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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL
YEAR ENDING JUNE 30, 2019

Introduced By: Representative Marvin L. Abney

Date Introduced: January 18, 2018

Referred To: House Finance

(Governor)

It is enacted by the General Assembly as follows:

- 1 ARTICLE 1 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2019
- 2 ARTICLE 2 RELATING TO STATE FUNDS
- 3 ARTICLE 3 RELATING TO GOVERNMENT REFORM
- 4 ARTICLE 4 RELATING TO TAXES AND REVENUE
- 5 ARTICLE 5 RELATING TO CAPITAL DEVELOPMENT PROGRAM
- 6 ARTICLE 6 RELATING TO LICENSING
- 7 ARTICLE 7 RELATING TO FEES
- 8 ARTICLE 8 RELATING TO MOTOR VEHICLES
- 9 ARTICLE 9 RELATING TO SCHOOL CONSTRUCTION AND EDUCATION
- 10 ARTICLE 10 RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT
- 11 OF FY 2018
- 12 ARTICLE 11 RELATING TO WORKFORCE DEVELOPMENT
- 13 ARTICLE 12 RELATING TO ECONOMIC DEVELOPMENT
- 14 ARTICLE 13 RELATING TO MEDICAL ASSISTANCE
- 15 ARTICLE 14 RELATING TO MEDICAID RESOLUTION
- 16 ARTICLE 15 RELATING TO CHILDREN AND FAMILIES
- 17 ARTICLE 16 RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS
- 18 ARTICLE 17 RELATING TO THE EDWARD O. HAWKINS AND THOMAS C. SLATER

1 MEDICAL MARIJUANA ACT

2 ARTICLE 18 RELATING TO EFFECTIVE DATE

1 **ARTICLE 1**

2 **RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2019**

3 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained
4 in this act, the following general revenue amounts are hereby appropriated out of any money in
5 the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,
6 2019. The amounts identified for federal funds and restricted receipts shall be made available
7 pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the
8 purposes and functions hereinafter mentioned, the state controller is hereby authorized and
9 directed to draw his or her orders upon the general treasurer for the payment of such sums or such
10 portions thereof as may be required from time to time upon receipt by him or her of properly
11 authenticated vouchers.

12 **Administration**

13 *Central Management*

14	General Revenues	2,869,675
15	Total – Central Management	2,869,675

16 *Legal Services*

17	General Revenues	2,376,888
18	Total – Legal Services	2,376,888

19 *Accounts and Control*

20	General Revenues	5,273,496
21	Restricted Receipt – OPEB Board Administration	225,295
22	Total – Accounts and Control	5,498,791

23 *Office of Management and Budget*

24	General Revenues	9,039,148
25	Restricted Receipts	300,046
26	Other Funds	1,222,835
27	Total – Office of Management and Budget	10,562,029

28 *Purchasing*

29	General Revenues	2,821,641
30	Restricted Receipts	540,000
31	Other Funds	463,729
32	Total – Purchasing	3,825,370

33 *Human Resources*

34	General Revenues	1,274,257
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1	Total – Human Resources	1,274,257
2	<i>Personnel Appeal Board</i>	
3	General Revenues	149,477
4	Total – Personnel Appeal Board	149,477
5	<i>Information Technology</i>	
6	General Revenues	1,470,255
7	Federal Funds	115,000
8	Restricted Receipts	10,228,243
9	Other Funds	88,071
10	Total – Information Technology	11,901,569
11	<i>Library and Information Services</i>	
12	General Revenues	1,426,852
13	Federal Funds	1,220,416
14	Restricted Receipts	5,500
15	Total – Library and Information Services	2,652,768
16	<i>Planning</i>	
17	General Revenues	498,353
18	Federal Funds	15,448
19	Other Funds	
20	Air Quality Modeling	24,000
21	Federal Highway – PL Systems Planning	3,654,326
22	FTA – Metro Planning Grant	1,063,699
23	Total Other Funds	
24	Total – Planning	5,255,826
25	<i>General</i>	
26	General Revenues	
27	Miscellaneous Grants/Payments	100,000
28	Provided that this amount be allocated to City Year for the Whole School Child Program,	
29	which provides individualized support to at-risk students.	
30	Torts – Courts/Awards	400,000
31	State Employees/Teachers Retiree Health Subsidy	2,321,057
32	Resource Sharing and State Library Aid	9,362,072
33	Library Construction Aid	2,176,471
34	General Revenues Total	14,359,600

1	Restricted Receipts	700,000
2	Rhode Island Capital Plan Funds	
3	Security Measures State Buildings	250,000
4	Energy Efficiency Improvements	500,000
5	Cranston Street Armory	500,000
6	State House Energy Management Improvement	150,000
7	State House Renovations	1,175,000
8	Zambarano Building Rehabilitation	1,500,000
9	Cannon Building	600,000
10	Old State House	500,000
11	State Office Building	350,000
12	Old Colony House	50,000
13	William Powers Building	2,000,000
14	Pastore Center Utility System Upgrades	1,300,000
15	Pastore Center Rehabilitation	2,000,000
16	Replacement Fuel Tanks	300,000
17	Environmental Compliance	200,000
18	Big River Management Area	100,000
19	Pastore Center Building Demolition	750,000
20	Washington County Government Center	950,000
21	Veterans Memorial Auditorium	200,000
22	Chapin Health Laboratory	1,000,000
23	Shepard Building Upgrades	650,000
24	Pastore Center Water Tanks	280,000
25	RI Convention Center Authority	1,000,000
26	Dunkin Donuts Center	1,500,000
27	Mathias Building Renovations	7,175,000
28	Pastore Power Plan Rehabilitation	750,000
29	Accessibility – Facility Renovations	500,000
30	Hospital Consolidation	11,810,000
31	Information Operations System	800,000
32	Other Funds Total	38,840,000
33	Total – General	53,899,600
34	<i>Debt Service Payments</i>	

1	General Revenues	141,761,915
2	Out of the general revenue appropriations for debt service, the General Treasurer is	
3	authorized to make payments for the I-195 Redevelopment District Commission loan up to the	
4	maximum debt service due in accordance with the loan agreement.	
5	Federal Funds	1,870,830
6	Other Funds	
7	Transportation Debt Service	40,022,948
8	Investment Receipts – Bond Funds	100,000
9	Other Funds Total	40,122,948
10	Total - Debt Service Payments	183,755,693
11	<i>Energy Resources</i>	
12	Federal Funds	524,820
13	Restricted Receipts	8,179,192
14	Total – Energy Resources	8,704,012
15	<i>Rhode Island Health Exchange</i>	
16	General Revenue	2,363,841
17	Federal Funds	138,089
18	Restricted Receipts	5,754,213
19	Total – Rhode Island Health Exchange	8,256,143
20	<i>Office of Diversity, Equity & Opportunity</i>	
21	General Revenues	1,253,362
22	Other Funds	113,530
23	Total – Office of Diversity, Equity & Opportunity	1,366,892
24	<i>Capital Asset Management and Maintenance</i>	
25	General Revenues	9,804,474
26	Total – Capital Asset Management and Maintenance	9,804,474
27	<i>Personnel/Operating Reforms</i>	
28	General Revenues	(13,700,000)
29	Total- Personnel/Operating Reforms	(13,700,000)
30	Grand Total – General Revenues - Administration	183,043,234
31	Grand Total – Administration	298,453,464
32	Business Regulation	
33	<i>Central Management</i>	
34	General Revenues	2,213,227

1	Total – Central Management	2,213,227
2	<i>Banking Regulation</i>	
3	General Revenues	1,820,725
4	Restricted Receipts	75,000
5	Total – Banking Regulation	1,895,725
6	<i>Securities Regulation</i>	
7	General Revenues	992,821
8	Restricted Receipts	15,000
9	Total – Securities Regulation	1,007,821
10	<i>Insurance Regulation</i>	
11	General Revenues	3,872,109
12	Restricted Receipts	1,994,860
13	Total – Insurance Regulation	5,866,969
14	<i>Office of the Health Insurance Commissioner</i>	
15	General Revenues	1,638,304
16	Federal Funds	513,791
17	Restricted Receipts	234,507
18	Total – Office of the Health Insurance Commissioner	2,386,602
19	<i>Board of Accountancy</i>	
20	General Revenues	6,000
21	Total – Board of Accountancy	6,000
22	<i>Commercial Licensing, Racing & Athletics</i>	
23	General Revenues	1,088,106
24	Restricted Receipts	2,210,146
25	Total – Commercial Licensing, Racing & Athletics	3,298,252
26	<i>Building, Design and Fire Professionals</i>	
27	General Revenues	5,535,059
28	Federal Funds	378,840
29	Restricted Receipts	1,875,299
30	Other Funds	
31	Quonset Development Corporation	66,497
32	Other Funds Total	66,497
33	Total – Building, Design and Fire Professionals	7,855,695
34	Grand Total – General Revenues – Business Regulation	17,166,351

1	Grand Total – Business Regulation	24,530,291
2	Executive Office of Commerce	
3	<i>Central Management</i>	
4	General Revenues	1,287,095
5	Total – Central Management	1,287,095
6	<i>Housing and Community Development</i>	
7	General Revenues	906,165
8	Federal Funds	14,445,458
9	Restricted Receipts	4,754,319
10	Total – Housing and Community Development	20,105,942
11	<i>Quasi–Public Appropriations</i>	
12	General Revenues	
13	Rhode Island Commerce Corporation	7,474,514
14	Airport Impact Aid	1,025,000
15	Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid shall be	
16	distributed to each airport serving more than 1,000,000 passengers based upon its percentage of	
17	the total passengers served by all airports serving more the 1,000,000 passengers. Forty percent	
18	(40%) of the first \$1,000,000 shall be distributed based on the share of landings during the	
19	calendar year 2018 at North Central Airport, Newport-Middletown Airport, Block Island Airport,	
20	Quonset Airport, T.F. Green Airport and Westerly Airport, respectively. The Rhode Island	
21	Commerce Corporation shall make an impact payment to the towns or cities in which the airport	
22	is located based on this calculation. Each community upon which any parts of the above airports	
23	are located shall receive at least \$25,000.	
24	STAC Research Alliance	900,000
25	Innovative Matching Grants/Internships	1,000,000
26	I-195 Redevelopment District Commission	761,000
27	Chafee Center at Bryant	376,200
28	Polaris Manufacturing Grant	350,000
29	Urban Ventures Grant	140,000
30	General Revenues Total	12,026,714
31	Other Funds	
32	Rhode Island Capital Plan Funds	
33	I-195 Commission	300,000
34	Quonset Piers	2,000,000

1	Quonset Point Infrastructure	4,000,000
2	Other Funds Total	6,300,000
3	Total – Quasi–Public Appropriations	18,326,714
4	<i>Economic Development Initiatives Fund</i>	
5	General Revenues	
6	Innovation Initiative	1,000,000
7	I-195 Redevelopment Fund	1,000,000
8	Small Business Assistance	500,000
9	Rebuild RI Tax Credit Fund	15,500,000
10	Competitive Cluster Grants	100,000
11	Main Street RI Streetscape	500,000
12	First Wave Closing Fund	1,000,000
13	P-tech	200,000
14	Municipal Technical Assistance	200,000
15	Land Assembly	200,000
16	Small Business Promotion	475,000
17	Manufacturing Investment Tax Credit	300,000
18	General Revenues Total	20,975,000
19	Total – Economic Development Initiatives Fund	20,975,000
20	<i>Commerce Programs</i>	
21	General Revenues	
22	Wavemaker Fellowship	1,600,000
23	Air Service Development Fund	500,000
24	TSA Incentive	20,000
25	General Revenues Total	2,120,000
26	Total – Commerce Programs	2,120,000
27	Grand Total - General Revenues - Commerce	37,314,974
28	Grand Total – Executive Office of Commerce	62,814,751
29	Labor and Training	
30	<i>Central Management</i>	
31	General Revenues	720,670
32	Restricted Receipts	176,511
33	Other Funds	
34	Rhode Island Capital Plan Funds	

1	Center General Asset Protection	750,000
2	Other Funds Total	750,000
3	Total – Central Management	1,647,181
4	<i>Workforce Development Services</i>	
5	General Revenues	1,577,198
6	Federal Funds	20,986,909
7	Restricted Receipts	27,940,577
8	Other Funds	139,261
9	Total – Workforce Development Services	50,643,945
10	<i>Workforce Regulation and Safety</i>	
11	General Revenues	3,050,762
12	Restricted Receipts	558,142
13	Total – Workforce Regulation and Safety	3,608,904
14	<i>Income Support</i>	
15	General Revenues	3,937,699
16	Federal Funds	19,921,142
17	Restricted Receipts	1,980,642
18	Other Funds	
19	Temporary Disability Insurance Fund	203,411,107
20	Employment Security Fund	159,220,000
21	Other Funds Total	362,631,107
22	Total – Income Support	388,470,590
23	<i>Injured Workers Services</i>	
24	Restricted Receipts	9,329,210
25	Total – Injured Workers Services	9,329,210
26	<i>Labor Relations Board</i>	
27	General Revenues	404,420
28	Total – Labor Relations Board	404,420
29	Grand Total – General Revenues Labor and Training	9,690,749
30	Grand Total – Labor and Training	454,104,250
31	Department of Revenue	
32	<i>Director of Revenue</i>	
33	General Revenues	2,144,460
34	Total – Director of Revenue	2,144,460

1	<i>Office of Revenue Analysis</i>	
2	General Revenues	883,408
3	Total – Office of Revenue Analysis	883,408
4	<i>Lottery Division</i>	
5	Other Funds	400,184,045
6	Total – Lottery Division	400,184,045
7	<i>Municipal Finance</i>	
8	General Revenues	2,178,455
9	Total – Municipal Finance	2,178,455
10	<i>Taxation</i>	
11	General Revenues	27,010,311
12	Federal Funds	1,912,976
13	Restricted Receipts	627,411
14	Other Funds	
15	Motor Fuel Tax Evasion	173,651
16	Temporary Disability Insurance Fund	670,661
17	Other Funds Total	844,312
18	Total – Taxation	30,395,010
19	<i>Registry of Motor Vehicles</i>	
20	General Revenues	29,613,674
21	Federal Funds	196,489
22	Restricted Receipts	514,763
23	Total – Registry of Motor Vehicles	30,324,926
24	<i>State Aid</i>	
25	General Revenues	
26	Distressed Communities Relief Fund	12,384,458
27	Payment in Lieu of Tax Exempt Properties	46,089,504
28	Motor Vehicle Excise Tax Payments	54,748,948
29	Property Revaluation Program	1,630,534
30	General Revenues Total	114,853,444
31	Restricted Receipts	922,013
32	Total – State Aid	115,775,457
33	<i>Collections</i>	
34	General Revenues	591,609

1	Total – Collections	591,609
2	Grand Total – General Revenues - Revenue	177,275,361
3	Grand Total – Revenue	582,477,370
4	Legislature	
5	General Revenues	42,914,338
6	Restricted Receipts	1,720,695
7	Grand Total – Legislature	44,635,033
8	Lieutenant Governor	
9	General Revenues	1,039,971
10	Grand Total – Lieutenant Governor	1,039,971
11	Secretary of State	
12	<i>Administration</i>	
13	General Revenues	3,377,583
14	Total – Administration	3,377,583
15	<i>Corporations</i>	
16	General Revenues	2,287,410
17	Total – Corporations	2,287,410
18	<i>State Archives</i>	
19	General Revenues	91,577
20	Restricted Receipts	415,658
21	Total – State Archives	507,235
22	<i>Elections and Civics</i>	
23	General Revenues	2,881,418
24	Total – Elections and Civics	2,881,418
25	<i>State Library</i>	
26	General Revenues	613,236
27	Total – State Library	613,236
28	Provided that \$125,000 be allocated to support the Rhode Island Historical Society	
29	pursuant to Rhode Island General Law, Section 29-2-1 and \$18,000 be allocated to support the	
30	Newport Historical Society, pursuant to Rhode Island General Law, Section 29-2-2.	
31	<i>Office of Public Information</i>	
32	General Revenues	609,880
33	Receipted Receipts	25,000
34	Total – Office of Public Information	634,880

1	Grand Total – General Revenues – Secretary of State	9,861,104
2	Grand Total – Secretary of State	10,301,762
3	General Treasurer	
4	<i>Treasury</i>	
5	General Revenues	2,684,347
6	Federal Funds	304,542
7	Other Funds	
8	Temporary Disability Insurance Fund	275,471
9	Tuition Savings Program – Administration	379,213
10	Other Funds Total	654,684
11	Total – General Treasurer	3,643,573
12	<i>State Retirement System</i>	
13	Restricted Receipts	
14	Admin Expenses – State Retirement System	9,571,688
15	Retirement – Treasury Investment Operations	1,672,096
16	Defined Contribution – Administration	115,436
17	Total – State Retirement System	11,359,220
18	<i>Unclaimed Property</i>	
19	Restricted Receipts	25,587,830
20	Total – Unclaimed Property	25,587,830
21	<i>Crime Victim Compensation Program</i>	
22	General Revenues	283,285
23	Federal Funds	770,332
24	Restricted Receipts	1,029,931
25	Total – Crime Victim Compensation Program	2,083,548
26	Grand Total – General Revenues – General Treasurer	2,967,632
27	Grand Total – General Treasurer	42,674,171
28	Board of Elections	
29	General Revenues	5,315,517
30	Grand Total – Board of Elections	5,315,517
31	Rhode Island Ethics Commission	
32	General Revenues	1,770,560
33	Grand Total – Rhode Island Ethics Commission	1,770,560
34	Office of Governor	

1	General Revenues	
2	General Revenues	5,295,728
3	Contingency Fund	250,000
4	General Revenues Total	5,545,728
5	Grand Total – Office of Governor	5,545,728
6	Commission for Human Rights	
7	General Revenues	1,310,456
8	Federal Funds	497,570
9	Grand Total – Commission for Human Rights	1,808,026
10	Public Utilities Commission	
11	Federal Funds	168,378
12	Restricted Receipts	10,493,027
13	Grand Total – Public Utilities Commission	10,661,405
14	Office of Health and Human Services	
15	<i>Central Management</i>	
16	General Revenues	30,110,832
17	Federal Funds	100,927,845
18	Restricted Receipts	9,221,720
19	Total – Central Management	140,260,397
20	<i>Medical Assistance</i>	
21	General Revenues	
22	Managed Care	308,703,875
23	Hospitals	68,963,577
24	Nursing Facilities	88,251,917
25	Home and Community Based Services	22,943,006
26	Other Services	66,836,060
27	Pharmacy	63,486,039
28	Rhody Health	286,611,887
29	General Revenues Total	905,796,361
30	Federal Funds	
31	Managed Care	397,005,513
32	Hospitals	74,564,167
33	Nursing Facilities	96,723,804
34	Home and Community Based Services	31,159,449

1	Other Services	466,249,281
2	Pharmacy	(1,086,369)
3	Rhody Health	312,283,711
4	Other Programs	43,038,580
5	Federal Funds Total	1,419,938,136
6	Restricted Receipts	11,274,268
7	Total – Medical Assistance	2,337,008,765
8	Grand Total – General Revenues - OHHS	935,907,193
9	Grand Total – Office of Health and Human Services	2,477,269,162
10	Children, Youth, and Families	
11	<i>Central Management</i>	
12	General Revenues	8,667,600
13	Federal Funds	4,407,612
14	Total – Central Management	13,075,212
15	<i>Children's Behavioral Health Services</i>	
16	General Revenues	6,884,491
17	Federal Funds	5,713,527
18	Total – Children's Behavioral Health Services	12,598,018
19	<i>Juvenile Correctional Services</i>	
20	General Revenues	25,645,396
21	Federal Funds	275,099
22	Other Funds	
23	Rhode Island Capital Plan Funds	
24	RITS Maintenance Building	1,900,000
25	Other Funds Total	1,900,000
26	Total – Juvenile Correctional Services	27,820,495
27	<i>Child Welfare</i>	
28	General Revenues	
29	General Revenues	95,941,301
30	18 to 21 Year Olds	11,298,418
31	General Revenue Total	107,239,719
32	Federal Funds	
33	Federal Funds	43,308,780
34	18 to 21 Year Olds	2,235,633

1	Federal Funds Total	45,544,413
2	Restricted Receipts	2,674,422
3	Total – Child Welfare	155,458,554
4	<i>Higher Education Incentive Grants</i>	
5	General Revenues	200,000
6	Total – Higher Education Incentive Grants	200,000
7	Grand Total – General Revenues - DYCF	148,637,206
8	Grand Total – Children, Youth, and	
9	Families	209,152,279
10	Health	
11	<i>Central Management</i>	
12	General Revenues	2,081,730
13	Federal Funds	4,028,206
14	Restricted Receipts	6,217,459
15	Total – Central Management	12,327,395
16	<i>Community Health and Equity</i>	
17	General Revenues	631,894
18	Federal Funds	68,003,092
19	Restricted Receipts	35,134,450
20	Total – Community Health and Equity	103,769,436
21	<i>Environmental Health</i>	
22	General Revenues	5,591,236
23	Federal Funds	7,279,083
24	Restricted Receipts	353,936
25	Total – Environmental Health	13,224,255
26	<i>Health Laboratories and Medical Examiner</i>	
27	General Revenues	10,302,526
28	Federal Funds	2,108,567
29	Total – Health Laboratories and Medical Examiner	12,411,093
30	<i>Customer Services</i>	
31	General Revenues	6,428,386
32	Federal Funds	3,770,808
33	Restricted Receipts	1,325,336
34	Total – Customer Services	11,524,530

1	<i>Policy, Information and Communications</i>	
2	General Revenues	1,027,037
3	Federal Funds	2,701,982
4	Restricted Receipts	941,305
5	Total – Policy, Information and Communications	4,670,324
6	<i>Preparedness, Response, Infectious Disease & Emergency Services</i>	
7	General Revenues	1,946,414
8	Federal Funds	13,418,085
9	Total – Preparedness, Response, Infectious Disease &	
10	Emergency Services	15,364,499
11	Grand Total – General Revenues - Health	28,009,223
12	Grand Total - Health	173,291,532
13	Human Services	
14	<i>Central Management</i>	
15	General Revenues	3,931,863
16	Of this amount, \$300,000 is to support the Domestic Violence Prevention Fund to	
17	provide direct services through the Coalition Against Domestic Violence, \$250,000 is to support	
18	Project Reach activities provided by the RI Alliance of Boys and Girls Club, \$217,000 is for	
19	outreach and supportive services through Day One, \$175,000 is for food collection and	
20	distribution through the Rhode Island Community Food Bank, \$300,000 for services provided to	
21	the homeless at Crossroad Rhode Island, and \$520,000 for the Community Action Fund.	
22	Federal Funds	4,841,578
23	Restricted Receipts	105,606
24	Total – Central Management	8,879,047
25	<i>Child Support Enforcement</i>	
26	General Revenues	1,941,524
27	Federal Funds	8,050,859
28	Total – Child Support Enforcement	9,992,383
29	<i>Individual and Family Support</i>	
30	General Revenues	22,214,417
31	Federal Funds	105,699,751
32	Restricted Receipts	7,422,660
33	Other Funds	
34	Food Stamp Bonus Funding	170,000

1	Intermodal Surface Transportation Fund	4,428,478
2	Rhode Island Capital Plan Funds	
3	Blind Vending Facilities	165,000
4	Other Funds Total	4,763,478
5	Total – Individual and Family Support	140,100,306
6	<i>Office of Veterans' Affairs</i>	
7	General Revenues	23,140,211
8	Of this amount \$200,000 to provide support services through Veteran's organization.	
9	Federal Funds	9,552,957
10	Restricted Receipts	1,313,478
11	Total – Office Veterans' Affairs	34,006,646
12	<i>Health Care Eligibility</i>	
13	General Revenues	5,964,525
14	Federal Funds	9,392,121
15	Total – Health Care Eligibility	15,356,646
16	<i>Supplemental Security Income Program</i>	
17	General Revenues	19,574,400
18	Total – Supplemental Security Income Program	19,574,400
19	<i>Rhode Island Works</i>	
20	General Revenues	17,962,073
21	Federal Funds	84,029,810
22	Total – Rhode Island Works	101,991,883
23	<i>Other Programs</i>	
24	General Revenues	1,336,400
25	Of this appropriation, \$90,000 shall be used for hardship contingency payments.	
26	Federal Funds	282,130,537
27	Total – Other Programs	283,466,937
28	<i>Elderly Affairs</i>	
29	General Revenues	7,636,741
30	Of this amount, \$140,000 to provide elder services, including respite, through the	
31	Diocese of Providence, \$40,000 for ombudsman services provided by the Alliance for Long Term	
32	in accordance with RIGL 42-66.7, \$85,000 for security for housing for the elderly in accordance	
33	with RIGL 42-66.1-3, \$800,000 for Senior Center Support and \$580,000 for elderly nutrition, of	
34	which \$530,000 is for Meals on Wheels.	

1	Federal Funds	12,664,605
2	Restricted Receipts	154,808
3	Total – Elderly Affairs	20,456,154
4	Grand Total – General Revenues – Human Services	103,702,154
5	Grand Total – Human Services	633,824,402
6	Behavioral Healthcare, Developmental Disabilities, and Hospitals	
7	<i>Central Management</i>	
8	General Revenues	1,940,068
9	Federal Funds	734,643
10	Total – Central Management	2,674,711
11	<i>Hospital and Community System Support</i>	
12	General Revenues	2,569,849
13	Other Funds	
14	Rhode Island Capital Plan Funds	
15	Medical Center Rehabilitation	300,000
16	Other Funds Total	300,000
17	Total – Hospital and Community System Support	2,869,849
18	<i>Services for the Developmentally Disabled</i>	
19	General Revenues	116,720,695
20	Federal Funds	131,367,987
21	Restricted Receipts	1,419,750
22	Other Funds	
23	Rhode Island Capital Plan Funds	
24	DD Private Waiver Fire Code	100,000
25	Regional Center Repair/Rehabilitation	300,000
26	Community Facilities Fire Code	400,000
27	MR Community Facilities/Access to Independence	500,000
28	Other Funds Total	1,300,000
29	Total – Services for the Developmentally Disabled	250,808,432
30	<i>Behavioral Healthcare Services</i>	
31	General Revenues	3,552,823
32	Federal Funds	23,493,261
33	Of this federal funding, \$900,000 shall be expended on the Municipal Substance Abuse	
34	Task Forces and \$128,000 shall be expended on NAMI of RI.	

1	Restricted Receipts	100,000
2	Other Funds	
3	Rhode Island Capital Plan Funds	
4	MH Community Facilities Repair	200,000
5	Substance Abuse Asset Protection	200,000
6	Other Funds Total	400,000
7	Total – Behavioral Healthcare Services	27,546,084
8	<i>Hospital and Community Rehabilitative Services</i>	
9	General Revenues	54,618,056
10	Federal Funds	57,374,123
11	Restricted Receipts	3,552,672
12	Other Funds	
13	Rhode Island Capital Plan Funds	
14	Zambarano Buildings and Utilities	250,000
15	Eleanor Slater HVAC/Elevators	250,000
16	MR Community Facilities	500,000
17	Hospital Equipment	300,000
18	Other Funds Total	1,300,000
19	Total - Hospital and Community Rehabilitative Services	116,844,851
20	Grand Total – General Revenues - BHDDH	179,401,491
21	Grand Total – Behavioral Healthcare, Developmental	
22	Disabilities, and Hospitals	400,743,927
23	Office of the Child Advocate	
24	General Revenue	923,704
25	Federal Funds	147,642
26	Grand Total – Office of the Child Advocate	1,071,346
27	Commission on the Deaf and Hard of Hearing	
28	General Revenues	511,467
29	Restricted Receipts	80,000
30	Grand Total – Comm. On Deaf and Hard of Hearing	591,467
31	Governor’s Commission on Disabilities	
32	General Revenues	492,557
33	Federal Funds	335,167
34	Restricted Receipts	49,571

1	Total – Governor’s Commission on Disabilities	877,295
2	Office of the Mental Health Advocate	
3	General Revenues	639,764
4	Grand Total – Office of the Mental Health Advocate	639,764
5	Elementary and Secondary Education	
6	<i>Administration of the Comprehensive Education Strategy</i>	
7	General Revenues	20,300,293
8	Provided that \$90,000 be allocated to support the hospital school at Hasbro Children’s	
9	Hospital pursuant to RIGL 17-7-20 and that \$245,000 be allocated to support child opportunity	
10	zones through agreements with the Department of Elementary and Secondary Education to	
11	strengthen education, health and social services for students and their families as a strategy to	
12	accelerate student achievement.	
13	Federal Funds	212,575,621
14	Restricted Receipts	
15	Restricted Receipts	2,633,393
16	HRIC Adult Education Grants	3,500,000
17	Restricted Receipts Total	6,133,393
18	Total – Admin. of the Comprehensive Ed. Strategy	239,009,307
19	<i>Davies Career and Technical School</i>	
20	General Revenues	13,329,558
21	Federal Funds	1,344,928
22	Restricted Receipts	3,900,067
23	Other Funds	
24	Rhode Island Capital Plan Funds	
25	Davies HVAC	1,974,000
26	Davies Asset Protection	150,000
27	Other Funds Total	2,124,000
28	Total – Davies Career and Technical School	20,698,553
29	<i>RI School for the Deaf</i>	
30	General Revenues	6,339,177
31	Federal Funds	554,925
32	Restricted Receipts	837,032
33	Other Funds	
34	Transformation Grants	59,000

1	Rhode Island Capital Plan Funds	
2	Asset Protection	50,000
3	Other Funds Total	109,000
4	Total – RI School for the Deaf	7,840,134
5	<i>Metropolitan Career and Technical School</i>	
6	General Revenues	9,342,007
7	Other Funds	
8	Rhode Island Capital Plan Funds	
9	MET Asset Protection	250,000
10	Other Funds Total	250,000
11	Total – Metropolitan Career and Technical School	9,592,007
12	<i>Education Aid</i>	
13	General Revenues	902,925,515
14	Restricted Receipts	24,884,884
15	Other Funds	
16	Permanent School Fund – Education Aid	1,420,000
17	Provided that \$300,000 be provided to support the Advanced Coursework Network and	
18	\$1,120,000 be provided to support Early Childhood Categorical Fund.	
19	Total – Education Aid	929,230,399
20	<i>Central Falls School District</i>	
21	General Revenues	40,397,886
22	Total – Central Falls School District	40,397,886
23	<i>School Construction Aid</i>	
24	General Revenues	
25	School Housing Aid	69,448,781
26	School Building Authority Fund	10,551,219
27	Total – School Construction Aid	80,000,000
28	<i>Teachers' Retirement</i>	
29	General Revenues	107,118,409
30	Total – Teachers' Retirement	107,118,409
31	Grand Total – General Revenues – Elementary &	
32	Secondary Ed	1,179,752,845
33	Grand Total – Elementary and Secondary Education	1,433,886,695
34	Public Higher Education	

1 *Office of the Postsecondary Commissioner*

2	General Revenues	16,776,572
3	Provided that \$355,000 shall be allocated the Rhode Island College Crusade pursuant to	
4	the RIGL 16-70-5 and that \$30,000 shall be allocated to Best Buddies Rhode Island to support its	
5	programs for children with developmental and intellectual disabilities. It is also provided that	
6	\$6,350,000 shall be allocated to the Rhode Island Promise Scholarship program.	
7	Federal Funds	
8	Federal Funds	3,524,589
9	Guaranty Agency Administration	2,259,418
10	Guaranty Agency Operating Fund-Scholarships & Grants	4,000,000
11	Federal Funds Total	9,784,007
12	Restricted Receipts	2,192,590
13	Other Funds	
14	Tuition Savings Program – Dual Enrollment	1,800,000
15	Tuition Savings Program – Scholarships and Grants	6,095,000
16	Nursing Education Center – Operating	3,204,732
17	Rhode Island Capital Plan Funds	
18	Higher Education Centers	2,000,000
19	Other Funds Total	13,099,732
20	Total – Office of the Postsecondary Commissioner	41,852,901

21 *University of Rhode Island*

22	General Revenues	
23	General Revenues	78,110,451
24	Provided that in order to leverage federal funding and support economic development,	
25	\$350,000 shall be allocated to the Small Business Development Center and that \$50,000 shall be	
26	allocated to Special Olympics Rhode Island to support its mission of providing athletic	
27	opportunities for individuals with intellectual and developmental disabilities.	
28	Debt Service	23,428,285
29	RI State Forensics Laboratory	1,264,277
30	General Revenues Total	102,803,013
31	Other Funds	
32	University and College Funds	659,961,744
33	Debt – Dining Services	999,215
34	Debt – Education and General	3,776,722

1	Debt – Health Services	121,190
2	Debt – Housing Loan Funds	9,454,613
3	Debt – Memorial Union	322,864
4	Debt – Ryan Center	2,388,444
5	Debt – Alton Jones Services	102,690
6	Debt – Parking Authority	1,100,172
7	Debt – Sponsored Research	85,151
8	Debt – Restricted Energy Conservation	482,579
9	Debt – URI Energy Conservation	2,008,847
10	Rhode Island Capital Plan Funds	
11	Asset Protection	7,437,161
12	Fine Arts Center Renovation	1,000,000
13	Biological Resources Lab	762,839
14	Other Funds Total	690,004,231
15	Total – University of Rhode Island	792,807,244
16	<i>Rhode Island College</i>	
17	General Revenues	49,188,791
18	Debt Service	6,421,067
19	General Revenues Total	55,609,858
20	Other Funds	
21	University and College Funds	129,030,562
22	Debt – Education and General	881,090
23	Debt – Housing	369,079
24	Debt – Student Center and Dining	154,437
25	Debt – Student Union	208,800
26	Debt – G.O. Debt Service	1,642,957
27	Debt Energy Conservation	613,925
28	Rhode Island Capital Plan Funds	
29	Asset Protection	3,562,184
30	Infrastructure Modernization	3,500,000
31	Academic Building Phase I	4,000,000
32	Master Plan Advanced Planning	150,000
33	Other Funds – Total	144,113,034
34	Total – Rhode Island College	199,722,892

1	<i>Community College of Rhode Island</i>	
2	General Revenues	
3	General Revenues	50,935,710
4	Debt Service	1,904,030
5	General Revenues Total	52,839,740
6	Restricted Receipts	694,224
7	Other Funds	
8	University and College Funds	104,812,712
9	CCRI Debt Service – Energy Conservation	803,875
10	Rhode Island Capital Plan Funds	
11	Asset Protection	2,368,035
12	Knight Campus Lab Renovation	375,000
13	Knight Campus Renewal	3,000,000
14	Other Funds Total	111,359,622
15	Total – Community College of RI	164,893,586
16	Grand Total – General Revenues – Public Higher Ed	228,029,183
17	Grand Total – Public Higher Education	1,199,276,623
18	RI State Council on the Arts	
19	General Revenues	
20	Operating Support	824,693
21	Grants	1,165,000
22	Provided that \$375,000 be provided to support the operational costs of WaterFire	
23	Providence art installations.	
24	General Revenues Total	1,989,693
25	Federal Funds	719,053
26	Restricted Receipts	5,000
27	Other Funds	
28	Art for Public Facilities	400,000
29	Other Funds Total	400,000
30	Grand Total – RI State Council on the Arts	3,113,746
31	RI Atomic Energy Commission	
32	General Revenues	1,053,231
33	Restricted Receipts	99,000
34	Other Funds	

1	URI Sponsored Research	268,879
2	Rhode Island Capital Plan Funds	
3	RINSC Asset Protection	50,000
4	Other Funds Total	318,879
5	Grand Total – RI Atomic Energy Commission	1,471,110
6	RI Historical Preservation and Heritage Commission	
7	General Revenues	1,187,291
8	Provided that \$30,000 support the operational costs of the Fort Adam Trust’s restoration	
9	activities.	
10	Federal Funds	851,540
11	Restricted Receipts	465,870
12	Other Funds	
13	RIDOT Project Review	81,589
14	Grand Total – RI Historical Preservation and Heritage Comm.	2,586,290
15	Attorney General	
16	<i>Criminal</i>	
17	General Revenues	16,833,871
18	Federal Funds	12,710,334
19	Restricted Receipts	139,107
20	Total – Criminal	29,683,312
21	<i>Civil</i>	
22	General Revenues	5,366,089
23	Restricted Receipts	644,343
24	Total – Civil	6,010,432
25	<i>Bureau of Criminal Identification</i>	
26	General Revenues	1,690,246
27	Total – Bureau of Criminal Identification	1,690,246
28	<i>General</i>	
29	General Revenues	3,262,516
30	Other Funds	
31	Rhode Island Capital Plan Funds	
32	Building Renovations and Repairs	150,000
33	Other Funds Total	150,000
34	Total – General	3,412,516

1	Grand Total – General Revenues – Attorney General	27,152,722
2	Grand Total – Attorney General	40,796,506
3	Corrections	
4	Central Management	
5	General Revenues	15,978,466
6	Federal Funds	29,460
7	Total – Central Management	16,007,926
8	<i>Parole Board</i>	
9	General Revenues	1,277,949
10	Federal Funds	120,827
11	Total – Parole Board	1,398,776
12	<i>Custody and Security</i>	
13	General Revenues	146,468,840
14	Federal Funds	810,693
15	Total – Custody and Security	147,279,533
16	<i>Institutional Support</i>	
17	General Revenues	14,449,266
18	Other Funds	
19	Rhode Island Capital Plan Funds	
20	Asset Protection	3,000,000
21	Maximum – General Renovations	1,000,000
22	General Renovations Women’s	250,000
23	ISC Exterior Envelope and HVAC	1,500,000
24	Medium Infrastructure	5,000,000
25	High Security Renovations and Repairs	1,000,000
26	Other Funds Total	11,750,000
27	Total – Institutional Support	26,199,266
28	<i>Institutional Based Rehab./Population Management</i>	
29	General Revenues	13,660,141
30	Provided that \$1,050,000 be allocated to Crossroads Rhode Island for sex offender	
31	discharge planning.	
32	Federal Funds	545,886
33	Restricted Receipts	44,473
34	Total – Institutional Based Rehab/Population Mgt.	14,250,500

1	<i>Healthcare Services</i>	
2	General Revenues	23,906,188
3	Total – Healthcare Services	23,906,188
4	<i>Community Corrections</i>	
5	General Revenues	17,281,996
6	Federal Funds	84,437
7	Restricted Receipts	14,883
8	Total – Community Corrections	17,381,316
9	Grand Total – General Revenues - Corrections	233,022,846
10	Grand Total – Corrections	246,423,505
11	Judiciary	
12	<i>Supreme Court</i>	
13	General Revenues	
14	General Revenues	28,632,746
15	Provided however, that no more than \$1,183,205 in combined total shall be offset to the	
16	Public Defender’s Office, the Attorney General’s Office, the Department of Corrections, the	
17	Department of Children, Youth, and Families, and the Department of Public Safety for square-	
18	footage occupancy costs in public courthouses and further provided that \$230,000 be allocated to	
19	the Rhode Island Coalition Against Domestic Violence for the domestic abuse court advocacy	
20	project pursuant to RIGL 12-29-7 and that \$90,000 be allocated to Rhode Island Legal Services,	
21	Inc. to provide housing and eviction defense to indigent individuals.	
22	Defense of Indigents	3,960,979
23	General Revenues Total	32,593,725
24	Federal Funds	139,008
25	Restricted Receipts	3,317,943
26	Other Funds	
27	Rhode Island Capital Plan Funds	
28	Judicial Complexes - HVAC	1,000,000
29	Judicial Complexes Asset Protection	950,000
30	Licht Judicial Complex Restoration	750,000
31	Licht Window/Exterior Restoration	800,000
32	Noel Shelled Courtroom Build Out	2,339,066
33	Other Funds Total	5,839,066
34	Total - Supreme Court	41,889,742

1	<i>Judicial Tenure and Discipline</i>	
2	General Revenues	147,386
3	Total – Judicial Tenure and Discipline	147,386
4	<i>Superior Court</i>	
5	General Revenues	23,552,251
6	Federal Funds	71,376
7	Restricted Receipts	398,089
8	Total – Superior Court	24,021,716
9	<i>Family Court</i>	
10	General Revenues	20,897,566
11	Federal Funds	2,577,195
12	Total – Family Court	23,474,761
13	<i>District Court</i>	
14	General Revenues	13,420,987
15	Federal Funds	65
16	Restricted Receipts	60,000
17	Total - District Court	13,481,052
18	<i>Traffic Tribunal</i>	
19	General Revenues	9,571,159
20	Total – Traffic Tribunal	9,571,159
21	<i>Workers' Compensation Court</i>	
22	Restricted Receipts	8,309,954
23	Total – Workers' Compensation Court	8,309,954
24	Grand Total – General Revenues - Judiciary	100,183,074
25	Grand Total – Judiciary	120,895,770
26	Military Staff	
27	General Revenues	3,674,200
28	Federal Funds	18,480,072
29	Restricted Receipts	
30	RI Military Family Relief Fund	100,000
31	Restricted Receipts Total	100,000
32	Other Funds	
33	Rhode Island Capital Plan Funds	
34	Asset Protection	700,000

1	Joint Force Headquarters Building	4,706,152
2	Other Funds Total	5,406,152
3	Grand Total – General Revenue	3,674,200
4	Grand Total – Military Staff	27,660,424
5	Public Safety	
6	<i>Central Management</i>	
7	General Revenues	1,189,025
8	Federal Funds	6,714,457
9	Total – Central Management	7,903,482
10	<i>E-911 Emergency Telephone System</i>	
11	General Revenues	5,899,730
12	Total – E-911 Emergency Telephone System	5,899,730
13	<i>Security Services</i>	
14	General Revenues	24,475,859
15	Total – Security Services	24,475,859
16	<i>Municipal Police Training Academy</i>	
17	Federal Funds	372,958
18	Restricted Receipts	253,024
19	Total – Municipal Police Training Academy	625,982
20	<i>State Police</i>	
21	General Revenues	69,999,344
22	Federal Funds	8,526,488
23	Restricted Receipts	552,603
24	Other Funds	
25	Rhode Island Capital Plan Fund	
26	DPS Asset Protection	250,000
27	Training Academy Upgrades	500,000
28	Three-bay Garage	100,000
29	Facilities Master Plan	100,000
30	Lottery Commission Assistance	1,494,883
31	Airport Corporation Assistance	149,811
32	Road Construction Reimbursement	2,201,511
33	Weight and Measurement Reimbursement	304,989
34	Other Funds Total	5,101,194

1	Total – State Police	84,179,629
2	Grand Total – General Revenue – Public Safety	101,563,958
3	Grand Total – Public Safety	123,084,682
4	Office of Public Defender	
5	General Revenues	12,300,887
6	Federal Funds	100,985
7	Grand Total – Office of Public Defender	12,401,872
8	Emergency Management Agency	
9	General Revenues	2,108,891
10	Federal Funds	16,335,897
11	Restricted Receipts	450,985
12	Other Funds	
13	Rhode Island Capital Plan Fund	
14	RI State Communications Network System	1,494,414
15	Other Funds Total	1,494,414
16	Total – Emergency Management Agency	20,390,187
17	Environmental Management	
18	<i>Office of the Director</i>	
19	General Revenues	6,951,291
20	Of this general revenue amount, \$50,000 is appropriated to the Conservation Districts.	
21	Federal Funds	212,741
22	Restricted Receipts	3,840,985
23	Total – Office of the Director	11,005,017
24	<i>Natural Resources</i>	
25	General Revenues	21,782,910
26	Federal Funds	21,587,314
27	Restricted Receipts	3,993,561
28	Other Funds	
29	DOT Recreational Projects	2,339,312
30	Blackstone Bikepath Design	2,075,848
31	Transportation MOU	84,527
32	Rhode Island Capital Plan Funds	
33	Recreational Facilities Improvements	1,600,000
34	Galilee Piers Upgrade	1,250,000

1	Fish & Wildlife Maintenance Facilities	150,000
2	Natural Resources Offices/Visitor's Center	4,500,000
3	Marine Infrastructure and Pier Development	750,000
4	State Recreation Building Demolition	100,000
5	Other Funds Total	12,849,687
6	Total – Natural Resources	60,213,472
7	<i>Environmental Protection</i>	
8	General Revenues	12,488,519
9	Federal Funds	9,963,105
10	Restricted Receipts	9,745,745
11	Other Funds	
12	Transportation MOU	55,154
13	Total – Environmental Protection	32,252,523
14	Grand Total – General Revenues – Environmental Mgmt	41,222,720
15	Grand Total – Environmental Management	103,471,012
16	Coastal Resources Management Council	
17	General Revenues	2,597,897
18	Federal Funds	2,733,267
19	Restricted Receipts	250,000
20	Other Funds	
21	Rhode Island Capital Plan Funds	
22	Rhode Island Coastal Storm Risk Study	525,000
23	Narragansett Bay SAMP	150,000
24	Other Funds Total	675,000
25	Grand Total – Coastal Resources Mgmt. Council	6,256,164
26	Transportation	
27	<i>Central Management</i>	
28	Federal Funds	6,503,262
29	Other Funds	
30	Gasoline Tax	4,840,141
31	Other Funds Total	4,840,141
32	Total – Central Management	11,343,403
33	<i>Management and Budget</i>	
34	Other Funds	

1	Gasoline Tax	5,282,202
2	Other Funds Total	5,282,202
3	Total – Management and Budget	5,282,202
4	<i>Infrastructure Engineering</i>	
5	Federal Funds	
6	Federal Funds	281,125,305
7	Federal Funds – Stimulus	4,386,593
8	Federal Funds Total	285,511,898
9	Restricted Receipts	3,034,406
10	Other Funds	
11	Gasoline Tax	75,322,045
12	Toll Revenue	41,000,000
13	Land Sale Revenue	2,647,815
14	Rhode Island Capital Plan Funds	
15	RIPTA Land and Buildings	90,000
16	RIPTA Pawtucket Bus Hub	946,168
17	RIPTA Providence Transit Connector	1,561,279
18	Highway Improvement Program	35,851,346
19	Other Funds Total	157,418,653
20	Total - Infrastructure Engineering	445,964,957
21	<i>Infrastructure Maintenance</i>	
22	Other Funds	
23	Gasoline Tax	18,811,422
24	Non-Land Surplus Property	50,000
25	Outdoor Advertising	100,000
26	Utility Access Permit Fees	500,000
27	Rhode Island Highway Maintenance Account	97,007,238
28	Rhode Island Capital Plan Funds	Maintenance Facilities
29	Improvements	523,989
30	Salt Storage Facilities	1,000,000
31	Local Roads and Infrastructure	10,000,000
32	Maintenance - Equipment Replacement	1,500,000
33	Train Station Maintenance and Repairs	350,000
34	Other Funds Total	129,842,649

1	Total – Infrastructure Maintenance	129,842,649
2	Grand Total – Transportation	592,433,211

3 **Statewide Totals**

4	General Revenues	3,829,280,172
5	Federal Funds	3,091,874,325
6	Restricted Receipts	285,475,852
7	Other Funds	2,171,110,921
8	Statewide Grand Total	9,377,741,270

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

11 SECTION 3. Upon the transfer of any function of a department or agency to another
12 department or agency, the Governor is hereby authorized by means of executive order to transfer
13 or reallocate, in whole or in part, the appropriations and the full-time equivalent limits affected
14 thereby.

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

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

33	<u>Account</u>	<u>Expenditure Limit</u>
34	State Assessed Fringe Benefit Internal Service Fund	41,383,271

1	Administration Central Utilities Internal Service Fund	22,910,320
2	State Central Mail Internal Service Fund	6,539,120
3	State Telecommunications Internal Service Fund	3,602,419
4	State Automotive Fleet Internal Service Fund	12,549,973
5	Surplus Property Internal Service Fund	3,000
6	Health Insurance Internal Service Fund	251,953,418
7	State Fleet Revolving Loan Fund	273,786
8	Other Post-Employment Benefits Fund	63,858,483
9	Capitol Police Internal Service Fund	1,285,206
10	Corrections Central Distribution Center Internal Service Fund	6,769,493
11	Correctional Industries Internal Service Fund	8,050,590
12	Secretary of State Record Center Internal Service Fund	947,539
13	Human Resources Internal Service Fund	12,127,873
14	DCAMM Facilities Internal Service Fund	39,212,184
15	Information Technology Internal Service Fund	32,281,052

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

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

26 SECTION 7. *Appropriation of Temporary Disability Insurance Funds* -- There is hereby
27 appropriated pursuant to sections 28-39-5 and 28-39-8 of the Rhode Island General Laws all
28 funds required to be disbursed for the benefit payments from the Temporary Disability Insurance
29 Fund and Temporary Disability Insurance Reserve Fund for the fiscal year ending June 30, 2019.

30 SECTION 8. *Appropriation of Employment Security Funds* -- There is hereby
31 appropriated pursuant to section 28-42-19 of the Rhode Island General Laws all funds required to
32 be disbursed for benefit payments from the Employment Security Fund for the fiscal year ending
33 June 30, 2019.

34 SECTION 9. *Appropriation of Lottery Division Funds* -- There is hereby appropriated to

1 the Lottery Division any funds required to be disbursed by the Lottery Division for the purposes
2 of paying commissions or transfers to the prize fund for the fiscal year ending June 30, 2019.

3 SECTION 10. *Appropriation of CollegeBoundSaver Funds* – There is hereby
4 appropriated to the Office of the General Treasurer designated funds received under the
5 CollegeBoundSaver program for transfer to the Division of Higher Education Assistance within
6 the Office of the Postsecondary Commissioner to support student financial aid for the fiscal year
7 ending June 30, 2019.

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

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

24 FY 2019 FTE POSITION AUTHORIZATION

25	<u>Departments and Agencies</u>	<u>Full-Time Equivalent</u>
26	Administration	667.7
27	Business Regulation	170.0
28	Executive Office of Commerce	17.0
29	Labor and Training	428.7
30	Revenue	612.5
31	Legislature	298.5
32	Office of the Lieutenant Governor	8.0
33	Office of the Secretary of State	59.0
34	Office of the General Treasurer	89.0

1	Board of Elections	12.0
2	Rhode Island Ethics Commission	12.0
3	Office of the Governor	45.0
4	Commission for Human Rights	14.5
5	Public Utilities Commission	57.0
6	Office of Health and Human Services	295.0
7	Children, Youth, and Families	619.5
8	Health	504.6
9	Human Services	981.1
10	Behavioral Healthcare, Developmental Disabilities, and Hospitals	1,319.4
11	Office of the Child Advocate	8.6
12	Commission on the Deaf and Hard of Hearing	4.0
13	Governor's Commission on Disabilities	4.0
14	Office of the Mental Health Advocate	4.0
15	Elementary and Secondary Education	141.1
16	School for the Deaf	60.0
17	Davies Career and Technical School	126.0
18	Office of Postsecondary Commissioner	38.0
19	Provided that 1.0 of the total authorization would be available only for positions that are	
20	supported by third-party funds.	
21	University of Rhode Island	2,558.0
22	Provided that 622.8 of the total authorization would be available only for positions that	
23	are supported by third-party funds.	
24	Rhode Island College	949.2
25	Provided that 76.0 of the total authorization would be available only for positions that are	
26	supported by third-party funds.	
27	Community College of Rhode Island	854.1
28	Provided that 89.0 of the total authorization would be available only for positions that are	
29	supported by third-party funds.	
30	Rhode Island State Council on the Arts	8.6
31	RI Atomic Energy Commission	8.6
32	Historical Preservation and Heritage Commission	15.6
33	Office of the Attorney General	235.1
34	Corrections	1,435.0

1	Judicial	723.5
2	Military Staff	92.0
3	Emergency Management Agency	32.0
4	Public Safety	599.6
5	Office of the Public Defender	95.0
6	Environmental Management	400.0
7	Coastal Resources Management Council	29.0
8	Transportation	795.0
9	Total	15,426.3

10 SECTION 12. The amounts reflected in this Article include the appropriation of Rhode
11 Island Capital Plan funds for fiscal year 2019 and supersede appropriations provided for FY 2019
12 within Section 11 of Article 1 of Chapter 302 of the P.L. of 2017.

13 The following amounts are hereby appropriated out of any money in the State’s Rhode
14 Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending
15 June 30, 2020, June 30, 2021, June 30, 2022, and June 30, 2023. These amounts supersede
16 appropriations provided within Section 11 of Article 1 of Chapter 302 of the P.L. of 2017. For the
17 purposes and functions hereinafter mentioned, the State Controller is hereby authorized and
18 directed to draw his or her orders upon the General Treasurer for the payment of such sums and
19 such portions thereof as may be required by him or her upon receipt of properly authenticated
20 vouchers.

21		Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year
22		Ending	Ending	Ending	Ending
23	<u>Project</u>	<u>June 30, 2020</u>	<u>June 30, 2021</u>	<u>June 30, 2022</u>	<u>June 30, 2023</u>
24	DOA – Accessibility	500,000	500,000	1,000,000	1,000,000
25	DOA – Board of Elections/Health/ME Lab	8,000,000	0	0	0
26	DOA – Cannon Building	350,000	3,000,000	3,000,000	1,000,000
27	DOA – Cranston Street Armory	500,000	500,000	2,000,000	3,000,000
28	DOA – Energy Efficiency	500,000	500,000	1,000,000	1,000,000
29	DOA – Hospital Reorganization	4,125,000	0	0	0
30	DOA – Pastore Center Rehab	2,000,000	3,000,000	4,000,000	4,100,000
31	DOA – Security Measures/State				
32	Buildings	250,000	250,000	250,000	250,000
33	DOA – Shepard Building	750,000	750,000	750,000	750,000
34	DOA – State House Renovations	1,000,000	500,000	500,000	1,500,000

1	DOA – State Office Building	1,000,000	1,000,000	1,000,000	1,000,000
2	DOA – Washington County Gov. Center	1,000,000	2,000,000	3,000,000	0
3	DOA – Williams Powers Bldg.	2,000,000	2,000,000	2,250,000	2,250,000
4	DOA – Zambarano Utilities and Mtn.	1,500,000	2,300,000	2,300,000	0
5	EOC – Quonset Point/Davisville Pier	5,000,000	5,000,000	0	0
6	EOC – Quonset Point/EB Pier	4,000,000	6,000,000	0	0
7	DCYF – RITS Repairs	1,700,000	200,000	200,000	200,000
8	EL SEC – Davies School Asset Protection	150,000	150,000	150,000	150,000
9	EL SEC – Met School Asset Protection	250,000	250,000	250,000	250,000
10	OPC- Higher Education Centers	2,000,000	0	0	0
11	URI – Asset Protection	8,326,839	8,531,280	8,700,000	8,874,000
12	URI – Fine Arts Center Renovation	2,000,000	5,000,000	3,000,000	0
13	RIC – Asset Protection	3,669,050	4,150,000	4,233,000	4,318,000
14	RIC – Infrastructure Modernization	3,000,000	3,500,000	4,500,000	2,000,000
15	RIC – Academic Building Phase I	2,000,000	0	0	0
16	CCRI – Asset Protection	2,439,076	2,487,857	2,537,615	2,588,000
17	CCRI – Knight Campus Renewal	2,000,000	2,000,000	0	0
18	CCRI – Flanagan Campus Renewal	0	2,000,000	2,000,000	6,000,000
19	DOC – Asset Protection	3,000,000	3,000,000	4,000,000	4,000,000
20	DOC – ISC Envelope and HVAC	1,500,000	1,550,000	2,000,000	2,500,000
21	DOC – Medium Infrastructure	5,000,000	3,000,000	5,000,000	5,000,000
22	Military Staff Asset Protection	700,000	700,000	800,000	800,000
23	DPS Asset Protection	250,000	250,000	250,000	250,000
24	DEM – Marine Infrastructure/ Pier Development	750,000	1,000,000	1,250,000	1,250,000
26	DOT – Highway Improvement Program	32,451,346	32,451,346	32,451,346	27,200,000
27	DOT – Capital Equipment Replacement	1,500,000	1,500,000	1,500,000	1,500,000
28	DOT – Maintenance Facility Imp.	400,000	400,000	400,000	500,000

29 SECTION 13. [Reappropriation of Funding for Rhode Island Capital Plan Fund Projects.](#)

30 – Any unexpended and unencumbered funds from Rhode Island Capital Plan Fund project
31 appropriations may be reappropriated at the recommendation of the Governor in the ensuing
32 fiscal year and made available for the same purpose. However, any such reappropriations are
33 subject to final approval by the General Assembly as part of the supplemental appropriations act.
34 Any unexpended funds of less than five hundred dollars (\$500) shall be reappropriated at the

1 discretion of the State Budget Officer.

2 SECTION 14. For the Fiscal Year ending June 30, 2019, the Rhode Island Housing and
3 Mortgage Finance Corporation shall provide from its resources such sums as appropriate in
4 support of the Neighborhood Opportunities Program. The Corporation shall provide a report
5 detailing the amount of funding provided to this program, as well as information on the number
6 of units of housing provided as a result to the Director of Administration, the Chair of the
7 Housing Resources Commission, the Chair of the House Finance Committee, the Chair of the
8 Senate Finance Committee and the State Budget Officer.

9 SECTION 15. Notwithstanding any provisions of Chapter 19 in Title 23 of the Rhode
10 Island General Laws, the Resource Recovery Corporation shall transfer to the State Controller the
11 sum of three million dollars (\$3,000,000) by June 30, 2019.

12 SECTION 16. Notwithstanding any provisions of Chapter 55 in Title 42 of the Rhode
13 Island General Laws, the Rhode Island Housing and Mortgage Finance Corporation shall transfer
14 to the State Controller the sum of five million dollars (\$5,000,000) by June 30, 2019.

15 SECTION 17. This article shall take effect as of July 1, 2018.

16 **ARTICLE 2**

17 **RELATING TO STATE FUNDS**

18 SECTION 1. Section 16-59-9 of the General Laws in Chapter 16-59 entitled “Board of
19 Governors for Higher Education [See Title 16 Chapter 97 – The Rhode Island Board of Education
20 Act]” is hereby amended to read as follows:

21 **16-59-9. Educational budget and appropriations.**

22 (a) The general assembly shall annually appropriate any sums it deems necessary for
23 support and maintenance of higher education in the state and the state controller is authorized and
24 directed to draw his or her orders upon the general treasurer for the payment of the appropriations
25 or so much of the sums that are necessary for the purposes appropriated, upon the receipt by him
26 or her of proper vouchers as the council on postsecondary education may by rule provide. The
27 council shall receive, review, and adjust the budget for the office of postsecondary commissioner
28 and present the budget as part of the budget for higher education under the requirements of § 35-
29 3-4.

30 (b) The office of postsecondary commissioner and the institutions of public higher
31 education shall establish working capital accounts.

32 (c) Any tuition or fee increase schedules in effect for the institutions of public higher
33 education shall be received by the council on postsecondary education for allocation for the fiscal
34 year for which state appropriations are made to the council by the general assembly; provided that

1 no further increases may be made by the board of education or the council on postsecondary
2 education for the year for which appropriations are made. Except that these provisions shall not
3 apply to the revenues of housing, dining, and other auxiliary facilities at the university of Rhode
4 Island, Rhode Island college, and the community colleges including student fees as described in
5 P.L. 1962, ch. 257 pledged to secure indebtedness issued at any time pursuant to P.L. 1962, ch.
6 257 as amended.

7 (d) All housing, dining, and other auxiliary facilities at all public institutions of higher
8 learning shall be self-supporting and no funds shall be appropriated by the general assembly to
9 pay operating expenses, including principal and interest on debt services, and overhead expenses
10 for the facilities, with the exception of the mandatory fees covered by the Rhode Island promise
11 scholarship program as established by § 16-107-3. Any debt-service costs on general obligation
12 bonds presented to the voters in November 2000 and November 2004 or appropriated funds from
13 the Rhode Island capital plan for the housing auxiliaries at the university of Rhode Island and
14 Rhode Island college shall not be subject to this self-supporting requirement in order to provide
15 funds for the building construction and rehabilitation program. The institutions of public higher
16 education will establish policies and procedures that enhance the opportunity for auxiliary
17 facilities to be self-supporting, including that all faculty provide timely and accurate copies of
18 booklists for required textbooks to the public higher educational institution's bookstore.

19 (e) The additional costs to achieve self-supporting status shall be by the implementation
20 of a fee schedule of all housing, dining, and other auxiliary facilities, including but not limited to,
21 operating expenses, principal, and interest on debt services, and overhead expenses.

22 (f) The board of education is authorized to establish a restricted-receipt account for the
23 ~~Westerly~~ Higher Education and Industry Centers [established throughout the state](#) ~~(also known as~~
24 ~~the Westerly Job Skills Center or Westerly Higher Education Learning Center)~~ and to collect
25 lease payments from occupying companies, and fees from room and service rentals, to support the
26 operation and maintenance of the ~~facility~~ [facilities](#). All such revenues shall be deposited to the
27 restricted-receipt account.

28 SECTION 2. Section 35-3-15 of the General Laws in Chapter 35-3 entitled "State
29 Budget" is hereby amended to read as follows:

30 **35-3-15. Unexpended and unencumbered balances of revenue appropriations.**

31 (a) All unexpended or unencumbered balances of general revenue appropriations,
32 whether regular or special appropriations, at the end of any fiscal year, shall revert to the surplus
33 account in the general fund, and may be reappropriated by the governor to the ensuing fiscal year
34 and made immediately available for the same purposes as the former appropriations; provided,

1 that the disposition of unexpended or unencumbered appropriations for the general assembly and
2 legislative agencies shall be determined by the joint committee on legislative affairs, and written
3 notification given thereof to the state controller within twenty (20) days after the end of the fiscal
4 year; and furthermore that the disposition of unexpended or unencumbered appropriations for the
5 judiciary, shall be determined by the state court administrator, and written notification given
6 thereof to the state controller within twenty (20) days after the end of the fiscal year.

7 (b) The governor shall submit a report of such reappropriations to the chairperson of the
8 house finance committee and the chairperson of the senate finance committee of each
9 reappropriation stating the general revenue appropriation, the unexpended or unencumbered
10 balance, the amount reappropriated, and an explanation of the reappropriation and the reason for
11 the reappropriation by ~~August 15~~ [September 1](#) of each year.

12 SECTION 3. Sections 35-4-23 and 35-4-27 of the General Laws in Chapter 35-4 entitled
13 “State Funds” is hereby amended to read as follows:

14 **35-4-23. Rhode Island capital plan funds.**

15 (a) From the proceeds of any receipts transferred pursuant to the provisions of the Rhode
16 Island Constitution, the state controller is authorized to create an account or accounts within the
17 bond capital fund. These accounts shall be used to record expenditures from these receipts, which
18 are authorized to be spent with the approval of the governor. Certain of these funds may be
19 allocated to agencies for the purpose of completing preliminary planning studies for proposed
20 projects. In the event the project is completed with funds appropriated from another source, the
21 preliminary planning funds shall be returned to the bond capital fund and shall be placed in a
22 revolving account for future reallocation. The intended use of the Rhode Island capital plan funds
23 shall be determined through the annual capital and operating budget process.

24 (b) [The budget officer under provisions within § 35-3-7.2. “Budget officer as capital
25 development officer” shall implement an indirect cost not to exceed 10% of the project
26 expenditures for the purpose of funding direct project management costs of state employees.](#)

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

28 Indirect cost recoveries of ten percent (10%) of cash receipts shall be transferred from all
29 restricted-receipt accounts, to be recorded as general revenues in the general fund. However, there
30 shall be no transfer from cash receipts with restrictions received exclusively: (1) From
31 contributions from non-profit charitable organizations; (2) From the assessment of indirect cost-
32 recovery rates on federal grant funds; or (3) Through transfers from state agencies to the
33 department of administration for the payment of debt service. These indirect cost recoveries shall
34 be applied to all accounts, unless prohibited by federal law or regulation, court order, or court

1 settlement. The following restricted receipt accounts shall not be subject to the provisions of this
2 section:

- 3 Executive Office of Health and Human Services
- 4 Organ Transplant Fund
- 5 HIV Care Grant Drug Rebates
- 6 Department of Human Services
- 7 Veterans' home – Restricted account
- 8 Veterans' home – Resident benefits
- 9 Pharmaceutical Rebates Account
- 10 Demand Side Management Grants
- 11 Veteran's Cemetery Memorial Fund
- 12 Donations – New Veterans' Home Construction
- 13 Department of Health
- 14 Pandemic medications and equipment account
- 15 Miscellaneous Donations/Grants from Non-Profits
- 16 State Loan Repayment Match
- 17 Department of Behavioral Healthcare, Developmental Disabilities and Hospitals
- 18 Eleanor Slater non-Medicaid third-party payor account
- 19 Hospital Medicare Part D Receipts
- 20 RICLAS Group Home Operations
- 21 Commission on the Deaf and Hard of Hearing
- 22 Emergency and public communication access account
- 23 Department of Environmental Management
- 24 National heritage revolving fund
- 25 Environmental response fund II
- 26 Underground storage tanks registration fees
- 27 Rhode Island Historical Preservation and Heritage Commission
- 28 Historic preservation revolving loan fund
- 29 Historic Preservation loan fund – Interest revenue
- 30 Department of Public Safety
- 31 Forfeited property – Retained
- 32 Forfeitures – Federal
- 33 Forfeited property – Gambling
- 34 Donation – Polygraph and Law Enforcement Training

1 Rhode Island State Firefighter's League Training Account
2 Fire Academy Training Fees Account
3 [Municipal Police Training Tuition and Fees](#)
4 Attorney General
5 Forfeiture of property
6 Federal forfeitures
7 Attorney General multi-state account
8 Forfeited property – Gambling
9 Department of Administration
10 OER Reconciliation Funding
11 RI Health Benefits Exchange
12 Information Technology Investment Fund
13 Restore and replacement – Insurance coverage
14 Convention Center Authority rental payments
15 Investment Receipts – TANS
16 OPEB System Restricted Receipt Account
17 Car Rental Tax/Surcharge-Warwick Share
18 Executive Office of Commerce
19 Housing Resources Commission Restricted Account
20 Department of Revenue
21 DMV Modernization Project
22 Jobs Tax Credit Redemption Fund
23 Legislature
24 Audit of federal assisted programs
25 Department of Children, Youth and Families
26 Children's Trust Accounts – SSI
27 Military Staff
28 RI Military Family Relief Fund
29 RI National Guard Counterdrug Program
30 Treasury
31 Admin. Expenses – State Retirement System
32 Retirement – Treasury Investment Options
33 Defined Contribution – Administration - RR
34 Violent Crimes Compensation – Refunds

- 1 Treasury Research Fellowship
- 2 Business Regulation
- 3 Banking Division Reimbursement Account
- 4 Office of the Health Insurance Commissioner Reimbursement Account
- 5 Securities Division Reimbursement Account
- 6 Commercial Licensing and Racing and Athletics Division Reimbursement Account
- 7 Insurance Division Reimbursement Account
- 8 Historic Preservation Tax Credit Account
- 9 Judiciary
- 10 Arbitration Fund Restricted Receipt Account
- 11 Third-Party Grants
- 12 RI Judiciary Technology Surcharge Account
- 13 Department of Elementary and Secondary Education
- 14 Statewide Student Transportation Services Account
- 15 School for the Deaf Fee-for-Service Account
- 16 [School for the Deaf – School Breakfast and Lunch Program](#)
- 17 Davies Career and Technical School Local Education Aid Account
- 18 Davies – National School Breakfast & Lunch Program
- 19 [School Construction Services](#)
- 20 Office of the Postsecondary Commissioner
- 21 ~~Westerly~~ Higher Education and Industry Centers
- 22 Department of Labor and Training
- 23 Job Development Fund

24 SECTION 4. Section 42-27-6 of the General Laws in Chapter 42-27 entitled “Atomic
 25 Energy Commission” is hereby amended to read as follows:

26 **42-27-6. Reactor usage charges.**

27 [\(a\) Effective July 1, 2018, AH](#) all fees collected by the atomic energy commission for use
 28 of the reactor facilities [and related services](#) shall be deposited ~~as general revenues.~~ [in a restricted](#)
 29 [receipt account to support the technical operation and maintenance of the agency’s equipment.](#)

30 [\(b\) All revenues remaining in the restricted receipt account, after expenditures authorized](#)
 31 [in subdivision \(a\) of this section, above two hundred thousand dollars \(\\$200,000\) shall be paid](#)
 32 [into the state’s general fund. These payments shall be made annually on the last business day of](#)
 33 [the fiscal year.](#)

34 [\(c\)](#) A charge of up to forty percent (40%), adjusted annually as of July 1, shall be

1 assessed against all University of Rhode Island (URI) sponsored research activity allocations. The
2 charge shall be applied to the existing URI sponsored research expenditures within the atomic
3 energy commission.

4 SECTION 5. Title 35 of the General Laws entitled “Public Finance” is hereby amended
5 by adding thereto the following chapter:

6 CHAPTER 35-4.1

7 PERFORMANCE IMPROVEMENT FUND ACT

8 **35-4.1-1. Legislative findings.**

9 The general assembly finds and recognizes:

10 (a) The importance of pursuing data-driven approaches to improving service delivery,
11 and that limited state resources should be allocated based on proven results, not inputs or
12 promised successes.

13 (b) That pay for success contracts provide an opportunity for the state to address the
14 challenges of improving service delivery with limited resources as these contracts both:

15 (1) Create incentives for improved performance and reduced costs, allow for more rapid
16 learning about which programs work and which do not, and accelerate the adoption of new, more
17 effective solutions, and

18 (2) Provide a mechanism to bring upfront financial support from the private and nonprofit
19 sectors to innovative social programs that the state only repays if contractual performance targets
20 are achieved, thereby reducing the state’s financial risk in supporting innovative initiatives.

21 **35-4.1-2. Definitions.**

22 For the purpose of this chapter:

23 (a) “Performance targets” means the level of performance, as measured by an
24 independent evaluator, which represent success. Success is defined in the pay for success
25 contract.

26 (b) “Independent evaluator” means an independent entity selected by the state whose role
27 includes assessing and reporting on the achievement of performance targets at the frequency
28 required in the pay for success contract.

29 (c) “Success payments” refer to the payments that the state will make only if contractual
30 performance targets are achieved as determined by the independent evaluator and approved by
31 the office of management and budget.

32 (d) “Pay for success contracts” are contracts designed to improve outcomes and lower
33 costs for contracted government services that are subject to the following requirements:

34 (1) A determination that the contract will result in significant performance improvements

1 and budgetary savings across all impacted agencies if the performance targets are achieved;

2 (2) A requirement that a substantial portion of any payment be conditioned on the
3 achievement of specific outcomes based on defined performance targets;

4 (3) An objective process by which an independent evaluator will determine whether the
5 performance targets have been achieved;

6 (4) A calculation of the amount and timing of payments that would be earned by the
7 service provider during each year of the agreement if performance targets are achieved as
8 determined by the independent evaluator; and

9 (5) Payments shall only be made if performance targets are achieved.

10 **35-4.1-3. Creation of the Government Performance Improvement Fund.**

11 (a) There is hereby created and established in the state treasury a fund to be known as the
12 “government performance improvement fund” to which shall be deposited appropriations as may
13 be made from time to time by the general assembly. All money now or hereafter in the
14 government performance improvement fund are hereby dedicated for the purpose of funding pay
15 for success contracts.

16 (b) By signing the pay for success contract, the authorizing department or agency is
17 confirming that the contract has met the requirements established in this chapter.

18 (c) The department of administration is charged with, and may promulgate regulations as
19 necessary for, the administration of this fund for the purposes specified in this section, and may
20 make payments from the fund only in accordance with the terms and conditions of pay for
21 success contracts and upon approval of the director of the office of management and budget. All
22 claims against the fund shall be examined, audited, and allowed in the manner now or hereafter
23 provided by law for claims against the state.

24 (d) The department of administration shall provide an annual status report for the prior
25 fiscal year on all contracts not later than December 31 of each year to the office of the governor,
26 house and senate finance committees.

27 SECTION 6. This Article shall take effect upon passage.

28 **ARTICLE 3**

29 **RELATING TO GOVERNMENT REFORM**

30 SECTION 1. Sections 5-65-5, 5-65-7 and 5-65-9 of the General Laws in Chapter 5-65
31 entitled “Contractors’ Registration and Licensing Board” are hereby amended as follows:

32 **5-65-5. Registered application.**

33 (a) A person who wishes to register as a contractor shall submit an application, ~~under~~
34 ~~oath,~~ upon a form prescribed by the board. The application shall include:

- 1 (1) Workers' compensation insurance account number, or company name if a number has
2 not yet been obtained, if applicable;
- 3 (2) Unemployment insurance account number if applicable;
- 4 (3) State withholding tax account number if applicable;
- 5 (4) Federal employer identification number, if applicable, or if self-employed and
6 participating in a retirement plan;
- 7 (5) The individual(s) name and business address and residential address of:
- 8 (i) Each partner or venturer, if the applicant is a partnership or joint venture;
- 9 (ii) The owner, if the applicant is an individual proprietorship;
- 10 (iii) The corporation officers and a copy of corporate papers filed with the Rhode Island
11 secretary of state's office, if the applicant is a corporation;
- 12 (iv) Post office boxes are not acceptable as the only address.
- 13 (6) A ~~signed affidavit subject to the penalties of perjury of a~~ [statement as to](#) whether or
14 not the applicant has previously applied for registration, or is or was an officer, partner, or
15 venturer of an applicant who previously applied for registration and if so, the name of the
16 corporation, partnership, or venture.
- 17 (7) Valid insurance certificate for the type of work being performed.
- 18 (b) A person may be prohibited from registering or renewing registration as a contractor
19 under the provisions of this chapter or his or her registration may be revoked or suspended if he
20 or she has any unsatisfied or outstanding judgments from arbitration, bankruptcy, courts and/or
21 administrative agency against him or her relating to their work as a contractor, and provided,
22 further, that ~~an affidavit subject to the penalties of perjury a~~ [statement](#) shall be provided to the
23 board attesting to the information herein.
- 24 (c) Failure to provide or falsified information on an application, or any document
25 required by this chapter is punishable by a fine not to exceed ten thousand dollars (\$10,000)
26 [and/or revocation of the registration.](#)
- 27 (d) Applicant must be at least eighteen (18) years of age.
- 28 (e) Satisfactory proof shall be provided to the board evidencing the completion of five (5)
29 hours of continuing education units which will be required to be maintained by residential
30 contractors as a condition of registration as determined by the board pursuant to established
31 regulations.
- 32 (f) ~~An affidavit~~ [A certification in a form](#) issued by the board shall be completed upon
33 registration or license or renewal to assure contractors are aware of certain provisions of this law
34 and shall be signed by the registrant before a registration can be issued or renewed.

1 **5-65-7. Insurance required of contractors.**

2 (a) Throughout the period of registration, the contractor shall have in effect public
3 liability and property damage insurance covering the work of that contractor which shall be
4 subject to this chapter in not less than the following amount: five hundred thousand dollars
5 (\$500,000) combined single limit, bodily injury and property damage.

6 (b) In addition, all contractors shall have in effect worker's compensation insurance as
7 required under chapter 29 of title 28. Failure to maintain required insurance shall not preclude
8 claims from being filed against a contractor.

9 (c) The contractor shall provide satisfactory evidence to the board at the time of
10 registration and renewal that the insurance required by subsection (a) of this section has been
11 procured and is in effect. Failure to maintain insurance shall invalidate registration and may result
12 in a fine to the registrant [and/or suspension or revocation of the registration](#).

13 **5-65-9. Registration fee.**

14 (a) Each applicant shall pay to the board:

15 (1) For original registration or renewal of registration, a fee of two hundred dollars
16 (\$200).

17 (2) A fee for all changes in the registration, as prescribed by the board, other than those
18 due to clerical errors.

19 (b) All fees and fines collected by the board shall be deposited as general revenues to
20 support the activities set forth in this chapter until June 30, 2008. Beginning July 1, 2008, all fees
21 and fines collected by the board shall be deposited into a restricted receipt account for the
22 exclusive use of supporting programs established by this chapter.

23 (c) On or before January 15, 2018, and annually thereafter, the board shall file a report
24 with the speaker of the house and the president of the senate, with copies to the chairpersons of
25 the house and senate finance committees, detailing:

26 (1) The total number of fines issued, broken down by category, including the number of
27 fines issued for a first violation and the number of fines issued for a subsequent violation;

28 (2) The total dollar amount of fines levied;

29 (3) The total amount of fees, fines, and penalties collected and deposited for the most
30 recently completed fiscal year; and

31 (4) The account balance as of the date of the report.

32 (d) Each year, the ~~executive director~~ [department of business regulation](#) shall prepare a
33 proposed budget to support the programs approved by the board. The proposed budget shall be
34 submitted to the board for its review. A final budget request shall be submitted to the legislature

1 as part of the capital projects and property management annual request.

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

4 SECTION 2. Sections 5-84-1, 5-84-2, 5-84-3, 5-84-5, 5-84-6 and 5-84-7 of the General
5 Laws in Chapter 5-84 entitled "Division of Design Professionals" are hereby amended as follows:

6 The title of Chapter 5-84 of the General Laws entitled "Division of Design Professionals"
7 is hereby changed to "Division of Building, Design and Fire Professionals."

8 **5-84-1. Short title.**

9 This chapter shall be known and may be cited as "The Division of ~~Design~~ Building,
10 Design and Fire Professionals Act."

11 **5-84-2. Division of ~~design~~ building, design and fire professionals.**

12 There has been created within the department of business regulation, a division known as
13 the division of ~~design~~ building, design and fire professionals.

14 **5-84-3. Division membership.**

15 The division consists of the membership of the office of the state fire marshal, the fire
16 safety code board of review and appeal, the office of the state building commissioner, the board
17 of registration for professional engineers, board of registration for professional land surveyors,
18 board of examination and registration of architects, ~~and~~ the board of examiners of landscape
19 architects and the contractors' registration and licensing board.

20 **5-84-5. Imposition of fines for unregistered activity.**

21 (a) In addition to any other provision of law, if a person or business practices or offers to
22 practice architecture, engineering, land surveying, or landscape architecture in the state without
23 being registered or authorized to practice as required by law, the boards within the division may
24 recommend that the director of the department of business regulations or the director's designee
25 issue an order imposing a fine; provided, however, that this section shall not apply to issues
26 between the boards referred to in subsection (a) of this section as to the scope of a board
27 registrant's authority to engage in work relating to another board's jurisdiction or to issues relating
28 to ISDS designers licensed by the department of environmental management.

29 (b) A fine ordered under this section may not exceed two thousand five hundred dollars
30 (\$2,500) for each offense. In recommending a fine, the board shall set the amount of the penalty
31 imposed under this section after taking into account factors, including the seriousness of the
32 violation, the economic benefit resulting from the violation, the history of violations, and other
33 matters the board considers appropriate.

34 (c) Before recommending that a fine be order under this section, the board shall provide

1 the person or business written notice and the opportunity to request, with thirty (30) days of
2 issuance of notice by the board, a hearing on the record.

3 (d) A person or business aggrieved by the ordering of a fine under this section may file an
4 appeal with the superior court for judicial review of the ordering of a fine.

5 (e) If a person of business fails to pay the fine within thirty (30) days after entry of an
6 order under (a) of this section, or if the order is stayed pending an appeal, within ten (10) days
7 after the court enters a final judgment in favor of the department of an order appealed under (d) of
8 this section, the director may commence a civil action to recover the amount of the fine.

