) of the commissioners present at any regular or special meeting. No vacancy in the membership of the corporation shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the corporation.

(d) Commissioners shall receive no compensation for the performance of their duties, but each commissioner shall be reimbursed for his or her reasonable expenses incurred in carrying out his or her duties under this chapter.

(e) Notwithstanding the provisions of any other law, no officer or employee of the state shall be deemed to have forfeited or shall forfeit his or her office or employment by reason of his or her acceptance of membership of the corporation or his or her service to the corporation.

(f) The commissioners shall employ an executive director who shall also be the secretary and who shall administer, manage, and direct the affairs and business of the corporation, subject to the policies, control, and direction of the commissioners. The commissioners may employ technical experts and other officers, agents, and employees, permanent and temporary, and fix their qualifications, duties, and compensation. These employed persons shall not be subject to the provisions of the classified service. The commissioners may delegate to one or more of their agents or employees those administrative duties they may deem proper.

(g) The secretary shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents, and papers filed with the corporation and of its minute book and seal. He or she, or his or her designee, or the designee of the board of commissioners, shall have authority to cause to be made copies of all minutes and other records and documents of the corporation and to give certificates under the seal of the corporation to the effect that the copies are true copies and all persons dealing with the corporation may rely upon the certificates.
(h) Before entering into his or her duties, each commissioner of the corporation shall execute a surety bond in the penal sum of fifty thousand dollars ($50,000) and the executive director shall execute a surety bond in the penal sum of one hundred thousand dollars ($100,000) or, in lieu of this, the chairperson of the corporation shall execute a blanket bond covering each commissioner, the executive director and the employees or other officers of the corporation, each surety bond to be conditioned upon the faithful performance of the duties of the office or offices covered, to be executed by a surety company authorized to transact business in this state as surety and to be approved by the attorney general and filed in the office of the secretary of state. The cost of each bond shall be paid by the corporation.

(i) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a director, officer, or employee of any financial institution, investment banking firm, brokerage firm, commercial bank or trust company, architecture firm, insurance company, or any other firm, person, or corporation to serve as a member of the corporation. If any commissioner, officer, or employee of the corporation shall be interested either directly or indirectly, or shall be a director, officer, or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract with the corporation, including any loan to any housing sponsor or health care sponsor, that interest shall be disclosed to the corporation and shall be set forth in the minutes of the corporation and the commissioner, officer, or employee having an interest therein shall not participate on behalf of the corporation in the authorization of this contract.

SECTION 2. Chapter 42-128 of the General Laws entitled “Housing Resources Act of 1998” is hereby amended by adding thereto the following sections:

42-128-2.1 Housing Production Fund.

(a) There is hereby established a restricted receipt account within the general fund of the state, to be known as the housing production fund. Funds from this account shall be administered by the Rhode Island housing and mortgage finance corporation, subject to program and reporting guidelines adopted by the coordinating committee of the Rhode Island housing resources commission for housing production initiatives, including:

(1) Financial assistance by loan, grant, or otherwise, for the planning, production, or preservation of housing opportunities in Rhode Island, including housing affordable to workers and located near major workforce centers; or

(2) Technical and financial assistance for cities and towns to support increased local housing production, including by reducing regulatory barriers and through the housing incentives for municipalities program.
42-128-18 Division of Housing and Community Development created – Assignment
of contracts and transfer of employees – Offices – Powers and duties. – Organization.

(a) Created. There is created within the executive branch a division of housing and community development (“DHCD”) with responsibility for administering plans, policies, standards, programs, and technical assistance for housing and community development.

(b) Transfer of Functions, Assignment of contracts and transfer of employees. Any and all functions, contracts and/or agreements to which the office formerly known as the office of housing and community development (“OHCD”) shall be transferred and assigned to DHCD. Any employees of OHCD shall be transferred to DHCD. Any existing rules or regulations promulgated by OHCD shall remain in effect and be transferred to DHCD. Whenever any general law, or public law, rule, regulation and/or bylaw, refers to the "office of housing and community development" or is abbreviated as “OHCD,” the reference shall be deemed to refer to and mean DHCD.

