

1 **ARTICLE 3**

2 RELATING TO GOVERNMENT REFORM AND REORGANIZATION

3 SECTION 1. Section 3-7-14.2 of the General Laws in Chapter 3-7 entitled "Retail
4 Licenses" is hereby amended to read as follows:

5 **3-7-14.2. Class P licenses -- Caterers.**

6 (a) A caterer licensed by the department of health and the division of taxation shall
7 be eligible to apply for a Class P license from the department of business regulation. The
8 department of business regulation is authorized to issue all caterers' licenses. The license will
9 be valid throughout this state as a state license and no further license will be required or tax imposed
10 by any city or town upon this alcoholic beverage privilege. Each caterer to which the license is issued
11 shall pay to the department of business regulation an annual fee of five hundred dollars (\$500) for
12 the license, ~~and one dollar (\$1.00) for each duplicate of the license~~, which fees are paid into the
13 state treasury. The department is authorized to promulgate rules and regulations for the
14 implementation of this license. In promulgating said rules, the department shall include, but is
15 not limited to, the following standards:

16 (1) Proper identification will be required for individuals who look thirty (30) years old or
17 younger and who are ordering alcoholic beverages;

18 (2) Only valid ID's as defined by these titles are acceptable;

19 (3) An individual may not be served more than two (2) drinks at a time;

20 (4) Licensee's, their agents, or employees will not serve visibly intoxicated individuals;

21 (5) Licensee's may only serve alcoholic beverages for no more than a five (5) hour period
22 per event;

23 (6) Only a licensee, or its employees, may serve alcoholic beverages at the event;

24 (7) The licensee will deliver and remove alcoholic beverages to the event; and

25 (8) No shots or triple alcoholic drinks will be served.

26 (b) Any bartender employed by the licensee shall be certified by a nationally recognized
27 alcohol beverage server training program.

28 (c) The licensee shall purchase at retail all alcoholic beverages from a licensed Class A
29 alcohol retail establishment located in the state, provided, however, any licensee who also holds a

30 Class T license, issued pursuant to the provisions of § 3-7-7, shall be allowed to purchase
31 alcoholic beverages at wholesale. Any person violating this section shall be fined five hundred

1 dollars (\$500) for this violation and shall be subject to license revocation. The provisions of this
2 section shall be enforced in accordance with this title.

3 (d) Violation of subsection (a) of this section is punishable upon conviction by a fine of
4 not more than five hundred dollars (\$500). Fines imposed under this section shall be paid to the
5 department of business regulation.

6 SECTION 2. Chapter 5-2 of the General Laws entitled "Bowling Alleys, Billiard Tables,
7 and Shooting Galleries" is hereby amended by adding thereto the following section:

8 **5-2-3.1. Billiard table defined.**

9 As used in this chapter, the term "billiard table" means and shall include billiard tables,
10 pool tables, and pocket billiard tables.

11 SECTION 3. Sections 5-2-1, 5-2-2, 5-2-3 and 5-2-9 of the General Laws in Chapter 5-2
12 entitled "Bowling Alleys, Billiard Tables, and Shooting Galleries" are hereby amended to read as
13 follows:

14 **5-2-1. ~~City and town regulation and taxation of bowling alleys and billiard tables~~ City**
15 **and town regulation and taxation of bowling alleys and establishments with three (3) or more**
16 **billiard tables.**

17 The town and city councils of the several towns and cities may tax, regulate, and, if they
18 find it expedient, prohibit and suppress, bowling alleys and establishments with three (3) or more
19 billiard tables in their respective cities and towns, conforming to law.

20 **§ 5-2-2. Refusal of bowling alley, box ball alley, or billiard table keeper to comply with**
21 **order of the city or town council.**

22 The keeper of any bowling alley, box ball alley, or establishment with three (3) or more
23 billiard ~~table~~ tables who refuses or neglects to comply with an order or decree relating to it, which
24 any city or town council is authorized to make, shall be fined fifty dollars (\$50.00).

25 **§ 5-2-3. Keeper of bowling alley, box ball alley, or billiard table defined.**

26 The owner or occupant of the premises on which any bowling alley, box ball alley, or three
27 (3) or more billiard ~~table is~~ tables are situated is deemed the keeper of that bowling alley, box ball
28 alley, or (3) or more billiard ~~table~~ tables, within the meaning of the provisions of this chapter.

29 **5-2-9. Sunday operation of bowling alleys and billiard tables.**

30 (a) Town or city councils or licensing authorities in any city or town may permit licensees
31 operating bowling alleys, or persons paying a tax for the operation of a bowling alley, to operate
32 rooms or places where bowling, or playing of billiards, or pocket billiards at establishments with
33 three (3) or more billiard tables for a fee or charge may be engaged in by patrons of those rooms or
34 places on the first day of the week, subject to any restrictions and regulations that the city or town

1 council or licensing authority designates; provided, that the operation of bowling alleys or rooms
2 or places where bowling, playing of billiards, or pocket billiards [at establishments with three \(3\) or](#)
3 [more billiard tables](#) for a fee or charge is permitted on the first day of the week only between the
4 hours of one o'clock (1:00) p.m. and twelve o'clock (12:00) midnight; and provided, that no bowling
5 alley or rooms or places where bowling, playing of billiards, or pocket billiards for a fee or charge
6 is operated on the first day of the week within two hundred feet (200') of a place of public worship
7 used for public worship.

8 (b) The operation of any bowling alley, room, or place between any hour on the last day of
9 the week and one o'clock (1:00) a.m. on the first day of the week is not a violation of this section.

10 SECTION 4. Chapter 5-12 of the General Laws entitled "Hide and Leather Inspection"
11 is hereby repealed.

12 **~~5-12-1. Town and city inspectors.~~**

13 ~~There may be annually elected by the town councils of the several towns and by the~~
14 ~~city councils of Providence and Newport an officer to be denominated "inspector of hides and~~
15 ~~leather," who shall be sworn to the faithful discharge of his or her duties.~~

16 **~~5-12-2. Inspection and stamping of hides and leather.~~**

17 ~~City and town inspectors of hides and leather shall examine and inspect all hides and~~
18 ~~leather that they may be called upon to inspect, within their towns or cities, and stamp upon the~~
19 ~~inspected hides or leather their quality, as rated in the hides and leather trade, together with the~~
20 ~~name of the inspector and date of inspection.~~

21 **~~5-12-3. Inspection fees.~~**

22 ~~The fee of the inspector shall be at the rate of one dollar (\$1.00) per hour for each~~
23 ~~hour actually employed, paid by the person employing him or her; provided, that not more than five~~
24 ~~(5) hours shall be paid for by one employer for the same day.~~

25 **~~5-12-4. Misconduct by inspectors.~~**

26 ~~Every inspector appointed under the provisions of this chapter who willfully stamps~~
27 ~~any hides or leather as of a grade above or below that at which it is properly ratable, shall forfeit~~
28 ~~and pay a penalty of one hundred dollars (\$100) and is liable to an action at law for damages to~~
29 ~~any person injured from the action.~~

30 SECTION 5. Section 5-71-8 of the General Laws in Chapter 5-71 entitled "Licensure of
31 Interpreters for the Deaf" is hereby amended to read as follows:

32 **5-71-8. Qualifications of applicants for licenses.**

1 (a) To be eligible for licensure by the board as an interpreter for the deaf or transliterator,
2 the applicant must submit written evidence on forms furnished by the department, ~~verified by oath,~~
3 that the applicant meets all of the following requirements:

- 4 (1) Is of good moral character;
- 5 (2) Meets the screened requirements as defined in regulations promulgated by the
6 department or meets the certification requirements set forth by RID or its successor agency
7 approved by the department in consultation with the board;
- 8 (3) Pays the department a license fee as set forth in § 23-1-54;
- 9 (4) Adheres to the National Association of the Deaf (NAD) and the Registry of Interpreters
10 for the Deaf, Inc. (RID) code of professional conduct; and
- 11 (5) Provides verification of a background check with the bureau of criminal investigation
12 in the office of attorney general at the time of the initial application for license.