9 **5-84-6. Cease and Desist Authority.**

10 If the director has reason to believe that any person, firm, corporation, or association is
11 conducting any activity under the jurisdiction of the division of ~~design~~ [building, design and fire](#)
12 professionals including professional engineering, professional land surveying, architecture, and/or
13 landscape architecture without obtaining a license or registration, or who after the denial,
14 suspension, or revocation of a license or registration is conducting that business, the director [or](#)
15 [the director's designee](#) may, either on his or her own initiative or upon recommendation of the
16 appropriate board, issue an order to that person, firm, corporation, or association commanding
17 them to appear before the department at a hearing to be held not sooner than ten (10) days nor
18 later than twenty (20) days after issuance of that order to show cause why the director [or the](#)
19 [director's designee](#) should not issue an order to that person to cease and desist from the violation
20 of the provisions of this chapter and/or chapters 1, 8, 8.1, [51](#) and/or ~~51~~ [65](#) of title 5. That order to
21 show cause may be served on any person, firm, corporation, or association named by any person
22 in the same manner that a summons in a civil action may be served, or by mailing a copy of the
23 order, certified mail, return receipt requested, to that person at any address at which that person
24 has done business or at which that person lives. If during that hearing the director [or the director's](#)
25 [designee](#) is satisfied that the person is in fact violating any provision of this chapter, the director
26 [or the director's designee](#) may order that person, in writing, to cease and desist from that violation
27 and/or impose an appropriate fine under § 5-84-5 or other applicable law and/or refer the matter
28 to the attorney general for appropriate action under chapters 1, 8, 8.1, [51](#) and/or ~~51~~ [65](#) of title 5.
29 All these hearings are governed in accordance with the administrative procedures act. If that
30 person fails to comply with an order of the department after being afforded a hearing, the superior
31 court for Providence county has jurisdiction upon complaint of the department to restrain and
32 enjoin that person from violating chapters 1, 8, 8.1, [51](#), [65](#) and/or 84 of title 5.

33 **5-84-7. Electronic applications for certificates of authorization.**

34 All applications to the division of ~~design~~ [building, design and fire](#) professionals for

1 certificates of authorization shall be submitted electronically through the department's electronic-
2 licensing system, unless special permission to apply in paper format is requested by the applicant
3 and granted by the director [or the director's designee](#).

4 SECTION 3. Sections 23-27.3-100.1.3, 23-27.3-107.3, 23-27.3-107.4 and 23-27.3-108.2
5 of the General Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended as
6 follows:

7 **23-27.3-100.1.3. Creation of the state building code standards committee.**

8 (a) There is created as an agency of state government a state building code standards
9 committee who shall adopt, promulgate, and administer a state building code for the purpose of
10 regulating the design, construction, and use of buildings or structures previously erected, in
11 accordance with a rehabilitation building and fire code for existing buildings and structures
12 developed pursuant to chapter 29.1 of this title, and to make any amendments to them as they,
13 from time to time, deem necessary or desirable, the building code to include any code, rule, or
14 regulation incorporated in the code by reference.

15 (b) A standing subcommittee is made part of the state building code standards committee
16 to promulgate and administer a state housing and property maintenance code for the purpose of
17 establishing minimum requirements and standards and to regulate the occupancy and use of
18 existing premises, structures, buildings, equipment, and facilities, and to make amendments to
19 them as deemed necessary.

20 (c) A joint committee, with membership as set forth in § 23-29.1-2(a) from the state
21 building code standards committee, shall develop and recommend for adoption and promulgation,
22 a rehabilitation building and fire code for existing buildings and structures, which code shall
23 include building code elements to be administered by the state building code standards committee
24 as the authority having jurisdiction over the elements.

25 [\(d\) The state building code standards committee shall be housed within the office of the](#)
26 [state building commissioner.](#)

27 **23-27.3-107.3. Appointment of personnel by state building commissioner.**

28 (a) The state building commissioner may appoint such other personnel as shall be
29 necessary for the administration of the code. In the absence of a local building official or an
30 alternate, as detailed in § 23-27.3-107.2, the commissioner shall assume the responsibility of the
31 local building official and inspectors as required by § 23-27.3-107.4 and shall designate one of
32 the following agents to enforce the code:

33 (1) A member of the commissioner's staff who meets the qualifications of § 23-27.3-
34 107.5 and is certified in accordance with § 23-27.3-107.6.

1 (2) An architect or engineer contracted by the commissioner through the department of
2 ~~administration~~ [business regulation](#).

3 (3) A building official who is selected from a list of previously certified officials or
4 inspectors.

5 (b) The salary and operating expenses for services provided in accordance with
6 subsection (a)(1), (2), or (3) shall be reimbursed to the state by the city or town receiving the
7 services and shall be deposited as general revenues. The attorney general shall be informed of any
8 failure of the appropriate local authority to appoint a local building official to enforce the code in
9 accordance with §§ 23-27.3-107.1 or 23-27.3-107.2.

10 **23-27.3-107.4. Qualifications and duties of the state building commissioner.**

11 (a) The state building commissioner shall serve as the executive secretary to the state
12 building code standards committee. In addition to the state building commissioner's other duties
13 as set forth in this chapter, the state building commissioner shall assume the authority for the
14 purpose of enforcing the provisions of the state building code in a municipality where there is no
15 local building official.

16 (b) The state building commissioner shall be a member of the classified service, and for
17 administrative purposes shall be assigned a position in the department of ~~administration~~ [business](#)
18 [regulation](#). Qualifications for the position of the state building commissioner shall be established
19 in accordance with provisions of the classified service of the state, and shall include the provision
20 that the qualifications include at least ten (10) years' experience in building or building
21 regulations generally, and that the commissioner be an architect or professional engineer licensed
22 in the state or a certified building official presently or previously employed by a municipality and
23 having at least ten (10) years' experience in the building construction or inspection field.

24 **23-27.3-108.2. State building commissioner's duties.**

25 (a) This code shall be enforced by the state building commissioner as to any structures or
26 buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction
27 of the state or any of its departments, commissions, agencies, or authorities established by an act
28 of the general assembly, and as to any structures or buildings or parts thereof that are built upon
29 any land owned by or under the jurisdiction of the state.

30 (b) Permit fees for the projects shall be established by the committee. The fees shall be
31 deposited as general revenues.

32 (c)(1) The local cities and towns shall charge each permit applicant an additional .1 (.001)
33 percent (levy) of the total construction cost for each permit issued. The levy shall be limited to a
34 maximum of fifty dollars (\$50.00) for each of the permits issued for one and two (2) family

1 dwellings. This additional levy shall be transmitted monthly to the building commission at the
2 department of ~~administration~~ business regulation, and shall be used to staff and support the
3 purchase or lease and operation of a web-accessible service and/r system to be utilized by the
4 state and municipalities for uniform, statewide electronic plan review, permit management and
5 inspection system and other programs described in this chapter. The fee levy shall be deposited as
6 general revenues.

7 (2) On or before July 1, 2013, the building commissioner shall develop a standard
8 statewide process for electronic plan review, permit management and inspection.

9 (3) On or before December 1, 2013, the building commissioner, with the assistance of the
10 office of regulatory reform, shall implement the standard statewide process for electronic plan
11 review, permit management and inspection. In addition, the building commissioner shall develop
12 a technology and implementation plan for a standard web-accessible service and/r system to be
13 utilized by the state and municipalities for uniform, statewide electronic plan review, permit
14 management and inspection.

15 (d) The building commissioner shall, upon request by any state contractor described in §
16 37-2-38.1, review, and when all conditions for certification have been met, certify to the state
17 controller that the payment conditions contained in § 37-2-38.1 have been met.

18 (e) The building commissioner shall coordinate the development and implementation of
19 this section with the state fire marshal to assist with the implementation of § 23-28.2-6.

20 (f) The building commissioner shall submit, in coordination with the state fire marshal, a
21 report to the governor and general assembly on or before April 1, 2013 and each April 1st
22 thereafter, providing the status of the web-accessible service and/or system implementation and
23 any recommendations for process or system improvement.

24 SECTION 4. Sections 23-28.2-1, 23-28.2-5, 23-28.2-7, 23-28.2-14, 23-28.2-22, 23-28.2-
25 23, 23-28.2-28 and 23-28.2-29 of Chapter 23-28.2 of the General Laws entitled “Division of Fire
26 Safety” are hereby amended as follows:

27 **23-28.2-1. Establishment of ~~division and~~ office of the state fire marshal.**

28 There shall be ~~a division-an office~~ of the state fire marshal within the department of
29 ~~public safety~~ business regulations’ division of building, design and fire professionals, the head of
30 which ~~division~~ office shall be the state fire marshal. The state fire marshal shall be appointed by
31 the governor with the advice and consent of the senate and shall serve for a period of five (5)
32 years. During the term the state fire marshal may be removed from office by the governor for just
33 cause. All authority, powers, duties and responsibilities previously vested in the division of fire
34 safety are hereby transferred to the ~~division~~ office of the state fire marshal.

1 **23-28.2-5. Bomb disposal unit.**

2 (a) Within the ~~division~~ [office of the state fire marshal](#), there shall be a bomb disposal unit
3 (bomb squad), accredited by the FBI as a bomb squad, whose duties it will be to handle and
4 dispose of all hazardous devices suspect to be explosive or incendiary in construction which
5 includes any weapons of mass destruction (WMD) that may be explosive or chemical in
6 construction.

7 (b) The State Fire Marshal shall appoint a bomb technician to supervise the operations of
8 this unit and the technician must be certified by the FBI as a bomb technician. The bomb
9 technician must ensure that all bomb technicians are trained and maintain certification, the bomb
10 squad maintains accreditation, and ensures that all equipment belonging to the bomb squad is
11 maintained and in operating condition at all times. The bomb technician must also provide to
12 cities and towns and local businesses or any other organizations procedures in bomb threats, and
13 procedures where explosive devices or suspect devices are located.

14 (c) The State Fire Marshal shall appoint from the local communities volunteer assistant
15 deputy state fire marshals, as bomb squad members only, to assist in carrying on the
16 responsibilities of this unit. The volunteers, who must be available for immediate response when
17 called upon, be available to participate in training sessions, shall be approved by their local fire or
18 police chief, and must have their chief sign an agreement (memorandum of understanding) which
19 provides for their release during emergencies and training and assumes liability for any injuries
20 that may occur to them. All bomb squad members shall operate only under the direction of the
21 State Bomb Squad Commander or senior ranking Deputy State Fire Marshal who is certified as a
22 bomb technician. The bomb squad may also request assistance from the local fire and police
23 authorities when handling any explosive or incendiary device, WMD or post incident
24 investigations.

25 **23-28.2-7. Office of state fire marshal.**

26 The state fire marshal shall be provided adequate offices ~~by the director of~~
27 ~~administration.~~ [through the department of business regulation.](#)

28 **23-28.2-14. Enforcement.**

29 (a) Within the ~~division~~ [office of the state fire marshal](#), there shall be an enforcement unit
30 responsible for the initiation of criminal prosecution of or civil proceedings against any person(s)
31 in violation of the state Fire Safety Code or failure to comply with an order to abate conditions
32 that constitute a violation of the Fire Safety Code, chapters 28.1 – 28.39 of this title, and any rules
33 or regulations added thereunder and/or the general public laws of the state as they relate to fires,
34 fire prevention, fire inspections, and fire investigations. This unit will consist of the state fire

1 marshal, chief deputy state fire marshal, chief of technical services, explosive technician, assistant
2 explosive technicians, and the arson investigative staff, each of whom must satisfactorily
3 complete at the Rhode Island state police training academy an appropriate course of training in
4 law enforcement or must have previously completed a comparable course. To fulfill their
5 responsibilities, this unit shall have and may exercise in any part of the state all powers of
6 sheriffs, deputy sheriffs, town sergeants, chiefs of police, police officers, and constables.

7 (b) The State Fire Marshal shall have the power to implement a system of enforcement to
8 achieve compliance with the fire safety code, which shall include inspections as provided for in §
9 23-28.2-20, the issuance of formal notices of violation in accordance with § 23-28.2-20.1, and the
10 issuance of citations in a form approved by the State Fire Marshal and the Chief Judge of the
11 District Court. The State Fire Marshal, and his or her designee(s) as outlined in this chapter, may
12 use the above systems of enforcement individually or in any combination to enforce the State Fire
13 Safety Code.

14 (c) The State Fire Marshal and all persons designated specifically in writing by the State
15 Fire Marshal shall have the power to issue the citations referenced in this chapter.

16 (d) The following categories of violation of the Fire Safety Code that can be identified
17 through inspection shall be considered criminal violations of the Fire Safety Code and be subject
18 to the above issuance of citations:

19 (1) Impediments to Egress:

20 (A) Exit doors locked so as to prevent egress.

21 (B) Blocked means of egress (other than locking and includes any portion of the exit
22 access, exit or exit discharge).

23 (C) Marking of exits or the routes to exits has become obstructed and is not clearly
24 visible.

25 (D) Artificial lighting needed for orderly evacuation is not functioning properly (this
26 section does not include emergency lighting).

27 (2) Maintenance:

28 (A) Required devices, equipment, system, condition, arrangement, or other features not
29 continuously maintained.

30 (B) Equipment requiring periodic testing or operation, to ensure its maintenance, is not
31 being tested or operated.

32 (C) Owner of building where a fire alarm system is installed has not provided written
33 evidence that there is a testing and maintenance program in force providing for periodic testing of
34 the system.

1 (D) Twenty-four hour emergency telephone number of building owner or owner's
2 representative is not posted at the fire alarm control unit or the posted number is not current.

3 (3) Fire Department Access and Water Supply:

4 (A) The required width or length of a previously approved fire department access road
5 (fire lane) is obstructed by parked vehicles or other impediments.

6 (B) Fire department access to fire hydrants or other approved water supplies is blocked or
7 impeded.

8 (4) Fire Protection Systems:

9 (A) Obstructions are placed or kept near fire department inlet connections or fire
10 protection system control valves preventing them from being either visible or accessible.

11 (B) The owner, designated agent or occupant of the property has not had required fire
12 extinguishers inspected, maintained or recharged.

13 (5) Admissions supervised:

14 (A) Persons responsible for supervising admissions to places of assembly, and/or any
15 sub-classifications thereof, have allowed admissions in excess of the maximum occupancy posted
16 by the State Fire Marshal or his or her designee.

17 The terms used in the above categories of violation are defined in the definition sections
18 of NFPA 1 and NFPA 101 as adopted pursuant to § 23-28.1-2 of this title.

19 (e) A building owner, responsible management, designated agent or occupant of the
20 property receiving a citation may elect to plead guilty to the violation(s) and pay the fine(s)
21 through the mail within ten (10) days of issuance, or appear in district court for an arraignment on
22 the citation.

23 (f) Notwithstanding subsection (e) above, all recipients of third or subsequent citations,
24 within a sixty (60) month period, shall appear in district court for a hearing on the citation. If not
25 paid by mail he, she or it shall appear to be arraigned on the criminal complaint on the date
26 indicated on the citation. If the recipient(s) fails to appear, the district court shall issue a warrant
27 of arrest.

28 (g) The failure of a recipient to either pay the citation through the mail within ten (10)
29 days, where permitted under this section, or to appear in district court on the date specified shall
30 be cause for the district court to issue a warrant of arrest with the penalty assessed and an
31 additional five hundred dollar (\$500) fine.

32 (h) A building owner, responsible management, designated agent or occupant of the
33 property who receives the citation(s) referenced in this section shall be subject to civil fine(s),
34 which fine(s) shall be used for fire prevention purposes by the jurisdiction that issues the

1 citation(s), as follows:

2 (1) A fine of two hundred fifty dollars (\$250) for the first violation within any sixty (60)
3 month period;

4 (2) A fine of five hundred dollars (\$500) for the second violation within any sixty (60)
5 month period;

6 (3) A fine of one thousand dollars (\$1,000) for the third and any subsequent violation(s)
7 within any sixty (60) month period;

8 (i) No citation(s) as defined in this section, shall be issued pursuant to a search conducted
9 under an administrative search warrant secured pursuant to § 23-28.2-20(c) of this code. Any
10 citation mistakenly issued in violation of this subsection (i) shall be void and unenforceable.

11 (j) The District Court shall have full equity power to hear and address these matters.

12 (k) All violations, listed within subsection (d) above, shall further be corrected within a
13 reasonable period of time established by the State Fire Marshal or his or her designee.

14 **23-28.2-22. Fire education and training unit.**

15 (a) There shall be a fire education and training unit within the ~~division of fire safety~~
16 [office of the state fire marshal](#) headed by a director of fire training. The director of fire training
17 shall be appointed by the fire marshal from a list of names submitted by the fire education and
18 training coordinating board based on recommendations of a screening committee of that board.
19 Other staff and resources, such as part time instructors, shall be requested consistent with the state
20 budget process.

21 (b) This unit shall be responsible for implementing fire education and training programs
22 developed by the fire education and training coordinating board.

23 **23-28.2-23. Fire education and training coordinating board.**

24 (a) There is hereby created within the ~~division of fire safety~~ [office of the state fire](#)
25 [marshal](#) a fire education and training coordinating board comprised of thirteen (13) members
26 appointed by the governor with the advice and consent of the senate. In making said
27 appointments, the governor shall give due consideration to including in the board's membership
28 representatives of the following groups:

29 (1) Chiefs of fire departments with predominately fully paid personnel, defined as
30 departments in which the vast majority of members are full-time, salaried personnel.

31 (2) Chiefs of fire departments with part paid/combination personnel, defined as
32 departments in which members consist of both full-time salaried personnel and a large percentage
33 of volunteer or call personnel.

34 (3) Chiefs of fire departments with predominately volunteer personnel, defined as

1 departments in which the vast majority of members respond voluntarily and receive little or no
2 compensation.

3 (4) Rhode Island firefighters' instructor's association.

4 (5) Rhode Island department of environmental management.

5 (6) Rhode Island fire safety association.

6 (7) Rhode Island state firefighter's league.

7 (8) Rhode Island association of firefighters.

8 (9) Regional firefighters leagues.

9 (b) The state fire marshal and the chief of training and education shall serve as ex-officio
10 members.

11 (c) Members of the board as of March 29, 2006 shall continue to serve for the balance of
12 their current terms. Thereafter, members shall be appointed to three (3) year terms. No person
13 shall serve more than two (2) consecutive terms, except that service on the board for a term of
14 less than two (2) years resulting from an initial appointment or an appointment for the remainder
15 of an unexpired term shall not constitute a full term.

16 (d) Members shall hold office until a successor is appointed, and no member shall serve
17 beyond the time he or she ceases to hold office or employment by reason of which he or she was
18 eligible for appointment.

19 (e) All gubernatorial appointments made after March 29, 2006 shall be subject to the
20 advice and consent of the senate. No person shall be eligible for appointment to the board after
21 March 29, 2006 unless he or she is a resident of this state.

22 (f) Members shall serve without compensation, but shall receive travel expenses in the
23 same amount per mile approved for state employees.

24 (g) The board shall meet at the call of the chairperson or upon written petition of a
25 majority of the members, but not less than six (6) times per year.

26 (h) Staff support to the board will be provided by the state fire marshal.

27 (i) The board shall:

28 (1) Establish bylaws to govern operational procedures not addressed by legislation.

29 (2) Elect a chairperson and vice-chairperson of the board in accordance with bylaws to be
30 established by the board.

31 (3) Develop and offer training programs for fire fighters and fire officers based on
32 applicable NFPA standards used to produce training and education courses.

33 (4) Develop and offer state certification programs for instructors based on NFPA
34 standards.

1 (5) Monitor and evaluate all programs to determine their effectiveness.

2 (6) Establish a fee structure in an amount necessary to cover costs of implementing the
3 programs.

4 (7) Within ninety (90) days after the end of each fiscal year, approve and submit an
5 annual report to the governor, the speaker of the house of representatives, the president of the
6 senate, and the secretary of state of its activities during that fiscal year. The report shall provide:
7 an operating statement summarizing meetings or hearing held, including meeting minutes,
8 subjects addressed, decisions rendered, rules or regulations promulgated, studies conducted,
9 policies and plans developed, approved or modified and programs administered or initiated; a
10 consolidated financial statement of all funds received and expended including the source of the
11 funds, a listing of any staff supported by these funds, and a summary of any clerical,
12 administrative or technical support received; a summary of performance during the previous
13 fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings,
14 complaints, suspensions, or other legal matters related to the authority of the council; a summary
15 of any training courses held pursuant to the provisions of this section; a briefing on anticipated
16 activities in the upcoming fiscal year and findings and recommendations for improvements. The
17 report shall be posted electronically on the general assembly and secretary of state's websites as
18 prescribed in § 42-20-8.2. The director of the department of administration shall be responsible
19 for the enforcement of the provisions of this subsection.

20 (8) Conduct a training course for newly appointed and qualified members within six (6)
21 months of their qualification or designation. The course shall be developed by the chair of the
22 board, approved by the board, and conducted by the chair of the board. The board may approve
23 the use of any board or staff members or other individuals to assist with training. The training
24 course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14,
25 and 38-2; and the commission's rules and regulations. The state fire marshal shall, within ninety
26 (90) days of March 29, 2006, prepare and disseminate training materials relating to the provisions
27 of chapters 42-46, 36-14, and 38-2.

28 (j) In an effort to prevent potential conflicts of interest, any fire education and training
29 coordinating board member shall not simultaneously serve as a paid instructor and/or
30 administrator within the fire education and training unit.

31 (k) A quorum for conducting all business before the board, shall be at least seven (7)
32 members.

33 (l) Members of the board shall be removable by the governor pursuant to the provisions
34 of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal

1 reasons unrelated to capacity or fitness for the office shall be unlawful.

2 **23-28.2-28. Rhode Island state firefighter's league grant account.**

3 (a) There is hereby created within the department of ~~public safety~~ [business regulation](#) a
4 restricted receipt account to be known as the Rhode Island state firefighter's league grant account.
5 Donations received from the Rhode Island state firefighter's league shall be deposited into this
6 account, and shall be used solely to fund education and training programs for firefighters in the
7 state.

8 (b) All amounts deposited in the Rhode Island state firefighter's league grant account
9 shall be exempt from the indirect cost recovery provisions of § 35-4-27.

10 **23-28.2-29. Fire academy training fees restricted receipt account.**

11 There is hereby created with the department of ~~public safety~~ [business regulation](#) a
12 restricted receipt account to be known as the fire academy training fees account. All receipts
13 collected pursuant to § 23-28.2-23 shall be deposited in this account and shall be used to fund
14 costs associated with the fire training academy. All amounts deposited into the fire academy
15 training restricted receipt account shall be exempt from the indirect cost recovery provisions of §
16 35-4-27.

17 SECTION 5. Section 23-34.1-3 of Chapter 23-34.1 of the General Laws entitled
18 "Amusement Ride Safety Act" is hereby amended as follows:

19 **23-34.1-3. Definitions.**

20 As used in this chapter:

21 (1) "Altered ride" means a ride or device that has been altered with the approval of the
22 manufacturer.

23 (2) "Amusement attraction" means any building or structure around, over, or through
24 which persons may move to walk, without the aid of any moving device integral to the building
25 or structure, which provides amusement, pleasure, thrills, or excitement. Excluded are air
26 structures ("moonwalks"), arenas, stadiums, theatres, nonmechanical amusement structures
27 commonly located in or around day care centers, schools, commercial establishments, malls, fast
28 food restaurants, and convention halls. This does not include enterprises principally devoted to
29 the exhibition of products of agriculture, industry, education, science, religion, or the arts.

30 (3) "Amusement ride" means any mechanical device which carries, suspends or conveys
31 passengers along, around, or over a fixed or restricted route or course or within a defined area, for
32 the purpose of giving its passengers amusement, pleasure, thrills, or excitement. For the purposes
33 of this act, any dry slide over twenty (20) feet in height is also included. This term shall not
34 include hayrides (whether pulled by motor vehicle or horse), any coin-operated ride that is

1 manually, mechanically or electrically operated and customarily placed in a public location and
2 that does not normally require the supervision or services of an operator or nonmechanical
3 devices with nonmoving parts, including, but not limited to, walk-through amusement attractions,
4 slides, and air structures ("moonwalks").

5 (4) "Bazaar" means an enterprise principally devoted to the exhibition of products of
6 crafts and art, to which the operation of amusement rides or devices or concession booths is an
7 adjunct.

8 (5) "Carnival" means a transient enterprise offering amusement or entertainment to the
9 public in, upon or by means of amusement devices, rides or concession booths.

10 (6) "Certificate to operate" means that document which indicates that the temporary
11 amusement device has undergone the inspection required after setup. It shall show the date of
12 inspection, the location of the inspection, the name of the inspector, and the maximum amount of
13 weight allowed per car or rideable unit.

14 (7) "Commissioner" means the state building commissioner.

15 (8) "Department" means the department of ~~administration~~ [business regulation](#).

16 (9) "Director" means the director of the department of ~~administration~~ [business regulation](#).

17 (10) "Fair" means an enterprise principally devoted to the exhibition of products of
18 agriculture or industry, to which the operation of amusement rides or devices or concession
19 booths is an adjunct.

20 (11) "Home-made ride or device" means a ride or device that was not manufactured by a
21 recognized ride or device manufacturer or any ride or device which has been substantially altered
22 without the approval of the manufacturer.

23 (12) "Inspection" means the physical examination of an amusement ride or device made
24 by the commissioner, or his authorized representative, prior to operating the amusement device
25 for the purpose of approving the application for a license.

26 (13) "Kiddie ride" means a device designed primarily to carry a specific number of
27 children in a fixture suitable for conveying children up to forty-two inches (42") in height or ride
28 manufacturer specifications.

29 (14) "Major alteration" means a change in the type, capacity, structure or mechanism of
30 an amusement device. This includes any change that would require approval of the ride
31 manufacturer or an engineer.

32 (15) "Major ride" means a device designed to carry a specific maximum number of
33 passengers, adults and children, in a fixture suitable for conveying persons.

34 (16) "Manager" means a person having possession, custody, or managerial control of an

1 amusement device, amusement attraction, or temporary structure, whether as owner, lessee, or
2 agent or otherwise.

3 (17) "Owner" means the person or persons holding title to, or having possession or
4 control of the amusement ride or device or concession booth.

5 (18) "Permanent amusement ride" means an amusement ride which is erected to remain a
6 lasting part of the premises.

7 (19) "Permit" means that document which signifies that the amusement device or
8 amusement attraction has undergone and passed its annual inspection. The department shall affix
9 a decal which clearly shows the month and year of expiration.

10 (20) "Qualified licensed engineer" means a licensed mechanical engineer who has at least
11 five (5) years of experience in his or her field and has experience in amusement ride inspection.

12 (21) "Reinspection" means an inspection which is made at any time after the initial
13 inspection.

14 (22) "Repair" means to restore an amusement ride to a condition equal to or better than
15 the original design specifications.

16 (23) "Ride file jacket" means a file concerning an individual amusement ride or device
17 which contains nondestructive test reports on the testing firm's official letterhead; the name of the
18 ride, the manufacturer and date of manufacture; maintenance records; records of any alterations;
19 ride serial number; daily check lists and engineer's reports and proof of insurance. Non-
20 destructive test reports shall not be required on any rides which are nonmechanical and which are
21 not provided by the manufacturer with said amusement ride.

22 (24) "Ride operator" means the person in charge of an amusement ride or device and who
23 causes the amusement ride or device to operate.

24 (25) "Serious injury" means an injury requiring a minimum of one overnight stay in a
25 hospital for treatment or observation.

26 (26) "Stop order" means any order issued by an inspector for the temporary cessation of a
27 ride or device.

28 (27) "Temporary amusement device" means a device which is used as an amusement
29 device or amusement attraction that is regularly relocated from time to time, with or without
30 disassembly.

31 SECTION 6. Section 42-7.3-3 of the General Laws in Chapter 42-7.3 entitled
32 "Department of Public Safety" is hereby amended as follows:

33 **42-7.3-3. Powers and duties of the department.**

34 The department of public safety shall be responsible for the management and

1 administration of the following divisions and agencies:

2 (a) Office of the capitol police (chapter 2.2 of title 12).

3 (b) ~~State fire marshal (chapter 28.2 of title 23)~~

4 ~~(e)~~ E-911 emergency telephone system division (chapter 28.2 of title 39).

5 ~~(c)~~ Rhode Island state police (chapter 28 of title 42).

6 ~~(d)~~ Municipal police training academy (chapter 28.2 of title 42).

7 ~~(e)~~ Division of sheriffs (chapter 7.3 of title 42).

8 SECTION 7. Section 42-11-2.9 of the General Laws in Chapter 42-11 entitled
9 “Department of Administration” is hereby amended as follows:

10 **42-11-2.9. Division of capital asset management and maintenance established.**

11 (a) Establishment. Within the department of administration there shall be established the
12 division of capital asset management and maintenance (“DCAMM”). Any prior references to the
13 division of facilities management and/or capital projects, if any, shall now mean DCAMM.
14 Within the DCAMM there shall be a director of DCAMM who shall be in the classified service
15 and shall be appointed by the director of administration. The director of DCAMM shall have the
16 following responsibilities:

17 (1) Oversee, coordinate, and manage the operating budget, personnel, and functions of
18 DCAMM in carrying out the duties described below;

19 (2) Review agency capital-budget requests to ensure that the request is consistent with
20 strategic and master facility plans for the state of Rhode Island;

21 (3) Promulgate and adopt regulations necessary to carry out the purposes of this section.

22 (b) Purpose. The purpose of the DCAMM shall be to manage and maintain state property
23 and state-owned facilities in a manner that meets the highest standards of health, safety, security,
24 accessibility, energy efficiency, and comfort for citizens and state employees and ensures
25 appropriate and timely investments are made for state property and facility maintenance.

26 (c) Duties and responsibilities of DCAMM. DCAMM shall have the following duties and
27 responsibilities:

28 (1) To oversee all new construction and rehabilitation projects on state property, not
29 including property otherwise assigned outside of the executive department by Rhode Island
30 general laws or under the control and supervision of the judicial branch;

31 (2) To assist the department of administration in fulfilling any and all capital-asset and
32 maintenance-related statutory duties assigned to the department under chapter 8 of title 37 (public
33 buildings) or any other provision of law, including, but not limited to, the following statutory
34 duties provided in § 42-11-2:

1 (i) To maintain, equip, and keep in repair the state house, state office buildings, and other
2 premises, owned or rented by the state, for the use of any department or agency, excepting those
3 buildings, the control of which is vested by law in some other agency;

4 (ii) To provide for the periodic inspection, appraisal, or inventory of all state buildings
5 and property, real and personal;

6 (iii) To require reports from state agencies on the buildings property in their custody;

7 (iv) To issue regulations to govern the protection and custody of the property of the state;

8 (v) To assign office and storage space, and to rent and lease land and buildings, for the
9 use of the several state departments and agencies in the manner provided by law;

10 (vi) To control and supervise the acquisition, operation, maintenance, repair, and
11 replacement of state-owned motor vehicles by state agencies;

12 (3) To generally manage, oversee, protect, and care for the state's properties and facilities,
13 not otherwise assigned by Rhode Island general laws, including, but not limited to, the following
14 duties:

15 (i) Space management, procurement, usage, and/or leasing of private or public space;

16 (ii) Care, maintenance, cleaning, and contracting for such services as necessary for state
17 property;

18 (iii) Capital equipment replacement;

19 (iv) Security of state property and facilities unless otherwise provided by law;

20 (v) Ensuring Americans with Disabilities Act (ADA) compliance;

21 (vi) Responding to facilities emergencies;

22 (vii) Managing traffic flow on state property;

23 (viii) Grounds keeping/landscaping/snow-removal services;

24 (ix) Maintenance and protection of artwork and historic artifacts;

25 (4) To manage and oversee state fleet operations.

26 (d) All state agencies shall participate in a statewide database and/or information system
27 for capital assets, that shall be established and maintained by DCAMM.

28 (e) Offices and boards assigned to DCAMM. DCAMM shall oversee the following
29 boards, offices, and functions:

30 (1) Office of planning, design, and construction (PDC);

31 (2) Office of facilities management and maintenance (OFMM);

32 (3) ~~Contractors' registration and licensing board (§ 5-65-1 seq.);~~

33 ~~(4) State building code (§ 23-27.3-1 et seq.);~~

34 ~~(5) Office of risk management (§ 37-11-1 et seq.);~~

1 ~~(6) Fire safety code board of appeal and review (§ 23-28.3-1 et seq.);~~

2 ~~(7-4)~~ Office of state fleet operations (§ 42-11-2.4(d)).

3 (f) The boards, offices, and functions assigned to DCAMM shall:

4 (1) Exercise their respective powers and duties in accordance with their statutory
5 authority and the general policy established by the director of DCAMM or in accordance with the
6 powers and authorities conferred upon the director of DCAMM by this section;

7 (2) Provide such assistance or resources as may be requested or required by the director
8 of DCAMM or the director of administration;

9 (3) Provide such records and information as may be requested or required by the director
10 of DCAMM or the director of administration; and

11 (4) Except as provided herein, no provision of this chapter or application thereof shall be
12 construed to limit or otherwise restrict the offices stated above from fulfilling any statutory
13 requirement or complying with any valid rule or regulation.

14 SECTION 8. Sections 42-14-1, 42-14-2, 42-14-4, 42-14-5, 42-14-6, 42-14-7, 42-14-8,
15 42-14-11, 42-14-16 and 42-14-16.1 of the General Laws in Chapter 42-14 entitled “Department
16 of Business Regulation” are hereby amended as follows:

17 **42-14-1. Establishment – Head of department.**

18 There shall be a department of business regulation. The head of the department shall be
19 the director of business regulation who ~~shall carry out~~, except as otherwise provided by this title,
20 shall carry out this chapter; ~~chapters 1, 2, and 4—12, inclusive, of title 3; chapters 3, 20.5, 38, 49,~~
21 ~~52, 53 and 58 of title 5; chapter 31 of title 6; chapter 11 of title 7; chapters 1—29, inclusive, of~~
22 ~~title 19, except § 19-24-6; chapter 28.6 of title 21; chapter 26 of title 23; chapters 1—36,~~
23 ~~inclusive, of title 27. The director of business regulation shall also~~ and perform the duties
24 required by any and all other provisions of the general laws and public laws insofar as those
25 provisions relate to ~~the director of revenue and regulation, chief of the division of banking and~~
26 ~~insurance, chief of the division of intoxicating beverages, and~~ each of the divisions and licensing
27 and regulatory areas within the jurisdiction of the department, ~~except as otherwise provided by~~
28 ~~this title.~~

29 **42-14-2. Functions of department.**

30 (a) It shall be the function of the department of business regulation:

31 ~~(1) To regulate and control banking and insurance, foreign surety companies, sale of~~
32 ~~securities, building and loan associations, fraternal benefit and beneficiary societies;~~

33 ~~(2) To regulate and control the manufacture, transportation, possession, and sale of~~
34 ~~alcoholic beverages;~~

1 ~~(3) To license and regulate the manufacture and sale of articles of bedding, upholstered~~
2 ~~furniture, and filling materials;~~

3 ~~(4) To regulate the licensing of compassion centers, licensed cultivators, and cooperative~~
4 ~~cultivations pursuant to chapter 28.6 of title 21 of the general laws to license, regulate and control~~
5 ~~all areas as required by this chapter and any and all other provisions of the general laws and~~
6 ~~public laws.~~

7 (b) Whenever any hearing is required or permitted to be held pursuant to law or
8 regulation of the department of business regulation, and whenever no statutory provision exists
9 providing that notice be given to interested parties prior to the hearing, no such hearing shall be
10 held without notice in writing being given at least ten (10) days prior to such hearing to all
11 interested parties. For purposes of this section, an "interested party" shall be deemed to include
12 the party subject to regulation hereunder, ~~the Rhode Island consumers' council~~, and any party
13 entitled to appear at the hearing. Notice to the party that will be subject to regulation, ~~the Rhode~~
14 ~~Island consumers' council [Repealed]~~, and any party who has made known his or her intention to
15 appear at the hearing shall be sufficient if it be in writing and mailed, first class mail, to the party
16 at his or her regular business address. Notice to the general public shall be sufficient hereunder if
17 it be ~~by publication in a newspaper of general circulation in the municipality affected by the~~
18 ~~regulation~~ posted on the department's website.

19 **42-14-4. ~~Banking and insurance~~ financial services divisions.**

20 Within the department of business regulation there shall be a division of financial
21 services that oversees the regulation and control of banking ~~division~~ and ~~an~~ insurance ~~division~~
22 and such other matters within the jurisdiction of the department as determined by the director.
23 The ~~divisions~~ shall have offices which shall be assigned to ~~them~~ it by the department of
24 administration.

25 ~~A-s~~ Superintendents ~~shall be in charge of each division, of banking and insurance~~
26 reporting to the director, ~~deputy director~~ and/or health insurance commissioner as appropriate
27 shall be in charge of all matters relating to banking and insurance.

28 **42-14-5. ~~Administrator~~ Superintendents of banking and insurance.**

29 (a) The ~~director of business regulation shall, in addition to his or her regular duties, act as~~
30 ~~administrator of banking and insurance and~~ superintendents of banking and insurance shall
31 administer the functions of the department relating to the regulation and control of banking and
32 insurance, ~~foreign surety companies, sale of securities, building and loan associations, and~~
33 ~~fraternal benefit and beneficiary societies.~~

34 (b) Wherever the words "banking administrator" or "banking commissioner" or

1 "insurance administrator" or "insurance commissioner" occur in this chapter or any general law,
2 public law, act, or resolution of the general assembly or department regulation, they shall be
3 construed to mean superintendent of banking ~~commissioner~~ and superintendent of insurance
4 ~~commissioner~~ except as delineated in subsection (d) below.

5 (c) "Health insurance" shall mean "health insurance coverage," as defined in §§ 27-18.5-2
6 and 27-18.6-2, "health benefit plan," as defined in § 27-50-3 and a "medical supplement policy,"
7 as defined in § 27-18.2-1 or coverage similar to a Medicare supplement policy that is issued to an
8 employer to cover retirees, and dental coverage, including, but not limited to, coverage provided
9 by a nonprofit dental service plan as defined in subsection 27-20.1-1(3).

10 (d) Whenever the words "commissioner," "insurance commissioner", "Health insurance
11 commissioner" or "director" appear in Title 27 or Title 42, those words shall be construed to
12 mean the health insurance commissioner established pursuant to § 42-14.5-1 with respect to all
13 matters relating to health insurance. The health insurance commissioner shall have sole and
14 exclusive jurisdiction over enforcement of those statutes with respect to all matters relating to
15 health insurance.

16 (e) Whenever the word "director" appears or is a defined term in Title 19, this word shall
17 be construed to mean the superintendent of banking established pursuant to this section.

18 (f) Whenever the word "director" or "commissioner" appears or is a defined term in Title
19 27, this word shall be construed to mean the superintendent of insurance established pursuant to
20 this section except as delineated in subsection (d) above.

21 **42-14-6. Restrictions on interests of ~~administrator~~ superintendents.**

22 The ~~administrator~~ superintendents of banking and insurance shall not engage in any other
23 business or be an officer of or directly or indirectly interested in any national bank doing business
24 in this state, or in any bank, savings bank, or trust company organized under the laws of this state,
25 nor be directly or indirectly interested in any corporation, business, or occupation that requires his
26 or her official supervision; absent compliance with § 42-14-6.1, ~~nor shall the administrator no~~
27 superintendent shall become indebted to any bank, savings bank, or trust company organized
28 under the laws of this state, nor shall he or she engage or be interested in the sale of securities as a
29 business, or in the negotiation of loans for others.

30 **42-14-7. Deputies to ~~administrator~~ superintendents.**

31 The ~~administrator~~ superintendent of banking and the superintendent of insurance may
32 appoint one or more deputies to assist him or her in the performance of his or her duties, who
33 shall be removable at the pleasure of the ~~administrator~~ superintendent, and the ~~administrator~~
34 superintendent in his or her official capacity shall be liable for any deputy's misconduct or neglect

1 of duty in the performance of his or her official duties. Service of process upon any deputy, or at
2 the office of the ~~administrator~~ [superintendent](#) upon some person there employed, at any time,
3 shall be as effectual as service upon the ~~administrator~~ [superintendent](#).

4 **42-14-8. Clerical assistance and expenses.**

5 The ~~administrator~~ [superintendent](#) of banking and [the superintendent of](#) insurance may
6 employ such clerical assistance and incur such office and traveling expenses for him or herself,
7 his or her deputies and assistants as may be necessary in the performance of his or her other
8 duties, and as provided by this title, within the amounts appropriated therefor.

9 **42-14-11. Subpoena power – False swearing.**

10 (a) In connection with any matters having to do with the discharge of his or her duties
11 pursuant to this chapter, the director [or his or her designee](#), in all cases of every nature pending
12 before him or her, is hereby authorized and empowered to summon witnesses to attend and testify
13 in like manner as in either the supreme or the superior courts. The director [or his or her designee](#)
14 is authorized to compel the production of all papers, books, documents, records, certificates or
15 other legal evidence that may be necessary for the determination and the decision of any question
16 or the discharge of any duty required by law of the department, including the functions of the
17 ~~director as a member of the board of bank incorporation and board of building loan association~~
18 ~~incorporation~~ [superintendents of banking and insurance](#), by issuing a subpoena duces tecum
19 signed by the director [or his or her designee](#).

20 (b) Every person who disobeys this writ shall be considered in contempt of the
21 department, and the department may punish that and any other contempt of the authority in like
22 manner as contempt may be punished in either the supreme or the superior court.

23 (c) Any person who shall willfully swear falsely in any proceedings, matter or hearing
24 before the department shall be deemed guilty of the crime of perjury.

25 **42-14-16. Insurance – Administrative penalties.**

26 (a) Whenever the director [or his or her designee](#) shall have cause to believe that a
27 violation of title 27 and/or chapters 14, 14.5, 62 or 128.1 of title 42 or the regulations
28 promulgated thereunder has occurred by a licensee, or any person or entity conducting any
29 activities requiring licensure under title 27, the director [or his or her designee](#) may, in accordance
30 with the requirements of the Administrative Procedures Act, chapter 35 of this title:

31 (1) Revoke or suspend a license;

32 (2) Levy an administrative penalty in an amount not less than one hundred dollars (\$100)
33 nor more than fifty thousand dollars (\$50,000);

34 (3) Order the violator to cease such actions;

1 (4) Require the licensee or person or entity conducting any activities requiring licensure
2 under title 27 to take such actions as are necessary to comply with title 27 and/or chapters 14,
3 14.5, 62, or 128.1 of title 42, or the regulations thereunder; or

4 (5) Any combination of the above penalties.

5 (b) Any monetary penalties assessed pursuant to this section shall be as general revenues.

6 **42-14-16.1. Order to cease and desist.**

7 (a) If the director or his or her designee has reason to believe that any person, firm,
8 corporation or association is conducting any activities requiring licensure under title 27 or any
9 other provisions of the general laws or public laws within the jurisdiction of the department
10 without obtaining a license, or who after the denial, suspension or revocation of a license
11 conducts any activities requiring licensure under title 27 or any other provisions of the general
12 laws or public laws within the jurisdiction of the department, the department may issue its order
13 to that person, firm, corporation or association commanding them to appear before the department
14 at a hearing to be held no sooner than ten (10) days nor later than twenty (20) days after issuance
15 of that order to show cause why the department should not issue an order to that person to cease
16 and desist from the violation of the provisions of ~~title 27~~ applicable law.

17 (b) The order to show cause may be served on any person, firm, corporation or
18 association named in the order in the same manner that summons in a civil action may be served,
19 or by mailing a copy of the order, certified mail, return receipt requested, to that person at any
20 address at which he or she has done business or at which he or she lives. If, upon that hearing, the
21 department is satisfied that the person is in fact violating any provision of ~~title 27~~ applicable law,
22 then the department may order that person, in writing, to cease and desist from that violation.

23 (c) All hearings shall be governed in accordance with chapter 35 of this title, the
24 "Administrative Procedures Act." If that person fails to comply with an order of the department
25 after being afforded a hearing, the superior court in Providence county has jurisdiction upon
26 complaint of the department to restrain and enjoin that person from violating this chapter.

27 SECTION 9. Section 42-28-3 of the General Laws in Chapter 42-28 entitled "State
28 Police" is hereby amended as follows:

29 **42-28-3. Scope of responsibilities.**

30 (a) The Rhode Island state police and the superintendent shall be charged with the
31 responsibility of:

32 (1) Providing a uniformed force for law enforcement;

33 (2) Preparing rules and regulations for law enforcement;

34 (3) Maintaining facilities for crime detection and suppression; and

1 (4) Controlling traffic and maintaining safety on the highways.

2 (b) ~~The superintendent shall be ex officio state fire marshal.~~

3 ~~(e)~~The superintendent shall also serve as the director of the department of public safety.

4 SECTION 10. Section 36-10-14 of the General Laws in Chapter 36-10 entitled
5 “Retirement System – Contributions and Benefits” is hereby amended to read as follows:

6 **36-10-14. Retirement for accidental disability.** (a) Medical examination of an active
7 member for accidental disability and investigation of all statements and certificates by him or her
8 or in his or her behalf in connection therewith shall be made upon the application of the head of
9 the department in which the member is employed or upon application of the member, or of a
10 person acting in his or her behalf, stating that the member is physically or mentally incapacitated
11 for the performance of service as a natural and proximate result of an accident while in the
12 performance of duty, and certify the definite time, place, and conditions of the duty performed by
13 the member resulting in the alleged disability, and that the alleged disability is not the result of
14 willful negligence or misconduct on the part of the member, and is not the result of age or length
15 of service, and that the member should, therefore, be retired.

16 (b) The application shall be made within five (5) years of the alleged accident from which
17 the injury has resulted in the members present disability and shall be accompanied by an accident
18 report and a physicians report certifying to the disability; provided that if the member was able to
19 return to his or her employment and subsequently reinjures or aggravates the same injury, the
20 application shall be made within the later of five (5) years of the alleged accident or three (3)
21 years of the reinjury or aggravation. The application may also state the member is permanently
22 and totally disabled from any employment.

23 (c) Notwithstanding subsection (b), state employees who are receiving benefits under the
24 injured on duty provisions of RIGL §45-19-1 shall be subject to the provisions of Section RIGL
25 §45-19-1[j] for all matters relating to the application and processing of disability benefits.

26 (d) If a medical examination conducted by three (3) physicians engaged by the retirement
27 board and such investigation as the retirement board may desire to make shall show that the
28 member is physically or mentally incapacitated for the performance of service as a natural and
29 proximate result of an accident, while in the performance of duty, and that the disability is not the
30 result of willful negligence or misconduct on the part of the member, and is not the result of age
31 or length of service, and that the member has not attained the age of sixty-five (65), and that the
32 member should be retired, the physicians who conducted the examination shall so certify to the
33 retirement board stating the time, place, and conditions of service performed by the member
34 resulting in the disability and the retirement board may grant the member an accidental disability

1 benefit.

2 ~~(d)~~(e) The retirement board shall establish uniform eligibility requirements, standards,
3 and criteria for accidental disability which shall apply to all members who make application for
4 accidental disability benefits.

5 SECTION 11. Section 45-19-1 of the General Laws in Chapter 45-19 entitled "Relief of
6 Injured and Deceased Fire Fighters and Police Officer is hereby amended to read as follows:

7 **45-19-1. Salary payment during line of duty illness or injury.**

8 (a) Whenever any police officer of the Rhode Island Airport Corporation or whenever
9 any police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal,
10 or deputy fire marshal of any city, town, fire district, or the state of Rhode Island is wholly or
11 partially incapacitated by reason of injuries received or sickness contracted in the performance of
12 his or her duties or due to their rendering of emergency assistance within the physical boundaries
13 of the state of Rhode Island at any occurrence involving the protection or rescue of human life
14 which necessitates that they respond in a professional capacity when they would normally be
15 considered by their employer to be officially off-duty, the respective city, town, fire district, state
16 of Rhode Island or Rhode Island Airport Corporation by which the police officer, fire fighter,
17 crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, is
18 employed, shall, during the period of the incapacity, pay the police officer, fire fighter, crash
19 rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, the salary or
20 wage and benefits to which the police officer, fire fighter, crash rescue crewperson, fire marshal,
21 chief deputy fire marshal, or deputy fire marshal, would be entitled had he or she not been
22 incapacitated, and shall pay the medical, surgical, dental, optical, or other attendance, or
23 treatment, nurses, and hospital services, medicines, crutches, and apparatus for the necessary
24 period, except that if any city, town, fire district, the state of Rhode Island or Rhode Island
25 Airport Corporation provides the police officer, fire fighter, crash rescue crewperson, fire
26 marshal, chief deputy fire marshal, or deputy fire marshal, with insurance coverage for the related
27 treatment, services, or equipment, then the city, town, fire district, the state of Rhode Island or
28 Rhode Island Airport Corporation is only obligated to pay the difference between the maximum
29 amount allowable under the insurance coverage and the actual cost of the treatment, service, or
30 equipment. In addition, the cities, towns, fire districts, the state of Rhode Island or Rhode Island
31 Airport Corporation shall pay all similar expenses incurred by a member who has been placed on
32 a disability pension and suffers a recurrence of the injury or illness that dictated his or her
33 disability retirement, subject to the provisions of subsection (j) herein.

34 (b) As used in this section, "police officer" means and includes any chief or other

1 member of the police department of any city or town regularly employed at a fixed salary or wage
2 and any deputy sheriff, member of the fugitive task force, or capitol police officer, permanent
3 environmental police officer or criminal investigator of the department of environmental
4 management, or airport police officer.

5 (c) As used in this section, "fire fighter" means and includes any chief or other member of
6 the fire department or rescue personnel of any city, town, or fire district, and any person
7 employed as a member of the fire department of the town of North Smithfield, or fire department
8 or district in any city or town.

9 (d) As used in this section, "crash rescue crewperson" means and includes any chief or
10 other member of the emergency crash rescue section, division of airports, or department of
11 transportation of the state of Rhode Island regularly employed at a fixed salary or wage.

12 (e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire
13 marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals
14 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title
15 23.

16 (f) Any person employed by the state of Rhode Island, except for sworn employees of the
17 Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title shall
18 be subject to the provisions of chapters 29 – 38 of title 28 for all case management procedures
19 and dispute resolution for all benefits.

20 (g) In order to receive the benefits provided for under this section, a police officer or
21 firefighter must prove to their employer that he or she had reasonable grounds to believe that
22 there was an emergency which required an immediate need for their assistance for the protection
23 or rescue of human life.

24 (h) Any claims to the benefits provided for under this section resulting from the rendering
25 of emergency assistance in the state of Rhode Island at any occurrence involving the protection or
26 rescue of human life while off-duty, shall first require those covered by this section to submit a
27 sworn declaration to their employer attesting to the date, time, place and nature of the event
28 involving the protection or rescue of human life causing the professional assistance to be rendered
29 and the cause and nature of any injuries sustained in the protection or rescue of human life. Sworn
30 declarations shall also be required from any available witness to the alleged emergency involving
31 the protection or rescue of human life.

32 (i) All declarations required under this section shall contain the following language:

33 "Under penalty of perjury, I declare and affirm that I have examined this declaration,
34 including any accompanying schedules and statements, and that all statements contained herein

1 are true and correct."

2 (j) Any person receiving injured on duty benefits pursuant to this section, and subject to
3 the jurisdiction of the state retirement board for accidental retirement disability, for an injury
4 occurring on or after July 1, 2011, shall apply for an accidental disability retirement allowance
5 from the state retirement board not later than the later of eighteen (18) months after the date of the
6 person's injury that resulted in said person's injured on duty status or sixty (60) days from the
7 date on which ~~a the~~ treating physician or an independent medical examiner certifies that the
8 person has reached maximum medical improvement. ~~Nothing herein shall be construed to limit or~~
9 ~~alter any and all rights of the parties with respect to independent medical examinations or~~
10 ~~otherwise, as set forth in the applicable collective bargaining agreement.~~ Notwithstanding the
11 foregoing, any person receiving injured on duty benefits as the result of a static and incapacitating
12 injury whose permanent nature is readily obvious and ascertainable shall be required to apply for
13 an accidental disability retirement allowance within sixty (60) days from the date on which ~~a the~~
14 treating physician or an independent medical examiner certifies that the person's injury is
15 permanent, ~~or sixty (60) days from the date on which such determination of permanency is made~~
16 ~~in accordance with the independent medical examination procedures as set forth in the applicable~~
17 ~~collective bargaining agreement.~~ Nothing herein shall be construed to limit or alter any and all
18 rights of the parties with respect to independent medical examinations or otherwise, as set forth in
19 the applicable collective bargaining agreement.

20 (1) If a person with injured on duty status fails to apply for an accidental disability
21 retirement allowance from the state retirement board within the time frame set forth above, that
22 person's injured on duty payment shall terminate. Further, any person suffering a static and
23 incapacitating injury as set forth in subsection (j) above and who fails to apply for an accidental
24 disability benefit allowance as set forth in subsection (j) shall have his or her injured on duty
25 payment terminated.

26 (2) A person who so applies shall continue to receive injured on duty payments, and the
27 right to continue to receive IOD payments of a person who so applies shall terminate in the event
28 of the final ruling of the workers' compensation court, any other court of competent jurisdiction,
29 or the state retirement board allowing accidental disability benefits. Nothing herein shall be
30 construed to limit or alter any and all rights of the parties with respect to independent medical
31 examination or otherwise, as set forth in the applicable collective bargaining agreement.

32 SECTION 12. Chapter 39-3 of the General Laws entitled "Regulatory Powers of
33 Administration" is hereby amended by adding thereto the following section:

34 **39-3-45. Transfer of powers, functions and resources from the water resources**

1 **board.**

2 (a) There are hereby transferred to the division of public utilities and carriers those
3 powers and duties formerly administered by the employees of the water resources board as
4 provided for in chapter 46-15 (“Water Resources Management”) through 46-15.8 (“Water Use
5 and Efficiency Act”), inclusive, and any other applicable provisions of the general laws;
6 provided, however, the governor shall submit to the 2019 assembly any recommended statutory
7 changes necessary to facilitate the merger.

8 (b) All resources of the water resources board, including, but not limited to, property,
9 employees and accounts, are hereby transferred to the division of public utilities and carriers.

10 (c) As part of the above transfer, except for the general manager, all employees of the
11 water resources board currently subject to the provisions of chapter 4 of title 36 shall continue to
12 be subject to those provisions.

13 SECTION 13. Section 42-11-10 of the General Laws in Chapter 42-11 entitled
14 "Department of Administration" is hereby amended to read as follows:

15 **42-11-10. Statewide planning program.**

16 (a) *Findings.* - The general assembly finds that the people of this state have a
17 fundamental interest in the orderly development of the state; the state has a positive interest and
18 demonstrated need for establishment of a comprehensive strategic state planning process and the
19 preparation, maintenance, and implementation of plans for the physical, economic, and social
20 development of the state; the continued growth and development of the state presents problems
21 that cannot be met by the cities and towns individually and that require effective planning by the
22 state; and state and local plans and programs must be properly coordinated with the planning
23 requirements and programs of the federal government.

24 (b) *Establishment of statewide planning program.*

25 (1) A statewide planning program is hereby established to prepare, adopt, and amend
26 strategic plans for the physical, economic, and social development of the state and to recommend
27 these to the governor, the general assembly, and all others concerned.

28 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by the
29 executive branch for those departments and other agencies enumerated in subsection (g) of this
30 section, ~~all departments and agencies of the executive branch unless specifically exempted,~~ shall
31 be conducted by or under the supervision of the statewide planning program. The statewide
32 planning program shall consist of a state planning council, and the office of strategic planning and
33 the office of systems planning of the division of planning, which shall be a division within the
34 department of administration.

1 (c) *Strategic planning.* Strategic planning includes the following activities:

2 (1) Establishing or identifying general goals.

3 (2) Refining or detailing these goals and identifying relationships between them.

4 (3) Formulating, testing, and selecting policies and standards that will achieve desired
5 objectives.

6 (4) Preparing long-range or system plans or comprehensive programs that carry out the
7 policies and set time schedules, performance measures, and targets.

8 (5) Preparing functional short-range plans or programs that are consistent with
9 established or desired goals, objectives, and policies, and with long-range or system plans or
10 comprehensive programs where applicable, and that establish measurable intermediate steps
11 toward their accomplishment of the goals, objectives, policies, and/or long-range system plans.

12 (6) Monitoring the planning of specific projects and designing of specific programs of
13 short duration by the operating departments, other agencies of the executive branch, and political
14 subdivisions of the state to insure that these are consistent with and carry out the intent of
15 applicable strategic plans.

16 (7) Reviewing the execution of strategic plans and the results obtained and making
17 revisions necessary to achieve established goals.

18 (d) *State guide plan.* Components of strategic plans prepared and adopted in accordance
19 with this section may be designated as elements of the state guide plan. The state guide plan shall
20 be comprised of functional elements or plans dealing with land use; physical development and
21 environmental concerns; economic development; housing production; energy supply, including
22 the development of renewable energy resources in Rhode Island, and energy access, use, and
23 conservation; human services; and other factors necessary to accomplish the objective of this
24 section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-
25 range goals, policies, plans, and implementation activities related thereto. State agencies
26 concerned with specific subject areas, local governments, and the public shall participate in the
27 state guide planning process, which shall be closely coordinated with the budgeting process.

28 (e) *Membership of state planning council.* The state planning council shall consist of ~~the~~
29 ~~following members:~~

30 (1) The director of the department of administration as chairperson;

31 (2) The director, policy office, in the office of the governor, as vice-chairperson;

32 (3) The governor, or his or her designee;

33 (4) The budget officer;

34 (5) The chairperson of the housing resources commission;

- 1 (6) The chief of statewide ~~highest ranking administrative officer of the division~~
2 ~~of~~ planning, as secretary;
- 3 (7) The president of the League of Cities and Towns or his or her designee and one
4 official of local government, who shall be appointed by the governor from a list of not less than
5 three (3) submitted by the Rhode Island League Cities and Towns; and
- 6 (8) The executive director of the League of Cities and Towns;
- 7 (9) One representative of a nonprofit community development or housing organization;
- 8 (10) Four (4) ~~Six (6)~~ public members, appointed by the governor ~~one of whom shall be an~~
9 ~~employer with fewer than fifty (50) employees and one of whom shall be an employer with~~
10 ~~greater than fifty (50) employees;~~
- 11 (11) Two (2) representatives of a private, nonprofit environmental advocacy organization,
12 both to be appointed by the governor; and
- 13 (12) The director of planning and development for the city of Providence.
- 14 (13) The director of the department of transportation;
- 15 (14) The director of the department of environmental management;
- 16 (15) The director of the department of health;
- 17 (16) The chief executive officer of the commerce corporation;
- 18 (17) The commissioner of the Rhode Island office of energy resources;
- 19 (18) The chief executive officer of the Rhode Island public transit authority;
- 20 (19) The executive director of Rhode Island housing; and
- 21 (20) The executive director of the coastal resources management council.
- 22 (f) *Powers and duties of state planning council.* The state planning council shall have the
23 following powers and duties:
- 24 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
25 and to modify and amend any of these, following the procedures for notification and public
26 hearing set forth in section 42-35-3, and to recommend and encourage implementation of these
27 goals to the general assembly, state and federal agencies, and other public and private bodies;
28 approval of strategic plans by the governor; ~~and to ensure that strategic plans and the long range~~
29 ~~state guide plan are consistent with the findings, intent, and goals set forth in § 45-22.2-3, the~~
30 ~~"Rhode Island Comprehensive Planning and Land Use Regulation Act";~~
- 31 (2) To coordinate the planning and development activities of all state agencies, in
32 accordance with strategic plans prepared and adopted as provided for by this section;
- 33 (3) To review and comment on the proposed annual work program of the statewide
34 planning program;

1 (4) To adopt rules and standards and issue orders concerning any matters within its
2 jurisdiction as established by this section and amendments to it;

3 (5) To establish advisory committees and appoint members thereto representing diverse
4 interests and viewpoints as required in the state planning process and in the preparation or
5 implementation of strategic plans. The state planning council shall appoint a permanent
6 committee comprised of:

7 (i) Public members from different geographic areas of the state representing diverse
8 interests, and

9 (ii) Officials of state, local and federal government, which shall review all proposed
10 elements of the state guide plan, or amendment or repeal of any element of the plan, and shall
11 advise the state planning council thereon before the council acts on any such proposal. This
12 committee shall also advise the state planning council on any other matter referred to it by the
13 council; and

14 (6) To establish and appoint members to an executive committee consisting of major
15 participants of a Rhode Island geographic information system with oversight responsibility for its
16 activities.

17 (7) To adopt; on or before July 1, 2007, and to amend and maintain as an element of the
18 state guide plan or as an amendment to an existing element of the state guide plan, standards and
19 guidelines for the location of eligible renewable energy resources and renewable energy facilities
20 in Rhode Island with due consideration for the location of such resources and facilities in
21 commercial and industrial areas, agricultural areas, areas occupied by public and private
22 institutions, and property of the state and its agencies and corporations, provided such areas are of
23 sufficient size, and in other areas of the state as appropriate.

24 ~~(8) To act as the single, statewide metropolitan planning organization for transportation~~
25 ~~planning, and to promulgate all rules and regulations that are necessary thereto.~~

26 (g) *Division of planning.*

27 (1) The division of planning shall be the principal staff agency of the state planning
28 council for preparing and/or coordinating strategic plans for the comprehensive management of
29 the state's human, economic, and physical resources. The division of planning shall recommend
30 to the state planning council specific guidelines, standards, and programs to be adopted to
31 implement strategic planning and the state guide plan and shall undertake any other duties
32 established by this section and amendments thereto.

33 (2) The division of planning shall maintain records (which shall consist of files of
34 complete copies) of all plans, recommendations, rules, and modifications or amendments thereto

1 adopted or issued by the state planning council under this section. The records shall be open to
2 the public.

3 (3) The division of planning shall manage and administer the Rhode Island geographic
4 information system of land-related resources, and shall coordinate these efforts with other state
5 departments and agencies, including the University of Rhode Island, which shall provide
6 technical support and assistance in the development and maintenance of the system and its
7 associated data base.

8 (4) The division of planning shall coordinate and oversee the provision of technical
9 assistance to political subdivisions of the state in preparing and implementing plans to accomplish
10 the purposes, goals, objectives, policies, and/or standards of applicable elements of the state guide
11 plan and shall make available to cities and towns data and guidelines that may be used in
12 preparing comprehensive plans and elements thereof and in evaluating comprehensive plans and
13 elements thereby.

14 (h) [Deleted by P.L. 2011, ch. 215, § 4, and by P.L. 2011, ch. 313, § 4]

15 ~~(i) The division of planning shall be the principal staff agency of the water resources~~
16 ~~board established pursuant to chapter 46-15 ("Water Resources Board") and the water resources~~
17 ~~board corporate established pursuant to chapter 46-15.1 ("Water Supply Facilities").~~

18 SECTION 14. Section 42-11-10.1 of the General Laws in Chapter 42-11 entitled
19 "Department of Administration" is hereby repealed.

20 ~~**42-11-10.1. Transfer of powers, functions and resources from the water resources**~~
21 ~~**board.**~~

22 ~~(a) There are hereby transferred to the division of planning within the department of~~
23 ~~administration those powers and duties formerly administered by the employees of the water~~
24 ~~resources board as provided for in chapter 46-15 ("Water Resources Board") through 46-15.8~~
25 ~~("Water Use and Efficiency Act"), inclusive, and any other applicable provisions of the general~~
26 ~~laws; provided, however, the governor shall submit to the 2012 assembly any recommended~~
27 ~~statutory changes necessary to facilitate the merger.~~

28 ~~(b) All resources of the water resources board, including, but not limited to, property,~~
29 ~~employees and accounts, are hereby transferred to the division of planning.~~

30 ~~(c) As part of the above transfer, except for the general manager, all employees of the~~
31 ~~water resources board currently subject to the provisions of chapter 4 of title 36 shall continue to~~
32 ~~be subject to those provisions.~~

33 SECTION 15. Section 46-15.1-19.1 of the General Laws in Chapter 46-15.1 entitled
34 "Water Supply Facilities" is hereby amended to read as follows:

1 **46-15.1-19.1. Big River Reservoir – Administration.**

2 The Rhode Island ~~water resources board, established pursuant to this chapter and chapter~~
3 ~~15 of this title,~~ department of administration shall be the ~~only~~-designated agency which will
4 administer those lands acquired for the Big River Reservoir as established under section 23 of
5 chapter 133 of the Public Laws of 1964. The director of the department of environmental
6 management and the director's authorized agents, employees, and designees shall, together with
7 the ~~water resources board~~ department of administration in accordance with the Big River
8 management area land use plan for the lands, protect the natural resources of the Big River
9 Reservoir lands. The lands of the Big River Reservoir are subject to enforcement authority of the
10 department of environmental management, as provided for in chapter 17.1 of title 42, and as
11 provided for in title 20 of the General Laws.

12 SECTION 16. Section 42-133-6 of the General Laws in Chapter entitled "Tobacco
13 Settlement Financing Corporation Act" is hereby amended to read as follows:

14 **42-133-6. Board and officers.**

15 (a)(1) The powers of the corporation shall be vested in a board consisting of five (5)
16 members, which shall constitute the governing body of the corporation, and which shall be
17 comprised as follows: ~~two (2) members of the state investment commission to be appointed by~~
18 ~~the governor who shall give due consideration to the recommendation of the chair of the~~
19 ~~investment commission,~~ the state budget officer, who shall serve as chairperson, the general
20 treasurer or designee, the director of revenue or designee and ~~three (3)~~ two (2) members of the
21 general public appointed by the governor with the advice and consent of the senate. Each public
22 member shall serve for a term of ~~two (2)~~ four (4) years, except that any member appointed to fill
23 a vacancy shall serve only until the expiration of the unexpired term of such member's
24 predecessor in office. Each member shall continue to hold office until a successor has been
25 appointed. Members shall be eligible for reappointment. No person shall be eligible for
26 appointment unless such person is a resident of the state. Each member, before entering upon the
27 duties of the office of member, shall swear or solemnly affirm to administer the duties of office
28 faithfully and impartially, and such oath or affirmation shall be filed in the office of the secretary
29 of state.

30 ~~(2) Those members of the board as of July 9, 2005 who were appointed to the board by~~
31 ~~members of the general assembly shall cease to be members of the board on July 9, 2005, and the~~
32 ~~governor shall thereupon seek recommendations from the chair of the state investment~~
33 ~~commission for him or her duly to consider for the appointment of two (2) members thereof.~~
34 ~~Those members of the board as of July 9, 2005 who were appointed to the board by the governor~~

1 ~~shall continue to serve the balance of their current terms.~~

2 ~~(3)~~(2) Newly appointed and qualified public members shall, within six (6) months of their
3 qualification or designation, attend a training course that shall be developed with board approval
4 and conducted by the chair of the board and shall include instruction in the subject area of
5 chapters 46 of this title, 133 of this title, 14 of title 36, and 2 of title 38; and the board's rules and
6 regulations. The director of the department of administration shall, within ninety (90) days of July
7 9, 2005, prepare and disseminate training materials relating to the provisions of chapters 46 of
8 this title, 14 of title 36 and 2 of title 38.

9 (b) Members shall receive no compensation for the performance of their duties.

10 (c) ~~The board shall elect one of its members to serve as chairperson.~~ Three (3) members
11 shall constitute a quorum, and any action to be taken by the corporation under the provisions of
12 this chapter may be authorized by resolution approved by a majority of the members present and
13 voting at any regular or special meeting at which a quorum is present.

14 (d) ~~In addition to electing a chairperson, the~~ The board shall appoint a secretary and such
15 additional officers as it shall deem appropriate.

16 (e) Any action taken by the corporation under the provisions of this chapter may be
17 authorized by vote at any regular or special meeting, and the vote shall take effect immediately.

18 (f) Any action required by this chapter to be taken at a meeting of the board shall comply
19 with chapter 46 of this title, entitled "Open Meetings."

20 (g) To the extent that administrative assistance is needed for the functions and operations
21 of the board, the corporation may by contract or agreement obtain this assistance from the
22 director of administration, the attorney general, and any successor officer at such cost to the
23 corporation as shall be established by such contract or agreement. The board, however, shall
24 remain responsible for, and provide oversight of, proper implementation of this chapter.

25 (h) Members of the board and persons acting on the corporation's behalf, while acting
26 within the scope of their employment or agency, are not subject to personal liability resulting
27 from carrying out the powers and duties conferred on them under this chapter.

28 (i) The state shall indemnify and hold harmless every past, present, or future board
29 member, officer or employee of the corporation who is made a party to or is required to testify in
30 any action, investigation, or other proceeding in connection with or arising out of the performance
31 or alleged lack of performance of that person's duties on behalf of the corporation. These persons
32 shall be indemnified and held harmless, whether they are sued individually or in their capacities
33 as board members, officers or employees of the corporation, for all expenses, legal fees and/or
34 costs incurred by them during or resulting from the proceedings, and for any award or judgment

1 arising out of their service to the corporation that is not paid by the corporation and is sought to
2 be enforced against a person individually, as expenses, legal fees, costs, awards or judgments
3 occur; provided, that neither the state nor the corporation shall indemnify any member, officer, or
4 employee:

5 (1) For acts or omissions not in good faith or which involve intentional misconduct or a
6 knowing violation of law;

7 (2) For any transaction from which the member derived an improper personal benefit; or

8 (3) For any malicious act.

9 (j) Public members of the board shall be removable by the governor, pursuant to the
10 provisions of § 36-1-7, for cause only, and removal solely for partisan or personal reasons
11 unrelated to capacity or fitness for the office shall be unlawful.

12 SECTION 17. Sections 44-31.2-2 and 44-31.2-6 of the General Laws in Chapter 44-31.2
13 entitled "Motion Picture Production Tax Credits" are hereby amended to read as follows:

14 **44-31.2-2. Definitions.**

15 For the purposes of this chapter:

16 (1) "Accountant's certification" as provided in this chapter means a certified audit by a
17 Rhode Island certified public accountant licensed in accordance with chapter 3.1 of title 5.

18 (2) "Application year" means within the calendar year the motion picture production
19 company files an application for the tax credit.

20 (3) "Base investment" means the actual investment made and expended by a state-
21 certified production in the state as production-related costs.

22 (4) "Documentary production" means a non-fiction production intended for educational
23 or commercial distribution that may require out-of-state principal photography.

24 (5) "Domiciled in Rhode Island" means a corporation incorporated in Rhode Island or a
25 partnership, limited liability company, or other business entity formed under the laws of the state
26 of Rhode Island for the purpose of producing motion pictures as defined in this section, or an
27 individual who is a domiciled resident of the state of Rhode Island as defined in chapter 30 of this
28 title.

29 (6) "Final production budget" means and includes the total pre-production, production,
30 and post-production out-of-pocket costs incurred and paid in connection with the making of the
31 motion picture. The final production budget excludes costs associated with the promotion or
32 marketing of the motion picture.

33 (7) "Motion picture" means a feature-length film, documentary production, video,
34 television series, or commercial made in Rhode Island, in whole or in part, for theatrical or

1 television viewing or as a television pilot or for educational distribution. The term "motion
2 picture" shall not include the production of television coverage of news or athletic events, nor
3 shall it apply to any film, video, television series, or commercial or a production for which
4 records are required under 18 U.S.C. § 2257, to be maintained with respect to any performer in
5 such production or reporting of books, films, etc. with respect to sexually explicit conduct.

6 (8) "Motion picture production company" means a corporation, partnership, limited
7 liability company, or other business entity engaged in the business of producing one or more
8 motion pictures as defined in this section. Motion picture production company shall not mean or
9 include:

10 (a) Any company owned, affiliated, or controlled, in whole or in part, by any company or
11 person who or that is in default:

12 (i) On taxes owed to the state; or

13 (ii) On a loan made by the state in the application year; or

14 (iii) On a loan guaranteed by the state in the application year; or

15 (b) Any company or person who or that has discharged an obligation to pay or repay
16 public funds or monies by:

17 (i) Filing a petition under any federal or state bankruptcy or insolvency law;

18 (ii) Having a petition filed under any federal or state bankruptcy or insolvency law
19 against such company or person;

20 (iii) Consenting to, or acquiescing or joining in, a petition named in (i) or (ii);

21 (iv) Consenting to, or acquiescing or joining in, the appointment of a custodian, receiver,
22 trustee, or examiner for such company's or person's property; or

23 (v) Making an assignment for the benefit of creditors or admitting in writing or in any
24 legal proceeding its insolvency or inability to pay debts as they become due.

25 (9) "Primary locations" means the locations that (1) At least fifty-one percent (51%) of
26 the motion picture principal photography days are filmed; or (2) At least fifty-one percent (51%)
27 of the motion picture's final production budget is spent and employs at least five (5) individuals
28 during the production in this state; or (3) For documentary productions, the location of at least
29 fifty-one percent (51%) of the total productions days, which shall include pre-production and
30 post-production locations.

31 (10) "Rhode Island film and television office" means an office-~~within the department of~~
32 ~~administration~~ [Rhode Island Council on the Arts](#) that has been established in order to promote
33 and encourage the locating of film and television productions within the state of Rhode Island.
34 The office is also referred to within as the "film office".

1 (11) "State-certified production" means a motion picture production approved by the
2 Rhode Island film office and produced by a motion picture production company domiciled in
3 Rhode Island, whether or not such company owns or controls the copyright and distribution rights
4 in the motion picture; provided, that such company has either:

5 (a) Signed a viable distribution plan; or

6 (b) Is producing the motion picture for:

7 (i) A major motion picture distributor;

8 (ii) A major theatrical exhibitor;

9 (iii) Television network; or

10 (iv) Cable television programmer.

11 (12) "State-certified production cost" means any pre-production, production, and post-
12 production cost that a motion picture production company incurs and pays to the extent it occurs
13 within the state of Rhode Island. Without limiting the generality of the foregoing, "state-certified
14 production costs" include: set construction and operation; wardrobes, make-up, accessories, and
15 related services; costs associated with photography and sound synchronization, lighting, and
16 related services and materials; editing and related services, including, but not limited to: film
17 processing, transfers of film to tape or digital format, sound mixing, computer graphics services,
18 special effects services, and animation services, salary, wages, and other compensation, including
19 related benefits, of persons employed, either directly or indirectly, in the production of a film
20 including writer, motion picture director, producer (provided the work is performed in the state of
21 Rhode Island); rental of facilities and equipment used in Rhode Island; leasing of vehicles; costs
22 of food and lodging; music, if performed, composed, or recorded by a Rhode Island musician, or
23 released or published by a person domiciled in Rhode Island; travel expenses incurred to bring
24 persons employed, either directly or indirectly, in the production of the motion picture, to Rhode
25 Island (but not expenses of such persons departing from Rhode Island); and legal (but not the
26 expense of a completion bond or insurance and accounting fees and expenses related to the
27 production's activities in Rhode Island); provided such services are provided by Rhode Island
28 licensed attorneys or accountants.

29 **44-31.2-6. Certification and administration.**

30 (a) *Initial certification of a production.* The applicant shall properly prepare, sign and
31 submit to the film office an application for initial certification of the Rhode Island production.
32 The application shall include such information and data as the film office deems necessary for the
33 proper evaluation and administration of said application, including, but not limited to, any
34 information about the motion picture production company, and a specific Rhode Island motion

1 picture. The film office shall review the completed application and determine whether it meets
2 the requisite criteria and qualifications for the initial certification for the production. If the initial
3 certification is granted, the film office shall issue a notice of initial certification of the motion
4 picture production to the motion picture production company and to the tax administrator. The
5 notice shall state that, after appropriate review, the initial application meets the appropriate
6 criteria for conditional eligibility. The notice of initial certification will provide a unique
7 identification number for the production and is only a statement of conditional eligibility for the
8 production and, as such, does not grant or convey any Rhode Island tax benefits.

9 **(b) Final certification of a production.** Upon completion of the Rhode Island production
10 activities, the applicant shall request a certificate of good standing from the Rhode Island division
11 of taxation. Such certificates shall verify to the film office the motion picture production
12 company's compliance with the requirements of subsection 44-31.2-2(5). The applicant shall
13 properly prepare, sign and submit to the film office an application for final certification of the
14 production and which must include the certificate of good standing from the division of taxation.
15 In addition, the application shall contain such information and data as the film office determines
16 is necessary for the proper evaluation and administration, including, but not limited to, any
17 information about the motion picture production company, its investors and information about the
18 production previously granted initial certification. The final application shall also contain a cost
19 report and an "accountant's certification". The film office and tax administrator may rely without
20 independent investigation, upon the accountant's certification, in the form of an opinion,
21 confirming the accuracy of the information included in the cost report. Upon review of a duly
22 completed and filed application, the film office will make a determination pertaining to the final
23 certification of the production. Within ninety (90) days after the division of taxation's receipt of
24 the motion picture production company final certification and cost report, the division of taxation
25 shall issue a certification of the amount of credit for which the motion picture production
26 company qualifies under § 44-31.2-5. To claim the tax credit, the division of taxation's
27 certification as to the amount of the tax credit shall be attached to all state tax returns on which
28 the credit is claimed.

29 **(c) Final certification and credits.** Upon determination that the motion picture production
30 company qualifies for final certification, the film office shall issue a letter to the production
31 company indicating "certificate of completion of a state certified production". A motion picture
32 production company is prohibited from using state funds, state loans or state guaranteed loans to
33 qualify for the motion picture tax credit. All documents that are issued by the film office pursuant
34 to this section shall reference the identification number that was issued to the production as part

1 of its initial certification.

2 (d) The director of ~~the department of administration,~~ [the Rhode Island Council on the](#)
3 [Arts](#), in consultation as needed with the tax administrator, shall promulgate such rules and
4 regulations as are necessary to carry out the intent and purposes of this chapter in accordance with
5 the general guidelines provided herein for the certification of the production and the resultant
6 production credit.

7 (e) The tax administrator of the division of taxation, in consultation with the director of
8 the Rhode Island film and television office, shall promulgate such rules and regulations as are
9 necessary to carry out the intent and purposes of this chapter in accordance with the general
10 guidelines for the tax credit provided herein.

11 (f) Any motion picture production company applying for the credit shall be required to
12 reimburse the division of taxation for any audits required in relation to granting the credit.

13 SECTION 18. Section 42-63.1-3 of the General Laws in Chapter 42-63.1 entitled
14 "Tourism and Development" is hereby amended to read as follows:

15 **42-63.1-3. Distribution of tax.**

16 (a) For returns and tax payments received on or before December 31, 2015, except as
17 provided in § 42-63.1-12, the proceeds of the hotel tax, excluding such portion of the hotel tax
18 collected from residential units offered for tourist or transient use through a hosting platform,
19 shall be distributed as follows by the division of taxation and the city of Newport:

20 (1) Forty-seven percent (47%) of the tax generated by the hotels in the district, except as
21 otherwise provided in this chapter, shall be given to the regional tourism district wherein the hotel
22 is located; provided, however, that from the tax generated by the hotels in the city of Warwick,
23 thirty-one percent (31%) of the tax shall be given to the Warwick regional tourism district
24 established in § 42-63.1-5(a)(5) and sixteen percent (16%) of the tax shall be given to the Greater
25 Providence-Warwick Convention and Visitors' Bureau established in § 42-63.1-11; and provided
26 further, that from the tax generated by the hotels in the city of Providence, sixteen percent (16%)
27 of that tax shall be given to the Greater Providence-Warwick Convention and Visitors' Bureau
28 established by § 42-63.1-11, and thirty-one percent (31%) of that tax shall be given to the
29 Convention Authority of the city of Providence established pursuant to the provisions of chapter
30 84 of the public laws of January, 1980; provided, however, that the receipts attributable to the
31 district as defined in § 42-63.1-5(a)(7) shall be deposited as general revenues, and that the
32 receipts attributable to the district as defined in § 42-63.1-5(a)(8) shall be given to the Rhode
33 Island commerce corporation as established in chapter 64 of title 42.