(c) Offices. DHCD may establish such offices and committees as it may deem appropriate.

(d) Powers and duties. In order to maintain the quality of housing in Rhode Island and provide housing opportunities for all of its residents, DHCD shall have the following powers and duties:

(1) To administer programs pertaining to housing, housing services, and community development, including, but not limited to, programs pertaining to:

(i) Services for the homeless;

(ii) Rental assistance;

(iii) Community development;

(iv) Disaster assistance;

(v) Outreach, education and technical assistance services; and

(vi) Assistance, including financial support, to non-profit organizations and community development corporations.

(2) To delegate any of its powers as necessary in order to accomplish the purposes of this chapter.

(3) To adopt any rules and regulations, including measurable standards, in accordance with the provisions of chapter 35 of this title that may be necessary to carry out the purposes of this chapter.

(e) Organization. Consistent with § 42-64.19-7(h), DHCD shall be assigned to the Executive Office of Commerce.

42-128-2. Rhode Island housing resources agency created.

There is created within the executive department a housing resources agency with the following purposes, organization, and powers:

(1) Purposes:

(i) To provide coherence to the housing programs of the state of Rhode Island and its departments, agencies, commissions, corporations, and subdivisions.

(ii) To provide for the integration and coordination of the activities of the Rhode Island housing and mortgage finance corporation and the Rhode Island housing resources commission.

(2) Coordinating committee – Created – Purposes and powers:

(i) The coordinating committee of the housing resources agency shall be comprised of the chairperson of the Rhode Island housing and mortgage finance corporations; the chairperson of the Rhode Island housing resources commission; the secretary of commerce, or designee; the secretary of health and human services, or designee; a member of the State of Rhode Island Continuum of Care representing an agency or political subdivision of the state; and two (2) members appointed by the governor, who each also represent an agency or political subdivision of the state. The governor shall designate one of the coordinating committee’s members to be chairperson, the director of the department of administration, or the designee of the director; and the executive director of the Rhode Island housing and mortgage finance corporation. The chairperson of the Rhode Island housing resources commission shall be chairperson of the coordinating committee.

(ii) The coordinating committee shall develop and shall implement, with the approval of the Rhode Island housing and mortgage finance corporation and the Rhode Island housing resources commission, a memorandum of agreement describing the fiscal and operational relationship between the Rhode Island housing and mortgage finance corporation and the Rhode Island housing resources commission and shall define which programs of federal assistance will be applied for on behalf of the state by the Rhode Island housing and mortgage finance corporation and the Rhode Island housing resources commission. The Rhode Island housing resources commission is authorized and empowered to negotiate and to enter into contracts and cooperative agreements with agencies and political subdivisions of the state, not-for-profit corporations, for profit corporations, and other partnerships, associations and persons for any lawful purpose necessary and desirable to effect the purposes of this chapter, subject to the provisions of chapter 2 of title 37 as applicable.

(3) There is hereby established a restricted receipt account within the general fund of the state. Funds from this account shall be used to provide for housing and homelessness initiatives including housing production, the lead hazard abatement program, housing rental subsidy, housing
retention assistance, and homelessness services and prevention assistance with priority given to 
homeless veterans and homeless prevention assistance and housing retention assistance with 
priority to veterans.