13 (b) To be eligible for licensure by the board as an educational interpreter for the deaf, the
14 applicant must meet all of the requirements as described in subsection (a) and must further present
15 proof of successful completion of the educational interpreter performance assessment (EIPA),
16 written and performance tests, or a similar test as approved by the board, at a performance level
17 established by the board.

18 (c) An individual whose license, certification, permit, or equivalent form of permission
19 issued within another state has been revoked, suspended, or currently placed on probation shall not
20 be eligible for consideration for licensure unless they have first disclosed to the department about
21 such disciplinary actions.

22 SECTION 6. Sections 9-5-10.1, 9-5-10.5 and 9-5-10.6 of the General Laws in Chapter 9-
23 5 entitled "Writs, Summons and Process" are hereby amended to read as follows:

24 **9-5-10.1. Certification of constables.**

25 (a) (1) A person at least twenty-one (21) years of age who complies with the statute and
26 the requirements set forth in any regulations promulgated by the department of business regulation
27 may file an application with the department requesting that the applicant be certified as a
28 constable. Once issued by the department, the certification shall be effective for a period of two (2)
29 years or until the approval is withdrawn by the department. A certified constable shall be entitled
30 to serve or execute writs and process in such capacity for any court of the state, anywhere in the
31 state, subject to any terms and limitations as set forth by the court, ~~and in such number as determined~~
32 ~~by the chief judge of the district court.~~

1 (2) A person to be certified as a constable shall provide documentation and evidence
2 satisfactory to the department of business regulations that the person possesses the specified
3 minimum qualifications to include:

4 (i) Sixty (60) hours of earned credit from an accredited college, university, or institution;
5 or

6 (ii) Four (4) years of honorable military service; or

7 (iii) Twenty (20) years of honorable service with a local, state, or federal law enforcement
8 agency; and

9 (iv) United State citizenship; and

10 (v) Possession of a valid motor vehicle operator's license; and

11 (vi) Successful completion of unlawful drug use screening; and

12 (vii) Successful completion of psychological testing approved by the department of
13 business regulation.

14 (b) Certification process.

15 (1) Application.

16 (i) Any person seeking certification pursuant to this section shall complete an application
17 and submit it to the department of business regulation in the form designated by the department for
18 such applications.

19 (ii) The application shall include information determined by the department to be relevant
20 to licensure and shall include a national criminal background check.

21 (2) Referral to certified constables' board. Once the applicant has provided a completed
22 application, the department shall refer the applicant to the certified constables' board by providing
23 a copy of the application to the board ~~and to the chief judge of the district court.~~

24 (3) Training.

25 (i) Following review of the application, the board shall determine whether the applicant
26 should be recommended for training ~~by the board~~ to be conducted by a volunteer training constable.
27 If the board determines that training is appropriate, the applicant shall be assigned to a training
28 constable who shall be a constable in good standing for a minimum of ten (10) years and who is
29 approved by the ~~chief judge of the district court to train prospective constables~~ department.

30 (ii) Training shall consist of a minimum of ninety (90) hours to be completed no sooner
31 than ninety (90) days from the date of the referral by the board. The department may waive the
32 training requirement of this section for an applicant who has graduated from a certified police or
33 law enforcement academy and who has a minimum of twenty (20) years of honorable service as a
34 police or law enforcement officer.

1 (iii) Within thirty (30) days from the conclusion of training, a written report shall be
2 submitted by the training constable to the board with a copy to the department that reflects the dates
3 and times of training and comments on the aptitude of the trainee.

4 (iv) If the board concludes that training is not appropriate or if the report of the training
5 constable concludes that the applicant does not have the aptitude to perform the duties of a
6 constable, the board shall so inform the department which shall deny the application on that basis.

7 (4) Oral and written tests.

8 (i) Upon the successful completion of the training period and recommendation from the
9 training constable, within ninety (90) days, the applicant shall complete an oral examination on the
10 legal and practical aspects of certified constables' duties that shall be created and administered by
11 the board.

12 (ii) Upon the successful completion of the oral examination, within sixty (60) days the
13 applicant must complete a written test created by the board and approved by the ~~chief judge of the~~
14 ~~district court~~ department that measures the applicant's knowledge of state law and court procedure.

15 (iii) If the board concludes that the applicant has not successfully passed either the oral or
16 written test, the board shall so inform the department which shall deny the application on that basis.

17 (5) Final review. The department shall review the application, training record, test scores,
18 and such other information or documentation as required and shall determine whether the applicant
19 shall be approved for certification and the person authorized to serve process in the state.

20 (c) Any person certified as a constable on the effective date of this act shall continue to be
21 certified without complying with the certification requirements prescribed by this act.

22 **9-5-10.5. Suspension, revocation or review of certification of certified constables.**

23 (a) Upon the receipt of a written complaint, request of the board, request of a judge of any
24 court, or upon its own initiative, the department shall ascertain the facts and, if warranted, hold a
25 hearing for the reprimand, suspension, or revocation of a certification. The director, or his or her
26 designee, has the power to refuse a certification for cause or to suspend or revoke a certification or
27 place an applicant on probation for any of the following reasons:

28 (1) The certification was obtained by false representation or by fraudulent act or conduct;

29 (2) Failure to report to the department any of the following within thirty (30) days of the
30 occurrence:

31 (i) Any criminal prosecution taken in any jurisdiction. The constable shall provide the
32 initial complaint filed and any other relevant legal documents;

33 (ii) Any change of name, address or other contact information;

1 (iii) Any administrative action taken against the constable in any jurisdiction by any
2 government agency within or outside of this state. The report shall include a copy of all relevant
3 legal documents.

4 (3) Failure to respond to the department within ten (10) days to any written inquiry from
5 the department;

6 (4) Where a certified constable, in performing or attempting to perform any of the acts
7 mentioned in this section, is found to have committed any of the following:

8 (i) Inappropriate conduct that fails to promote public confidence, including failure to
9 maintain impartiality, equity, and fairness in the conduct of his or her duties;

10 (ii) Neglect, misfeasance, or malfeasance of his or her duties;

11 (iii) Failure to adhere to court policies, rules, procedures, or regulations;

12 (iv) Failure to maintain the highest standards of personal integrity, honesty, and
13 truthfulness, including misrepresentation, bad faith, dishonesty, incompetence, or an arrest or
14 conviction of a crime.

15 (5) A copy of the determination of the director of department of business regulation, or his
16 or her designee, shall be forwarded to the chief judge of the district court within ten (10) business
17 days.

18 (b) Nothing herein shall be construed to prohibit the chief of any court from suspending
19 the certification of a constable to serve process within his or her respective court pending the
20 outcome of an investigation consistent with the provisions of chapter 35 of title 42.

21 (c) The department is authorized to levy an administrative penalty not exceeding one
22 thousand dollars (\$1,000) for each violation for failure to comply with the provisions of this chapter
23 or with any rule or regulation promulgated by the department.