34 (2) Twenty-five percent (25%) of the hotel tax shall be given to the city or town where

1 the hotel, which generated the tax, is physically located, to be used for whatever purpose the city
2 or town decides. [The tax administrator is authorized to withhold and offset from any distribution](#)
3 [pursuant to this section any amounts owed to state agencies consistent with the requirements of](#)
4 [R.I. Gen. Laws § 45-13-1.1.](#)

5 (3) Twenty-one (21%) of the hotel tax shall be given to the Rhode Island commerce
6 corporation established in chapter 64 of title 42, and seven percent (7%) to the Greater
7 Providence-Warwick Convention and Visitors' Bureau.

8 (b) For returns and tax payments received after December 31, 2015, except as provided in
9 § 42-63.1-12, the proceeds of the hotel tax, excluding such portion of the hotel tax collected from
10 residential units offered for tourist or transient use through a hosting platform, shall be distributed
11 as follows by the division of taxation and the city of Newport:

12 (1) For the tax generated by the hotels in the Aquidneck Island district, as defined in §
13 42-63.1-5, forty-two percent (42%) of the tax shall be given to the Aquidneck Island district,
14 twenty-five (25%) of the tax shall be given to the city or town where the hotel, which generated
15 the tax, is physically located, five percent (5%) of the tax shall be given to the Greater
16 Providence-Warwick Convention and Visitors Bureau established in § 42-63.1-11, and twenty-
17 eight percent (28%) of the tax shall be given to the Rhode Island commerce corporation
18 established in chapter 64 of title 42.

19 (2) For the tax generated by the hotels in the Providence district as defined in § 42-63.1-
20 5, twenty eight percent (28%) of the tax shall be given to the Providence district, twenty-five
21 percent (25%) of the tax shall be given to the city or town where the hotel, which generated the
22 tax, is physically located, twenty-three (23%) of the tax shall be given to the Greater Providence-
23 Warwick Convention and Visitors Bureau established in § 42-63.1-11, and twenty-four (24%) of
24 the tax shall be given to the Rhode Island commerce corporation established in chapter 64 of title
25 42.

26 (3) For the tax generated by the hotels in the Warwick district as defined in § 42-63.1-5,
27 twenty-eight percent (28%) of the tax shall be given to the Warwick District, twenty-five percent
28 (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is
29 physically located, twenty-three percent (23%) of the tax shall be given to the Greater
30 Providence-Warwick Convention and Visitors Bureau established in § 42-63.1-11, and twenty-
31 four (24%) of the tax shall be given to the Rhode Island commerce corporation established in
32 chapter 64 of title 42.

33 (4) For the tax generated by the hotels in the Statewide district, as defined in § 42-63.1-5,
34 twenty-five percent (25%) of the tax shall be given to the city or town where the hotel, which

1 generated the tax, is physically located, five percent (5%) of the tax shall be given to the Greater
2 Providence-Warwick Convention and Visitors Bureau established in § 42-63.1-11, and seventy
3 percent (70%) of the tax shall be given to the Rhode Island commerce corporation established in
4 chapter 64 of title 42.

5 (5) With respect to the tax generated by hotels in districts other than those set forth in
6 subdivisions (b)(1) through (b)(4), forty-two percent (42%) of the tax shall be given to the
7 regional tourism district, as defined in § 42-63.1-5, wherein the hotel is located, twenty-five
8 percent (25%) of the tax shall be given to the city or town where the hotel, which generated the
9 tax, is physically located, five percent (5%) of the tax shall be given to the Greater Providence-
10 Warwick Convention and Visitors Bureau established in § 42-63.1-11, and twenty-eight (28%) of
11 the tax shall be given to the Rhode Island commerce corporation established in chapter 64 of title
12 42.

13 (c) The proceeds of the hotel tax collected from residential units offered for tourist or
14 transient use through a hosting platform shall be distributed as follows by the division of taxation
15 and the city of Newport: twenty-five percent (25%) of the tax shall be given to the city or town
16 where the residential unit, which generated the tax, is physically located, and seventy-five percent
17 (75%) of the tax shall be given to the Rhode Island commerce corporation established in chapter
18 64 of title 42.

19 (d) The Rhode Island commerce corporation shall be required in each fiscal year to spend
20 on the promotion and marketing of Rhode Island as a destination for tourists or businesses an
21 amount of money of no less than the total proceeds of the hotel tax it receives pursuant to this
22 chapter for such fiscal year.

23 (e) Notwithstanding the foregoing provisions of this section, for returns and tax payments
24 received on or after July 1, 2016 and on or before June 30, 2017, except as provided in § 42-63.1-
25 12, the proceeds of the hotel tax, excluding such portion of the hotel tax collected from residential
26 units offered for tourist or transient use through a hosting platform, shall be distributed in
27 accordance with the distribution percentages established in § 42-63.1-3(a)(1) through § 42-63.1-
28 3(a)(3) by the division of taxation and the city of Newport.

29 SECTION 19. Section 44-13-13 of the General Laws in Chapter 44-13 entitled "Public
30 Service Corporation Tax" is hereby amended to read as follows:

31 **44-13-13. Taxation of certain tangible personal property.**

32 The lines, cables, conduits, ducts, pipes, machines and machinery, equipment, and other
33 tangible personal property within this state of telegraph, cable, and telecommunications
34 corporations and express corporations, used exclusively in the carrying on of the business of the

1 corporation shall be exempt from local taxation; provided, that nothing in this section shall be
2 construed to exempt any "community antenna television system company" (CATV) from local
3 taxation; and provided, that the tangible personal property of companies exempted from local
4 taxation by the provisions of this section shall be subject to taxation in the following manner:

5 (1) *Definitions.* Whenever used in this section and in §§ 44-13-13.1 and 44-13-13.2,
6 unless the context otherwise requires:

7 (i) "Average assessment ratio" means the total assessed valuation as certified on tax rolls
8 for the reference year divided by the full market value of the valuation as computed by the Rhode
9 Island department of revenue in accordance with § 16-7-21;

10 (ii) "Average property tax rate" means the statewide total property levy divided by the
11 statewide total assessed valuation as certified on tax rolls for the most recent tax year;

12 (iii) "Company" means any telegraph, cable, telecommunications, or express company
13 doing business within the state of Rhode Island;

14 (iv) "Department" means the department of revenue;

15 (v) "Population" shall mean the population as determined by the most recent census;

16 (vi) "Reference year" means the calendar year two (2) years prior to the calendar year
17 preceding that in which the tax payment provided for by this section is levied;

18 (vii) "Value of tangible personal property" of companies means the net book value of
19 tangible personal property of each company doing business in this state as computed by the
20 department of revenue. "Net book value" means the original cost less accumulated depreciation;
21 provided, that no tangible personal property shall be depreciated more than seventy-five percent
22 (75%) of its original cost.

23 (2) On or before March 1 of each year, each company shall declare to the department, on
24 forms provided by the department, the value of its tangible personal property in the state of
25 Rhode Island on the preceding December 31.

26 (3) On or before April 1, 1982 and each April 1 thereafter of each year, the division of
27 property valuation shall certify to the tax administrator the average property tax rate, the average
28 assessment ratio, and the value of tangible personal property of each company.

29 (4) The tax administrator shall apply the average assessment ratio and the average tax rate
30 to the value of tangible personal property of each company and, by April 15 of each year, shall
31 notify the companies of the amount of tax due. For each filing relating to tangible personal
32 property as of December 31, 2008 and thereafter the tax rate applied by the tax administrator shall
33 be not less than the rate applied in the prior year.

34 (5) The tax shall be due and payable within sixty (60) days of the mailing of the notice by

1 the tax administrator. If the entire tax is not paid to the tax administrator when due, there shall be
2 added to the unpaid portion of the tax, and made a part of the tax, interest at the rate provided for
3 in § 44-1-7 from the date the tax was due until the date of the payment. The amount of any tax,
4 including interest, imposed by this section shall be a debt due from the company to the state, shall
5 be recoverable at law in the same manner as other debts, and shall, until collected, constitute a
6 lien upon all the company's property located in this state.

7 (6) The proceeds from the tax shall be allocated in the following manner:

8 (i) Payment of reasonable administrative expenses incurred by the department of revenue,
9 not to exceed three quarters of one percent (.75%), the payment to be identified as general
10 revenue and appropriated directly to the department;

11 (ii) The remainder of the proceeds shall be deposited in a restricted revenue account and
12 shall be apportioned to the cities and towns within this state on the basis of the ratio of the city or
13 town population to the population of the state as a whole. Estimated revenues shall be distributed
14 to cities and towns by July 30 and may be recorded as a receivable by each city and town for the
15 prior fiscal year. [The Department is authorized to withhold and offset from any distribution](#)
16 [pursuant to this section any amounts owed to state agencies consistent with the requirements of](#)
17 [R.I. Gen. Laws § 45-13-1.1.](#)

18 SECTION 20. Section 44-18-18.1 of the General Laws in Chapter 44-18 entitled “Sales
19 and Use Taxes – Liability and Computation” is hereby amended to read as follows:

20 **44-18-18.1. Local meals and beverage tax.**

21 (a) There is hereby levied and imposed, upon every purchaser of a meal and/or beverage,
22 in addition to all other taxes and fees now imposed by law, a local meals and beverage tax upon
23 each and every meal and/or beverage sold within the state of Rhode Island in or from an eating
24 and/or drinking establishment, whether prepared in the eating and/or drinking establishment or
25 not and whether consumed at the premises or not, at a rate of one percent of the gross receipts.
26 The tax shall be paid to the tax administrator by the retailer at the time and in the manner
27 provided.

28 (b) All sums received by the division of taxation under this section as taxes, penalties, or
29 forfeitures, interest, costs of suit, and fines shall be distributed at least quarterly and credited and
30 paid by the state treasurer to the city or town where the meals and beverages are delivered. [The](#)
31 [tax administrator is authorized to withhold and offset from any distribution pursuant to this](#)
32 [section any amounts owed to state agencies consistent with the requirements of R.I. Gen. Laws §](#)
33 [45-13-1.1.](#)

34 (c) When used in this section, the following words have the following meanings:

1 (1) "Beverage" means all nonalcoholic beverages, as well as alcoholic beverages, beer,
2 lager beer, ale, porter, wine, similar fermented malt, or vinous liquor.

3 (2) "Eating and/or drinking establishment" means and includes restaurants, bars, taverns,
4 lounges, cafeterias, lunch counters, drive-ins, roadside ice cream and refreshment stands, fish-
5 and-chip places, fried chicken places, pizzerias, food-and-drink concessions, or similar facilities
6 in amusement parks, bowling alleys, clubs, caterers, drive-in theatres, industrial plants, race
7 tracks, shore resorts or other locations, lunch carts, mobile canteens and other similar vehicles,
8 and other like places of business that furnish or provide facilities for immediate consumption of
9 food at tables, chairs, or, counters or from trays, plates, cups, or other tableware, or in parking
10 facilities provided primarily for the use of patrons in consuming products purchased at the
11 location. Ordinarily, eating establishment does not mean and include food stores and
12 supermarkets. Eating establishments does not mean "vending machines," a self-contained
13 automatic device that dispenses for sale foods, beverages, or confection products. Retailers
14 selling prepared foods in bulk, either in customer-furnished containers or in the seller's
15 containers, for example "Soup and Sauce" establishments, are deemed to be selling prepared
16 foods ordinarily for immediate consumption and, as such, are considered eating establishments.

17 (3) "Meal" means any prepared food or beverage offered or held out for sale by an eating
18 and/or drinking establishment for the purpose of being consumed by any person to satisfy the
19 appetite and that is ready for immediate consumption. All such food and beverage, unless
20 otherwise specifically exempted or excluded herein shall be included, whether intended to be
21 consumed on the seller's premises or elsewhere, whether designated as breakfast, lunch, snack,
22 dinner, supper, or by some other name, and without regard to the manner, time, or place of
23 service.

24 (d) This local meals and beverage tax shall be administered and collected by the division
25 of taxation, and unless provided to the contrary in this chapter, all of the administration,
26 collection, and other provisions of chapters 18 and 19 of this title apply.

27 In recognition of the work being performed by the streamlined sales and use tax
28 governing board, upon passage of any federal law that authorizes states to require remote sellers
29 to collect and remit sales and use taxes, the rate imposed under this section shall be increased
30 from one percent (1%) to one and one-half percent (1.5%). The one and one-half percent (1.5%)
31 rate shall take effect on the date that the state requires remote sellers to collect and remit sales and
32 use taxes.

33 SECTION 21. Section 45-13-1.1 of the General Laws in Chapter 45-13 entitled "Aid
34 reduced by amounts owed state entities" is hereby amended to read as follows:

1 **45-13-1.1. Aid reduced by amounts owed state entities.**

2 If any city or town fails to pay any assessment, bill, or charge levied, presented, or
3 imposed by any public or quasi-public board, commission, corporation, council, authority,
4 agency, department, committee or other similar body organized under the laws of this state,
5 within ninety (90) ~~one hundred eighty (180)~~ days of the presentment for payment of the
6 assessment, bill, or charge to the city or town, then there shall be deducted from any state aid
7 determined to be due under the provisions of this chapter, or from any funds distributed pursuant
8 to chapters 44-18 (sales and use tax) and 44-13 (public service corporation tax) of Title 44, and an
9 amount equal to that due and owing any or all of those commissions; provided, that the amount of
10 any deduction shall be reduced by the amount of any bill or charge presented for payment by city
11 or town to the state, which bill or charge has not been paid by the state within ninety (90) ~~one~~
12 ~~hundred eighty (180)~~ days of presentment.

13 SECTION 22. This Article shall take effect upon passage.

14 **ARTICLE 4**

15 RELATING TO TAXES AND REVENUE

16 SECTION 1. Sections 42-61-4 and 42-61-15 of the General Laws in Chapter 61 entitled
17 “State Lottery” are hereby amended to read as follows:

18 **42-61-4. Powers and duties of director.**

19 The director shall have the power and it shall be his or her duty to:

- 20 (1) Supervise and administer the operation of lotteries in accordance with this chapter,
21 chapter 61.2 of this title and with the rules and regulations of the division;
- 22 (2) Act as the chief administrative officer having general charge of the office and records
23 and to employ necessary personnel to serve at his or her pleasure and who shall be in the
24 unclassified service and whose salaries shall be set by the director of the department of revenue,
25 pursuant to the provisions of § 42-61-3.
- 26 (3) In accordance with this chapter and the rules and regulations of the division, license
27 as agents to sell lottery tickets those persons, as in his or her opinion, who will best serve the
28 public convenience and promote the sale of tickets or shares. The director may require a bond
29 from every licensed agent, in an amount provided in the rules and regulations of the division.
30 Every licensed agent shall prominently display his or her license, or a copy of their license, as
31 provided in the rules and regulations of the committee;
- 32 (4) Confer regularly as necessary or desirable, and not less than nine (9) times per year,
33 with the permanent joint committee on state lottery on the operation and administration of the
34 lotteries; make available for inspection by the committee, upon request, all books, records, files,

1 and other information, and documents of the division; advise the committee and recommend
2 those matters that he or she deems necessary and advisable to improve the operation and
3 administration of the lotteries;

4 (5) Suspend or revoke any license issued pursuant to this chapter, chapter 61.2 of this title
5 or the rules and regulations promulgated under this chapter and chapter 61.2 of this title;

6 (6) Enter into contracts for the operation of the lotteries, or any part of the operation of
7 the lotteries, and into contracts for the promotion of the lotteries;

8 (7) Ensure that monthly financial reports are prepared providing gross monthly revenues,
9 prize disbursements, other expenses, net income, and the amount transferred to the state general
10 fund for keno and for all other lottery operations; submit this report to the state budget officer, the
11 auditor general, the permanent joint committee on state lottery, the legislative fiscal advisors, and
12 the governor no later than the twentieth business day following the close of the month; the
13 monthly report shall be prepared in a manner prescribed by the members of the revenues
14 estimating conference; at the end of each fiscal year the director shall submit an annual report
15 based upon an accrual system of accounting which shall include a full and complete statement of
16 lottery revenues, prize disbursements and expenses, to the governor and the general assembly,
17 which report shall be a public document and shall be filed with the secretary of state;

18 (8) Carry on a continuous study and investigation of the state lotteries throughout the
19 state, and the operation and administration of similar laws, which may be in effect in other states
20 or countries; and the director shall continue to exercise his authority to study, evaluate and where
21 deemed feasible and advisable by the director, implement lottery-related initiatives, including but
22 not limited to, pilot programs for limited periods of time, with the goal of generating additional
23 revenues to be transferred by the Lottery to the general fund pursuant to R.I. Gen. Laws §42-61-
24 15(3). Each such initiative shall be subjectively evaluated from time to time using measurable
25 criteria to determine whether the initiative is generating revenue to be transferred by the Lottery
26 to the general fund. Nothing herein shall be deemed to permit the implementation of an initiative
27 that would constitute an expansion of gambling requiring voter approval under applicable Rhode
28 Island law.

29 (9) Implement the creation and sale of commercial advertising space on lottery tickets as
30 authorized by § 42-61-4 of this chapter as soon as practicable after June 22, 1994;

31 (10) Promulgate rules and regulations, which shall include, but not be limited to:

32 (i) The price of tickets or shares in the lotteries;

33 (ii) The number and size of the prizes on the winning tickets or shares;

34 (iii) The manner of selecting the winning tickets or shares;

- 1 (iv) The manner of payment of prizes to the holders of winning tickets or shares;
- 2 (v) The frequency of the drawings or selections of winning tickets or shares;
- 3 (vi) The number and types of location at which tickets or shares may be sold;
- 4 (vii) The method to be used in selling tickets or shares;
- 5 (viii) The licensing of agents to sell tickets or shares, except that a person under the age
- 6 of eighteen
- 7 (18) shall not be licensed as an agent;
- 8 (ix) The license fee to be charged to agents;
- 9 (x) The manner in which the proceeds of the sale of lottery tickets or shares are
- 10 maintained, reported, and otherwise accounted for;
- 11 (xi) The manner and amount of compensation to be paid licensed sales agents necessary
- 12 to provide for the adequate availability of tickets or shares to prospective buyers and for the
- 13 convenience of the general public;
- 14 (xii) The apportionment of the total annual revenue accruing from the sale of lottery
- 15 tickets or shares and from all other sources for the payment of prizes to the holders of winning
- 16 tickets or shares, for the payment of costs incurred in the operation and administration of the
- 17 lotteries, including the expense of the division and the costs resulting from any contract or
- 18 contracts entered into for promotional, advertising, consulting, or operational services or for the
- 19 purchase or lease of facilities, lottery equipment, and materials, for the repayment of moneys
- 20 appropriated to the lottery fund;
- 21 (xiii) The superior court upon petition of the director after a hearing may issue subpoenas
- 22 to compel the attendance of witnesses and the production of documents, papers, books, records,
- 23 and other evidence in any matter over which it has jurisdiction, control or supervision. If a person
- 24 subpoenaed to attend in the proceeding or hearing fails to obey the command of the subpoena
- 25 without reasonable cause, or if a person in attendance in the proceeding or hearing refuses
- 26 without lawful cause to be examined or to answer a legal or pertinent question or to exhibit any
- 27 book, account, record, or other document when ordered to do so by the court, that person may be
- 28 punished for contempt of the court;
- 29 (xiv) The manner, standards, and specification for the process of competitive bidding for
- 30 division purchases and contracts; and
- 31 (xv) The sale of commercial advertising space on the reverse side of, or in other available
- 32 areas upon, lottery tickets provided that all net revenue derived from the sale of the advertising
- 33 space shall be deposited immediately into the state's general fund and shall not be subject to the
- 34 provisions of § 42-61-15.

1 **42-61-15. State lottery fund.**

2 (a) There is created the state lottery fund, into which shall be deposited all revenues
3 received by the division from the sales of lottery tickets and license fees. The fund shall be in the
4 custody of the general treasurer, subject to the direction of division for the use of the division, and
5 money shall be disbursed from it on the order of the controller of the state, pursuant to vouchers
6 or invoices signed by the director and certified by the director of administration. The moneys in
7 the state lottery fund shall be allotted in the following order, and only for the following purposes:

8 (1) Establishing a prize fund from which payments of the prize awards shall be disbursed
9 to holders of winning lottery tickets on checks signed by the director and countersigned by the
10 controller of the state or his or her designee.

11 (i) The amount of payments of prize awards to holders of winning lottery tickets shall be
12 determined by the division, but shall not be less than forty-five percent (45%) nor more than
13 sixty-five percent (65%) of the total revenue accruing from the sale of lottery tickets.

14 (ii) For the lottery game commonly known as "Keno", the amount of prize awards to
15 holders of winning Keno tickets shall be determined by the division, but shall not be less than
16 forty-five percent (45%) nor more than seventy-two percent (72%) of the total revenue accruing
17 from the sale of Keno tickets.

18 (2) Payment of expenses incurred by the division in the operation of the state lotteries
19 including, but not limited to, costs arising from contracts entered into by the director for
20 promotional, consulting, or operational services, salaries of professional, technical, and clerical
21 assistants, and purchases or lease of facilities, lottery equipment, and materials; provided
22 however, solely for the purpose of determining revenues remaining and available for transfer to
23 the state's general fund, ~~beginning in fiscal year 2015~~ expenses incurred by the division in the
24 operation of state lotteries shall reflect (i) beginning in fiscal year 2015, the actuarially
25 determined employer contribution to the Employees' Retirement System consistent with the
26 state's adopted funding policy and (ii) beginning in fiscal year 2018, the actuarially determined
27 employer contribution to the State Employees and Electing Teachers' OPEB System consistent
28 with the state's adopted funding policy. For financial reporting purposes, the state lottery fund
29 financial statements shall be prepared in accordance with generally accepted accounting
30 principles as promulgated by the Governmental Accounting Standards Board; and

31 (3) Payment into the general revenue fund of all revenues remaining in the state lottery
32 fund after the payments specified in subdivisions (a)(1) – (a)(2) of this section.

33 (b) The auditor general shall conduct an annual post audit of the financial records and
34 operations of the lottery for the preceding year in accordance with generally accepted auditing

1 standards and government auditing standards. In connection with the audit, the auditor general
2 may examine all records, files, and other documents of the division, and any records of lottery
3 sales agents that pertain to their activities as agents, for purposes of conducting the audit. The
4 auditor general, in addition to the annual post audit, may require or conduct any other audits or
5 studies he or she deems appropriate, the costs of which shall be borne by the division.

6 (c) Payments into the state's general fund specified in subsection (a)(3) of this section
7 shall be made on an estimated quarterly basis. Payment shall be made on the tenth business day
8 following the close of the quarter except for the fourth quarter when payment shall be on the last
9 business day.

10 SECTION 2. Chapter 42-61.2 of the General Laws entitled "Video-Lottery Terminal" is
11 hereby amended by adding thereto the following section:

12 **42-61.2-2.4. State to conduct sports wagering hosted by Twin River and the Tiverton**
13 **Gaming Facility. –**

14 (a) Article VI, Section 22 of the Rhode Island Constitution provides that "[n]o act
15 expanding the types or locations of gambling permitted within the state or within any city or town
16 . . . shall take effect until it has been approved by the majority of those electors voting in a
17 statewide referendum and by the majority of those electors voting in said referendum in the
18 municipality in which the proposed gambling would be allowed . . ."

19 (b) In the 2012 general election, a majority of Rhode Island voters statewide and in the
20 Town of Lincoln approved the following referendum question (among others):

21 "Shall an act be approved which would authorize the facility known as "Twin River" in
22 the town of Lincoln to add state-operated casino gaming, such as table games, to the types of
23 gambling it offers?"

24 (c) Similarly, in the 2016 general election, a majority of Rhode Island voters statewide
25 and in the Town of Tiverton approved the following referendum question (among others):

26 "Shall an act be approved which would authorize a facility owned by Twin River-
27 Tiverton, LLC, located in the Town of Tiverton at the intersection of William S. Canning
28 Boulevard and Stafford Road, to be licensed as a pari-mutuel facility and offer state-operated
29 video-lottery games and state-operated casino gaming, such as table games?"

30 (d) In the voter information handbooks setting forth and explaining the question in each
31 instance, "casino gaming" was defined to include games "within the definition of Class III
32 gaming as that term is defined in section 2703(8) of Title 25 of the United States Code and which
33 is approved by the State of Rhode Island through the Lottery Division." "Casino gaming" is also
34 defined to include games within the definition of class III gaming in section 42-61.2-1 of the

1 general laws.

2 (e) Section 2703(8) of Title 25 US Code (part of the Indian Gaming Regulatory Act, or
3 “IGRA”) provides that the term “class III gaming” means “all forms of gaming that are not class I
4 gaming or class II gaming.” The regulations promulgated under IGRA (25 CFR 502.4) expressly
5 state that Class III gaming includes sports wagering.

6 (f) Thus, voters state-wide and locally approved state-operated sports wagering to be
7 offered by the Twin River and Tiverton gaming facilities. Voter approval of sports wagering shall
8 be implemented by providing an infrastructure for state-operated sports wagering offered by the
9 Twin River gaming facilities in Lincoln and Tiverton, by authorizing necessary amendments to
10 certain contracts and by authorizing the division of lotteries to promulgate regulations to direct
11 and control state-operated sports wagering, such infrastructure and authorizations to become
12 effective when federal law is enacted or repealed or the United States Supreme Court affirms the
13 authority of states to regulate sports wagering within their respective borders.

14 (g) State operated sports wagering shall be operated by the state through the division of
15 lotteries. Sports wagering may be conducted at (i) the Twin River Gaming Facility, located in
16 Lincoln at 100 Twin River Road and owned by UTGR, Inc., a licensed video lottery and table
17 game retailer, and at (ii) the Tiverton Gaming Facility, located in Tiverton at the intersection of
18 William S. Canning Boulevard and Stafford Road, and owned by Twin River-Tiverton, once
19 Twin River-Tiverton is licensed as a video lottery and table game retailer, provided that a federal
20 law has been enacted or repealed or a United States Supreme Court decision affirms the authority
21 of states to regulate sports wagering within their respective borders.

22 (h) Subject to the change in federal law referenced in subsection (a) above, the state
23 through the division of lotteries shall exercise its existing authority to implement, operate,
24 conduct and control sports wagering at the Twin River gaming facility and the Twin River-
25 Tiverton gaming facility in accordance with the provisions of this chapter and the rules and
26 regulations of the division of lotteries.

27 (i) Notwithstanding the provisions of this section, sports wagering shall be prohibited in
28 connection with any collegiate sports or athletic event that takes place in Rhode Island or a sports
29 contest or athletic event in which any Rhode Island college team participates, regardless of where
30 the event takes place.

31 (j) No other law providing any penalty or disability for conducting, hosting, maintaining,
32 supporting or participating in sports wagering, or any acts done in connection with sports
33 wagering, shall apply to the conduct, hosting, maintenance, support or participation in sports
34 wagering pursuant to this chapter.

1 SECTION 3. Sections 42-142-1 and 42-142-2 of the General Laws in Chapter entitled
2 “Department of Revenue” are hereby amended to read as follows:

3 **42-142-1. Department of revenue.**

4 (a) There is hereby established within the executive branch of state government a
5 department of revenue.

6 (b) The head of the department shall be the director of revenue, who shall be appointed
7 by the governor, with the advice and consent of the senate, and shall serve at the pleasure of the
8 governor.

9 (c) The department shall contain the division of taxation (chapter 1 of title 44), the
10 division of motor vehicles (chapter 2 of title 31), the division of state lottery (chapter 61 of title
11 42), the office of revenue analysis (chapter 142 of title 42), the division of municipal finance
12 (chapter 142 of title 42), and a collection unit (chapter 142 of title 42). Any reference to the
13 division of property valuation, division of property valuation and municipal finance, or office of
14 municipal affairs in the Rhode Island general laws shall mean the division of municipal finance.

15 **42-142-2. Powers and duties of the department.**

16 The department of revenue shall have the following powers and duties:

17 (a) To operate a division of taxation~~;~~

18 (b) To operate a division of motor vehicles;

19 (c) To operate a division of state lottery;

20 (d) To operate an office of revenue analysis; ~~and~~

21 (e) To operate a division of property valuation~~;~~ and;

22 (f) To operate a collection unit.

23 SECTION 4. Chapter 42-142 of the General Laws entitled “Department of Revenue” is
24 hereby amended by adding thereto the following section:

25 **42-142-8. Collection unit.**

26 (a) The director of the department of revenue is authorized to establish within the
27 department of revenue a collections unit for the purpose of assisting state agencies in the
28 collection of debts owed to the state. The director of the department of revenue may enter into an
29 agreement with any state agency(ies) to collect any delinquent debt owed to the state.

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

32 (c) The agency(ies) participating in the pilot program shall refer to the collection unit
33 within department of revenue, debts owed by delinquent debtors where the nature and amount of
34 the debt owed has been determined and reconciled by the agency and the debt is (i) the subject of

1 a written settlement agreement and/or written waiver agreement and the delinquent debtor has
2 failed to timely make payments under said agreement and/or waiver and is therefore in violation
3 of the terms of said agreement and/or waiver; (ii) the subject of a final administrative order or
4 decision and the debtor has not timely appealed said order or decision; (iii) the subject of final
5 order, judgement or decision of a court of competent jurisdiction and the debtor has not timely
6 appealed said order, judgement or decision. The collections unit shall not accept a referral of any
7 delinquent debt unless it satisfies (c)(i), (ii) or (iii) above.

8 (d) Any agency(ies) entering into an agreement with the department of revenue to allow
9 the collection unit of the department to collect a delinquent debt owed to the state shall indemnify
10 the department of revenue against injuries, actions, liabilities, or proceedings arising from the
11 collection, or attempted collection, by the collection unit of the debt owed to the state.

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

16 (f) At such time as the agency(ies) refers a delinquent debt to the collection unit, the
17 agency shall (i) represent in writing to the collection unit that it has complied with all applicable
18 state and federal laws and regulations relating to the collection of the debt, including, but not
19 limited to, the requirement to provide the debtor with the notice of referral to the collection unit
20 under section (e) above; and (ii) provide the collection unit personnel with all relevant supporting
21 documentation including, not limited to notices, invoices, ledgers, correspondence, agreements,
22 waivers, decisions, orders and judgements necessary for the collection unit to attempt to collect
23 the delinquent debt.

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

27 (h) Upon receipt of a referral of a delinquent debt from an agency(ies), the amount of the
28 delinquent debt shall accrue interest at an annual rate with such rate determined by adding two (2)
29 percent to the prime rate which was in effect on October 1 of the preceding year; provided
30 however, in no event shall the rate of interest exceed twenty-two (21%) per annum nor be less
31 than eighteen percent (18%) per annum.

32 (i) Upon receipt of a referral of a delinquent debt from the agency(ies), the collection unit
33 shall provide the delinquent debtor with a "Notice of Referral" advising the debtor that: (i) the
34 delinquent debt has been referred to the collection unit for collection; (ii) if payment in full of the

1 delinquent debt has not been received by the collection unit within thirty (30) days of the date of
2 the Notice of Referral, the debtor will be responsible to pay a fee of twelve percent (12%) of the
3 amount of the outstanding delinquent debt, with such fee to be applied to the costs and expenses
4 of the collection unit, including costs and expenses incurred to take further collection efforts; this
5 fee shall be in addition to any principal and interest owed; and (iii) the collection unit will initiate,
6 in its names, any action that is available under state law for the collection of the delinquent debt,
7 including, but not limited to, referring the debt to a third party to initiate said action.

8 (j) In the event that the delinquent debtor has not paid the delinquent debt in full within
9 thirty (30) days of the issuance of a “Notice of Referral” pursuant to subsection (i) above, the
10 collection unit shall impose upon each delinquent debtor a fee equal to twelve percent (12%) of
11 the amount of the outstanding delinquent debt.

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

16 (l) In exercising its authority under this section, the collection unit shall comply with all
17 state and federal laws and regulations related to the collection of debts.

18 (m) The director of the department may enter into contracts with any person or entity to
19 be paid on a contingent or fee or other basis, for services rendered to the collection unit where the
20 contract is for the collection of delinquent debt, interest, penalty and/or fee owed by the debtor.
21 Under such contracts, the contingent fee shall be based on the actual amount of the debt, interest,
22 penalties or fee collected.

23 (n) Upon of the receipt of payment from a delinquent debtor, whether a full or partial
24 payment, the collection unit shall disburse/deposit the proceeds of said payment in the following
25 order:

26 (i) to any person or entity owed for services under a contract entered into pursuant to
27 section (m) above;

28 (ii) to the appropriate federal account to reimburse the federal government funds owed to
29 them by the state from funds recovered;

30 (iii) into a restricted receipt account in the department of revenue, twelve percent (12%)
31 of the total amount collected from the delinquent debtor to be used to help defray the costs and
32 expenses of operating the collection unit; and

33 (iv) the balance of the amount collected to the referring agency.

34 (o) Notwithstanding the above, the establishment of a collection unit within the

1 department of revenue shall be contingent upon an annual appropriation by the general assembly
2 of amounts necessary and sufficient to cover the costs and expenses to establish, maintain and
3 operate the collection unit including, but not limited, computer hardware and software,
4 maintenance of the computer system to manage the system and personnel perform work within
5 the collection unit. In the event that the amount of the annual appropriation was sufficient to fund
6 the costs and expenses of operating the collection unit in any year, the amount in the restricted
7 receipt at the end of that fiscal year shall be deposited into the general fund or credited against
8 any future appropriation by the general assembly.

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

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

14 SECTION 5. Sections 44-18-7, 44-18-7.1, 44-18-7.3, 44-18-8, 44-18-15, 44-18-20, 44-
15 18-21, 44-18-22, 44-18-23, 44-18-25, and 44-19-7 of the General Laws in Chapter 44-18 entitled
16 “Sales and Use Taxes – Liability and Computation” are hereby amended to read as follows:

17 **44-18-7. Sales defined.**

18 "Sales" means and includes:

19 (1) Any transfer of title or possession, exchange, barter, lease, or rental, conditional or
20 otherwise, in any manner or by any means of tangible personal property for a consideration.
21 "Transfer of possession", "lease", or "rental" includes transactions found by the tax administrator
22 to be in lieu of a transfer of title, exchange, or barter.

23 (2) The producing, fabricating, processing, printing, or imprinting of tangible personal
24 property for a consideration for consumers who furnish either directly or indirectly the materials
25 used in the producing, fabricating, processing, printing, or imprinting.

26 (3) The furnishing and distributing of tangible personal property for a consideration by
27 social, athletic, and similar clubs and fraternal organizations to their members or others.

28 (4) The furnishing, preparing, or serving for consideration of food, meals, or drinks,
29 including any cover, minimum, entertainment, or other charge in connection therewith.

30 (5) A transaction whereby the possession of tangible personal property is transferred, but
31 the seller retains the title as security for the payment of the price.

32 (6) Any withdrawal, except a withdrawal pursuant to a transaction in foreign or interstate
33 commerce, of tangible personal property from the place where it is located for delivery to a point
34 in this state for the purpose of the transfer of title or possession, exchange, barter, lease, or rental,

1 conditional or otherwise, in any manner or by any means whatsoever, of the property for a
2 consideration.

3 (7) A transfer for a consideration of the title or possession of tangible personal property,
4 which has been produced, fabricated, or printed to the special order of the customer, or any
5 publication.

6 (8) The furnishing and distributing of electricity, natural gas, artificial gas, steam,
7 refrigeration, and water.

8 (9)(i) The furnishing for consideration of intrastate, interstate and international
9 telecommunications service sourced in this state in accordance with subsections 44-18.1(15) and
10 (16) and all ancillary services, any maintenance services of telecommunication equipment other
11 than as provided for in subdivision 44-18-12(b)(ii). For the purposes of chapters 18 and 19 of this
12 title only, telecommunication service does not include service rendered using a prepaid telephone
13 calling arrangement.

14 (ii) Notwithstanding the provisions of paragraph (i) of this subdivision, in accordance
15 with the Mobile Telecommunications Sourcing Act (4 U.S.C. §§ 116 – 126), subject to the
16 specific exemptions described in 4 U.S.C. § 116(c), and the exemptions provided in §§ 44-18-8
17 and 44-18-12, mobile telecommunications services that are deemed to be provided by the
18 customer's home service provider are subject to tax under this chapter if the customer's place of
19 primary use is in this state regardless of where the mobile telecommunications services originate,
20 terminate or pass through. Mobile telecommunications services provided to a customer, the
21 charges for which are billed by or for the customer's home service provider, shall be deemed to be
22 provided by the customer's home service provider.

23 (10) The furnishing of service for transmission of messages by telegraph, cable, or radio
24 and the furnishing of community antenna television, subscription television, and cable television
25 services.

26 (11) The rental of living quarters in any hotel, rooming house, or tourist camp.

27 (12) The transfer for consideration of prepaid telephone calling arrangements and the
28 recharge of prepaid telephone calling arrangements sourced to this state in accordance with §§
29 44-18.1-11 and 44-18.1-15. "Prepaid telephone calling arrangement" means and includes prepaid
30 calling service and prepaid wireless calling service.

31 (13) The sale, storage, use or other consumption of over-the-counter drugs as defined in
32 paragraph 44-18-7.1(h)(ii).

33 (14) The sale, storage, use or other consumption of prewritten computer software
34 delivered electronically or by load and leave as defined in paragraph 44-18-7.1(g)(v).

1 [\(15\) The sale, storage, use or other consumption of vendor-hosted prewritten computer](#)
2 [software as defined in paragraph 44-18-7.1\(g\)\(vii\).](#)

3 ~~(165)~~ The sale, storage, use or other consumption of medical marijuana as defined in §
4 21-28.6-3. ~~(176)~~ The furnishing of services in this state as defined in § 44-18-7.3.

5 **44-18-7.1. Additional Definitions.**

6 (a) "Agreement" means the streamlined sales and use tax agreement.

7 (b) "Alcoholic beverages" means beverages that are suitable for human consumption and
8 contain one-half of one percent (.5%) or more of alcohol by volume.

9 (c) "Bundled transaction" is the retail sale of two or more products, except real property
10 and services to real property, where (1) The products are otherwise distinct and identifiable, and
11 (2) The products are sold for one non-itemized price. A "bundled transaction" does not include
12 the sale of any products in which the "sales price" varies, or is negotiable, based on the selection
13 by the purchaser of the products included in the transaction.

14 (i) "Distinct and identifiable products" does not include:

15 (A) Packaging – such as containers, boxes, sacks, bags, and bottles – or other materials –
16 such as wrapping, labels, tags, and instruction guides – that accompany the "retail sale" of the
17 products and are incidental or immaterial to the "retail sale" thereof. Examples of packaging that
18 are incidental or immaterial include grocery sacks, shoeboxes, dry cleaning garment bags, and
19 express delivery envelopes and boxes.

20 (B) A product provided free of charge with the required purchase of another product. A
21 product is "provided free of charge" if the "sales price" of the product purchased does not vary
22 depending on the inclusion of the products "provided free of charge."

23 (C) Items included in the member state's definition of "sales price," pursuant to appendix
24 C of the agreement.

25 (ii) The term "one non-itemized price" does not include a price that is separately
26 identified by product on binding sales or other supporting sales-related documentation made
27 available to the customer in paper or electronic form including, but not limited to, an invoice, bill
28 of sale, receipt, contract, service agreement, lease agreement, periodic notice of rates and
29 services, rate card, or price list.

30 (iii) A transaction that otherwise meets the definition of a "bundled transaction" as
31 defined above, is not a "bundled transaction" if it is:

32 (A) The "retail sale" of tangible personal property and a service where the tangible
33 personal property is essential to the use of the service, and is provided exclusively in connection
34 with the service, and the true object of the transaction is the service; or

1 (B) The "retail sale" of services where one service is provided that is essential to the use
2 or receipt of a second service and the first service is provided exclusively in connection with the
3 second service and the true object of the transaction is the second service; or

4 (C) A transaction that includes taxable products and nontaxable products and the
5 "purchase price" or "sales price" of the taxable products is de minimis.

6 1. De minimis means the seller's "purchase price" or "sales price" of the taxable products
7 is ten percent (10%) or less of the total "purchase price" or "sales price" of the bundled products.

8 2. Sellers shall use either the "purchase price" or the "sales price" of the products to
9 determine if the taxable products are de minimis. Sellers may not use a combination of the
10 "purchase price" and "sales price" of the products to determine if the taxable products are de
11 minimis.

12 3. Sellers shall use the full term of a service contract to determine if the taxable products
13 are de minimis; or

14 (D) The "retail sale" of exempt tangible personal property and taxable tangible personal
15 property where:

16 1. The transaction includes "food and food ingredients", "drugs", "durable medical
17 equipment", "mobility enhancing equipment", "over-the-counter drugs", "prosthetic devices" (all
18 as defined in this section) or medical supplies; and

19 2. Where the seller's "purchase price" or "sales price" of the taxable tangible personal
20 property is fifty percent (50%) or less of the total "purchase price" or "sales price" of the bundled
21 tangible personal property. Sellers may not use a combination of the "purchase price" and "sales
22 price" of the tangible personal property when making the fifty percent (50%) determination for a
23 transaction.

24 (d) "Certified automated system (CAS)" means software certified under the agreement to
25 calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to
26 remit to the appropriate state, and maintain a record of the transaction.

27 (e) "Certified service provider (CSP)" means an agent certified under the agreement to
28 perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on
29 its own purchases.

30 *(f) Clothing and Related Items*

31 (i) "Clothing" means all human wearing apparel suitable for general use.

32 (ii) "Clothing accessories or equipment" means incidental items worn on the person or in
33 conjunction with "clothing." "Clothing accessories or equipment" does not include "clothing",
34 "sport or recreational equipment", or "protective equipment."

1 (iii) "Protective equipment" means items for human wear and designed as protection of
2 the wearer against injury or disease or as protections against damage or injury of other persons or
3 property but not suitable for general use. "Protective equipment" does not include "clothing",
4 "clothing accessories or equipment", and "sport or recreational equipment."

5 (iv) "Sport or recreational equipment" means items designed for human use and worn in
6 conjunction with an athletic or recreational activity that are not suitable for general use. "Sport or
7 recreational equipment" does not include "clothing", "clothing accessories or equipment", and
8 "protective equipment."

9 (g) *Computer and Related Items*

10 (i) "Computer" means an electronic device that accepts information in digital or similar
11 form and manipulates it for a result based on a sequence of instructions.

12 (ii) "Computer software" means a set of coded instructions designed to cause a
13 "computer" or automatic data processing equipment to perform a task.

14 (iii) "Delivered electronically" means delivered to the purchaser by means other than
15 tangible storage media.

16 (iv) "Electronic" means relating to technology having electrical, digital, magnetic,
17 wireless, optical, electromagnetic, or similar capabilities.

18 (v) "Load and leave" means delivery to the purchaser by use of a tangible storage media
19 where the tangible storage media is not physically transferred to the purchaser.

20 (vi) "Prewritten computer software" means "computer software," including prewritten
21 upgrades, that is not designed and developed by the author or other creator to the specifications of
22 a specific purchaser. The combining of two (2) or more "prewritten computer software" programs
23 or prewritten portions thereof does not cause the combination to be other than "prewritten
24 computer software." "Prewritten computer software" includes software designed and developed
25 by the author or other creator to the specifications of a specific purchaser when it is sold to a
26 person other than the specific purchaser. Where a person modifies or enhances "computer
27 software" of which the person is not the author or creator, the person shall be deemed to be the
28 author or creator only of such person's modifications or enhancements. "Prewritten computer
29 software" or a prewritten portion thereof that is modified or enhanced to any degree, where such
30 modification or enhancement is designed and developed to the specifications of a specific
31 purchaser, remains "prewritten computer software"; provided, however, that where there is a
32 reasonable, separately stated charge or an invoice or other statement of the price given to the
33 purchaser for such modification or enhancement, such modification or enhancement shall not
34 constitute "prewritten computer software."

1 (vii) "Vendor-hosted prewritten computer software" means prewritten computer software
2 that is accessed through the Internet and/or a vendor-hosted server regardless of whether the
3 access is permanent or temporary and regardless of whether any downloading occurs.

4 *(h) Drugs and Related Items*

5 (i) "Drug" means a compound, substance, or preparation, and any component of a
6 compound, substance, or preparation, other than "food and food ingredients," "dietary
7 supplements" or "alcoholic beverages":

8 (A) Recognized in the official United States Pharmacopoeia, official Homeopathic
9 Pharmacopoeia of the United States, or official National Formulary, and supplement to any of
10 them; or

11 (B) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of
12 disease; or

13 (C) Intended to affect the structure or any function of the body.

14 "Drug" shall also include insulin and medical oxygen whether or not sold on prescription.

15 (ii) "Over-the-counter drug" means a drug that contains a label that identifies the product
16 as a drug as required by 21 C.F.R. § 201.66. The "over-the-counter drug" label includes:

17 (A) A "Drug Facts" panel; or

18 (B) A statement of the "active ingredient(s)" with a list of those ingredients contained in
19 the compound, substance, or preparation.

20 "Over-the-counter drug" shall not include "grooming and hygiene products."

21 (iii) "Grooming and hygiene products" are soaps and cleaning solutions, shampoo,
22 toothpaste, mouthwash, antiperspirants, and suntan lotions and screens, regardless of whether the
23 items meet the definition of "over-the-counter drugs."

24 (iv) "Prescription" means an order, formula, or recipe issued in any form of oral, written,
25 electronic, or other means of transmission by a duly licensed practitioner authorized by the laws
26 of the member state.

27 (i) "Delivery charges" means charges by the seller of personal property or services for
28 preparation and delivery to a location designated by the purchaser of personal property or services
29 including, but not limited to: transportation, shipping, postage, handling, crating, and packing.

30 "Delivery charges" shall not include the charges for delivery of "direct mail" if the
31 charges are separately stated on an invoice or similar billing document given to the purchaser.

32 (j) "Direct mail" means printed material delivered or distributed by United States mail or
33 other delivery service to a mass audience or to addressees on a mailing list provided by the
34 purchaser or at the direction of the purchaser when the cost of the items are not billed directly to

1 the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by
2 the purchaser to the direct mail seller for inclusion in the package containing the printed material.
3 "Direct mail" does not include multiple items of printed material delivered to a single address.

4 (k) "Durable medical equipment" means equipment including repair and replacement
5 parts for same which:

6 (i) Can withstand repeated use; and

7 (ii) Is primarily and customarily used to serve a medical purpose; and

8 (iii) Generally is not useful to a person in the absence of illness or injury; and

9 (iv) Is not worn in or on the body.

10 Durable medical equipment does not include mobility enhancing equipment.

11 *(l) Food and Related Items*

12 (i) "Food and food ingredients" means substances, whether in liquid, concentrated, solid,
13 frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are
14 consumed for their taste or nutritional value ~~and seeds and plants used to grow food and food~~
15 ~~ingredients.~~ "Food and food ingredients" does not include "alcoholic beverages", "tobacco",
16 "candy", "dietary supplements", and "soft drinks.", ~~or "marijuana seeds or plants."~~

17 (ii) "Prepared food" means:

18 (A) Food sold in a heated state or heated by the seller;

19 (B) Two (2) or more food ingredients mixed or combined by the seller for sale as a single
20 item; or

21 (C) Food sold with eating utensils provided by the seller, including: plates, knives, forks,
22 spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used
23 to transport the food.

24 "Prepared food" in (B) does not include food that is only cut, repackaged, or pasteurized
25 by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring
26 cooking by the consumer as recommended by the Food and Drug Administration in chapter 3,
27 part 401.11 of its Food Code so as to prevent food borne illnesses.

28 (iii) "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners
29 in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars,
30 drops, or pieces. "Candy" shall not include any preparation containing flour and shall require no
31 refrigeration.

32 (iv) "Soft drinks" means non-alcoholic beverages that contain natural or artificial
33 sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice,
34 or similar milk substitutes, or greater than fifty percent (50%) of vegetable or fruit juice by

1 volume.

2 (v) "Dietary supplement" means any product, other than "tobacco", intended to
3 supplement the diet that:

4 (A) Contains one or more of the following dietary ingredients:

5 1. A vitamin;

6 2. A mineral;

7 3. An herb or other botanical;

8 4. An amino acid;

9 5. A dietary substance for use by humans to supplement the diet by increasing the total
10 dietary intake; or

11 6. A concentrate, metabolite, constituent, extract, or combination of any ingredient
12 described above; and

13 (B) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or
14 if not intended for ingestion in such a form, is not represented as conventional food and is not
15 represented for use as a sole item of a meal or of the diet; and

16 (C) Is required to be labeled as a dietary supplement, identifiable by the "supplemental
17 facts" box found on the label and as required pursuant to 21 C.F.R. § 101.36.

18 (m) "Food sold through vending machines" means food dispensed from a machine or
19 other mechanical device that accepts payment.

20 (n) "Hotel" means every building or other structure kept, used, maintained, advertised as,
21 or held out to the public to be a place where living quarters are supplied for pay to transient or
22 permanent guests and tenants and includes a motel.

23 (i) "Living quarters" means sleeping rooms, sleeping or housekeeping accommodations,
24 or any other room or accommodation in any part of the hotel, rooming house, or tourist camp that
25 is available for or rented out for hire in the lodging of guests.

26 (ii) "Rooming house" means every house, boat, vehicle, motor court, or other structure
27 kept, used, maintained, advertised, or held out to the public to be a place where living quarters are
28 supplied for pay to transient or permanent guests or tenants, whether in one or adjoining
29 buildings.

30 (iii) "Tourist camp" means a place where tents or tent houses, or camp cottages, or cabins
31 or other structures are located and offered to the public or any segment thereof for human
32 habitation.

33 (o) "Lease or rental" means any transfer of possession or control of tangible personal
34 property for a fixed or indeterminate term for consideration. A lease or rental may include future

1 options to purchase or extend. Lease or rental does not include:

2 (i) A transfer of possession or control of property under a security agreement or deferred
3 payment plan that requires the transfer of title upon completion of the required payments;

4 (ii) A transfer of possession or control of property under an agreement that requires the
5 transfer of title upon completion of required payments and payment of an option price does not
6 exceed the greater of one hundred dollars (\$100) or one percent of the total required payments; or

7 (iii) Providing tangible personal property along with an operator for a fixed or
8 indeterminate period of time. A condition of this exclusion is that the operator is necessary for the
9 equipment to perform as designed. For the purpose of this subsection, an operator must do more
10 than maintain, inspect, or set-up the tangible personal property.

11 (iv) Lease or rental does include agreements covering motor vehicles and trailers where
12 the amount of consideration may be increased or decreased by reference to the amount realized
13 upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

14 (v) This definition shall be used for sales and use tax purposes regardless if a transaction
15 is characterized as a lease or rental under generally accepted accounting principles, the Internal
16 Revenue Code, the Uniform Commercial Code, or other provisions of federal, state, or local law.

17 (vi) This definition will be applied only prospectively from the date of adoption and will
18 have no retroactive impact on existing leases or rentals. This definition shall neither impact any
19 existing sale-leaseback exemption or exclusions that a state may have, nor preclude a state from
20 adopting a sale-leaseback exemption or exclusion after the effective date of the agreement.

21 (p) "Mobility enhancing equipment" means equipment, including repair and replacement
22 parts to same, that:

23 (i) Is primarily and customarily used to provide or increase the ability to move from one
24 place to another and that is appropriate for use either in a home or a motor vehicle; and

25 (ii) Is not generally used by persons with normal mobility; and

26 (iii) Does not include any motor vehicle or equipment on a motor vehicle normally
27 provided by a motor vehicle manufacturer.

28 Mobility enhancing equipment does not include durable medical equipment.

29 (q) "Model 1 Seller" means a seller that has selected a CSP as its agent to perform all the
30 seller's sales and use tax functions, other than the seller's obligation to remit tax on its own
31 purchases.

32 (r) "Model 2 Seller" means a seller that has selected a CAS to perform part of its sales
33 and use tax functions, but retains responsibility for remitting the tax.

34 (s) "Model 3 Seller" means a seller that has sales in at least five member states, has total

1 annual sales revenue of at least five hundred million dollars (\$500,000,000), has a proprietary
2 system that calculates the amount of tax due each jurisdiction, and has entered into a performance
3 agreement with the member states that establishes a tax performance standard for the seller. As
4 used in this definition, a seller includes an affiliated group of sellers using the same proprietary
5 system.

6 (t) "Prosthetic device" means a replacement, corrective, or supportive device including
7 repair and replacement parts for same worn on or in the body to:

8 (i) Artificially replace a missing portion of the body;

9 (ii) Prevent or correct physical deformity or malfunction; or

10 (iii) Support a weak or deformed portion of the body.

11 (u) "Purchaser" means a person to whom a sale of personal property is made or to whom
12 a service is furnished.

13 (v) "Purchase price" applies to the measure subject to use tax and has the same meaning
14 as sales price.

15 (w) "Seller" means a person making sales, leases, or rentals of personal property or
16 services.

17 (x) "State" means any state of the United States and the District of Columbia.

18 (y) "Telecommunications" tax base/exemption terms

19 (i) Telecommunication terms shall be defined as follows:

20 (A) "Ancillary services" means services that are associated with or incidental to the
21 provision of "telecommunications services", including, but not limited to, "detailed
22 telecommunications billing", "directory assistance", "vertical service", and "voice mail services".

23 (B) "Conference bridging service" means an "ancillary service" that links two (2) or more
24 participants of an audio or video conference call and may include the provision of a telephone
25 number. "Conference bridging service" does not include the "telecommunications services" used
26 to reach the conference bridge.

27 (C) "Detailed telecommunications billing service" means an "ancillary service" of
28 separately stating information pertaining to individual calls on a customer's billing statement.

29 (D) "Directory assistance" means an "ancillary service" of providing telephone number
30 information, and/or address information.

31 (E) "Vertical service" means an "ancillary service" that is offered in connection with one
32 or more "telecommunications services", which offers advanced calling features that allow
33 customers to identify callers and to manage multiple calls and call connections, including
34 "conference bridging services".

1 (F) "Voice mail service" means an "ancillary service" that enables the customer to store,
2 send, or receive recorded messages. "Voice mail service" does not include any "vertical services"
3 that the customer may be required to have in order to utilize the "voice mail service".

4 (G) "Telecommunications service" means the electronic transmission, conveyance, or
5 routing of voice, data, audio, video, or any other information or signals to a point, or between or
6 among points. The term "telecommunications service" includes such transmission, conveyance,
7 or routing in which computer processing applications are used to act on the form, code, or
8 protocol of the content for purposes of transmission, conveyance, or routing without regard to
9 whether such service is referred to as voice over internet protocol services or is classified by the
10 Federal Communications Commission as enhanced or value added. "Telecommunications
11 service" does not include:

12 (1) Data processing and information services that allow data to be generated, acquired,
13 stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where
14 such purchaser's primary purpose for the underlying transaction is the processed data or
15 information;

16 (2) Installation or maintenance of wiring or equipment on a customer's premises;

17 (3) Tangible personal property;

18 (4) Advertising, including, but not limited to, directory advertising;

19 (5) Billing and collection services provided to third parties;

20 (6) Internet access service;

21 (7) Radio and television audio and video programming services, regardless of the
22 medium, including the furnishing of transmission, conveyance, and routing of such services by
23 the programming service provider. Radio and television audio and video programming services
24 shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and
25 video programming services delivered by commercial mobile radio service providers as defined
26 in 47 C.F.R. § 20.3;

27 (8) "Ancillary services"; or

28 (9) Digital products "delivered electronically", including, but not limited to: software,
29 music, video, reading materials or ring tones.

30 (H) "800 service" means a "telecommunications service" that allows a caller to dial a toll-
31 free number without incurring a charge for the call. The service is typically marketed under the
32 name "800", "855", "866", "877", and "888" toll-free calling, and any subsequent numbers
33 designated by the Federal Communications Commission.

34 (I) "900 service" means an inbound toll "telecommunications service" purchased by a

1 subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded
2 announcement or live service. "900 service" does not include the charge for: collection services
3 provided by the seller of the "telecommunications services" to the subscriber, or service or
4 product sold by the subscriber to the subscriber's customer. The service is typically marketed
5 under the name "900 service," and any subsequent numbers designated by the Federal
6 Communications Commission.

7 (J) "Fixed wireless service" means a "telecommunications service" that provides radio
8 communication between fixed points.

9 (K) "Mobile wireless service" means a "telecommunications service" that is transmitted,
10 conveyed, or routed regardless of the technology used, whereby the origination and/or
11 termination points of the transmission, conveyance, or routing are not fixed, including, by way of
12 example only, "telecommunications services" that are provided by a commercial mobile radio
13 service provider.

14 (L) "Paging service" means a "telecommunications service" that provides transmission of
15 coded radio signals for the purpose of activating specific pagers; such transmissions may include
16 messages and/or sounds.

17 (M) "Prepaid calling service" means the right to access exclusively "telecommunications
18 services", which must be paid for in advance and that enables the origination of calls using an
19 access number or authorization code, whether manually or electronically dialed, and that is sold
20 in predetermined units or dollars of which the number declines with use in a known amount.

21 (N) "Prepaid wireless calling service" means a "telecommunications service" that
22 provides the right to utilize "mobile wireless service", as well as other non-telecommunications
23 services, including the download of digital products "delivered electronically", content and
24 "ancillary services" which must be paid for in advance that is sold in predetermined units of
25 dollars of which the number declines with use in a known amount.

26 (O) "Private communications service" means a telecommunications service that entitles
27 the customer to exclusive or priority use of a communications channel or group of channels
28 between or among termination points, regardless of the manner in which such channel or
29 channels are connected, and includes switching capacity, extension lines, stations, and any other
30 associated services that are provided in connection with the use of such channel or channels.

31 (P) "Value-added non-voice data service" means a service that otherwise meets the
32 definition of "telecommunications services" in which computer processing applications are used
33 to act on the form, content, code, or protocol of the information or data primarily for a purpose
34 other than transmission, conveyance, or routing.

1 (ii) "Modifiers of Sales Tax Base/Exemption Terms" – the following terms can be used to
2 further delineate the type of "telecommunications service" to be taxed or exempted. The terms
3 would be used with the broader terms and subcategories delineated above.

4 (A) "Coin-operated telephone service" means a "telecommunications service" paid for by
5 inserting money into a telephone accepting direct deposits of money to operate.

6 (B) "International" means a "telecommunications service" that originates or terminates in
7 the United States and terminates or originates outside the United States, respectively. United
8 States includes the District of Columbia or a U.S. territory or possession.

9 (C) "Interstate" means a "telecommunications service" that originates in one United
10 States state, or a United States territory or possession, and terminates in a different United States
11 state or a United States territory or possession.

12 (D) "Intrastate" means a "telecommunications service" that originates in one United
13 States state or a United States territory or possession, and terminates in the same United States
14 state or a United States territory or possession.

15 (E) "Pay telephone service" means a "telecommunications service" provided through any
16 pay telephone.

17 (F) "Residential telecommunications service" means a "telecommunications service" or
18 "ancillary services" provided to an individual for personal use at a residential address, including
19 an individual dwelling unit such as an apartment. In the case of institutions where individuals
20 reside, such as schools or nursing homes, "telecommunications service" is considered residential
21 if it is provided to and paid for by an individual resident rather than the institution.

22 The terms "ancillary services" and "telecommunications service" are defined as a broad
23 range of services. The terms "ancillary services" and "telecommunications service" are broader
24 than the sum of the subcategories. Definitions of subcategories of "ancillary services" and
25 "telecommunications service" can be used by a member state alone or in combination with other
26 subcategories to define a narrower tax base than the definitions of "ancillary services" and
27 "telecommunications service" would imply. The subcategories can also be used by a member
28 state to provide exemptions for certain subcategories of the more broadly defined terms.

29 A member state that specifically imposes tax on, or exempts from tax, local telephone or
30 local telecommunications service may define "local service" in any manner in accordance with §
31 44-18.1-28, except as limited by other sections of this Agreement.

32 (z) "Tobacco" means cigarettes, cigars, chewing, or pipe tobacco, or any other item that
33 contains tobacco.

34 **44-18-7.3. Services defined.**

1 (a) "Services" means all activities engaged in for other persons for a fee, retainer,
2 commission, or other monetary charge, which activities involve the performance of a service in
3 this state as distinguished from selling property.

4 (b) The following businesses and services performed in this state, along with the
5 applicable 2007 North American Industrial Classification System (NAICS) codes, are included in
6 the definition of services:

7 (1) Taxicab and limousine services including but not limited to:

8 (i) Taxicab services including taxi dispatchers (485310); and

9 (ii) Limousine services (485320).

10 (2) Other road transportation service including but not limited to:

11 (i) Charter bus service (485510);

12 (ii) "Transportation network companies" (TNC) defined as an entity that uses a digital
13 network to connect transportation network company riders to transportation network operators
14 who provide prearranged rides. Any TNC operating in this state is a retailer as provided in § 44-
15 18-15 and is required to file a business application and registration form and obtain a permit to
16 make sales at retail with the tax administrator, to charge, collect, and remit Rhode Island sales
17 and use tax; and

18 (iii) All other transit and ground passenger transportation (485999).

19 (3) Pet care services (812910) except veterinary and testing laboratories services.

20 (4)(i) "Room reseller" or "reseller" means any person, except a tour operator as defined in
21 § 42-63.1-2, having any right, permission, license, or other authority from or through a hotel as
22 defined in § 42-63.1-2, to reserve, or arrange the transfer of occupancy of, accommodations the
23 reservation or transfer of which is subject to this chapter, such that the occupant pays all or a
24 portion of the rental and other fees to the room reseller or reseller, room reseller or reseller shall
25 include, but not be limited to, sellers of travel packages as defined in this section.
26 Notwithstanding the provisions of any other law, where said reservation or transfer of occupancy
27 is done using a room reseller or reseller, the application of the sales and use tax under §§ 44-18-
28 18 and 44-18-20, and the hotel tax under § 44-18-36.1 shall be as follows: The room reseller or
29 reseller is required to register with, and shall collect and pay to, the tax administrator the sales
30 and use and hotel taxes, with said taxes being calculated upon the amount of rental and other fees
31 paid by the occupant to the room reseller or reseller, less the amount of any rental and other fees
32 paid by the room reseller or reseller to the hotel. The hotel shall collect and pay to the tax
33 administrator said taxes upon the amount of rental and other fees paid to the hotel by the room
34 reseller or reseller and/or the occupant. No assessment shall be made by the tax administrator

1 against a hotel because of an incorrect remittance of the taxes under this chapter by a room
2 reseller or reseller. No assessment shall be made by the tax administrator against a room reseller
3 or reseller because of an incorrect remittance of the taxes under this chapter by a hotel. If the
4 hotel has paid the taxes imposed under this chapter, the occupant and/or room reseller or reseller,
5 as applicable, shall reimburse the hotel for said taxes. If the room reseller or reseller has paid said
6 taxes, the occupant shall reimburse the room reseller or reseller for said taxes. Each hotel and
7 room reseller or reseller shall add and collect, from the occupant or the room reseller or the
8 reseller, the full amount of the taxes imposed on the rental and other fees. When added to the
9 rental and other fees, the taxes shall be a debt owed by the occupant to the hotel or room reseller
10 or reseller, as applicable, and shall be recoverable at law in the same manner as other debts. The
11 amount of the taxes collected by the hotel and/or room reseller or reseller from the occupant
12 under this chapter shall be stated and charged separately from the rental and other fees, and shall
13 be shown separately on all records thereof, whether made at the time the transfer of occupancy
14 occurs, or on any evidence of the transfer issued or used by the hotel or the room reseller or the
15 reseller. A room reseller or reseller shall not be required to disclose to the occupant the amount of
16 tax charged by the hotel; provided, however, the room reseller or reseller shall represent to the
17 occupant that the separately stated taxes charged by the room reseller or reseller include taxes
18 charged by the hotel. No person shall operate a hotel in this state, or act as a room reseller or
19 reseller for any hotel in the state, unless the tax administrator has issued a permit pursuant to §
20 44-19-1.

21 (ii) "Travel package" means a room, or rooms, bundled with one or more other, separate
22 components of travel such as air transportation, car rental, or similar items, which travel package
23 is charged to the customer or occupant for a single, retail price. When the room occupancy is
24 bundled for a single consideration, with other property, services, amusement charges, or any other
25 items, the separate sale of which would not otherwise be subject to tax under this chapter, the
26 entire single consideration shall be treated as the rental or other fees for room occupancy subject
27 to tax under this chapter; provided, however, that where the amount of the rental, or other fees for
28 room occupancy is stated separately from the price of such other property, services, amusement
29 charges, or other items, on any sales slip, invoice, receipt, or other statement given the occupant,
30 and such rental and other fees are determined by the tax administrator to be reasonable in relation
31 to the value of such other property, services, amusement charges, or other items, only such
32 separately stated rental and other fees will be subject to tax under this chapter. The value of the
33 transfer of any room, or rooms, bundled as part of a travel package may be determined by the tax
34 administrator from the room reseller's and/or reseller's and/or hotel's books and records that are

1 kept in the regular course of business.

2 [\(5\) Investigation, Guard, and Armored Car Services \(56161\).](#)

3 (c) All services as defined herein are required to file a business application and
4 registration form and obtain a permit to make sales at retail with the tax administrator, to charge,
5 collect, and remit Rhode Island sales and use tax.

6 (d) The tax administrator is authorized to promulgate rules and regulations in accordance
7 with the provisions of chapter 42-35 to carry out the provisions, policies, and purposes of this
8 chapter.

9 **44-18-8. Retail sale or sale at retail defined.**

10 A "retail sale" or "sale at retail" means any sale, lease or rentals of tangible personal
11 property, prewritten computer software delivered electronically or by load and leave, [vendor-](#)
12 [hosted prewritten computer software](#), or services as defined in § 44-18-7.3 for any purpose other
13 than resale, sublease or subrent in the regular course of business. The sale of tangible personal
14 property to be used for purposes of rental in the regular course of business is considered to be a
15 sale for resale. In regard to telecommunications service as defined in § 44-18-7(9), retail sale does
16 not include the purchase of telecommunications service by a telecommunications provider from
17 another telecommunication provider for resale to the ultimate consumer; provided, that the
18 purchaser submits to the seller a certificate attesting to the applicability of this exclusion, upon
19 receipt of which the seller is relieved of any tax liability for the sale.

20 **44-18-15. "Retailer" defined.**

21 (a) "Retailer" includes:

22 (1) Every person engaged in the business of making sales at retail including prewritten
23 computer software delivered electronically or by load and leave, [vendor-hosted prewritten](#)
24 [computer software](#), sales of services as defined in § 44-18-7.3, and sales at auction of tangible
25 personal property owned by the person or others.

26 (2) Every person making sales of tangible personal property including prewritten
27 computer software delivered electronically or by load and leave, [or vendor-hosted prewritten](#)
28 [computer software](#), or sales of services as defined in § 44-18-7.3, through an independent
29 contractor or other representative, if the retailer enters into an agreement with a resident of this
30 state, under which the resident, for a commission or other consideration, directly or indirectly
31 refers potential customers, whether by a link on an Internet website or otherwise, to the retailer,
32 provided the cumulative gross receipts from sales by the retailer to customers in the state who are
33 referred to the retailer by all residents with this type of an agreement with the retailer, is in excess
34 of five thousand dollars (\$5,000) during the preceding four (4) quarterly periods ending on the

1 last day of March, June, September and December. Such retailer shall be presumed to be
2 soliciting business through such independent contractor or other representative, which
3 presumption may be rebutted by proof that the resident with whom the retailer has an agreement
4 did not engage in any solicitation in the state on behalf of the retailer that would satisfy the nexus
5 requirement of the United States Constitution during such four (4) quarterly periods.

6 (3) Every person engaged in the business of making sales for storage, use, or other
7 consumption of: ~~(i)~~ tangible personal property, (ii) sales at auction of tangible personal property
8 owned by the person or others, ~~(iii)~~ prewritten computer software delivered electronically or by
9 load and leave, (iv) vendor-hosted prewritten computer software, and ~~(ivv)~~ services as defined in
10 § 44-18-7.3.

11 (4) A person conducting a horse race meeting with respect to horses, which are claimed
12 during the meeting.

13 (5) Every person engaged in the business of renting any living quarters in any hotel as
14 defined in § 42-63.1-2, rooming house, or tourist camp.

15 (6) Every person maintaining a business within or outside of this state who engages in the
16 regular or systematic solicitation of sales of tangible personal property, prewritten computer
17 software delivered electronically or by load and leave, vendor-hosted prewritten computer
18 software:

19 (i) Advertising in newspapers, magazines, and other periodicals published in this state,
20 sold over the counter in this state or sold by subscription to residents of this state, billboards
21 located in this state, airborne advertising messages produced or transported in the airspace above
22 this state, display cards and posters on common carriers or any other means of public conveyance
23 incorporated or operated primarily in this state, brochures, catalogs, circulars, coupons,
24 pamphlets, samples, and similar advertising material mailed to, or distributed within this state to
25 residents of this state;

26 (ii) Telephone;

27 (iii) Computer assisted shopping networks; and

28 (iv) Television, radio or any other electronic media, which is intended to be broadcast to
29 consumers located in this state.

30 (b) When the tax administrator determines that it is necessary for the proper
31 administration of chapters 18 and 19 of this title to regard any salespersons, representatives,
32 truckers, peddlers, or canvassers as the agents of the dealers, distributors, supervisors, employers,
33 or persons under whom they operate or from whom they obtain the tangible personal property
34 sold by them, irrespective of whether they are making sales on their own behalf or on behalf of

1 the dealers, distributors, supervisors, or employers, the tax administrator may so regard them and
2 may regard the dealers, distributors, supervisors, or employers as retailers for purposes of
3 chapters 18 and 19 of this title.

4 **44-18-20. Use tax imposed.**

5 (a) An excise tax is imposed on the storage, use, or other consumption in this state of
6 tangible personal property; prewritten computer software delivered electronically or by load and
7 leave; [vendor-hosted prewritten computer software](#); or services as defined in § 44-18-7.3,
8 including a motor vehicle, a boat, an airplane, or a trailer, purchased from any retailer at the rate
9 of six percent (6%) of the sale price of the property.

10 (b) An excise tax is imposed on the storage, use, or other consumption in this state of a
11 motor vehicle, a boat, an airplane, or a trailer purchased from other than a licensed motor vehicle
12 dealer or other than a retailer of boats, airplanes, or trailers respectively, at the rate of six percent
13 (6%) of the sale price of the motor vehicle, boat, airplane, or trailer.

14 (c) The word "trailer," as used in this section and in § 44-18-21, means and includes those
15 defined in § 31-1-5(a) – (e) and also includes boat trailers, camping trailers, house trailers, and
16 mobile homes.

17 (d) Notwithstanding the provisions contained in this section and in § 44-18-21 relating to
18 the imposition of a use tax and liability for this tax on certain casual sales, no tax is payable in
19 any casual sale:

20 (1) When the transferee or purchaser is the spouse, mother, father, brother, sister, or child
21 of the transferor or seller;

22 (2) When the transfer or sale is made in connection with the organization, reorganization,
23 dissolution, or partial liquidation of a business entity, provided:

24 (i) The last taxable sale, transfer, or use of the article being transferred or sold was
25 subjected to a tax imposed by this chapter;

26 (ii) The transferee is the business entity referred to or is a stockholder, owner, member, or
27 partner; and

28 (iii) Any gain or loss to the transferor is not recognized for income tax purposes under the
29 provisions of the federal income tax law and treasury regulations and rulings issued thereunder;

30 (3) When the sale or transfer is of a trailer, other than a camping trailer, of the type
31 ordinarily used for residential purposes and commonly known as a house trailer or as a mobile
32 home; or

33 (4) When the transferee or purchaser is exempt under the provisions of § 44-18-30 or
34 other general law of this state or special act of the general assembly of this state.

1 (e) The term "casual" means a sale made by a person other than a retailer, provided, that
2 in the case of a sale of a motor vehicle, the term means a sale made by a person other than a
3 licensed motor vehicle dealer or an auctioneer at an auction sale. In no case is the tax imposed
4 under the provisions of subsections (a) and (b) of this section on the storage, use, or other
5 consumption in this state of a used motor vehicle less than the product obtained by multiplying
6 the amount of the retail dollar value at the time of purchase of the motor vehicle by the applicable
7 tax rate; provided, that where the amount of the sale price exceeds the amount of the retail dollar
8 value, the tax is based on the sale price. The tax administrator shall use as his or her guide the
9 retail dollar value as shown in the current issue of any nationally recognized, used-vehicle guide
10 for appraisal purposes in this state. On request within thirty (30) days by the taxpayer after
11 payment of the tax, if the tax administrator determines that the retail dollar value as stated in this
12 subsection is inequitable or unreasonable, he or she shall, after affording the taxpayer reasonable
13 opportunity to be heard, re-determine the tax.

14 (f) Every person making more than five (5) retail sales of tangible personal property or
15 prewritten computer software delivered electronically or by load and leave, or vendor-hosted
16 prewritten computer software, or services as defined in § 44-18-7.3 during any twelve-month (12)
17 period, including sales made in the capacity of assignee for the benefit of creditors or receiver or
18 trustee in bankruptcy, is considered a retailer within the provisions of this chapter.

19 (g)(1) "Casual sale" includes a sale of tangible personal property not held or used by a
20 seller in the course of activities for which the seller is required to hold a seller's permit or permits
21 or would be required to hold a seller's permit or permits if the activities were conducted in this
22 state, provided that the sale is not one of a series of sales sufficient in number, scope, and
23 character (more than five (5) in any twelve-month (12) period) to constitute an activity for which
24 the seller is required to hold a seller's permit or would be required to hold a seller's permit if the
25 activity were conducted in this state.

26 (2) Casual sales also include sales made at bazaars, fairs, picnics, or similar events by
27 nonprofit organizations, that are organized for charitable, educational, civic, religious, social,
28 recreational, fraternal, or literary purposes during two (2) events not to exceed a total of six (6)
29 days duration each calendar year. Each event requires the issuance of a permit by the division of
30 taxation. Where sales are made at events by a vendor that holds a sales tax permit and is not a
31 nonprofit organization, the sales are in the regular course of business and are not exempt as casual
32 sales.

33 (h) The use tax imposed under this section for the period commencing July 1, 1990, is at
34 the rate of seven percent (7%). In recognition of the work being performed by the streamlined

1 sales and use tax governing board, upon passage of any federal law that authorizes states to
2 require remote sellers to collect and remit sales and use taxes, effective the first (1st) day of the
3 first (1st) state fiscal quarter following the change, the rate imposed under § 44-18-18 shall be
4 reduced from seven percent (7.0%) to six and one-half percent (6.5%). The six and one- half
5 percent (6.5%) rate shall take effect on the date that the state requires remote sellers to collect and
6 remit sales and use taxes.

7 **44-18-21. Liability for use tax.**

8 (a) Every person storing, using, or consuming in this state tangible personal property,
9 including a motor vehicle, boat, airplane, or trailer, purchased from a retailer, and a motor
10 vehicle, boat, airplane, or trailer, purchased from other than a licensed motor vehicle dealer or
11 other than a retailer of boats, airplanes, or trailers respectively; or storing, using or consuming
12 specified prewritten computer software delivered electronically or by load and leave, or vendor-
13 hosted prewritten computer software, or services as defined in § 44-18-7.3 is liable for the use
14 tax. The person's liability is not extinguished until the tax has been paid to this state, except that a
15 receipt from a retailer engaging in business in this state or from a retailer who is authorized by the
16 tax administrator to collect the tax under rules and regulations that he or she may prescribe, given
17 to the purchaser pursuant to the provisions of § 44-18-22, is sufficient to relieve the purchaser
18 from further liability for the tax to which the receipt refers.

19 (b) Each person before obtaining an original or transferral registration for any article or
20 commodity in this state, which article or commodity is required to be licensed or registered in the
21 state, shall furnish satisfactory evidence to the tax administrator that any tax due under this
22 chapter with reference to the article or commodity has been paid, and for the purpose of effecting
23 compliance, the tax administrator, in addition to any other powers granted to him or her, may
24 invoke the provisions of § 31-3-4 in the case of a motor vehicle. The tax administrator, when he
25 or she deems it to be for the convenience of the general public, may authorize any agency of the
26 state concerned with the licensing or registering of these articles or commodities to collect the use
27 tax on any articles or commodities which the purchaser is required by this chapter to pay before
28 receiving an original or transferral registration. The general assembly shall annually appropriate a
29 sum that it deems necessary to carry out the purposes of this section. Notwithstanding the
30 provisions of §§ 44-18-19, 44-18-22, and 44-18-24, the sales or use tax on any motor vehicle
31 and/or recreational vehicle requiring registration by the administrator of the division of motor
32 vehicles shall not be added by the retailer to the sale price or charge but shall be paid directly by
33 the purchaser to the tax administrator, or his or her authorized deputy or agent as provided in this
34 section.

1 (c) In cases involving total loss or destruction of a motor vehicle occurring within one
2 hundred twenty (120) days from the date of purchase and upon which the purchaser has paid the
3 use tax, the amount of the tax constitutes an overpayment. The amount of the overpayment may
4 be credited against the amount of use tax on any subsequent vehicle which the owner acquires to
5 replace the lost or destroyed vehicle or may be refunded, in whole or in part.

6 **44-18-22. Collection of use tax by retailer.**

7 Every retailer engaging in business in this state and making sales of tangible personal
8 property or prewritten computer software delivered electronically or by load and leave, [or vendor-](#)
9 [hosted prewritten computer software](#), or services as defined in § 44-18-7.3, for storage, use, or
10 other consumption in this state, not exempted under this chapter shall, at the time of making the
11 sales, or if the storage, use, or other consumption of the tangible personal property, prewritten
12 computer software delivered electronically or by load and leave, [vendor-hosted prewritten](#)
13 [computer software](#), or services as defined in § 44-18-7.3, is not then taxable under this chapter, at
14 the time the storage, use, or other consumption becomes taxable, collect the tax from the
15 purchaser and give to the purchaser a receipt in the manner and form prescribed by the tax
16 administrator.