(a)(1) Membership. The commission shall have twenty-eight (28) twenty (20) members as 
follows: the directors of the departments of administration, business regulation, elderly affairs, 
health, human services, behavioral healthcare, developmental disabilities and hospitals, five ex-
officio members consisting of the chairperson of the Rhode Island housing and mortgage finance 
corporation, or designee; the chairperson of the housing resources commission; the secretary of 
commerce, or designee; the secretary of health and human services, or designee; a member of the 
State of Rhode Island Continuum of Care representing an agency or political subdivision of the 
state and the attorney general; shall be ex-officio members; the president of the Rhode Island 
Bankers Association, or the designee of the president; the president of the Rhode Island Mortgage 
Banker's Association, or the designee of the president; the president of the Rhode Island Realtors 
Association, or the designee of the president; the executive director of the Rhode Island Housing 
Network; the executive director of the Rhode Island Coalition for the Homeless; the president of 
the Rhode Island Association of Executive Directors for Housing, or the designee of the president; 
the executive director of operation stand down two (2) members representing an agency or political 
subdivision of the state appointed by the governor, and thirteen (13) members appointed by the 
governor with the advice and consent of the senate, who have knowledge of, and have a 
demonstrated interest in, housing issues as they affect low- and moderate-income people, appointed 
by the governor with the advice and consent of the senate and drawn from the following areas: 
disability advocacy; homelessness; veterans services and welfare; banking and lending; fair 
housing and/or civil rights advocacy; education advocacy; healthy housing and/or health equity; 
the business community; public housing authorities; for-profit development; non-profit 
development and/or community development corporations; local government; seniors and healthy 
aging; colleges and universities; realty and homeownership; or any other area deemed necessary to 
advance the activities of the commission, one of whom shall be the chairperson, one of whom 
shall be the representative of the homeless; one of whom shall be a representative of a community 
development corporation; one of whom shall be the representative of an agency addressing lead 
poisoning issues; one of whom shall be a local planner; one of whom shall be a local building 
oficial; one of whom shall be a representative of fair housing interests; one of whom shall be 
representative of an agency advocating the interest of racial minorities; one of whom shall be a 
representative of the Rhode Island Builders Association; one of whom shall be a representative of 

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insurers; one of whom shall be a representative of a community development intermediary that
provides financing and technical assistance to housing non-profits; one of whom shall be a non-
profit developer; and one of whom shall be a senior housing advocate.

(2) The terms of appointed members shall be three (3) years, except for the original
appointments, the term of four (4) of whom shall be one year and the term of four (4) of whom
shall be two (2) years; no member may serve more than two (2) successive terms.

(b) Officers. The governor shall appoint the chairperson of the commission, who shall not
be an ex officio member, with the advice and consent of the senate. The commission shall elect
annually a vice-chairperson, who shall be empowered to preside at meetings in the absence of the
chairperson, and a secretary.

(c) Expenses. The members of the commission shall serve without compensation, but shall
be reimbursed for their reasonable actual expenses necessarily incurred in the performance of their
duties.

(d) Meetings. Meetings of the commission shall be held upon the call of the chairperson,
or five (5) members of the commission, or according to a schedule that may be annually established
by the commission; provided, however, that the commission shall meet at least once quarterly. A
majority of members of the commission, not including vacancies, shall constitute a quorum, and
no vacancy in the membership of the commission shall impair the right of a quorum to exercise all
the rights and perform all of the duties of the commission.

42-128-8.1. Housing production and rehabilitation.

(a) Short title. This section shall be known and may be cited as the "Comprehensive
Housing Production and Rehabilitation Act of 2004."

(b) Findings. The general assembly finds and declares that:

(1) The state must maintain a comprehensive housing strategy applicable to all cities and
towns that addresses the housing needs of different populations including, but not limited to,
workers and their families who earn less than one hundred twenty percent (120%) of median
income, older citizens, students attending institutions of higher education, low and very low income
individuals and families, and vulnerable populations including, but not limited to, persons with
disabilities, homeless individuals and families, and individuals released from correctional
institutions.

(2) Efforts and programs to increase the production of housing must be sensitive to the
distinctive characteristics of cities and towns, neighborhoods and areas and the need to manage
growth and to pace and phase development, especially in high growth areas.
(3) The state in partnership with local communities must remove barriers to housing development and update and maintain zoning and building regulations to facilitate the construction, rehabilitation of properties and retrofitting of buildings for use as safe affordable housing.