24 **9-5-10.6. Certified constables' board.**

25 (a) There shall be created a certified constables' board that shall review each applicant and
26 recommend him or her for training, conduct the oral examination of each applicant, and that shall
27 serve as a resource to ~~the chief judge and~~ the department in the consideration of the practical aspects
28 of constable practice. The board shall consist of five (5) members appointed by the governor: two
29 (2) who shall be constables in good standing who have served for at least ten (10) years, one of
30 whom shall be ~~appointed~~ recommended by the Rhode Island Constables, Inc. and one ~~appointed~~
31 recommended by the Rhode Island Constables Association; and three (3) attorneys who shall be
32 licensed to practice law by the supreme court in good standing ~~who shall be appointed by the chief~~
33 ~~judge of the district court~~. Members of the constables' board shall serve for terms of five (5) years
34 until a successor is appointed and qualified.

1 (b) A representative of the board may attend hearings in order to furnish advice to the
2 department. The board may also consult with the department of business regulation from time to
3 time on matters relating to constable certification.

4 SECTION 7. Chapter 28.10 of the General Laws entitled "Opioid Stewardship Act" is
5 hereby amended by adding thereto the following section:

6 **21-28.10-14. Transfer of powers and duties.**

7 The employee responsible for performing fiscal functions associated with the management
8 of the opioid stewardship fund within the department of health shall be transferred to the executive
9 office.

10 SECTION 8. Sections 21-28.10-1, 21-28.10-2, 21-28.10-3, 21-28.10-4, 21-28.10-5, 21-
11 28.10-6, 21-28.10-7, 21-28.10-8, 21-28.10-9, 21-28.10-10, 21-28.10-11, and 21-28.10-13 of the
12 General Laws in Chapter 28.10 entitled "Opioid Stewardship Act" are hereby amended to read as
13 follows:

14 **21-28.10-1. Definitions.**

15 Unless the context otherwise requires, the following terms shall be construed in this chapter
16 to have the following meanings:

17 ~~— (1) "Department" means the Rhode Island department of health.~~

18 ~~— (2) "Director" means the director of the Rhode Island department of health.~~

19 ~~— (3) (1) "Distribute" means distribute as defined in § 21-28-1.02.~~

20 ~~— (4) (2) "Distributor" means distributor as defined in § 21-28-1.02.~~

21 ~~— (5) (3) "Executive Office" means the executive office of health and human~~
22 ~~services.~~

23 ~~— (5) (4) "Manufacture" means manufacture as defined in § 21-28-1.02.~~

24 ~~— (6) (5) "Manufacturer" means manufacturer as defined in § 21-28-1.02.~~

25 ~~— (7) (6) "Market share" means the total opioid stewardship fund amount measured~~
26 ~~as a percentage of each manufacturer's, distributor's and wholesaler's gross, in-state opioid sales in~~
27 ~~dollars from the previous calendar year as reported to the U.S. Drug Enforcement Administration~~
28 ~~(DEA) on its Automation of Reports and Consolidated Orders System (ARCOS) report.~~

29 (7) "Secretary" means the secretary of the executive office of health and human services.

30 (8) "Wholesaler" means wholesaler as defined in § 21-28-1.02.

31 **21-28.10-2. Opioid registration fee imposed on manufacturers, distributors, and**
32 **wholesalers.**

33 All manufacturers, distributors, and wholesalers licensed or registered under this title or
34 chapter 19.1 of title 5 (hereinafter referred to as "licensees"), that manufacture or distribute opioids

1 shall be required to pay an opioid registration fee. On an annual basis, the ~~director~~ secretary shall
2 certify the amount of all revenues collected from opioid registration fees and any penalties imposed,
3 to the general treasurer. The amount of revenues so certified shall be deposited annually into the
4 opioid stewardship fund restricted receipt account established pursuant to § 21-28.10-10.

5 **21-28.10-3. Determination of market share and registration fee.**

6 (1) The total opioid stewardship fund amount shall be five million dollars (\$5,000,000)
7 annually, subject to downward adjustments pursuant to § 21-28.10-7.

8 (2) Each manufacturer's, distributor's, and wholesaler's annual opioid registration fee shall
9 be based on that licensee's in-state market share.

10 (3) The following sales will not be included when determining a manufacturer's,
11 distributor's, or wholesaler's market share:

12 (i) The gross, in-state opioid sales attributed to the sale of buprenorphine or methadone;

13 (ii) The gross, in-state opioid sales sold or distributed directly to opioid treatment
14 programs, data-waivered practitioners, or hospice providers licensed pursuant to chapter 17 of title
15 23;

16 (iii) Any sales from those opioids manufactured in Rhode Island, but whose final point of
17 delivery or sale is outside of Rhode Island;

18 (iv) Any sales of anesthesia or epidurals as defined in regulation by the department; and

19 (v) Any in-state intracompany transfers of opioids between any division, affiliate,
20 subsidiary, parent, or other entity under complete and common ownership and control.

21 (4) The ~~department~~ executive office shall provide to the licensee, in writing, on or before
22 October 15, ~~2019~~ annually, the licensee's market share for the ~~2018~~ previous calendar year.
23 ~~Thereafter, the~~ The department executive office shall notify the licensee, in writing, on or before
24 October 15 of each year, of its market share for the prior calendar year based on the opioids sold
25 or distributed for the prior calendar year.

26 **21-28.10-4. Reports and records.**

27 (a) Each manufacturer, distributor, and wholesaler licensed to manufacture or distribute
28 opioids in the state of Rhode Island shall provide to the ~~director~~ secretary a report detailing all
29 opioids sold or distributed by that manufacturer or distributor in the state of Rhode Island. Such
30 report shall include:

31 (1) The manufacturer's, distributor's, or wholesaler's name, address, phone number, DEA
32 registration number, and controlled substance license number issued by the department;

33 (2) The name, address, and DEA registration number of the entity to whom the opioid was
34 sold or distributed;

- 1 (3) The date of the sale or distribution of the opioids;
- 2 (4) The gross receipt total, in dollars, of all opioids sold or distributed;
- 3 (5) The name and National Drug Code of the opioids sold or distributed;
- 4 (6) The number of containers and the strength and metric quantity of controlled substance
- 5 in each container of the opioids sold or distributed; and
- 6 (7) Any other elements as deemed necessary or advisable by the ~~director~~ [secretary](#).

7 (b) Initial and future reports. This information shall be reported annually to the ~~department~~
8 [executive office](#) via ARCOS or in such other form as defined or approved by the ~~director~~ [secretary](#);
9 provided, however, that the initial report provided pursuant to subsection (a) shall consist of all
10 opioids sold or distributed in the state of Rhode Island for the 2018 calendar year, and shall be
11 submitted by September 1, 2019. Subsequent annual reports shall be submitted by April 15 of each
12 year based on the actual opioid sales and distributions of the prior calendar year.

13 **21-28.10-5. Payment of market share.**

14 The licensee shall make payments annually to the ~~department~~ [executive office](#) with the first
15 payment of its market share due on December 31, 2019; provided, that the amount due on December
16 31, 2019, shall be for the full amount of the payment for the 2018 calendar year, with subsequent
17 payments to be due and owing on the last day of every year thereafter.

18 **21-28.10-6. Rebate of market share.**

19 In any year for which the ~~director~~ [secretary](#) determines that a licensee failed to report
20 information required by this chapter, those licensees complying with this chapter shall receive a
21 reduced assessment of their market share in the following year equal to the amount in excess of any
22 overpayment in the prior payment period.

23 **21-28.10-7. Licensee opportunity to appeal.**

24 (a) A licensee shall be afforded an opportunity to submit information to the
25 ~~department~~ [secretary](#) documenting or evidencing that the market share provided to the licensee (or
26 amounts paid thereunder), pursuant to § 21-28.10-3(4), is in error or otherwise not warranted. The
27 ~~department~~ [executive office](#) may consider and examine such additional information that it
28 determines to be reasonably related to resolving the calculation of a licensee's market share, which
29 may require the licensee to provide additional materials to the ~~department~~ [executive office](#). If the
30 ~~department~~ [executive office](#) determines thereafter that all or a portion of such market share, as
31 determined by the ~~director~~ [secretary](#) pursuant to § 21-28.10-3(4), is not warranted, the ~~department~~
32 [executive office](#) may:

- 33 (1) Adjust the market share;

1 (2) Adjust the assessment of the market share in the following year equal to the amount in
2 excess of any overpayment in the prior payment period; or

3 (3) Refund amounts paid in error.