17 **44-18-23. "Engaging in business" defined.**

18 As used in §§ 44-18-21 and 44-18-22 the term "engaging in business in this state" means
19 the selling or delivering in this state, or any activity in this state related to the selling or delivering
20 in this state of tangible personal property or prewritten computer software delivered electronically
21 or by load and leave, [or vendor-hosted prewritten computer software](#), for storage, use, or other
22 consumption in this state; or services as defined in § 44-18-7.3 in this state. This term includes,
23 but is not limited to, the following acts or methods of transacting business:

24 (1) Maintaining, occupying, or using in this state permanently or temporarily, directly or
25 indirectly or through a subsidiary, representative, or agent by whatever name called and whether
26 or not qualified to do business in this state, any office, place of distribution, sales or sample room
27 or place, warehouse or storage place, or other place of business;

28 (2) Having any subsidiary, representative, agent, salesperson, canvasser, or solicitor
29 permanently or temporarily, and whether or not the subsidiary, representative, or agent is
30 qualified to do business in this state, operate in this state for the purpose of selling, delivering, or
31 the taking of orders for any tangible personal property, or prewritten computer software delivered
32 electronically or by load and leave, [or vendor-hosted prewritten computer software](#), or services as
33 defined in § 44-18-7.3;

34 (3) The regular or systematic solicitation of sales of tangible personal property, or

1 prewritten computer software delivered electronically or by load and leave, [or vendor-hosted](#)
2 [prewritten computer software](#), or services as defined in § 44-18-7.3, in this state by means of:

3 (i) Advertising in newspapers, magazines, and other periodicals published in this state,
4 sold over the counter in this state or sold by subscription to residents of this state, billboards
5 located in this state, airborne advertising messages produced or transported in the air space above
6 this state, display cards and posters on common carriers or any other means of public conveyance
7 incorporated or operating primarily in this state, brochures, catalogs, circulars, coupons,
8 pamphlets, samples, and similar advertising material mailed to, or distributed within this state to
9 residents of this state;

10 (ii) Telephone;

11 (iii) Computer-assisted shopping networks; and

12 (iv) Television, radio or any other electronic media, which is intended to be broadcast to
13 consumers located in this state.

14 **44-18-25. Presumption that sale is for storage, use, or consumption – Resale**
15 **certificate.**

16 It is presumed that all gross receipts are subject to the sales tax, and that the use of all tangible
17 personal property, or prewritten computer software delivered electronically or by load and leave,
18 [or vendor-hosted prewritten computer software](#), or services as defined in § 44-18-7.3, are subject
19 to the use tax, and that all tangible personal property, or prewritten computer software delivered
20 electronically or by load and leave, [or vendor-hosted prewritten computer software](#), or services as
21 defined in § 44-18-7.3, sold or in processing or intended for delivery or delivered in this state is
22 sold or delivered for storage, use, or other consumption in this state, until the contrary is
23 established to the satisfaction of the tax administrator. The burden of proving the contrary is upon
24 the person who makes the sale and the purchaser, unless the person who makes the sale takes
25 from the purchaser a certificate to the effect that the purchase was for resale. The certificate shall
26 contain any information and be in the form that the tax administrator may require.

27 **44-19-7. Registration of retailers.**

28 Every retailer selling tangible personal property or prewritten computer software
29 delivered electronically or by load and leave [or vendor-hosted prewritten computer software](#) for
30 storage, use, or other consumption in this state, as well as services as defined in § 44-18-7.3, in
31 this state, or renting living quarters in any hotel as defined in § 42-63.1-2, rooming house, or
32 tourist camp in this state must register with the tax administrator and give the name and address
33 of all agents operating in this state, the location of all distribution or sales houses or offices, or of
34 any hotel as defined in § 42-63.1-2, rooming house, or tourist camp or other places of business in

1 this state, and other information that the tax administrator may require.

2 SECTION 6. Sections 44-20-1, 44-20-8.2, 44-20-12, 44-20-13 and 44-20-13.2 of the
3 General Laws in Chapter 44-20 entitled “Cigarette and Other Tobacco Products Tax” are hereby
4 amended to read as follows:

5 **44-20-1. Definitions.** Whenever used in this chapter, unless the context requires
6 otherwise:

7 (1) "Administrator" means the tax administrator;

8 (2) "Cigarettes" means and includes any cigarettes suitable for smoking in cigarette form,
9 and each sheet of cigarette rolling paper, including but not limited to, paper made into a hollow
10 cylinder or cone, made with paper or any other material, with or without a filter suitable for use in
11 making cigarettes;

12 (3) "Dealer" means any person whether located within or outside of this state, who sells
13 or distributes cigarettes and/or other tobacco products to a consumer in this state;

14 (4) "Distributor" means any person:

15 (A) Whether located within or outside of this state, other than a dealer, who sells or
16 distributes cigarettes and/or other tobacco products within or into this state. Such term shall not
17 include any cigarette or other tobacco product manufacturer, export warehouse proprietor, or
18 importer with a valid permit under 26 U.S.C. § 5712, if such person sells or distributes cigarettes
19 and/or other tobacco products in this state only to licensed distributors, or to an export warehouse
20 proprietor or another manufacturer with a valid permit under 26 U.S.C. § 5712;

21 (B) Selling cigarettes and/or other tobacco products directly to consumers in this state by
22 means of at least twenty-five (25) vending machines;

23 (C) Engaged in this state in the business of manufacturing cigarettes and/or other tobacco
24 products or any person engaged in the business of selling cigarettes and/or other tobacco products
25 to dealers, or to other persons, for the purpose of resale only; provided, that seventy-five percent
26 (75%) of all cigarettes and/or other tobacco products sold by that person in this state are sold to
27 dealers or other persons for resale and selling cigarettes and/or other tobacco products directly to
28 at least forty (40) dealers or other persons for resale; or

29 (D) Maintaining one or more regular places of business in this state for that purpose;
30 provided, that seventy-five percent (75%) of the sold cigarettes and/or other tobacco products are
31 purchased directly from the manufacturer and selling cigarettes and/or other tobacco products
32 directly to at least forty (40) dealers or other persons for resale;

33 (5) “Electronic cigarette” means: (i) a personal vaporizer, electronic nicotine delivery
34 system or an electronic inhaler which generally utilizes a heating element that vaporizes a liquid

1 [solution containing nicotine or nicotine derivative; \(ii\) the liquid solution containing nicotine or](#)
2 [nicotine derivative; or, \(iii\) any combination thereof.](#)

3 ~~(5)~~ [\(6\)](#) "Importer" means any person who imports into the United States, either directly or
4 indirectly, a finished cigarette or other tobacco product for sale or distribution;

5 ~~(6)~~ [\(7\)](#) "Licensed", when used with reference to a manufacturer, importer, distributor or
6 dealer, means only those persons who hold a valid and current license issued under § 44-20-2 for
7 the type of business being engaged in. When the term "licensed" is used before a list of entities,
8 such as "licensed manufacturer, importer, wholesale dealer, or retailer dealer," such term shall be
9 deemed to apply to each entity in such list;

10 ~~(7)~~ [\(8\)](#) "Manufacturer" means any person who manufactures, fabricates, assembles,
11 processes, or labels a finished cigarette and/or other tobacco products;

12 ~~(8)~~ [\(9\)](#) "Other tobacco products" (OTP) means any cigars (excluding Little Cigars, as
13 defined in § 44-20.2-1, which are subject to cigarette tax), cheroots, stogies, smoking tobacco
14 (including granulated, plug cut, crimp cut, ready rubbed and any other kinds and forms of tobacco
15 suitable for smoking in a otherwise), chewing tobacco (including Cavendish, twist, plug, scrap
16 and any other kinds and forms of tobacco suitable for chewing), any and all forms of hookah,
17 shisha and "mu'assel" tobacco, snuff, [Electronic cigarettes](#), and shall include any other articles or
18 products made of or containing tobacco, in whole or in part, or any tobacco substitute, except
19 cigarettes;

20 ~~(9)~~ [\(10\)](#) "Person" means any individual, including an employee or agent, firm, fiduciary,
21 partnership, corporation, trust, or association, however formed;

22 ~~(10)~~ [\(11\)](#) "Pipe" means an apparatus made of any material used to burn or vaporize
23 products so that the smoke or vapors can be inhaled or ingested by the user;

24 ~~(11)~~ [\(12\)](#) "Place of business" means any location where cigarettes and/or other tobacco
25 products are sold, stored, or kept, including, but not limited to; any storage room, attic, basement,
26 garage or other facility immediately adjacent to the location. It also includes any receptacle, hide,
27 vessel, vehicle, airplane, train, or vending machine;

28 ~~(12)~~ [\(13\)](#) "Sale" or "sell" means gifts, exchanges, and barter of cigarettes and/or other
29 tobacco products. The act of holding, storing, or keeping cigarettes and/or other tobacco products
30 at a place of business for any purpose shall be presumed to be holding the cigarettes and/or other
31 tobacco products for sale. Furthermore, any sale of cigarettes and/or other tobacco products by
32 the servants, employees, or agents of the licensed dealer during business hours at the place of
33 business shall be presumed to be a sale by the licensee;

34 ~~(13)~~ [\(14\)](#) "Stamp" means the impression, device, stamp, label, or print manufactured,

1 printed, or made as prescribed by the administrator to be affixed to packages of cigarettes, as
2 evidence of the payment of the tax provided by this chapter or to indicate that the cigarettes are
3 intended for a sale or distribution in this state that is exempt from state tax under the provisions of
4 state law; and also includes impressions made by metering machines authorized to be used under
5 the provisions of this chapter.

6 **44-20-8.2. Transactions only with licensed manufacturers, importers, distributors,**
7 **and dealers.**

8 A manufacturer or importer may sell or distribute cigarettes [and/or other tobacco](#)
9 [products](#) to a person located or doing business within this state, only if such person is a licensed
10 importer or distributor. An importer may obtain cigarettes [and/or other tobacco products](#) only
11 from a licensed manufacturer. A distributor may sell or distribute cigarettes [and/or other tobacco](#)
12 [products](#) to a person located or doing business within the state, only if such person is a licensed
13 distributor or dealer. A distributor may obtain cigarettes [and/or other tobacco products](#) only from
14 a licensed manufacturer, importer, or distributor. A dealer may obtain cigarettes [and/or other](#)
15 [tobacco products](#) only from a licensed distributor.

16 **44-20-13.2. Tax imposed on other tobacco products, smokeless tobacco, cigars, and**
17 **pipe tobacco products.**

18 (a) A tax is imposed on all other tobacco products, smokeless tobacco, cigars, [electronic](#)
19 [cigarettes](#), and pipe tobacco products sold, ~~or~~ held for sale in the state by any person, the payment
20 of the tax to be accomplished according to a mechanism established by the administrator, division
21 of taxation, department of revenue. The tax imposed by this section shall be as follows:

22 (1) At the rate of eighty percent (80%) of the wholesale cost of other tobacco products,
23 cigars, pipe tobacco products and smokeless tobacco other than snuff.

24 (2) Notwithstanding the eighty percent (80%) rate in subsection (a) above, in the case of
25 cigars, the tax shall not exceed ~~fifty cents (\$.50)~~ [eighty cents \(\\$.80\)](#) for each cigar.

26 (3) At the rate of one dollar (\$1.00) per ounce of snuff, and a proportionate tax at the like
27 rate on all fractional parts of an ounce thereof. Such tax shall be computed based on the net
28 weight as listed by the manufacturer; provided, however, that any product listed by the
29 manufacturer as having a net weight of less than 1.2 ounces shall be taxed as if the product has a
30 net weight of 1.2 ounces.

31 (b) Any dealer having in his or her possession any other tobacco, cigars, and pipe tobacco
32 products with respect to the storage or use of which a tax is imposed by this section shall, within
33 five (5) days after coming into possession of the other tobacco, cigars, and pipe tobacco in this
34 state, file a return with the tax administrator in a form prescribed by the tax administrator. The

1 return shall be accompanied by a payment of the amount of the tax shown on the form to be due.
2 Records required under this section shall be preserved on the premises described in the relevant
3 license in such a manner as to ensure permanency and accessibility for inspection at reasonable
4 hours by authorized personnel of the administrator.

5 (c) The proceeds collected are paid into the general fund.

6 SECTION 7. Sections 44-20-12 and 44-20-13 of the General Laws in Chapter 44-20
7 entitled “Cigarette and Other Tobacco Products Tax” are hereby amended to read as follows:

8 **44-20-12. Tax imposed on cigarettes sold.**

9 A tax is imposed on all cigarettes sold or held for sale in the state. The payment of the tax
10 to be evidenced by stamps, which may be affixed only by licensed distributors to the packages
11 containing such cigarettes. Any cigarettes on which the proper amount of tax provided for in this
12 chapter has been paid, payment being evidenced by the stamp, is not subject to a further tax under
13 this chapter. The tax is at the rate of ~~two hundred twelve and one half (212.5)~~ two hundred
14 twenty-five (225) mills for each cigarette.

15 **44-20-13. Tax imposed on unstamped cigarettes.**

16 A tax is imposed at the rate of ~~two hundred twelve and one half (212.5)~~ two hundred
17 twenty-five (225) mills for each cigarette upon the storage or use within this state of any
18 cigarettes not stamped in accordance with the provisions of this chapter in the possession of any
19 consumer within this state.

20 SECTION 8. Chapter 44-20 of the General Laws entitled “Cigarette and Other Tobacco
21 Products Tax” is hereby amended by adding thereto the following section:

22 **44-20-12.7. Floor stock tax on cigarettes and stamps.**

23 (a) Each person engaging in the business of selling cigarettes at retail in this state shall
24 pay a tax or excise to the state for the privilege of engaging in that business during any part of the
25 calendar year 2018. In calendar year 2018, the tax shall be measured by the number of cigarettes
26 held by the person in this state at 12:01 a.m. on August 1, 2018 and is computed at the rate thirty-
27 seven and one-half (37.5) mills for each cigarette on August 1, 2018.

28 (b) Each distributor licensed to do business in this state pursuant to this chapter shall pay
29 a tax or excise to the state for the privilege of engaging in that business during any part of the
30 calendar year 2018. The tax is measured by the number of stamps, whether affixed or to be
31 affixed to packages of cigarettes, as required by § 44-20-28. In calendar year 2018 the tax is
32 measured by the number of stamps), whether affixed or to be affixed, held by the distributor at
33 12:01 a.m. on August 1, 2018, and is computed at the rate of thirty-seven and one-half mills per
34 cigarette in the package to which the stamps are affixed or to be affixed.

1 (c) Each person subject to the payment of the tax imposed by this section shall, on or
2 before August 15, 2018, file a return, under oath or certified under the penalties of perjury, with
3 the tax administrator on forms furnished by him or her, showing the amount of cigarettes and the
4 number of stamps in that person's possession in this state at 12:01 a.m. on August 1, 2018, as
5 described in this section above, and the amount of tax due, and shall at the time of filing the
6 return pay the tax to the tax administrator. Failure to obtain forms shall not be an excuse for the
7 failure to make a return containing the information required by the tax administrator.

8 (d) The tax administrator may prescribe rules and regulations, not inconsistent with law,
9 with regard to the assessment and collection of the tax imposed by this section.

10 SECTION 9. This Article shall take effect as of July 1, 2018, except for Section 7 and
11 Section 8, which will take effect on August 1, 2018.

12 **ARTICLE 5**

13 **RELATING TO CAPITAL DEVELOPMENT PROGRAM**

14 SECTION 1. Proposition to be submitted to the people. -- At the general election to be
15 held on the Tuesday next after the first Monday in November 2018, there shall be submitted to
16 the people ("People") of the State of Rhode Island ("State"), for their approval or rejection, the
17 following proposition:

18 "Shall the action of the general assembly, by an act passed at the January 2018 session,
19 authorizing the issuance of bonds, refunding bonds, and/or temporary notes of the State of Rhode
20 Island for the capital projects and in the amount with respect to each such project listed below be
21 approved, and the issuance of bonds, refunding bonds, and/or temporary notes authorized in
22 accordance with the provisions of said act?"

23 **Project**

24 (1) Rhode Island School Buildings \$250,000,000

25 Approval of this question will allow the State of Rhode Island to issue general obligation
26 bonds, refunding bonds, and/or temporary notes in an amount not to exceed two-hundred-fifty
27 million dollars (\$250,000,000) over a five (5) year period, and not to exceed one-hundred million
28 dollars (\$100,000,000) in any one (1) year, to provide direct funding for foundational level school
29 housing aid and the school building authority capital fund with the amount of the allocation
30 between the two (2) programs to be determined by the School Building Authority as designated in
31 Chapter 105, Title 16 of the General Laws.

32 (2) Higher Education Facilities \$70,000,000

33 Approval of this question will allow the State of Rhode Island to issue general obligation
34 bonds, refunding bonds, and/or temporary notes in an amount not to exceed seventy million

1 dollars (\$70,000,000) to higher education facilities, to be allocated as follows:

2 (a) University of Rhode Island Narragansett Bay Campus \$45,000,000

3 Provides forty-five million dollars (\$45,000,000) to fund repairs and construct new
4 facilities on the University of Rhode Island's Narragansett Bay campus in support of the
5 educational and research needs for the marine disciplines.

6 (b) Rhode Island College School of Education and Human Development \$25,000,000

7 Provides twenty-five million dollars (\$25,000,000) to fund the renovation of Horace
8 Mann Hall on the campus of Rhode Island College, which houses the School of Education and
9 Human Development.

10 (3) Green Economy and Clean Water \$48,500,000

11 Approval of this question will allow the State of Rhode Island to issue general obligation
12 bonds, refunding bonds, and/or temporary notes in an amount not to exceed forty-eight million
13 five hundred thousand dollars (\$48,500,000) for environmental and recreational purposes, to be
14 allocated as follows:

15 (a) Coastal Resiliency and Public Access Projects \$5,000,000

16 Provides five million dollars (\$5,000,000) for up to seventy-five percent (75%) matching
17 grants to public and non-profit entities for restoring and/or improving resiliency of vulnerable
18 coastal habitats, and restoring rivers and stream floodplains. These funds are expected to leverage
19 significant matching funds to support local programs to improve community resiliency and public
20 safety in the face of increased flooding, major storm events, and environmental degradation.

21 (b) Capital for Clean Water and Drinking Water \$6,100,000

22 Provides six million one hundred thousand dollars (\$6,100,000) for clean water and
23 drinking water infrastructure improvements. Projects range from wastewater treatment upgrades
24 and storm water quality improvements to combine sewer overflow abatement projects.

25 (c) Wastewater Treatment Facility Resilience Improvements \$5,000,000

26 Provides five million dollars (\$5,000,000) for up to fifty percent (50%) matching grants
27 for wastewater treatment facility resiliency improvements for facilities vulnerable to increased
28 flooding, major storm events and environmental degradation.

29 (d) Dam Safety \$4,400,000

30 Provides four million four hundred thousand dollars (\$4,400,000) for repairing and/or
31 removing state-owned dams.

32 (e) State Recreation Projects Program \$10,000,000

33 Provides ten million dollars (\$10,000,000) for capital improvements to state recreational
34 facilities, including Fort Adams State Park.

1 (f) State Bikeway Development Program \$5,000,000
2 Provides five million dollars (\$5,000,000) for the State to design, repair, and construct
3 bikeways, including the East Bay bike path.

4 (g) Brownfield Remediation and Economic Development \$4,000,000
5 Provides four million dollars (\$4,000,000) for up to eighty percent (80%) matching grants
6 to public, private, and/or non-profit entities for brownfield remediation projects.

7 (h) Local Recreation Projects \$5,000,000
8 Provides five million dollars (\$5,000,000) for up to eighty percent (80%) matching grants
9 for municipalities to acquire, develop, or rehabilitate local recreational facilities to meet the
10 growing needs for active recreational facilities.

11 (i) Access to Farmland \$2,000,000
12 Provides two million dollars (\$2,000,000) to protect the State's working farms through
13 the State Farmland Access Program and the purchase of Development Rights by the Agricultural
14 Lands Preservation Commission

15 (j) Local Open Space \$2,000,000
16 Provides two million dollars (\$2,000,000) for up to fifty percent (50%) matching grants
17 to municipalities, local land trusts and nonprofit organizations to acquire fee-simple interest,
18 development rights, or conservation easements on open space and urban parklands.

19 SECTION 2. Ballot labels and applicability of general election laws. -- The Secretary
20 of State shall prepare and deliver to the State Board of Elections ballot labels for each of the
21 projects provided for in Section 1 hereof with the designations "approve" or "reject" provided
22 next to the description of each such project to enable voters to approve or reject each such
23 proposition. The general election laws, so far as consistent herewith, shall apply to this
24 proposition.

25 SECTION 3. Approval of projects by people. -- If a majority of the People voting on
26 the proposition in Section 1 hereof shall vote to approve any project stated therein, said project
27 shall be deemed to be approved by the People. The authority to issue bonds, refunding bonds
28 and/or temporary notes of the State shall be limited to the aggregate amount for all such projects
29 as set forth in the proposition, which has been approved by the People.

30 SECTION 4. Bonds for capital development program. -- The General Treasurer is
31 hereby authorized and empowered, with the approval of the Governor, and in accordance with the
32 provisions of this Act to issue capital development bonds in serial form, in the name of and on
33 behalf of the State of Rhode Island, in amounts as may be specified by the Governor in an
34 aggregate principal amount not to exceed the total amount for all projects approved by the People

1 and designated as "capital development loan of 2018 bonds." Provided, however, that the
2 aggregate principal amount of such capital development bonds and of any temporary notes
3 outstanding at any one time issued in anticipation thereof pursuant to Section 7 hereof shall not
4 exceed the total amount for all such projects approved by the People. All provisions in this Act
5 relating to "bonds" shall also be deemed to apply to "refunding bonds."

6 Capital development bonds issued under this Act shall be in denominations of one
7 thousand dollars (\$1,000) each, or multiples thereof, and shall be payable in any coin or currency
8 of the United States which at the time of payment shall be legal tender for public and private
9 debts. These capital development bonds shall bear such date or dates, mature at specified time or
10 times, but not mature beyond the end of the twentieth (20th) State fiscal year following the fiscal
11 year in which they are issued; bear interest payable semi-annually at a specified rate or different
12 or varying rates: be payable at designated time or times at specified place or places; be subject to
13 express terms of redemption or recall, with or without premium; be in a form, with or without
14 interest coupons attached; carry such registration, conversion, reconversion, transfer, debt
15 retirement, acceleration and other provisions as may be fixed by the General Treasurer, with the
16 approval by the Governor, upon each issue of such capital development bonds at the time of each
17 issue. Whenever the Governor shall approve the issuance of such capital development bonds, the
18 Governor's approval shall be certified to the Secretary of State; the bonds shall be signed by the
19 General Treasurer and countersigned by Secretary of State and shall bear the seal of the State.
20 The signature approval of the Governor shall be endorsed on each bond.

21 SECTION 5. Refunding bonds for 2018 capital development program. -- The General
22 Treasurer is hereby authorized and empowered, with the approval of the Governor, and in
23 accordance with the provisions of this Act, to issue bonds to refund the 2018 capital development
24 program bonds, in the name of and on behalf of the state, in amounts as may be specified by the
25 Governor in an aggregate principal amount not to exceed the total amount approved by the
26 People, to be designated as "capital development program loan of 2018 refunding bonds"
27 (hereinafter "Refunding Bonds").

28 The General Treasurer with the approval of the Governor shall fix the terms and form of
29 any Refunding Bonds issued under this Act in the same manner as the capital development bonds
30 issued under this Act, except that the Refunding Bonds may not mature more than twenty (20)
31 years from the date of original issue of the capital development bonds being refunded.

32 The proceeds of the Refunding Bonds, exclusive of any premium and accrual interest and
33 net the underwriters' cost, and cost of bond insurance, shall, upon their receipt, be paid by the
34 General Treasurer immediately to the paying agent for the capital development bonds which are

1 to be called and prepaid. The paying agent shall hold the Refunding Bond proceeds in trust until
2 they are applied to prepay the capital development bonds. While such proceeds are held in trust,
3 the proceeds may be invested for the benefit of the State in obligations of the United States of
4 America or the State of Rhode Island.

5 If the General Treasurer shall deposit with the paying agent for the capital development
6 bonds the proceeds of the Refunding Bonds, or proceeds from other sources, amounts that, when
7 invested in obligations of the United States or the State of Rhode Island, are sufficient to pay all
8 principal, interest, and premium, if any, on the capital development bonds until these bonds are
9 called for prepayment, then such capital development bonds shall not be considered debts of the
10 State of Rhode Island for any purpose starting from the date of deposit of such moneys with the
11 paying agent. The Refunding Bonds shall continue to be a debt of the State until paid.

12 The term "bond" shall include "note," and the term "refunding bonds" shall include
13 "refunding notes" when used in this Act.

14 SECTION 6. Proceeds of capital development program. -- The General Treasurer is
15 directed to deposit the proceeds from the sale of capital development bonds issued under this Act,
16 exclusive of premiums and accrued interest and net the underwriters' cost, and cost of bond
17 insurance, in one or more of the depositories in which the funds of the State may be lawfully kept
18 in special accounts (hereinafter cumulatively referred to as "such capital development bond
19 fund") appropriately designated for each of the projects set forth in Section 1 hereof which shall
20 have been approved by the People to be used for the purpose of paying the cost of all such
21 projects so approved.

22 All monies in the capital development bond fund shall be expended for the purposes
23 specified in the proposition provided for in Section 1 hereof under the direction and supervision
24 of the Director of Administration (hereinafter referred to as "Director"). The Director or his or her
25 designee shall be vested with all power and authority necessary or incidental to the purposes of
26 this Act, including but not limited to, the following authority: (a) to acquire land or other real
27 property or any interest, estate or right therein as may be necessary or advantageous to
28 accomplish the purposes of this Act; (b) to direct payment for the preparation of any reports,
29 plans and specifications, and relocation expenses and other costs such as for furnishings,
30 equipment designing, inspecting and engineering, required in connection with the implementation
31 of any projects set forth in Section 1 hereof; (c) to direct payment for the costs of construction,
32 rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other
33 improvements to land in connection with the implementation of any projects set forth in Section 1
34 hereof; and (d) to direct payment for the cost of equipment, supplies, devices, materials and labor

1 for repair, renovation or conversion of systems and structures as necessary for the 2018 capital
2 development program bonds or notes hereunder from the proceeds thereof. No funds shall be
3 expended in excess of the amount of the capital development bond fund designated for each
4 project authorized in Section 1 hereof. With respect to the bonds and temporary notes described
5 in Section 1, the proceeds shall be used for the following purposes:

6 Question 1, relating to bonds in the amount of two hundred-fifty million dollars
7 (\$250,000,000) to provide funding for the construction, renovation, and rehabilitation of the
8 state's public schools.

9 Question 2, relating to bonds in the amount of seventy million dollars (\$70,000,000) to
10 provide funding for higher education facilities to be allocated as follows:

11 (a) Rhode Island College School of Education and Human Development \$25,000,000

12 Provides twenty-five million dollars (\$25,000,000) to renovate Horace Mann Hall on the
13 campus of Rhode Island College in Providence. Horace Mann Hall houses the Feinstein School of
14 Education and Human Development, the historical leader in producing Rhode Island's public
15 school teachers. The facility has exceeded its useful life with no major renovations since it was
16 constructed in 1969. The renovation will allow the Feinstein School of Education and Human
17 Development to ensure its curriculum and programming are among the best in the nation and
18 create a top learning environment for students.

19 (b) University of Rhode Island Narragansett Bay Campus \$45,000,000

20 Provides forty-five million dollars (\$45,000,000) to renovate, build additions, and
21 construct new facilities, including a new Ocean Innovation Center building, to support the
22 ongoing and evolving educational and research needs in marine biology, oceanography, oceanic
23 instrumentation and other marine disciplines at the Narragansett Bay Campus. Constructing new
24 facilities will allow the University to accommodate a new one hundred twenty-five million
25 dollars (\$125,000,000) National Science Foundation federal research vessel and other University-
26 supported research vessels at the University's Narragansett Bay campus facilities.

27 Question 3, relating to bonds in the amount of exceed forty-eight million five hundred
28 thousand dollars (\$48,500,000) for environmental and recreational purposes, to be allocated as
29 follows:

30 (a) Coastal Resiliency and Public Access Projects \$5,000,000

31 Provides five million dollars (\$5,000,000) for up to seventy-five percent (75%) matching
32 grants to public and non-profit entities for restoring and/or improving resiliency of vulnerable
33 coastal habitats, and restoring rivers and stream floodplains.

34 (b) Capital for Clean Water and Drinking Water \$6,100,000

1 Provides six million one hundred thousand dollars (\$6,100,000) for clean water and
2 drinking water infrastructure improvements such as from wastewater treatment upgrades and
3 storm water quality improvements to combined sewer overflow abatement projects.

4 (c) Wastewater Treatment Facility Resilience Improvements \$5,000,000

5 Provides five million dollars (\$5,000,000) for up to fifty percent (50%) matching grants
6 for wastewater treatment facility resiliency improvements for facilities vulnerable to increased
7 flooding, major storm events, and environmental degradation.

8 (d) Dam Safety \$4,400,000

9 Provides four million four hundred thousand dollars (\$4,400,000) for repairing and/or
10 removing State-owned dams.

11 (e) State Recreation Projects Program \$10,000,000

12 Provides ten million dollars (\$10,000,000) for capital improvements to State recreational
13 facilities, including Fort Adams State Park.

14 (f) State Bikeway Development Program \$5,000,000

15 Provides five million dollars (\$5,000,000) for the State to design, repair, and construct
16 bikeways, including the East Bay bike path.

17 (g) Brownfield Remediation and Economic Development \$4,000,000

18 Provides four million dollars (\$4,000,000) for up to eighty percent (80%) matching grants
19 to public, private, and/or non-profit entities for brownfield remediation projects.

20 (h) Local Recreation Projects \$5,000,000

21 Provides five million dollars (\$5,000,000) for up to eighty percent (80%) matching grants
22 for municipalities to acquire, develop, or rehabilitate local recreational facilities to meet the
23 growing needs for active recreational facilities.

24 (i) Access to Farmland \$2,000,000

25 Provides two million dollars (\$2,000,000) to protect the State's working farms through
26 the State Farmland Access Program and the purchase of Development Rights by the Agricultural
27 Lands Preservation Commission

28 (j) Local Open Space \$2,000,000

29 Provides two million dollars (\$2,000,000) for up to fifty percent (50%) matching grants
30 to municipalities, local land trusts and nonprofit organizations to acquire fee-simple interest,
31 development rights, or conservation easements on open space and urban parklands.

32 SECTION 7. Sale of bonds and notes. -- Any bonds or notes issued under the authority
33 of this Act shall be sold at not less than the principal amount thereof, in such mode and on such
34 terms and conditions as the General Treasurer, with the approval of the Governor, shall deem to

1 be in the best interests of the State.

2 Any premiums and accrued interest, net of the cost of bond insurance and underwriter's
3 discount, which may be received on the sale of the capital development bonds or notes shall
4 become part of the Rhode Island Capital Plan Fund of the State, unless directed by federal law or
5 regulation to be used for some other purpose.

6 In the event that the amount received from the sale of the capital development bonds or
7 notes exceeds the amount necessary for the purposes stated in Section 6 hereof, the surplus may
8 be used to the extent possible to retire the bonds as the same may become due, to redeem them in
9 accordance with the terms thereof or otherwise to purchase them as the General Treasurer, with
10 the approval of the Governor, shall deem to be in the best interests of the state.

11 Any bonds or notes issued under the provisions of this Act and coupons on any capital
12 development bonds, if properly executed by the manual or electronic signatures of officers of the
13 State in office on the date of execution, shall be valid and binding according to their tenor,
14 notwithstanding that before the delivery thereof and payment therefor, any or all such officers
15 shall for any reason have ceased to hold office.

16 SECTION 8. Bonds and notes to be tax exempt and general obligations of the State. -

17 - All bonds and notes issued under the authority of this Act shall be exempt from taxation in the
18 State and shall be general obligations of the State, and the full faith and credit of the State is
19 hereby pledged for the due payment of the principal and interest on each of such bonds and notes
20 as the same shall become due.

21 SECTION 9. Investment of moneys in fund. -- All moneys in the capital development

22 fund not immediately required for payment pursuant to the provisions of this act may be invested
23 by the investment commission, as established by Chapter 10 of Title 35, entitled "State
24 Investment Commission," pursuant to the provisions of such chapter; provided, however, that the
25 securities in which the capital development fund is invested shall remain a part of the capital
26 development fund until exchanged for other securities; and provided further, that the income from
27 investments of the capital development fund shall become a part of the general fund of the State
28 and shall be applied to the payment of debt service charges of the State, unless directed by federal
29 law or regulation to be used for some other purpose, or to the extent necessary, to rebate to the
30 United States treasury any income from investments (including gains from the disposition of
31 investments) of proceeds of bonds or notes to the extent deemed necessary to exempt (in whole or
32 in part) the interest paid on such bonds or notes from federal income taxation.

33 SECTION 10. Appropriation. -- To the extent the debt service on these bonds is not

34 otherwise provided, a sum sufficient to pay the interest and principal due each year on bonds and

1 notes hereunder is hereby annually appropriated out of any money in the treasury not otherwise
2 appropriated.

3 SECTION 11. Advances from general fund. -- The General Treasurer is authorized,
4 with the approval of the Director and the Governor, in anticipation of the issue of notes or bonds
5 under the authority of this Act, to advance to the capital development bond fund for the purposes
6 specified in Section 6 hereof, any funds of the State not specifically held for any particular
7 purpose; provided, however, that all advances made to the capital development bond fund shall be
8 returned to the general fund from the capital development bond fund forthwith upon the receipt
9 by the capital development fund of proceeds resulting from the issue of notes or bonds to the
10 extent of such advances.

11 SECTION 12. Federal assistance and private funds. -- In carrying out this act, the
12 Director, or his or her designee, is authorized on behalf of the State, with the approval of the
13 Governor, to apply for and accept any federal assistance which may become available for the
14 purpose of this Act, whether in the form of loan or grant or otherwise, to accept the provision of
15 any federal legislation therefor, to enter into, act and carry out contracts in connection therewith,
16 to act as agent for the federal government in connection therewith, or to designate a subordinate
17 so to act. Where federal assistance is made available, the project shall be carried out in
18 accordance with applicable federal law, the rules and regulations thereunder and the contract or
19 contracts providing for federal assistance, notwithstanding any contrary provisions of State law.
20 Subject to the foregoing, any federal funds received for the purposes of this Act shall be
21 deposited in the capital development bond fund and expended as a part thereof. The Director or
22 his or her designee may also utilize any private funds that may be made available for the purposes
23 of this Act.

24 SECTION 13. Effective Date. -- Sections 1, 2, 3, 11 and 12 of this article shall take
25 effect upon passage. The remaining sections of this article shall take effect when and if the State
26 Board of Elections shall certify to the Secretary of State that a majority of the qualified electors
27 voting on the proposition contained in Section 1 hereof have indicated their approval of all or any
28 projects thereunder.

29 **ARTICLE 6**

30 **RELATING TO LICENSING**

31 SECTION 1. Section 3-5-18 of the General Laws in Chapter 3-5 entitled "Licenses
32 Generally" is hereby amended to read as follows:

33 **3-5-18. Signature on licenses – Posting and exhibition.**

34 (a) All retail licenses issued under chapter 7 of this title shall bear the signature ~~written by~~

1 ~~hand, or electronic signature,~~ of the clerk of the licensing board, body, or officials issuing them,
2 and shall not be printed, stamped, typewritten, engraved, photographed or cut from one
3 instrument and attached to another and shall be displayed by the licensee, on the premises and
4 shall be exhibited on demand to any deputy sheriff, to any city or town sergeant, constable,
5 officer or member of the city or town police or to any member of the department of state police or
6 agent of the department.

7 (b) All retail licenses shall be displayed within the premises but need not be posted. The
8 license shall be exhibited to any deputy sheriff of the county, to any city or town sergeant,
9 constable, officer or member of the city or town police or to any member of the department of
10 state police or agent of the department who request proof that the establishment is duly licensed.

11 SECTION 2. Section 3-6-13 of the General Laws in Chapter 3-6 entitled "Manufacturing
12 and Wholesale Licenses" is hereby repealed.

13 ~~**3-6-13. License bonds to state.**~~

14 ~~As conditions precedent to the issuance by the department of any manufacturer's license,
15 rectifier's license, wholesaler's Class A license, wholesaler's Class B license, and wholesaler's
16 Class C license under the provisions of this chapter, the person applying for a license shall give
17 bond to the general treasurer of the state in a penal sum in the amount that the department of
18 business regulation requests with at least two (2) resident sureties satisfactory to the department
19 of business regulation, or a surety company authorized to do business in this state as surety,
20 which bond shall be on condition that the licensee will not violate, or suffer to be violated, on any
21 licensed premises under his or her control any of the provisions of this chapter or of chapter 5 of
22 this title or of chapters 10, 34, or 45 of title 11 or §§ 11-2-1, 11-9-13, 11-9-15, 11-11-5, 11-18-2—
23 11-18-4, 11-20-1, 11-20-2, 11-23-4, 11-31-1 or 11-37-2—11-37-4 and on condition that the
24 licensee will pay all costs and damages incurred by any violation of any of those chapters or
25 sections and shall also pay to the division of taxation the license fee required by this chapter.~~

26 SECTION 3. Sections 3-6-1, 3-6-1.2, 3-6-3, 3-6-9, 3-6-10, 3-6-11, 3-6-12 of the General
27 Laws in Chapter 3-6 entitled "Manufacturing and Wholesale Licenses" are hereby amended to
28 read as follows:

29 ~~**3-6-1. Manufacturer's license.**~~

30 (a) A manufacturer's license authorizes the holder to establish and operate a brewery,
31 distillery, or winery at the place described in the license for the manufacture of beverages within
32 this state. The license does not authorize more than one of the activities of operator of a brewery
33 or distillery or winery and a separate license shall be required for each plant.

34 (b) The license also authorizes the sale at wholesale, at the licensed place by the

1 manufacturer of the product of the licensed plant, to another license holder and the transportation
2 and delivery from the place of sale to a licensed place or to a common carrier for that delivery.
3 The license does authorize the sale of beverages for consumption on premises where sold;
4 provided that the manufacturer does not sell an amount in excess of thirty-six ounces (36 oz.) of
5 malt beverage or four and one-half ounces (4.5 oz.) of distilled spirits per visitor, per day, or a
6 combination not greater than three (3) drinks where a drink is defined as twelve ounces (12 oz.)
7 of beer or one and one-half ounces (1.5 oz.) of spirits, for consumption on the premises. The
8 license also authorizes the sale of beverages produced on the premises in an amount not in excess
9 of two hundred eighty-eight ounces (288 oz.) of malt beverages, or seven hundred fifty milliliters
10 (750 ml) of distilled spirits per visitor, per day, to be sold in containers that may hold no more
11 than seventy-two ounces (72 oz.) each. These beverages may be sold to the consumers for off-
12 premises consumption, and shall be sold pursuant to the laws governing retail Class A
13 establishments. The containers for the sale of beverages for off-premises consumption shall be
14 sealed. The license does not authorize the sale of beverages in this state for delivery outside this
15 state in violation of the law of the place of delivery. The license holder may provide to visitors, in
16 conjunction with a tour and/or tasting, samples, clearly marked as samples, not to exceed three
17 hundred seventy-five milliliters (375 ml) per visitor for distilled spirits and seventy-two ounces
18 (72 oz.) per visitor for malt beverages at the licensed plant by the manufacturer of the product of
19 the licensed plant to visitors for off-premises consumption. The license does not authorize
20 providing samples to a visitor of any alcoholic beverages for off-premises consumption that are
21 not manufactured at the licensed plant.

22 (c) The annual fee for the license is three thousand dollars (\$3,000) for a distillery
23 producing more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) for
24 a distillery producing less than or equal to fifty thousand (50,000) gallons per year; five hundred
25 dollars (\$500) for a brewery; and one thousand five hundred dollars (\$1,500) for a winery
26 producing more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) per
27 year for a winery producing less than fifty thousand (50,000) gallons per year. All those fees are
28 prorated to the year ending December 1 in every calendar year and shall be ~~paid to the division of~~
29 ~~taxation and be~~ turned over to the general treasurer for the use of the state.

30 **3-6-1.2. Brewpub manufacturer's license.**

31 (a) A brewpub manufacturer's license shall authorize the holder to establish and operate a
32 brewpub within this state. The brewpub manufacturer's license shall authorize the retail sale of
33 the beverages manufactured on the location for consumption on the premises. The license shall
34 not authorize the retail sale of beverages from any location other than the location set forth in the

1 license. A brewpub may sell at retail alcoholic beverages produced on the premises by the half-
2 gallon bottle known as a "growler" to consumers for off the premises consumption to be sold
3 pursuant to the laws governing retail Class A establishments.

4 (b) The license shall also authorize the sale at wholesale at the licensed place by the
5 manufacturer of the product of his or her licensed plant as well as beverages produced for the
6 brewpub and sold under the brewpub's name to a holder of a wholesaler's license and the
7 transportation and delivery from the place of sale to the licensed wholesaler or to a common
8 carrier for that delivery.

9 (c) The brewpub manufacturer's license further authorizes the sale of beverages
10 manufactured on the premises to any person holding a valid wholesaler's and importer's license
11 under § 3-6-9 or 3-6-11.

12 (d) The annual fee for the license is one thousand dollars (\$1,000) for a brewpub
13 producing more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) per
14 year for a brewpub producing less than fifty thousand (50,000) gallons per year. The annual fee is
15 prorated to the year ending December 1 in every calendar year and ~~paid to the division of taxation~~
16 ~~and~~ turned over to the general treasurer for the use of the state.

17 **3-6-3. Rectifier's license.**

18 The department is authorized to issue rectifiers' licenses in accordance with the
19 provisions of §§ 3-6-4 – 3-6-8. The fee provided shall be prorated to the year ending December 1
20 in every calendar year and be ~~paid to the division of taxation and~~ turned over to the general
21 treasurer for the use of the state.

22 **3-6-9. Wholesaler's license – Class A.**

23 A wholesaler's license, Class A, authorizes the holder to keep for sale and to sell malt
24 beverages and wines at wholesale at the place described to holders of licenses under this title
25 within this state and to holders of wholesale licenses in other states and the transportation and
26 delivery from the place of sale to those license holders or to a common carrier for that delivery.
27 Sales by a wholesaler in this state to a holder of a wholesale license in another state shall be only
28 to a wholesaler who is a distributor of the same brand of malt beverages or wines subject to
29 permission by the department. The license shall not authorize the sale of malt beverages or wines
30 for consumption on the premises where sold nor their sale for their delivery outside this state in
31 violation of the law of the place of delivery. The annual fee for the license is two thousand dollars
32 (\$2,000) prorated to the year ending December 1 in every calendar year, and shall be ~~paid to the~~
33 ~~division of taxation and~~ turned over to the general treasurer for the use of the state. Whenever any
34 malt beverages or wines are sold outside the state pursuant to this section, refunds or credits of

1 import fees previously paid on those malt beverages or wines shall be made to holders of
2 wholesaler's licenses under this title in accordance with regulations promulgated by the division
3 of taxation.

4 **3-6-10. Wholesaler's license – Class B.**

5 (a) A wholesaler's license, Class B, authorizes the holder to keep for sale and to sell malt
6 and vinous beverages and distilled spirits at wholesale, at the place described in the license, to
7 holders of licenses under this title within this state and to holders of wholesale licenses in other
8 states and authorizes the transportation and delivery from the place of sale to those license
9 holders or to a common carrier for that delivery. Sales by a wholesaler in this state to a holder of
10 a wholesale license in another state shall be only to a wholesaler who is a distributor of the same
11 brand of malt beverages, vinous beverages, and distilled spirits subject to permission by the state
12 liquor control administrator. The license shall not authorize the sale of beverages for consumption
13 on the premises where sold nor the sale of beverages for delivery outside this state in violation of
14 the law of the place of delivery.

15 (b) The annual fee for the license is four thousand dollars (\$4,000) prorated to the year
16 ending December 1 in every calendar year, and shall be ~~paid to the division of taxation and~~ turned
17 over to the general treasurer for the use of the state whenever any malt beverages, vinous
18 beverages, and distilled spirits are sold outside the state pursuant to this section. Refunds or
19 credits of import fees previously paid on malt beverages, vinous beverages and distilled spirits
20 shall be made to holders of wholesaler's licenses under this title in accordance with regulations
21 promulgated by the division of taxation.

22 **3-6-11. Wholesaler's Class C license.**

23 A wholesaler's Class C license authorizes the holder to manufacture, transport, import,
24 export, deliver, and sell alcohol for mechanical, manufacturing, medicinal, or chemical purposes
25 only, or to any registered pharmacist, licensed pharmacy, drug store, or apothecary shop, or to
26 any registered physician or dentist, or to any hospital or educational or scientific institution, for
27 use other than beverage purposes. The annual fee for the license is two hundred dollars (\$200)
28 and shall be ~~paid to the division of taxation and~~ turned over to the general treasurer for the use of
29 the state.

30 **3-6-12. Agents' licenses.**

31 Any person who represents a distillery, winery, or brewery is deemed and taken to be
32 acting as an agent for and on behalf of that distillery, winery, or brewery, and is required to have
33 received from the department a license to act as an agent. The annual fee for that license is fifty
34 dollars (\$50.00) ~~paid to the division of taxation~~. The department may, after notice, suspend or

1 revoke any license for cause.

2 SECTION 4. Section 3-7-15 of the General Laws in Chapter 3-7 entitled "Retail
3 Licenses" is hereby amended to read as follows:

4 **3-7-15. Class G license.**

5 (a) A Class G retailer's license shall be issued only to any dining car company, sleeping
6 car company, parlor car company, and railroad company operating in this state, or any company
7 operating passenger carrying marine vessels in this state, or any airline operating in this state, and
8 authorizes the holder of the license to keep for sale and to sell in its dining cars, sleeping cars,
9 buffet cars, club cars, lounge cars and any other cars used for the transportation or
10 accommodation of passengers, and in or on any passenger-carrying marine vessel, and in any
11 airplane, beverages for consumption therein or thereon, but only when actually en route.

12 (b) In addition, the holder of the Class G license for a passenger-carrying marine vessel
13 may serve alcoholic beverages at retail aboard the vessel during the period thirty (30) minutes
14 prior to the scheduled departure and until departure, provided that the local licensing board
15 annually consents.

16 (c) Each company or airline to which the license is issued shall pay to the department an
17 annual fee of two hundred fifty dollars (\$250) for the license, ~~and one dollar (\$1.00) for each~~
18 ~~duplicate of the license, which fees are~~ paid into the state treasury.

19 (d) The license expires one year from its date and is good throughout the state as a state
20 license, and only one license is required for all cars or airplanes, but a license issued to any
21 company or person operating passenger-carrying marine vessels in this state shall authorize the
22 sale of beverages only in the passenger-carrying marine vessel designated and no further license
23 shall be required or tax levied by any city or town for the privilege of selling beverages for
24 consumption in those cars or on those vessels or in those airplanes. Each licensed dining car
25 company, sleeping car company, and railroad car company shall keep a duplicate of the license
26 posted in each car where beverages are sold. The department shall issue duplicates of the license
27 from time to time upon the request of any licensed company ~~upon the payment of the fee of one~~
28 ~~dollar (\$1.00).~~

29 SECTION 5. Sections 5-10-16 and 5-10-33 of General Laws in Chapter 5-10 entitled
30 "Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians" are hereby repealed.

31 ~~**5-10-16. Application of zoning laws.**~~

32 ~~The practice of barbering, manicuring and/or hairdressing, and cosmetic therapy shall be~~
33 ~~considered a business under the zoning laws of the several cities and towns, and licenses are~~
34 ~~issued only in compliance with the zoning laws of the city or town in which the shop, place of~~

1 ~~business, or establishment is located.~~

2 **5-10-33. Payment of fees.**

3 ~~All fees that are required to be paid under the provisions of this chapter shall be paid to~~
4 ~~the department of health and deposited as general revenues.~~

5 SECTION 6. Sections 5-10-1, 5-10-2, 5-10-4, 5-10-8, 5-10-9, 5-10-9.1, 5-10-10, 5-10-11,
6 5-10-15, 5-10-23, 5-10-25, 5-10-28, 5-10-32, and 5-10-39 of the General Laws in Chapter 5-10-
7 entitled "Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians" are hereby amended
8 to read as follows:

9 **5-10-1. Definitions.**

10 The following words and phrases, when used in this chapter, are construed as follows:

11 (1) "Apprentice barber" means an employee whose principal occupation is service with a
12 barber who has held a current license as a barber for at least three (3) years with a view to
13 learning the art of barbering, as defined in subdivision (15) of this section.

14 (2) "Barber" means any person who shaves or trims the beard; waves, dresses, singes,
15 shampoos, or dyes the hair; or applies hair tonics, cosmetic preparations, antiseptics, powders, oil
16 clays, or lotions to scalp, face, or neck of any person; or cuts the hair of any person; gives facial
17 and scalp massages; or treatments with oils, creams, lotions, or other preparations.

18 (3) "Board" means the state board of barbering and hairdressing as provided for in this
19 chapter.

20 (4) "Department" means the Rhode Island department of ~~health~~ [business regulation](#).

21 (5) "Division" means the division of ~~professional regulation~~ [commercial licensing](#) within
22 the department of ~~health~~ [business regulation](#).

23 (6) "Esthetician" means a person who engages in the practice of esthetics, and is licensed
24 as an esthetician.

25 (7) "Esthetician shop" means a shop licensed under this chapter to do esthetics of any
26 person.

27 (8) "Esthetics" means the practice of cleansing, stimulating, manipulating, and
28 beautifying skin, including, but not limited to, the treatment of such skin problems as
29 dehydration, temporary capillary dilation, excessive oiliness, and clogged pores.

30 (9) "Hair design shop" means a shop licensed under this chapter to do barbering or
31 hairdressing/cosmetology, or both, to any person.

32 (10) "Hairdresser and cosmetician" means any person who arranges, dresses, curls, cuts,
33 waves, singes, bleaches, or colors the hair or treats the scalp, or manicures the nails of any person,
34 either with or without compensation, or who, by the use of the hands or appliances, or of cosmetic

1 preparations, antiseptics, tonics, lotions, creams, powders, oils or clays, engages, with or without
2 compensation, in massaging, cleansing, stimulating, manipulating, exercising, or beautifying, or
3 in doing similar work upon the neck, face, or arms, or who removes superfluous hair from the
4 body of any person.

5 (11) "Instructor" means any person licensed as an instructor under the provisions of this
6 chapter.

7 (12) "Manicuring shop" means a shop licensed under this chapter to do manicuring only
8 on the nails of any person.

9 (13) "Manicurist" means any person who engages in manicuring for compensation and is
10 duly licensed as a manicurist.

11 (14) "School" means a school approved under chapter 40 of title 16, as amended, devoted
12 to the instruction in, and study of, the theory and practice of barbering, hairdressing, and cosmetic
13 therapy, esthetics, and/or manicuring.

14 (15) "The practice of barbering" means the engaging by any licensed barber in all, or any
15 combination of, the following practices: shaving or trimming the beard or cutting the hair; giving
16 facial and scalp massages or treatments with oils, creams, lotions, or other preparations, either by
17 hand or mechanical appliances; singeing, shampooing, arranging, dressing, curling, waving,
18 chemical waving, hair relaxing, or dyeing the hair or applying hair tonics; or applying cosmetic
19 preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.

20 (16) "The practice of hairdressing and cosmetic therapy" means the engaging by any
21 licensed hairdresser and cosmetician in any one or more of the following practices: the
22 application of the hands or of mechanical or electrical apparatus, with or without cosmetic
23 preparations, tonics, lotions, creams, antiseptics, or clays, to massage, cleanse, stimulate,
24 manipulate, exercise, or otherwise to improve or to beautify the scalp, face, neck, shoulders,
25 arms, bust, or upper part of the body; or the manicuring of the nails of any person; or the
26 removing of superfluous hair from the body of any person; or the arranging, dressing, curling,
27 waving, weaving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair
28 of any person.

29 (17) "The practice of manicuring" means the cutting, trimming, polishing, tinting,
30 coloring, or cleansing the nails of any person.

31 **5-10-2. ~~Creation of~~ division of ~~professional regulation~~ commercial licensing and board**
32 **of barbering and hairdressing – Powers and duties.**

33 (a) Within the department of ~~health~~ [business regulation](#) there is a division of ~~professional~~
34 ~~regulation~~ [commercial licensing](#) and a board of barbering and hairdressing. The division shall:

- 1 (1) Approve all written and practical examinations;
- 2 (2) Issue all licenses and permits subsequently provided for in this chapter;
- 3 (3) Serve as the sole inspector of sanitation of all establishments licensed under this
- 4 chapter;
- 5 (4) Make any rules and regulations that the division deems necessary or expedient, in
- 6 conformity with the provisions of this chapter and not contrary to law, for the conduct of the
- 7 business of barbering and hairdressing and cosmetic therapy or esthetics and manicuring, for the
- 8 use of appliances, apparatus, and electrical equipment and machines and the establishment of
- 9 sanitary requirements in all establishments and of all persons licensed under the provisions of this
- 10 chapter;
- 11 (5) Keep a register of all persons and places of business licensed under this chapter;
- 12 (6) Keep complete records of all persons and establishments licensed under this chapter;
- 13 (7) Summon witnesses and administer oaths; and
- 14 (8) Do all things and perform all acts necessary to enforce the provisions of this chapter.

15 (b) The board of barbering and hairdressing shall have a policy-making role in selection
16 of the examinations. Subsequent to the administration of the examination, the board of examiners
17 shall review the examinations to evaluate their effectiveness. The board shall ~~supervise the~~
18 ~~operations of~~ provide the division of ~~professional regulation~~ commercial licensing ~~in an advisory~~
19 ~~capacity~~ advice in promulgating any policy that is necessary to improve the operations of the
20 division in their areas of expertise. The promulgation of that policy is subject to the approval of
21 the director of the department. Members of the board are subject to the provisions of chapter 14
22 of title 36.

23 **5-10-4. Board of barbering and hairdressing – Compensation of members.**

24 No member of the board shall be compensated for his or her services for attendance at
25 meetings of the board, attendance at examinations, but shall be reimbursed by the department of
26 ~~health~~ business regulation for his or her traveling and other expenses incurred in the performance
27 of his or her duties provided in this chapter.

28 **5-10-8. Issuance of licenses – Qualifications of applicants.**

29 (a) The division shall issue licenses to persons engaged in, or desiring to engage in, the
30 practice of barbering, hairdressing and cosmetic therapy and/or manicuring or esthetics and for
31 instructing in any approved school of barbering or hairdressing and cosmetic therapy and
32 manicuring or esthetics; provided, that no license shall be issued to any person under this chapter
33 unless the applicant for the license:

- 34 (1) Is at least eighteen (18) years of age;

- 1 (2) Is a citizen of the United States of America or has legal entry into the country;
- 2 (3) Is of good moral character;
- 3 (4) Is a high school graduate or holds the equivalent ~~or has twenty-five (25) or more years~~
- 4 ~~of prior experience in the practice for which the license is sought;~~
- 5 (5) Has satisfactorily completed the course of instruction in an approved school of
- 6 barbering, hairdressing and cosmetic therapy and/or manicuring or esthetics;
- 7 (6) Has satisfactorily passed a written and a practical examination approved by the
- 8 division to determine the fitness of the applicant to receive a license; and
- 9 (7) Has complied with § 5-10-10 and any other qualifications that the division prescribes
- 10 by regulation.

11 ~~(b) Notwithstanding the provision of subdivision (a)(4), on and after July 1, 1997, an~~

12 ~~applicant seeking licensure as a barber must be a high school graduate or hold the equivalent~~

13 ~~combination of education and experience.~~

14 (c) The division may license, on a case-by-case basis, with or without examination, any

15 individual who has been licensed as an esthetician, barber, cosmetologist, electrologist or

16 manicurist under the laws of another state, which, in the opinion of the division, maintains a

17 standard substantially equivalent to that of the state of Rhode Island.

18 **5-10-9. Classes of licenses.**

19 Licenses shall be divided into the following classes and shall be issued by the division to

20 applicants for the licenses who have qualified for each class of license:

21 (1) A "hairdresser's and cosmetician's license" shall be issued by the division to every

22 applicant for the license who meets the requirements of § 5-10-8 and has completed a course of

23 instruction in hairdressing and cosmetology consisting of not less than fifteen hundred (1,500)

24 ~~twelve hundred (1,200)~~ hours of continuous study and practice.

25 (2) An "instructor's license" shall be granted by the division to any applicant for the

26 license who has held a hairdresser's and cosmetician's license, a barber's license, a manicurist's

27 license, or an esthetician's license, issued under the laws of this state or another state, for at least

28 the three (3) years preceding the date of application for an instructor's license and:

- 29 (i) Meets the requirements of § 5-10-8;
- 30 (ii) Has satisfactorily completed three hundred (300) hours of instruction in hairdressing
- 31 and cosmetology, barber, manicurist, or esthetician teacher training approved by the division as
- 32 prescribed by regulation;
- 33 (iii) Has satisfactorily passed a written and a practical examination approved by the
- 34 division to determine the fitness of the applicant to receive an instructor's license;

- 1 (iv) Has complied with § 5-10-10; and
2 (v) Has complied with any other qualifications that the division prescribes by regulation.

3 (3) A "manicurist license" shall be granted to any applicant for the license who meets the
4 following qualifications:

- 5 (i) Meets the requirements of § 5-10-8; and
6 (ii) Has completed a course of instruction, consisting of not less than three hundred (300)
7 hours of professional training in manicuring, in an approved school.

8 (4) An "esthetician license" shall be granted to any applicant for the license who meets
9 the following qualifications:

- 10 (i) Meets the requirements of § 5-10-8;
11 (ii) Has completed a course of instruction in esthetics, consisting of not less than six
12 hundred (600) hours of continuous study and practice over a period of not less than four (4)
13 months, in an approved school of hairdressing and cosmetology; and

14 (iii) Any applicant who holds a diploma or certificate from a skin-care school, that is
15 recognized as a skin-care school by the state or nation in which it is located, and meets the
16 requirements of [paragraph \(i\) of this](#) subdivision ~~(i)~~, shall be granted a license to practice
17 esthetics; provided, that the skin-care school has a requirement that, in order to graduate from the
18 school, a student must have completed a number of hours of instruction in the practice of skin
19 care, which number is at least equal to the number of hours of instruction required by the
20 division.

21 (5) A "barber" license shall be issued by the division to every applicant for the license
22 who meets the requirements of § 5-10-8 and:

23 (i) Has completed a course of instruction in barbering consisting of not less than one
24 thousand five hundred (1,500) hours of continuous study and practice in an approved school;

25 (ii) Has possessed, for at least two (2) years prior to the filing of the application, a
26 certificate of registration in full force and effect from the ~~department of health of the~~ state
27 specifying that person as a registered, apprentice barber, and the application of that applicant is
28 accompanied by an affidavit, or affidavits, from his or her employer, or former employers, or
29 other reasonably satisfactory evidence showing that the applicant has been actually engaged in
30 barbering as an apprentice barber in the state during those two (2) years; or

31 (iii) A combination of barber school training and apprenticeship training as determined
32 by the rules and regulations prescribed by the division.

33 **5-10-9.1. License portability.**

34 Notwithstanding any general law, special law, public law, or rule or regulation to the

1 contrary, any licensed barber, hairdresser, cosmetician, manicurist, or esthetician who operates as
2 an independent contractor at any "hair-design shop" licensed pursuant to § 5-10-15, shall be
3 permitted to relocate, without obtaining a new license, to another licensed, hair-design shop once
4 during the term of their one-year license issued by the department of ~~health~~ [business regulation](#).

5 **5-10-10. Application form – Fee – Expiration and renewal of licenses – Fees.**

6 (a) Applications for licenses under § 5-10-9 shall be made upon any forms that are
7 prescribed by the division and are accompanied by an application fee established in regulation.
8 The license of every person licensed under §§ 5-10-8 and 5-10-9 shall expire on the thirtieth
9 (30th) day of October of every other year following the date of license. This is determined on an
10 odd-even basis. On or before the first day of September of every year, the ~~administrator of~~
11 ~~professional regulation~~ [department](#) shall ~~mail an application for~~ [provide notice of](#) renewal of
12 license to people scheduled to be licensed that year on an odd or even basis as to the license
13 number. Every person who wishes to renew his or her license must file with the ~~administrator of~~
14 ~~professional regulation~~ [department](#) a renewal application duly executed together with the renewal
15 fee as set ~~forth in § 23-1-54~~ [by the department](#). Applications, accompanied by the fee for renewal,
16 shall be filed with the division on or before the fifteenth (15th) day of October in each renewal
17 year. Upon receipt of the application and fee, the ~~administrator of professional regulation~~
18 [department](#) shall grant a renewal license effective October 1st and expiring two (2) years later on
19 September 30th.

20 (b) Every person who fails to renew his or her license on or before September 30th
21 following the date of issuance as provided in subsection (a) of this section may be reinstated by
22 the division upon payment of the current renewal fee [and a late fee](#) as set ~~forth in § 23-1-54~~ [by the](#)
23 [department](#).

24 (c) The license shall be on the person at all times while performing the services for which
25 they are licensed.

26 **5-10-11. Persons licensed in other states.**

27 (a) Any person licensed to practice barbering, hairdressing, and cosmetic therapy and/or
28 manicuring or esthetics in another state where the requirements are the equivalent of those of this
29 state is entitled to a license as a barber, hairdresser, and cosmetician and/or manicurist or
30 esthetician operator upon the acceptance of his or her credentials by the division; provided, that
31 the state in which that person is licensed extends a similar privilege to licensed barbers,
32 hairdressers, and cosmetic therapists and/or manicurists or esthetics of this state. If a person
33 applies for a hairdressing license who was licensed in another state where the requirements are
34 not equivalent to those of this state, the division shall give to that person one hundred (100) hours

1 instructional credit for three (3) months that the person was licensed and in actual practice, up to a
2 limit of five hundred (500) hours, in order for that person to meet the requirements for a
3 hairdressing license in this state as established under the provisions of §§ 5-10-8 and 5-10-9.

4 (b) If a person applies for a manicurist or esthetician license and is currently licensed in
5 another state, that person may be granted a license if he or she passes the written and practical
6 examinations conducted by the division.

7 (c) The fee for the application is as set ~~forth in § 23-1-54~~ [by the department](#); provided,
8 that the provisions of this chapter shall not be construed as preventing persons who have been
9 licensed by examination under the laws of other states of the United States or territories and the
10 District of Columbia from practicing barbering, hairdressing, and cosmetic therapy and/or
11 manicuring or esthetics in this state for a period of three (3) months; provided, that they apply for
12 and are licensed in this state within three (3) months from the commencement of their
13 employment. Nor shall it be construed as prohibiting persons who have been licensed under the
14 laws of another country or territory from practicing barbering, hairdressing, and cosmetic therapy
15 and/or manicuring or esthetics in this state; provided, that practice is in conformity with the rules
16 and regulations of the division; and provided, that in no case shall that practice cover a period of
17 more than three (3) months from the commencement of that employment.

18 **5-10-15. Licensing of shops.**

19 (a) No shop, place of business or establishment shall be opened or conducted within the
20 state by any person, association, partnership, corporation, or otherwise for the practice of
21 barbering, manicuring and/or hairdressing and cosmetic therapy or esthetics until the time that
22 application for a license to operate that shop, place of business or establishment for the practice of
23 manicuring and/or hairdressing and cosmetic therapy or esthetics is made, to the division, in the
24 manner and on the forms that it prescribes, and a license, under the terms and conditions, not
25 contrary to law, that the division requires shall be granted for it and a license issued.

26 (1) No licenses shall be granted to any shop, place of business, or establishment for the
27 practice of hairdressing and cosmetic therapy unless the proprietor or a supervising manager in
28 the practice of barbering, hairdressing and cosmetic therapy, of the shop, place of business, or
29 establishment is licensed and has been licensed as a licensed barber or hairdresser and
30 cosmetician for a period of at least one year immediately prior to the filing of the application for
31 the license.

32 (2) No license shall be granted to any shop, place of business, or establishment for the
33 practice of manicuring or esthetics unless the proprietor or a supervising manager of the
34 proprietor is licensed and has been licensed as a licensed barber, hairdresser and cosmetician,

1 manicurist or esthetician for a period of at least one year immediately prior to the filing of the
2 application for the license.

3 (3) The supervising manager shall be registered with the division as the manager of a
4 licensed shop and shall only be registered to manage one shop at a time. The proprietor of the
5 licensed shop and the manager shall notify the division, in writing, within ten (10) days upon the
6 termination of employment as the manager of the licensed shop. The license of the shop shall
7 expire forty-five (45) days after the division is notified by the proprietor if no new manager is
8 registered with the division as the supervising manager of the shop.

9 (b) All licenses issued under this section shall terminate on the first day of July following
10 the date of issue. The fee for the license is as set ~~forth in § 23-1-54~~ [by the department](#).

11 **5-10-23. Fixed place of business.**

12 (a) Except as provided in this section, manicuring, esthetics, barbering and/or
13 hairdressing and cosmetic therapy, as defined in this chapter, shall be practiced only in a shop
14 licensed under § 5-10-15. Nothing contained in this chapter shall be construed to prohibit the
15 practice of barbering, manicuring, and hairdressing and cosmetic therapy and esthetics in the
16 same shop or place of business.

17 (b) Nothing in this section shall restrict a hairdresser licensed pursuant to this chapter,
18 operating in a licensed nursing service agency, from providing services to an individual who is
19 homebound at their home. For purposes of this section, "homebound" is defined as any person
20 who is considered housebound for purpose of federal Medicare eligibility.

21 (c) Nothing in this section shall restrict any person licensed pursuant to this chapter from
22 providing services to an individual who is homebound at their home as verified by a licensed
23 health care professional.

24 (d) Nothing in this section shall restrict or prohibit any person licensed pursuant to this
25 chapter from providing services to an individual residing in any Department of Housing and
26 Urban Development (H.U.D.) recognized housing for the elderly in the H.U.D. recognized
27 housing in which the individual resides. Those services shall be provided in a separate room
28 inspected by the department of ~~health~~ [business regulation](#). Students enrolled in programs of
29 hairdressing, barbering and/or cosmetology are prohibited in H.U.D. recognized housing.

30 (e) Nothing in this section shall restrict or prohibit any person licensed pursuant to this
31 chapter from providing services to an individual outside a licensed shop as part of a special
32 occasion event, such as a wedding or prom, so long as those services are limited to hair styling
33 and makeup, and the health and sanitation standards expected of licensees in licensed shops are
34 followed.

1 **5-10-25. Inspection powers of the division – Denial of access.**

2 Any person employed, authorized and empowered by the division ~~of professional~~
3 ~~regulation~~ may enter any shop, place of business, or establishment licensed under the provisions
4 of this chapter during the hours the shop, place of business, establishment, or school of barbering,
5 manicuring, or hairdressing and cosmetic therapy is open for business, for the purpose of
6 inspecting its sanitary conditions and ascertaining if the provisions of this chapter and the rules
7 and regulations for the practice of barbering, hairdressing, and cosmetic therapy as established by
8 the division are being observed in the operation of that shop or place of business, and failure or
9 refusal of the person in charge of that shop, place of business, establishment, or school to permit
10 inspection at all reasonable times is deemed sufficient cause for the revocation of any license
11 issued to that shop, place of business, or establishment and any certificate of approval issued by
12 the division.

13 **5-10-28. Appeals.**

14 Any person aggrieved by any decision or ruling of the division may appeal it to the
15 ~~administrator of the division or his or her designee. A further appeal may then be made to the~~
16 ~~appropriate~~ board of examiners. Any person aggrieved by any decision or ruling of the board may
17 appeal it to the director of the department. Any further appeal from the action of the director is in
18 accordance with the provisions of chapter 35 of title 42. For the purpose of this section the
19 division is considered a person.

20 **5-10-32. Enforcement of chapter – Annual reports.**

21 The division is specifically charged with the enforcement of this chapter, shall investigate
22 all complaints for violations of the provisions of this chapter, ~~and shall hold a hearing upon any~~
23 ~~complaint for any violation of the chapter within thirty (30) days after the filing of the complaint~~
24 ~~and render a decision, in writing, within ten (10) days from the close of the hearing.~~ If the
25 division finds that any of the provisions of this chapter have been violated, it shall immediately
26 institute ~~any criminal~~ prosecution that the violation warrants.

27 **5-10-39. Demonstrator's permit.**

28 The division may, in its discretion, issue to any person recognized by the division as an
29 authority on, or an expert in, the theory or practice of barbering, hairdressing, and cosmetic
30 therapy and/or manicuring or esthetics, and is the holder of a current esthetician's, manicurist's or
31 a barber's, hairdresser's, and cosmetician's license in this state, another state, or the District of
32 Columbia, a demonstrator's permit for not more than six (6) days' duration for educational and
33 instructive demonstrations; provided, that the permit shall not be used in the sense of a license to
34 practice barbering, manicuring, esthetics, or hairdressing and cosmetic therapy. The fee for the

1 permit is as set ~~forth in § 23-1-54~~ [by the department](#).

2 SECTION 7. Section 5-25-10 of the General Laws in Chapter 5-25 entitled “Veterinary
3 Practice” is hereby amended to read as follows:

4 **5-25-10. Qualifications for licensure.**

5 Any applicant for licensure shall submit to the department written evidence on forms
6 furnished by the department ~~verified by oath~~ that the applicant meets all of the following
7 requirements:

8 (1) Is a graduate of a school or college of veterinary medicine recognized and accredited
9 by the American Veterinary Medical Association and by the department or certification by the
10 Educational Council for Foreign Veterinary Graduates;

11 (2) Pays an application fee as set forth in § 23-1-54 at the time of submitting the
12 application, which, in no case is returned to the applicant;

13 (3) Is of good moral character, evidenced in the manner prescribed by the department;
14 and

15 (4) Complies with any other qualifications that the department prescribes by regulation;
16 and

17 (5) Comply with the continuing education requirements adopted by the department.

18 SECTION 8. Section 5-30-6 of the General Laws in Chapter 5-30 entitled “Chiropractic
19 Physicians” is hereby amended to read as follows:

20 **5-30-6. Qualifications and examinations of applicants.**

21 Every person desiring to begin the practice of chiropractic medicine, except as provided
22 in this chapter, shall present satisfactory evidence to the division of professional regulation of the
23 department of health, ~~verified by oath~~, that he or she is more than twenty-three (23) years of age,
24 of good moral character, and that before he or she commenced the study of chiropractic medicine
25 had satisfactorily completed credit courses equal to four (4) years of pre-professional study
26 acceptable by an accredited academic college and obtained a bachelor of science or bachelor of
27 arts degree and subsequently graduated from a school or college of chiropractic medicine
28 approved by the division of professional regulation of the department of health, and has
29 completed a residential course of at least four (4) years, each year consisting of at least nine (9)
30 months study. Any qualified applicant shall take an examination before the state board of
31 chiropractic examiners to determine his or her qualifications to practice chiropractic medicine.
32 Every applicant for an examination shall pay a fee as set forth in § 23-1-54 for the examination to
33 the division of professional regulation. Every candidate who passes the examination shall be
34 recommended by the division of professional regulation of the department of health to the

1 director of the department of health to receive a certificate of qualification to practice chiropractic
2 medicine.

3 SECTION 9. Sections 5-26-2 and 5-26-3 of the General Laws in Chapter 5-26 entitled
4 “Division of Profession Regulation” are hereby amended to read as follows:

5 **5-26-2. Boards of examiners appointed by director of health.**

6 The director of health, with the approval of the governor, shall also appoint to the
7 division of professional regulation a board of nursing registration and education as provided by
8 chapter 34 of this title, and a board of examiners of each of the following arts, practices, sciences,
9 or callings: ~~barbering~~, podiatry, chiropractic, (except as provided in § 5-30-1.1) psychology,
10 optometry, ~~electrolysis~~, and physical therapy; ~~and a board of five (5) examiners in speech~~
11 ~~pathology, audiology, and embalming.~~ Those boards shall perform the duties prescribed by
12 chapters ~~10~~, 29, 30, (except as provided in § 5-30-1.1), ~~32, 33~~, 34, 35, 40, ~~and 44, and 48~~ of this
13 title.

14 **5-26-3. Qualifications of examiners.**

15 The examiners appointed for each specific art, practice, science, or calling referred to in §
16 5-26-2 shall be persons competent to give those examinations and shall be appointed from
17 persons licensed to practice such an art, practice, science, or calling in this state, except that one
18 member of each of the chiropractic, ~~and electrolysis~~ boards shall be a physician licensed to
19 practice medicine in the state.

20 SECTION 10. Sections 5-32-2, 5-32-3, 5-32-4, 5-32-6, 5-32-7, 5-32-9, 5-32-11, 5-32-12,
21 5-32-13, 5-32-19 and 5-32-20 of the General Laws in Chapter 5-32 entitled “Electrolysis” are
22 hereby amended to read as follows:

23 **5-32-2. Penalty for unlicensed practice.**

24 Every person who subsequently engages in the practice of electrolysis in this state
25 without being licensed by the board of examiners in electrolysis is practicing illegally and, ~~upon~~
26 ~~conviction~~, shall be fined not more than twenty-five dollars (\$25.00) and every day of the
27 continuation of illegal practice is a separate ~~offense violation~~.

28 **5-32-3. Certificates – Applications – Penalty for violations.**

29 The division of ~~professional regulation~~ commercial licensing of the department of ~~health~~
30 business regulation shall issue certificates to practice electrolysis, as defined in this chapter, to
31 any persons that comply with the provisions of this chapter. Any person who desires to engage in
32 that practice shall submit, in writing, in any form that is required by the ~~board~~ department, an
33 application for a certificate to engage in that practice. The application shall be accompanied by a
34 fee as set ~~forth in § 23-1-54~~ by the department of business regulation. Any person, firm,

1 corporation or association violating any of the provisions of this chapter ~~commits a misdemeanor~~
2 ~~and, upon conviction,~~ shall be punished by a fine not to exceed two hundred dollars (\$200), ~~or~~
3 ~~imprisoned for a period not to exceed three (3) months, or both the fine and imprisonment.~~

4 **5-32-4. Qualifications of applicants.**

5 Licenses to engage in the practice of electrolysis shall be issued to the applicants who
6 comply with the following requirements:

7 (1) Are citizens or legal residents of the United States.

8 (2) Have attained the age of eighteen (18) years.

9 (3) Have graduated from a high school or whose education is the equivalent of a high
10 school education.

11 (4) Have satisfactorily completed a course of training and study in electrolysis, as a
12 registered apprentice under the supervision of a licensed Rhode Island electrologist who is
13 qualified to teach electrolysis to apprentices as prescribed in § 5-32-20, or has graduated from a
14 school of electrolysis after having satisfactorily completed a program consisting of not less than
15 six hundred fifty (650) hours of study and practice in the theory and practical application of
16 electrolysis. That apprenticeship includes at least six hundred and fifty (650) hours of study and
17 practice in the theory and practical application of electrolysis within a term of nine (9) months;
18 provided, that the apprentice registers with the division of professional regulation of the
19 department of health upon beginning his or her course of instruction, and the licensed person with
20 whom they serve that apprenticeship keeps a record of the hours of that instruction, and, upon the
21 completion of that apprenticeship, certifies that fact to the board of examiners in electrolysis.

22 (5) Is of good moral character.

23 (6) Passes an examination approved by the department of ~~health~~ [Business Regulation](#).

24 **5-32-6. Examination of applicants – Expiration and renewal of certificates.**

25 (a) Examination of applicants for certificates shall be held at least twice a year in the city
26 of Providence and may be held elsewhere at the discretion of the division of ~~professional~~
27 ~~regulation~~ [commercial licensing](#) of the department ~~of health~~ [business regulation](#). The division has
28 the power to adopt, change, alter and amend, rules and regulations for the conducting of those
29 examinations, and may fix the fee for reexamination. The division shall issue to each person
30 successfully passing the examination, where an examination is required, and who satisfies the
31 division of his or her qualifications, a certificate, signed ~~by the administrator~~ [an authorized person](#)
32 of the division, entitling him or her to practice that business in this state for the annual period
33 stated in the certificate, or until the certificate is revoked or suspended, as subsequently provided.

34 (b) All certificates shall expire on the 30th day of April of each year, unless sooner

1 suspended or revoked, and shall be renewed for the next ensuing year by the division upon
2 payment to the division of an annual renewal fee as set ~~forth in § 23-1-54~~ [by the department](#) for
3 each renewal.

4 **5-32-7. Certification of licensees from other states.**

5 Any person licensed to practice electrolysis in any other state or states, ~~who is, or in good~~
6 ~~faith intends to become, a resident of this state,~~ where the requirements are the equivalent of those
7 of this state and who meets the requirements of this chapter shall be entitled to take that
8 examination and, if he or she passes that examination, shall be, upon the payment of a fee as set
9 ~~forth in § 23-1-54~~ [by the department of business regulation](#), entitled to be licensed under the
10 provisions of this chapter.

11 **5-32-9. Fixed place of business – Sanitary regulation.**

12 The practice of electrolysis shall be engaged in only in a fixed place or establishment,
13 which place or establishment shall be provided with any instruments, implements, and equipment
14 and subject to any sanitary regulation and inspection that the division of ~~professional regulation~~
15 commercial licensing of the department of ~~health~~ [business regulation](#) prescribes.

16 **5-32-11. Display of licenses – Revocation or suspension of licenses for gross**
17 **unprofessional misconduct.**

18 (a) Every license issued under this chapter shall specify the name of the person to whom
19 it was issued and shall be displayed prominently in the place of business or employment. The
20 division of ~~professional regulation~~ [commercial licensing](#) of the department of ~~health~~ [business](#)
21 [regulation](#) has the power to revoke or suspend any license of registration issued under this chapter
22 for gross unprofessional conduct. Gross unprofessional conduct is defined as including, but not
23 limited to:

24 (1) The use of any false or fraudulent statement in any document connected with the
25 practice of electrolysis.

26 (2) The obtaining of any fee by fraud or misrepresentation either to a patient or insurance
27 plan.

28 (3) The violation of a privileged communication.

29 (4) Knowingly performing any act which in any way aids or assists an unlicensed person
30 to practice electrolysis in violation of this chapter.

31 (5) The practice of electrolysis under a false or assumed name.

32 (6) The advertising for the practice of electrolysis in a deceptive or unethical manner.

33 (7) Habitual intoxication or addiction to the use of drugs [to the extent it impairs the](#)
34 [licensee's ability to engage in the practice of his or her profession.](#)

1 (8) Violations of any of the rules or regulations of the state department of ~~health-business~~
2 regulation, or the violation of any section of this chapter.

3 (9) Gross incompetence in the practice of his or her profession.

4 (10) Repeated acts ~~of immorality or repeated acts~~ of gross misconduct in the practice of
5 his or her profession.

6 (b) Before any license is suspended or revoked, its holder shall be notified, ~~in writing, of~~
7 ~~the charge or charges preferred against him or her and shall have a reasonable time to prepare his~~
8 ~~or her defense and has the right to be represented by counsel and to be heard and to present his or~~
9 ~~her defense~~ and afforded an opportunity for hearing in accordance with the Administrative
10 Procedures Act, chapter 35 of title 42. Any person whose license has been suspended or revoked
11 may apply to have the license reissued and the license may be reissued to him or her upon a
12 satisfactory showing that the cause for disqualification has ceased. The division of ~~professional~~
13 ~~regulation~~ commercial licensing of the department of ~~health-business~~ regulation has power ~~by its~~
14 ~~administrator~~ to summon any person to appear as a witness and testify at any hearing of the
15 division, to examine witnesses, administer oaths and punish for contempt any person refusing to
16 appear or testify. The division shall ~~serve~~ provide a copy of its decision or ruling upon any person
17 whose license has been revoked or refused.