(4) Creative funding mechanisms are needed at the local and state levels that provide additional resources for housing development, because there is an inadequate amount of federal and state subsidies to support the affordable housing needs of Rhode Island's current and projected population.

(5) Innovative community planning tools, including, but not limited to, density bonuses and permitted accessory dwelling units, are needed to offset escalating land costs and project financing costs that contribute to the overall cost of housing and tend to restrict the development and preservation of housing affordable to very low income, low income and moderate income persons.

(6) The gap between the annual increase in personal income and the annual increase in the median sales price of a single-family home is growing, therefore, the construction, rehabilitation and maintenance of affordable, multi-family housing needs to increase to provide more rental housing options to individuals and families, especially those who are unable to afford homeownership of a single-family home.

(7) The state needs to foster the formation of cooperative partnerships between communities and institutions of higher education to significantly increase the amount of residential housing options for students.

(8) The production of housing for older citizens as well as urban populations must keep pace with the next twenty-year projected increases in those populations of the state.

(9) Efforts must be made to balance the needs of Rhode Island residents with the ability of the residents of surrounding states to enter into Rhode Island's housing market with much higher annual incomes at their disposal.

(c) Strategic plan. The commission, in conjunction with the statewide planning program, shall develop by July 1, 2006, a five (5) year strategic plan for housing, which plan shall be adopted as an element of the state guide plan, and which shall include quantified goals, measurable intermediate steps toward the accomplishment of the goals, implementation activities, and standards for the production and/or rehabilitation of year-round housing to meet the housing needs including, but not limited to, the following:

(1) Older Rhode Islanders, including senior citizens, appropriate, affordable housing options;

(2) Workers, housing affordable at their income level;
(3) Students, dormitory, student housing and other residential options;

(4) Low income and very low income households, rental housing;

(5) Persons with disabilities, appropriate housing; and

(6) Vulnerable individuals and families, permanent housing, single room occupancy units, transitional housing and shelters.

(d) As used in this section and for the purposes of the preparation of affordable housing plans as specified in chapter 45-22.2, words and terms shall have the meaning set forth in chapter 45-22.2, chapter 45-53, and/or § 42-11-10, unless this section provides a different meaning or unless the context indicates a different meaning or intent.

(1) "Affordable housing” means residential housing that has a sales price or rental amount that is within the means of a household that is moderate income or less. In the case of dwelling units for sale, housing that is affordable means housing in which principal, interest, taxes, which may be adjusted by state and local programs for property tax relief, and insurance constitute no more than thirty percent (30%) of the gross household income for a household with less than one hundred and twenty percent (120%) of area median income, adjusted for family size. In the case of dwelling units for rent, housing that is affordable means housing for which the rent, heat, and utilities other than telephone constitute no more than thirty percent (30%) of the gross annual household income for a household with eighty percent (80%) or less of area median income, adjusted for family size. Affordable housing shall include all types of year-round housing, including, but not limited to, manufactured housing, housing originally constructed for workers and their families, accessory dwelling units, housing accepting rental vouchers and/or tenant-based certificates under Section 8 of the United States Housing Act of 1937, as amended, and assisted living housing, where the sales or rental amount of such housing, adjusted for any federal, state, or municipal government subsidy, is less than or equal to thirty percent (30%) of the gross household income of the low and/or moderate income occupants of the housing.

(2) "Affordable housing plan” means a plan prepared and adopted by a town or city either to meet the requirements of chapter 45-53 or to meet the requirements of § 45-22.2-10(f), which require that comprehensive plans and the elements thereof be revised to conform with amendments to the state guide plan.

(3) “Approved affordable housing plan” means an affordable housing plan that has been reviewed and approved in accordance with § 45-22.2-9.