4 (b) Any person aggrieved by a decision of the ~~department~~ executive office relating to the
5 calculation of market share may appeal that decision to the superior court, which shall have power
6 to review such decision, and the process by which such decision was made, as prescribed in chapter
7 35 of title 42.

8 (c) A licensee shall also have the ability to appeal its assessed opioid registration fee if the
9 assessed fee amount exceeds the amount of profit the licensee obtains through sales in the state of
10 products described in § 21-28.10-3. The ~~department~~ executive office may, exercising discretion as
11 it deems appropriate, waive or decrease fees as assessed pursuant to § 21-28.10-3 if a licensee can
12 demonstrate that the correctly assessed payment will pose undue hardship to the licensee's
13 continued activities in state. The ~~department~~ executive office shall be allowed to request, and the
14 licensee shall furnish to the department, any information or supporting documentation validating
15 the licensee's request for waiver or reduction under this subsection. Fees waived under this section
16 shall not be reapportioned to other licensees which have payments due under this chapter.

17 **21-28.10-8. Departmental a Annual reporting.**

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

27 **21-28.10-9. Penalties.**

28 (a) The ~~department~~ executive office may assess a civil penalty in an amount not to exceed
29 one thousand dollars (\$1,000) per day against any licensee that fails to comply with this chapter.

30 (b) (1) In addition to any other civil penalty provided by law, where a licensee has failed
31 to pay its market share in accordance with § 21-28.10-5, the ~~department~~ executive office may also
32 assess a penalty of no less than ten percent (10%) and no greater than three hundred percent (300%)
33 of the market share due from such licensee.

1 (2) In addition to any other criminal penalty provided by law, where a licensee has failed
2 to pay its market share in accordance with § 21-28.10-5, the ~~department~~ executive office may also
3 assess a penalty of no less than ten percent (10%) and no greater than fifty percent (50%) of the
4 market share due from such licensee.

5 **21-28.10-10. Creation of opioid stewardship fund.**

6 (a) There is hereby established, in the custody of the ~~department,~~ executive office, a
7 restricted-receipt account to be known as the "opioid stewardship fund."

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

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

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

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

22 **21-28.10-11. Allocation.**

23 The monies, when allocated, shall be paid out of the opioid stewardship fund and subject
24 to the approval of the ~~director~~ secretary and the approvals of the directors of the departments of
25 health and behavioral healthcare, developmental disabilities and hospitals (~~BHDDH~~), pursuant to
26 the provisions of this chapter.

27 **21-28.10-13. Rules and regulations.**

28 The ~~director~~ secretary may prescribe rules and regulations, not inconsistent with law, to
29 carry into effect the provisions of this chapter 28.10 of title 21, which rules and regulations, when
30 reasonably designed to carry out the intent and purpose of this chapter, are prima facie evidence of
31 its proper interpretation. Such rules and regulations may be amended, suspended, or revoked, from
32 time to time and in whole or in part, by the ~~director~~ secretary. The ~~director~~ secretary may prescribe,
33 and may furnish, any forms necessary or advisable for the administration of this chapter.

1 SECTION 9. Section 23-24.12-3 of the General Laws in Chapter 23-24.12 entitled "Proper
2 Management of Unused Paint" is hereby amended to read as follows:

3 **23-24.12-3. Establishment of paint stewardship program.**

4 (a) On or before March 1, 2014, each producer shall join the representative organization
5 and such representative organization shall submit a plan for the establishment of a paint stewardship
6 program to the department for approval. The program shall minimize the public sector involvement
7 in the management of post-consumer paint by reducing the generation of post-consumer paint,
8 negotiating agreements to collect, transport, reuse, recycle, and/or burn for energy recovery at an
9 appropriately licensed facility post-consumer paint using environmentally sound management
10 practices.

11 (b) The program shall also provide for convenient and available state-wide collection of
12 post-consumer paint that, at a minimum, provides for collection rates and convenience greater than
13 the collection programs available to consumers prior to such paint stewardship program; propose a
14 paint stewardship assessment; include a funding mechanism that requires each producer who
15 participates in the representative organization to remit to the representative organization payment
16 of the paint stewardship assessment for each container of architectural paint sold within the state;
17 include an education and outreach program to help ensure the success of the program; and, work
18 with the department and Rhode Island commerce corporation to identify ways in which the state
19 can motivate local infrastructure investment, business development and job creation related to the
20 collection, transportation and processing of post-consumer paint.

21 (c) The plan submitted to the department pursuant to this section shall:

22 (1) Identify each producer participating in the paint stewardship program and the brands
23 of architectural paint sold in this state covered by the program;

24 (2) Identify how the representative organization will provide convenient, statewide
25 accessibility to the program;

26 (3) Set forth the process by which an independent auditor will be selected and identify
27 the criteria used by the representative organization in selecting independent auditor;

28 (4) Identify, in detail, the educational and outreach program that will be implemented to
29 inform consumers and retailers of the program and how to participate;

30 (5) Identify the methods and procedures under which the paint stewardship program will
31 be coordinated with the Rhode Island resource recovery corporation;

32 (6) Identify, in detail, the operational plans for interacting with retailers on the proper
33 handling and management of post-consumer paint;

34 (7) Include the proposed, audited paint assessment as identified in this section;

1 (8) Include the targeted annual collection rate;

2 (9) Include a description of the intended treatment, storage, transportation and disposal
3 options and methods for the collected post-consumer paint; and

4 (10) Be accompanied by a fee in the amount of two thousand five hundred dollars
5 (\$2,500) to be deposited into the environmental response fund to cover the review of said plan by
6 the department.

7 (d) (1) Not later than sixty (60) days after submission of a plan pursuant to this section,
8 the department shall make a determination whether to:

9 (1i) Approve the plan as submitted;

10 (2ii) Approve the plan with conditions; or

11 (3iii) Deny the plan.

12 (2) If the department chooses to deny the plan, the department shall inform the
13 representative organization, in writing, of the reasons for the denial. The representative
14 organization shall then submit a revised plan for review by the department that takes into
15 consideration the reasons for the initial denial.

16 (e) Not later than three (3) months after the date the plan is approved, the representative
17 organization shall implement the paint stewardship program.

18 (f) On or before March 1, 2014, the representative organization shall propose a uniform
19 paint stewardship assessment for all architectural paint sold in this state. Such proposed paint
20 stewardship assessment shall be reviewed by an independent auditor to assure that such assessment
21 is consistent with the budget of the paint stewardship program described in this section and such
22 independent auditor shall recommend an amount for such paint stewardship assessment to the
23 department. The department shall be responsible for the approval of such paint stewardship
24 assessment based upon the independent auditor's recommendation. If the paint stewardship
25 assessment previously approved by the department pursuant to this section is proposed to be
26 changed, the representative organization shall submit the new, adjusted uniform paint stewardship
27 assessment to an independent auditor for review. After such review has been completed, the
28 representative organization shall submit the results of said auditor's review and a proposal to amend
29 the paint stewardship assessment to the department for review. The department shall review and
30 approve, in writing, the adjusted paint stewardship assessment before the new assessment can be
31 implemented. Any proposed changes to the paint stewardship assessment shall be submitted to the
32 department no later than sixty (60) days prior to the date the representative organization anticipates
33 the adjusted assessment to take effect.