18 **5-32-12. Appeals from division.**

19 Any person aggrieved by any decision or ruling of the division of ~~professional regulation~~
20 commercial licensing of the department of ~~health-business~~ regulation may appeal that decision to
21 the superior court in the manner provided in the Administrative Procedures Act, chapter 35 of
22 title 42.

23 **5-32-13. Annual renewal of certificates.**

24 All certificates issued under the provisions of this chapter shall be renewed annually by
25 the holders of the certificate at an annual renewal fee as set ~~forth in § 23-1-54~~ by ~~the division of~~
26 ~~professional regulation of~~ the department ~~of health~~.

27 **5-32-19. Apprenticeship register.**

28 The division of ~~professional regulation~~ commercial licensing of the department of ~~health~~
29 business regulation shall keep a ~~register in which~~ record of the names of all persons serving
30 apprenticeships licensed under this chapter shall be recorded. This register is open to public
31 inspection.

32 **5-32-20. Qualifications for teaching electrolysis.**

33 (a) A person, in order to qualify as an instructor or teacher of electrolysis to apprentices,
34 must:

1 (1) Have been actively engaged as a licensed practitioner of electrolysis for at least five
2 (5) years.

3 (2) Pass a state board examination specifically designed to evaluate his or her
4 qualifications to teach electrolysis.

5 (3) Be a high school graduate or the equivalent.

6 (b) Upon satisfactorily passing this examination, the division of ~~professional regulation~~
7 commercial licensing of the department of ~~health-business regulation~~ shall issue a license to the
8 person upon the payment of a fee as set ~~forth in § 23-1-54~~ by the department.

9 (c) A qualified licensed electrologist shall not register more than one apprentice for each
10 nine-month (9) training period.

11 SECTION 11. Sections 5-33.2-1, 5-33.2-2, 5-33.2-3, 5-33.2-5, 5-33.2-12, 5-33.2-13, 5-
12 33.2-13.1, 5-33.2-13.2, 5-33.2-15, 5-33.2-16, 5-33.2-18, 5-33.2-19, 5-33.2-20 and 5-33.2-22 of
13 the General Laws in Chapter 5-33.2 entitled "Funeral Director/Embalmer Funeral Service
14 Establishments" are hereby amended to read as follows:

15 **5-33.2-1. Definitions.**

16 As used in this chapter:

17 (1) "Board" means the state board of funeral directors/embalmers.

18 (2) "Cremation" means a two (2) part procedure where a dead human body or body parts
19 are reduced by direct flames to residue which includes bone fragments and the pulverization of
20 the bone fragments to a coarse powdery consistency.

21 (3) "Department" means the Rhode Island department of ~~health~~ business regulation.

22 (4) "Division" means the division of ~~professional regulation~~ commercial licensing created
23 under chapter 26 of this title.

24 (5) "Embalmer" means any person who has completed an internship, full course of study
25 at an accredited mortuary science school, has passed the national board examination and is
26 engaged in the practice or profession of embalming, as defined in this section.

27 (6) "Embalming" means the practice, science or profession of preserving, disinfecting,
28 and preparing in any manner, dead human bodies for burial, cremation or transportation.

29 (7) "Funeral" means a period following death in which there are religious services or
30 other rites or ceremonies with the body of the deceased present.

31 (8)(i) "Funeral directing" means:

32 (A) Conducting funeral services; or

33 (B) The arrangement for disposition of dead human bodies, except in the case of any
34 religion where the preparation of the body or the provision of funeral services should be done

1 according to religious custom or belief.

2 (ii) Only funeral directors/embalmers, working for a licensed funeral establishment are
3 allowed to meet with families for the purpose of arranging funerals. Provided, that any person
4 who assumed an ownership interest from their spouse or any widow or widower of a licensed
5 funeral director who at the time of November 1, 1995 has been meeting with families to arrange
6 for the conducting of funeral services are allowed to continue this practice.

7 (9) "Funeral director/embalmer" means any person engaged, or holding himself or herself
8 out as engaged in the practice or profession of funeral directing, and the science, practice or
9 profession of embalming as previously defined, including a funeral director of record, who may
10 be a funeral director at more than one establishment or any other word or title intending to imply
11 or designate him or her as a funeral director/embalmer, undertaker, or mortician. The holder of
12 this license must be the holder of an embalmer's license.

13 (10) "Funeral director/embalmer intern" means any person engaged in learning the
14 practice, or profession of funeral directing and the science, practice or profession of embalming
15 under the instruction and supervision of a funeral director/embalmer licensed and registered under
16 the provisions of this chapter and actively engaged in the practice, or profession of funeral
17 directing and embalming in this state.

18 (11) "Funeral establishment" means a fixed place, establishment or premises, licensed by
19 the department, devoted to the activities which are incident, convenient, or related to the care and
20 preparation, arrangement, financial and otherwise, for the funeral, transportation, burial or other
21 disposition of human dead bodies and including, but not limited to, a suitable room with all
22 instruments and supplies used for the storage and/or preparation of dead human bodies for burial
23 or other disposition.

24 (12) "Funeral merchandise" means those items which are normally presented for sale as
25 part of the funeral home operation on a for profit basis. These items include caskets, sealed
26 warranted outer burial containers, and burial clothing. Not included are urns, grave markers, and
27 non-sealed outer burial containers. All persons engaged in the sale of funeral merchandise must
28 comply with the provisions of chapter 33 of this title.

29 (13) "Person" includes individuals, partnership, corporations, limited liability companies,
30 associations and organization of all kinds.

31 (14) "Practice of funeral service" means a person engaging in providing shelter, care and
32 custody of human dead remains; in the practice of preparing of the human dead remains by
33 embalming or other methods for burial or other disposition; in entering into a funeral service
34 contract; engaging in the functions of funeral directing and/or embalming as presently known

1 including those stipulated within this chapter and as defined in the federal trade commission
2 "funeral rule". The practice of conducting funeral services is conducted in the presence of a
3 licensed funeral director/embalmer.

4 **5-33.2-2. Board of examiners – Qualifications and removal of members – Vacancies.**

5 (a) The members of the board of examiners in embalming shall be residents of this state
6 for at least five (5) years; three (3) of whom shall have had at least five (5) years' practical
7 experience in embalming dead human bodies and in funeral directing, and shall have been
8 actually engaged in these professions in this state and two (2) of whom shall be private citizens
9 who represent the consumer and who are not involved with or affiliated with, financial or
10 otherwise, any funeral establishment and/or funeral director/embalmer. The current members
11 shall serve their present term as they fulfill the requirements of this section. No member shall
12 serve more than two (2) consecutive terms.

13 (b) The director of the department of ~~health~~ [business regulation](#) may remove any member
14 of the board for cause. Vacancies are filled ~~pursuant to § 5-26-4~~ [by the director of the department](#).

15 **5-33.2-3. Rules and regulations.**

16 The director of the department of ~~health~~ [business regulation](#) has the power to adopt any
17 rules and regulations not inconsistent with law, which he or she deems necessary, in carrying out
18 the purposes of this chapter ~~and for the prevention of and transmission of disease~~.

19 **5-33.2-5. Application for license – Application fee.**

20 Any person who desires to engage in embalming or funeral directing, or both, shall
21 submit, in writing, to the division of professional regulation, an application for a license. That
22 application shall be accompanied by a fee set by the department of ~~health~~ [business regulation](#).

23 **5-33.2-12. Funeral establishment and branch offices licenses.**

24 (a) No person, association, partnership, corporation, limited liability company or
25 otherwise, shall conduct, maintain, manage, or operate a funeral establishment or branch office
26 unless a license for each funeral establishment and branch office has been issued by the
27 department and is conspicuously displayed. In the case of funeral services conducted under the
28 license of a funeral establishment held in any private residence, public building or church, no
29 separate establishment license shall be required. A licensed funeral establishment must be distinct
30 and separate from other non- funeral service related activity for which it is licensed. No license to
31 operate a funeral establishment shall be issued by the department unless the applicant for the
32 funeral establishment license has registered with the department a licensed funeral
33 director/embalmer who shall be in charge as the funeral director of record. The branch office of a
34 funeral establishment must have a separate branch office establishment license but not a separate

1 funeral director of record. One branch office shall be allowed to operate under the funeral
2 establishment license, and this one branch office may be permitted to operate without a
3 preparation room. Applications for the funeral establishment license and branch office shall be
4 made on forms furnished by the division accompanied by the application fees as set ~~forth in § 23-~~
5 ~~1-54~~ [by the department](#). Upon receipt of a completed application and the recommendation of the
6 board, the division shall issue a license. All funeral establishment and branch office licenses shall
7 expire on the thirty-first day of December of each year, unless sooner suspended or revoked. A
8 license shall be issued to a specific licensee for a specific location and is not transferable. The
9 funeral establishment licensee shall notify the division, in writing, delivered in person or by
10 certified mail, within ten (10) days from the date of termination of employment, for any cause, of
11 the funeral director/embalmer of record with the division for the funeral establishment. The
12 license of the funeral establishment shall expire forty-five (45) days from the date the division
13 was notified by the licensee, if no new funeral director/embalmer is registered with the division.
14 No funeral services shall be conducted at the funeral establishment without a funeral
15 director/embalmer being registered with the division as the funeral director of record for that
16 funeral establishment. Two (2) licensed funeral directors may operate jointly at one location if
17 one of their existing funeral establishments closes its place of business and joins an existing
18 licensed funeral establishment. Each firm will hold its own separate establishment license. One
19 cannot operate a branch office by invoking this section. Human dead remains shall not be held
20 more than forty-eight (48) hours without embalming or without refrigeration for the purpose of
21 maintaining public health. A funeral establishment must at the minimum contain a preparation
22 room equipped with tile, cement, or composition floor, necessary drainage and ventilation, and
23 containing necessary instruments and supplies for the preparation and embalming of dead human
24 remains for burial, transportation, or other disposition.

25 (b) Any person who inherits any ownership interest to a funeral establishment may
26 continue to conduct the business of that establishment as their ownership interest would allow
27 upon the following:

28 (1) Filing with the division a statement of change of fact concerning that inheritance.

29 (2) Conducting the business of the establishment in compliance with all the requirements
30 of this chapter.

31 **5-33.2-13. Funeral establishment and branch officer – Crematories – Inspections –**
32 **Denial of access.**

33 (a) Any licensed funeral director/embalmer employed, authorized and empowered by the
34 division of ~~professional regulation~~ [commercial licensing](#) may enter any funeral establishment,

1 funeral establishment branch office or crematory licensed under the provisions of this chapter,
2 during the hours the funeral establishment, funeral establishment branch office or crematory is
3 open for business, for the purpose of inspecting the sanitary conditions, complaint investigations,
4 and ascertaining if the provisions of this chapter and the rules and regulations are being observed
5 in the operation of the funeral establishment, funeral establishment branch office or crematory.
6 The inspector may request permission from the department to be accompanied by another
7 employee of the department of ~~health~~ [business regulation](#) prior to an inspection. Failure or refusal
8 of the person in charge of that funeral establishment, funeral establishment branch office or
9 crematory to permit the inspection at all reasonable times shall be deemed sufficient cause for the
10 revocation of any license issued to the funeral establishment, funeral establishment branch office
11 or crematory and any certificate of approval issued by the division.

12 (b) Funeral establishments and branch offices and crematories licensed under the
13 provisions of this chapter shall be inspected at least ~~twice~~ [once](#) each year. Inspections shall
14 include all areas of sanitation and public health, complaint investigations, as well as conformity
15 with applicable section of this chapter and the rules and regulations.

16 **5-33.2-13.1. Crematories – License and inspection.**

17 No crematory owned or operated by or located on property licensed as a funeral
18 establishment or at another location or by a cemetery shall conduct cremations without first
19 having applied for and obtained a license from the department. Applications for the crematory
20 license shall be made on forms furnished by the division accompanied by the application fee as
21 set ~~forth in § 23-1-54~~ [by the department](#). Upon receipt of a completed application, the department
22 shall issue a license. A license shall be issued to a specific licensee for a specific location and is
23 not transferable. The facility and licensee shall meet all requirements as prescribed by the rules
24 and regulations established by the department, not inconsistent with this chapter.

25 **5-33.2-13.2. Cremation of human remains.**

26 (a)(1) Cremation shall not take place until the necessary permits and consents are issued
27 pursuant to § 23-3-18.

28 (2) A crematory shall not take custody of unidentified human remains.

29 (3) Human remains designated for cremation shall be cremated without unreasonable
30 delay.

31 (4) When the crematory is unable to cremate the human remains immediately upon taking
32 custody, the crematory shall provide a holding facility that complies with any applicable public
33 health law that preserves the dignity of the human remains.

34 (5) Holding facilities must be secure from access by all unauthorized persons;

1 (6) A crematory shall not simultaneously cremate more than one human remain within
2 the same cremation chamber. The processing, packaging, storage and disposition of cremated
3 remains shall be as prescribed in the rules and regulations promulgated by the department of
4 ~~health-business regulation~~ division of ~~professional regulation~~ commercial licensing.

5 (7) A crematory or funeral home shall be authorized to dispose of the cremated remains
6 which have been abandoned at the crematory or funeral home for more than six (6) months. All
7 reasonable attempts must be made and diligence exercised to contact the person in charge who
8 authorized the cremation.

9 (b) This section does not apply to the cremation of various body parts from different
10 human bodies

11 **5-33.2-15. Annual renewal of licenses.**

12 All licenses issued under the provisions of this chapter must be renewed annually by their
13 holders, who shall pay to the division a yearly renewal fee for the renewal of a funeral
14 director/embalmer's license, and additional fees for each funeral establishment branch office
15 license and for the crematory license. These fees are as set ~~forth in § 23-1-54~~ by the department.
16 On or before the fifteenth day of November in each year, the division shall ~~mail to~~ notify each
17 licensed funeral director/embalmer and to each licensed funeral establishment, funeral
18 establishment branch office and crematory ~~an application for the~~ of their obligation to ~~renewal~~.
19 Applications, accompanied by the fee for renewal, shall be filed with the division on or before the
20 thirty-first day of December in each year. Applications filed after the thirty-first of December and
21 on or before the fifteenth of January must be accompanied by a late fee as set ~~forth in § 23-1-54~~
22 by the department for funeral director/embalmers and funeral establishments in addition to the
23 previously established renewal fees. Any funeral director/embalmer who acts or holds himself or
24 herself out as a funeral director/embalmer after his or her certificate has been lapsed shall be
25 punished as provided in this chapter. Any funeral establishment, funeral establishment branch
26 office or crematory who acts or holds itself out as a funeral establishment after its license has
27 lapsed shall be punished as provided in this chapter.

28 **5-33.2-16. Funeral director/Embalmer – Internship.**

29 (a) Nothing in this chapter shall be construed as prohibiting any person from serving as a
30 funeral director/embalmer intern. Before an internship begins the person desiring to become an
31 intern shall register with the division on any forms that it prescribes. No person under the age of
32 eighteen (18) years shall be permitted to register as an intern. The division may make any rules
33 and regulations that it deems advisable for the supervision of interns. All persons registering as an
34 intern shall pay a fee as set ~~forth in § 23-1-54~~ by the department at the time of the registration.

1 That intern is not permitted to advertise or hold himself or herself out to the public as a registered
2 funeral director/embalmer. The term of internship shall be not less than one year; provided, that if
3 an intern after having served his or her internship fails to pass the examination for a funeral
4 director/embalmer's license or fails to embalm fifty (50) human remains during their internship,
5 he or she may continue their internship. The total term of internship must be completed within
6 five (5) years from the date of original registration.

7 (b) The intern must have assisted in embalming at least fifty (50) bodies if the period for
8 registered internship is to be satisfied in one year. If the internship is for more than one year, the
9 applicant must embalm at least twenty-five (25) bodies for each year of their internship. Each
10 licensed funeral establishment embalming up to one hundred fifty (150) human remains per year
11 shall be allowed to register one intern at one time. Each establishment embalming more than one
12 hundred fifty (150) but less than three hundred (300) human remains per year shall be allowed to
13 register two (2) interns at one time. Each establishment embalming three hundred (300) or more
14 human remains per year shall be allowed to register three (3) interns at one time.

15 **5-33.2-18. Summons of witnesses.**

16 The ~~division~~ department has power ~~by its administrator~~ to summon any person to appear
17 as a witness and testify at any hearing of the division under the provisions of this chapter and to
18 examine and to administer oaths to those witnesses.

19 **5-33.2-19. Appeals.**

20 Any person aggrieved by any decision or ruling of the division may appeal ~~that decision~~
21 ~~to the administrator of the division or his or her designee. A further appeal may then be made~~ to
22 the appropriate board of examiners. Any person aggrieved by any decision or ruling of that board
23 may appeal the decision to the director of the department. Any further appeal from the action of
24 the director shall be in accordance with the provisions of chapter 35 of title 42, "Administrative
25 Procedures Act." The division shall be considered a person for the purposes of this section.

26 **5-33.2-20. Restricted receipts accounts for fees.**

27 All the proceeds of any fees collected pursuant to the provisions of this chapter, shall be
28 placed in a restricted receipts accounts, which is used for the general purposes of the division of
29 ~~professional regulation~~ commercial licensing with the department of ~~health~~ Business Regulation.

30 **5-33.2-22. Complaints of violations.**

31 (a) Complaints for violation of the provisions of this chapter or of any lawful rules or
32 regulation made under this chapter by the division may be made by the administrator of the
33 division or by any person authorized by the administrator or a member of the public, who shall be
34 exempt from giving surety for costs on that complaint.

1 (b) ~~All complaints filed with the division charging a person or establishment with having~~
2 ~~been guilty of any actions specified in this chapter or the rules and regulations must be sworn and~~
3 ~~notarized.~~ Complaints for violation of the provisions of this chapter or of any lawful rules or
4 regulation made under this chapter by the division may be made by the administrator of the
5 division or by any person authorized by the administrator or a member of the public, who shall be
6 exempt from giving surety for costs on that complaint.

7 SECTION 12. Sections 5-35.2-1, 5-35.2-2, 5-35.2-3, 5-35.2-4, 5-35.2-6, 5-35.2-11 and 5-
8 35.2-12 of the General Laws in Chapter 5-35.2 entitled "Opticians" are hereby amended to read
9 as follows:

10 **5-35.2-1. Definitions.**

11 As used in this chapter:

12 (1) "Advisory committee" means the advisory committee of opticianry as established
13 herein.

14 (2) "Department" means the department of ~~health~~ business regulation.

15 (3) "Director" means the director of the department of ~~health~~ business regulation.

16 (4) "Optician" means a person licensed in this state to practice opticianry pursuant to the
17 provisions of this chapter.

18 (5) "The Practice of Opticianry" means the preparation or dispensing of eyeglasses,
19 spectacles, lenses, or related appurtenances, for the intended wearers, or users, on prescription
20 from licensed physicians or optometrists, or duplications or reproductions of previously prepared
21 eyeglasses, spectacles, lenses, or related appurtenances; or the person who, in accordance with
22 such prescriptions, duplications or reproductions, measures, adapts, fits, and adjusts eyeglasses,
23 spectacles, lenses, including spectacles add powers for task specific use or occupational
24 applications, or appurtenances, to the human face. Provided, however, a person licensed under the
25 provisions of this chapter shall be specifically prohibited from engaging in the practice of ocular
26 refraction, orthoptics, visual training, the prescribing of subnormal vision aids, telescopic
27 spectacles, fitting, selling, replacing, or dispensing contact lenses.

28 **5-35.2-2. Qualification of optician applicants.**

29 (a) Every applicant for licensure shall present satisfactory evidence, ~~in the form of~~
30 ~~affidavits properly sworn to,~~ that he or she:

31 (1) Is of good moral character; and

32 (2) Has graduated from a two (2) year school of opticianry approved by the New England
33 Association of Schools and Colleges or an equivalent regional accrediting authority or other
34 accrediting authority as may be approved by the department with consultation from the advisory

1 committee; and

2 (3) Has successfully passed the national opticianry competency examination or any other
3 written examination approved by the department with consultation from the advisory committee;
4 and

5 (4) Has successfully passed a practical examination approved by the department with
6 consultation from the advisory committee.

7 (b) Every applicant for licensure who is or has been licensed in an alternate jurisdiction
8 shall present satisfactory evidence ~~in the form of affidavits properly sworn to~~ that he or she:

9 (1) Is of good moral character; and

10 (2) Has graduated from high school; and

11 (3) Has graduated from a two (2) year school of opticianry approved by the New England
12 Association of Schools and Colleges or an equivalent regional accrediting authority or other
13 accrediting authority as may be approved by the department with consultation from the advisory
14 committee; or has successfully completed a two (2) year opticianry apprenticeship program; and

15 (4) Has held a valid license to practice opticianry in another state for at least one year and
16 was in good standing during that time; and

17 (5) Has practiced opticianry in this or any other state for a period of not less than one
18 year; and

19 (6) Has successfully passed the national opticianry competency examination or any other
20 written examination approved by the department with consultation from the advisory committee;
21 and

22 (7) Has successfully passed a practical exam approved by the department with
23 consultation from the advisory committee.

24 **5-35.2-3. Optician's biennial license fee.**

25 Every applicant shall pay to the department a fee as set ~~forth in § 23-1-54~~ [by the](#)
26 [department](#) which shall accompany his or her application for a license. No one shall be permitted
27 to practice opticianry without a valid license.

28 **5-35.2-4. Advertising by opticians.**

29 This division of ~~professional regulation~~ [commercial licensing](#), in addition to conducting
30 the examinations, licensing, and registering of opticians, shall make rules and regulations
31 governing advertising by opticians. The division shall have the power to revoke the license of any
32 optician violating those rules and regulations.

33 **5-35.2-6. Freedom of choice for eye care.**

34 Where the contracts call for the expenditure of public or private funds involving

1 Medicaid and RIte Care, Medicare, or supplemental coverage for any purpose relating to
2 eyewear, and as it pertains to opticianry, the distribution, dispensing, filling, duplication and
3 fabrication of eyeglasses or optical prosthesis by opticians as defined in § ~~5-35.1-1~~ [5-35.2-1](#),
4 those health plans or contracts are required to notify by publication in a public newspaper
5 published within and circulated and distributed throughout the state of Rhode Island, to all
6 providers, including, but not limited to, opticians, within the health plan's or contract's geographic
7 service area, of the opportunity to apply for credentials, and there is no discrimination as to the
8 rate or reimbursement for health care provided by an optician for similar services as rendered by
9 other professions pursuant to this section. Nothing contained in the chapter shall require health
10 plans to contract with any particular class of providers.

11 **5-35.2-11. Construction of glass lenses – violations – penalty.**

12 (a) No person shall distribute, sell, or delivery any eyeglasses or sunglasses unless those
13 eyeglasses or sunglasses are fitted with heat-treated glass lenses, plastic lenses, laminated lenses,
14 or lenses made impact resistant by other methods. The provisions of this subsection do not apply
15 if a physician or optometrist, having found that those lenses will not fulfill the visual
16 requirements of a particular patient, directs, in writing, the use of other lenses and gives written
17 notification to the patient. Before they are mounted in frames, all impact-resistant eyeglasses and
18 sunglass lenses, except plastic lenses, laminated lenses, and raised ledge multifocal lenses must
19 withstand an impact test of a steel ball five-eighths (5/8) of an inch in diameter weighing
20 approximately fifty-six hundredths of an ounce (0.56 oz) dropped from a height of fifty inches
21 (50"). Raised ledge multifocal lenses are capable of withstanding the impact test but do not need
22 to be tested beyond initial design testing. To demonstrate that all plastic lenses and laminated
23 lenses are capable of withstanding the impact test, the manufacturer of the lenses shall subject to
24 the impact test a statistically significant sampling of lenses from each production batch, and the
25 tested lenses are representative of the finished forms as worn by the wearer. Plastic prescription
26 and plastic non-prescription lenses, tested on the basis of statistical significance, may be tested in
27 uncut finished or semi-finished form at the point of original manufacture.

28 (b) Any person ~~convicted of~~ who ~~violating~~ [violates](#) the provisions of this section shall be
29 punished by a fine of not less than five hundred dollars (\$500) for each violation.

30 **5-35.2-12. Penalty for violations.**

31 Any person who violates the provisions of this chapter shall be punished by a fine or not
32 more than two hundred dollars (\$200) or shall be imprisoned for not more than three (3) months
33 for each ~~offense~~ [violation](#).

34 SECTION 13. Sections 5-48-1, 5-48-2, 5-48-3 and 5-48-9 of the General Laws in

1 Chapter 5-48 entitled “Speech Pathology and Audiology” are hereby amended to read as follows:

2 **5-48-1. Purpose and legislative intent – Definitions.**

3 (a) It is declared to be a policy of this state that the practice of speech language pathology
4 and audiology is a privilege granted to qualified persons and that, in order to safeguard the public
5 health, safety, and welfare, protect the public from being misled by incompetent, unscrupulous,
6 and unauthorized persons, and protect the public from unprofessional conduct by qualified speech
7 language pathologists and audiologists, it is necessary to provide regulatory authority over
8 persons offering speech language pathology and audiology services to the public.

9 (b) The following words and terms when used in this chapter have the following meaning
10 unless otherwise indicated within the context:

11 (1) "Audiologist" means an individual licensed by the board to practice audiology.

12 (2) "Audiology" means the application of principles, methods, and procedures related to
13 hearing and the disorders of the hearing and balance systems, to related language and speech
14 disorders, and to aberrant behavior related to hearing loss. A hearing disorder in an individual is
15 defined as altered sensitivity, acuity, function, processing, and/or damage to the integrity of the
16 physiological auditory/vestibular systems.

17 (3) "Board" means the state board of examiners for speech language pathology and
18 audiology.

19 (4) "Clinical fellow" means the person who is practicing speech language pathology
20 under the supervision of a licensed speech language pathologist while completing the
21 postgraduate professional experience as required by this chapter.

22 (5) "Department" means the Rhode Island department of ~~health~~ [business regulation](#).

23 (6) "Director" means the director of the Rhode Island department of ~~health~~ [business](#)
24 [regulation](#).

25 (7) "Person" means an individual, partnership, organization, or corporation, except that
26 only individuals can be licensed under this chapter.

27 (8)(i) "Practice of audiology" means rendering or offering to render any service in
28 audiology, including prevention, screening, and identification, evaluation, habilitation,
29 rehabilitation; participating in environmental and occupational hearing conservation programs,
30 and habilitation and rehabilitation programs including hearing aid and assistive listening device
31 evaluation, prescription, preparation, dispensing, and/or selling and orientation; auditory training
32 and speech reading; conducting and interpreting tests of vestibular function and nystagmus;
33 conducting and interpreting electrophysiological measures of the auditory pathway; cerumen
34 management; evaluating sound environment and equipment; calibrating instruments used in

1 testing and supplementing auditory function; and planning, directing, conducting or supervising
2 programs that render or offer to render any service in audiology.

3 (ii) The practice of audiology may include speech and/or language screening to a pass or
4 fail determination, for the purpose of initial identification of individuals with other disorders of
5 communication.

6 (iii) A practice is deemed to be the "practice of audiology" if services are offered under
7 any title incorporating such word as "audiology", "audiologist", "audiometry", "audiometrist",
8 "audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing
9 clinician", "hearing conservation", "hearing conservationist", "hearing center", "hearing aid
10 audiologist", or any similar title or description of services.

11 (9)(i) "Practice of speech language pathology" means rendering or offering to render any
12 service in speech language pathology including prevention, identification, evaluation,
13 consultation, habilitation, rehabilitation; determining the need for augmentative communication
14 systems, dispensing and selling these systems, and providing training in the use of these systems;
15 and planning, directing, conducting, or supervising programs that render or offer to render any
16 service in speech language pathology.

17 (ii) The practice of speech language pathology may include nondiagnostic pure tone air
18 conduction screening, screening tympanometry, and acoustic reflex screening, limited to a pass or
19 fail determination, for the purpose of performing a speech and language evaluation or for the
20 initial identification of individuals with other disorders of communication.

21 (iii) The practice of speech language pathology also may include aural rehabilitation,
22 which is defined as services and procedures for facilitating adequate receptive and expressive
23 communication in individuals with hearing impairment.

24 (iv) A practice is deemed to be the "practice of speech language pathology" if services are
25 offered under any title incorporating such words as "speech pathology", "speech pathologist",
26 "speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic",
27 "speech clinician", "language pathology", "language pathologist", "voice therapy", "voice
28 therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology",
29 "communicologist", "aphasiology", "aphasiologist", "phoniatriest", or any similar title or
30 description of services.

31 (10) "Regionally accredited" means the official guarantee that a college or university or
32 other educational institution is in conformity with the standards of education prescribed by a
33 regional accrediting commission recognized by the United States Secretary of Education.

34 (11) "Speech language pathologist" means an individual who is licensed by the board to

1 practice speech language pathology.

2 (12) "Speech language pathology" means the application of principles, methods, and
3 procedures for prevention, identification, evaluation, consultation, habilitation, rehabilitation,
4 instruction, and research related to the development and disorders of human communication.
5 Disorders are defined to include any and all conditions, whether of organic or non-organic origin,
6 that impede the normal process of human communication in individuals or groups of individuals
7 who have or are suspected of having these conditions, including, but not limited to, disorders and
8 related disorders of:

9 (i) Speech: articulation, fluency, voice, (including respiration, phonation and resonance);

10 (ii) Language (involving the parameters of phonology, morphology, syntax, semantics
11 and pragmatics; and including disorders of receptive and expressive communication in oral,
12 written, graphic, and manual modalities);

13 (iii) Oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g.,
14 dysphasia, including disorders of swallowing and oral function for feeding; oro-facial
15 myofunctional disorders);

16 (iv) Cognitive aspects of communication (including communication disability and other
17 functional disabilities associated with cognitive impairment); and

18 (v) Social aspects of communication (including challenging behavior, ineffective social
19 skills, lack of communication opportunities).

20 **5-48-2. Board of examiners – Composition – Appointments, terms and qualifications**
21 **of members.**

22 (a) There exists within the department of ~~health~~ [business regulation](#) a board of examiners
23 of speech language pathology and audiology. The board shall consist of five (5) persons who are
24 residents of the state, and who have worked within the state for at least one year prior to their
25 appointments.

26 (1) Two (2) members shall be speech language pathologists who have practiced speech
27 language pathology for at least five (5) years preceding appointment, are currently practicing
28 speech language pathology, and hold active and valid licensure for the practice of speech
29 language pathology in this state.

30 (2) One member shall be an audiologist who has practiced audiology for at least five (5)
31 years immediately preceding appointment, is currently practicing audiology, and holds active and
32 valid licensure for the practice of audiology in this state.

33 (3) One member shall be an otolaryngologist who holds certification by the American
34 Academy of Otolaryngology – head and neck surgery, who is currently practicing

1 otolaryngology, and holds active and valid licensure as a physician within this state.

2 (4) One member shall be a representative of the consumer public who is not associated
3 with or financially interested in the practice or business of speech language pathology or
4 audiology.

5 (b) All appointments to the board shall be for the term of three (3) years. Members shall
6 serve until the expiration of the term for which they have been appointed or until their appointed
7 successors are qualified.

8 (c) When a vacancy upon the board occurs, the director of the department of ~~health~~
9 business regulation shall, with the approval of the governor, appoint persons who are working
10 within the state to fill the remainder of the vacant term.

11 (d) The board shall reorganize annually during the month of January and shall select a
12 chairperson.

13 (e) A majority of currently filled positions shall constitute a quorum to do business.

14 (f) No person shall be appointed to serve more than two (2) consecutive terms.

15 ~~(g) The first board and all future members shall be appointed by the director of the~~
16 ~~department of health, with the approval of the governor.~~

17 (h g) The director of the department of ~~health~~ business regulation, with the approval of
18 the governor, may remove any member of the board for dishonorable conduct, incompetency, or
19 neglect of duty.

20 **5-48-3. Board of examiners – Duties and powers – Meetings – Compensation of**
21 **members.**

22 (a) The board shall administer, coordinate, and enforce the provisions of this chapter,
23 evaluate the qualifications of applicants, and may issue subpoenas, examine witnesses, and
24 administer oaths, conduct hearings, and at its discretion investigate allegations of violations of
25 this chapter and impose penalties if any violations of the chapter have occurred.

26 (b) The board shall conduct hearings and keep records and minutes as necessary to an
27 orderly dispatch of business.

28 (c) The board shall, with the approval of the director of the department of ~~health~~ business
29 regulation, adopt, amend or repeal rules and regulations, including, but not limited to, regulations
30 that delineate qualifications for licensure and establish standards of professional conduct.
31 Following their adoption, the rules and regulations shall govern and control the professional
32 conduct of every person who holds a license to practice speech language pathology or audiology
33 in this state.

34 (d) The board shall make available complete lists of the names and addresses of all

1 licensed speech language pathologists and/or audiologists.

2 (e) The board may request legal advice and assistance from the appropriate state legal
3 officer.

4 (f) Regular meetings of the board shall be held at the times and places that it prescribes,
5 and special meetings may be held upon the call of the chairperson; provided, that at least one
6 regular meeting shall be held each year.

7 (g) The conferral or enumeration of specific powers in this chapter shall not be construed
8 as a limitation of the general powers conferred by this section. No member of the board shall be
9 liable to civil action for any act performed in good faith in the performance of his or her duties as
10 prescribed by this chapter.

11 (h) Board members shall serve without compensation.

12 (i) The board may suspend the authority of any registered speech language pathologist or
13 audiologist to practice speech language pathology or audiology for failure to comply with any of
14 the requirements of this chapter.

15 **5-48-9. Fees – Late filing – Inactive status.**

16 (a) The board may charge an application fee; a biennial license renewal fee payable
17 before July 1 of even years (biennially); or a provisional license renewal fee as set ~~forth in § 23-1-~~
18 ~~54~~ [by the department](#) payable annually from the date of issue.

19 (b) Any person who allows his or her license to lapse by failing to renew it on or before
20 the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on
21 payment of the current renewal fee plus an additional late filing fee as set ~~forth in § 23-1-54~~ [by](#)
22 [the department](#).

23 (c) An individual licensed as a speech language pathologist and/or audiologist in this
24 state, not in the active practice of speech-language pathology or audiology within this state during
25 any year, may upon request to the board, have his or her name transferred to an inactive status
26 and shall not be required to register biennially or pay any fee as long as he or she remains
27 inactive. Inactive status may be maintained for no longer than two (2) consecutive licensing
28 periods, after which period licensure shall be terminated and reapplication to the board shall be
29 required to resume practice.

30 (d) Any individual whose name has been transferred to an inactive status may be restored
31 to active status within two (2) licensing periods without a penalty fee, upon the filing of:

32 (1) An application for licensure renewal, with a licensure renewal fee as set ~~forth in § 23-~~
33 ~~1-54~~ [by the department](#) made payable by check to the general treasurer of the state of Rhode
34 Island; and

1 (2) Any other information that the board may request.

2 SECTION 14. Sections 5-49-1, 5-49-2.1, 5-49-2.2, 5-49-2.3, 5-49-3, 5-49-6, 5-49-8, 5-
3 49-10, 5-49-11, 5-49-12, 5-49-17 and 5-49-19 of the General Laws in Chapter 5-49 entitled
4 "Hearing Aid Dealers and Fitters" are hereby amended to read as follows:

5 **5-49-1. Definitions.**

6 As used in this chapter, except as the context may require:

7 (1) "Audiologist" means a person who has been awarded a certificate of competency by
8 the American Speech and Hearing Association and who is duly licensed by the department.

9 (2) "Board" means the board of hearing aid dealers and fitters.

10 (3) "Department" means the department of ~~health~~ [business regulation](#).

11 (4) "Hearing aid" means any wearable instrument or device designed for or offered for
12 the purpose of aiding or compensating for impaired human hearing, and any parts, attachments, or
13 accessories, including ear mold, but excluding batteries and cords.

14 (5) "License" means a license issued by the state under this chapter to hearing aid dealers
15 and fitters.

16 (6) "Practice of fitting and dealing in hearing aids" means the evaluation and
17 measurement of human hearing by means of an audiometer or by any other means solely for the
18 purpose of making selections, adaptations, or sale of hearing aids. The term also includes the
19 making of impressions for ear molds. This term does not include the making of audiograms for a
20 physician or a member of related professions for use in consultation with the hard of hearing.

21 (7) "Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or
22 any other contract, excluding wholesale transactions with distributors or dealers.

23 (8) "Temporary permit" means a permit issued while the applicant is in training to
24 become a licensed hearing aid dealer and fitter.

25 **5-49-2.1. Certificates of need.**

26 (a) No person, firm, association, or corporation shall sell or attempt to sell, or make
27 available, any hearing aid instrument or hearing prosthetic device to a prospective consumer or
28 purchaser, unless that consumer or purchaser has first obtained and presented to the seller a
29 certificate of need on forms prescribed and furnished by the director of the department of ~~health~~
30 [business regulation](#).

31 (b) The certificate shall be signed by a physician licensed in the state under the provisions
32 of chapter 37 of this title and attest that, pursuant to an otological examination, it is his or her
33 diagnosis that the prospective patient-purchaser has a hearing impediment of a nature as to
34 indicate the need for a hearing aid instrument or hearing prosthetic device.

1 **5-49-2.2. Records of transactions.**

2 (a) Every person, firm, association, or corporation shall keep a permanent record of all
3 sales or other transactions where a hearing aid instrument or hearing prosthetic device is made
4 available.

5 (b) Each record of a transaction shall have attached to it the certificate of need presented
6 by the prospective purchaser.

7 (c) Each record of a transaction shall be retained for a period of five (5) years, and shall
8 be kept open for inspection by any official designated by the director of the department of ~~health~~
9 [business regulation](#).

10 **5-49-2.3. Penalty for violations of Sections 5-49-2.1 and 5-49-2.2.**

11 Any person, firm, association, or corporation who sells or attempts to sell, or makes
12 available, a hearing aid instrument or hearing prosthetic device without a certificate of need,
13 and/or fails to keep records as prescribed in § 5-49-2.2, and any physician who issues a certificate
14 of need not in conformance with Section 5-49-2.1, ~~is guilty of a misdemeanor and, upon~~
15 ~~conviction,~~ shall be fined not more than five hundred dollars (\$500) for each ~~offense-violation~~.
16 Each violation of a provision of this chapter shall constitute a separate offense.

17 **5-49-3. Receipt required to be furnished to a person supplied with hearing aid.**

18 (a) Any person who practices the fitting and sale of hearing aids shall deliver to each
19 person supplied with a hearing aid a receipt, which shall contain the licensee's signature and show
20 his or her business address and the number of his or her certificate, together with specifications as
21 to the make and model of the hearing aid furnished, and the full terms of sale clearly stated. If a
22 hearing aid which is not new is sold, the receipt and the container shall be clearly marked as
23 "used" or "reconditioned" whichever is applicable, with terms of guarantee, if any.

24 (b) The receipt shall bear in no smaller type than the largest used in the body copy
25 portion the following: "The purchaser has been advised at the outset of his or her relationship
26 with the hearing aid dealer that any examination(s) or representation(s) made by a licensed
27 hearing aid dealer and fitter in connection with the fitting and selling of this hearing aid(s) is not
28 an examination, diagnosis, or prescription by a person licensed to practice medicine in this state
29 and therefore must not be regarded as medical opinion or advice."

30 (c) The receipt, covering agreements consummated at any place other than at an address
31 of the seller, shall contain the following statement: "You may cancel this agreement if it has been
32 consummated by a party at any place other than at a business address of the seller by a written
33 notice directed to a business address of the seller by [certified mail](#), registered mail, telegram, or
34 delivery, not later than midnight of the third business day following the signing of the

1 agreement."

2 (d) The receipt shall contain language that verifies that the client has been informed about
3 the benefits of audio switch technology, including increased access to telephones and assistive
4 listening systems required under the "American with Disabilities Act of 1990", and section 504 of
5 the Rehabilitation Act of 1973. The client shall be informed that an audio switch is also referred
6 to as a telecoil, t-coil or t-switch.

7 (e) The receipt shall contain language that informs the client about the Rhode Island
8 adaptive telephone equipment loan program committee established by chapter 39-23 that provides
9 assistive communications devices to residents of this state who have hearing loss and about the
10 Rhode Island commission on the deaf and hard of hearing established by chapter 23-1.8 that
11 provides resources related to hearing loss.

12 (f) Any person engaging in the fitting and sale of hearing aids will, when dealing with a
13 child ten (10) years of age or under, ascertain whether the child has been examined by an
14 otolaryngologist, or primary care physician and an audiologist for his or her recommendation
15 within ninety (90) days prior to the fitting. If that is not the case, a recommendation to do so must
16 be made, and this examination must be conducted before the sale of any hearing aid.

17 (g) Prior to delivery of services or products to the prospective purchaser, a licensee shall
18 provide discussion of amplification or aural rehabilitation options appropriate to the hearing loss
19 and communication needs presented by the patient.

20 (h) A licensee delivers information, either written or oral, appropriate to the patient's
21 needs and options under discussion, including, but not limited to, types of circuitry, telecoils, or
22 programmability, and if applicable, estimated unit prices for the following service, hearing aid(s),
23 accessories, service contracts, hearing aid (loss and damage) insurance, health care coverage,
24 warranty, financing, and related goods and services.

25 (i) At the time of delivery of selected amplification, the dispenser shall deliver a written
26 delivery receipt containing the following:

27 (1) Business name, full address, and department ~~of health~~-license number of the
28 dispenser;

29 (2) Name, full address of patient and purchaser;

30 (3) The instrument identification including manufacturer, model, serial number;

31 (4) Identification of used or reconditioned units;

32 (5) The total price and applicable warranty time periods of instrumentation and
33 accessories such as earmolds, batteries, cords, etc.;

34 (6) Any additional insurance that has been placed on the instrument;

1 (7) All services included by the dispenser program as part of the complete amplification
2 package, i.e. follow-up visits, or reprogramming visits in the event the instrument is
3 programmable;

4 (8) A notice conspicuously in type that is at least four (4) points larger than the
5 surrounding text: "A hearing aid will not restore normal hearing. The purchaser has a thirty (30)
6 day trial period during which time the purchaser may return the instrument, in the original
7 condition less normal wear, with no further financial obligation. This product is protected by
8 chapter 45 of title 6 entitled "Enforcement of Assistive Technology Warranties", which shall be
9 made available by the dispenser, upon request". The purchaser has access to the dispenser during
10 the trial period, in order to receive appropriate follow-up monitoring, i.e. modification,
11 adjustment, reprogramming, or shell refit, in order to optimize comfort and instrument benefit.
12 The trial period may be extended beyond thirty (30) days if agreed to, in writing, by the dispenser
13 and the consumer.

14 (9) All professional and service fees shall be clearly stated in the contract. Refund shall
15 be made to the customer within ten (10) days of return;

16 (10) Signature of dispenser and name in print;

17 (11) Signature of patient;

18 (12) Date of purchase; and

19 (13) Department ~~of health~~-license number.

20 (14) Language that verifies that the client has been informed of subsections 5-49-3(d) and
21 (e).

22 **5-49-6. Issuance of licenses and certificates of endorsement.**

23 (a) The department shall register each applicant without discrimination who passes an
24 examination as provided in § 5-49-7. Upon the applicant's payment as set ~~forth in § 23-1-54~~ [by](#)
25 [the department of a fee](#) per annum for each year of the term of license, the department shall issue
26 to the applicant a license signed by the department. The total fee for the entire term of licensure
27 shall be paid prior to the issuance of the license.

28 (b) Whenever the board determines that another state or jurisdiction has requirements
29 equivalent to or higher than those in effect pursuant to this chapter, and that this state or
30 jurisdiction has a program equivalent to or stricter than the program for determining whether
31 applicants pursuant to this chapter are qualified to dispense and fit hearing aids, the department
32 may issue certificates of endorsement to applicants who hold current, unsuspended, and
33 unrevoked certificates or licenses to fit and sell hearing aids in that other state or jurisdiction.

34 (c) No applicant for certificate of endorsement shall be required to submit to or undergo a

1 qualifying examination, etc., other than the payment of fees, as set ~~forth in § 23-1-54~~ [by the](#)
2 [department](#).

3 (d) The holder of a certificate of endorsement shall be registered in the same manner as a
4 licensee. The fee for an initial certificate of endorsement shall be the same as the fee for an initial
5 license. Fees, grounds for renewal, and procedures for the suspension and revocation of
6 certificates of endorsement shall be the same as for renewal, suspension, and revocation of a
7 license.

8 **5-49-8. Temporary permits.**

9 (a) An applicant who fulfills the requirements regarding age, character, education, and
10 health as provided in § 5-49-7, may obtain a temporary permit upon application to the
11 department. Previous experience or a waiting period shall not be required to obtain a temporary
12 permit.

13 (b) Upon receiving an application as provided under this section, and accompanied by a
14 fee as set ~~forth in § 23-1-54~~ [by the department](#), the department shall issue a temporary permit
15 which entitles the applicant to engage in the fitting and sale of hearing aids for a period of one
16 year.

17 (c) A person holding a valid hearing aid dealer's and fitter's license is responsible for the
18 supervision and training of that applicant and maintain adequate personal contact.

19 (d) If a person who holds a temporary permit under this section has not successfully
20 passed the licensing examination within one year from the date of issuance of the permit, the
21 temporary permit may be renewed or reissued once upon payment of a fee as set ~~forth in § 23-1-~~
22 ~~54~~ [by the department](#).

23 **5-49-10. Notice to department of place of business – Notice to holders of license.**

24 (a) A person who holds a license shall notify the department, in writing, of the regular
25 address of the place or places where he or she engages or intends to engage in the fitting or the
26 sale of hearing aids.

27 (b) The department shall keep a record of the place of business of licensees.

28 (c) Any notice required to be given by the department to a person who holds a license
29 shall be mailed to him or her, ~~by certified mail~~, at the address of the last place of business which
30 he or she has provided the department.

31 **5-49-11. Duration of license – Renewal of license – Fees – Effect of failure to renew.**

32 (a) The department shall promulgate rules and regulations mandating the term of license
33 for each category of license issued pursuant to this chapter. No license shall remain in force for a
34 period in excess of two (2) years.

1 (1) Each person who engages in the fitting and sale of hearing aids shall pay to the
2 department a per annum fee, as set ~~forth in § 23-1-54~~ by the department ~~per annum~~ for each year
3 of the term of license, for a renewal of his or her license.

4 (2) The renewal certificate shall be conspicuously posted in his or her office or place of
5 business at all times.

6 (3) Where more than one office is operated by the licensee, duplicate certificates shall be
7 issued by the department for posting in each location.

8 (b) A thirty (30) day grace period shall be allowed during which time licenses may be
9 renewed on payment of a per annum fee ~~to the department~~ as set ~~forth in § 23-1-54~~ by the
10 department ~~per annum~~ for each year of the term of renewal.

11 (c) After expiration of the grace period, the department may renew those certificates upon
12 payment to the department of a per annum fee as set ~~forth in § 23-1-54~~ by the department ~~per~~
13 ~~annum~~ for each year of the term of renewal.

14 (d) The total fee for the entire term of license or renewal shall be paid prior to the
15 issuance of the license.

16 (e) No person who applies for renewal, whose license has expired, shall be required to
17 submit to any examination as a condition to renewal; provided, that the renewal application is
18 made within two (2) years from the date of that expiration.

19 **5-49-12. Complaints – Grounds and proceedings for revocation or suspension of**
20 **licenses.**

21 (a)(1) Any person wishing to make a complaint against a licensee under this chapter shall
22 file this complaint, in writing, with the department, within one year from the date of the action
23 upon which the complaint is based.

24 (2) If the department determines the charges made in the complaint are sufficient to
25 warrant a hearing to determine whether the license issued under this chapter should be suspended
26 or revoked, it shall make an order fixing a time and place for a hearing and shall require the
27 licensee complained against to appear and defend against the complaint. The order shall have
28 annexed to it a copy of the complaint.

29 (3) The order and copy of the complaint shall be served upon the licensee, either
30 personally or by ~~registered~~-certified mail sent to the licensee's last known address, at least twenty
31 (20) days before the date set for the hearing.

32 (4) Continuances or an adjournment of the hearing shall be made if for good cause.

33 (5) At the hearing, the licensee complained against may be represented by counsel.

34 (6) The licensee complained against and the department shall have the right to take

1 depositions in advance of the hearing and after service of the complaint, and either may compel
2 the attendance of witness by subpoenas issued by the department ~~under its seal~~.

3 (7) Either party taking depositions shall give at least five (5) days' written notice to the
4 other party of the time and place of those depositions, and the other party has the right to attend
5 (with counsel if desired) and cross-examine.

6 (8) Appeals from suspension or revocation may be made through the appropriate
7 administrative procedures act.

8 (b) Any person registered under this chapter may have his or her license revoked or
9 suspended for a fixed period by the department for any of the following causes:

10 (1) The conviction of a felony, or a misdemeanor involving moral turpitude. The record
11 of conviction, or a certified copy, certified by the clerk of the court or by the judge in whose court
12 the conviction was had, shall be conclusive evidence of this conviction.

13 (2) Procuring a license by fraud or deceit practiced upon the department.

14 (3) Unethical conduct, including:

15 (i) Obtaining any fee or making any sale by fraud or misrepresentation.

16 (ii) Knowingly employing, directly or indirectly, any suspended or unregistered person to
17 perform any work covered by this chapter.

18 (iii) Using, or causing, or promoting the use of, any advertising matter, promotional
19 literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation,
20 however disseminated or published, which is misleading, deceptive, or untruthful.

21 (iv) Advertising a particular model or type of hearing aid for sale when purchasers or
22 prospective purchasers responding to the advertisement cannot purchase the advertised model or
23 type, where it is established that the purpose of the advertisement is to obtain prospects for the
24 sale of a different model or type than that advertised.

25 (v) Representing that the service or advice of a person licensed to practice medicine will
26 be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing
27 aids when that is not true.

28 (vi) Habitual intemperance to the extent it impairs the licensee's ability to engage in the
29 practice of his or her profession.

30 (vii) ~~Gross immorality~~.

31 ~~(viii)~~ Permitting another's use of a license.

32 ~~(ix)~~ Advertising a manufacturer's product or using a manufacturer's name or
33 trademark which implies a relationship with the manufacturer that does not exist.

34 (ix) Directly or indirectly giving or offering to give, or permitting or causing to be given,

1 money or anything of value to any person who advises another in a professional capacity, as an
2 inducement to influence him or her, or have him or her influence others, to purchase or contract
3 to purchase products sold or offered for sale by a hearing aid dealer or fitter, or influencing
4 persons to refrain from dealing in the products of competitors.

5 (xi) Representing, when this is not the case, that the hearing aid is or will be "custom-
6 made", "made to order", or "prescription-made", or in any other sense specially fabricated for an
7 individual person.

8 (4) Knowingly placing the health of a client at serious risk without maintaining proper
9 precautions;

10 (5) Engaging in the fitting and sale of hearing aids under a false name or alias with
11 fraudulent intent.

12 (6) Selling a hearing aid to a person who has not been given tests utilizing appropriate
13 established procedures and instrumentation in fitting of hearing aids, except in cases of selling
14 replacement hearing aids. Selling a hearing aid to a person who has discharge from the ear, loss
15 of balance and dizzy spells, or a loss of hearing for less than ninety (90) days, unless that person
16 has received a prescription from a physician.

17 (7) Gross incompetence or negligence in fitting and selling hearing aids.

18 (8) Violating any provisions of this chapter.

19 **5-49-17. Board – Meetings.**

20 The board shall meet ~~not less than six (6) times each year~~ on the call of the chairperson or
21 at the written request of any three (3) members of the board at a place, day, and hour determined
22 by the board. The board shall also meet at any other times and places as requested by the
23 department.

24 **5-49-19. Penalty for violations.**

25 Violation of any provisions of this chapter shall be punishable, ~~upon conviction,~~ by a fine
26 of not more than five hundred dollars (\$500) ~~or by imprisonment for not more than ninety (90)~~
27 ~~days, or both~~ for each violation.

28 SECTION 15. Sections 5-60-2, 5-60-4 and 5-60-11 of the General Laws in Chapter 5-60
29 entitled "Athletic Trainers" are hereby amended to read as follows:

30 **5-60-2. Definitions.**

31 As used in this chapter:

32 (1) "Athletic trainer" means a person with the specific qualifications established in § 5-
33 60-10 who, upon the direction of his or her team physician and/or consulting physician, carries
34 out the practice of athletic training to athletic injuries incurred by athletes in preparation of or

1 participation in an athletic program being conducted by an educational institution under the
2 jurisdiction of an interscholastic or intercollegiate governing body, a professional athletic
3 organization, or a board sanctioned amateur athletic organization; provided, that no athlete shall
4 receive athletic training services if classified as geriatric by the consulting physician. No athlete
5 shall receive athletic training services if non-athletic or age-related conditions exist or develop
6 that render the individual debilitated or non-athletic. To carry out these functions, the athletic
7 trainer is authorized to utilize modalities such as heat, light, sound, cold, electricity, exercise, or
8 mechanical devices related to care and reconditioning. The athletic trainer, as defined in this
9 chapter, shall not represent himself or herself or allow an employer to represent him or her to be,
10 any other classification of healthcare professional governed by a separate and distinct practice act.
11 This includes billing for services outside of the athletic trainer's scope of practice, including, but
12 not limited to services labeled as physical therapy.

13 (2) "Board" means the Rhode Island board of athletic trainers established under § 5-60-4.

14 (3) "Department of ~~health~~ [business regulation](#)" means the department of state under
15 which the board of athletic trainers is listed.

16 (4) "Director" means the director or state official in charge of the department of ~~health~~
17 [business regulation](#).

18 **5-60-4. Board – Composition – Appointment, terms, oaths, and removal of members**
19 **– Officers – Meetings.**

20 (a) The director of the department of ~~health~~ [business Regulation](#), with the approval of the
21 governor, shall appoint the members of the Rhode Island board of athletic trainers, which shall be
22 composed of three (3) licensed athletic trainers and one public member and one physician
23 licensed to practice medicine and with an interest in sports medicine. In making appointments to
24 the board, the director shall give consideration to recommendations made by professional
25 organizations of athletic trainers and physicians. Each appointee shall be licensed and practicing
26 in the state, except that the director in appointing the athletic trainer members of the first board
27 may appoint any practicing athletic trainer who possesses the qualification required by § 5-60-10.
28 To qualify as a member, a person must be a citizen of the United States-and a resident of the state
29 for five (5) years immediately preceding appointment.

30 (b) The members of the board shall be appointed for terms of three (3) years which expire
31 on August 1 of even numbered years, ~~except that in making the initial appointments the director~~
32 ~~shall designate one member to serve one year, two (2) members to serve two (2) years, and two~~
33 ~~(2) members to serve three (3) years.~~ In the event of death, resignation, or removal of any
34 member, the vacancy shall be filled for the unexpired portion of the term in the same manner as

1 the original appointment. The director may remove any member for cause at any time prior to the
2 expiration of his or her term. No member shall serve for more than two (2) consecutive three (3)
3 year terms.

4 (c) Each appointee to the board shall qualify by taking the constitutional oath of office
5 within thirty (30) days from the date of his or her appointment. On presentation of the oath, the
6 director shall issue commissions to appointees as evidence of their authority to act as members of
7 the board.

8 (d) The board shall elect from its members for a term of one year, a chairperson, vice-
9 chairperson, and secretary-treasurer, and may appoint committees that it considers necessary to
10 carry out its duties. The board shall meet ~~at least two (2) times a year. Additional meetings may~~
11 ~~be held~~ on the call of the chairperson or at the written request of any three (3) members of the
12 board. The quorum required for any meeting of the board shall be three (3) members. No action
13 by the board or its members has any effect unless a quorum of the board is present.

14 **5-60-11. Fees.**

15 Applicants for athletic trainer licenses shall pay a license fee, and, if applicable, a
16 biennial license renewal fee as set ~~forth in § 23-1-54~~ [by the department](#). Any person allowing
17 their license to lapse shall pay a late fee as set ~~forth in § 23-1-54~~ [by the department](#).

18 SECTION 16. Sections 5-71-3, 5-71-4, 5-71-5, 5-71-6, 5-71-8, 5-71-9 and 5-71-13 of the
19 General Laws in Chapter 5-71 entitled "Licensure of Interpreters for the Deaf" are hereby
20 amended to read as follows:

21 **5-71-3. Definitions.**

22 (1) "Board" means the state board of examiners for interpreters for the deaf.

23 (2) "Certified" means any individual who is a certified member of the Registry of
24 Interpreters for the Deaf, Inc., (RID), its successor agency, or other agencies as approved by the
25 department in consultation with the board.

26 (3) "Certified deaf interpreter", "deaf interpreter", or "deaf intermediary interpreter"
27 means any individual who is deaf or hard of hearing and who is a certified member of the
28 Registry of Interpreters for the Deaf, Inc. (RID) or its successor agency approved by the
29 department in consultation with the board.

30 (4) "Consumer" is an individual who is deaf, deaf-blind, hard of hearing, hearing, or an
31 individual with a disability who does not share a common means of communication. This may
32 include, without limitation, American Sign Language (ASL), visual, gestural, auditory, and tactile
33 made of communication.

34 (5) "Department" means the Rhode Island department of ~~health~~ [business regulation](#).

1 (6) "Director" means the director of the department of ~~health~~[business regulation](#).

2 (7) "Educational Interpreter" means an individual who has specialized certification
3 (elementary and secondary education for grades kindergarten (K) through twelve (12)) and is a
4 certified member of RID or its successor agency approved by the department in consultation with
5 the board in the provision of sign language interpreting to students who are deaf, hard of hearing,
6 or deaf-blind in grades preschool through twelve (12).

7 (8) "Emergency" means an urgent circumstance that demands immediate action in order
8 for a consumer to avoid imminent harm or loss. In the event of an emergency, the consumer may
9 elect to use the services of a nonlicensed interpreter as set forth in regulations promulgated by the
10 department.

11 (9) "Interpreter" means any person who engages in the practice of interpreting as defined
12 in subdivisions (10), (11), (14), and (15).

13 (10) "Interpreting" means conveying spoken English into American Sign Language
14 (ASL), or conveying American Sign Language into English, or interpreting English to and/or
15 from a visual gestural system.

16 (11) "Intermediary interpreting" means interpreting services rendered by a deaf person to
17 facilitate communication between another deaf person and a licensed interpreter.

18 (12) "Screened interpreter" means any person who presents proof of an active state
19 screening or its equivalent and presents proof of successful completion of an examination as
20 approved by the department in consultation with the board.

21 (13) "Screened deaf interpreter" means any person who is deaf or hard of hearing and
22 who presents proof of an active state screening, or its equivalent, and presents proof of successful
23 completion of an examination as approved by the department in consultation with the board.

24 (14) "Transliterating" means conveying spoken English into manually coded English, or
25 conveying manually coded English into spoken English (sign-to-voice), or conveying English on
26 the lips so that it is accessible to speech reading (e.g. oral transliterating, or any auditory
27 communication as a visual form in English such as cued speech).

28 (15) "Deaf-blind interpreting" means linguistic information through sign language
29 acquired by individuals who are deaf-blind through their preferred methods depending on the
30 causes of their combined vision and hearing loss, their background, and their education, such as
31 close-vision interpreting and tactile interpreting, while spoken language is conveyed into sign
32 language (e.g. ASL), and sign language (ASL) is conveyed into spoken language.

33 **5-71-4. Board of examiners – Creation – Compensation – Appointment, terms and**
34 **qualifications of members.**

1 (a) There shall exist within the state department of ~~health~~ Business Regulation a board of
2 examiners of interpreters for the deaf. The board shall consist of five (5) persons who shall be
3 residents of the state of Rhode Island for at least two (2) years prior to their appointments: three
4 (3) nationally certified interpreters, and two (2) consumers.

5 (b) All appointments made under this section shall be made by the governor with the
6 advice and consent of the senate. In making appointments to the board, the governor shall give
7 consideration to recommendations made by the commission on the deaf and hard-of-hearing
8 established pursuant to § 23-1.8-1. All members shall serve terms of three (3) years. Members
9 shall serve until the expiration of the term for which they have been appointed or until their
10 successor is appointed. No person shall be appointed to serve more than two (2) consecutive
11 terms. When a vacancy upon the board occurs, a replacement shall be appointed for the remainder
12 of that term as prescribed in this section.

13 (c) The board shall reorganize annually during the month of December and shall elect a
14 chairperson and vice chairperson for the subsequent calendar year. The board may elect from
15 among its members such other officers as it deems necessary.

16 (d) Three (3) members of the board shall constitute a quorum to do business. A majority
17 vote of those present shall be required for action.

18 (e) Members of the board shall be removable by the governor pursuant to the provisions
19 of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal
20 reasons unrelated to capacity or fitness for the office shall be unlawful.

21 **5-71-5. Board of examiners – Duties and powers – Meetings – Compensation of**
22 **members.**

23 (a) The department, with the assistance of the board, shall administer, coordinate, and
24 enforce the provisions of this chapter, evaluate the qualifications of applicants, and may issue
25 subpoenas, examine witnesses, administer oaths, and investigate persons engaging in practices
26 that violate the provisions of this chapter.

27 (b) The department shall conduct hearings and shall keep records and minutes that are
28 necessary for the orderly dispatch of business.

29 (c) The department shall hold public hearings regarding rules and regulations.

30 (d) The department in consultation with the board, in accordance with the rule-making
31 provisions of the "Administrative Procedures Act", (chapter 35 of title 42), shall adopt
32 responsible rules and regulations and may amend or repeal those rules and regulations. Following
33 their adoption, the rules and regulations shall govern and control the professional conduct of
34 every person who holds a license to practice interpreting or transliterating in the state of Rhode

1 Island.

2 (e) ~~Regular M~~meetings of the board shall be held, and special meetings may be held,
3 upon the call of the chairperson as often as necessary ~~to for the transaction of any business within~~
4 the jurisdiction of the board. ~~deal with such issues as violations of this chapter; provided, that at~~
5 ~~least one regular meeting is held each calendar year.~~

6 (f) The conferral or enumeration of specific powers in this chapter shall not be construed
7 as a limitation of the general powers conferred by the section. No member of the board shall be
8 liable to civil action for any act performed in good faith in the performance of his or her duties as
9 prescribed by this chapter.

10 (g) Board members shall serve on an honorable basis without compensation.

11 (h) The board may request legal advice and assistance from the appropriate legal officer.

12 (i) The board shall conduct a training course for newly appointed and qualified members
13 within six (6) months of their appointment. The course shall be developed and conducted by the
14 chair of the board, approved by the department, and shall include instruction in the subject areas
15 of this chapter, and chapter 46 of title 42, chapter 14 of title 36, and chapter 2 of title 38, and the
16 board's rules and regulations. The ~~director of the~~ department ~~of health~~ shall, within ninety (90)
17 days, prepare and disseminate training materials relating to the provisions of chapter 46 of title
18 42, chapter 14 of title 36, and chapter 2 of title 38.

19 ~~(j) Within ninety (90) days after the end of each fiscal year, the board shall approve and~~
20 ~~submit an annual report to the governor, the speaker of the house of representatives, the president~~
21 ~~of the senate, and the secretary of state of its activities during that fiscal year. The report shall~~
22 ~~provide: an operating statement summarizing meetings or hearings held, including meeting~~
23 ~~minutes, subjects addressed, decisions rendered, licenses considered and their dispositions, rules~~
24 ~~or regulations promulgated, studies conducted, policies and plans developed, approved or~~
25 ~~modified, and programs administered or initiated; a consolidated financial statement of all funds~~
26 ~~received and expended including the source of the funds, a listing of any staff supported by these~~
27 ~~funds, and a summary of any clerical, administrative or technical support received; a summary of~~
28 ~~performance during the previous fiscal year including accomplishments, shortcomings and~~
29 ~~remedies; a synopsis of hearings, complaints, suspensions or other legal matters related to the~~
30 ~~authority of the board; a summary of any training courses held pursuant to the provisions of~~
31 ~~paragraph 5-71-5(i); a briefing on anticipated activities in the upcoming fiscal year; and findings~~
32 ~~and recommendations for improvements. The report shall be posted electronically on the general~~
33 ~~assembly and the secretary of state's websites as prescribed in § 42-20-8.2. The director of the~~
34 ~~department of health shall be responsible for the enforcement of this provision.~~

1 **5-71-6. Board of examiners – Seal – Authentication of records.**

2 The board shall ~~adopt the state seal by which it shall~~ authenticate its proceedings. Copies
3 of the proceedings, records and acts of the board, and certificates purporting to relate the facts
4 concerning those proceedings, records, and acts, signed by the secretary shall be deemed ~~and~~
5 authenticated ~~by that seal,~~ and shall be evidence in all courts of this state.

6 **5-71-8. Qualifications of applicants for licenses.**

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

10 (1) Is of good moral character;

11 (2) Meets the screened requirements as defined in regulations promulgated by the
12 department or meets the certification requirements set forth by RID or its successor agency
13 approved by the department in consultation with the board;

14 (3) Pays the department a license fee as set ~~forth in § 23-1-54~~ by the department;

15 (4) Adheres to the National Association of the Deaf (NAD) and the Registry of
16 Interpreters for the Deaf, Inc., (RID) code of professional conduct; and

17 (5) Provides verification of a background check with the bureau of criminal investigation
18 in the office of attorney general at the time of the initial application for license.

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

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

28 **5-71-9. Licensure and regulations of interpreters for the deaf.**

29 (a) Licensure shall be granted when a person meets the certification requirements as
30 defined in regulations promulgated by the department. A person only needs one license under
31 "certified" or "screened" if he or she is qualified as defined in § 5-71-8(a) and recognized by the
32 RID and the NAD or its successor agency approved by the department in consultation with the
33 board as outlined in § 5-71-3.

34 (b) No person shall practice or hold him or herself out as being able to practice

1 interpreting, educational interpreting, or intermediary interpreting as defined in § 5-71-3 unless he
2 or she shall be licensed in accordance with the provisions of this chapter. No person shall hold
3 himself or herself out as being an educational interpreter as defined in § 5-71-3 unless he or she is
4 licensed in accordance with the provisions of this chapter.

5 (c) All licensed interpreters upon commencing to practice, and upon any change in
6 address, shall promptly notify the department of said change in home or office address and shall
7 furnish any other information to the department that it may require. All licensed interpreters shall
8 annually, before July 1st, pay the department a license renewal fee, as set forth in ~~§ 23-1-54~~ by
9 [the department](#), for each license. The department may suspend the authority of any licensed
10 interpreter to practice for failure to comply with any of the requirements of this chapter or the
11 regulations promulgated thereunder. The department makes available for public inspection a
12 complete list of the names of all interpreters licensed and practicing in the state.

13 (d) Three (3) types of licensure may be issued to interpreters:

14 (1) A certified license shall be granted to interpreters who have met the certification
15 requirements as set forth in regulations promulgated by the department. The two (2) licenses
16 under "certified" are called "certified interpreter" and "certified deaf interpreter";

17 (2) A screened license of limited duration determined by the board shall be granted to
18 interpreters who have met the educational requirements as set forth in regulations promulgated by
19 the department and who have successfully completed a recognized state screening or state
20 equivalent as determined by the department in consultation with the board. The two (2) licenses
21 under "screened" are called "screened interpreter" and "screened deaf interpreter";

22 (3) An educational interpreter license may be granted to interpreters who meet the
23 requirements of § 5-71-8(b). This license is called "educational interpreter".

24 (e) All certified licensed interpreters shall be required to complete continuing education
25 as set forth by RID or its successor agency approved by the department in consultation with the
26 board. All licensed screened interpreters shall be required to complete continuing education as set
27 forth in the regulations promulgated by the department.

28 **5-71-13. Grounds for suspension or revocation of licenses.**

29 (a) The board may recommend to the director of the department of ~~health~~-[business](#)
30 [regulation](#) the issuance, renewal, or revocation of a license, or suspension, placement on
31 probation, censure or reprimand a licensee, or any other disciplinary action that the board may
32 deem appropriate, for conduct that may result from, but not necessarily be limited to:

33 (1) Obtaining his or her license by means of fraud, misrepresentation, or concealment of
34 material facts;

1 (2) Being guilty of fraud, misrepresentation, concealment, or material misstatement of
2 facts or deceit in connection with his or her services rendered as an interpreter;

3 (3) Being guilty of unprofessional conduct as defined by the rules established by the
4 department in consultation with the board, and/or violating any standard of professional or ethical
5 conduct adopted by the National Registry of Interpreters for the Deaf;

6 (4) Violating the continuing education requirements of this chapter, as defined in § 5-71-
7 9(e), and rules and regulations as promulgated by the department;

8 (5) Violating any lawful order, or any provision of this chapter or of the rules or
9 regulations promulgated in this chapter;

10 (6) Aiding or assisting another person in violating any provision of this chapter or any
11 rule or regulation adopted under this chapter;

12 (7) Departure from or failure to conform to the current standards of acceptable and
13 prevailing practice of interpreting.

14 (b) Working under a license that is expired or on inactive status, working under a license
15 when certification is expired or on inactive status, and practicing interpreting without being
16 exempt under § 5-71-10 shall be considered to be practicing without a license.

17 ~~(e) The department shall respond to all recommendations from the board under this~~
18 ~~section within thirty (30) calendar days.~~

19 SECTION 17. Section 5-34-10 of the General Laws in Chapter 5-34 entitled “Nurses” is
20 hereby amended to read as follows:

21 **5-34-10. Qualifications of professional nurse applicants.**

22 An applicant for licensure to practice as a professional nurse shall submit to the board
23 written evidence on forms furnished by the division of professional regulation, ~~verified by oath,~~
24 that the applicant:

25 (1) Has completed at least an approved high school course of study or the equivalent
26 supported by diploma or certificate of the course of study as determined by the rules and
27 regulations of the state board of education;

28 (2) Has successfully completed the prescribed curriculum in an approved basic
29 professional nursing education program and holds a diploma from the program; and

30 (3) Is of good moral character.

31 SECTION 18. Section 5-35.1-3 of the General Laws in Chapter 5-35.1 entitled
32 “Optometrists” is hereby amended to read as follows:

33 **5-35.1-3. Application for examination and license.**

34 Every person desiring to be licensed to practice optometry as provided in this chapter

1 shall file with the department, in the form prescribed by the department, an application, ~~verified~~
2 ~~by oath~~, presenting the facts which entitle the applicant to a license to practice optometry under
3 this chapter. No one shall be permitted to practice optometry in this state without a valid license.

4 SECTION 19. Section 5-37.2-12.1 of the General Laws in Chapter 5-37.2 entitled “The
5 Healing Art of Acupuncture and Oriental Medicine” is hereby amended to read as follows:

6 **5-37.2-12.1. Examination requirements and issuance of license.**

7 (a) No person shall be licensed as a doctor of acupuncture and Oriental medicine unless
8 he or she has passed the examination by the ~~National Commission of Certification of~~
9 ~~Acupuncture and Oriental Medicine.~~ National Certification Commission for Acupuncture and
10 Oriental Medicine or successor entity.

11 (b) Before any applicant is eligible for licensure, he or she shall furnish satisfactory proof
12 that he or she:

13 (1) Is a United States citizen or legal alien;

14 (2) Has demonstrated proficiency in the English language;

15 (3) Is at least twenty one (21) years of age;

16 (4) Is of good moral character;

17 (5) Has completed an accredited program of at least thirty-six (36) months and not less
18 than twenty-five hundred (2,500) hours of training and has received a certificate or diploma from
19 an institute approved by the Accreditation Commission for Schools and Colleges of Acupuncture
20 and Oriental Medicine, according to the provisions of this chapter; provided, that this subdivision
21 does not apply to anyone licensed to practice under chapter 37 of this title who is qualified to take
22 and pass the test by the National Commission for the Certification of Acupuncture and Oriental
23 Medicine;

24 (6) Has completed a clinical internship training that is designated as appropriate by the
25 National Commission for the Certification of Acupuncture and Oriental Medicine; and

26 (7) Has three (3) letters of reference from reputable individuals other than relatives and at
27 least two (2) of which are from licensed or registered doctors of acupuncture and Oriental
28 medicine.

29 SECTION 20. Sections 5-40-6 and 5-40-6.1 of the General Laws in Chapter 5-40 entitled
30 “Physical Therapists” are hereby amended to read as follows:

31 **5-40-6. Qualification of physical therapists.**

32 Any applicant for licensure shall submit to the board written evidence on forms furnished
33 by the department of health, ~~verified by oath~~, that the applicant meets all of the following
34 requirements:

- 1 (1) Is at least eighteen (18) years of age;
- 2 (2) Is of good moral character;
- 3 (3) Has graduated from an education program in physical therapy accredited by the
- 4 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting
- 5 agency as approved by the department in consultation with the board, in the year of the
- 6 applicant's graduation; and
- 7 (4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of
- 8 State
- 9 Boards of Physical Therapy (FSBPT) or other physical therapy certification examination
- 10 as approved by the department in consultation with the board to determine the applicant's fitness
- 11 to engage in the practice of physical therapy.

12 **5-40-6.1. Qualifications of physical therapist assistants.**

13 Any applicant for licensure shall submit to the board written evidence on forms furnished

14 by the department of health, ~~verified by oath~~, that the applicant meets all of the following

15 requirements:

- 16 (1) Is at least eighteen (18) years of age;
- 17 (2) Is of good moral character;
- 18 (3) Has graduated from an educational program in physical therapy accredited by the
- 19 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting
- 20 agency as approved by the department in consultation with the board, in the year of said
- 21 applicant's graduation; and
- 22 (4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of
- 23 State Boards of Physical Therapy (FSBPT) or other physical therapy assistant certification
- 24 examination as approved by the department in consultation with the board to determine the
- 25 applicant's fitness to engage in the practice of physical therapy.

26 SECTION 21. Section 5-40.1-8 of the General Laws in Chapter 5-40.1 entitled

27 "Occupational Therapy" is hereby amended to read as follows:

28 **5-40.1-8. Requirements for licensure.**

- 29 (a) Any applicant seeking licensure as an occupational therapist or occupational therapy
- 30 assistant in this state must:
- 31 (1) Be at least eighteen (18) years of age;
- 32 (2) Be of good moral character;
- 33 (3) Have successfully completed the academic requirements of an education program in
- 34 occupational therapy accredited by the American Occupational Therapy Association's

1 Accreditation Council for Occupational Therapy Education or other therapy accrediting agency
2 that may be approved by the board;

3 (4) Have successfully completed a period of supervised fieldwork experience arranged by
4 the recognized educational institution where he or she met the academic requirements:

5 (i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised
6 fieldwork experience shall be required;

7 (ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be
8 required;

9 (5) Have successfully passed the National Certification Examination for Occupational
10 Therapists, Registered, or National Certification Examination for Occupational Therapy
11 Assistants, of the National Board for Certification in Occupational Therapy (NBCOT) or other
12 occupational therapy certification examination as approved by the board.

13 (b) Application for licensure to practice occupational therapy in this state either by
14 endorsement or by examination shall be made on forms provided by the division, which shall be
15 completed, ~~notarized~~, and submitted to the board thirty (30) days prior to the scheduled date of
16 the board meeting. The application shall be accompanied by the following documents:

17 (1) ~~Three (3) affidavits from responsible persons attesting to the applicant's good moral~~
18 ~~character;~~ Is of good moral character, evidenced in the manner prescribed by the department.

19 (2) For U.S. citizens: a certified copy of birth record or naturalization papers;

20 (3) For non-U.S. citizens: documented evidence of alien status, such as immigration
21 papers or resident alien card or any other verifying papers acceptable to the administrator;

22 (4) Documented evidence and supporting transcripts of qualifying credentials as
23 prescribed in this section;

24 ~~(5) One unmounted passport photograph of the applicant (head and shoulder view)~~
25 ~~approximately 2x3 inches in size;~~

26 ~~(6)~~ (5) A statement from the board of occupational therapy in each state in which the
27 applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to
28 the board of this state attesting to the licensure status of the applicant during the time period the
29 applicant held licensure in that state; and

30 ~~(7)~~ (6) The results of the written national examination of the National Board for
31 Certification in Occupational Therapy (NBCOT).

32 (c)(1) Applicants seeking licensure as occupational therapists or occupational therapy
33 assistants are required to pass the national written examination of the National Board for
34 Certification in Occupational Therapy (NBCOT) approved by the board to test the applicant's

1 fitness to engage in the practice of occupational therapy pursuant to the provisions of this chapter.

2 (2) The date, time, and place of examinations shall be available from the National Board
3 for Certification in Occupational Therapy (NBCOT).

4 (d) In case any applicant fails to satisfactorily pass an examination, the applicant shall be
5 entitled to re-examination.

6 (e) Occupational therapists and occupational therapy assistants who are licensed or
7 regulated to practice under laws of another state or territory or the District of Columbia may,
8 upon receiving a receipt from the division, perform as an occupational therapist or occupational
9 therapy assistant under the supervision of a qualified and licensed occupational therapist or
10 occupational therapy assistant. If this applicant fails to receive licensure when the board reviews
11 the application, all previously mentioned privileges automatically cease.

12 (f) Applicants from foreign occupational therapy schools must meet the requirements of
13 the National Board for Certification in Occupational Therapy (NBCOT) and present evidence of
14 passage of the National Certification Examination for Occupational Therapists or the National
15 Certification Examination for Occupational Therapy Assistants of the NBCOT. Applicants must
16 meet all of the appropriate requirements for licensure to the satisfaction of the board and in
17 accordance with the statutory and regulatory provisions of this chapter.

18 SECTION 22. Section 5-44-9 of the General Laws in Chapter 5-44 entitled
19 “Psychologists” is hereby amended to read as follows:

20 **5-44-9. Qualifications of psychologists.**

21 An applicant for licensure shall submit to the board written evidence acceptable to the
22 department, ~~verified under oath~~, that the applicant:

23 (1) Is of good moral character;

24 (2) Has received a doctorate degree in psychology from a college or university whose
25 program of study for that degree at that time meets or exceeds the stated requirements for
26 approval by the American Psychological Association, or its equivalent in terms of excellence of
27 education and training, or a doctorate degree in an allied field whose education and training
28 requirements are substantially similar to current American Psychological Association standards of
29 accreditation for the granting of a doctorate in psychology;

30 (3) Has had the requisite supervised experience as deemed acceptable to the board as
31 delineated in the rules and regulations;

32 (4) Has passed an examination conducted by the board to determine his or her
33 qualification for licensure as a psychologist, or is applying under the provisions of § 5-44-11;

34 SECTION 23. Sections 5-63.2-9 and 5-63.2-10 of the General Laws in Chapter 5-63.2

1 entitled “Mental Health Counselors and Marriage and Family Therapists” is hereby amended to
2 read as follows:

3 **5-63.2-9. Qualifications of licensed clinical mental health counselors.**

4 (a) An applicant for licensure shall submit to the board written evidence on forms
5 furnished by the division of professional regulation ~~verified under oath~~ that the applicant:

6 (1) Is of good character; and

7 (2) Has received a graduate degree specializing in counseling/therapy from a college or
8 university accredited by the New England Association of Schools and Colleges, or an equivalent
9 regional accrediting agency, and which has the approval by a cognizable national or regional
10 certifying authority; and

11 (3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their
12 graduate counseling/therapy program; and

13 (4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter
14 hours of supervised practicum and a minimum of one calendar year of supervised internship
15 consisting of twenty (20) hours per week or its equivalent with emphasis in mental health
16 counseling supervised by the department within the college or university granting the requisite
17 degree or by an accredited postgraduate clinical training program recognized by the United States
18 Department of Education, or education and/or experience which is deemed equivalent by the
19 board; and

20 (5) Has completed a minimum of two (2) years of relevant postgraduate experience,
21 including at least two thousand (2,000) hours of direct client contact offering clinical or
22 counseling or therapy services with emphasis in mental health counseling subsequent to being
23 awarded a master's degree, certificate of advanced graduate study or doctorate; and

24 (6) A minimum of one hundred (100) hours of post-degree supervised case work spread
25 over a two (2) year period; provided, that the supervision was provided by a person who at the
26 time of rendering the supervision was recognized by the board as an approved supervisor; and

27 (7) Has passed to the satisfaction of the board an examination conducted by it to
28 determine the applicant's qualification for licensure as a clinical mental health counselor or is
29 applying for licensure under the provisions of § 5-63.2-15.