(4) "Moderate income household” means a single person, family, or unrelated persons living together whose adjusted gross income is more than eighty percent (80%) but less than one hundred twenty percent (120%) of the area median income, adjusted for family size.
(5) “Seasonal housing” means housing that is intended to be occupied during limited portions of the year.

(6) “Year-round housing” means housing that is intended to be occupied by people as their usual residence and/or vacant units that are intended by their owner for occupancy at all times of the year; occupied rooms or suites of rooms in hotels are year-round housing only when occupied by permanent residents as their usual place of residence.

(e) The strategic plan shall be updated and/or amended as necessary, but not less than once every five (5) four (4) years.

(f) Upon the adoption of the strategic plan as an element of the state guide plan, towns and cities shall bring their comprehensive plans into conformity with its requirements, in accordance with the timetable set forth in § 45-22.2-10(f), provided, however, that any town that has adopted an affordable housing plan in order to comply with the provisions of chapter 45-53, which has been approved for consistency pursuant to § 45-22.2-9, shall be deemed to satisfy the requirements of the strategic plan for low and moderate income housing until such time as the town must complete its next required comprehensive community plan update.

(g) Guidelines. The commission shall advise the state planning council and the state planning council shall promulgate and adopt not later than July 1, 2006, guidelines for higher density development, including, but not limited to: (A) inclusionary zoning provisions for low and moderate income housing with appropriate density bonuses and other subsidies that make the development financially feasible; and (B) mixed-use development that includes residential development, which guidelines shall take into account infrastructure availability; soil type and land capacity; environmental protection; water supply protection; and agricultural, open space, historical preservation, and community development pattern constraints.

(h) The statewide planning program shall maintain a geographic information system map that identifies, to the extent feasible, areas throughout the state suitable for higher density residential development consistent with the guidelines adopted pursuant to subsection (g).


The commission governor shall appoint, with the advice of the coordinating committee, an executive director, who shall not be subject to the provisions of chapter 4 of title 36, and who shall serve as the state housing commissioner and may also serve in the executive office of commerce as the deputy secretary of housing and homelessness. The commission shall set the compensation and the terms of employment of the executive director. The commission shall also cause to be employed such staff and technical and professional consultants as may be required to carry out the powers and duties set forth in this chapter. All staff, including the executive director, may be
secured through a memorandum of agreement with the Rhode Island housing and mortgage finance
corporation, or any other agency or political subdivision of the state with the approval of the
relevant agency or political subdivision, as provided for in § 42-128-2(2)(ii). Any person who is in
the civil service and is transferred to the commission may retain civil service status.

SECTION 4. Section 42-128-9 of the General Laws in Chapter 42-128 entitled "Housing
Resources Act of 1998" is hereby repealed in its entirety.


There shall be, as a minimum, the following offices within the commission: the office of
policy and planning, the office of housing program performance and evaluation, the office of
homelessness services and emergency assistance, and the office of community development,
programs and technical assistance. The commission may establish by rule such other offices,
operating entities, and committees as it may deem appropriate.

SECTION 5. Title 42 of the General Laws entitled "State Affairs and Government" is
hereby amended by adding thereto the following chapter:

CHAPTER 42-128.4

HOUSING INCENTIVES FOR MUNICIPALITIES

42-128.4. Short title.

This chapter shall be known as "Housing Incentives for Municipalities."

42-128.4-2. Establishment of program.

There is hereby established a housing incentive for municipalities program to be
administered as set forth in section 42-128-2.1, in consultation with the division of statewide
planning and the Rhode Island housing and mortgage finance corporation.

42-128.4-4. Purposes.

The coordinating committee is authorized and empowered to carry out the program for the
following purposes:

(a) To foster and maintain strong collaborations with municipalities in the state.

(b) To support and assist municipalities in promoting housing production that adequately
meets the needs of Rhode Island’s current and future residents.

(c) To make diverse, high-quality, and accessible housing options readily available to
residents within their local communities.

(d) To enable residents to live near convenient public transit and other commercial and
cultural resources.