1 (g) On and after the date of implementation of the paint stewardship program pursuant to
2 this section, the paint stewardship assessment shall be added to the cost of all architectural paint
3 sold to retailers and distributors in this state by each producer. On and after such implementation
4 date, each retailer or distributor, as applicable, shall add the amount of such paint stewardship
5 assessment to the purchase price of all architectural paint sold in this state.

6 (h) Any retailer may participate, on a voluntary basis, as a paint collection point pursuant
7 to such paint stewardship program and in accordance with any applicable provision of law or
8 regulation.

9 (i) Each producer and the representative organization shall be immune from liability for
10 any claim of a violation of antitrust law or unfair trade practice if such conduct is a violation of
11 antitrust law, to the extent such producer or representative organization is exercising authority
12 pursuant to the provisions of this section.

13 (j) Not later than the implementation date of the paint stewardship program, the
14 department shall list the names of participating producers the brands of architectural paint covered
15 by such paint stewardship program and the cost of the approved paint stewardship assessment on
16 its website.

17 (k) (1) On and after the implementation date of the paint stewardship program, no
18 producer, distributor or retailer shall sell or offer for sale architectural paint to any person in this
19 state if the producer of such architectural paint is not a member of the representative organization.

20 (2) No retailer or distributor shall be found to be in violation of the provisions of this
21 section if, on the date the architectural paint was ordered from the producer or its agent, the
22 producer or the subject brand of architectural paint was listed on the department's website in
23 accordance with the provisions of this section.

24 (l) Producers or the representative organization shall provide retailers with educational
25 materials regarding the paint stewardship assessment and paint stewardship program to be
26 distributed at the point of sale to the consumer. Such materials shall include, but not be limited to,
27 information regarding available end-of-life management options for architectural paint offered
28 through the paint stewardship program and information that notifies consumers that a charge for
29 the operation of such paint stewardship program is included in the purchase price of all architectural
30 paint sold in this state.

31 (m) On or before October 15, 2015, and annually thereafter, the representative organization
32 shall submit a report to the director of the department of environmental management that details
33 the paint stewardship program. Said report shall include a copy of the independent audit detailed
34 in subdivision (4) below. Such annual report shall include, but not be limited to:

- 1 (1) A detailed description of the methods used to collect, transport and process post-
2 consumer paint in this state;
- 3 (2) The overall volume of post-consumer paint collected in this state;
- 4 (3) The volume and type of post-consumer paint collected in this state by method of
5 disposition, including reuse, recycling and other methods of processing or disposal;
- 6 (4) The total cost of implementing the program, as determined by an independent financial
7 audit, as performed by an independent auditor;
- 8 (5) An evaluation of the adequacy of the program's funding mechanism;
- 9 (6) Samples of all educational materials provided to consumers of architectural paint and
10 participating retailers; and
- 11 (7) A detailed list of efforts undertaken and an evaluation of the methods used to
12 disseminate such materials including recommendations, if any, for how the educational component
13 of the program can be improved.
- 14 (n) The representative organization shall update the plan, as needed, when there are
15 changes proposed to the current program. A new plan or amendment will be required to be
16 submitted to the department for approval when:
- 17 (1) There is a change to the amount of the assessment; or
- 18 (2) There is an addition to the products covered under the program; or
- 19 (3) There is a revision of the product stewardship organization's goals: or
- 20 (4) Every four (4) years, if requested, in writing, by the department the representative
21 organization shall notify the department annually, in writing, if there are no changes proposed to
22 the program and the representative organization intends to continue implementation of the program
23 as previously approved by the department.
- 24 (o) The representative organization may maintain a reserve fund to protect against volatility
25 in the collection of the paint stewardship assessment and funded using the paint stewardship
26 assessment provided that the reserve fund shall not exceed an amount equal to 50 percent of the
27 total cost to administer the paint stewardship program during the previous program year. Any
28 proposal to establish or otherwise maintain a reserve fund shall be included in the plan submitted
29 to the department pursuant to § 23-24.12-3 and shall be subject to the approval of the department.
30 If, at the time this section takes effect, the reserve fund exceeds 50 percent, the representative
31 organization shall utilize the excess reserves on interim program activities, as approved by the
32 department, within two years of the effective date of this section. Thereafter, the representative
33 organization shall not propose a paint stewardship assessment that will cause the reserve fund to
34 exceed the level specified in this subsection.

1 [\(p\) Any program funds to be used for program administrative expenses by the](#)
2 [representative organization shall be subject to approval by the department.](#)

3 SECTION 10. Sections 23-26-7.1, 23-26-11, 23-26-12, 23-26-13, 23-26-15, 23-26-25, 23-
4 26-26, 23-26-27, 23-26-30 and 23-26-31 of the General Laws in Chapter 23-26 entitled "Bedding
5 and Upholstered Furniture" are hereby amended to read as follows:

6 **23-26-7.1. Sterilization, disinfection and disinfestation of bedding and materials.**

7 (a) No person shall sell, offer for sale or include in a sale any item of secondhand bedding
8 or any item of bedding of any type manufactured in whole or in part from secondhand material,
9 including their component parts or wiping rags, unless such material has been sterilized, disinfected
10 and cleaned, by a method approved by the department of business regulation; provided, further,
11 that any product used for sterilization or disinfection of secondhand bedding must be registered
12 as consumer and health benefit products and labeled for use on bedding and upholstered furniture
13 by the EPA in accordance with § 23-25-6 of this title. The department of business regulation
14 shall promulgate rules and regulations consistent with the provisions of this chapter.

15 (b) No person shall use in the manufacture, repair and renovation of bedding of any
16 type any material which has been used by a person with an infectious or contagious disease, or
17 which is filthy, oily or harbors loathsome insects or pathogenic bacteria.

18 (c) No person shall sell, or offer for sale or include in a sale any material or bedding
19 which under the provisions of this chapter or regulations requires treatment unless there is
20 securely attached in accordance with regulations, a yellow tag not less than twelve square inches
21 in size, made of substantial cloth or a material of equal quality. Upon the tag there shall be plainly
22 printed, in black ink, in the English language, a statement showing:

23 (1) That the item or material has been treated by a method approved by the department
24 of business regulation, and the method of treatment applied.

25 (2) The lot number and the tag number of the item treated.

26 (3) The ~~Heense~~ [registration](#) number of the person applying treatment.

27 (4) The name and address of the person for whom treated.

28 (d) The tag required by this section shall be in addition to any other tag required pursuant to
29 the provisions of this chapter. Holders of ~~Heenses~~ [registrations](#) to apply sterilization, disinfection or
30 disinfestation treatment shall be required to keep an accurate record of all materials which
31 have been subjected to treatment, including the source of material, date of treatment, and the name
32 and address of the receiver of each. Such records shall be available for inspection at any time
33 by authorized representatives of the department.

1 (e) Violations of this section shall be punishable by a fine not to exceed five hundred
2 dollars (\$500).

3 ~~23-26-11. Counterfeit stamps and permits~~ Counterfeit stamps and registrations.

4 No person shall have in his or her possession or shall make, use, or sell any counterfeit
5 or colorable imitation of the inspection stamp or ~~permit~~ registration required by this chapter.
6 Each counterfeited or imitated stamp or ~~permit~~ registration made, used, sold, offered for sale,
7 delivered, or consigned for sale contrary to the provisions of this chapter shall constitute a separate
8 offense.

9 ~~23-26-12. Sterilization permits~~ Sterilization registrations.