30 (b) A candidate shall be held to have qualified for licensure as a clinical mental health
31 counselor upon the affirmative vote of at least four (4) members of the board, two (2) of whom
32 must be mental health counselors on the board.

33 **5-63.2-10. Qualifications of licensed – Marriage and family therapists.**

34 (a) An applicant for licensure shall submit to the board written evidence on forms

1 furnished by the division of professional regulation ~~verified under oath~~ that the applicant:

2 (1) Is of good character; and

3 (2) Has completed a graduate degree program specializing in marital and family therapy
4 from a college or university accredited by the New England Association of Schools and Colleges,
5 or an equivalent regional accreditation agency; and

6 (3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their
7 graduate degree program specializing in marital and family therapy; and

8 (4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter
9 hours of supervised practicum and a one calendar year of supervised internship consisting of
10 twenty (20) hours per week or its equivalent with emphasis in marriage and family therapy
11 supervised by the department within the college or university granting the requisite degree or by
12 an accredited postgraduate clinical training program, approved by the commission on
13 accreditation for marriage and family therapy education recognized by the United States
14 department of education or education and/or experience which is deemed equivalent by the board;
15 and

16 (5) Has had a minimum of two (2) years of relevant postgraduate experience, including at
17 least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy
18 services with emphasis in marriage and family therapy subsequent to being awarded a master's
19 degree or doctorate; and

20 (6) Has had a minimum of one hundred (100) hours of post-degree supervised case
21 spread over two (2) years; provided, that the supervision was provided by a person who at the
22 time of rendering the supervision was recognized by the board as an approved supervisor; and

23 (7) Has passed to the satisfaction of the board an examination conducted by it to
24 determine the applicant's qualifications for licensure as a marriage and family therapist or is
25 applying for licensure under the provisions of § 5-63.2-15.

26 (b) A candidate shall be qualified for licensure as a marriage and family therapist upon
27 the affirmative vote of at least four (4) members of the board, two (2) of whom must be marriage
28 and family therapists on the board.

29 SECTION 24. Section 5-86-9 of the General Laws in Chapter 5-86 entitled "Licensing of
30 Applied Behavior Analysts" is hereby amended to read as follows:

31 **5-86-9. Qualifications and examinations for licensing.**

32 (a) An applicant for licensure as a licensed applied behavior analyst shall submit to the
33 board written evidence on forms furnished by the department ~~verified under oath (i.e. notarized)~~
34 that said applicant:

- 1 (1) Be of good moral character;
- 2 (2) Has obtained a graduate degree in applied behavior analysis or a related field, as
3 approved by the board, from a college or university accredited by the New England association of
4 schools and colleges, or an equivalent regional accrediting agency, and which has the approval by
5 a national or regional certifying authority, including but not limited to the applied behavior
6 analyst licensing board;
- 7 (3) Has successfully completed the amount of coursework in applied behavior analysis
8 acceptable to the board;
- 9 (4) Has appropriate supervised experience to include either: (i) One year, including one
10 thousand five hundred (1,500) hours of supervised independent fieldwork in applied behavior
11 analysis. The distribution of supervised independent fieldwork hours must be at least ten (10)
12 hours per week, but not more than thirty (30) hours per week, for a minimum of three (3) weeks
13 per month; (ii) One thousand (1,000) hours of practicum in behavior analysis within a university
14 experience program approved by the national or regional certifying authority. The distribution of
15 practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25)
16 hours per week, for a minimum of three (3) weeks per month; or (iii) Seven hundred fifty (750)
17 hours of intensive practicum in behavior analysis within a university experience program
18 approved by the national or regional certifying authority. The distribution of intensive practicum
19 hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per
20 week, for a minimum of three (3) weeks per month;
- 21 (5) Has passed the relevant examination administered by an appropriate nationally
22 recognized accrediting organization as approved by the department of health for this function;
- 23 (6) Maintain active status and fulfill all relevant requirements for renewal and relicensing
24 with the nationally recognized and accredited organization(s) as approved by the department of
25 health licensing;
- 26 (7) Conducts his or her professional activities in accordance with accepted standards for
27 responsible professional conduct, as approved by the Rhode Island applied behavior analyst
28 licensing board; and
- 29 (8) Meets the criteria as established in § 5-86-12.
- 30 (b) An applicant for licensure as a licensed applied behavior assistant analyst shall submit
31 to the board written evidence on forms furnished by the department ~~verified under oath (i.e.,~~
32 ~~notarized)~~ that said applicant:
- 33 (1) Be of good moral character;
- 34 (2) Has obtained a bachelor's degree in behavior analysis or a related field, as approved

1 by the board, from a college or university accredited by the New England Association of Schools
2 and Colleges, or an equivalent regional accrediting agency, and which has the approval by a
3 national or regional certifying authority, including, but not limited to, the applied behavior analyst
4 licensing board;

5 (3) Has successfully completed the amount of coursework in applied behavior analysis
6 acceptable to the board;

7 (4) Has appropriate supervised experience to include either: (i) One thousand (1,000)
8 hours of supervised independent fieldwork in applied behavior analysis. The distribution of
9 supervised independent fieldwork hours must be at least ten (10) hours per week, but not more
10 than thirty (30) hours per week, for a minimum of (3) three weeks per month; (ii) Six hundred
11 seventy (670) hours of practicum in behavior analysis within a university experience program
12 approved by the national or regional certifying board. The distribution of practicum hours must
13 be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a
14 minimum of three (3) weeks per month; or (iii) Five hundred (500) hours of intensive practicum
15 in behavior analysis within a university experience program approved by the national or regional
16 certifying board. The distribution of intensive practicum hours must be at least ten (10) hours per
17 week, but

18 not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per
19 month.

20 (5) Is supervised by a licensed applied behavior analyst in a manner consistent with the
21 board's requirements for supervision of licensed applied behavior assistant analysts;

22 (6) Has passed the examination administered by an appropriate nationally recognized
23 accrediting organization as approved by department of health licensing for this function;

24 (7) Maintain active status and fulfill all relevant requirements for renewal and relicensing
25 with the nationally recognized and accredited organization(s) as approved by the department of
26 health licensing;

27 (8) Conduct his or her professional activities in accordance with accepted standards for
28 responsible professional conduct, as required by the Rhode Island applied behavior analyst
29 licensure board; and

30 (9) Meet the criteria as established in § 5-86-11.

31 (c) applicant shall be judged to hold the equivalent requirement of a licensure as an
32 applied behavior analyst upon submission to the board, written evidence on forms furnished by
33 the department ~~verified under oath (i.e., notarized)~~, if the following equivalency requirements are
34 met to the satisfaction of the licensing board:

1 (1) Has received a doctoral degree in psychology from a college or university accredited
2 by the New England association of schools and colleges, or an equivalent regional accrediting
3 agency, and which has the approval by a national or regional certifying authority;

4 (2) Be individually licensed by the department of health as a psychologist subject to
5 chapter 5-44;

6 (3) Be of good moral character;

7 (4) Has completed coursework in applied behavior analysis supervised by the department
8 within the college or university granting the requisite degree or by an accredited postgraduate
9 clinical training program recognized by the United States department of education, or education
10 and/or experience which is deemed equivalent by the board;

11 (5) Has completed one thousand five hundred (1,500) hours of direct client contact
12 offering applied behavior analysis services subsequent to being awarded a doctoral degree in
13 psychology;

14 (6) Conducts his or her professional activities in accordance with accepted standards for
15 responsible professional conduct, as required by the Rhode Island applied behavior analyst
16 licensure board; and

17 (7) Meets the criteria as established in 5-86-12.

18 SECTION 25. Section 21-9-3 of the General Laws in Chapter 21-9 entitled “Frozen
19 Desserts” is hereby amended to read as follows:

20 **21-9-3. License fee.**

21 (a) The annual fees for the following licenses shall be as set forth in § 23-1-54:

22 (1) Instate wholesale frozen dessert processors;

23 (2) Out of state wholesale frozen dessert processors; and

24 (3) Retail frozen dessert processors.

25 (b) Where a retail frozen dessert processor is also registered as a food service
26 establishment under §21-27-10 within a single location, the business shall not be required to pay
27 more than one single fee for the highest classified activity listed in §21-27-10(e) or subsection (a)
28 of this section.

29 SECTION 26. Section 21-27-11.5 of the General Laws in Chapter 21-27 entitled
30 “Sanitation in Food Establishments” is hereby amended to read as follows:

31 **21-27-11.5. Recertification – Renewal.**

32 Every holder of a certificate issued pursuant to these sections shall ~~triennially~~, every five
33 years, present evidence to the division of continued eligibility as established by regulations. All
34 certificates issued pursuant to these sections shall expire ~~triennially~~ every five years on a date as

1 established in the rules and regulations unless sooner suspended or revoked. Application for
 2 certification renewal shall be made as described in the rules and regulations. A ~~triennial~~ renewal
 3 fee shall be required every five years. Managers of municipal or state food establishments shall be
 4 exempt from payment of the fee set forth in this section.

5 SECTION 27. Section 23-1-54 of the General Laws in Chapter 23-1 entitled "Department
 6 of Health" is hereby amended to read as follows:

7 **23-1-54. Fees payable to the department of health.**

8 Fees payable to the department shall be as follows:

9	PROFESSION	RIGL Section	Description of Fee	FEE
10	Barbers/hairdressers	5-10-10(a)	Renewal application	\$25.00
11	Barbers/hairdressers	5-10-10(a)	Renewal application:	
12	Manicuring		Instructors and manicurists	\$25.00
13	Barbers/hairdressers	5-10-10(b)	Minimum late renewal fee	\$25.00
14	Barbers/hairdressers	5-10-10(b)	Maximum late renewal fee	\$100.00
15	Barbers/hairdressers	5-10-11[c]	Application fee	\$25.00
16	Barbers/hairdressers	5-10-11[c]	Application fee: manicuring	
17			Instructors and manicurists	\$25.00
18	Barbers/hairdressers	5-10-13	Demonstrator's permit	\$90.00
19	Barbers/hairdressers	5-10-15	Shop license: initial	\$170.00
20	Barbers/hairdressers	5-10-15	Shop license: renewal	\$170.00
21	Barbers/hairdressers	5-10-15(b)	Initial: per licensed chair/station	\$50.00
22	Veterinarians	5-25-10	Application fee	\$40.00
23	Veterinarians	5-25-11	Examination fee	\$540.00
24	Veterinarians	5-25-12(a)	Renewal fee	\$580.00
25	Veterinarians	5-25-12[c]	Late renewal fee	\$120.00
26	Podiatrists	5-29-7	Application fee	\$240.00
27	Podiatrists	5-29-11	Renewal fee: minimum	\$240.00
28	Podiatrists	5-29-11	Renewal fee: maximum	\$540.00
29	Podiatrists	5-29-13	Limited registration	\$65.00
30	Podiatrists	5-29-14	Limited registration:	
31			Academic faculty	\$240.00
32	Podiatrists	5-29-14	Application fee:	
33			Renewal minimum	\$240.00
34	Podiatrists	5-29-14	Application fee:	

1			Renewal maximum	\$440.00
2	Chiropractors	5-30-6	Examination fee:	\$210.00
3	Chiropractors	5-30-7	Examination exemption fee:	\$210.00
4	Chiropractors	5-30-8(b)	Exam Physiotherapy	\$210.00
5	Chiropractors	5-30-8(b)	Exam chiro and physiotherapy	\$210.00
6	Chiropractors	5-30-12	Renewal fee	\$210.00
7	Dentists/dental hygienists	5-31.1-6(d)	Dentist: application fee	\$965.00
8	Dentists/dental hygienists	5-31.1-6(d)	Dental hygienist: application fee	\$65.00
9	Dentists/dental hygienists	5-31.1-6(d)	Reexamination: dentist	\$965.00
10	Dentists/dental hygienists	5-31.1-6(d)	Reexamination: hygienist	\$65.00
11	Dentists/dental hygienists	5-31.1-21(b)	Reinstatement fee dentist	\$90.00
12	Dentists/dental hygienists	5-31.1-21(b)	Reinstatement fee hygienist	\$90.00
13	Dentists/dental hygienists	5-31.1-21(c)	Inactive status: dentist	\$220.00
14	Dentists/dental hygienists	5-31.1-21(c)	Inactive status: hygienist	\$40.00
15	Dentists/dental hygienists	5-31.1-22	Limited registration	\$65.00
16	Dentists/dental hygienists	5-31.1-23[c]	Limited reg:	
17			Academic faculty	\$965.00
18	Dentists/dental hygienists	5-31.1-23[c]	Limited reg:	
19			Academic faculty renewal	\$500.00
20	Electrolysis	5-32-3	Application fee	\$25.00
21	Electrolysis	5-32-6(b)	Renewal fee	\$25.00
22	Electrolysis	5-32-7	Reciprocal license fee	\$25.00
23	Electrolysis	5-32-17	Teaching license	\$25.00
24	Funeral directors/embalmers	5-33.2-12	Funeral establishment license	\$120.00
25	Funeral services establishments			
26	Funeral directors/embalmers	5-33.2-15	Renewal: funeral/director	\$90.00
27	funeral services establishments embalmer			\$30.00
28	Funeral directors/embalmers	5-33.2-12	Funeral branch ofc license	\$90.00
29	Funeral directors/embalmers	5-33.2-13.1	Crematories: application fee	\$120.00
30	Funeral services establishments			
31	Funeral directors/embalmers	5-33.2-15	Renewal: funeral/director	
32	Funeral Svcs establishments establishment			\$120.00
33	Funeral directors/embalmers	5-33.2-15	Additional branch office	
34	Funeral services Establishments licenses			\$120.00

1	Funeral directors/embalmers	5-33.2-15	Crematory renewal fee	
2	Funeral svcs establishments			\$120.00
3	Funeral directors/embalmers	5-33.2-15	Late renewal fee	
4	Funeral svcs establishments (All license types)			\$25.00
5	Funeral directors/embalmers	5-33.2-16(a)	Intern registration fee	
6	Funeral Services establishments			\$25.00
7	Nurses	5-34-12	RN Application fee	\$135.00
8	Nurses	5-34-16	LPN Application fee	\$45.00
9	Nurses	5-34-19	Renewal fee: RN	\$135.00
10	Nurses	5-34-19	Renewal fee: LPN	\$45.00
11	Nurses	5-34-37	RNP application fee	\$80.00
12	Nurses	5-34-37	RNP renewal fee	\$80.00
13	Nurses	5-34-37	RNP prescriptive privileges	\$65.00
14	Nurses	5-34-40.3	Clin nurse spec application	\$80.00
15	Nurses	5-34-40.3	Clin nurse spec renewal	\$80.00
16	Nurses	5-34-40.3	Clin nurse spec Rx privilege	\$65.00
17	Nurse anesthetists	5-34.2-4(a)	CRNA application fee	\$80.00
18	Nurse anesthetists	5-34.2-4(b)	CRNA renewal fee	\$80.00
19	Optometrists	5-35.1-4	Application fee	\$280.00
20	Optometrists	5-35.1-7	Renewal fee	\$280.00
21	Optometrists	5-35.1-7	Late fee	\$90.00
22	Optometrists	5-35.1-7	Reactivation of license fee	\$65.00
23	Optometrists	5-35.1-19(b)	Violations of section	\$650.00
24	Optometrists	5-35.1-20	Violations of chapter	\$260.00
25	Opticians	5-35.2-3	Application fee	\$30.00
26	Physicians	5-37-2	Application fee	\$1,090.00
27	Physicians	5-37-2	Re-examination fee	\$1,090.00
28	Physicians	5-37-10(b)	Late renewal fee	\$170.00
29	Physicians	5-37-16	Limited registration fee	\$65.00
30	Physicians	5-37-16.1	Ltd reg: academic faculty	\$600.00
31	Physicians	5-37-16.1	Ltd reg: academic	
32			Faculty renewal	\$170.00
33	Acupuncture	5-37.2-10	Application fee	\$310.00
34	Acupuncture	5-37.2-13(4)	Acupuncture assistant	\$310.00

1			Licensure fee	\$170.00
2	Social workers	5-39.1-9	Application fee	\$70.00
3	Social workers	5-39.1-9	Renewal fee	\$70.00
4	Physical therapists	5-40-8	Application fee	\$155.00
5	Physical therapists	5-40-8.1	Application:	
6			physical therapy assistants	\$50.00
7	Physical therapists	5-40-10(a)	Renewal fee:	
8			Physical therapists	\$155.00
9	Physical therapists	5-40-10(a)	Renewal fee: Physical therapy	
10			assistants	\$50.00
11	Physical therapists	5-40-10[c]	Late renewals	\$50.00
12				
13	Occupational therapists	5-40.1-12(2)	Renewal fee	\$140.00
14	Occupational therapists	5-40.1-12(5)	Late renewal fee	\$50.00
15	Occupational therapists	5-40.1-12(b)	Reactivation fee	\$140.00
16	Occupational therapists	5-40.1-13	Application fee	\$140.00
17	Psychologists	5-44-12	Application fee	\$230.00
18	Psychologists	5-44-13	Temporary permit	\$120.00
19	Psychologists	5-44-15[c]	Renewal fee	\$230.00
20	Psychologists	5-44-15(e)	Late renewal fee	\$50.00
21	Nursing home administrators	5-45-10	Renewal fee	\$160.00
22	Speech pathologist/audiologists	5-48-1(14)	Speech lang support personnel:	
23			late filing	\$90.00
24	Speech pathologist/audiologists	5-48-9(a)	Application fee: Audiologist	\$65.00
25	Speech pathologist/audiologists	5-48-9(a)	Application fee:	
26			speech Pathologist	\$145.00
27	Speech pathologist/audiologists	5-48-9(a)	Renewal fee: Audiologist	\$65.00
28	Speech pathologist/audiologists	5-48-9(a)	Renewal fee: Speech	
29			Pathologist	\$145.00
30	Speech pathologist/audiologists	5-48-9(a)	Provisional license: renewal fee	\$65.00
31	Speech pathologist/audiologists	5-48-9(b)	Late renewal fee	\$50.00
32	Speech pathologist/audiologists	5-48-9(d)(1)	Reinstatement fee: audiologist	\$65.00
33	Speech pathologist/audiologists	5-48-9(d)(1)	Reinstatement fee: audiologist	\$65.00
34			speech pathologists	\$145.00

1			personnel: late filing	\$65.00
2	Hearing aid dealers/fitters	5-49-6(a)	License endorsement	
3			Examination fee	\$25.00
4	Hearing aid dealers/fitters	5-49-8(b)	Temporary permit fee	\$25.00
5	Hearing aid dealers/fitters	5-49-8(d)	Temporary permit renewal fee	\$35.00
6	Hearing aid dealers/fitters	5-49-11(1)	License fee	\$25.00
7	Hearing aid dealers/fitters	5-49-11(b)	License renewal fee	\$25.00
8	Hearing aid dealers/fitters	5-49-11[c]	License renewal late fee	\$25.00
9	Physician assistants	5-54-9(4)	Application fee	\$110.00
10	Physician assistants	5-54-11(b)	Renewal fee	\$110.00
11	Orthotics/prosthetic practice	5-59.1-5	Application fee	\$120.00
12	Orthotics/prosthetic practice	5-59.1-12	Renewal fee	\$120.00
13	Athletic trainers	5-60-11	Application fee	\$60.00
14	Athletic trainers	5-60-11	Renewal fee	\$60.00
15	Athletic trainers	5-60-11	Late renewal fee	\$25.00
16	Mental health counselors	5-63.2-16	Application fee: marriage	
17	Marriage and family therapists		Family therapist	\$130.00
18	Mental health counselors	5-63.2-16	Application fee: mental	
19	Marriage and family therapists		Health counselors	\$70.00
20	Mental health counselors	5-63.2-16	Reexamination fee:	
21	Marriage and family therapists		Marriage/family therapist	\$130.00
22	Mental health counselors	5-63.2-16	Reexamination fee:	
23	Marriage and family therapists		Mental health counselors	\$ 70.00
24	Mental health counselors	5-63.2-17(a)	Renewal fee: marriage	
25	Marriage and Family therapists		Family therapist	\$130.00
26	Mental health counselors	5-63.2-17(a)	Renewal fee:	
27	Marriage and Family therapist		Mental health counselor	\$50.00
28	Mental health counselors	5-63.2-17(b)	Late renewal fee	
29	Marriage and Family therapist		Marriage and family therapist	\$90.00
30	Dieticians/nutritionists	5-64-6(b)	Application fee	\$75.00
31	Dieticians/nutritionists	5-64-7	Graduate status:	
32			Application fee:	\$75.00
33	Dieticians/nutritionists	5-64-8	Renewal fee	\$75.00
34	Dieticians/nutritionists	5-64-8	Reinstatement fee	\$75.00

1	Radiologic technologists	5-68.1-10	Application fee maximum	\$190.00
2	Licensed chemical dependency professionals		5-69-9Application	fee
3		\$75.00		
4	Licensed chemical dependency professionals		5-69-9Renewal	fee
5		\$75.00		
6	Licensed chemical	5-69-9	Application fee	\$75.00
7	Licensed chemical	5-69-9	Application fee	\$75.00
8	dependency clinical supervisor			
9	Licensed chemical	5-69-9	Renewal fee	\$75.00
10	dependency clinical supervisor			
11	Deaf interpreters	5-71-8(3)	License fee maximum	\$25.00
12	Deaf interpreters	5-71-8(3)	License renewal fee	\$25.00
13	Milk producers	21-2-7(g)(1)	In-state milk processor	\$160.00
14	Milk producers	21-2-7(g)(2)	Out-of-state milk processor	\$160.00
15	Milk producers	21-2-7(g)(3)	Milk distributors	\$160.00
16	Frozen desserts	21-9-3(1)	In-state wholesale	\$550.00
17	Frozen desserts	21-9-3(2)	Out-of-state wholesale	\$160.00
18	Frozen desserts	21-9-3(3)	Retail frozen dess processors	\$160.00
19	Meats	21-11-4	Wholesale	\$160.00
20	Meats	21-11-4	Retail	\$40.00
21	Shellfish packing houses	21-14-2	License fee:	
22			Shipper/reshipper	\$320.00
23	Shellfish packing houses	21-14-2	License fee:	
24			Shucker packer/repacker	\$390.00
25	Non-alcoholic bottled	21-23-2	Bottler permit	
26	Beverages, Drinks & juices			\$550.00
27	Non-alcoholic bottled	21-23-2	Bottle apple cider fee	
28	beverages, drinks and juices			\$60.00
29	Farm home food manufacturers	21-27-6.1(4)	Registration fee	\$65.00
30	Food businesses	21-27-10(e)(1)	Food processors wholesale	\$500.00 \$300.00
31	Food businesses	21-27-10(e)(2)	Food processors retail	\$120.00
32	Food businesses	21-27-10(e)(3)	Food service establishments	
33			>50 seats	\$160.00
34	Food businesses	21-27-10(e)(3)	Food service establishments	

1			>50 seats	\$240.00
2	Food businesses	21-27-10(e)(3)	Mobile food service units	\$100.00
3	Food businesses	21-27-10(e)(3)	Industrial caterer or food vending	
4			Machine commissary	\$280.00
5	Food businesses	21-27-10(e)(3)	Cultural heritage educational	
6			Facility	\$ 80.00
7	Food businesses	21-27-10(e)(4)	Vending Machine Location	
8			> 3 units	\$50.00
9	Food businesses	21-27-10(e)(4)	Vending Machine	
10			Location 4-10 units	\$100.00
11	Food businesses	21-27-10(e)(4)	Vending Machine Location = 11 units	
12				\$120.00
13	Food businesses	21-27-10(e)(5)	Retail Mkt	
14			1-2 cash registers	\$120.00
15	Food businesses	21-27-10(e)(5)	Retail Market	
16			3-5 cash registers	\$240.00
17	Food businesses	21-27-10(e)(5)	Retail Market = 6	
18			Cash registers	\$510.00
19	Food businesses	21-27-10(e)(6)	Retail food peddler	\$100.00
20	Food businesses	21-27-10(e)(7)	Food warehouses	\$190.00
21	Food businesses	21-27-11.2	Certified food safety mgr	\$50.00
22	License verification fee	23-1-16.1	All license types	\$50.00
23	Tattoo and body piercing	23-1-39	Annual registration fee:	
24			Person	\$90.00
25	Tattoo and body piercing	23-1-39	Annual registration fee:	
26			establishment	\$90.00
27	Vital records	23-3-25(a)(1)	Certificate of birth, fetal death,	
28			Death, marriage, birth, or	
29			Certification that such record	
30			Cannot be found	\$20.00
31	Vital records	23-3-25(a)(1)	Each duplicate of certificate	
32			of birth, fetal death, death, marriage,	
33			Birth, or certification that such record	
34			cannot be found	\$15.00

1	Vital records	23-3-25(a)(2)	Each additional calendar year	
2			Search, if within 3 months of	
3			original search and if receipt of original	
4			search presented	\$2.00
5	Vital records	23-3-25(a)(3)	Expedited service	\$7.00
6	Vital records	23-3-25(a)(4)	Adoptions, legitimations, or	
7			Paternity determinations	\$15.00
8	Vital records	23-3-25(a)(5)	Authorized corrections,	
9			Alterations, and additions	\$10.00
10	Vital records	23-3-25(a)(6)	Filing of delayed record and	
11			Examination of documentary	
12			Proof	\$20.00
13	Vital records	23-3-25(a)(6)	Issuance of certified copy	
14			of a delayed record	\$20.00
15	Medical Examiner	23-4-13	Autopsy reports	\$40.00
16	Medical Examiner	23-4-13	Cremation certificates	
17			and statistics	\$30.00
18	Medical Examiner	23-4-13	Testimony in civil suits:	
19			Minimum/day	\$650.00
20	Medical Examiner	23-4-13	Testimony in civil suits:	
21			Maximum/day	\$3,250.00
22	Emergency medical technicians	23-4.1-10[c]	Annual fee: ambulance	
23			Service maximum	\$540.00
24	Emergency medical technicians	23-4.1-10[c]	Annual fee: vehicle license	
25			maximum	\$275.00
26	Emergency medical technicians	23-4.1-10[c]	Triennial fee: EMT license	
27			maximum	\$120.00
28	Emergency medical technicians	23-4.1-10(2)	Exam fee maximum: EMT	\$120.00
29	Emergency medical technicians	23-4.1-10(2)	Vehicle inspection	
30			Maximum	\$190.00
31	Clinical laboratories	23-16.2-4(a)	Clinical laboratory license	
32			per specialty	\$650.00
33	Clinical laboratories	23-16.2-4(a)	Laboratory station license	\$650.00
34	Clinical laboratories	23-16.2-4(b)	Permit fee	\$70.00

1	Health care facilities	23-17-38	Hospital: base fee annual	\$16,900.00
2	Health care facilities	23-17-38	Hospital: annual per bed fee	\$120.00
3	Health care facilities	23-17-38	ESRD: annual fee	\$3,900.00
4	Health care facilities	23-17-38	Home nursing-care/home	
5			care providers	\$650.00
6	Health care facilities	23-17-38	OACF: annual fee	\$650.00
7	Assisted living residences/ administrators	23-17.4-15.2(d)	License application fee:	\$220.00
9	Assisted living residences/ administrators	23-17.4-15.2(d)	License renewal fee:	\$220.00
11	Assisted living residences	23-17.4-31	Annual facility fee: base	\$330.00
12	Assisted living residences	23-17.4-31	Annual facility per bed	\$70.00
13	Nursing assistant registration	23-17.9-3	Application: competency	
14			evaluation training	
15			program maximum	\$325.00
16	Nursing assistant registration	23-17.9-5	Application fee	\$35.00
17	Nursing assistant registration	23-17.9-5	Exam fee: skills proficiency	\$170.00
18	Nursing assistant registration	23-17.9-6	Registration fee	\$35.00
19	Nursing assistant registration	23-17.9-7	Renewal fee	\$35.00
20	Sanitarians	23-19.3-5(a)	Registration fee	\$25.00
21	Sanitarians	23-19.3-5(b)	Registration renewal	\$25.00
22	Massage therapy	23-20.8-3(e)	Massage therapist appl fee	\$65.00
23	Massage therapy	23-20.8-3(e)	Massage therapist renewal fee	\$65.00
24	Recreational facilities	23-21-2	Application fee	\$160.00
25	Swimming pools	23-22-6	Application license:	
26			first pool	\$250.00
27	Swimming pools	23-22-6	Additional pool	
28			fee at same location	\$75.00
29	Swimming pools	23-22-6	Seasonal application license:	
30			first pool	\$150.00
31	Swimming pools	23-22-6	Seasonal additional pool	
32			fee at same location	\$75.00
33	Swimming pools	23-22-6	Year-round license	
34			for non-profit	\$25.00

1	Swimming pools	23-22-10	Duplicate license	\$2.00
2	Swimming pools	23-22-12	Penalty for violations	\$50.00
3	Respiratory care practitioners	23-39-11	Application fee	\$60.00
4	Respiratory care practitioners	23-39-11	Renewal fee	\$60.00

5 SECTION 28. Section 23-20.8-5 of the General Laws in Chapter 23-20.8 entitled
6 “Licensing of Massage Therapists” is hereby amended to read as follows:

7 **23-20.8-5. Application for license – Issuance or denial of license – Minimum**
8 **qualifications.**

9 (a) Every person desiring to begin the practice of massage therapy, except exempt
10 persons as provided in this chapter, shall present satisfactory evidence to the division of
11 professional regulation of the department of health, ~~verified by oath,~~ that he or she is:

12 (1) Over eighteen (18) years of age; (2) Of good moral character (via background check
13 in accordance with § 23-20.8-3); (3) Has successfully completed an educational program, meeting
14 minimum requirements established by the board, including at least five hundred (500) hours of
15 in-class, hands-on and supervised coursework and clinical work; and

16 (4) Has successfully completed an examination approved by the board. Any examination
17 approved by the board must meet generally recognized standards including development through
18 the use of a job-task analysis and must meet appropriate psychometric standards.

19 (b) The department may grant a license to any applicant satisfying the requirements of
20 subdivisions 23-20.8-5(a)(1) and (2), has completed all appropriate forms, paid all appropriate
21 fees and has met substantially equivalent standards in obtaining a valid license, permit, certificate
22 or registration issued by any other state or territory of the United States or by a foreign country.

23 (c) The department shall, within sixty (60) days from the time any application for a
24 license is received, grant the applications and issue a license to practice massage for a year from
25 that date if the department is satisfied that the applicant complies with the rules and regulations
26 promulgated in accordance with this chapter. An applicant, whose criminal records check reveals
27 a conviction for any sexual offense, including, but not limited to, those offenses defined in
28 chapters 34 and 37 of title 11, shall be denied a license under this chapter.

29 (d) The fee for original application for licensure as a massage therapist and the fee for
30 annual license renewal shall be determined by the board and shall not exceed one hundred dollars
31 (\$100).

32 SECTION 29. Sections 23-20.8.1-1 and 23-20.8.1-6 of the General Laws in Chapter 23-
33 20.8.1 entitled “Registration of Music Therapists” are hereby amended to read as follows:

34 **23-20.8.1-1. Definitions.**

1 As used in this chapter:

2 (1) "Board certified music therapist" means an individual who has completed the
3 education and clinical training requirements established by the American Music Therapy
4 Association; has passed the certification board for music therapists certification examination; or
5 transitioned into board certification, and remains actively certified by the certification board for
6 music therapists.

7 (2) "Music therapist" means a person registered to practice music therapy pursuant to this
8 chapter.

9 (3) "Music therapy" means the clinical and evidence based use of music interventions to
10 accomplish individualized goals within a therapeutic relationship through an individualized music
11 therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of
12 the music therapy services appropriate for the client using music therapy interventions, which
13 may include music improvisation, receptive music listening, song writing, lyric discussion, music
14 and imagery, music performance, learning through music, and movement to music. Music therapy
15 is a distinct and separate profession from other licensed, certified, or regulated professions,
16 including speech-language pathology. The practice of music therapy does not include the
17 diagnosis of any physical, mental, or communication disorder. This term may include:

18 (i) Accepting referrals for music therapy services from medical, developmental, mental
19 health, or education professionals; family members; clients; or caregivers. Before providing
20 music therapy services to a client for a medical, developmental, or mental health condition, the
21 registrant shall collaborate, as applicable, with the client's physician, psychologist, or mental
22 health professional to review the client's diagnosis, treatment needs, and treatment plan. During
23 the provision of music therapy services to a client, the registrant shall collaborate, as applicable,
24 with the client's treatment team;

25 (ii) Conducting a music therapy assessment of a client to collect systematic,
26 comprehensive, and accurate information necessary to determine the appropriate type of music
27 therapy services to provide for the client;

28 (iii) Developing an individualized music therapy treatment plan for the client;

29 (iv) Carrying out an individualized music therapy treatment plan that is consistent with
30 any other medical, developmental, mental health, or educational services being provided to the
31 client;

32 (v) Evaluating the client's response to music therapy and the individualized music therapy
33 treatment plan and suggesting modifications, as appropriate;

34 (vi) Developing a plan for determining when the provision of music therapy services is

1 no longer needed in collaboration with the client, any physician, or other provider of healthcare or
2 education of the client, any appropriate member of the family of the client, and any other
3 appropriate person upon whom the client relies for support;

4 (vii) Minimizing any barriers so that the client may receive music therapy services in the
5 least restrictive environment; and

6 (viii) Collaborating with and educating the client and the family or caregiver of the client
7 or any other appropriate person about the needs of the client that are being addressed in music
8 therapy and the manner in which the music therapy addresses those needs.

9 (4) "Office" means the department of ~~health-business regulation~~.

10 (5) "Director" means the director of the department of ~~health-business regulation~~ or his or
11 her designee.

12 **23-20.8.1-6. Rules and regulations.**

13 The director is authorized to adopt, modify, repeal, and promulgate rules and regulations
14 in accordance with the purposes of this chapter, and only after procedures in accordance with the
15 administrative procedures act (chapter 35 of title 42) have been followed. The director is further
16 authorized to assess fees for registrations ~~as set by the department issued in accordance with rules
17 and regulations promulgated pursuant to the authority conferred by this chapter, provided that
18 those fees are assessed only after procedures in accordance with the administrative procedures act
19 (chapter 35 of title 42) have been followed. All fees shall be deposited into the general fund as
20 general revenue.~~

21 SECTION 30. Section 31-44-17 of the General Laws in Chapter 31-44 entitled "Mobile
22 and Manufactured Homes" is hereby amended to read as follows:

23 **31-44-17. Filing of complaint with department – Notice – Rules of evidence not**
24 **binding.**

25 (a) Any resident of a mobile and manufactured housing park or any owner of a mobile
26 and manufactured housing park may petition the director by filing a complaint with the
27 department of business regulation. ~~and paying a twenty five dollar (\$25.00) filing fee which shall
28 be used to defray the costs of the director. The filing fee may be waived by the director if he or
29 she or his or her agent determines that the fee will cause an unfair financial burden on the
30 petitioner.~~ After review of the claim and a decision by the director that the matter has merit and is
31 not frivolous, the director shall schedule a hearing within sixty (60) days from receipt of the
32 claim. If the director finds the claim to be without merit or to be frivolous, the director shall
33 dismiss the complaint and explain in writing to the complainant his or her reasons for dismissing
34 the complaint.

1 (b) The director or his or her agent shall serve notice, in writing, of the time and place of
2 the hearing upon all appropriate parties at least twenty (20) days prior to the date of the hearing.
3 Both parties to the complaint may be represented by counsel.

4 (c) The director or his or her agent shall not be bound by common law or statutory rules
5 of evidence but may admit all testimony having a reasonable probative value. Complaints filed
6 shall be handled in accordance with the departments' rules of practice and the Administrative
7 Procedures Act, chapter 35 of title 42. It may exclude evidence which, in the opinion of the
8 director or his or her agent, is immaterial, irrelevant, or unduly repetitious.

9 SECTION 31. Section 39-12-7 of the General Laws in Chapter 39-12 entitled "Motor
10 Carriers of Property" is hereby amended to read as follows:

11 **39-12-7. Issuance of certificate to common carrier.**

12 A certificate shall be issued by the administrator, after a hearing, to any qualified
13 applicant therefor, authorizing the whole or any part of the operations covered by the application,
14 if it is found that the applicant is fit, willing, and able properly to perform the service proposed
15 and to conform to the provisions of this chapter and the requirements, orders, rules, and
16 regulations of the administrator thereunder, ~~and that the proposed service, to the extent to be~~
17 ~~authorized by the certificate, is or will be required by the present or future public convenience~~
18 ~~and necessity;~~ otherwise the application shall be denied. Any certificate issued under this chapter
19 shall specify the service to be rendered, ~~and the routes over which, the fixed termini, if any,~~
20 ~~between which, if any, at which, and, in case of operations not over specified routes or between~~
21 ~~fixed termini, the points and places within which, or between which the motor carrier is~~
22 ~~authorized to operate; and there shall, at the time of the issuance and from time to time thereafter,~~
23 ~~be attached to the exercise of the privileges granted by the certificate such reasonable terms,~~
24 ~~conditions, and limitations as the public convenience and necessity may from time to time~~
25 ~~require; provided, however, that no terms, conditions, or limitations shall restrict the right of the~~
26 ~~carrier to add to his or her or its equipment and facilities, between which or within the territory~~
27 ~~specified in the certificate as the development of the business and the demands of the business~~
28 ~~shall require.~~ Certificates issued under this chapter shall be renewed before the close of business
29 on December 31 of each calendar year. The renewal fee shall be one hundred dollars (\$100) and
30 shall be submitted with the renewal form. All revenues received under this section shall be
31 deposited as general revenues. No certificate shall be issued to a common carrier by motor
32 vehicle or, when issued, shall remain in force authorizing the transportation of property over the
33 publicly used highways of this state, unless the rates and charges upon which the property is
34 transported by the carrier shall have been published in the tariff and filed with the administrator in

1 accordance with this chapter.

2 SECTION 32. Section 44-19-1 of the General Laws in Chapter 44-19 entitled “Sales and
3 Use Taxes – Enforcement and Collection” is hereby amended to read as follows:

4 **44-19-1. Annual permit required – Retail business subject to sales tax – Promotion**
5 **of shows – Revocation of show permit.**

6 (a)(1) Every person desiring to engage in or conduct within this state a business of
7 making sales at retail, or engage in a business of renting living quarters in any hotel, rooming
8 house, or tourist camp, the gross receipts from which sales or rental charges are required to be
9 included in the measure of the tax imposed under chapter 18 of this title, shall file with the tax
10 administrator an application for a permit for each place of business. The application shall be in a
11 form, include information, and bear any signatures that the tax administrator may require. At the
12 time of making an application, the applicant shall pay to the tax administrator a permit fee of ten
13 dollars (\$10.00) for each permit. Every permit issued under this chapter expires on June 30 of
14 each year [or at any other date as determined by the tax administrator.](#)

15 (2) Every permit holder shall annually, on or before February 1 of each year, [or at any](#)
16 [other date as determined by the tax administrator,](#) renew its permit by filing an application for
17 renewal along with a ten dollar (\$10.00) renewal fee. The renewal permit is valid for the period
18 July 1 of that calendar year through June 30 of the subsequent calendar year, [or for any other](#)
19 [period as determined by the tax administrator,](#) unless otherwise canceled, suspended or revoked.
20 All fees received under this section are allocated to the tax administrator for enforcement and
21 collection of all taxes.

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

25 (2) The tax administrator shall, within five (5) days after the receipt of that notice, issue
26 to the promoter, without charge, a permit to operate the show, unless the provisions of
27 subdivision (5) of this subsection have been applied to the promoter. No promoter may operate a
28 show without obtaining the permit. The permit shall be prominently displayed at the main
29 entrance of the show.

30 (3) Any promoter who is a retailer shall comply with all of the provisions of this chapter
31 and chapter 18 relating to retailers, in addition to all of the provisions of this chapter relating to
32 promoters.

33 (4) A promoter may not permit any person to display or sell tangible personal property,
34 services, or food and drink at a show unless that person is registered under subsection (a) of this

1 section and displays his or her permit in accordance with the provisions of subsection (a) of this
2 section.

3 (5) Any promoter who permits any person to display or sell tangible personal property,
4 services, or food and drink at a show who is not registered, or does not display a permit, or fails
5 to keep a record or file a monthly report of the name, address and permit number of every person
6 whom the promoter permitted to sell or display tangible personal property, services, or food and
7 drink at a show, is subject to revocation of all existing permits issued pursuant to this section to
8 operate a show, and to the denial of a permit to operate any show for a period of not more than
9 two (2) years, in addition to the provisions of § 44-19-31.

10 SECTION 33. This Article shall take effect July 1, 2018.

11 ARTICLE 7

12 RELATING TO FEES

13 SECTION 1. Section 7-11-307 of the General Laws in Chapter 7-11 entitled “Rhode
14 Island Uniform Securities Act” is hereby amended as follows:

15 **7-11-307. Federal covered securities.**

16 (a) The director may require by rule or order the filing of any or all of the following
17 documents with respect to a covered security under § 18(b)(2) of the Securities Act of 1933, 15
18 U.S.C. § 77r(b)(2):

19 (1) Prior to the initial offer of a federal covered security in this state, all documents that
20 are part of a current federal registration statement filed with the U.S. Securities and Exchange
21 Commission under the Securities Act of 1933, 15 U.S.C. § 77a et seq., or, in lieu of filing the
22 registration statement, a notice as prescribed by the director by rule or otherwise, together with a
23 consent to service of process signed by the issuer and with a nonrefundable fee of one-tenth of
24 one percent (0.1%) of the maximum aggregate offering price at which the federal covered
25 securities are to be offered in this state, but not less than three hundred dollars (\$300) or more
26 than one thousand five hundred dollars (\$1,~~0~~500).

27 (2) An open end management company, a face amount certificate company, or a unit
28 investment trust, as defined in the Investment Company Act of 1940, 15 U.S.C. § 80a-1 et seq.,
29 ~~may~~ shall file a notice for an indefinite amount of securities. The issuer, at the time of filing, shall
30 pay a nonrefundable fee of one thousand five hundred dollars (\$1,~~0~~500).

31 (3) After the initial offer of the federal covered security in this state, all documents that
32 are part of an amendment to a current federal registration statement filed with the U.S. Securities
33 and Exchange Commission under the Securities Act of 1933, are filed concurrently with the
34 director.

1 (4) Unless otherwise extended by the director, an initial notice filing under this
2 subsection or subsection (b) is effective for one year commencing upon the date the notice or
3 registration statement, as applicable, is received by the director unless a later date is indicated by
4 the issuer. A notice filing may be renewed by filing a renewal notice as prescribed by the director
5 and paying a renewal fee of one thousand five hundred dollars (\$1,0500).

6 (b) Regarding any security that is a covered security under § 18(b)(3) of the Securities
7 Act of 1933, unless the security is exempted by Section 7-11-401 or is sold in an exempt
8 transaction under Section 7-11-402, the issuer shall file a notice prior to the initial offer of such
9 security in this state. Such notice filing shall include a uniform application adopted by the
10 director, a consent to service of process, and the payment of a nonrefundable fee as prescribed in
11 a(1) above.

12 ~~(bc)~~ Regarding any security that is a covered security under § 18(b)(4)(D) of the
13 Securities Act of 1933, 15 U.S.C. § 77r(b)(4)(D), the director may by rule or otherwise require
14 the issuer to file a notice on SEC Form D and a consent to service of process signed by the issuer
15 no later than fifteen (15) days after the first sale of the federal covered security in this state,
16 together with Form U-2, Form D and a nonrefundable fee of three hundred dollars (\$300).

17 ~~(ed)~~ The director may by rule or otherwise require the filing of any document filed with
18 the U.S. Securities and Exchange Commission under the Securities Act of 1933, 15 U.S.C. § 77a
19 et seq., with respect to a covered security under § 18(b)(3) or (4) of the Securities Act of 1933, 15
20 U.S.C. § 77r(b)(3) or (4), together with a notice and fees as defined in subparagraph (a)(1).

21 ~~(de)~~ The director may issue a stop order suspending the offer and sale of a federal
22 covered security, except a covered security under § 18(b)(1) of the Securities Act of 1933, 15
23 U.S.C. § 77r(b)(1), if the director finds that (1) the order is in the public interest and (2) there is a
24 failure to comply with any condition established under this section.

25 ~~(e) Notwithstanding the provisions of this section, until October 11, 1999, the director~~
26 ~~may require the registration of any federal covered security for which the fees required by this~~
27 ~~section have not been paid promptly following written notification from the director to the issuer~~
28 ~~of the nonpayment or underpayment of the fees. An issuer is considered to have promptly paid~~
29 ~~the fees if they are remitted to the director within fifteen (15) days following the person's receipt~~
30 ~~of written notification from the director.~~

31 (f) The director may by rule or order waive any or all of the provisions of this section.

32 SECTION 2. Section 23-17-38.1 of the General Laws in Chapter 23-17 entitled
33 “Licensing of Health-Care Facilities” is hereby amended to read as follows:

34 **23-17-38.1. Hospitals – Licensing fee.** – ~~(a) There is also imposed a hospital licensing~~

1 ~~fee at the rate of five and six hundred fifty two thousandths percent (5.652%) upon the net~~
2 ~~patient services revenue of every hospital for the hospital's first fiscal year ending on or after~~
3 ~~January 1, 2015, except that the license fee for all hospitals located in Washington County, Rhode~~
4 ~~Island shall be discounted by thirty seven percent (37%). The discount for Washington County~~
5 ~~hospitals is subject to approval by the Secretary of the U.S. Department of Health and Human~~
6 ~~Services of a state plan amendment submitted by the executive office of health and human~~
7 ~~services for the purpose of pursuing a waiver of the uniformity requirement for the hospital~~
8 ~~license fee. This licensing fee shall be administered and collected by the tax administrator,~~
9 ~~division of taxation within the department of revenue, and all the administration, collection, and~~
10 ~~other provisions of chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to~~
11 ~~the tax administrator on or before July 10, 2017, and payments shall be made by electronic~~
12 ~~transfer of monies to the general treasurer and deposited to the general fund. Every hospital shall,~~
13 ~~on or before June 14, 2017, make a return to the tax administrator containing the correct~~
14 ~~computation of net patient services revenue for the hospital fiscal year ending September 30,~~
15 ~~2015, and the licensing fee due upon that amount. All returns shall be signed by the hospital's~~
16 ~~authorized representative, subject to the pains and penalties of perjury.~~

17 (b)(a) There is also imposed a hospital licensing fee at the rate of five and eight hundred
18 fifty-six thousandths percent (5.856%) upon the net patient-services revenue of every hospital for
19 the hospital's first fiscal year ending on or after January 1, 2016, except that the license fee for all
20 hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven percent
21 (37%). The discount for Washington County hospitals is subject to approval by the Secretary of
22 the U.S. Department of Health and Human Services of a state plan amendment submitted by the
23 executive office of health and human services for the purpose of pursuing a waiver of the
24 uniformity requirement for the hospital license fee. This licensing fee shall be administered and
25 collected by the tax administrator, division of taxation within the department of revenue, and all
26 the administration, collection, and other provisions of chapter 51 of title 44 shall apply. Every
27 hospital shall pay the licensing fee to the tax administrator on or before July 10, 2018, and
28 payments shall be made by electronic transfer of monies to the general treasurer and deposited to
29 the general fund. Every hospital shall, on or before June 14, 2018, make a return to the tax
30 administrator containing the correct computation of net patient-services revenue for the hospital
31 fiscal year ending September 30, 2016, and the licensing fee due upon that amount. All returns
32 shall be signed by the hospital's authorized representative, subject to the pains and penalties of
33 perjury.

34 (b) There is also imposed a hospital licensing fee at the rate of five and eight hundred

1 fifty-six thousandths percent (5.856%) of upon the net patient-services revenue of every hospital
2 for the hospital's first fiscal year ending on or after January 1, 2017, except that the license fee for
3 all hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven
4 percent (37%). The discount for Washington County hospitals is subject to approval by the
5 Secretary of the U.S. Department of Health and Human Services of a state plan amendment
6 submitted by the executive office of health and human services for the purpose of pursuing a
7 waiver of the uniformity requirement for the hospital license fee. This licensing fee shall be
8 administered and collected by the tax administrator, division of taxation within the department of
9 revenue, and all the administration, collection, and other provisions of chapter 51 of title 44 shall
10 apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 10,
11 2019, and payments shall be made by electronic transfer of monies to the general treasurer and
12 deposited to the general fund. Every hospital shall, on or before June 14, 2019, make a return to
13 the tax administrator containing the correct computation of net patient-services revenue for the
14 hospital fiscal year ending September 30, 2017, and the licensing fee due upon that amount. All
15 returns shall be signed by the hospital's authorized representative, subject to the pains and
16 penalties of perjury.

17 (c) For purposes of this section the following words and phrases have the following
18 meanings:

19 (1) "Hospital" means the actual facilities and buildings in existence in Rhode Island,
20 licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on
21 that license, regardless of changes in licensure status pursuant to chapter 17.14 of title 23
22 (hospital conversions) and §23-17-6(b) (change in effective control), that provides short-term
23 acute inpatient and/or outpatient care to persons who require definitive diagnosis and treatment
24 for injury, illness, disabilities, or pregnancy. Notwithstanding the preceding language, the
25 negotiated Medicaid managed care payment rates for a court-approved purchaser that acquires a
26 hospital through receivership, special mastership, or other similar state insolvency proceedings
27 (which court-approved purchaser is issued a hospital license after January 1, 2013) shall be based
28 upon the newly negotiated rates between the court-approved purchaser and the health plan, and
29 such rates shall be effective as of the date that the court-approved purchaser and the health plan
30 execute the initial agreement containing the newly negotiated rate. The rate-setting methodology
31 for inpatient hospital payments and outpatient hospital payments set forth in §§ 40-8-
32 13.4(b)(1)(B)(iii) and 40-8-13.4(b)(2), respectively, shall thereafter apply to negotiated increases
33 for each annual twelve-month (12) period as of July 1 following the completion of the first full
34 year of the court-approved purchaser's initial Medicaid managed care contract.

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

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

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

9 (e) The licensing fee imposed by this section shall apply to hospitals as defined herein
10 that are duly licensed on July 1, ~~2017~~ 2018, and shall be in addition to the inspection fee imposed
11 by § 23-17-38 and to any licensing fees previously imposed in accordance with § 23-17-38.1.

12 SECTION 3. Section 27-10-3 of the General Laws in Chapter 27-10 entitled "Claim
13 Adjusters" is hereby amended to read as follows:

14 **27-10-3. Issuance of license.**

15 (a) The insurance commissioner may issue to any person a license to act as either a public
16 adjuster; company adjuster; or independent adjuster once that person files an application in a
17 format prescribed by the department and declares under penalty of suspension, revocation, or
18 refusal of the license that the statements made in the application are true, correct, and complete to
19 the best of the individual's knowledge and belief. Before approving the application, the
20 department shall find that the individual:

21 (1) Is at least eighteen (18) years of age;

22 (2) Is eligible to designate this state as his or her home state;

23 (3) Is trustworthy, reliable, and of good reputation, evidence of which shall be determined
24 by the department;

25 (4) Has not committed any act that is a ground for probation, suspension, revocation, or
26 refusal of a professional license as set forth in § 27-10-12;

27 (5) Has successfully passed the examination for the line(s) of authority for which the
28 person has applied;

29 (6) Has paid a fee of ~~one~~ two hundred and fifty dollars (~~\$150~~250).

30 (b) A Rhode Island resident business entity acting as an insurance adjuster may elect to
31 obtain an insurance adjusters license. Application shall be made using the uniform business entity
32 application. Prior to approving the application, the insurance commissioner shall find both of the
33 following:

34 (1) The business entity has paid the appropriate fees.

1 (2) The business entity has designated a licensed adjuster responsible for the business
2 entity's compliance with the insurance laws and rules of this state.

3 (c) The department may require any documents reasonably necessary to verify the
4 information contained in the application.

5 SECTION 4. Section 42-28-26 of the General Laws in Chapter 42-28 entitled "State
6 Police" is hereby repealed.

7 ~~**42-28-26. Location of school.**~~

8 ~~The municipal police training school shall be maintained by the state and located on the
9 premises of the University of Rhode Island and such other state-owned property as the
10 superintendent of the state police, with the consent of the governor, may from time to time
11 determine.~~

12 SECTION 5. Chapter 42-28 of the General Laws entitled "State Police" is hereby
13 amended by adding thereto the following section:

14 **42-28-25.2. Establishment of Municipal Police Training Tuition and Fees Account.**

15 (a) There is hereby created within the department of public safety a restricted receipt
16 account to be known as the municipal police training tuition and fees account.

17 (b) Tuition and fees collected pursuant to § 42-28-31, and physical fitness fees collected
18 pursuant to § 42-28-25, shall be deposited in this account and be used to fund costs associated
19 with the municipal police training school.

20 (c) All amounts deposited into the municipal police training tuition and fees account shall
21 be exempt from the indirect cost recovery provisions of § 35-4-27.

22 SECTION 6. Sections 42-28-25 and 42-28-31 of the General Laws in Chapter 42-28
23 entitled "State Police" are hereby amended to read as follows:

24 **42-28-25. State and municipal police training school established.**

25 (a) Within the Rhode Island state police there is hereby created and established a state
26 and municipal police training school.

27 (b) The superintendent of the state police shall have supervision of the state and
28 municipal police training academy and shall establish standards for admission and a course of
29 training. The superintendent shall report to the governor and general assembly a plan for a state
30 and municipal police training academy on or before December 31, 1993. The superintendent
31 shall, in consultation with the Police Chiefs' Association and the chairperson of the Rhode Island
32 commission on standards and training make all necessary rules and regulations relative to the
33 admission, education, physical standards and personal character of the trainees and such other
34 rules and regulations as shall not be inconsistent with law.

1 (c) Applicants to the state and municipal police training academy shall pay an application
2 fee in the amount of fifty dollars (\$50.00); provided, however, the superintendent may waive such
3 application fee if payment thereof would be a hardship to the applicant.

4 (d) Trainees shall pay to the division an amount equal to the actual cost of meals
5 consumed at the state police and municipal police training academy and the actual cost of such
6 training uniforms which remain the personal property of the trainees.

7 (e) The municipal police training school is hereby authorized to hold statewide physical
8 training tests for applicants applying for sworn officer positions in municipal law enforcement
9 agencies. The school shall charge a fee in accordance with its rules and regulations. All fees
10 collected shall be deposited into the municipal police training tuition and fees account, pursuant
11 to § 42-28-25.2

12 ~~(e)~~ (f) All fees and payments received by the division pursuant to this subsections (c) and
13 (d) shall be deposited as general revenues.

14 **45-28-31. Expenses of school – Compensation of candidates.**

15 (a) The municipal police training school is hereby authorized to charge students tuition in
16 accordance with its rules and regulations. All tuition payments shall be deposited into the
17 restricted receipt account established in § 42-28-25.2. No tuition fee or any other charge shall be
18 assessed against any city or town for the training of any candidate and the expense of that training
19 shall be borne by the state of Rhode Island. If tuition and fees collected are not sufficient for
20 proper maintenance and operation of the municipal police training school, the general assembly
21 shall annually appropriate such sum or sums as may be necessary for the proper maintenance of
22 the municipal police training school.

23 ~~(b); provided, however, that~~ Any compensation to any candidate during the period of his
24 or her training shall be fixed and determined by the proper authority within the city or town
25 sponsoring the candidate and such compensation, if any, shall be paid directly to the candidate by
26 the city or town of which he or she is a resident.

27 SECTION 7. This article shall take effect July 1, 2018 except for: Section 1, which will
28 take effect on August 1, 2018; and Section 3, which will take effect on January 1, 2019.

29 **ARTICLE 8**

30 **RELATING TO MOTOR VEHICLES**

31 SECTION 1. Section 31-3-33 of the General Laws in Chapter 31-3 entitled “Registration
32 of Vehicles” is hereby amended to read as follows:

33 **31-3-33. Renewal of registration.**

34 (a) Application for renewal of a vehicle registration shall be made by the owner on a

1 proper application form and by payment of the registration fee for the vehicle as provided by law.

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

5 (c) Upon renewal, owners will be issued a renewal sticker for each registration plate that
6 shall be placed at the bottom, right-hand corner of the plate. Owners shall be issued a new, fully
7 reflective plate beginning January 1, ~~2019~~2020, at the time of initial registration or at the renewal
8 of an existing registration and reissuance will be conducted no less than every ten (10) years.

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

11 **31-10-31. Fees.**

12 The following fees shall be paid to the division of motor vehicles:

13 (1) For every operator's first license to operate a motor vehicle, twenty-five dollars
14 (\$25.00);

15 (2) For every chauffeur's first license, twenty-five dollars (\$25.00); provided, that when a
16 Rhode Island licensed operator transfers to a chauffeur's license, the fee for the transfer shall be
17 two dollars (\$2.00);

18 (3) For every learner's permit to operate a motorcycle, twenty-five dollars (\$25.00);

19 (4) For every operator's first license to operate a motorcycle, twenty-five dollars
20 (\$25.00);

21 (5) For every renewal of an operator's or chauffeur's license, thirty dollars (\$30.00); with
22 the exception of any person seventy-five (75) years of age or older for whom the renewal fee will
23 be eight dollars (\$8.00);

24 (6) For every duplicate operator's or chauffeur's license and every routine information
25 update, i.e., name change or address change, twenty-five dollars (\$25.00);

26 (7) For every certified copy of any license, permit, or application issued under this
27 chapter, ten dollars (\$10.00);

28 (8) For every duplicate instruction permit, ten dollars (\$10.00);

29 (9) For every first license examination, five dollars (\$5.00);

30 ~~(10) For every routine information update, i.e., name change or address change, five~~
31 ~~dollars (\$5.00);~~

32 (10)(11) For surrender of an out-of-state license, in addition to the above fees, five dollars
33 (\$5.00).

34 SECTION 3. Section 39-18.1-4 of the General Laws in Chapter 39-18.1 entitled

1 "Transportation Investment and Debt Reduction Act of 2011" is hereby amended to read as
2 follows:

3 **39-18.1-4. Rhode Island highway maintenance account created.**

4 (a) There is hereby created a special account in the intermodal surface transportation fund
5 as established in § 31-36-20 that is to be known as the Rhode Island highway maintenance
6 account.

7 (b) The fund shall consist of all those moneys that the state may from time to time direct
8 to the fund, including, but not necessarily limited to, moneys derived from the following sources:

9 (1) There is imposed a surcharge of thirty dollars (\$30.00) per vehicle or truck, other than
10 those with specific registrations set forth below in subsection (b)(1)(i). Such surcharge shall be
11 paid by each vehicle or truck owner in order to register that owner's vehicle or truck and upon
12 each subsequent biennial registration. This surcharge shall be phased in at the rate of ten dollars
13 (\$10.00) each year. The total surcharge will be ten dollars (\$10.00) from July 1, 2013, through
14 June 30, 2014, twenty dollars (\$20.00) from July 1, 2014, through June 30, 2015, and thirty
15 dollars (\$30.00) from July 1, 2015, through June 30, 2016, and each year thereafter.

16 (i) For owners of vehicles or trucks with the following plate types, the surcharge shall be
17 as set forth below and shall be paid in full in order to register the vehicle or truck and upon each
18 subsequent renewal:

19	Plate Type Surcharge
20	Antique \$5.00
21	Farm \$10.00
22	Motorcycle \$13.00

23 (ii) For owners of trailers, the surcharge shall be one-half (1 / 2) of the biennial
24 registration amount and shall be paid in full in order to register the trailer and upon each
25 subsequent renewal.

26 (2) There is imposed a surcharge of fifteen dollars (\$15.00) per vehicle or truck, other
27 than those with specific registrations set forth in subsection (b)(2)(i) below, for those vehicles or
28 trucks subject to annual registration, to be paid annually by each vehicle or truck owner in order
29 to register that owner's vehicle, trailer or truck and upon each subsequent annual registration. This
30 surcharge will be phased in at the rate of five dollars (\$5.00) each year. The total surcharge will
31 be five dollars (\$5.00) from July 1, 2013, through June 30, 2014, ten dollars (\$10.00) from July 1,
32 2014, through June 30, 2015, and fifteen dollars (\$15.00) from July 1, 2015, through June 30,
33 2016, and each year thereafter.

34 (i) For registrations of the following plate types, the surcharge shall be as set forth below

1 and shall be paid in full in order to register the plate, and upon each subsequent renewal:

2 Plate Type	Surcharge
3 Boat Dealer	\$6.25
4 Cycle Dealer	\$6.25
5 In-transit	\$5.00
6 Manufacturer	\$5.00
7 New Car Dealer	\$5.00
8 Used Car Dealer	\$5.00
9 Racer Tow	\$5.00
10 Transporter	\$5.00
11 Bailee	\$5.00

12 (ii) For owners of trailers, the surcharge shall be one-half (1 / 2) of the annual
13 registration amount and shall be paid in full in order to register the trailer and upon each
14 subsequent renewal.

15 (iii) For owners of school buses, the surcharge will be phased in at the rate of six dollars
16 and twenty-five cents (\$6.25) each year. The total surcharge will be six dollars and twenty-five
17 cents (\$6.25) from July 1, 2013, through June 30, 2014, and twelve dollars and fifty cents
18 (\$12.50) from July 1, 2014, through June 30, 2015, and each year thereafter.

19 (3) There is imposed a surcharge of thirty dollars (\$30.00) per license to operate a motor
20 vehicle to be paid every five (5) years by each licensed operator of a motor vehicle. This
21 surcharge will be phased in at the rate of ten dollars (\$10.00) each year. The total surcharge will
22 be ten dollars (\$10.00) from July 1, 2013, through June 30, 2014, twenty dollars (\$20.00) from
23 July 1, 2014, through June 30, 2015, and thirty dollars (\$30.00) from July 1, 2015, through June
24 30, 2016, and each year thereafter. In the event that a license is issued or renewed for a period of
25 less than five (5) years, the surcharge will be prorated according to the period of time the license
26 will be valid.

27 (c) All funds collected pursuant to this section shall be deposited in the Rhode Island
28 highway maintenance account and shall be used only for the purposes set forth in this chapter.

29 (d) Unexpended balances and any earnings thereon shall not revert to the general fund but
30 shall remain in the Rhode Island highway maintenance account. There shall be no requirement
31 that monies received into the Rhode Island highway maintenance account during any given
32 calendar year or fiscal year be expended during the same calendar year or fiscal year.

33 (e) The Rhode Island highway maintenance account shall be administered by the director,
34 who shall allocate and spend monies from the fund only in accordance with the purposes and

1 procedures set forth in this chapter.

2 (4) All fees assessed pursuant to § 31-47.1-11, and chapters 3, 6, 10, and 10.1 of title 31,
3 except for fees assessed pursuant to § 31-10-31 (6) and (8), shall be deposited into the Rhode
4 Island highway maintenance account, provided that for fiscal years 2016, 2017, and 2018 these
5 fees be transferred as follows:

6 (i) From July 1, 2015, through June 30, 2016, twenty-five percent (25%) will be
7 deposited;

8 (ii) From July 1, 2016, through June 30, 2017, fifty percent (50%) will be deposited; and

9 (iii) From July 1, 2017, through June 30, 2018 ~~eighty percent (80%)~~ sixty percent (60%)
10 will be deposited;

11 (iv) From July 1, 2018, and each year thereafter, one hundred percent (100%) will be
12 deposited;

13 (5) All remaining funds from previous general obligation bond issues that have not
14 otherwise been allocated.

15 SECTION 4. This article shall take effect upon passage.

16 **ARTICLE 9**

17 **RELATING TO SCHOOL CONSTRUCTION AND EDUCATION**

18 SECTION 1. Sections 16-7-36, 16-7-39, 16-7-40, 16-7-41, 16-7-41.1, 16-7-44 of the
19 General Laws in Chapter 16-7 entitled “Foundation Level School Support [See Title 16 Chapter
20 97 – The Rhode Island Board of Education Act]” are hereby amended to read as follows:

21 **16-7-36. Definitions.**

22 The following words and phrases used in §§ 16-7-35 to 16-7-47 have the following
23 meanings:

24 (1) "Adjusted equalized weighted assessed valuation" means the equalized weighted
25 assessed valuation for a community as determined by the division of property valuation within the
26 department of revenue in accordance with § 16-7-21; provided, however, that in the case of a
27 regional school district the commissioner of elementary and secondary education shall apportion
28 the adjusted equalized weighted assessed valuation of the member cities or towns among the
29 regional school district and the member cities or towns according to the proportion that the
30 number of pupils of the regional school district bears to the number of pupils of the member cities
31 or towns.

32 (2) "Approved project" means a project which has complied with the administrative
33 regulations governing §§ 16-7-35 through 16-7-47, and which has been authorized to receive state
34 school housing reimbursement by the commissioner of elementary and secondary education.

1 (3) "Commissioning Agent" means a person or entity who ensures the proper installation
2 and operation of technical building systems.

3 ~~(3)~~(4) "Community" means any city, town, or regional school district established
4 pursuant to law; provided, however, that the member towns of the Chariho regional high school
5 district, created by P.L. 1958, ch. 55, as amended, shall constitute separate and individual
6 communities for the purposes of distributing the foundation level school support for school
7 housing for all grades financed in whole or in part by the towns irrespective of any
8 regionalization.

9 (5) "Facilities Condition Index" means the cost to fully repair the building divided by the
10 cost to replace the building as defined by the school building authority.

11 (6) "Functional Utilization" means the ratio of the student population within a school
12 facility to the capacity of the school facility to adequately serve students, as defined by the school
13 building authority.

14 (7) "Owners Program Manager" means owner's program manager as defined in § 37-2-
15 7(32).

16 (8) "Prime contractor" means the contractor who is responsible for the completion of a
17 project.

18 ~~(4)~~(9) "Reference year" means the year next prior to the school year immediately
19 preceding that in which aid is to be paid.

20 (10) "Subject to inflation" means the base rate multiplied by the percentage of increase in
21 the Producer Price Index (PPI) Data for Nonresidential Building Construction (NAICS 236222)
22 as published by the United States Department of Labor, Bureau of Labor Statistics determined as
23 of September 30 of the prior calendar year.

24 **16-7-39 Computation of school housing aid ratio.**

25 For each community, the percent of state aid for school housing costs shall be computed
26 in the following manner:

27 (1) The adjusted equalized weighted assessed valuation for the district is divided by the
28 resident average daily membership for the district (grades twelve (12) and below); (2) the
29 adjusted equalized weighted assessed valuation for the state is divided by the resident average
30 daily membership for the state (grades twelve (12) and below); (1) is then divided by (2) and the
31 resultant ratio is multiplied by a factor currently set at sixty-two percent (62%) which represents
32 the approximate average district share of school support; the resulting product is then subtracted
33 from one hundred percent (100%) to yield the housing aid share ratio. ~~provided that in no case~~
34 ~~shall the ratio be less than thirty percent (30%). Provided, that effective July 1, 2010, and~~

1 ~~annually at the start of each fiscal year thereafter, the thirty percent (30%) floor on said housing~~
2 ~~aid share shall be increased by five percent (5%) increments each year until said floor on the~~
3 ~~housing aid share ratio reaches a minimum of not less than forty percent (40%). This provision~~
4 ~~shall apply only to school housing projects completed after June 30, 2010 that received approval~~
5 ~~from the board of regents prior to June 30, 2012. Provided further, for the fiscal year beginning~~
6 ~~July 1, 2012 and for subsequent fiscal years, the minimum housing aid share shall be thirty five~~
7 ~~percent (35%) for all projects receiving board of regents approval after June 30, 2012.~~
8 Notwithstanding any other law to the contrary, for the fiscal year beginning July 1, 2012 and for
9 subsequent fiscal years, the minimum housing aid share for all local education agency (LEA)
10 public school construction projects receiving council of elementary and secondary education
11 approval, the minimum housing aid share shall be thirty-five percent (35%) and in no case shall
12 the ratio be less than thirty-five percent (35%). The resident average daily membership shall be
13 determined in accordance with § 16-7-22(1).

14 **16-7-40 Increased school housing ratio ~~for regional schools~~ – Energy conservation –**
15 **Access for people with disabilities – ~~Asbestos removal projects~~ Health and Safety –**
16 **Remediation – Technology Enabled – Space Utilization.**

17 (a)(1) In the case of regional school districts, the school housing aid ratio shall be
18 increased by two percent (2%) for each grade so consolidated.

19 (2) Regional school districts undertaking renovation project(s) shall receive an increased
20 share ratio of four percent (4%) for those specific project(s) only, in addition to the combined
21 share ratio calculated in § 16-7-39 and this subsection.

22 (b) In the case of projects undertaken by regionalized and/or non-regionalized school
23 districts:

24 (i) ~~specifically f~~ For the purposes of energy conservation, access for people with
25 disabilities, and/or asbestos removal, the school housing aid share ratio shall be increased by four
26 percent (4%) for these specific projects only, in the calculation of school housing aid. The
27 increased share ratio shall continue to be applied for as ~~log long~~ long as the project(s) receive state
28 housing aid. In order to qualify for the increased share ratio, seventy-five percent (75%) of the
29 project costs must be specifically directed to either energy conservation, access for people with
30 disabilities, and/or asbestos removal or any combination of these projects. The ~~board of regents~~
31 ~~for council on~~ elementary and secondary education shall promulgate rules and regulations for the
32 administration and operation of this section.

33 (ii) For purposes of addressing health and safety deficiencies as defined by the school
34 building authority, including the remediation of hazardous materials, the school housing aid ratio

1 shall be increased by five percent (5%) so long as the construction of the project commences by
2 December 30, 2022. In order to qualify for the increased share ratio, twenty-five percent (25%)
3 of the project costs or a minimum of \$250,000 must be specifically directed to this purpose.

4 (iii) For purposes of educational enhancement, including projects devoted to the
5 enhancement of teaching science, technology, engineering, arts, and math (STEAM), early
6 childhood education, career and technical education and technology enabled facilities, the school
7 housing aid ratio shall be increased by five percent (5%) so long as construction of the project
8 commences by December 30, 2022. In order to qualify for the increased share ratio, twenty-five
9 percent (25%) of the project costs or a minimum of \$250,000 must be specifically directed to this
10 purpose.

11 (iv) For replacement of a facility that has a Facilities Condition Index of 65% or higher,
12 the school housing ratio shall be increased by five percent (5%) so long as construction of the
13 project commences by December 30, 2023. In order to qualify for the increased share ratio,
14 twenty-five percent (25%) of the project costs or a minimum of \$250,000 must be specifically
15 directed to this purpose.

16 (v) For any new construction or renovation that increases the functional utilization of any
17 facility from less than 60% to more than 80%, including the consolidation of buildings within or
18 across districts, the school housing aid ratio shall be increased by five percent (5%) so long as
19 construction of the project commences by December 30, 2023. In order to qualify for the
20 increased share ratio, twenty-five percent (25%) of the project costs or a minimum of \$250,000
21 must be specifically direct to this purpose.

22 (vi) For any new construction or renovation that decreases the functional utilization of
23 any facility from more than 120% to between 85% to 105%, the school housing ratio shall be
24 increased by five percent (5%) so long as construction of the project commences by December
25 30, 2023. In order to qualify for the increased share ratio, twenty-five (25%) of the project costs
26 or a minimum of \$250,000 must be specifically directed to this purpose.

27 (vii) For consolidation of two (2) or more buildings, within or across districts into one
28 building, the school housing aid ratio shall be increased by five percent (5%) so long as
29 construction of the project commences by December 30, 2023. In order to qualify for the
30 increased share ratio, twenty-five percent (25%) of the project costs or a minimum of \$250,000
31 must be specifically directed to this purpose.

32 ~~(c) Upon the transfer of ownership from the state to the respective cities and towns of~~
33 ~~†~~The regional career and technical center buildings located in Coventry, Cranston, East
34 Providence, Newport, Providence, Warwick, Woonsocket and the Chariho regional school

1 district, the school housing aid share ratio shall be increased by four percent (4%) for the
2 renovation and/or repair of these buildings. ~~To qualify for the increased share ratio, as defined in~~
3 ~~§ 16-7-39, renovation and repair projects must be submitted for approval through the necessity of~~
4 ~~school construction process prior to the end of the second full fiscal year following the transfer of~~
5 ~~ownership and assumption of local care and control of the building.~~ Only projects at regional
6 career and technical centers that have full program approval from the department of elementary
7 and secondary education shall be eligible for the increased share ratio. The increased share ratio
8 shall continue to be applied for as long as the renovation and/or repair project receives school
9 housing aid.

10 **16-7-41 Computation of school housing aid.**

11 (a) In each fiscal year the state shall pay to each community a grant to be applied to the
12 cost of school housing equal to the following:

13 The cost of each new school housing project certified to the commissioner of elementary
14 and secondary education not later than July 15 of the fiscal year shall be divided by the actual
15 number of years of the bond issued by the local community, ~~or~~ the Rhode Island Health and
16 Educational Building Corporation, or the Rhode Island Infrastructure Bank in support of the
17 specific project, times the school housing aid ratio; and provided, further, with respect to costs of
18 new school projects financed with proceeds of bonds issued by the local community, ~~or~~ the
19 Rhode Island Health and Educational Building Corporation, or the Rhode Island Infrastructure
20 Bank in support of the specific project, the amount of the school housing aid payable in each
21 fiscal year shall not exceed the amount arrived at by multiplying the principal and interest of the
22 bonds payable in each fiscal year by the school housing aid ratio and which principal and interest
23 amount over the life of the bonds, shall, in no event, exceed the costs of each new school housing
24 project certified to the commissioner of elementary and secondary education. If a community fails
25 to specify or identify the appropriate reimbursement schedule, the commissioner of elementary
26 and secondary education may at his or her discretion set up to a five (5) year reimbursement cycle
27 for projects under five hundred thousand dollars (\$500,000); up to ten (10) years for projects up
28 to three million dollars (\$3,000,000); and up to twenty (20) years for projects over three million
29 dollars (\$3,000,000).

30 (b) Aid shall be provided for the same period as the life of the bonds issued in support of
31 the project and at the school housing aid ratio applicable to the local community at the time of the
32 bonds issued in support of the project as set forth in § 16-7-39.

33 (c) Aid shall be paid either to the community or in the case of projects financed through
34 the Rhode Island Health and Educational Building Corporation or the Rhode Island Infrastructure

1 [Bank](#), to the Rhode Island Health and Educational Building Corporation [or the Rhode Island](#)
2 [Infrastructure Bank](#) or its designee including, but not limited to, a trustee under a bond indenture
3 or loan and trust agreement, in support of bonds issued for specific projects of the local
4 community in accordance with this section, § 16-7-40 and § 16-7-44. Notwithstanding the
5 preceding, in case of failure of any city, town or district to pay the amount due in support of
6 bonds issued on behalf of a city, town, school or district project financed by the Rhode Island
7 Health and Educational Building Corporation [or the Rhode Island Infrastructure Bank](#), upon
8 notification by the Rhode Island Health and Educational Building Corporation [or the Rhode](#)
9 [Island Infrastructure Bank](#), the general treasurer shall deduct the amount from aid provided under
10 this section, § 16-7-40, § 16-7-44 and § 16-7-15 through § 16-7-34.3 due the city, town or district
11 and direct said funding to the Rhode Island Health and Educational Building Corporation [or the](#)
12 [Rhode Island Infrastructure Bank](#) or its designee.

13 (d) Notwithstanding any provisions of law to the contrary, in connection with the
14 issuance of refunding bonds benefiting any local community, any net interest savings resulting
15 from the refunding bonds issued by such community or a municipal public buildings authority for
16 the benefit of the community or by the Rhode Island health and educational building corporation
17 [or the Rhode Island Infrastructure Bank](#) for the benefit of the community, in each case in support
18 of school housing projects for the community, shall be allocated between the community and the
19 state of Rhode Island, by applying the applicable school housing aid ratio at the time of issuance
20 of the refunding bonds, calculated pursuant to § 16-7-39, that would otherwise apply in
21 connection with school housing projects of the community; provided however, that for any
22 refundings that occur between July 1, 2013 and December 31, 2015, the community shall receive
23 eighty percent (80%) of the total savings and the state shall receive twenty percent (20%). In
24 connection with any such refunding of bonds, the finance director or the chief financial officer of
25 the community shall certify such net interest savings to the commissioner of elementary and
26 secondary education. Notwithstanding § 16-7-44 or any other provision of law to the contrary,
27 school housing projects costs in connection with any such refunding bond issue shall include
28 bond issuance costs incurred by the community, the municipal public buildings authority or the
29 Rhode Island health and educational building corporation [or the Rhode Island Infrastructure](#)
30 [Bank](#), as the case may be, in connection therewith. In connection with any refunding bond issue,
31 school housing project costs shall include the cost of interest payments on such refunding bonds,
32 if the cost of interest payments was included as a school housing cost for the bonds being
33 refunded. A local community or municipal public buildings authority shall not be entitled to the
34 benefits of this subsection (d) unless the net present value savings resulting from the refunding is

1 at least three percent (3%) of the refunded bond issue.

2 (e) Any provision of law to the contrary notwithstanding, the commissioner of
3 elementary and secondary education shall cause to be monitored the potential for refunding
4 outstanding bonds of local communities or municipal public building authorities or of the Rhode
5 Island Health and Educational Building Corporation [or the Rhode Island Infrastructure Bank](#)
6 issued for the benefit of local communities or municipal public building authorities and benefiting
7 from any aid referenced in this section. In the event it is determined by said monitoring that the
8 net present value savings which could be achieved by refunding such bonds of the type
9 referenced in the prior sentence including any direct costs normally associated with such
10 refundings is equal to (i) at least one hundred thousand dollars (\$100,000) and (ii) for the state
11 and the communities or public building authorities at least three percent (3%) of the bond issue to
12 be refunded including associated costs then, in such event, the commissioner (or his or her
13 designee) may direct the local community or municipal public building authority for the benefit
14 of which the bonds were issued, to refund such bonds. Failure of the local community or
15 municipal public buildings authority to timely refund such bonds, except due to causes beyond
16 the reasonable control of such local community or municipal public building authority, shall
17 result in the reduction by the state of the aid referenced in this § 16-7-4.1 associated with the
18 bonds directed to be refunded in an amount equal to ninety percent (90%) of the net present value
19 savings reasonably estimated by the commissioner of elementary and secondary education (or his
20 or her designee) which would have been achieved had the bonds directed to be refunded been
21 refunded by the ninetieth (90th) day (or if such day is not a business day in the state of Rhode
22 Island, the next succeeding business day) following the date of issuance of the directive of the
23 commissioner (or his or her designee) to refund such bonds. Such reduction in the aid shall begin
24 in the fiscal year following the fiscal year in which the commissioner issued such directive for the
25 remaining term of the bond.