(e) To make development decisions fair, predictable, and cost effective.
(f) To foster distinctive, attractive, and resilient communities, while preserving the state’s open space, farmland, and natural beauty.

42-128.4-4. Definitions.

As used in this chapter:

(1) “The coordinating committee” means the Rhode Island housing resources coordinating committee established pursuant to § 42-128-2(2).

(2) “Eligible locations” means an area designated by the coordinating committee as a suitable site for a housing incentive district by virtue of its infrastructure, existing underutilized facilities, or other advantageous qualities, including (i) proximity to public transit centers, including commuter rail, bus, and ferry terminals; or (ii) proximity to areas of concentrated development, including town and city centers or other existing commercial districts.

(3) “Eligible student” means an individual that (i) lives in a newly constructed dwelling unit within a housing incentive district, to the extent that the unit could not have been realized under the underlying zoning, and (ii) attends a school in the city or town.

(4) “School impact offset payments” means a payment to a city or town to help offset increased municipal costs of educating eligible students.

(5) “Housing incentive district” means an overlay district adopted by a city or town pursuant to this chapter. A housing incentive district is intended to encourage residential development and must permit minimum residential uses. A housing incentive district may accommodate uses complimentary to the primary residential uses, as deemed appropriate by the adopting city or town; however, the majority of development on lots within a housing incentive district must be residential. Land development plans within a housing incentive district shall be treated as minor land development plans, as defined by § 45-23-32, unless otherwise specified by ordinance.

42-128.4-5. Adoption of housing incentive districts.

(a) In its zoning ordinance, a city or town may adopt a housing incentive district in any eligible location.

(b) The adoption, amendment, or repeal of such ordinance shall be in accordance with the provisions of chapter 45-24.

(c) A housing incentive district shall comply with this chapter and any minimum requirements established by the coordinating committee.

(d) The zoning ordinance for each housing incentive district shall specify the procedure for land development and subdivision review within the district in accordance with this chapter and the regulations of the coordinating committee.
(e) Nothing in this chapter shall affect a city or town's authority to amend its zoning ordinances under chapter 45-24.

42-128.4-6. Assistance to municipalities.

(a) The coordinating committee is authorized and empowered, at its discretion, to provide all manner of support and assistance to municipalities in connection with fostering local housing production, including, but not limited to:

(1) providing technical assistance for the preparation, adoption, or implementation of laws, regulations, or processes related to residential development; and

(2) authorizing the Rhode Island housing and mortgage finance corporation to issue school impact offset payments to participating municipalities.

42-128.4-7. Rules and regulations - Reports.

(a) The coordinating committee is hereby authorized to promulgate such rules and regulations as are necessary to fulfill the purposes of this chapter, including, but not limited to, provisions relating to: application criteria; eligible locations for housing incentive districts; minimum requirements for housing incentive districts; eligible students for the calculation of school impact offset payments; and the amount and method of payment to cities and towns for school impact offset payments.

(b) The coordinating committee shall include in its annual report information on the commitment and disbursement of funds allocated under the program. The report shall be provided to the governor, the secretary of commerce, speaker of the house of representatives and the president of the senate.

42-128.4-8. Program integrity.

Program integrity being of paramount importance, the coordinating committee shall establish procedures to ensure ongoing compliance with the terms and conditions of the program established herein, including procedures to safeguard the expenditure of public funds and to ensure that the funds further the purposes of the program.

42-128.4-9. Cooperation.

Any department, agency, council, board, or other public instrumentality of the state shall cooperate with the coordinating committee in relation to the implementation, execution and administration of the program created under this chapter.