10 Any sterilization process, before being used in connection with this chapter, must
11 receive the approval of the director. Every person, firm, or corporation desiring to operate the
12 sterilization process shall first obtain a numbered ~~permit~~ registration from the director and shall not
13 operate the process unless the ~~permit~~ registration is kept conspicuously posted in the
14 establishment. Fee for original ~~permit~~ registration shall be eighty-four dollars (\$84.00).
15 Application for the ~~permit~~ registration shall be accompanied by specifications in duplicate, in
16 such form as the director shall require. Each ~~permit~~ registration shall expire one year from date of
17 issue. Fee for annual renewal of a sterilizing ~~permit~~ registration shall be one-half (1/2) the original
18 fee.

19 23-26-13. Contents of tag on bedding articles for sale.

20 Every article of bedding made for sale, sold, or offered for sale shall have attached thereto a
21 tag which shall state the name of the material used, that the material used is new, or second-
22 hand and, when required to be sterilized, that the material has been sterilized, and the number
23 of the sterilizing ~~permit~~ registration. The tag shall also contain the name and address of the maker
24 or the vendor and the registry number of the maker. All tags attached to new articles shall be
25 legibly stamped or marked by the retail vendor with the date of delivery to the customer.

26 23-26-15. Contents of tag on shipments of filling material.

27 Any shipment or delivery, however contained, of material used for filling articles
28 of bedding shall have firmly and conspicuously attached thereto a tag which shall state the name
29 of the maker, preparer or vendor, and the address of the maker, preparer, or vendor, the name of
30 the contents and whether the contents are new or second-hand, and, if sterilized, the number of
31 the sterilizing ~~permit~~ registration.

32 ~~23-26-25. Rules, regulations, and findings — Suspension or revocation of permits~~
33 Rules, regulations, and findings -- Suspension or revocation of registrations.

1 (a) The director is hereby authorized and empowered to make general rules and
2 regulations and specific rulings, demands, and findings for the enforcement of this chapter, in
3 addition hereto and not inconsistent herewith. The director may suspend or revoke any ~~permit or~~
4 registration for violation of any provision of this chapter, or any rule, regulation, ruling, or demand
5 made pursuant to the authority granted by this chapter. (b) The director of the department of health
6 shall investigate and enforce the provisions of § 23-26-3.1, and promulgate rules and regulations
7 deemed necessary to enforce it.

8 **23-26-26. Appeal of director's decisions.**

9 Any person aggrieved by the action of the director in denying an application for a ~~permit or~~
10 ~~for~~ registration, or in revoking or suspending any ~~permit or~~ registration, or by any order
11 or decision of the director, shall have the right to appeal to the supreme court and the procedure
12 in case of the appeal shall be the same as that provided in § 42-35-15.

13 **23-26-27. Penalty for violations.**

14 Any person who:

15 (1) Makes, remakes, renovates, sterilizes, prepares, sells, or offers for sale, exchange,
16 or lease any article of bedding as defined by § 23-26-1, not properly tagged as required by this
17 chapter; or

18 (2) Uses in the making, remaking, renovating, or preparing of the article of bedding or
19 in preparing cotton or other material therefor that has been used as a mattress, pillow, or bedding
20 in any public or private hospital, or that has been used by or about any person having an infectious
21 or contagious disease, and that after such use has not been sterilized and approved for use, by
22 the director of business regulation; or

23 (3) Counterfeits or imitates any stamp or ~~permit~~ registration issued under this chapter
24 shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500)
25 or by imprisonment for not more than six (6) months or both.

26 (4) Any person or entity who or that violates the provisions of § 23-26-3.1 shall be
27 civilly fined not to exceed five thousand dollars (\$5,000) for the first violation and up to ten
28 thousand dollars (\$10,000) for each subsequent violation.

29 **~~23-26-30. License required -- Application -- Issuance and term of license~~**
30 **Registration required -- Application -- Issuance and term of registration.**

31 No person shall be engaged: (1) as a manufacturer of articles of bedding for sale
32 at wholesale; (2) as a manufacturer of articles of bedding for sale at retail; (3) as a supply dealer;
33 (4) as a repairer-renovator; or (5) as a retailer of second-hand articles of bedding, unless he or she
34 has obtained the appropriate numbered ~~license~~ registration therefor from the director, who is

1 hereby empowered to issue the license registration. Application for the license registration shall be
2 made on forms provided by the director and shall contain such information as the director may
3 deem material and necessary. Based on the information furnished in the application and on
4 any investigation deemed necessary by the director, the applicant's classification shall be
5 determined. Each license registration issued by the director pursuant to this section shall be
6 conspicuously posted in the establishment of the person to whom issued. The director may withhold
7 the issuance of a license registration to any person who shall make any false statement in the
8 application for a license registration under this chapter. The director shall promulgate rules
9 and regulations mandating the term of license registration for each category of license registration
10 issued pursuant to this chapter; however, no license registration shall remain in force for a period in
11 excess of three (3) years. The fee for the initial issuance or renewal of a license registration shall be
12 determined by multiplying the per annum fee by the number of years in the term of the license
13 registration. The entire fee ~~must~~ shall be paid in full for the total number of years of license
14 registration prior to the issuance of the license registration.

15 **23-26-31. Fees.**

16 (a) The per annum fees imposed for licenses registrations issued pursuant to § 23-26-
17 30 shall be as follows:

18 (1) Every applicant classified as a manufacturer of articles of bedding for sale at
19 wholesale or retail or as a supply dealer shall pay, prior to the issuance of a general license
20 registration, a per annum fee of two hundred ten dollars (\$210) and the licensee registrant may be
21 engaged in any or all of the following:

- 22 (i) Manufacture of articles of bedding for sale at wholesale;
- 23 (ii) Manufacture of articles of bedding for sale at retail;
- 24 (iii) Supply dealer;
- 25 (iv) Repairer-renovator.

26 (2) Every applicant classified as a repairer-renovator or retailer of second-hand articles
27 of bedding shall pay, prior to the issuance of a limited license registration, a per annum fee of
28 sixty dollars (\$60.00), and the licensee registrant may be engaged in any or all of the following:

- 29 (i) Repairer-renovator;
- 30 (ii) Retailer of second-hand articles of bedding; provided, however, that if a
31 licensee registrant is reclassified from one category to another which calls for a higher license
32 registration fee, he or she shall pay a pro rata share of the higher license registration fee for the
33 unexpired period and shall be issued a new license registration to expire on the expiration date of
34 the original license registration.

1 (b) If, through error, a [licensee registrant](#) has been improperly classified as of the date
2 of issue of his or her current [license registration](#), the proper fee for the entire period shall be
3 payable. Any overpayment shall be refunded to the [licensee registrant](#). No refunds shall be allowed
4 to any [licensee registrant](#) who has discontinued business, or whose [license registration](#) has been
5 revoked or suspended or who has been reclassified to a category calling for a greater or lesser
6 [license registration](#) fee, except as provided herein. The fee shall be paid to the director of
7 business regulation. For reissuing a revoked or expired [license registration](#) the fee shall be the
8 same as for an original [license registration](#).

9 (c) All payments for registration fees, sterilization process, ~~permits~~, fines and
10 penalties, and other money received under this chapter shall constitute inspection fees for the
11 purpose of enforcing this chapter.