26 (f) Payments shall be made in accordance with § 16-7-40 and this section.

27 (g) For purposes of financing or refinancing school facilities in the city of Central Falls
28 through the issuance bonds through the Rhode Island Health and Educational Building
29 Corporation [or the Rhode Island Infrastructure Bank](#), the city of Central Falls shall be considered
30 an "educational institution" within the meaning of subdivision 45-38.1-3(13) of the general laws.

31 **16-7-41.1 Eligibility for reimbursement.**

32 (a) School districts, not municipalities, may apply for and obtain approval for a project
33 under the necessity of school construction process set forth in the regulations of the ~~board of~~
34 ~~regents for~~ [council on](#) elementary and secondary education, provided, however, in the case of

1 municipality which issues bonds through the Rhode Island Health and Educational Building
2 Corporation [or the Rhode Island Infrastructure Bank](#) to finance or refinance school facilities for a
3 school district which is not part of the municipality, the municipality may apply for and obtain
4 approval for a project. Such approval will remain valid until June 30 of the third fiscal year
5 following the fiscal year in which the ~~board of regents for~~ [council on](#) elementary and secondary
6 education's approval is granted. Only those projects undertaken at school facilities under the care
7 and control of the school committee and located on school property may qualify for
8 reimbursement under §§ 16-7-35 – 16-7-47. Facilities ~~with combined school and municipal uses~~
9 ~~or facilities that are operated jointly with any other profit or non-profit agency that are not~~
10 [primarily used for public elementary or secondary education](#) do not qualify for reimbursement
11 under §§ 16-7-35 – 16-7-47. Projects completed by June 30 of a fiscal year are eligible for
12 reimbursement in the following fiscal year. A project for new school housing or additional
13 housing shall be deemed to be completed when the work has been officially accepted by the
14 school committee or when the housing is occupied for its intended use by the school committee,
15 whichever is earlier.

16 (b) Notwithstanding the provisions of this section, the board of regents shall not grant
17 final approval for any project between June 30, 2011 and May 1, 2015 except for projects that are
18 necessitated by immediate health and safety reasons. In the event that a project is requested
19 during the moratorium because of immediate health and safety reasons, those proposals shall be
20 reported to the chairs of the house and senate finance committees.

21 (c) Any project approval granted prior to the adoption of the school construction
22 regulations in 2007, and which are currently inactive; and any project approval granted prior to
23 the adoption of the school construction regulations in 2007 which did not receive voter approval
24 or which has not been previously financed, are no longer eligible for reimbursement under this
25 chapter. The department of elementary and secondary education shall develop recommendations
26 for further cost containment strategies in the school housing aid program.

27 (d) Beginning July 1, 2015, the council on elementary and secondary education shall
28 approve new necessity of school construction applications on an annual basis. The department of
29 elementary and secondary education shall develop an annual application timeline for LEAs
30 seeking new necessity of school construction approvals.

31 [\(e\) Beginning June 30, 2019, no state funding shall be provided for projects in excess of](#)
32 [ten million dollars \(\\$10,000,000\) unless the prime contractor for the project has received](#)
33 [certification from the school building authority.](#)

34 [\(f\) Beginning July 1, 2019, the necessity of school construction process set forth in the](#)

1 [regulations of the council on elementary and secondary education shall include a single statewide](#)
2 [process, developed with the consultation of the department of environmental management, that](#)
3 [will ensure community involvement throughout the investigation and remediation of](#)
4 [contaminated building sites for possible reuse as the location of a school. That process will fulfill](#)
5 [all provisions of § 23-19.14-5 related to the investigation of reuse of such sites for schools.](#)

6 **16-7-44 School housing project costs.**

7 (a) School housing project costs, the date of completion of school housing projects, and
8 the applicable amount of school housing project cost commitments shall be in accordance with
9 the regulations of the commissioner of elementary and secondary education and the provisions of
10 §§ 16-7-35 – 16-7-47; provided, however, that school housing project costs shall include the
11 purchase of sites, buildings, and equipment, the construction of buildings, and additions or
12 renovations of existing buildings and/or facilities. School housing project costs shall include the
13 cost of interest payment on any bond issued after July 1, 1988, provided that such bond is
14 approved by the voters on or before June 30, 2003, or issued by a municipal public building
15 authority or by the appropriate approving authority on or before June 30, 2003. Except as
16 provided in § 16-7-41(d) [and § 46-12.2-4.2\(g\)](#), those projects approved after June 30, 2003,
17 interest payments may only be included in project costs provided that the bonds for these projects
18 are issued through the Rhode Island Health and Educational Building Corporation [or the Rhode](#)
19 [Island Infrastructure Bank](#). School housing project costs shall exclude: (1) any bond issuance
20 costs incurred by the municipality or regional school district; (2) demolition costs for buildings,
21 facilities, or sites deemed surplus by the school committee; and (3) restrictions pursuant to § 16-
22 7-44.1 below. A building, facility, or site is declared surplus by a school committee when the
23 committee no longer has such building, facility, or site under its direct care and control and
24 transfers control to the municipality, § 16-2-15. The ~~board of regents for~~ [council on](#) elementary
25 and secondary education will promulgate rules and regulations for the administration of this
26 section. These rules and regulations may provide for the use of lease revenue bonds, capital
27 leases, or capital reserve funding, to finance school housing provided that the term of any bond,
28 or capital lease shall not be longer than the useful life of the project and these instruments are
29 subject to the public review and voter approval otherwise required by law for the issuance of
30 bonds or capital leases. Cities or towns issuing bonds, or leases issued by municipal public
31 buildings authority for the benefit of a local community pursuant to chapter 50 of title 45 shall not
32 require voter approval. Effective January 1, 2008, and except for interim finance mechanisms,
33 refunding bonds, borrowing from the school building authority capital fund, and bonds issued by
34 the Rhode Island Health and Educational Building Corporation [or the Rhode Island Infrastructure](#)

1 [Bank](#) to finance school housing projects for towns, cities, or regional school districts borrowing
2 for which has previously been authorized by an enabling act of the general assembly, all bonds,
3 notes and other forms of indebtedness issued in support of school housing projects shall require
4 passage of an enabling act by the general assembly.

5 [\(b\) Beginning July 1, 2019, school housing projects exceeding \\$1,500,000 subject to](#)
6 [inflation shall be assigned an owners program manager and a commissioning agent by the school](#)
7 [building authority. The cost of the program manager and commission agent shall be borne by the](#)
8 [school building authority.](#)

9 [\(c\) Temporary housing, or swing space, for student shall be a reimbursable expense so](#)
10 [long as a district can demonstrate that no other viable option to temporarily house students exists.](#)

11 [\(d\) Environmental site remediation, as defined by the school building authority, shall be a](#)
12 [reimbursable expense up to one million dollars \(\\$1,000,000\) per project.](#)

13 [\(e\) If, within thirty \(30\) years of construction, a newly constructed school is sold to a](#)
14 [private entity, the state shall receive a portion of a sale proceeds equal to that project's housing](#)
15 [aid reimbursement rate at the time of construction.](#)

16 SECTION 2. Sections 16-105-3, 16-105-7, and 16-105-8 of the General Laws in Chapter
17 16-105 entitled "School Building Authority" are hereby amended to read as follows:

18 **16-105-3 Roles and responsibilities.**

19 The school building authority roles and responsibilities shall include:

20 (1) Management of a system with the goal of ensuring equitable and adequate school
21 housing for all public school children in the state;

22 (2) Prevention of the cost of school housing from interfering with the effective operation
23 of the schools;

24 (3) Management of school housing aid in accordance with statute;

25 (4) Reviewing and making recommendations to the council on elementary and secondary
26 education on necessity of school construction applications for state school housing aid and the
27 school building authority capital fund, based on the recommendations of the school building
28 authority advisory board;

29 (5) [Promulgating, M](#)anaging and maintaining school construction regulations,
30 standards, and guidelines applicable to the school housing program, based on the
31 recommendations of the school building authority advisory board, created in § 16-105-8. [Said](#)
32 [regulations shall require conformance with the minority business enterprise requirements set forth](#)
33 [in § 37-14.1-6;](#)

34 [\(6\) Developing a certification and review process for prime contractors seeking to bid on](#)

1 projects in excess of ten million dollars (\$10,000,000) in total costs subject to inflation.
2 Notwithstanding any general laws to the contrary, certifications shall be valid for a maximum of
3 two (2) years from the date of issuance. Factors to be considered by the school building authority
4 in granting certification to prime contractors shall include, but not be limited to, the contractor's
5 history of completing complex projects on time and on budget, track record of compliance with
6 applicable environmental and safety regulations, evidence that completed prior projects
7 prioritized the facility's future maintainability, and compliance with applicable requirements for
8 the use of women and minority owned subcontractors.

9 (7) Developing a mandatory statewide maintenance checklist and facilities standards for
10 all school buildings that includes a minimum annual spending requirement for maintenance
11 and/or a requirement for capital reserve funds dedicated exclusively for annual maintenance in
12 accordance with national best practices. Districts shall adhere to the maintenance spending
13 requirements beginning June 30, 2019 and facilities standards beginning June 30, 2021.

14 ~~(6)~~(8) Providing technical advice and assistance, training, and education to cities, towns,
15 and/or LEAs and to certified general contractors, subcontractors, construction or project
16 managers, designers and others in planning, maintenance, and establishment of school facility
17 space;

18 ~~(7)~~(9) Developing a project priority system, based on the recommendations of the school
19 building authority advisory board, in accordance with school construction regulations for the state
20 school housing aid set forth in §§ 16-7-35 to 16-7-47 and the school building authority capital
21 fund, subject to review and, if necessary, to be revised on intervals not to exceed five (5) years.
22 Project priorities shall ~~be in accordance with~~ include, but not be limited to, the following order of
23 priorities:

24 (i) Projects to replace or renovate a building that is structurally unsound or otherwise in a
25 condition seriously jeopardizing the health and safety of school children where no alternative
26 exists;

27 (ii) Projects needed to prevent loss of accreditation;

28 (iii) Projects needed for the replacement, renovation, or modernization of the HVAC
29 system in any schoolhouse to increase energy conservation and decrease energy-related costs in
30 said schoolhouse;

31 (iv) Projects needed to replace or add to obsolete buildings in order to provide for a full
32 range of programs consistent with state and approved local requirements; and

33 (v) Projects needed to comply with mandatory, instructional programs.

34 ~~(8)~~(10) Maintaining a current list of requested school projects and the priority given

1 them;

2 ~~(9)~~(11) Collecting and maintaining readily available data on all the public school
3 facilities in the state;

4 (12) Collecting, maintaining, and making publicly available monthly progress reports of
5 ongoing school construction projects that shall include, at a minimum, the costs of the project and
6 the time schedule of each project;

7 ~~(10)~~(13) Recommending policies and procedures designed to reduce borrowing for
8 school construction programs at both state and local levels;

9 ~~(11)~~(14) At least every five (5) years, conducting a needs survey to ascertain the capital
10 construction, reconstruction, maintenance, and other capital needs for schools in each district of
11 the state, including public charter schools;

12 ~~(12)~~(15) Developing a formal enrollment projection model or using projection models
13 already available;

14 ~~(13)~~(16) Encouraging local education agencies to investigate opportunities for the
15 maximum utilization of space in and around the district;

16 ~~(14)~~(17) Collecting and maintaining a clearinghouse of prototypical school plans that
17 may be consulted by eligible applicants;

18 (18) Retaining the services of consultants, construction managers, program managers,
19 architects, engineers and experts, as necessary, to effectuate the roles and responsibilities listed
20 within this section;

21 ~~(15)~~(19) By regulation, offering additional incentive points to the school housing aid ratio
22 calculation set forth in § 16-7-39, as the authority, based upon the recommendation of the
23 advisory board, determines will promote the purposes of this chapter. Said regulations may
24 delineate the type and amounts of any such incentive percentage points; provided, however, that
25 no individual category of incentive points shall exceed ~~two-five~~ ~~(2)~~(5) additional points; and
26 provided further, that no district shall receive a combined total of more than ~~five-twenty~~ ~~(5)~~(20)
27 incentive percentage points for projects that commence construction by December 30, 2023, and
28 five (5) incentive points for projects that commence construction thereafter. Such incentive points
29 may be awarded for a district's use of highly efficient construction delivery methods; remediation
30 of hazardous substances; regionalization with other districts; superior maintenance practices of a
31 district; energy efficient and sustainable design and construction; the use of model schools as
32 adopted by the authority; and other incentives as recommended by the advisory board and
33 determined by the authority to encourage the most cost-effective and quality construction.
34 Notwithstanding any provision of the general laws to the contrary, the reimbursement or aid

1 received under this chapter or chapter 38.2 of title 45 shall not exceed one hundred percent
2 (100%) of the sum of the total project costs plus interest costs nor shall a district's share be
3 decreased by more than half of its regular share irrespective of the number of incentive points
4 received.

5 Projects that were approved prior to July 1, 2017, but have not commenced construction
6 as of January 1, 2018 are eligible to receive a total of five (5) combined incentive points so long
7 as an owners program manager and commissioning agent of the school building authority's
8 choosing has been employed. Any project approved prior to July 1, 2017 that is withdrawn
9 and/or resubmitted for approval shall not be eligible for any incentive points.

10 **16-105-7 Expenses incurred by the ~~department~~ school building authority.**

11 In order to provide for ~~one-time or limited-the~~ expenses of the ~~department of elementary~~
12 ~~and secondary education~~ school building authority under this chapter, the Rhode Island health and
13 education building corporation shall provide funding from the school building authority capital
14 fund, fees generated from the origination of municipal bonds and other financing vehicles used
15 for school construction, and its own reserves. The school building authority shall, by October 1 of
16 each year, report to the governor and the chairs of the senate and house finance committees, the
17 senate fiscal advisor, and the house fiscal advisor the amount sought for expenses for the next
18 fiscal year.

19 There is also hereby established a restricted receipt account within the budget of the
20 department of elementary and secondary education entitled "school construction services", to be
21 financed by the Rhode Island health and education building corporation's sub-allotments of fees
22 generated from the origination of municipal bonds and other financing vehicles used for school
23 construction and its own reserves. Effective July 1, 2018, this account shall be utilized for the
24 express purpose of supporting any departmental expenditures incurred in the administration of the
25 school construction aid program.

26 **16-105-8. School building authority advisory board established.**

27 (a) There is hereby established a school building authority advisory board that shall
28 advise the school building authority regarding the best use of the school building authority capital
29 fund, including the setting of statewide priorities, criteria for project approval, and
30 recommendations for project approval and prioritization.

31 (b) The school building authority advisory board shall consist of ~~seven-nine~~ (7)(9)
32 members as follows:

33 (1) The general treasurer;

34 (2) The director of the department of administration, who shall serve as chair;

- 1 (3) A member of the governor's staff, as designated by the governor;
- 2 (4) The commissioner of elementary and secondary education, or his or her designee;
- 3 (5) The chair of the Rhode Island health and educational building corporation; and
- 4 ~~(4)~~ Four (4) members of the public, appointed by the governor, and who serve at the
- 5 pleasure of the governor, each of whom shall have expertise in education and/or construction, real
- 6 estate, or finance. At least one of these four members shall represent a local education agency.
- 7 (c) In addition to the purposes in subsection (a), the school building authority advisory
- 8 board shall advise the school building authority on, including but not limited to, the following:
- 9 (1) The project priorities for the school building authority capital fund;
- 10 (2) Legislation as it may deem desirable or necessary related to the school building
- 11 authority capital fund and the school housing aid program set forth in §§ 16-7-35 to 16-7-47;
- 12 (3) Policies and procedures designed to reduce borrowing for school construction
- 13 programs at both state and local levels;
- 14 (4) Development of a formal enrollment projection model or consideration of using
- 15 projection models already available;
- 16 (5) Processes and procedures necessary to apply for, receive, administer, and comply
- 17 with the conditions and requirements respecting any grant, gift, or appropriation of property,
- 18 services, or monies;
- 19 (6) The collection and maintenance of a clearinghouse of prototypical school plans which
- 20 may be consulted by eligible applicants and recommend incentives to utilize these prototypes;
- 21 (7) The determination of eligible cost components of projects for funding or
- 22 reimbursement, including partial or full eligibility for project components for which the benefit is
- 23 shared between the school and other municipal and community entities;
- 24 (8) Development of a long-term capital plan in accordance with needs and projected
- 25 funding;
- 26 (9) Collection and maintenance of data on all the public school facilities in the state,
- 27 including information on size, usage, enrollment, available facility space, and maintenance;
- 28 (10) Advising districts on the conduct of a needs survey to ascertain the capital
- 29 construction, reconstruction, maintenance, and other capital needs for schools across the state;
- 30 (11) The recommendation of policies, rules, and regulations that move the state toward a
- 31 pay-as-you-go funding system for school construction programs; and
- 32 (12) Encouraging local education agencies to investigate opportunities for the maximum
- 33 utilization of space in and around the district.

34 SECTION 3. Section 45-38.2-4 of the General Laws in Chapter 45-38.2 entitled "School

1 Building Authority Capital Fund” are hereby amended to read as follows:

2 **45-38.2-4 Payment of state funds.**

3 (a) Subject to the provisions of subsection (b), upon the written request of the
4 corporation, the general treasurer shall pay to the corporation, from time to time, from the
5 proceeds of any bonds or notes issued by the state for the purposes of this chapter or funds
6 otherwise lawfully payable to the corporation for the purposes of this chapter, such amounts as
7 shall have been appropriated or lawfully designated for the fund. All amounts so paid shall be
8 credited to the fund in addition to any other amounts credited or expected to be credited to the
9 fund.

10 (b) The corporation and the state may enter into, execute, and deliver one or more
11 agreements setting forth or otherwise determining the terms, conditions, and procedures for, and
12 the amount, time, and manner of payment of, all amounts available from the state to the
13 corporation under this section.

14 (c) The corporation, per order of the school building authority capital fund, is authorized
15 to grant a district or municipality its state share of an approved project cost, pursuant to §§ 16-7-
16 39 and 16-77.1-5. Construction pay-as-you-go grants received from the school building authority
17 capital fund shall not be considered a form of indebtedness subject to the provisions of § 16-7-44.

18 (d)(1) Notwithstanding the provisions of §§ 45-12-19 and 45-12-20, and notwithstanding
19 city or town charter provisions to the contrary, prior to July 1, 2016, no voter approval shall be
20 required for loans in any amount made to a city or town for the local education agency's share of
21 total project costs.

22 (2) Notwithstanding the provisions of §§ 45-12-19 and 45-12-20, and notwithstanding
23 city or town charter provisions to the contrary, on or after July 1, 2016, up to five hundred
24 thousand dollars (\$500,000) may be loaned to a city or town for the local education agency 's
25 share of total project costs without the requirement of voter approval.

26 (e)(1) If the school building authority deems the amount of funding in the capital fund to
27 be in excess of what is necessary to meet the state obligation for projects receiving support from
28 the capital fund in a given year, the school building authority may direct excess funds to support
29 the state share of foundational housing aid.

30 (2) Funds transferred from the capital fund to support the state share of foundational
31 housing aid shall be offered to LEAs on a pay-as-you-go basis and not as a reimbursement of debt
32 service for previously completed projects.

33 (3) Funds transferred from the capital fund to support the state share of foundational
34 housing aid in a given year on a pay-as-you-go basis shall be offered proportionately to LEAs

1 [based on the total state share of foundational housing aid awarded to projects in that year.](#)

2 ~~(e)~~(f) Notwithstanding any provision to the contrary, the term of any bond, capital lease,
3 or other financing instrument shall not exceed the useful life of the project being financed.

4 SECTION 4. Section 46-12.2-4.2 of the General Laws in Chapter 46-12.2 entitled
5 “Rhode Island Infrastructure Bank” is hereby amended to read as follows:

6 **46-12.2-4.2. Establishment of the efficient buildings fund.**

7 (a) There is hereby authorized and created within the Rhode Island infrastructure bank an
8 efficient buildings fund for the purpose of providing technical, administrative and financial
9 assistance to local governmental units for energy efficient and renewable energy upgrades to
10 public buildings and infrastructure, including, but not limited to, streetlights. The Rhode Island
11 infrastructure bank shall review and approve all applications for projects to be financed through
12 the efficient buildings fund.

13 The office of energy resources shall promulgate rules and regulations establishing a
14 project priority list for efficient buildings fund and the process through which a local
15 governmental unit may submit an application for inclusion of a project on the project priority list.
16 Upon issuance of the project priority list by the office of energy resources, the project priority list
17 shall be used by the Rhode Island infrastructure bank to determine the order in which financial
18 assistance shall be awarded. The Rhode Island infrastructure bank shall promulgate rules and
19 regulations to effectuate the provisions of this section which may include, without limitation,
20 forms for financial assistance applications, loan agreements, and other instruments. All rules and
21 regulations promulgated pursuant to this chapter shall be promulgated in accordance with the
22 provisions of chapter 35 of title 42. Eligibility for receipt of this financial assistance by a local
23 governmental unit shall be conditioned upon that local governmental unit reallocating their
24 remaining proportional QECB allocation to the state of Rhode Island.

25 (b) The Rhode Island infrastructure bank shall have all the powers necessary and
26 convenient to carry out and effectuate the purposes and provisions of this section including,
27 without limiting the generality of the preceding statement, the authority:

28 (1) To receive and disburse such funds from the state and federal government as may be
29 available for the purpose of the fund subject to the provisions of this section;

30 (2) To make and enter into binding commitments to provide financial assistance to
31 eligible borrowers from amounts on deposit in the fund;

32 (3) To levy administrative fees on eligible borrowers as necessary to effectuate the
33 provisions of this section, provided the fees have been previously authorized by an agreement
34 between the Rhode Island infrastructure bank and the eligible borrower;

- 1 (4) To engage the services of third-party vendors to provide professional services;
- 2 (5) To establish one or more accounts within the fund; and
- 3 (6) Such other authority as granted to the Rhode Island infrastructure bank under this
- 4 chapter.

5 (c) Subject to the provisions of this section and to any agreements with the holders of any
6 bonds of the Rhode Island infrastructure bank or any trustee therefor, amounts held by the Rhode
7 Island infrastructure bank for the account of the fund shall be applied by the Rhode Island
8 infrastructure bank, either by direct expenditure, disbursement, or transfer to one or more other
9 funds and accounts held by the Rhode Island infrastructure bank or maintained under any trust
10 agreement pertaining to bonds, either alone or with other funds of the Rhode Island infrastructure
11 bank, to the following purposes:

12 (1) To provide financial assistance to local governmental units to finance costs of
13 approved projects, as set forth in subsection (a), and to refinance the costs of the projects, subject
14 to such terms and conditions, if any, as are determined by the Rhode Island infrastructure bank;

15 (2) To fund reserves for bonds of the Rhode Island infrastructure bank and to purchase
16 insurance and pay the premiums therefor, and pay fees and expenses of letters or lines of credit
17 and costs of reimbursement to the issuers thereof for any payments made thereon or on any
18 insurance, and to otherwise provide security for, and a source of payment for obligations of the
19 Rhode Island infrastructure bank, by pledge, lien, assignment, or otherwise as provided in this
20 chapter;

21 (3) To pay expenses of the Rhode Island infrastructure bank in administering the fund;

22 (4) To provide a reserve for, or to otherwise secure, amounts payable by borrowers on
23 loans and obligations outstanding in the event of default thereof; amounts in any account in the
24 fund may be applied to defaults on loans outstanding to the borrower for which the account was
25 established and, on a parity basis with all other accounts, to defaults on any loans or obligations
26 outstanding; and

27 (5) To provide a reserve for, or to otherwise secure, by pledge, lien, assignment, or
28 otherwise as provided in this chapter, any bonds of the Rhode Island infrastructure bank.

29 (d) In addition to other remedies of the Rhode Island infrastructure bank under any loan
30 agreement or otherwise provided by law, the Rhode Island infrastructure bank may also recover
31 from a borrower, in an action in superior court, any amount due the Rhode Island infrastructure
32 bank together with any other actual damages the Rhode Island infrastructure bank shall have
33 sustained from the failure or refusal of the borrower to make the payments or abide by the terms
34 of the loan agreement.

1 (e) The Rhode Island infrastructure bank may create one or more loan loss reserve funds
2 to serve as further security for any loans made by the Rhode Island infrastructure bank or any
3 bonds of the Rhode Island infrastructure bank issued to fund energy efficiency improvements in
4 public buildings in accordance with this section.

5 (f) To the extent possible, and in accordance with law, the infrastructure bank shall
6 encourage the use of project labor agreements for projects over ten million dollars (\$10,000,000)
7 and local hiring on projects funded under this section.

8 ~~(g) Any financial assistance provided by the Rhode Island infrastructure bank to a public~~
9 ~~entity for the purpose of retrofitting a school building shall not be subject to the match established~~
10 ~~by Rhode Island general laws §§ 16-7-35 to 16-7-47, and shall be made subject to coordination~~
11 ~~with the Rhode Island department of education.~~ Notwithstanding any provisions to the contrary in
12 Chapter 16-7, but subject to Section 16-7-41(c), any approved project as set forth in subsection
13 (a) of this section that is also an “approved project” as defined in §16-7-36 and predominately
14 energy or environmental in nature shall be eligible for school housing assistance under §§ 16-7-
15 35 through 16-7-47, and shall include the payment of interest on bonds, lease revenue bonds,
16 capital leases, or capital reserve funding issued by a local governmental unit.

17 SECTION 5. Sections 16-26-7 and 16-26-12 of the General Laws in Chapter 16-26
18 entitled “School for the Deaf” are hereby amended to read as follows:

19 **16-26-7. Persons admissible.**

20 (a) All children of parents, or under the control of guardians or other persons, legal
21 residents of this state, between the ages from birth to twenty-one (21) years, whose hearing or
22 speech, or both, are impaired as to make it impracticable for this student to make progress toward
23 his or her educational goals by attending the public schools may attend the Rhode Island School
24 for the Deaf, without charge, under any rules and regulations as the board of regents for
25 elementary and secondary education may establish.

26 (b) Deaf persons from birth to twenty-one (21) years, who are legal residents of the state,
27 shall be entitled to the privilege of the school without charge, and for any period of time in each
28 individual case as may be deemed appropriate by the board of regents for elementary and
29 secondary education; residents of other states may be admitted upon the payment of any rates of
30 board and tuition as may be fixed by the board.

31 (c) Students who are not deaf or hard of hearing may be admitted to the Rhode Island
32 School for the Deaf in accordance with rules and regulations promulgated by the commissioner of
33 elementary and secondary education.

34 **16-26-12. Other sources of funding.**

1 (a) The 2009 general assembly, through the FY 2010 appropriation act, established a fee
2 for a service program, also known as a tuition program, for the Rhode Island school for the deaf
3 effective July 1, 2009 in accordance with the fee structure developed and implemented by the
4 department of elementary and secondary education. Under this fee for service program, and the
5 provisions of Rhode Island general law § 16-26-7.1 notwithstanding, districts shall be assessed
6 tuition to cover the costs of educational services that are additional to the core deaf and hard-of-
7 hearing education program that is provided to resident students at the Rhode Island school for the
8 deaf.

9 (b) Tuition assessed at the school for the deaf to cover costs of educational services that
10 are additional to the core deaf and hard-of-hearing education program shall be based on a
11 graduated tuition schedule correlating to the varying needs of students. Districts shall receive
12 three (3) times each school year, invoices summarizing the basis for the tuition charged. There
13 shall be deducted from the final aid payment to each school district at the end of the fiscal year
14 any amounts owed to the state for these additional educational services. All tuition paid by
15 districts and any aid deducted for non-payment shall be deposited in a restricted receipt account
16 and shall be exempt from the indirect cost recovery provisions of § 35-4-7.

17 (c) The school for the deaf is hereby authorized to rent or lease space in its school
18 building. The school shall deposit any revenues from such agreements into a restricted receipt
19 account, to be known as the school for the deaf rental income account, to be used for the same
20 educational purposes that its state appropriation is used. Any such rental agreements must receive
21 prior approval from the school's board of trustees and by the state properties committee.

22 (d) For students attending the Rhode Island School for the Deaf, in accordance with § 16-
23 26-7(c), costs for those students shall be funded pursuant to the provisions of § 16-7.2-3, effective
24 as of July 1, 2018. The state share of the permanent foundation education aid shall be paid
25 directly to the Rhode Island School for the Deaf pursuant to the provisions of § 16-7.2-7. The
26 local school district shall transfer the difference between the calculated state share of the
27 permanent foundation education aid and the amount calculated pursuant to the provisions of § 16-
28 7.2-7 to the Rhode Island School for the Deaf, until the transition of the state share is complete. In
29 addition, the local school district shall pay the local share of education funding to the Rhode
30 Island School for the Deaf as outlined in § 16-7.2-5.

31 SECTION 6. This article shall take effect upon passage.

32 **ARTICLE 10**

33 RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2018

34 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained

1 in this act, the following general revenue amounts are hereby appropriated out of any money in
 2 the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,
 3 2018. The amounts identified for federal funds and restricted receipts shall be made available
 4 pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the
 5 purposes and functions hereinafter mentioned, the state controller is hereby authorized and
 6 directed to draw his or her orders upon the general treasurer for the payment of such sums or such
 7 portions thereof as may be required from time to time upon receipt by him or her of properly
 8 authenticated vouchers.

	FY 2018	FY 2018	FY 018
	<u>Enacted</u>	<u>Change</u>	<u>Final</u>
Administration			
<i>Central Management</i>			
General Revenue	3,048,657	103,305	3,151,962
Total - Central Management	3,048,657	103,305	3,151,962
<i>Legal Services</i>			
General Revenues	2,170,956	(26,682)	2,144,274
Total – Legal Services	2,170,956	(26,682)	2,144,274
<i>Accounts and Control</i>			
General Revenue	4,130,796	870,684	5,001,480
Restricted Receipt – OPEB Board			
Administration	225,000	(257)	224,743
Total - Accounts and Control	4,355,796	870,427	5,226,223
<i>Office of Management and Budget</i>			
General Revenue	8,882,351	784,000	9,666,351
Restricted Receipts	300,000	109,356	409,356
Other Funds	1,719,494	(722,905)	996,589
Total – Office of Management and			
Budget	10,901,845	170,451	11,072,296
<i>Purchasing</i>			
General Revenue	2,630,843	89,499	2,720,342
Restricted Receipts	540,000	(796)	539,204
Other Funds	233,525	101,936	335,461
Total – Purchasing	3,404,368	190,639	3,595,007
<i>Human Resources</i>			

1	General Revenue	8,057,188	(6,898,076)	1,159,112
2	Federal Funds	1,014,410	(1,014,410)	0
3	Restricted Receipts	610,995	(610,955)	0
4	Other Funds	1,591,954	(1,591,954)	0
5	Total - Human Resources	11,274,547	(10,115,435)	1,159,112
6	<i>Personnel Appeal Board</i>			
7	General Revenue	145,130	2,235	147,365
8	Total – Personnel Appeal Board	145,130	2,235	147,365
9	<i>Information Technology</i>			
10	General Revenues	22,146,644	(20,687,630)	1,459,014
11	Federal Funds	6,655,755	(6,473,755)	182,000
12	Restricted Receipts	10,777,319	(794,089)	9,983,230
13	Other Funds	2,699,001	(2,609,827)	89,174
14	Total – Information Technology	42,278,719	(30,565,301)	11,713,418
15	<i>Library and Information Services</i>			
16	General Revenue	1,479,475	(2,716)	1,476,759
17	Federal Funds	1,157,870	130,513	1,288,383
18	Restricted Receipts	5,500	0	5,500
19	Total - Library and Information Services	2,642,845	127,797	2,770,642
20	<i>Planning</i>			
21	General Revenue	1,271,483	(806,112)	465,371
22	Federal Funds	1,000	14,291	15,291
23	Other Funds			
24	Air Quality Modeling	24,000	0	24,000
25	Federal Highway – PL Systems Planning	3,172,497	318,487	3,490,984
26	FTA – Metro Planning Grant	1,033,131	(1,301)	1,031,830
27	Other Funds Total	4,229,628	317,186	4,546,814
28	Total - Planning	5,502,111	(474,635)	5,027,476
29	<i>General</i>			
30	General Revenues	100,000	0	100,000
31	Provided that this amount be allocated to City Year for the Whole School Whole Child Program,			
32	which provides individualized support to at-risk students.			
33	Miscellaneous Grants/Payments			
34	Torts - Courts/Awards	400,000	0	400,000

1	State Employees/Teachers Retiree Health	2,321,057	0	2,321,057
2	Resource Sharing and State Library Aid	9,362,072	0	9,362,072
3	Library Construction Aid	2,161,628	0	2,161,628
4	General Funds Total	14,344,757	0	14,344,757
5	Restricted Receipts	700,000	0	700,000
6	Other Funds			
7	Rhode Island Capital Plan Funds			
8	Security Measures State Buildings	500,000	(250,000)	250,000
9	Energy Efficiency Improvements	1,000,000	(500,000)	500,000
10	Cranston Street Armory	850,000	(350,000)	500,000
11	Zambarano Building Rehabilitation	6,085,000	0	6,085,000
12	Big River Management Area	100,000	2,307	102,307
13	Veterans Memorial Auditorium	205,000	0	205,000
14	RI Convention Center Authority	1,250,000	(250,000)	1,000,000
15	Dunkin Donuts Center	2,350,000	(850,000)	1,500,000
16	Pastore Center Power Plant Rehab.	800,000	0	800,000
17	Virks Building Renovations	5,236,000	1,631,511	6,867,511
18	Accessibility – Facility Renovations	1,000,000	0	1,000,000
19	Cannon Building	700,000	(6,834)	693,166
20	Chapin Health Laboratory	3,550,000	(2,450,000)	1,100,000
21	Environmental Compliance	200,000	200,000	400,000
22	DoIT Operations Center	770,000	(595,000)	175,000
23	Old Colony House	100,000	0	100,000
24	Old State House	1,000,000	(860,000)	140,000
25	Pastore Center Buildings Demolition	175,000	0	175,000
26	Pastore Center Parking	1,300,000	(250,000)	1,050,000
27	Pastore Medical Center Rehab DOA	3,900,000	1,100,000	5,000,000
28	Pastore Center Strategic Plan	600,000	200,092	800,092
29	Pastore Center Utilities Upgrade	2,000,000	1,377,500	3,377,500
30	Pastore Center Water Tanks & Pipes	280,000	465,118	745,118
31	Replacement of Fueling Tanks	450,000	(106,040)	343,960
32	Shepard Building	395,000	(295,000)	100,000
33	State House Energy Mgt Improvement	2,000,000	(2,000,000)	0
34	State House Renovations	1,250,000	1,037,000	2,287,000

1	State Office Building	700,000	1,010,577	1,710,577
2	Washington County Government Center	1,400,000	(975,000)	425,000
3	William Powers Administration Bldg.	1,000,000	385,000	1,385,000
4	Hospital Consolidation	0	7,850,000	7,850,000
5	Mathias Building Upgrades	0	510,000	510,000
6	Total General	56,190,757	6,031,231	62,221,988

7 *Debt Service Payments*

8	General Revenue	138,403,065	(1,232,290)	137,170,775
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9 Out of the general revenue appropriations for debt service, the General Treasurer is
10 authorized to make payments for the I-195 Redevelopment District Commission loan up to the
11 maximum debt service due in accordance with the loan agreement.

12	Federal Funds	1,870,830	0	1,870,830
13	Other Funds			
14	Transportation Debt Service	40,958,106	(118,865)	39,356,516
15	Investment Receipts – Bond Funds	100,000	0	100,000
16	Total - Debt Service Payments	181,332,001	(1,351,155)	179,980,846

17 *Energy Resources*

18	Federal Funds	723,171	42,534	765,705
19	Restricted Receipts	11,410,652	(1,621,791)	9,788,861
20	Total – Energy Resources	12,133,823	(1,579,257)	10,554,566

21 *Rhode Island Health Benefits Exchange*

22	General Revenues	2,625,841	0	2,625,841
23	Federal Funds	135,136	4,123,529	4,258,665
24	Restricted Receipts	6,807,845	(768,351)	6,039,494
25	Total - Rhode Island Health Benefits			
26	Exchange	9,568,822	3,355,178	12,924,000

27 *Construction Permitting, Approvals and Licensing*

28	General Revenues	1,790,975	296,122	2,087,097
29	Restricted Receipts	1,187,870	443,373	1,631,243
30	Total – Construction Permitting,			
31	Approvals and Licensing	2,978,845	739,495	3,718,340

32 *Office of Diversity, Equity, and Opportunity*

33	General Revenue	1,282,250	(195,395)	1,086,855
34	Other Funds	86,623	(1,558)	85,065

1	Total – Office of Diversity, Equity and			
2	Opportunity	1,368,873	(196,953)	1,171,920
3	<i>Capital Asset Management and Maintenance</i>			
4	General Revenue	33,868,627	(24,066,846)	9,801,781
5	Federal Funds	1,603,917	(1,603,917)	0
6	Restricted Receipts	660,725	(660,725)	0
7	Other Funds	3,874,844	(3,874,844)	0
8	Total – Capital Asset Management and			
9	Maintenance	40,008,113	(30,206,332)	9,801,781
10	<i>Undistributed Savings</i>			
11	General Revenues	(30,080,124)	21,330,124	(8,750,000)
12	Grand Total – Administration	359,226,084	(41,594,868)	317,631,216
13	Business Regulation			
14	<i>Central Management</i>			
15	General Revenues	1,296,420	793,668	2,090,088
16	Total – Central Management	1,296,420	793,668	2,090,088
17	<i>Banking Regulation</i>			
18	General Revenue	1,743,062	(164,554)	1,578,508
19	Restricted Receipts	50,000	25,000	75,000
20	Total–Banking Regulation	1,793,062	(139,554)	1,653,508
21	<i>Securities Regulation</i>			
22	General Revenue	974,364	(21,673)	952,691
23	Restricted Receipts	15,000	0	15,000
24	Total - Securities Regulation	989,364	(21,673)	967,691
25	<i>Insurance Regulation</i>			
26	General Revenue	3,925,436	(74,213)	3,851,223
27	Restricted Receipts	1,826,495	102,552	1,929,047
28	Total - Insurance Regulation	5,751,931	28,339	5,780,270
29	<i>Office of the Health Insurance Commissioner</i>			
30	General Revenue	1,614,318	(43,562)	1,570,756
31	Federal Funds	892,213	157,056	1,049,269
32	Restricted Receipts	228,768	(103,917)	124,851
33	Total – Office of the Health Insurance			
34	Commissioner	2,735,299	(60,423)	2,674,876

1	<i>Board of Accountancy</i>			
2	General Revenue	6,000	0	6,000
3	Total – Board of Accountancy	6,000	0	6,000
4	<i>Commercial Licensing, Racing & Athletics</i>			
5	General Revenues	893,038	16,334	909,372
6	Restricted Receipts	1,778,614	(39,463)	1,739,151
7	Total - Commercial Licensing, Racing &			
8	Athletics	2,671,652	(23,129)	2,648,523
9	<i>Boards for Design Professionals</i>			
10	General Revenue	362,455	(362,455)	0
11	Restricted Receipts	0	323,703	323,703
12	Total – Boards for Design Professionals	362,455	(38,752)	323,703
13	Grand Total - Business Regulation	15,606,183	214,773	15,820,956
14	Executive Office of Commerce			
15	<i>Central Management</i>			
16	General Revenue	1,138,714	(7,755)	1,130,959
17	<i>Housing and Community Development</i>			
18	General Revenue	642,391	258,461	900,852
19	Federal Funds	17,890,642	980,743	18,871,385
20	Restricted Receipts	4,749,911	1,500,000	6,249,911
21	Total – Housing and Community			
22	Development	23,282,944	2,739,204	26,022,148
23	<i>Quasi-Public Appropriations</i>			
24	General Revenue			
25	Rhode Island Commerce Corporation	7,474,514	(250,000)	7,224,514
26	Airport Impact Aid	1,025,000	0	1,025,000
27	Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid shall be			
28	distributed to each airport serving more than 1,000,000 passengers based upon its percentage of			
29	the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent			
30	(40%) of the first \$1,000,000 shall be distributed based on the share of landings during the			
31	calendar year 2017 at North Central Airport, Newport-Middletown Airport, Block Island Airport,			
32	Quonset Airport, T.F. Green Airport and Westerly Airport, respectively. The Rhode Island			
33	Commerce Corporation shall make an impact payment to the towns or cities in which the airport			
34	is located based on this calculation. Each community upon which any parts of the above airports			

1 are located shall receive at least \$25,000.

2	STAC Research Alliance	1,150,000	(250,000)	900,000
3	Innovative Matching Grants/Internships	1,000,000	0	1,000,000
4	1-195 Redevelopment District Commission	761,000	0	761,000
5	Chafee Center at Bryant	376,200	0	376,200
6	Urban Ventures	140,000	0	140,000
7	Polaris Manufacturing Grant	250,000	0	250,000
8	Other Funds			
9	Rhode Island Capital Plan Funds			
10	I-195 Redevelopment District Commission	300,000	146,053	446,053
11	Quonset Piers	2,600,000	27,341	2,627,341
12	Total- Quasi-Public Appropriations	15,076,714	(326,606)	14,750,108

13 *Economic Development Initiatives Fund*

14 General Revenue

15	Innovation Initiative	1,000,000	0	1,000,000
16	I-195 Redevelopment Fund	2,000,000	0	2,000,000
17	Main Street RI Streetscape Improvements	500,000	0	500,000
18	Rebuild RI Tax Credit Fund	12,500,000	(3,000,000)	9,500,000
19	First Wave Closing Fund	1,800,000	0	1,800,000
20	Total- Economic Development			
21	Initiatives Fund	17,800,000	(3,000,000)	14,800,000

22 *Commerce Programs*

23 General Revenue

24	Wavemaker Fellowship	800,000	0	800,000
25	Air Service Development	500,000	0	500,000
26	Total - Commerce Programs	1,300,000	0	1,300,000

27 Grand Total - Executive Office of

28	Commerce	58,598,372	(595,157)	58,003,215
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29 **Labor and Training**

30 *Central Management*

31	General Revenue	134,315	561,934	696,249
32	Restricted Receipts	687,604	(490,957)	196,647

33 Other Funds

34 Rhode Island Capital Plan Funds

1	Center General Asset Protection	1,630,000	0	1,630,000
2	Other Funds Total	1,630,000	0	1,630,000
3	Total - Central Management	2,451,919	70,977	2,522,896
4	<i>Workforce Development Services</i>			
5	General Revenue	704,517	66,325	770,842
6	Federal Funds	22,792,153	7,739,391	30,531,544
7	Restricted Receipts	12,434,856	8,237,982	20,672,838
8	Other Funds	101,601	205,399	307,000
9	Total - Workforce Development			
10	Services	36,033,127	16,249,097	52,282,224
11	<i>Workforce Regulation and Safety</i>			
12	General Revenue	2,811,148	175,074	2,986,222
13	<i>Income Support</i>			
14	General Revenues	4,046,748	63,054	4,109,802
15	Federal Funds	14,138,705	6,685,476	20,824,181
16	Restricted Receipts	2,500,020	(546,765)	1,953,255
17	Other Funds			
18	Temporary Disability Insurance Fund	197,566,522	912,200	198,478,722
19	Employment Security Fund	161,220,000	(4,110,000)	157,110,000
20	Other Funds	40,418	(40,418)	0
21	Total - Income Support	379,512,413	2,963,547	382,475,960
22	<i>Injured Workers Services</i>			
23	Restricted Receipts	8,701,434	(909,878)	7,791,556
24	Total – Injured Workers Services	8,701,434	(909,878)	7,791,556
25	<i>Labor Relations Board</i>			
26	General Revenue	397,335	15,220	412,555
27	Total - Labor Relations Board	397,335	15,220	412,555
28	Grand Total - Labor and Training	429,907,376	18,564,037	448,471,413
29	Department of Revenue			
30	<i>Director of Revenue</i>			
31	General Revenues	1,244,266	753,621	1,997,887
32	Total – Director of Revenue	1,244,266	753,621	1,997,887
33	<i>Office of Revenue Analysis</i>			
34	General Revenue	788,009	(63,874)	724,135

1	Total – Office of Revenue Analysis	788,009	(63,874)	724,135
2	<i>Lottery Division</i>			
3	Other Funds	375,039,436	(4,814,925)	370,224,511
4	Total – Lottery Division	375,039,436	(4,814,925)	370,224,511
5	<i>Municipal Finance</i>			
6	General Revenue	3,111,025	(183,467)	2,927,558
7	<i>Taxation</i>			
8	General Revenues	22,775,987	(523,006)	22,243,981
9	Federal Funds	1,361,360	(88,354)	1,273,006
10	Restricted Receipts	945,239	(61,850)	883,389
11	Other Funds			
12	Motor Fuel Tax Evasion	176,148	(21,182)	154,966
13	Temporary Disability Insurance	1,004,487	(64,520)	939,967
14	Total – Taxation	26,263,221	(767,912)	25,495,309
15	<i>Registry of Motor Vehicles</i>			
16	General Revenues	21,175,553	5,840,340	27,015,893
17	Federal Funds	206,140	8,147	214,287
18	Restricted Receipts	2,094,763	0	2,094,763
19	Total - Registry of Motor Vehicles	23,476,456	5,848,487	29,324,943
20	<i>State Aid</i>			
21	General Revenue			
22	Distressed Communities Relief Fund	12,384,458	0	12,384,458
23	Payment in Lieu of Tax Exempt Properties	45,205,606	0	45,205,606
24	Motor Vehicle Excise Tax Payments	36,000,000	(1,455,809)	34,544,191
25	Property Revaluation Program	937,228	0	937,228
26	Restricted Receipts	922,013	0	922,013
27	Total – State Aid	95,449,305	(1,455,809)	93,993,496
28	Grand Total – Revenue	525,371,718	(683,879)	524,687,839
29	Legislature			
30	General Revenues	40,522,507	4,896,878	45,419,385
31	Restricted Receipts	1,729,957	(85,200)	1,644,757
32	Grand Total – Legislature	42,252,464	4,811,678	47,064,142
33	Lieutenant Governor			
34	General Revenues	1,084,217	(36,721)	1,047,496

1	Grand Total - Lieutenant Governor	1,084,217	(36,721)	1,047,496
2	Secretary of State			
3	<i>Administration</i>			
4	General Revenue	3,382,625	89,434	3,472,059
5	Total – Administration	3,382,625	89,434	3,472,059
6	<i>Corporations</i>			
7	General Revenue	2,224,127	(4,861)	2,219,266
8	Total – Corporations	2,224,127	(4,861)	2,219,266
9	<i>State Archives</i>			
10	General Revenue	87,150	9,427	96,577
11	Restricted Receipts	414,478	(2,812)	411,666
12	Other Funds			
13	Rhode Island Capital Plan Fund			
14	State Archives	0	107,546	107,546
15	Total - State Archives	501,628	114,161	615,789
16	<i>Elections & Civics</i>			
17	General Revenue	1,906,470	79,692	1,986,162
18	Federal Funds	0	22,859	22,859
19	Total – Elections & Civics	1,906,470	102,551	2,009,021
20	<i>State Library</i>			
21	General Revenue	723,385	(128,922)	594,463
22	Total – State Library	723,385	(128,922)	594,463
23	Provided that \$125,000 be allocated to support the Rhode Island Historical Society			
24	pursuant to Rhode Island General Law, Section 29-2-1 and \$18,000 be allocated to support the			
25	Newport Historical Society, pursuant to Rhode Island General Law, Section 29-2-2.			
26	<i>Office of Public Information</i>			
27	General Revenue	587,562	2,212	589,774
28	Restricted Receipts	25,000	0	25,000
29	Total – Office of Public Information	612,562	2,212	614,774
30	Grand Total – Secretary of State	9,350,797	174,575	9,525,372
31	General Treasurer			
32	<i>Treasury</i>			
33	General Revenue	2,456,017	148,919	2,604,936
34	Federal Funds	290,987	16,356	307,343

1	Other Funds			
2	Temporary Disability Insurance Fund	226,879	45,100	271,979
3	Tuition Savings Program	323,363	48,008	371,371
4	Total – Treasury	3,297,246	258,383	3,555,629
5	<i>State Retirement System</i>			
6	Restricted Receipts			
7	Admin Expenses - State Retirement System	9,244,408	303,749	9,548,157
8	Retirement - Treasury Investment Operations	1,545,880	115,770	1,661,650
9	Defined Contribution – Administration	178,238	(78,308)	99,930
10	Total - State Retirement System	10,968,526	341,211	11,309,737
11	<i>Unclaimed Property</i>			
12	Restricted Receipts	26,324,334	211,948	26,536,282
13	Total – Unclaimed Property	26,324,334	211,948	26,536,282
14	<i>Crime Victim Compensation Program</i>			
15	General Revenue	242,675	29,070	271,745
16	Federal Funds	799,350	(72,682)	726,668
17	Restricted Receipts	1,132,319	(192,350)	939,969
18	Total - Crime Victim Compensation			
19	Program	2,174,344	(235,962)	1,938,382
20	Grand Total – General Treasurer	42,764,450	575,580	43,340,030
21	Board of Elections			
22	General Revenue	1,548,735	141,016	1,689,751
23	Grand Total - Board of Elections	1,548,735	141,016	1,689,751
24	Rhode Island Ethics Commission			
25	General Revenue	1,665,873	67,420	1,733,293
26	Grand Total - Rhode Island Ethics	1,665,873	67,420	1,733,293
27	Office of Governor			
28	General Revenue	5,147,554	75,556	5,223,110
29	Contingency Fund	250,000	67,089	317,089
30	Grand Total – Office of Governor	5,397,554	142,645	5,540,199
31	Commission for Human Rights			
32	General Revenue	1,258,074	34,516	1,292,590
33	Federal Funds	432,028	13,379	445,407
34	Grand Total - Commission for Human			

1	Rights	1,690,102	47,895	1,737,997
2	Public Utilities Commission			
3	Federal Funds	129,225	36,368	165,593
4	Restricted Receipt	9,007,118	801,701	9,808,819
5	Grand Total - Public Utilities			
6	Commission	9,136,343	838,069	9,974,412
7	Office of Health and Human Services			
8	<i>Central Management</i>			
9	General Revenue	26,992,150	242,782	27,234,932
10	Federal Funds	97,940,878	32,844,161	130,785,039
11	Restricted Receipts	7,942,269	6,593,843	14,536,112
12	Total – Central Management	132,875,297	39,680,786	172,556,083
13	<i>Medical Assistance</i>			
14	General Revenue			
15	Managed Care	305,669,199	10,775,609	316,444,808
16	Hospitals	97,204,474	(5,804,130)	91,400,344
17	Nursing Facilities	87,025,458	4,698,642	91,724,100
18	Home and Community Based Services	29,133,178	(2,047,188)	27,085,990
19	Of this amount, \$250,000 will be for home modification and accessibility enhancements to			
20	construct, retrofit and/or renovate residences to allow individuals to remain in community			
21	settings. This will be in consultation with the Governor's Commission on Disabilities.			
22	Other Services	66,474,753	(1,820,693)	64,654,060
23	Pharmacy	63,129,216	(33,604)	63,095,612
24	Rhody Health	288,671,528	8,168,043	296,839,571
25	Federal Funds			
26	Managed Care	384,843,395	11,186,797	396,030,192
27	Hospitals	100,778,630	(1,975,393)	98,803,237
28	Nursing Facilities	91,818,475	4,957,425	96,775,900
29	Home and Community Based Services	30,737,717	(2,423,707)	28,314,010
30	Other Services	507,836,076	(20,915,337)	486,920,739
31	Pharmacy	(1,060,683)	(540)	(1,061,223)
32	Rhody Health	302,930,915	8,629,514	311,560,429
33	Other Programs	42,500,000	0	42,500,000
34	Restricted Receipts	11,274,268	0	11,274,268

1	Total - Medical Assistance	2,408,966,599	13,395,438	2,422,362,037
2	Grand Total – Office of Health and			
3	Human Services	2,541,841,896	53,076,224	2,594,918,120
4	Children, Youth, and Families			
5	<i>Central Management</i>			
6	General Revenue	7,157,480	379,869	7,537,349
7	Federal Funds	2,831,574	1,761,597	4,593,171
8	Total - Central Management	9,989,054	2,141,466	12,130,520
9	Children's Behavioral Health Services			
10	General Revenue	5,099,171	1,543,060	6,642,231
11	Federal Funds	5,447,794	199,111	5,646,905
12	Other Funds			
13	Rhode Island Capital Plan Funds			
14	Training School Repairs/Improvements	550,000	(550,000)	0
15	Total - Children's Behavioral Health			
16	Services	11,096,965	1,192,171	12,289,136
17	<i>Juvenile Correctional Services</i>			
18	General Revenue	22,824,456	1,707,868	24,532,324
19	Federal Funds Total	280,282	5,006	285,288
20	Other Funds			
21	Rhode Island Capital Plan Funds			
22	Training School Maintenance	0	550,000	550,000
23	Generators – Rhode Island Training			
24	School	500,000	150,000	650,000
25	Total - Juvenile Correctional			
26	Services	23,604,738	2,412,874	26,017,612
27	<i>Child Welfare</i>			
28	General Revenue	96,928,649	4,146,618	101,075,267
29	18 to 21 Year Olds	13,646,106	(1,046,490)	12,599,616
30	Federal Funds	43,160,424	1,829,388	44,989,812
31	18 to 21 Year Olds	7,295,085	(5,100,068)	2,195,017
32	Restricted Receipts	3,128,707	(544,598)	2,584,109
33	Total - Child Welfare	164,158,971	(715,150)	163,443,821
34	<i>Higher Education Incentive Grants</i>			

1	General Revenue	200,000	0	200,000
2	Grand Total - Children, Youth, and			
3	Families	209,049,728	5,031,361	214,081,089
4	Health			
5	<i>Central Management</i>			
6	General Revenue	789,523	1,210,538	2,000,061
7	Federal Funds	3,646,373	383,016	4,029,389
8	Restricted Receipts	4,976,359	1,151,222	6,127,581
9	Total - Central Management	9,412,255	2,744,776	12,157,031
10	<i>Community Health and Equity</i>			
11	General Revenue	691,032	(18,981)	672,051
12	Federal Funds	71,790,291	(4,809,603)	66,980,688
13	Restricted Receipts	32,202,603	1,845,336	34,047,939
14	Total – Community Health and Equity	104,683,926	(2,983,248)	101,700,678
15	<i>Environmental Health</i>			
16	General Revenue	5,100,209	65,114	5,165,323
17	Federal Funds	7,325,459	(97,725)	7,227,734
18	Restricted Receipts	239,613	98,117	337,730
19	Total - Environmental Health	12,665,281	65,506	12,730,787
20	<i>Health Laboratories and Medical Examiner</i>			
21	General Revenue	9,531,063	562,485	10,093,548
22	Federal Funds	2,034,544	(120,179)	1,914,365
23	Total - Health Laboratories &			
24	Medical Examiner	11,565,607	442,306	12,007,913
25	<i>Customer Service</i>			
26	General Revenue	6,324,375	(311,501)	6,012,874
27	Federal Funds	4,139,231	(166,613)	4,026,618
28	Restricted Receipts	1,087,647	199,768	1,287,145
29	Total – Customer Service	11,605,253	(278,346)	11,326,907
30	<i>Policy, Information and Communications</i>			
31	General Revenue	837,790	94,764	932,554
32	Federal Funds	2,354,457	380,576	2,735,033
33	Restricted Receipts	872,764	638,185	1,510,949
34	Total – Policy, Information			

1	and Communications	4,065,011	1,113,525	5,178,536
2	<i>Preparedness, Response, Infectious Disease & Emergency Services</i>			
3	General Revenue	1,619,131	(76,186)	1,542,945
4	Federal Funds	14,028,957	(629,068)	13,399,889
5	Total – Preparedness, Response, Infectious			
6	Disease & Emergency Services	15,648,088	(705,254)	14,942,834
7	Grand Total – Health	169,645,421	399,265	170,044,686
8	Human Services			
9	<i>Central Management</i>			
10	General Revenue	3,410,108	56,089	3,466,197
11	Of this amount, \$300,000 is to support the Domestic Violence Prevention Fund to provide			
12	direct services through the Coalition Against Domestic Violence, \$250,000 is to support Project			
13	Reach activities provided by the RI Alliance of Boys and Girls Club, \$217,000 is for outreach and			
14	supportive services through Day One, \$175,000 is for food collection and distribution through the			
15	Rhode Island Community Food Bank, \$300,000 for services provided to the homeless at			
16	Crossroads Rhode Island, and \$520,000 for the Community Action Fund and \$200,000 for the			
17	Institute for the Study and Practice of Nonviolence's Reduction Strategy.			
18	Community Action Fund			
19	This amount shall be used to provide services to individuals and families through the nine			
20	community action agencies.			
21	Federal Funds	3,973,906	797,459	4,771,365
22	Restricted Receipts	507,991	(413,808)	94,183
23	Total - Central Management	7,892,005	439,740	8,331,745
24	<i>Child Support Enforcement</i>			
25	General Revenue	3,081,319	229,237	3,310,556
26	Federal Funds	7,868,794	49,172	7,917,966
27	Total – Child Support Enforcement	10,950,113	278,409	11,228,522
28	<i>Individual and Family Support</i>			
29	General Revenue	20,663,169	4,350,246	25,013,415
30	Federal Funds	99,042,651	2,570,876	101,613,527
31	Restricted Receipts	386,650	44,901	431,551
32	Other Funds			
33	Food Stamp Bonus Funding	0	170,000	170,000
34	Intermodal Surface Transportation Fund	4,428,478	0	4,428,478

1	Rhode Island Capital Plan Funds			
2	Blind Vending Facilities	165,000	0	165,000
3	Total - Individual and Family Support	124,685,948	7,136,023	131,821,971
4	<i>Office of Veterans' Affairs</i>			
5	General Revenue	20,601,826	2,178,776	22,780,602
6	Support services through Veterans' Organizations			
7	Federal Funds	19,211,211	929,886	20,141,097
8	Restricted Receipts	2,241,167	(531,414)	1,709,753
9	Total - Veterans' Affairs	42,054,204	2,577,248	44,631,452
10	<i>Health Care Eligibility</i>			
11	General Revenue	6,045,119	1,190,657	7,235,776
12	Federal Funds	8,001,670	471,989	8,473,659
13	Total - Health Care Eligibility	14,046,789	1,662,646	15,709,435
14	<i>Supplemental Security Income Program</i>			
15	General Revenue	18,548,119	913,481	19,461,600
16	Total - Supplemental Security Income			
17	Program	18,548,119	913,481	19,461,600
18	<i>Rhode Island Works</i>			
19	General Revenue	10,612,819	133,840	10,746,659
20	Federal Funds	82,662,141	696,962	83,359,103
21	Total – Rhode Island Works	93,274,960	830,802	94,105,762
22	<i>Other Programs</i>			
23	General Revenue	1,558,951	(223,551)	1,335,400
24	Of this appropriation, \$180,000 \$90,000 shall be used for hardship contingency			
25	payments.			
26	Federal Funds	282,060,431	69,325	282,129,756
27	Total - State Funded Programs	283,619,382	(154,226)	283,465,156
28	<i>Elderly Affairs</i>			
29	General Revenue	6,592,188	650,093	7,242,281
30	Of this amount, \$140,000 is to provide elder services, including respite, through the			
31	Diocese of Providence, \$40,000 for ombudsman services provided by the Alliance for Long Term			
32	in accordance with Rhode Island General Law 42-66.7, \$85,000 for security for housing for the			
33	elderly in accordance with Rhode Island General Law, Section 42-66.1-3, \$400,000 for Senior			
34	Services Support and \$580,000 for elderly nutrition, of which \$530,000 is for Meals on Wheels.			

1	Federal Funds	12,763,393	629,253	13,392,646
2	Restricted Receipts	134,428	12,507	146,935
3	RIPAE	120,693	(87,693)	33,000
4	Total – Elderly Affairs	19,610,702	1,204,160	20,814,862
5	Grand Total - Human Services	614,682,222	14,888,283	629,570,505
6	Behavioral Healthcare, Developmental Disabilities, and Hospitals			
7	<i>Central Management</i>			
8	General Revenue	1,655,306	270,594	1,925,900
9	Total - Central Management	1,655,306	995,594	2,650,900
10	<i>Hospital and Community System Support</i>			
11	General Revenue	2,067,954	647,839	2,715,793
12	Rhode Island Capital Plan Funds			
13	Medical Center Rehabilitation	250,000	224,784	474,784
14	Community Facilities Fire Code	400,000	(400,000)	0
15	Other Funds Total			
16	Total - Hospital and Community System			
17	Support	2,717,954	472,623	3,190,577
18	Services for the Developmentally Disabled			
19	General Revenue	123,584,106	5,596,853	129,180,959
20	Of this general revenue funding, \$3.0 million shall be expended on private provider direct			
21	support staff raises and associated payroll costs as authorized by the Department of Behavioral			
22	Healthcare, Developmental Disabilities and Hospitals. Any increases for direct support staff in			
23	residential or other community based settings must first receive the approval of the Office of			
24	Management and Budget and the Executive Office of Health and Human Services.			
25	Federal Funds	130,151,094	9,603,726	139,754,820
26	Restricted Receipts	1,872,560	(340,310)	1,532,250
27	Other Funds			
28	Rhode Island Capital Plan Funds			
29	Community Facilities Fire Code	0	416,061	416,061
30	DD Private Waiver	100,000	183,299	283,299
31	RICAP – Regional Center Repair/Rehab	300,000	240,275	540,275
32	MR Community Facilities/Access to Ind.	500,000	0	500,000
33	Total - Services for the Developmentally			
34	Disabled	256,507,760	15,699,904	272,207,664

1	<i>Behavioral Healthcare Services</i>			
2	General Revenue	2,543,780	303,651	2,847,431
3	Federal Funds	24,368,659	210,214	24,578,873
4	Of this federal funding, \$900,000 shall be expended on the Municipal Substance Abuse			
5	Task Forces, \$250,000 for the Oasis Wellness and Recovery Center and \$128,000 shall be			
6	expended on NAMI of RI.			
7	Restricted Receipts	100,000	0	100,000
8	Other Funds			
9	Rhode Island Capital Plan Funds			
10	MH Community Facilities Repair	200,000	0	200,000
11	MH Housing Development Thresholds	800,000	0	800,000
12	Substance Abuse Asset Protection	150,000	9,037	159,037
13	Total – Behavioral Healthcare Services	28,162,439	522,902	28,685,341
14	<i>Hospital and Community Rehabilitative Services</i>			
15	General Revenue	46,597,476	8,358,722	54,956,198
16	Federal Funds	49,747,706	8,384,125	58,131,831
17	Restricted Receipts	6,536,595	(2,989,889)	3,546,706
18	Other Funds			
19	Rhode Island Capital Plan Funds			
20	Zambarano Buildings and Utilities	280,000	100,640	380,640
21	Hospital Consolidation	3,310,000	(3,310,000)	0
22	Eleanor Slater HVAC/Elevators	250,000	2,134,265	2,384,265
23	MR Community Facilities	1,025,000	(275,000)	750,000
24	Hospital Equipment	300,000	(4,908)	295,092
25	Total Hospital and Community			
26	Rehabilitative Services	108,046,777	12,397,955	120,444,732
27	Grand Total – Behavioral Healthcare,			
28	Developmental Disabilities, and Hospitals	397,090,236	30,088,978	427,179,214
29	Office of the Child Advocate			
30	General Revenue	781,499	6,382	787,881
31	Federal Funds	144,621	113,317	257,938
32	Grand Total – Office of the Child Advocate			
33	Commission on the Deaf and Hard of Hearing			
34	General Revenue	498,710	(62,028)	436,682

1	Restricted Receipts	129,200	0	129,200
2	Grand Total – Com on Deaf and Hard of			
3	Hearing	627,910	(62,028)	565,882
4	Governor's Commission on Disabilities			
5	General Revenue	454,938	23,969	478,907
6	Federal Funds	343,542	(8,375)	335,167
7	Restricted Receipts	43,710	9,888	53,598
8	Grand Total - Governor's Commission on			
9	Disabilities	842,190	25,482	867,672
10	Office of the Mental Health Advocate			
11	General Revenue	549,563	79,208	628,771
12	Grand Total - Office of the Mental			
13	Health Advocate	549,563	79,208	628,771
14	Elementary and Secondary Education			
15	<i>Administration of the Comprehensive Education Strategy</i>			
16	General Revenue	20,106,907	346,317	20,453,224
17	Provided that \$90,000 be allocated to support the hospital school at Hasbro Children's			
18	Hospital pursuant to Rhode Island General Law, Section 16-7-20 and that \$245,000 be allocated			
19	to support child opportunity zones through agreements with the department of elementary and			
20	secondary education to strengthen education, health and social services for students and their			
21	families as a strategy to accelerate student achievement.			
22	Federal Funds	201,868,995	5,466,888	207,335,883
23	Restricted Receipts			
24	Restricted Receipts	2,241,390	(195,939)	2,045,451
25	HRIC Adult Education Grants	3,500,000	0	3,500,000
26	Total – Administration of the			
27	Comprehensive Education Strategy	227,717,292	5,617,266	233,334,558
28	<i>Davies Career and Technical School</i>			
29	General Revenue	13,358,058	(82,699)	13,275,359
30	Federal Funds	1,376,685	54,770	1,431,455
31	Restricted Receipts	3,716,922	(21,004)	3,695,918
32	Other Funds			
33	Rhode Island Capital Plan Funds			
34	Davies HVAC	1,000,000	6,155	1,006,155

1	Davies Asset Protection	150,000	324,041	474,041
2	Davies Advanced Manufacturing	3,650,000	0	3,650,000
3	Total - Davies Career and Technical			
4	School	23,251,665	281,263	23,532,928
5	<i>RI School for the Deaf</i>			
6	General Revenue	6,269,979	(19,832)	6,250,147
7	Federal Funds	254,320	299,504	553,824
8	Restricted Receipts	777,791	55,972	833,763
9	Other Funds			
10	RI School for the Deaf - Fee for Service	59,000	0	59,000
11	Total - RI School for the Deaf	7,361,090	335,644	7,696,734
12	<i>Metropolitan Career and Technical School</i>			
13	General Revenue	9,342,007	0	9,342,007
14	Other Funds			
15	Rhode Island Capital Plan Funds			
16	MET Asset Protection	250,000	0	250,000
17	Met School HVAC	2,173,000	428,619	2,601,619
18	Total – Metropolitan Career and			
19	Technical School	11,765,007	428,619	12,193,626
20	<i>Education Aid</i>			
21	General Revenue	890,282,092	(66,040)	890,216,052
22	Restricted Receipts	20,184,044	2,754,585	22,938,629
23	Other Funds			
24	Permanent School Fund Education Aid	300,000	0	300,000
25	Total – Education Aid	910,766,136	2,688,545	913,454,681
26	<i>Central Falls School District</i>			
27	General Revenue	39,878,367	0	39,878,367
28	Total – Central Falls School District	39,878,367	0	39,878,367
29	<i>School Construction Aid</i>			
30	General Revenue			
31	School Housing Aid	70,907,110	(1,827,554)	69,079,556
32	School Building Authority Fund	9,092,890	1,827,554	10,920,444
33	Total – School Construction Aid	80,000,000	0	80,000,000
34	<i>Teachers' Retirement</i>			

1	General Revenue	101,833,986	139,942	101,973,928
2	Grand Total - Elementary and Secondary			
3	Education	1,402,573,543	9,491,279	1,412,064,822
4	Public Higher Education			
5	<i>Office of Postsecondary Commissioner</i>			
6	General Revenue	14,578,459	(496,747)	14,081,712
7	Provided that \$355,000 shall be allocated to Rhode Island College Crusade pursuant to			
8	Rhode Island General Law, Section 16-70-5 and that \$30,000 shall be allocated to Best Buddies			
9	Rhode Island to support its programs for children with developmental and intellectual disabilities.			
10	It is also provided that \$2,750,000 \$2,981,086 shall be allocated to the Rhode Island Promise			
11	Scholarship program.			
12	Federal Funds			
13	Federal Funds	3,707,287	394,000	4,101,287
14	Guaranty Agency Administration	5,576,382	(5,264)	5,571,118
15	WaytoGoRI Portal	650,000	(175,000)	475,000
16	Guaranty Agency Operating Fund	4,000,000	0	4,000,000
17	Restricted Receipts	1,490,341	492,852	1,983,193
18	Other Funds			
19	Tuition Savings Program – Dual Enrollment	1,300,000	1,340,000	2,640,000
20	Tuitions Savings Program – Scholarship/			
21	Grants	6,095,000	0	6,095,000
22	Nursing Education Center - Operating	5,052,544	(2,545,418)	2,507,126
23	Rhode Island Capital Plan Funds			
24	Westerly Campus	0	98,729	98,729
25	Total – Office of the			
26	Postsecondary Commissioner	42,450,013	(896,848)	41,553,165
27	<i>University of Rhode Island</i>			
28	General Revenue			
29	General Revenue	77,371,073	(366,777)	77,004,296
30	Provided that in order to leverage federal funding and support economic development,			
31	\$350,000 shall be allocated to the Small Business Development Center and that \$50,000 shall be			
32	allocated to Special Olympics Rhode Island to support its mission of providing athletic			
33	opportunities for individuals with intellectual and developmental disabilities.			
34	The University shall not decrease internal student financial aid in the 2017 – 2018 academic year			

1 below the level of the 2016 – 2017 academic year. The President of the institution shall report,
 2 prior to the commencement of the 2017-2018 academic year, to the chair of the Council of
 3 Postsecondary Education that such tuition charges and student aid levels have been achieved at
 4 the start of the FY 2018 as prescribed above.

5	Debt Service	22,657,568	107,338	22,764,906
6	RI State Forensics Laboratory	1,201,087	(3,876)	1,197,211
7	Other Funds			
8	University and College Funds	645,715,072	(170,646)	645,544,426
9	Debt – Dining Services	1,007,421	(8,280)	999,141
10	Debt – Education and General	3,491,909	(11,370)	3,480,539
11	Debt – Health Services	136,271	0	136,271
12	Debt – Housing Loan Funds	9,984,968	(233,320)	9,751,648
13	Debt – Memorial Union	320,961	0	320,961
14	Debt – Ryan Center	2,423,089	(29,322)	2,393,767
15	Debt – Alton Jones Services	102,964	0	102,964
16	Debt - Parking Authority	1,126,190	(179,673)	946,517
17	Debt – Sponsored Research	84,913	15,409	100,322
18	Debt – Restricted Energy Conservation	810,170	(341,744)	468,426
19	Debt – URI Energy Conservation	1,831,837	(50,551)	1,781,286
20	Rhode Island Capital Asset Plan Funds			
21	Asset Protection	8,030,000	522,287	8,552,287
22	Fine Arts Center Advanced Planning	1,000,000	0	1,000,000
23	White Hall Renovations	0	228,969	228,969
24	Electrical Substation	0	581,000	581,000
25	Fire Safety	0	373,348	373,348
26	Biological Resources Lab	0	4,204,831	4,204,831
27	Total – University of Rhode Island	777,295,493	4,637,623	781,933,116
28	Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or			
29	unencumbered balances as of June 30, 2018 relating to the University of Rhode Island are hereby			
30	reappropriated to fiscal year 2019.			
31	<i>Rhode Island College</i>			
32	General Revenue			
33	General Revenue	48,188,791	(364,551)	47,824,240
34	Debt Service	4,867,060	1,325,568	6,192,628

1 Rhode Island College shall not decrease internal student financial aid in the 2017 – 2018
 2 academic year below the level of the 2016 – 2017 academic year. The President of the institution
 3 shall report, prior to the commencement of the 2017 – 2018 academic year, to the chair of the
 4 Council of Postsecondary Education that such tuition charges and student aid levels have been
 5 achieved at the start of the FY 2018 as prescribed above.

6 Other Funds

7	University and College Funds	127,503,637	(870,851)	126,632,786
8	Debt – Education and General	1,473,919	(592,875)	881,044
9	Debt – Housing	368,262	0	368,262
10	Debt – Student Center and Dining	154,095	0	154,095
11	Debt – Student Union	235,556	(29,006)	206,550
12	Debt – G.O. Debt Service	1,640,974	0	1,640,974
13	Debt – Energy Conservation	592,875	0	592,875
14	Rhode Island Capital Plan Funds			
15	Asset Protection	3,458,431	1,210,476	4,668,907
16	Infrastructure Modernization	4,500,000	1,032,253	5,532,253
17	Academic Building Phase I	6,100,000	0	6,100,000
18	Total – Rhode Island College	199,083,600	1,711,014	200,794,614

19 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
 20 unencumbered balances as of June 30, 2018 relating to Rhode Island College are hereby
 21 reappropriated to fiscal year 2019.

22 *Community College of Rhode Island*

23 General Revenue

24	General Revenue	49,935,710	(314,554)	49,621,156
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25 The Community College of Rhode Island College shall not decrease internal student
 26 financial aid in the 2017 – 2018 academic year below the level as the 2016 – 2017 academic year.
 27 The President of the institution shall report, prior to the commencement of the 2017 – 2018
 28 academic year, to the chair of the Council of Postsecondary Education that such tuition charges
 29 and student aid levels have been achieved at the start of the FY 2018 as prescribed above.

30	Debt Service	2,082,845	0	2,082,845
31	Restricted Receipts	683,649	0	683,649
32	Other Funds			
33	University and College Funds	99,588,610	(830,115)	98,758,495
34	CCRI Debt Service – Energy Conservation	805,025	0	805,025

1	Rhode Island Capital Plan Funds			
2	Asset Protection	2,799,063	1,722,759	4,521,822
3	Knight Campus Lab Renovation	375,000	0	375,000
4	Knight Campus Renewal	5,000,000	2,950,427	7,950,427
5	Total – Community College of RI	161,269,902	3,528,517	164,798,419
6	Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or			
7	unencumbered balances as of June 30, 2018 relating to the Community College of Rhode Island			
8	are hereby reappropriated to fiscal year 2019.			
9	Grand Total – Public Higher			
10	Education	1,180,099,008	8,980,306	1,189,079,314
11	RI State Council on the Arts			
12	General Revenue			
13	Operating Support Grants	780,056	18,304	798,360
14	Grants	1,165,000	0	1,165,000
15	Provided that \$375,000 be provided to support the operational costs of WaterFire			
16	Providence art installations.			
17	Federal Funds	781,454	(29,658)	751,796
18	Restricted Receipts	0	10,881	10,881
19	Other Funds			
20	Arts for Public Facilities	345,800	54,200	400,000
21	Grand Total - RI State Council on the Arts	3,072,310	53,727	3,126,037
22	RI Atomic Energy Commission			
23	General Revenue	982,157	38,864	1,021,021
24	Federal Funds	0	36,888	36,888
25	Other Funds			
26	URI Sponsored Research	272,216	(454)	271,762
27	Rhode Island Capital Plan Funds			
28	RINSC Asset Protection	50,000	0	50,000
29	Grand Total - RI Atomic Energy			
30	Commission	1,304,373	75,298	1,379,671
31	RI Historical Preservation and Heritage Commission			
32	General Revenue	1,121,134	2,020	1,123,154
33	Provided that \$30,000 support the operational costs of the Fort Adams Trust's restoration			
34	activities.			