SECTION 6. Effective January 1, 2022, section 44-25-1 of the General Laws in Chapter 44-25 entitled “Real Estate Conveyance Tax” is hereby amended to read as follows:

(a) There is imposed, on each deed, instrument, or writing by which any lands, tenements, or other realty sold is granted, assigned, transferred, or conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or her or their direction, or on any grant, assignment, transfer, or conveyance or such vesting, by such persons which has the effect of making any real estate company an acquired real estate company, when the consideration paid exceeds one hundred dollars ($100), a tax at the rate of two dollars and thirty cents ($2.30) for each five hundred dollars ($500), or fractional part of it, that is paid for the purchase of property or the interest in an acquired real estate company (inclusive of the value of any lien or encumbrance remaining at the time of the sale, grant, assignment, transfer or conveyance or vesting occurs, or in the case of an interest in an acquired real estate company, a percentage of the value of such lien or encumbrance equivalent to the percentage interest in the acquired real estate company being granted, assigned, transferred, conveyed or vested), which tax is payable at the time of making, the execution, delivery, acceptance or presentation for recording of any instrument affecting such transfer grant, assignment, transfer, conveyance or vesting. In the absence of an agreement to the contrary, the tax shall be paid by the grantor, assignor, transferor or person making the conveyance or vesting.

(b) In addition to the tax imposed by paragraph (a), there is imposed, on each deed, instrument, or writing by which any residential real property sold is granted, assigned, transferred, or conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or her or their direction, or on any grant, assignment, transfer, or conveyance or such vesting, by such persons which has the effect of making any real estate company an acquired real estate company, when the consideration paid exceeds seven hundred thousand dollars ($700,000), a tax at the rate of two dollars and thirty cents ($2.30) for each five hundred dollars ($500), or fractional part of it, of the consideration in excess of seven hundred thousand dollars ($700,000) that is paid for the purchase of property or the interest in an acquired real estate company (inclusive of the value of any lien or encumbrance remaining at the time of the sale, grant, assignment, transfer or conveyance or vesting occurs, or in the case of an interest in an acquired real estate company, a percentage of the value of such lien or encumbrance equivalent to the percentage interest in the acquired real estate company being granted, assigned, transferred, conveyed or vested). The tax imposed by this paragraph shall be paid at the same time and in the same manner as the tax imposed by paragraph (a).

(bc) In the event no consideration is actually paid for the lands, tenements, or realty, the instrument or interest in an acquired real estate company of conveyance shall contain a statement to the effect that the consideration is such that no documentary stamps are required.

(c) The tax administrator shall contribute.
(d) The tax shall be distributed as follows:

(i) With respect to the tax imposed by paragraph (a): the tax administrator shall contribute to the distressed community relief program the sum of thirty cents ($0.30) per two dollars and thirty cents ($2.30) of the face value of the stamps to be distributed pursuant to § 45-13-12, and to the housing resources commission restricted receipts account the sum of thirty cents ($0.30) per two dollars and thirty cents ($2.30) of the face value of the stamps. Funds will be administered by the office of housing and community development, through the housing resources commission. The state shall retain sixty cents ($0.60) for state use provided that sixteen cents ($0.16) per sixty cents ($0.60) shall be contributed to the housing production fund established pursuant to § 42-128-2.1. The balance of the tax shall be retained by the municipality collecting the tax.

(ii) With respect to the tax imposed by paragraph (b): the tax administrator shall contribute to the entire tax to the housing production fund established pursuant to § 42-128-2.1.

(iii) Notwithstanding the above, in the case of the tax on the grant, transfer, assignment or conveyance or vesting with respect to an acquired real estate company, the tax shall be collected by the tax administrator and shall be distributed to the municipality where the real estate owned by the acquired real estate company is located provided, however, in the case of any such tax collected by the tax administrator, if the acquired real estate company owns property located in more than one municipality, the proceeds of the tax shall be allocated amongst said municipalities in the proportion the assessed value of said real estate in each such municipality bears to the total of the assessed values of all of the real estate owned by the acquired real estate company in Rhode Island. Provided, however, in fiscal years 2004 and 2005, from the proceeds of this tax, the tax administrator shall deposit as general revenues the sum of ninety cents ($0.90) per two dollars and thirty cents ($2.30) of the face value of the stamps. The balance of the tax on the purchase of property shall be retained by the municipality collecting the tax. The balance of the tax on the transfer with respect to an acquired real estate company, shall be collected by the tax administrator and shall be distributed to the municipality where the property for which interest is sold is physically located. Provided, however, that in the case of any tax collected by the tax administrator with respect to an acquired real estate company where the acquired real estate company owns property located in more than one municipality, the proceeds of the tax shall be allocated amongst the municipalities in proportion that the assessed value in any such municipality bears to the assessed values of all of the real estate owned by the acquired real estate company in Rhode Island.