12 SECTION 11. Sections 23-90-4, 23-90-5 and 23-90-6 of the General Laws in Chapter 23-
13 90 entitled " Responsible Recycling, Reuse and Disposal of Mattresses" are hereby amended to
14 read as follows:

15 **23-90-4. Mattress stewardship council established.**

16 (a) On or before July 1, 2015, each producer shall join the council and such council shall
17 submit a plan, for the corporation director's approval, to establish a statewide mattress stewardship
18 program, as described in this section. Any retailer may be a member of such council. Such mattress
19 stewardship program shall, to the extent it is technologically feasible and economically practical:

20 (1) Minimize public sector involvement in the management of discarded mattresses;

21 (2) Provide for the convenient and accessible statewide collection of discarded mattresses
22 from any person in the state with a discarded mattress that was discarded in the state, including
23 from participating covered entities that accumulated and segregated a minimum of fifty (50)
24 discarded mattresses for collection at one time, or a minimum of thirty (30) discarded mattresses
25 for collection at one time in the case of participating municipal transfer stations;

26 (3) Provide for council-financed recycling and disposal of discarded mattresses;

27 (4) Provide suitable storage containers at permitted municipal transfer stations, municipal
28 government property or other solid waste management facilities for segregated, discarded
29 mattresses, or make other mutually agreeable storage and transportation agreements at no cost to
30 such municipality provided the municipal transfer station, municipal government property or other
31 solid waste management facilities make space available for such purpose and imposes no fee for
32 placement of such storage container on its premises;

33 (5) Include a uniform mattress stewardship fee, with approval of the corporation, that is
34 sufficient to cover the costs of operating and administering the program; and

1 (6) Establish a financial incentive that provides for the payment of a monetary sum,
2 established by the council, to promote the recovery of mattresses.

3 (b) The council shall be a nonprofit organization with a fee structure that covers, but does
4 not exceed, the costs of developing the plan and operating and administering the program in
5 accordance with the requirements of this chapter, and maintaining a financial reserve sufficient to
6 operate the program over a multi-year period of time in a fiscally prudent and responsible manner.
7 The council shall maintain all records relating to the program for a period of not less than three (3)
8 years.

9 (c) Pursuant to the program, recycling shall be preferred over any other disposal method to
10 the extent that recycling is technologically feasible and economically practical.

11 (d) The council shall enter into an agreement with the corporation to reimburse for
12 reasonable costs directly related to administering the program but not to exceed the cost of two (2)
13 full time equivalent employees.

14 **23-90-5. Mattress stewardship plan.**

15 (a) On or before July 1, 2015, the mattress stewardship council shall submit a mattress
16 stewardship plan for the establishment of a mattress stewardship program to the corporation
17 director for approval.

18 (b) The plan submitted pursuant to subsection (a) of this section shall, to the extent it is
19 technologically feasible and economically practical:

20 (1) Identify each producer's participation in the program;

21 (2) Describe the fee structure for the program and propose a uniform stewardship fee that
22 is sufficient to cover the costs of operating and administering the program;

23 (3) Establish performance goals for the first two (2) years of the program;

24 (4) Identify proposed recycling facilities to be used by the program, such facilities shall not
25 require a solid waste management facilities license;

26 (5) Detail how the program will promote the recycling of discarded mattresses;

27 (6) Include a description of the public education program;

28 (7) Describe fee-disclosure language that retailers will be required to prominently display
29 that will inform consumers of the amount and purpose of the fee; and

30 (8) Identify the methods and procedures to facilitate implementation of the mattress
31 stewardship program in coordination with the corporation director and municipalities.

32 (c) Not later than ninety (90) days after submission of the plan pursuant to this section, the
33 corporation shall make a determination whether to:

34 (1) Approve the plan as submitted; or

1 (2) Deny the plan.

2 (d) The corporation director shall approve the plan for the establishment of the mattress
3 stewardship program, provided such plan reasonably meets the requirements of this section. Prior
4 to making such determination, the corporation director shall post the plan for at least thirty (30)
5 days, in accordance with the "Administrative Procedures Act" as set forth in chapter 35 of title 42
6 on the corporation's website and solicit public comments on the plan to be posted on the website.

7 (e) In the event that the corporation director denies the plan, the corporation director shall
8 provide a notice of determination to the council, within sixty (60) days, detailing the reasons for
9 the disapproval. The council shall revise and resubmit the plan to the corporation director not later
10 than forty-five (45) days after receipt of notice of the corporation director's denial notice. Not later
11 than forty-five (45) days after receipt of the revised plan, the corporation director shall review and
12 approve or deny the revised plan. The council may resubmit a revised plan to the corporation
13 director for approval on not more than two (2) occasions. If the council fails to submit a plan that
14 is acceptable to the corporation director, because it does not meet the criteria pursuant to
15 subdivisions (b)(1-8), the corporation director shall have the ability to modify the submitted plan
16 and approve it. Not later than one hundred twenty (120) days after the approval of a plan pursuant
17 to this section, the council shall implement the mattress stewardship program.

18 (f) It is the responsibility of the council to:

19 (1) Notify the corporation director whenever there is a proposed substantial change to the
20 program. If the corporation director takes no action on a proposed substantial change within ninety
21 (90) days after notification of the proposed change, the proposed change shall be deemed approved.
22 For the purposes of this subdivision, "substantial change" shall include, but not be limited to:

23 (i) A change in the processing facilities to be used for discarded mattresses collected
24 pursuant to the program; or

25 (ii) A material change to the system for collecting mattresses.

26 (2) Not later than October 1, 2017, the council shall submit to the corporation director for
27 review, updated performance goals that are based on the experience of the program during
28 the first two (2) years of the program.

29 (g) The council shall notify the corporation director of any other changes to the program
30 on an ongoing basis, whenever they occur, without resubmission of the plan to the
31 corporation director for approval. Such changes shall include, but not be limited to, a change in the
32 composition, officers, or contact information of the council.

33 (h) On or before July 1, 2015, and every two (2) years thereafter, the council shall propose
34 a uniform fee for all mattresses sold in this state. The council may propose a change to the uniform

1 fee more frequently than once every two (2) years if the council determines such change is needed
2 to avoid funding shortfalls or excesses. Any proposed fee shall be reviewed by an independent
3 auditor to ensure that such assessment does not exceed the costs of the mattress stewardship
4 program described in subsection (b) of this section and to maintain financial reserves sufficient to
5 operate the program over a multi-year period in a fiscally prudent and responsible manner. Not
6 later than sixty (60) days after the council proposes a mattress stewardship fee, the auditor shall
7 ~~render an opinion~~ provide an evaluation of the proposed fee to the corporation director ~~as to whether~~
8 ~~the proposed mattress stewardship fee is reasonable to achieve the goals set forth in this section.~~
9 Copies of all documents related to the auditor's evaluation, along with the financial information
10 provided by the council, shall be filed with the corporation and considered public documents
11 pursuant to chapter 2 of title 38 ("Access to Public Records"). If the ~~auditor~~ corporation director
12 concludes that the mattress stewardship fee is reasonable, then the proposed fee shall go into effect
13 not less than ninety (90) days after the ~~auditor~~ corporation director notifies the ~~corporation director~~
14 council that the fee is reasonable. If the ~~auditor~~ corporation director concludes that the mattress
15 stewardship fee is not reasonable, the ~~auditor~~ corporation director shall provide the council with
16 written notice explaining the ~~auditor~~ corporation director's opinion. Not later than fourteen (14)
17 days after the council's receipt of the ~~auditor~~ corporation director's opinion, the council may either
18 propose a new mattress stewardship fee, or provide written comments on the ~~auditor~~ corporation
19 director's opinion. ~~If the auditor concludes that the fee is not reasonable, the corporation director~~
20 ~~shall decide, based on the auditor's opinion and any comments provided by the council, whether to~~
21 ~~approve the proposed mattress stewardship fee.~~ Such auditor shall be selected by the council. The
22 cost of any work performed by such auditor pursuant to the provisions of this subsection and
23 subsection (i) of this section shall be funded by the council.

24 (i)(1) On and after the implementation of the mattress stewardship program, each retailer
25 shall add the amount of the fee established pursuant to subsection (b) of this section and described
26 in subsection (h) of this section to the purchase price of all mattresses sold in this state. The fee
27 shall be remitted by the retailer to the council. The council may, subject to the corporation director's
28 approval, establish an alternative, practicable means of collecting or remitting such fee.

29 (2) On and after the implementation date of the mattress stewardship program, no producer,
30 distributor or retailer shall sell or offer for sale a mattress to any person in the state if the producer
31 is not a member of the council.

32 (3) No retailer or distributor shall be found to be in violation of the provisions of this
33 section, if, on the date the mattress was ordered from the producer or its agent, the producer of said
34 mattress was listed on the corporation's website in accordance with the provisions of this chapter.

1 (j) Not later than October 1, 2016, and annually thereafter, the council shall submit an
2 annual report to the corporation director. The corporation director shall post such annual report on
3 the corporation's website. Such report shall include, but not be limited to:

4 (1) The weight of mattresses collected pursuant to the program from:

5 (i) Municipal and/or transfer stations;

6 (ii) Retailers; and

7 (iii) All other covered entities;

8 (2) The weight of mattresses diverted for recycling;

9 (3) Identification of the mattress recycling facilities to which mattresses were delivered for
10 recycling;

11 (4) The weight of discarded mattresses recycled, as indicated by the weight of each of the
12 commodities sold to secondary markets;

13 (5) The weight of mattresses, or parts thereof, sent for disposal at each of the following:

14 (i) Rhode Island resource recovery corporation; and

15 (ii) Any other facilities;

16 (6) Samples of public education materials and methods used to support the program;

17 (7) A description of efforts undertaken and evaluation of the methods used to
18 disseminate such materials;

19 (8) Updated performance goals and an evaluation of the effectiveness of the methods
20 and processes used to achieve performance goals of the program; and

21 (9) Recommendations for any changes to the program.

22 (k) Two (2) years after the implementation of the program and upon the request of the
23 corporation director, but not more frequently than once a year, the council shall cause an audit of
24 the program to be conducted by the auditor described in subsection (h) of this section. Such audit
25 shall review the accuracy of the council's data concerning the program and provide any other
26 information requested by the corporation director. Such audit shall be paid for by the council. The
27 council shall maintain all records relating to the program for not less than three (3) years.

28 (l) No covered entity that participates in the program shall charge for receipt of mattresses
29 generated in the state. Covered entities may charge a fee for providing the service of collecting
30 mattresses and may restrict the acceptance of mattresses by number, source or physical condition.

31 (m) Covered entities that, upon the date of this act's passage, have an existing program for
32 recycling discarded mattresses may continue to operate such program without coordination of the
33 council, so long as the entities are able to demonstrate, in writing, to the corporation director that
34 the facilities to which discarded mattresses are delivered are engaged in the business of recycling

1 said mattresses and the corporation director approves the written affirmation that the facility
2 engages in mattress recycling of mattresses received by the covered entity. A copy of the written
3 affirmation and the corporation's approval shall be provided to the council by the corporation
4 director in a timely manner.

5 **23-90-6. Responsibilities of the Rhode Island resource recovery corporation.**

6 (a) The corporation shall review for approval the mattress stewardship plan of the council.

7 (b) The corporation shall maintain on its website information on collection opportunities
8 for mattresses, including collection site locations. The information must be made available in a
9 printable format for retailers and consumers.

10 (c) Not later than the implementation date of the mattress stewardship program, the
11 corporation shall list the names of participating producers covered by the program and the cost of
12 the approved mattress stewardship fee on its website.

13 (d) The corporation shall approve the mattress stewardship fee to be applied by the council
14 to mattresses pursuant to ~~this chapter~~ § 23-90-5(h).

15 (e) Pursuant to § 23-90-11, the corporation shall report biennially to the general assembly
16 on the operation of the statewide system for collection, transportation and recycling of mattresses.

17 SECTION 12. Section 36-4-16.4 of the General Laws in Chapter 36-4 entitled "Merit
18 System" is hereby amended to read as follows:

19 **36-4-16.4. Salaries of directors.**

20 (a) In the month of March of each year, the department of administration shall conduct a
21 public hearing to determine salaries to be paid to directors of all state executive departments for the
22 following year, at which hearing all persons shall have the opportunity to provide testimony, orally
23 and in writing. In determining these salaries, the department of administration will take into
24 consideration the duties and responsibilities of the aforementioned officers, as well as such related
25 factors as salaries paid executive positions in other states and levels of government, and in
26 comparable positions anywhere that require similar skills, experience, or training. Consideration
27 shall also be given to the amounts of salary adjustments made for other state employees during the
28 period that pay for directors was set last.

29 (b) Each salary determined by the department of administration will be in a flat amount,
30 exclusive of such other monetary provisions as longevity, educational incentive awards, or other
31 fringe additives accorded other state employees under provisions of law, and for which directors
32 are eligible and entitled.

33 (c) In no event will the department of administration lower the salaries of existing directors
34 during their term of office.

1 (d) Upon determination by the department of administration, the proposed salaries of
2 directors will be referred to the general assembly by the last day in April of that year to go into
3 effect thirty (30) days hence, unless rejected by formal action of the house and the senate acting
4 concurrently within that time.

5 (e) Notwithstanding the provisions of this section, for 2015 only, the time period for the
6 department of administration to conduct the public hearing shall be extended to July and the
7 proposed salaries shall be referred to the general assembly by August 30. The salaries may take
8 effect before next year, but all other provisions of this section shall apply.

9 (f) Notwithstanding the provisions of this section or any law to the contrary, for 2017 only,
10 the salaries of the director of the department of transportation, the secretary of health and human
11 services, and the director of administration shall be determined by the governor.

12 (g) Notwithstanding the provisions of this section or any law to the contrary, for ~~2021~~ 2022
13 only, the salary of the director of the department of children, youth and families shall be determined
14 by the governor.

15 SECTION 13. Chapter 41-5.2 of the General Laws entitled "Mixed Martial Arts" is
16 hereby amended by adding thereto the following section:

17 **41-5.2-30. Fees of officials.**

18 The fees of the referee and other licensed officials, as established by this chapter, shall
19 be fixed by the division of gaming and athletics licensing, and shall be paid by the
20 licensed organization prior to the exhibition.

21 SECTION 14. Section 41-5.2-2 of the General Laws in Chapter 41-5.2 entitled "Mixed
22 Martial Arts" is hereby amended to read as follows:

23 **41-5.2-2. ~~License required for mixed-martial-arts exhibitions~~ License required for**
24 **mixed-martial-arts exhibitions -- Amateur exhibitions exempt.**

25 Except as provided in subsection (b) of this section, no ~~No~~ mixed-martial-arts match
26 or exhibition for a prize or a purse, or at which an admission fee is charged, either directly
27 or indirectly, in the form of dues or otherwise, shall take place or be conducted in this state
28 unless licensed by the division of gaming and athletics licensing in accordance with this chapter.

29 (b) The provisions of this section shall not apply to any mixed-martial-arts match
30 or exhibition in which the contestants are amateurs and that is conducted under the supervision
31 and control of:

32 (1) Any educational institution recognized by the council on postsecondary education and
33 the council on elementary and secondary education of this state; or

1 (2) Any religious or charitable organization or society engaged in the training of youth
2 and recognized as such by the division of gaming and athletics licensing in this state.

3 (c) For the purposes of this section, an "amateur" means a person who engages in
4 mixed- martial-arts matches or exhibitions for which no cash prizes are awarded to the
5 participants, and for which the prize competed for, if any, shall not exceed in value the sum of
6 twenty-five dollars (\$25.00).

7 SECTION 15. This article shall take effect upon passage.