(d) For purposes of this section, the term “acquired real estate company” means a real estate company that has undergone a change in ownership interest if (i) such change does not affect the continuity of the operations of the company; and (ii) the change, whether alone or together with...
prior changes has the effect of granting, transferring, assigning or conveying or vesting, transferring directly or indirectly, 50% or more of the total ownership in the company within a period of three (3) years. For purposes of the foregoing subsection (ii) hereof, a grant, transfer, assignment or conveyance or vesting, shall be deemed to have occurred within a period of three (3) years of another grant(s), transfer(s), assignment(s) or conveyance(s) or vesting(s) if during the period the granting, transferring, assigning or conveying or party provides the receiving party a legally binding document granting, transferring, assigning or conveying or vesting said realty or a commitment or option enforceable at a future date to execute the grant, transfer, assignment or conveyance or vesting.

(e) A real estate company is a corporation, limited liability company, partnership or other legal entity which meets any of the following:

(i) Is primarily engaged in the business of holding, selling or leasing real estate, where 90% or more of the ownership of said real estate is held by 35 or fewer persons and which company either (a) derives 60% or more of its annual gross receipts from the ownership or disposition of real estate; or (b) owns real estate the value of which comprises 90% or more of the value of the entity's entire tangible asset holdings exclusive of tangible assets which are fairly transferrable and actively traded on an established market; or

(ii) 90% or more of the ownership interest in such entity is held by 35 or fewer persons and the entity owns as 90% or more of the fair market value of its assets a direct or indirect interest in a real estate company. An indirect ownership interest is an interest in an entity 90% or more of which is held by 35 or fewer persons and the purpose of the entity is the ownership of a real estate company.

(f) In the case of a grant, assignment, transfer or conveyance or vesting which results in a real estate company becoming an acquired real estate company, the grantor, assignor, transferor, or person making the conveyance or causing the vesting, shall file or cause to be filed with the division of taxation, at least five (5) days prior to the grant, transfer, assignment or conveyance or vesting, notification of the proposed grant, transfer, assignment, or conveyance or vesting, the price, terms and conditions of thereof, and the character and location of all of the real estate assets held by real estate company and shall remit the tax imposed and owed pursuant to subsection (a) hereof. Any such grant, transfer, assignment or conveyance or vesting which results in a real estate company becoming an acquired real estate company shall be fraudulent and void as against the state unless the entity notifies the tax administrator in writing of the grant, transfer, assignment or conveyance or vesting as herein required in subsection (f) hereof and has paid the tax as required in subsection (a) hereof. Upon the payment of the tax by the transferor, the tax administrator shall issue a
certificate of the payment of the tax which certificate shall be recordable in the land evidence
records in each municipality in which such real estate company owns real estate. Where the real
estate company has assets other than interests in real estate located in Rhode Island, the tax shall
be based upon the assessed value of each parcel of property located in each municipality in the state
of Rhode Island.

SECTION 7. Section 6 of this article shall take effect on January 1, 2022. All other sections
of this article shall take effect upon passage.
ARTICLE 17

RELATING TO EFFECTIVE DATE

SECTION 1. This act shall take effect as of July 1, 2021, except as otherwise provided herein.

SECTION 2. This article shall take effect upon passage.