1	Federal Funds	860,963	115,240	976,203
2	Restricted Receipts	427,700	4,451	432,151
3	Other Funds			
4	RIDOT – Project Review	80,970	0	80,970
5	Grand Total – RI Historical Preservation			
6	and Heritage Commission	2,490,767	121,711	2,612,478
7	Attorney General			
8	<i>Criminal</i>			
9	General Revenue	16,070,177	93,493	16,163,670
10	Federal Funds	16,988,288	13,012,275	30,000,563
11	Restricted Receipts	164,599	(15,497)	149,102
12	Total – Criminal	33,223,064	13,090,271	46,313,335
13	<i>Civil</i>			
14	General Revenue	5,251,678	(20,872)	5,230,806
15	Restricted Receipts	631,559	11,807	643,366
16	Total – Civil	5,883,237	(9,065)	5,874,172
17	<i>Bureau of Criminal Identification</i>			
18	General Revenue	1,670,102	(17,972)	1,652,130
19	Total – Bureau of Criminal Identification	1,670,102	(17,972)	1,652,130
20	<i>General</i>			
21	General Revenue	3,202,794	(103,339)	3,099,455
22	Other Funds			
23	Rhode Island Capital Plan Fund			
24	Building Renovations and Repairs	150,000	0	150,000
25	Total – General	3,352,794	(103,339)	3,249,455
26	Grand Total - Attorney General	44,129,197	12,959,895	57,089,092
27	Corrections			
28	<i>Central Management</i>			
29	General Revenue	9,994,732	6,294,827	16,289,559
30	Federal Funds	3,743	109,571	113,314
31	Total – Central Management	9,998,475	6,404,398	16,402,873
32	<i>Parole Board</i>			
33	General Revenue	1,420,791	(165,591)	1,255,200
34	Federal Funds	120,827	0	120,827

1	Total – Parole Board	1,541,618	(165,591)	1,376,027
2	<i>Custody and Security</i>			
3	General Revenue	137,893,460	6,695,292	144,588,752
4	Federal Funds	785,392	79,155	864,547
5	Total – Custody and Security	138,678,852	6,774,447	145,453,299
6	<i>Institutional Support</i>			
7	General Revenue	14,915,103	(417,163)	14,497,940
8	Other Funds			
9	Rhode Island Capital Plan Fund			
10	Correctional Facilities Study	0	1,100,000	1,100,000
11	Asset Protection	3,922,042	(922,042)	3,000,000
12	Maximum – General Renovations	1,300,000	63,091	1,363,091
13	Dix Building Renovations	1,075,000	186,143	1,261,143
14	Building State Match – Reintegration C	150,000	1,133	151,133
15	ISC Exterior Envelope and HVAC	2,027,455	0	2,027,455
16	Medium Infrastructure	7,283,688	411,313	7,695,001
17	Total - Institutional Support	30,673,288	422,465	31,095,763
18	<i>Institutional Based Rehab/Population Management</i>			
19	General Revenue	11,694,520	1,703,835	13,398,355
20	Provided that \$1,050,000 be allocated to Crossroads Rhode Island for sex offender			
21	discharge planning.			
22	Federal Funds	584,942	212,901	797,843
23	Restricted Receipts	44,473	5,043	49,516
24	Total – Institutional Based Rehab/Pop/Mgt.	12,323,935	1,921,779	14,245,714
25	<i>Healthcare Services</i>			
26	General Revenue			
27	Total – Healthcare Services	23,800,253	(411,888)	23,388,365
28	<i>Community Corrections</i>			
29	General Revenue	18,581,969	(2,072,961)	16,509,008
30	Federal Funds	86,980	34,286	121,266
31	Restricted Receipts	14,895	0	14,895
32	Total – Community Corrections	18,683,844	(2,038,675)	16,645,169
33	Grand Total – Corrections	235,700,265	12,906,945	248,607,210
34	Judiciary			

1	<i>Supreme Court</i>			
2	General Revenue			
3	General Revenue	28,306,302	641,486	28,947,788
4	Provided however, that no more than \$1,183,205 in combined total shall be offset to the			
5	Public Defender's Office, the Attorney General's Office, the Department of Corrections, the			
6	Department of Children Youth and Families, and the Department of Public Safety for square-			
7	footage occupancy costs in public courthouses and further provided that \$230,000 be allocated to			
8	the Rhode Island Coalition Against Domestic Violence for the domestic abuse court advocacy			
9	project pursuant to Rhode Island General Law, Section 12-29-7 and that \$90,000 be allocated to			
10	Rhode Island Legal Services, Inc. to provide housing and eviction defense to indigent individuals.			
11	Defense of Indigents	3,803,166	0	3,803,166
12	Federal Funds	121,481	20,270	141,751
13	Restricted Receipts	3,980,969	(598,436)	3,382,533
14	Other Funds			
15	Rhode Island Capital Plan Fund			
16	Judicial HVAC	900,000	0	900,000
17	Judicial Complexes Asset Protection	950,000	82,391	1,032,391
18	Licht Judicial Complex Restoration	750,000	75,956	825,956
19	Licht Window/Exterior Restoration	500,000	0	500,000
20	Noel Shelled Courtroom Build Out	4,000,000	0	4,000,000
21	Total - Supreme Court	43,311,918	221,667	43,533,585
22	<i>Judicial Tenure and Discipline</i>			
23	General Revenue	146,008	1,017	147,025
24	Total – Judicial Tenure and Discipline	146,008	1,017	147,025
25	<i>Superior Court</i>			
26	General Revenue	23,379,864	(122,360)	23,257,504
27	Federal Funds	91,739	(485)	91,254
28	Restricted Receipts	370,781	15,170	385,951
29	Total - Superior Court	23,842,384	(107,675)	23,734,709
30	<i>Family Court</i>			
31	General Revenue	20,695,682	(33,366)	20,662,316
32	Federal Funds	2,908,095	(129,952)	2,778,143
33	Total - Family Court	23,603,777	(163,318)	23,440,459
34	<i>District Court</i>			

1	General Revenue	13,165,035	(51,513)	13,113,522
2	Federal Funds	289,829	(145,439)	144,390
3	Restricted Receipts	60,000	0	600,000
4	Total - District Court	13,514,864	(196,952)	13,317,912
5	<i>Traffic Tribunal</i>			
6	General Revenue	9,468,420	(579,187)	8,889,233
7	Total – Traffic Tribunal	9,468,420	(579,187)	8,889,233
8	<i>Workers' Compensation Court</i>			
9	Restricted Receipts	8,118,883	(18,198)	8,100,685
10	Total – Workers' Compensation Court	8,118,883	(18,198)	8,100,685
11	Grand Total – Judiciary	122,006,254	(842,646)	121,163,608
12	Military Staff			
13	General Revenue	2,634,057	1,275,103	3,909,160
14	Federal Funds	27,746,960	(1,446,739)	26,300,221
15	Restricted Receipts			
16	RI Military Family Relief Fund	100,000	0	100,000
17	Restricted Receipts – Total	100,000	0	100,000
18	Other Funds			
19	Rhode Island Capital Plan Fund			
20	Armory of Mounted Command Roof			
21	Replacement	949,775	37,500	987,275
22	Asset Protection	700,000	300,000	1,000,000
23	Benefit Street Arsenal Rehabilitation	0	12,613	12,613
24	Burrillville Regional Training Institute	22,150	(22,150)	0
25	Bristol Readiness Center	125,000	0	125,000
26	Joint Force Headquarters Building	5,900,000	62,064	5,962,064
27	Grand Total – Military Staff	38,177,942	218,391	38,396,333
28	Public Safety			
29	<i>Central Management</i>			
30	General Revenue	1,015,489	99,322	1,114,811
31	Federal Funds	10,918,463	(4,321,111)	6,597,352
32	Total – Central Management	11,933,952	(4,221,789)	7,712,163
33	<i>E-911 Emergency Telephone System</i>			
34	General Revenue	5,894,522	(444,552)	5,449,970

1	Total - E-911 Emergency Telephone			
2	System	5,894,522	(444,552)	5,449,970
3	<i>State Fire Marshal</i>			
4	General Revenue	3,669,361	(286,054)	3,383,307
5	Federal Funds	277,167	95,678	372,845
6	Restricted Receipts	212,166	0	212,166
7	Other Funds			
8	Rhode Island Capital Plan Fund			
9	Fire Training Academy	0	524,503	524,503
10	Quonset Development Corporation	72,442	(8,979)	63,463
11	Total - State Fire Marshal	4,231,136	325,148	4,556,284
12	<i>Security Services</i>			
13	General Revenue	23,937,443	5,748	23,943,191
14	Total – Security Services	23,937,443	5,748	23,943,191
15	<i>Municipal Police Training Academy</i>			
16	General Revenue	269,414	4,624	274,038
17	Federal Funds	239,365	231,220	470,585
18	Total - Municipal Police Training			
19	Academy	508,779	235,844	744,623
20	<i>State Police</i>			
21	General Revenue	65,492,857	1,249,247	66,742,104
22	Federal Funds	3,444,674	2,511,649	5,956,323
23	Restricted Receipts	203,758	492,549	696,307
24	Other Funds			
25	Lottery Commission Assistance	1,495,293	(189,547)	1,305,746
26	Airport Commission Assistance	150,000	(320)	149,680
27	Road Construction Reimbursement	2,934,672	(733,161)	2,201,511
28	Weight & Measurement Reimbursement	400,000	(95,011)	304,989
29	Rhode Island Capital Plan Funds			
30	DPS Asset Protection	250,000	476,797	726,797
31	Training Academy Upgrades	100,000	427,268	527,268
32	Facilities Master Plan	0	200,000	200,000
33	Total - State Police	74,471,254	4,339,471	78,810,725
34	Grand Total – Public Safety	120,977,086	239,870	121,216,956

1	Office of Public Defender			
2	General Revenue	12,043,006	(217,430)	11,825,576
3	Federal Funds	97,820	3,165	100,985
4	Grand Total - Office of Public Defender	12,140,826	214,265	11,926,561
5	Emergency Management			
6	General Revenue	1,734,470	182,792	1,917,262
7	Federal Funds	14,775,673	356,800	15,132,473
8	Restricted Receipts	450,095	(1,013)	449,082
9	Other Funds			
10	Rhode Island Capital Plan Fund			
11	Emergency Management Building	0	189,750	189,750
12	RI Statewide Communications Network	1,494,414	0	1,494,652
13	Grand Total – Emergency			
14	Management	18,454,652	728,329	19,182,981
15	Environmental Management			
16	<i>Office of the Director</i>			
17	General Revenue	5,541,873	1,588,772	7,130,645
18	Of this general revenue amount, \$50,000 is appropriated to the Conservation Districts.			
19	Federal Funds	0	503	503
20	Restricted Receipts	4,054,487	(134,408)	3,920,079
21	Total – Office of the Director	9,596,360	1,454,867	11,051,227
22	<i>Natural Resources</i>			
23	General Revenue	21,088,161	27,369	21,115,530
24	Federal Funds	23,024,285	711,645	23,735,930
25	Restricted Receipts	3,998,533	426,369	4,424,902
26	Other Funds			
27	DOT Recreational Projects	1,178,375	(107)	1,178,268
28	Blackstone Bikepath Design	2,059,579	(107)	2,059,472
29	Transportation MOU	78,350	(120)	78,230
30	Rhode Island Capital Plan Funds			
31	Dam Repair	2,245,805	136,838	2,382,643
32	Fort Adams Rehabilitation	300,000	0	300,000
33	Fort Adams Sailing Improvements/			
34	Mid-Park	1,750,000	69,851	1,819,851

1	Recreational Facilities Improvements	2,450,000	1,293,225	3,743,225
2	Galilee Piers Upgrade	1,250,000	28,767	1,278,767
3	Newport Piers	137,500	72,662	210,162
4	Fish & Wildlife Maintenance Facilities	150,000	(150,000)	0
5	Greenway Blackstone Valley Park			
6	Improvements	359,170	387,100	746,270
7	Natural Resources Offices/Visitor's			
8	Center	1,000,000	(77,256)	922,744
9	Rocky Point Acquisition/Renovations	150,000	87,768	237,768
10	Marine Infrastructure/Pier Development	500,000	100,000	600,000
11	State Recreation Building Demolition	100,000	100,000	200,000
12	World War II Facility	0	50,861	50,861
13	Total - Natural Resources	61,819,758	3,264,685	65,084,443
14	<i>Environmental Protection</i>			
15	General Revenue	12,674,150	(485,246)	12,188,904
16	Federal Funds	10,375,027	375,711	10,750,738
17	Restricted Receipts	9,321,063	(11,826)	9,309,237
18	Other Funds			
19	Transportation MOU	164,734	(134)	164,600
20	Total - Environmental Protection	32,534,974	(121,495)	32,413,479
21	Grand Total - Environmental Management	103,951,092	4,598,057	108,549,149
22	Coastal Resources Management Council			
23	General Revenue	2,487,578	2,945	2,490,523
24	Federal Funds	1,649,291	2,564,530	4,213,821
25	Restricted Receipts	250,000	0	250,000
26	Other Funds			
27	Rhode Island Capital Plan Funds			
28	Rhode Island Coastal Storm Risk Study	150,000	0	150,000
29	Narragansett Bay SAMP	250,000	(150,000)	100,000
30	Green Pond Dredging Study	50,000	0	50,000
31	Grand Total - Coastal Resources Mgmt.	4,836,869	2,417,475	7,254,344
32	Transportation			
33	<i>Central Management</i>			
34	Federal Funds	6,756,379	1,305,324	8,061,703

1	Other Funds			
2	Gasoline Tax	4,799,653	99,923	4,899,576
3	Total – Central Management	11,556,032	1,405,247	12,961,279
4	<i>Management and Budget</i>			
5	Other Funds			
6	Gasoline Tax	2,942,455	2,344,474	5,286,929
7	<i>Infrastructure Engineering – GARVEE/Motor Fuel Tax Bonds</i>			
8	Federal Funds			
9	Federal Funds	274,247,090	3,641,321	277,888,411
10	Federal Funds – Stimulus	4,386,593	621,134	5,007,727
11	Restricted Receipts	3,168,128	(82,050)	3,086,078
12	Other Funds			
13	Gasoline Tax	76,170,795	(1,096,165)	75,074,630
14	Land Sale Revenue	2,673,125	(41,997)	2,631,128
15	Toll Revenue	0	4,000,000	4,000,000
16	Rhode Island Capital Plan Fund			
17	RIPTA Land and Buildings	90,000	0	90,000
18	T.F. Greene Airport Improvements	2,000,000	0	2,000,000
19	RIPTA Pawtucket Bus Hub	313,018	0	313,018
20	RIPTA Providence Transit Connector	470,588	0	470,588
21	Highway Improvement Program	35,851,346	7,054,211	42,905,557
22	Total – Infrastructure Engineering	399,370,683	14,096,454	413,467,137
23	<i>Infrastructure Maintenance</i>			
24	Other Funds			
25	Gasoline Tax	20,612,520	(4,685,719)	15,926,801
26	Non-Land Surplus Property	50,000	0	50,000
27	Outdoor Advertising	100,000	0	100,000
28	Rhode Island Highway Maintenance			
29	Account	74,433,382	67,537,472	141,970,854
30	Rhode Island Capital Plan Fund			
31	Maintenance Facilities Improvements	400,000	123,989	523,989
32	Salt Storage Facilities	1,750,000	0	1,750,000
33	Maintenance-Capital Equip.			
34	Replacement	2,500,000	156,324	2,656,324

1	Train Station Maintenance and Repairs	350,000	0	350,000
2	Total – Infrastructure Maintenance	100,195,902	63,132,066	163,327,968
3	Grand Total – Transportation	514,065,072	80,978,241	595,043,313
4	Statewide Totals			
5	General Revenue	3,767,715,656	34,005,942	3,806,721,598
6	Federal Funds	3,134,144,774	87,899,494	3,222,044,286
7	Restricted Receipts	261,725,805	14,083,993	275,809,798
8	Other Funds	2,079,248,575	78,430,325	2,157,678,900
9	Statewide Grand Total			

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

12 SECTION 3. The general assembly authorizes the state controller to establish the internal
13 service accounts shown below, and no other, to finance and account for the operations of state
14 agencies that provide services to other agencies, institutions and other governmental units on a
15 cost reimbursed basis. The purpose of these accounts is to ensure that certain activities are
16 managed in a businesslike manner, promote efficient use of services by making agencies pay the
17 full costs associated with providing the services, and allocate the costs of central administrative
18 services across all fund types, so that federal and other non-general fund programs share in the
19 costs of general government support. The controller is authorized to reimburse these accounts for
20 the cost of work or services performed for any other department or agency subject to the
21 following expenditure limitations:

22		FY 2018	FY 2018	FY2018
23	Account	Enacted	Change	Final
24	State Assessed Fringe Benefit Internal Service Fund	41,229,448	(2,787,454)	38,441,994
25	Administration Central Utilities Internal Service Fund	24,910,320	(2,000,000)	22,910,320
26	State Central Mail Internal Service Fund	6,838,505	(252,910)	6,585,595
27	State Telecommunications Internal Service Fund	3,244,413	309,509	3,553,922
28	State Automotive Fleet Internal Service Fund	12,510,602	(198,418)	12,312,184
29	Surplus Property Internal Service Fund	3,000	0	3,000
30	Health Insurance Internal Service Fund	251,804,700	325,267	252,129,967
31	State Fleet Revolving Loan Fund	273,786	0	273,786
32	Other Post-Employment Benefits Fund	63,852,483	0	63,852,483
33	Capital Police Internal Service Fund	1,306,128	(226,206)	1,079,922
34	Corrections Central Distribution Center Internal			

1	Service Fund	6,784,478	333,580	7,118,058
2	Correctional Industries Internal Service Fund	7,581,704	428,666	8,010,370
3	Secretary of State Record Center Internal Service Fund	807,345	133,146	940,491
4	Human Resources Internal Service Fund	0	12,012,230	12,012,230
5	DCAMM Facilities Internal Service Fund	0	37,286,593	37,286,593
6	Information Technology Internal Service Fund	0	32,179,344	32,179,344

7 SECTION 4. Departments and agencies listed below may not exceed the number of full-time
8 equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions do not
9 include seasonal or intermittent positions whose scheduled period of employment does not exceed
10 twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and twenty-
11 five (925) hours, excluding overtime, in a one-year period. Nor do they include individuals
12 engaged in training, the completion of which is a prerequisite of employment. Provided, however,
13 that the Governor or designee, Speaker of the House of Representatives or designee, and the
14 President of the Senate or designee may authorize an adjustment to any limitation. Prior to the
15 authorization, the State Budget Officer shall make a detailed written recommendation to the
16 Governor, the Speaker of the House, and the President of the Senate. A copy of the
17 recommendation and authorization to adjust shall be transmitted to the chairman of the House
18 Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the Senate Fiscal
19 Advisor.

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

23 FY 2018 FTE POSITION AUTHORIZATION

24	<u>Departments and Agencies</u>	<u>Full-Time Equivalent</u>
25	Administration	696.7
26	Business Regulation	101.0 106.0
27	Executive Office of Commerce	17.0
28	Labor and Training	428.7
29	Revenue	533.5 529.5
30	Legislature	298.5
31	Office of the Lieutenant Governor	8.0
32	Office of the Secretary of State	59.0
33	Office of the General Treasurer	89.0
34	Board of Elections	12.0

1	Rhode Island Ethics Commission	12.0
2	Office of the Governor	45.0
3	Commission for Human Rights	14.5
4	Public Utilities Commission	51.0 <u>54.0</u>
5	Office of Health and Human Services	285.0
6	Children, Youth, and Families	616.5 <u>612.5</u>
7	Health	493.6 <u>506.6</u>
8	Human Services	981.1
9	Behavioral Health, Developmental Disabilities, and Hospitals	1,319.4
10	Office of the Child Advocate	8.0
11	Commission on the Deaf and Hard of Hearing	4.0
12	Governor's Commission on Disabilities	4.0
13	Office of the Mental Health Advocate	4.0
14	Elementary and Secondary Education	139.1
15	School for the Deaf	60.0
16	Davies Career and Technical School	126.0
17	Office of the Postsecondary Commissioner	37.0 <u>38.0</u>
18	Provided that 1.0 of the total authorization would be available only for positions that are	
19	supported by third-party funds.	
20	University of Rhode Island	2,489.5
21	Provided that 573.8 of the total authorization would be available only for positions that are	
22	supported by third-party funds.	
23	Rhode Island College	926.2
24	Provided that 76.0 of the total authorization would be available only for positions that are	
25	supported by third-party funds.	
26	Community College of Rhode Island	854.1
27	Provided that 89.0 of the total authorization would be available only for positions that are	
28	supported by third-party funds.	
29	Rhode Island State Council on the Arts	8.6
30	RI Atomic Energy Commission	8.6
31	Historical Preservation and Heritage Commission	15.6
32	Office of the Attorney General	235.1
33	Corrections	1,423.0 <u>1,435.0</u>
34	Judicial	723.3

1	Military Staff	92.0
2	Public Safety	611.6
3	Office of the Public Defender	93.0
4	Emergency Management	32.0
5	Environmental Management	400.0
6	Coastal Resources Management Council	29.0
7	Transportation	775.0
8	Total	15,160.2 <u>15,186.2</u>

9 SECTION 5. Notwithstanding any provisions of Chapter 12.2 in Title 46 of the Rhode
10 Island General Laws, the Rhode Island Infrastructure Bank shall transfer to the State Controller
11 the sum of ~~three million five hundred thousand dollars (\$3,500,000)~~ eight million five hundred
12 thousand dollars (\$8,500,000) by June 30, 2018.

13 SECTION 6. ~~Rhode Island Housing.~~ Notwithstanding any provision of Chapter 55 in Title
14 42 of the Rhode Island General Laws, the Rhode Island Housing shall transfer to the State
15 Controller the sum of ~~one million dollars (\$1,000,000)~~ six million dollars (\$6,000,000) by June
16 30, 2018.

17 SECTION 7. Notwithstanding any provisions of Chapter 19 in Title 23 of the Rhode Island
18 General Laws, the Resource Recovery Corporation shall transfer to the State Controller the sum
19 of three million dollars (\$3,000,000) by June 30, 2018.

20 SECTION 8. Notwithstanding any provisions of Chapter 12 in Title 24 of the Rhode Island
21 General Laws, the Rhode Island Turnpike and Bridge Authority shall transfer to the State
22 Controller the sum of one million five hundred thousand dollars (\$1,500,000) by June 30, 2018.

23 SECTION 9. Notwithstanding any provisions of Chapter 62 in Title 16 of the Rhode Island
24 General Laws, the Rhode Island Student Loan Authority shall transfer to the State Controller the
25 sum of three million dollars (\$3,000,000) by June 30, 2018.

26 SECTION 10. Notwithstanding any general laws to the contrary, the Department of
27 Business Regulation shall transfer to the State Controller the sum of seven hundred fifty thousand
28 dollars (\$750,000) from the Insurance Companies Assessment for Actuary Costs restricted
29 receipts account by June 30, 2018.

30 SECTION 11. Notwithstanding any general laws to the contrary, the Department of
31 Business Regulation shall transfer to the State Controller the sum of eight hundred thousand
32 dollars (\$800,000) from the Commercial Licensing, Racing and Athletics Reimbursement
33 restricted receipts account by June 30, 2018.

34 SECTION 12. Notwithstanding any provisions of Chapter 15.1 in Title 46 of the Rhode

1 Island General Laws or other laws to the contrary, the Department of Administration shall
2 transfer to the State Controller the sum of one million fifty thousand three hundred thirty nine
3 dollars (\$1,050,339) from the Water Resources Board Corporate escrow account by June 30,
4 2018.

5 SECTION 13. This article shall take effect upon passage.

6 **ARTICLE 11**

7 **RELATING TO WORKFORCE DEVELOPMENT**

8 SECTION 1. Sections 28-14-19 and 28-14-19.1 and of the General Laws in Chapter 28-
9 14 entitled "Payment of Wages" are hereby amended to read as follows:

10 **28-14-19. Enforcement powers and duties of director of labor and training.**

11 (a) It shall be the duty of the director to insure compliance with the provisions of this chapter 28-
12 14 and 28-12. The director or his or her designee may investigate any violations thereof, institute
13 or cause to be instituted actions for the collection of wages and institute action for penalties or
14 other relief as provided for within and pursuant to those chapters. The director or his or her
15 authorized representatives are empowered to hold hearings and he or she shall cooperate with any
16 employee in the enforcement of a claim against his or her employer in any case whenever, in his
17 or her opinion, the claim is just and valid.

18 (b) Upon receipt of a complaint or conducting an inspection under applicable law, the
19 director or his or her appropriate departmental designee is authorized to investigate to determine
20 compliance with the chapters 28-12 and/or 28-14.

21 (c) With respect to all complaints deemed just and valid, the director or his or her
22 designee shall order a hearing thereon at a time and place to be specified, and shall give notice
23 thereof, together with a copy of the complaint or the purpose thereof, or a statement of the facts
24 disclosed upon investigation, which notice shall be served personally or by mail on any person,
25 business, corporation, or entity of any kind affected thereby. The hearing shall be scheduled
26 within thirty (30) days of service of a formal complaint as provided herein. The person, business,
27 corporation, or entity shall have an opportunity to be heard in respect to the matters complained
28 of at the time and place specified in the notice. The hearing shall be conducted by the director or
29 his or her designee. The hearing officer in the hearing shall be deemed to be acting in a judicial
30 capacity, and shall have the right to issue subpoenas, administer oaths, and examine witnesses.
31 The enforcement of a subpoena issued under this section shall be regulated by Rhode Island civil
32 practice law and rules. The hearing shall be expeditiously conducted and upon such hearing the
33 hearing officer shall determine the issues raised thereon and shall make a determination and enter
34 an order within thirty (30) days of the close of the hearing, and forthwith serve a copy of the

1 order, with a notice of the filing thereof, upon the parties to the proceeding, personally or by mail.
2 The order shall dismiss the complaint or direct payment of any wages and/or benefits found to be
3 due and/or award such other appropriate relief or penalties authorized under chapter 28-12 and/or
4 28-14, and the order may direct payment of reasonable attorneys' fees and costs to the
5 complaining party. Interest at the rate of twelve percent (12%) per annum shall be awarded in the
6 order from the date of the nonpayment to the date of payment.

7 (d) The order shall also require payment of a further sum as a civil penalty in an amount
8 up to two (2) times the total wages and/or benefits found to be due, exclusive of interest, which
9 shall be shared equally between the department and the aggrieved party. In determining the
10 amount of any penalty to impose, the director or his or her designee shall consider the size of the
11 employer's business, the good faith of the employer, the gravity of the violation, the previous
12 violations and whether or not the violation was an innocent mistake or willful.

13 (e) The director may institute any action to recover unpaid wages or other compensation
14 or obtain relief as provided under this section with or without the consent of the employee or
15 employees affected.

16 (f) No agreement between the employee and employer to work for less than the
17 applicable wage and/or benefit rate or to otherwise work under and/or conditions in violation of
18 applicable law is a defense to an action brought pursuant to this section.

19 (g) The director shall notify the contractors' registration board of any order issued or any
20 determination hereunder that an employer has violated chapters 28-12, 28-14 and/or 37-13. The
21 director shall notify the tax administrator of any determination hereunder that may affect liability
22 for an employer's payment of wages and/or payroll taxes.

23 (h) There is hereby established a restricted receipt account within the department of labor
24 and training, which shall be entitled the "misclassification task force and workplace fraud unit."
25 Revenues collected under this section for the department and under § 28-14-19.1 shall be
26 deposited into the misclassification task force and workplace fraud unit account. Any additional
27 revenues, after expenses for the misclassification task force and workplace fraud unit, shall be
28 paid into the state's general fund annually on the last business day of the fiscal year.

29 **28-14-19.1. Misclassification of employees.**

30 (a) The misclassification of a worker whether performing work as a natural person,
31 business, corporation, or entity of any kind, as an independent contractor when the worker should
32 be considered and paid as an employee shall be considered a violation of this chapter.

33 (b) In addition to any other relief to which any department or an aggrieved party may be
34 entitled for such a violation, the employer shall be liable for a civil penalty in an amount not less

1 than one thousand five hundred dollars (\$1,500) and not greater than three thousand dollars
2 (\$3,000) for each misclassified employee for a first offense and up to five thousand dollars
3 (\$5,000) for each misclassified employee for any subsequent offense, which shall be shared
4 equally between the department and the aggrieved party.

5 (c) In determining the amount of any penalty imposed under this section, the director or
6 his or her designee shall consider the size of the employer's business; the good faith of the
7 employer; the gravity of the violation; the history of previous violations; and whether or not the
8 violation was an innocent mistake or willful.

9 (d) A violation of this section may be adjudicated under § 28-14-19 and consolidated
10 with any labor standards violation or under §§ 37-13-14.1 and 37-13-15 and consolidated with
11 any prevailing wage violation.

12 (e) A violation of this section may be brought or adjudicated by any division of the
13 department of labor and training.

14 (f) The department shall notify the contractor's registration board and the tax
15 administrator of any violation of this section.

16 [\(g\) Revenues generated from this section shall be deposited into the misclassification task](#)
17 [force and workplace fraud unit fund restricted receipt account established by § 28-14-19\(h\) to](#)
18 [cover the expenses of the misclassification task force and workplace fraud unit. Any additional](#)
19 [revenues, after expenses for the misclassification task force and workplace fraud unit, shall be](#)
20 [paid into the state's general fund annually on the last business day of the fiscal year..](#)

21 SECTION 2. Section 28-42-84 of the General Laws in Chapter 28-42 entitled
22 “Employment Security – General Provisions” is hereby amended to read as follows:

23 **28-42-84. Job development fund – Disbursements – Unexpended balance.**

24 (a) The moneys in the job development fund shall be used for the following purposes:

25 (1) To reimburse the department of labor and training for the loss of any federal funds
26 resulting from the collection and maintenance of the fund by the department;

27 (2) To make refunds of contributions erroneously collected and deposited in the fund;

28 (3) To pay any administrative expenses incurred by the department of labor and training
29 associated with the collection of the contributions for employers paid pursuant to § 28-43-8.5, and
30 any other administrative expenses associated with the maintenance of the fund, including the
31 payment of all premiums upon bonds required pursuant to § 28-42-85;

32 (4) To provide for job training, counseling and assessment services, and other related
33 activities and services. Services will include, but are not limited to, research, development,
34 coordination, and training activities to promote workforce development and business

1 development as established by the governor's workforce board Rhode Island (workforce board);

2 (5) To support the state's job training for economic development;

3 (6) Beginning January 1, 2001, two-hundredths of one percent (0.02%) out of the job
4 development assessment paid pursuant to § 28-43-8.5 shall be used to support necessary, core
5 services in the unemployment insurance and employment services programs operated by the
6 department of labor and training; ~~and~~

7 (7) Beginning January 1, 2011, and ending in tax year 2014, three tenths of one percent
8 (0.3%) out of the fifty-one hundredths of one percent (0.51%) job development assessment paid
9 pursuant to § 28-43-8.5 shall be deposited into a restricted receipt account to be used solely to pay
10 the principal and/or interest due on Title XII advances received from the federal government in
11 accordance with the provisions of Section 1201 of the Social Security Act [42 U.S.C. § 1321];
12 provided, however, that if the federal Title XII loans are repaid through a state revenue bond or
13 other financing mechanism, then these funds may also be used to pay the principal and/or interest
14 that accrues on that debt. Any remaining funds in the restricted receipt account, after the
15 outstanding principal and interest due has been paid, shall be transferred to the employment
16 security fund for the payment of benefits; and

17 (8) Beginning January 1, 2019, the amount of the job development assessment paid
18 pursuant to § 28-43-8.5, nineteen-hundredths of one percent (0.19%) shall be used to support
19 necessary, core services in the unemployment insurance and employment services programs
20 operated by the department of labor and training.

21 (b) The general treasurer shall pay all vouchers duly drawn by the workforce board upon
22 the fund, in any amounts and in any manner that the workforce board may prescribe. Vouchers so
23 drawn upon the fund shall be referred to the controller within the department of administration.
24 Upon receipt of those vouchers, the controller shall immediately record and sign them and shall
25 promptly transfer those signed vouchers to the general treasurer. Those expenditures shall be used
26 solely for the purposes specified in this section and its balance shall not lapse at any time but shall
27 remain continuously available for expenditures consistent with this section. The general assembly
28 shall annually appropriate the funds contained in the fund for the use of the workforce board and,
29 in addition, for the use of the department of labor and training effective July 1, 2000, and for the
30 payment of the principal and interest due on federal Title XII loans beginning July 1, 2011;
31 provided, however, that if the federal Title XII loans are repaid through a state revenue bond or
32 other financing mechanism, then the funds may also be used to pay the principal and/or interest
33 that accrues on that debt.

34 SECTION 3. Section 28-43-8.5 of the General Laws in Chapter 28-43 entitled

1 “Employment Security – Contributions” is hereby amended to read as follows:

2 **28-43-8.5. Job development assessment.**

3 (a) For the tax years 2011 through 2014, each employer subject to this chapter shall be
4 required to pay a job development assessment of fifty-one hundredths of one percent (0.51%) of
5 that employer's taxable payroll, in addition to any other payment which that employer is required
6 to make under any other provision of this chapter; provided, that the assessment shall not be
7 considered as part of the individual employer's contribution rate for the purpose of determining
8 the individual employer's balancing charge pursuant to § 28-43-9; provided, further, upon full
9 repayment of any outstanding principal and/or interest due on Title XII advances received from
10 the federal government in accordance with the provisions of section 1201 of the Social Security
11 Act [42 U.S.C. § 1321], including any principal and/or interest that accrues on debt from a state
12 revenue bond or other financing mechanism used to repay the Title XII advances, then the job
13 development assessment shall be reduced to twenty-one hundredths of one percent (0.21%)
14 beginning the tax quarter after the full repayment occurs. The tax rate for all employer's subject
15 to the contribution provisions of chapters 42 – 44 of this title shall be reduced by twenty-one
16 hundredths of one percent (0.21%). For tax year 2015 ~~and subsequent years~~ through 2018, each
17 employer subject to this chapter shall be required to pay a job development assessment of twenty-
18 one hundredths of one percent (0.21%) of that employer's taxable payroll, in addition to any other
19 payment which that employer is required to make under any other provision of this chapter;
20 provided, that the assessment shall not be considered as part of the individual employer's
21 contribution rate for the purpose of determining the individual employer's balancing charge
22 pursuant to § 28-43-9. The tax rate for all employers subject to contribution provisions of
23 chapters 42 – 44 of this title shall be reduced by twenty-one hundredths of one percent (0.21%).
24 For tax year 2019 and subsequent years, each employer subject to this chapter shall be required to
25 pay a base job development assessment of twenty-one hundredths of one percent (0.21%) of that
26 employer's taxable payroll, plus a job development assessment add-on as computed annually
27 pursuant to subsection (b) of this section, in addition to any other payment which that employer is
28 required to make under any other provision of this chapter; provided, that the assessment shall not
29 be considered as part of the individual employer's contribution rate for the purpose of determining
30 the individual employer's balancing charge pursuant to § 28-43-9.

31 (b) On September 30, 2018, and each September 30 thereafter, the job development
32 assessment add-on shall be computed by dividing the amount of interest earned by the
33 employment security fund in the prior calendar year by one hundred and ten percent (110%) of
34 the taxable wages in the prior calendar year. The result shall be rounded down to the nearest one

1 hundredth of a percent (.01%). This amount shall be in effect during the next ensuing calendar
2 year provided, however, that no job development assessment add-on shall apply if:

3 (1) tax schedule I is scheduled to be in effect for the ensuing calendar year; or

4 (2) the employment security fund did not earn interest during the prior calendar year.

5 (c) The tax rate for all employers subject to contribution provisions of chapters 42 – 44 of
6 this title shall be reduced by the total job development assessment as determined under subsection
7 (b) of this section.

8 SECTION 4. Chapter 42-64.6 of the General Laws entitled “Jobs Training Tax Credit
9 Act” is hereby amended by adding thereto the following section:

10 **42-64.6-9. Sunset.**

11 No credits authorized under this chapter shall be awarded for tax years beginning on or
12 after January 1, 2018.

13 SECTION 5. Section 42-102-11 of the General Laws in Chapter 42-102 entitled
14 “Governor’s Workforce Board Rhode Island” is hereby amended to read as follows:

15 **42-102-11. State Work Immersion Program.**

16 (a)(1) The workforce board (“board”) shall develop a state work immersion program and
17 a non-trade, apprenticeship program. For the purposes of this section work immersion shall mean
18 a temporary, paid, work experience that provides a meaningful learning opportunity and increases
19 the employability of the participant. The programs shall be designed in order to provide ~~post-~~
20 ~~secondary school students, recent college graduates, and unemployed adults~~ Rhode Island
21 residents and/or students attending secondary schools, post-secondary schools or training
22 programs with a meaningful work experience, and to assist employers by training individuals for
23 potential employment.

24 (2) Funding for the work immersion program will be allocated from the job development
25 fund account and/or from funds appropriated in the annual appropriations act. Appropriated funds
26 will match investments made by employers in providing meaningful work immersion positions
27 and non-trade apprenticeships.

28 ~~(b) For each participant in the work immersion program, the program shall reimburse~~
29 ~~eligible employers up to fifty percent (50%) of the cost of not more than four hundred~~
30 ~~(400) hours of work experience and during a period of ten (10) weeks. If an eligible employer~~
31 ~~hires a program participant at the completion of such a program, the state may provide~~
32 ~~reimbursement for a total of seventy five percent (75%) of the cost of the work immersion~~
33 ~~position.~~ Employers participating in the work immersion program may be eligible to receive a
34 reimbursement of up to seventy-five percent (75%) of the approved program participant’s wages

1 [paid during their work experience.](#)

2 (c) The board shall create a non-trade apprenticeship program and annually award
3 funding on a competitive basis to at least one (1) new initiative ~~proposed and operated by~~
4 ~~the~~
5 ~~Governor's Workforce Board Industry Partnerships.~~ This program shall meet the
6 standards of apprenticeship programs defined pursuant to § 28-45-9 of the general laws. The
7 board shall present the program to the state apprenticeship council, established pursuant to
8 chapter 28-45 of the general laws, for review and consideration.

9 (d) An eligible participant in programs established in subsections (b) and (c) ~~must be at~~
10 ~~least eighteen (18) years of age and~~ must be a Rhode Island resident. Provided, however,
11 any
12 non-Rhode Island resident, who is enrolled in a college or university, located in Rhode
13 Island, is eligible to participate while enrolled at the college or university.

14 (e) In order to fully implement the provisions of this section, the board is authorized to
15 promulgate rules and regulations. The rules and regulations shall define eligible employers that
16 can participate in the programs created by this section.

17 SECTION 6. Chapter 42-102 of the General Laws entitled "Governor's Workforce Board
18 Rhode Island" is hereby amended by adding thereto the following sections:

19 **42-102-14. Real Jobs Rhode Island program established.**

20 [\(a\) There is hereby established within the governor's workforce board Rhode Island, the](#)
21 ["Real Jobs Rhode Island program" to serve as the primary program by which the state creates,](#)
22 [coordinates, supports and holds accountable industry-led partnerships to help place new](#)
23 [employees into immediate job openings, and up-skill existing employees to remain competitive](#)
24 [and create pipelines of talent for future workforce needs; and by this means provide Rhode Island](#)
25 [companies with the talent necessary to thrive in a competitive, global economy, and provide](#)
26 [Rhode Island residents with opportunity to participate in shared prosperity by securing](#)
27 [meaningful employment.](#)

28 **42-102-14.1. Definitions.**

29 [\(a\) As used in this chapter, the following terms are defined as follows:](#)

30 [\(1\) "Credential" means a recognized:](#)

31 [\(i\) Educational diploma;](#)

32 [\(ii\) Certificate or degree;](#)

33 [\(iii\) Occupational license;](#)

34 [\(iv\) Apprenticeship certificate;](#)

1 (v) Industry recognized certification; or
2 (vi) Certificate or award issued for skills attainment and/or completion of an approved
3 training program.

4 (2) “Department” means the department of labor and training.

5 (3) “Real Jobs Rhode Island program” means the Real Jobs Rhode Island program as
6 established under this chapter.

7 (4) “Real Jobs Rhode Island partnership” means an industry or sector collaboration that
8 brings together a group that may include employers, institutions of higher education, local
9 government, trade associations, non-profit or community based agencies, or other relevant
10 partners to:

11 (i) Identify common workforce needs within an industry or sector of the state’s economy;
12 and

13 (ii) Develop and implement industry strategies to meet identified workforce needs.

14 **42-102-14.2. Administration of Real Jobs Rhode Island.**

15 (a) The Real Jobs Rhode Island program shall be administered by the governor’s
16 workforce board Rhode Island as part of the department.

17 (b) The Real Jobs Rhode Island program, shall:

18 (1) Provide grants on a competitive basis for:

19 (i) An approved sector partnership for the development of a strategy consistent with the
20 purpose of the Real Jobs Rhode Island program; and

21 (ii) Workforce training programs and other qualified programs that lead to placement in a
22 job, or provide industry recognized skills training to individuals that result in a credential or
23 attainment of an identifiable skill consistent with an approved Real Jobs Rhode Island partnership
24 strategy.

25 (2) An application for a Real Jobs Rhode Island grant shall include:

26 (i) A description of a specific action plan to be carried out by the partnership, including a
27 description of the workforce need the plan seeks to address; and

28 (ii) A collaborative approach demonstrated by participation from groups with varied
29 backgrounds, which may include, but is not limited to: employers, industry associations, training
30 providers, institutes of higher education and community based or non-profit institutions.

31 (3) Evidence of proactive engagement of Rhode Island’s employer community to
32 ascertain real-time workforce needs and identifiable skills gaps commonly presented by
33 applicants;

34 (4) Develop performance goals and metrics for each approved Real Jobs Rhode Island

1 partnership and review such goals and metrics with each partnership continuously to ascertain
2 any areas where the partnership or the program should adjust to meet desired outcomes or address
3 issues to better serve employers, their workforce and program participants alike;

4 (c) The governor’s workforce board may revoke grant funding from a Real Jobs Rhode
5 Island partnership for cause, as determined by the department, with an administrative appeal to
6 the governor’s workforce board.

7 **42-102-14.3. Regulations.**

8 (a) The department may promulgate appropriate guidelines or regulations regarding the
9 implementation of the Real Jobs Rhode Island program and any terms and conditions required to
10 participate in the program.

11 **42-102-14.4. Public education and outreach.**

12 (a) The governor’s workforce board shall inform employers, employees, industry
13 associations, educational institutions, community based groups, non-profit institutions and the
14 public about the program, its benefits and opportunities.

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

16 **ARTICLE 12**

17 **RELATING TO ECONOMIC DEVELOPMENT**

18 SECTION 1. Section 42-64-36 of the General Laws in Chapter 42-64 entitled “Rhode
19 Island Commerce Corporation” is hereby amended to read as follows:

20 **42-64-36. Program accountability.**

21 (a) The board of the Rhode Island commerce corporation shall be responsible for
22 establishing accountability standards, reporting standards and outcome measurements for each of
23 its programs to include, but not be limited to, the use of tax credits, loans, loan guarantees and
24 other financial transactions managed or utilized by the corporation. Included in the standards shall
25 be a set of principles and guidelines to be followed by the board to include:

26 (1) A set of outcomes against which the board will measure each program's and offering's
27 effectiveness;

28 (2) A set of standards for risk analysis for all of the programs especially the loans and
29 loan guarantee programs; and

30 (3) A process for reporting out all loans, loan guarantees and any other financial
31 commitments made through the corporation that includes the purpose of the loan, financial data
32 as to payment history and other related information.

33 (b) The board shall annually prepare a report starting in January 2015 which shall be
34 submitted to the house and senate.

1 (c) The report shall summarize the above listed information on each of its programs and
2 offerings and contain recommendations for modification, elimination or continuation.

3 (d) The board shall coordinate its efforts with the office of revenue to not duplicate
4 information on the use of tax credits and other tax expenditures.

5 (e) In addition to its annual reporting process to the General Assembly and public, which
6 includes the corporation's annual performance report submitted pursuant to this section and § 42-
7 64-28, and reports submitted pursuant to §§ 42-64.20-9(b), 42-64.21-8(a) and (c), 42-64.22-14(a),
8 42-64.23-5(d), 42-64.24-5(d), 42-64.25-12, 42-64.26-6, 42-64.27-4, 42-64.28-9, 42-64.29-7(a),
9 42-64.31-3, 44-48.3-13(b) and (c), the corporation will also specifically assess the performance,
10 effectiveness, and economic impact of the incentive programs associated with §§ 42-64.20, 42-
11 64.21, 42-64.22, 42-64.23, 42-64.24, 42-64.25, 42-64.26, 42-64.27, 42-64.28, 42-64.29, 42-64.31,
12 and 44-48.3-13.

13 (1) The reports required by § 42-64-36(e) shall be provided to the chairpersons of the
14 house and senate finance committees, the director of the office of management and budget, and
15 the board of the commerce corporation by or before January 1 of each year. The reports shall be
16 presented in a public meeting to the board of the commerce corporation.

17 SECTION 2. Section 42-64.20-10 of the General Laws in Chapter 42-64.20 entitled
18 "Rebuild Rhode Island Tax Credit" is hereby repealed.

19 ~~42-64.20-10. Sunset.~~

20 ~~No credits shall be authorized to be reserved pursuant to this chapter after December 31,~~
21 ~~2018.~~

22 SECTION 3. Section 42-64.21-9 of the General Laws in Chapter 42-64.21 entitled
23 "Rhode Island Tax Increment Financing" is hereby repealed.

24 ~~42-64.21-9. Sunset.~~

25 ~~The commerce corporation shall enter into no agreement under this chapter after~~
26 ~~December 31, 2018.~~

27 SECTION 4. Section 42-64.22-15 of the General Laws in Chapter 42-64.22 entitled "Tax
28 Stabilization Incentive" is hereby repealed.

29 ~~42-64.22-15. Sunset.~~

30 ~~The commerce corporation shall enter into no agreement under this chapter after~~
31 ~~December 31, 2018.~~

32 SECTION 5. Section 42-64.23-8 of the General Laws in Chapter 42-64.23 entitled "First
33 Wave Closing Fund" is hereby repealed.

34 ~~42-64.23-8. Sunset.~~

1 ~~No financing shall be authorized to be reserved pursuant to this chapter after December~~
2 ~~31, 2018.~~

3 SECTION 6. Section 42-64.24-8 of the General Laws in Chapter 42-64.24 entitled “I-195
4 Redevelopment Project Fund” is hereby repealed.

5 ~~42-64.24-8. Sunset.~~

6 ~~No funding, credits, or incentives shall be authorized or authorized to be reserved~~
7 ~~pursuant to this chapter after December 31, 2018.~~

8 SECTION 7. Section 42-64.25-14 of the General Laws in Chapter 42-64.25 entitled
9 “Small Business Assistance Program” is hereby repealed.

10 ~~42-64.25-14. Sunset.~~

11 ~~No grants, funding, or incentives shall be authorized pursuant to this chapter after~~
12 ~~December 31, 2018.~~

13 SECTION 8. Section 42-64.26-12 of the General Laws in Chapter 42-64.26 entitled
14 “Stay Invested in RI Wavemaker Fellowship” is hereby repealed.

15 ~~42-64.26-12. Sunset.~~

16 ~~No incentives or credits shall be authorized pursuant to this chapter after December 31,~~
17 ~~2018.~~

18 SECTION 9. Section 42-64.27-6 of the General Laws in Chapter 42-64.27 entitled “Main
19 Street Rhode Island Streetscape Improvement Fund” is hereby repealed.

20 ~~42-64.27-6. Sunset.~~

21 ~~No incentives shall be authorized pursuant to this chapter after December 31, 2018.~~

22 SECTION 10. Section 42-64.28-10 of the General Laws in Chapter 42-64.28 entitled
23 “Innovation Initiative” is hereby repealed.

24 ~~42-64.28-10. Sunset.~~

25 ~~No vouchers, grants, or incentives shall be authorized pursuant to this chapter after~~
26 ~~December 31, 2018.~~

27 SECTION 11. Section 42-64.29-8 of the General Laws in Chapter 42-64.29 entitled
28 “Industry Cluster Grants” is hereby repealed.

29 ~~42-64.29-8. Sunset.~~

30 ~~No grants or incentives shall be authorized to be reserved pursuant to this chapter after~~
31 ~~December 31, 2018.~~

32 SECTION 12. Section 42-64.31-4 of the General Laws in Chapter 42-64.31 entitled
33 “High School, College, and Employer Partnerships” is hereby repealed.

34 ~~42-64.31-4. Sunset.~~

1 ~~No grants shall be authorized pursuant to this chapter after December 31, 2018.~~

2 SECTION 13. Section 44-48.3-14 of the General Laws in Chapter 44-48.3 entitled
3 “Rhode Island New Qualified Jobs Incentive Act 2015” is hereby repealed.

4 ~~44-48.3-14. Sunset.~~

5 ~~No credits shall be authorized to be reserved pursuant to this chapter after December 31,~~
6 ~~2018.~~

7 SECTION 14. Sections 42-64.20-3 and 42-64.20-5 of the General Laws in Chapter 42-
8 64.20 entitled "Rebuild Rhode Island Tax Credit" are hereby amended to read as follows:

9 **42-64.20-3. Definitions.**

10 As used in this chapter:

11 (1) "Adaptive reuse" means the conversion of an existing structure from the use for which
12 it was constructed to a new use by maintaining elements of the structure and adapting such
13 elements to a new use.

14 (2) "Affiliate" means an entity that directly or indirectly controls, is under common
15 control with, or is controlled by the business. Control exists in all cases in which the entity is a
16 member of a controlled group of corporations as defined pursuant to § 1563 of the Internal
17 Revenue Code of 1986 (26 U.S.C. § 1563) or the entity is an organization in a group of
18 organizations under common control as defined pursuant to subsection (b) or (c) of § 414 of the
19 Internal Revenue Code of 1986 (26 U.S.C. § 414). A taxpayer may establish by clear and
20 convincing evidence, as determined by the tax administrator, that control exists in situations
21 involving lesser percentages of ownership than required by those statutes. An affiliate of a
22 business may contribute to meeting either the capital investment or full-time employee
23 requirements of a business that applies for a credit under this chapter.

24 (3) "Affordable housing" means housing for sale or rent with combined rental costs or
25 combined mortgage loan debt service, property taxes, and required insurance that do not exceed
26 thirty percent (30%) of the gross annual income of a household earning up to eighty percent
27 (80%) of the area median income, as defined annually by the United States Department of
28 Housing and Urban Development.

29 (4) "Applicant" means a developer applying for a rebuild Rhode Island tax credit under
30 this chapter.

31 (5) "Business" means a corporation as defined in general laws § 44-11-1(4), or a
32 partnership, an S corporation, a non-profit corporation, a sole proprietorship, or a limited liability
33 corporation. A business shall include an affiliate of the business if that business applies for a
34 credit based upon any capital investment made by an affiliate.

1 (6) "Capital investment" in a real estate project means expenses by a developer incurred
2 after application for:

3 (i) Site preparation and construction, repair, renovation, improvement, equipping, or
4 furnishing on real property or of a building, structure, facility, or improvement to real property;

5 (ii) Obtaining and installing furnishings and machinery, apparatus, or equipment,
6 including but not limited to material goods for the operation of a business on real property or in a
7 building, structure, facility, or improvement to real property.

8 In addition to the foregoing, if a developer acquires or leases a qualified development
9 project, the capital investment made or acquired by the seller or owner, as the case may be, if
10 pertaining primarily to the premises of the qualified development project, shall be considered a
11 capital investment by the developer and, if pertaining generally to the qualified development
12 project being acquired or leased, shall be allocated to the premises of the qualified development
13 project on the basis of the gross leasable area of the premises in relation to the total gross leasable
14 area in the qualified development project. The capital investment described herein shall be
15 defined through rules and regulations promulgated by the commerce corporation.

16 (7) "Certified historic structure" means a property which is located in the state of Rhode
17 Island and is

18 (i) Listed individually on the national register of historic places; or

19 (ii) Listed individually in the state register of historic places; or

20 (iii) Located in a registered historic district and certified by either the Rhode Island
21 historical preservation and heritage commission created pursuant to § 42-45-2 or the Secretary of
22 the Interior as being of historic significance to the district.

23 (8) "Commerce corporation" means the Rhode Island commerce corporation established
24 pursuant to general laws § 42-64-1 et seq.

25 (9) "Commercial" shall mean non-residential development.

26 (10) "Developer" means a person, firm, business, partnership, association, political
27 subdivision, or other entity that proposes to divide, divides, or causes to be divided real property
28 into a subdivision or proposes to build, or builds a building or buildings or otherwise improves
29 land or existing structures, which division, building, or improvement qualifies for benefits under
30 this chapter.

31 (11) "Development" means the improvement of land through the carrying out of building,
32 engineering, or other operations in, on, over, or under land, or the making of any material change
33 in the use of any buildings or land for the purposes of accommodating land uses.

34 (12) "Eligibility period" means the period in which a developer may claim a tax credit

1 under this act, beginning with the tax period in which the commerce corporation accepts
2 certification from the developer that it has met the requirements of the act and extending
3 thereafter for a term of five (5) years.

4 (13) "Full-time employee" means a person who is employed by a business for
5 consideration for a minimum of at least thirty-five (35) hours per week, or who renders any other
6 standard of service generally accepted by custom or practice as full-time employment, or who is
7 employed by a professional employer organization pursuant to an employee leasing agreement
8 between the business and the professional employer organization for a minimum of thirty-five
9 (35) hours per week, or who renders any other standard of service generally accepted by custom
10 or practice as full-time employment, and whose wages are subject to withholding.

11 (14) "Hope community" means a municipality for which the five (5) year average
12 percentage of families with income below the federal poverty level exceeds the state five (5) year
13 average percentage, both as most recently reported by the U.S. Department of Commerce, Bureau
14 of the Census.

15 (15) "Mixed use" means a development comprising both commercial and residential
16 components.

17 (16) "Manufacturer" shall mean any entity that:

18 (a) Uses any premises within the state primarily for the purpose of transforming raw
19 materials into a finished product for trade through any or all of the following operations:
20 adapting, altering, finishing, making, processing, refining, metalworking, and ornamenting, but
21 shall not include fabricating processes incidental to warehousing or distribution of raw materials,
22 such as alteration of stock for the convenience of a customer; or

23 (b) Is described in codes 31-33 of the North American Industry Classification System, as
24 revised from time to time.

25 ~~(16)~~(17) "Partnership" means an entity classified as a partnership for federal income tax
26 purposes.

27 ~~(17)~~(18) "Placed in service" means the earlier of i) substantial construction or
28 rehabilitation work has been completed which would allow for occupancy of an entire structure or
29 some identifiable portion of a structure, as established in the application approved by the
30 commerce corporation board or ii) receipt by the developer of a certificate, permit or other
31 authorization allowing for occupancy of the project or some identifiable portion of the project by
32 the municipal authority having jurisdiction.

33 ~~(18)~~(19) "Project" means qualified development project as defined under subsection (22).

34 ~~(19)~~(20) "Project area" means land or lands under common ownership or control in which

1 a qualified development project is located.

2 ~~(20)~~(21) "Project cost" means the costs incurred in connection with the qualified
3 development project or qualified residential or mixed use project by the applicant until the
4 issuance of a permanent certificate of occupancy, or until such other time specified by the
5 commerce corporation, for a specific investment or improvement, as defined through rules and
6 regulations promulgated by the commerce corporation.

7 ~~(21)~~(22) "Project financing gap" means

8 (i) The part of the total project cost that remains to be financed after all other sources of
9 capital have been accounted for (such sources will include, but not be limited to, developer-
10 contributed capital), which shall be defined through rules and regulations promulgated by the
11 commerce corporation, or

12 (ii) The amount of funds that the state may invest in a project to gain a competitive
13 advantage over a viable and comparable location in another state by means described in this
14 chapter.

15 ~~(22)~~(23) "Qualified development project" means a specific construction project or
16 improvement, including lands, buildings, improvements, real and personal property or any
17 interest therein, including lands under water, riparian rights, space rights and air rights, acquired,
18 owned, leased, developed or redeveloped, constructed, reconstructed, rehabilitated or improved,
19 undertaken by a developer, owner or tenant, or both, within a specific geographic area, meeting
20 the requirements of this chapter, as set forth in an application made to the commerce corporation.

21 (24) "Qualified small business project" means a commercial project that is located
22 within one block of a project awarded funding under the Main Street Rhode Island
23 Streetscape Improvement Fund Act, chapter 64.27 of title 42, or as determined by the commerce
24 corporation to be located in a local business district consistent with the purposes of chapter 64.27
25 of title 42.

26 ~~(23)~~(25) "Recognized historical structure" means a property which is located in the state
27 of Rhode Island and is commonly considered to be of historic or cultural significance as
28 determined by the commerce corporation in consultation with the state historic preservation
29 officer.

30 ~~(24)~~(26) "Residential" means a development of residential dwelling units.

31 ~~(25)~~(27) "Targeted industry" means any advanced, promising or otherwise prioritized
32 industry identified in the economic development vision and policy promulgated pursuant General
33 Laws § 42-64.17-1 or, until such time as any such economic development vision and policy is
34 promulgated, as identified by the commerce corporation.

1 ~~(26)~~(28) "Transit oriented development area" means an area in proximity to transit
2 infrastructure that will be further defined by regulation of the commerce corporation in
3 consultation with the Rhode Island department of transportation.

4 ~~(27)~~(29) "Workforce housing" means housing for sale or rent with combined rental costs
5 or combined mortgage loan debt service, property taxes, and required insurance that do not
6 exceed thirty percent (30%) of the gross annual income of a household earning between eighty
7 percent (80%) and one hundred and forty percent (140%) of the area median income, as defined
8 annually by the United States Department of Housing and Urban Development.

9 **42-64.20-5. Tax Credits.**

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

13 (b) To be eligible as a qualified development project entitled to tax credits, an applicant's
14 chief executive officer or equivalent officer shall demonstrate to the commerce corporation, at the
15 time of application, that:

16 (1) The applicant has committed capital investment or owner equity of not less than
17 twenty percent (20%) of the total project cost;

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

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

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

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

34 (iii) Involves a total project cost of not less than \$5,000,000, except for a qualified

1 development project located in a hope community or redevelopment area designated under § 45-
2 32-4 or in which event the commerce corporation shall have the discretion to modify the
3 minimum project cost requirement.

4 (c) Applicants qualifying for a tax credit pursuant to chapter 33.6 of title 44 shall be
5 exempt from the requirements of subparagraphs (b)(3)(ii) and (b)(3)(iii). The following procedure
6 shall apply to such applicants:

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

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

11 (3) The commerce corporation shall not award in excess of fifteen percent (15%) of the
12 annual amount appropriated in any fiscal year to applicants seeking tax credits pursuant to
13 subsection (c).

14 (d) Applicants whose project is occupied by at least one manufacturer or is a qualified
15 small business project shall be exempt from the requirements of subparagraphs (b)(3)(ii) and
16 (b)(3)(iii), and the commerce corporation may establish minimum project cost amounts required
17 for eligibility under this paragraph. In the case of qualified small business projects, the commerce
18 corporation may require a plan for the area and/or demonstration of support from a municipality,
19 local business association, or chamber of commerce.

20 ~~(e)~~ (e) Maximum project credit.

21 (i) For qualified development projects, the maximum tax credit allowed under this
22 chapter shall be the lesser of (1) thirty percent (30%) of the total project cost; or (2) the amount
23 needed to close a project financing gap (after taking into account all other private and public
24 funding sources available to the project), as determined by the commerce corporation.

25 (ii) The credit allowed pursuant to this chapter shall not exceed fifteen million dollars
26 (\$15,000,000) for any qualified development project under this chapter. No building or qualified
27 development project to be completed in phases or in multiple projects shall exceed the maximum
28 project credit of fifteen million dollars (\$15,000,000) for all phases or projects involved in the
29 rehabilitation of such building. Provided, however, that for purposes of this subsection and no
30 more than once in a given fiscal year, the commerce corporation may consider the development
31 of land and buildings by a developer on the "I-195 land" (as defined in section 42-64.24-3(6) of
32 the general laws) as a separate, qualified development project from a qualified development
33 project by a tenant or owner of a commercial condominium or similar legal interest including
34 leasehold improvement, fit out, and capital investment. Such qualified development project by a

1 tenant or owner of a commercial condominium or similar legal interest on the I-195 land may be
2 exempted from subparagraph (d)(i)(1).

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

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

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

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

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

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

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

19 ~~(g)~~(g) *Maximum aggregate credits.* The aggregate sum authorized pursuant to this chapter
20 shall not exceed one hundred and fifty million dollars (\$150,000,000).

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

23 ~~(i)~~(i) The amount of a tax credit allowed under this chapter shall be allowable to the
24 taxpayer in up to five, annual increments; no more than thirty percent (30%) and no less than
25 fifteen percent (15%) of the total credits allowed to a taxpayer under this chapter may be
26 allowable for any taxable year, except for projects with a project financing gap of less than
27 \$500,000.

28 ~~(j)~~(j) If the portion of the tax credit allowed under this chapter exceeds the taxpayer's total
29 tax liability for the year in which the relevant portion of the credit is allowed, the amount that
30 exceeds the taxpayer's tax liability may be carried forward for credit against the taxes imposed for
31 the succeeding four (4) years, or until the full credit is used, whichever occurs first. Credits
32 allowed to a partnership, a limited liability company taxed as a partnership, or multiple owners of
33 property shall be passed through to the persons designated as partners, members, or owners
34 respectively pro rata or pursuant to an executed agreement among such persons designated as

1 partners, members, or owners documenting an alternate distribution method without regard to
2 their sharing of other tax or economic attributes of such entity.

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

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

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

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

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

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

31 ~~(q)~~(q) The commerce corporation shall promulgate rules and regulations for the
32 administration and certification of additional tax credit under subsection (e), including criteria for
33 the eligibility, evaluation, prioritization, and approval of projects that qualify for such additional
34 tax credit.

1 pursuant to general laws 42-64-1 et. seq.:

2 (3) “Eligible taxpayer” means a taxpayer eligible for an investment tax credit pursuant to
3 general law 44-31-1;

4 (4) “Manufacturing” and “Manufacturer” shall have the same meanings as provided in
5 44-

6 31-1(b)(1) and (2) and shall further include any entity described in major groups 20
7 through 39 in the Standard Industrial Classification Manual prepared by the technical committee
8 on industrial classification, office of statistical standards, executive office of the president, United
9 States Bureau of Budget, as revised from time to time.

10 (5) “Refund or redemption” for purposes of this chapter means the taking of a tax credit
11 against a tax liability or obtaining a refund for a tax credit or a portion thereof.

12 (6) “Targeted industries” shall have the same meaning as provide din general law 42-
13 64.20-

14 3 (Rebuild Rhode Island Tax Credit Program) and the regulations promulgated
15 thereunder.

16 (7) “Tax liability” for purposes of this chapter means (i) the amount of tax owed to the
17 state of Rhode Island calculated as the Rhode Island adjusted taxable income minus any Rhode
18 Island tax credit on Schedule B-CR other than credits allowed under this chapter; or (ii) the
19 minimum tax for filers of Form RI 11120S; or (iii) the Rhode Island annual fee for file.

20 **42-64.33-4. Establishment of program.**

21 A refundable investment tax credit program is hereby established as a program under the
22 jurisdiction of and administered by the commerce corporation.

23 **42-64.33-5. Refundable Tax credits.**

24 (a) To be eligible to take and or redeem tax credits under this chapter, a business must
25 submit a completed application to the commerce corporation for approval prior to making the
26 investment that will give rise to the requested tax credit. Such application shall be developed by
27 the commerce corporation.

28 (b) The commerce corporation may take into account the following factors in
29 determining whether to approve an application for a refundable investment tax credit pursuant to
30 this chapter: the nature and amount of the business’s investment; the necessity of the investment
31 and/or credit; whether the business is engaged in a targeted industry; the number of jobs created
32 by the business’s investment; whether the investment took place in a Hope community as defined
33 in general law 42-64.20-3 and the regulations promulgated thereunder; and such other factors as
34 the commerce corporation deems relevant.

1 (c) The refundable tax credit shall be available only to the extent that the business's
2 investment credit exceeds that business's tax liability for the tax year in which the credit is
3 available.

4 (d) The amount of the refundable tax credit available to any business in any given tax
5 year shall not exceed the sum of one-hundred thousand dollars (\$100,000).

6 (e) Prior to approving an application for refundable credits, the commerce corporation
7 shall require the business to enter into an incentive agreement setting forth the business's
8 eligibility to use or redeem the tax credits and the terms and conditions governing the approval
9 and receipt of the refundable tax credits.

10 (f) To take or redeem refundable tax credit authorized by the corporation, an eligible
11 business shall apply annually to the commerce corporation for a certification that the business has
12 met all the requirements of this chapter and the incentive agreement. The commerce corporation
13 shall either issue a certification to the business or provide a written response detailing any
14 deficiencies precluding certification. The commerce corporation may deny an applicant for
15 certification, or declare the incentive agreement null and void if the business does not meet all
16 requirements of this chapter and/or any additional terms and conditions of the incentive
17 agreement.

18 (g) Upon issuance of a certification by the commerce corporation under subsection (f)
19 above, and at the request of the business, the division of taxation shall, on behalf of the State of
20 Rhode Island issue redemption tax certificate(s) as specified in the certification issued by the
21 commerce corporation pursuant to section (f) above.

22 (h) A taxpayer shall be entitled to take investment tax credits, up to the limit authorized
23 in this chapter, against taxes imposed pursuant to chapters 11 and 30 of title 44.

24 (i) Subject to annual appropriation in the state budget and upon written request of a
25 taxpayer, the state shall refund the amount of tax credit provided under this chapter in whole or in
26 part up to one hundred percent (100%) of the value of the redemption certificates issued under
27 subsection (g) reduced by the amount of the tax credit taken, if any; provided however, that
28 taxpayer may only claim a refund of a credit amount, in whole or part, for the year for which the
29 tax credit was issued. Credits carried over pursuant to subsection (j) shall not be refundable.

30 (j) If the tax credit allowed under this chapter exceeds the taxpayer's total tax liability for
31 the year in which the credit is allowed, the amount that exceeds the taxpayer's tax liability after
32 taking account any credit taken under this chapter may either be refunded pursuant to subsection
33 (i) or carried forward for credit against the tax liability for the succeeding years, or until the tax
34 credit is used in full, whichever occurs first.

1 (k) In the case of a corporation that files a consolidated return, this credit shall only be
2 allowed against the tax of a corporation included in a consolidated return that qualifies for the
3 credit and not against the tax of other corporations that may join in the filing of a consolidated tax
4 return.

5 (l) Credits allowed to a partnership, a limited liability company taxed as a partnership, or
6 multiple owners of property shall be passed through to the persons designated as partners,
7 members or owners respectively pro rata or pursuant to an executed agreement among such
8 persons designated as partners, members or owners documenting an alternate distribution method
9 without regard to their sharing of other tax or economic attributes of such entity.

10 (m) Any expenses used for calculating the tax credit under this chapter cannot be used in
11 calculating a tax credit under any other tax credit program in Rhode Island law.

12 (n) In the event any taxpayer seeking a refund under this chapter has outstanding Rhode
13 Island tax obligations, the division of taxation shall be permitted to apply said refund to the
14 outstanding tax obligations.

15 **42-64.33-6. Refundable investment tax credit fund.**

16 There is hereby established at the commerce corporation a restricted account known as
17 the refundable investment tax credit fund (the “fund”) into which all amounts appropriated in the
18 state budget for the redemption of tax credits under this chapter shall be deposited. The fund shall
19 be used to pay for the redemption of investment tax credits pursuant to the provisions of this
20 chapter and for which a taxpayer is eligible under general laws 44-31-1. The fund shall be exempt
21 from attachment, levy or any other process at law or in equity. The director of the department of
22 revenue shall make a requisition to the commerce corporation for funding during any fiscal year
23 as may be necessary to pay for the redemption pursuant to this chapter. The commerce
24 corporation shall pay from the fund such amounts as requested by the director of the department
25 of revenue necessary to redeem tax credits pursuant to this chapter.

26 **42-64.33-7. Program integrity.**

27 (a) Program integrity being of paramount importance, the commerce corporation shall
28 establish procedures to ensure ongoing compliance with the terms and conditions of the program
29 established herein, including procedures to safeguard approval of redemption of the credits and to
30 ensure that authorized redemptions further the objectives of the program.

31 (b) The commerce corporation and division of taxation may promulgate such rules and
32 regulations pursuant to chapter 35 of title 42 of the general laws as deemed necessary to carry out
33 the intent, purpose and implementation of the program established under this chapter.

34 **42-64.33-8. Reporting requirements.**

1 (a) By September 1, 2018 and each year thereafter, the commerce corporation shall report
2 the name and address of each business entering into an incentive agreement during the previous
3 state fiscal year to the division of taxation. The commerce corporation shall also make this
4 information publicly available on its website. In addition, the commerce corporation shall provide
5 the division of taxation a copy of each incentive agreement as they are executed.

6 (b) By December 1, 2018 and each year thereafter, the office of management and budget
7 shall provide the governor with the sum, if any, to be appropriated to fund the refundable
8 investment tax credit program.

9 SECTION 17. Title 42 of the General Laws entitled "State Affairs and Government" is
10 hereby amended by adding thereto the following chapter:

11 CHAPTER 64.34

12 MANUFACTURING SITE READINESS ACT

13 **42-64.34-1. Short title.**

14 This chapter shall be known as the "Manufacturing Site Readiness Act."

15 **42-64.34-2. Statement of intent.**

16 The purpose of this act is to develop an inventory of vetted, pad-ready sites in the state
17 capable of supporting large scale economic development.

18 **42-64.34-3. Definitions.**

19 As used in this chapter:

20 (1) "Commerce corporation" means the Rhode Island commerce corporation established
21 pursuant to General Laws section 42-64-1 et. seq.

22 (2) "Program" means the manufacturing site readiness program established by this act.

23 (3) "Qualifying property" means a property capable of supporting large-scale economic
24 development and including, but not limited to, manufacturing, industrial, and distribution uses.

25 **42-64.34-4. Establishment of program.**

26 There is hereby established the manufacturing site readiness program to be administered
27 by the commerce corporation as set forth in this chapter.

28 **42-64.34-4. Establishment of manufacturing site readiness fund.**

29 (a) The manufacturing site readiness fund is hereby created within the commerce
30 corporation. The commerce corporation is authorized, within available appropriations, to award
31 grants as more particularly set forth in this chapter. The fund shall consist of:

32 (1) Money appropriated in the state budget to fund the program;

33 (2) Money made available to the program through federal or private sources; and

34 (3) Any other money made available to the program.

1 (b) Funding for the program shall only be used for program purposes.

2 **42-64.34-5. Powers of commerce corporation.**

3 (a) The commerce corporation shall issue one or more requests for expressions of interest
4 to solicit participants in the program.

5 (b) Subject to available funding and at its discretion, the commerce corporation may
6 undertake a review of a qualifying property to determine its suitability for funding under the
7 program and may consider, among other attributes, the following in making a grant award:

8 (1) The location, size and suitability of the qualified property for development;

9 (2) Liens and encumbrances on the qualified property;

10 (3) Zoning of the qualified property for industrial use and/ or host community support for
11 rezoning;

12 (4) Site conditions of the qualified property;

13 (5) Existing due diligence on the qualified property;

14 (6) The cost to develop a pad-ready site on the qualified property; and

15 (7) The willingness of the property owner to commit to development of a pad-ready
16 industrial site. The commerce corporation may provide a grant to undertake due diligence for a
17 qualifying property, which may include, but not be limited to, site surveys, topographic surveys,
18 wetland determinations, phase 1 environmental site assessments, applicable zoning reviews,
19 utility availability studies, and preliminary site engineering to determine building potential and
20 site improvement costs.

21 (c) The commerce corporation shall qualify consultants, engineers and/or professionals
22 eligible to complete the due diligence in connection with an award under this chapter.

23 (d) Grant funding under this chapter shall be paid by the commerce corporation to such
24 qualified consultant, engineer and/or professional performing the services of a qualifying
25 property.

26 (e) The commerce corporation shall have no obligation to make any award under this
27 chapter.

28 **42-64.34-6. Implementation guidelines, directives, criteria, rules, regulations.**

29 The commerce corporation may adopt implementation guidelines, directives, criteria,
30 rules and regulations pursuant to section 42-35-3 of the General Laws as are necessary for the
31 implementation and administration of the program.

32 **42-64.34-7. Program integrity.**

33 Program integrity being of paramount importance, the commerce corporation shall
34 establish procedures to ensure ongoing compliance with the terms and conditions of the program

1 established herein, including procedures to safeguard the expenditure of public funds and to
2 ensure that the funds further the objectives of the program.

3 **42-64.34-8. Reporting requirements.**

4 The commerce corporation shall publish a report on the program at the end of each fiscal
5 year. The report shall contain information on the commitment, disbursement, and use of funds
6 allocated under the program. The report is due no later than sixty (60) days after the end of the
7 fiscal year, and shall be provided to the speaker of the house of representatives and the president
8 of the senate.

9 SECTION 18. Title 42 of the General Laws entitled "State Affairs and Government" is
10 hereby amended by adding thereto the following chapter:

11 CHAPTER 64.35

12 TECHNICAL ASSISTANCE FOR MUNICIPAL ZONING AND PERMITTING FUND

13 **42-64.35-1. Short title.-** This chapter shall be known and may be cited as the "Technical
14 Assistance for Municipal Zoning and Permitting Fund."

15 **42-64.35-2. Statement of intent. -** Outdated and overly burdensome zoning, planning,
16 and permitting codes and processes can inhibit the establishment of sustained economic
17 development at the local level. It is the intention of the general assembly to assist municipalities
18 in addressing and streamlining their respective zoning, planning, and permitting codes and
19 processes by creating a funding program to provide access to technical assistance for the
20 evaluation and betterment of such codes and processes.

21 **42-64.35-3. Fund established. -** The technical assistance for municipal zoning and
22 permitting fund is hereby created within the Rhode Island commerce corporation (the "fund").
23 The commerce corporation is authorized, within available appropriations, to award loans, grants,
24 and other forms of financing to provide access by municipalities to technical assistance to
25 evaluate and streamline their respective zoning, planning, and permitting codes and processes to
26 foster economic development and business attraction within their respective municipalities.
27 Applications and awards of grants, loans, and other forms of financing shall be on a rolling basis.
28 The corporation may, however, periodically set deadlines and make awards. There is established
29 an account in the name of the "technical assistance for municipal zoning and permitting fund"
30 under the control of the commerce corporation, and the commerce corporation shall pay into such
31 account any eligible funds available to the commerce corporation from any source, including
32 funds appropriated by the state and any grants made available by the United States or any agency
33 of the United States.

34 **42-64.35-4. Rules and regulations. -** The commerce corporation is hereby authorized to

1 promulgate such rules and regulations as are necessary to fulfill the purposes of this chapter,
2 including the criteria by which grant, loan, or other form of financing applications will be judged
3 and awarded.

4 **42-64.35-5. Reporting requirements.** - The commerce corporation shall publish a report
5 on the fund at the end of each fiscal year, which shall contain information on the commitment,
6 disbursement, and use of funds allocated under the fund. The report shall also, to the extent
7 practicable, track the economic impact of projects that have been completed using the fund. The
8 report is due no later than sixty (60) days after the end of the fiscal year, and shall be provided to
9 the speaker of the house of representatives and the president of the senate.

10 **42-64.35-6. Program integrity.** - Program integrity being of paramount importance, the
11 commerce corporation shall establish procedures to ensure ongoing compliance with the terms
12 and conditions of the program established herein, including procedures to safeguard the
13 expenditure of public funds and to ensure that the funds further the objectives of the program.

14 SECTION 19. "Rhode Island New Qualified Jobs Incentive Act 2015" are hereby
15 amended to read as follows:

16 **44-48.3-3. Definitions.**

17 As used in this chapter, unless the context clearly indicates otherwise, the following
18 words and phrases shall have the following meanings:

19 (1) "Affiliate" or "affiliated entity" means an entity that directly or indirectly controls, is
20 under common control with, or is controlled by the business. Control exists in all cases in which
21 the entity is a member of an affiliated group of corporations as defined pursuant to § 1504 of the
22 Internal Revenue Code of 1986 (26 U.S.C. § 1504) or the entity is an organization in a group of
23 organizations under common control as defined pursuant to subsection (b) or (c) of § 414 of the
24 Internal Revenue Code of 1986 (26 U.S.C. § 414). A taxpayer may establish by clear and
25 convincing evidence, as determined by the commerce corporation, that control exists in situations
26 involving lesser percentages of ownership than required by those statutes. An affiliate of a
27 business may contribute to meeting full-time employee requirements of a business that applies for
28 a credit under this chapter.

29 (2) "Business" means an applicant that is a corporation, state bank, federal savings bank,
30 trust company, national banking association, bank holding company, loan and investment
31 company, mutual savings bank, credit union, building and loan association, insurance company,
32 investment company, broker-dealer company or surety company, limited liability company,
33 partnership or sole proprietorship.

34 (3) "Commerce corporation" means the Rhode Island commerce corporation established

1 pursuant to chapter 64 of title 42.

2 (4) "Commitment period" means the period of time that at a minimum is twenty percent
3 (20%) greater than the eligibility period.

4 (5) "Eligibility period" means the period in which a business may claim a tax credit under
5 the program, beginning at the end of the tax period in which the commerce corporation issues a
6 certification for the business that it has met the employment requirements of the program and
7 extending thereafter for a term of not more than ten (10) years.

8 (6) "Eligible position" or "full-time job" means a full-time position in a business which
9 has been filled with a full-time employee who earns no less than the median hourly wage as
10 reported by the United States Bureau of Labor Statistics for the state of Rhode Island, provided,
11 that for economically fragile industries such as manufacturing, the commerce corporation may
12 reduce the wage threshold. An economically fragile industry shall not include retail.

13 (7) "Full-time employee" means a person who is employed by a business for
14 consideration for at least thirty-five (35) hours a week, or who is employed by a professional
15 employer organization pursuant to an employee leasing agreement between the business and the
16 professional employer organization for at least thirty-five (35) hours a week, and whose wages
17 are subject to withholding.

18 (8) "Hope community" means municipalities with a percentage of families below the
19 poverty level that is greater than the percentage of families below the poverty level for the state as
20 a whole as determined by the United States Census Bureau's most recent American Community
21 Survey.

22 (9) "Incentive agreement" means the contract between the business and the commerce
23 corporation, which sets forth the terms and conditions under which the business shall be eligible
24 to receive the incentives authorized pursuant to the program.

25 (10) "Incentive effective date" means the date the commerce corporation issues a
26 certification for issuance of tax credit based on documentation submitted by a business pursuant
27 to § 44-48.3-7.

28 (11) "Manufacturer" shall mean any entity that:

29 (a) Uses any premises within the state primarily for the purpose of transforming raw
30 materials into a finished product for trade through any or all of the following operations:
31 adapting, altering, finishing, making, processing, refining, metalworking, and ornamenting, but
32 shall not include fabricating processes incidental to warehousing or distribution of raw materials,
33 such as alteration of stock for the convenience of a customer; or

34 (b) Is described in codes 31-33 of the North American Industry Classification System, as

1 [revised from time to time.](#)

2 ~~(11)~~(12) "New full-time job" means an eligible position created by the business that did
3 not previously exist in this state and which is created after approval of an application to the
4 commerce corporation under the program. Such job position cannot be the result of an acquisition
5 of an existing company located in Rhode Island by purchase, merger, or otherwise. For the
6 purposes of determining the number of new full-time jobs, the eligible positions of an affiliate
7 shall be considered eligible positions of the business so long as such eligible position(s) otherwise
8 meets the requirements of this section.

9 ~~(12)~~(13) "Partnership" means an entity classified as a partnership for federal income tax
10 purposes.

11 ~~(13)~~(14) "Program" means the incentive program established pursuant to this chapter.

12 ~~(14)~~(15) "Targeted industry" means any industry identified in the economic development
13 vision and policy promulgated under § 42-64.17-1 or, until such time as any economic
14 development vision and policy is promulgated, as identified by the commerce corporation.

15 ~~(15)~~(16) "Taxpayer" means a business granted a tax credit under this chapter or such
16 person entitled to the tax credit because the business is a pass through entity such as a partnership,
17 S corporation, sole proprietorship or limited liability company taxed as a partnership.

18 ~~(16)~~(17) "Transit oriented development area" means an area in proximity to mass-transit
19 infrastructure including, but not limited to, an airport, rail or intermodal facility that will be
20 further defined by regulation of the commerce corporation in consultation with the Rhode Island
21 department of transportation.

22 **44-48.3-4. Rhode Island qualified jobs incentive program.** – (a) The Rhode Island
23 qualified jobs incentive program is hereby established as a program under the jurisdiction of and
24 shall be administered by the commerce corporation. The program may provide tax credits to
25 eligible businesses for an eligibility period not to exceed ten (10) years.

26 (b) An eligible business under the program shall be entitled to a credit against taxes
27 imposed pursuant to chapters 11, 13, 14, 17 or 30 of title 44 as further provided under this
28 chapter.

29 (c) The minimum number of new full-time jobs required to be eligible for a tax credit
30 under this program shall be as follows:

31 (1) For a business in a targeted industry that employs not more than one hundred (100)
32 full-time employees on the date of application to the commerce corporation, the creation of at
33 least ten (10) new full-time jobs in this state;

34 (2) For a business in a targeted industry that employs more than one hundred (100) full-

1 time employees on the date of application to the commerce corporation, either the creation of new
2 full-time jobs in this state in an amount not less than ten percent (10%) of the business's existing
3 number of full-time employees or the creation of at least one hundred (100) new full-time jobs in
4 this state;

5 (3) For a business in a non-targeted industry that employs not more than two hundred
6 (200) full-time employees on the date of application to the commerce corporation, the creation of
7 at least twenty (20) new full-time jobs in this state; or

8 (4) For a business in a non-targeted industry that employs more than two hundred (200)
9 full-time employees on the date of application to the commerce corporation, either the creation of
10 new full-time jobs in this state in an amount not less than ten percent (10%) of the business's
11 existing number of full-time employees or the creation of at least one hundred (100) new full-
12 time jobs in this state.

13 (5) Notwithstanding subsections (c)(1) through (4):

14 (i) For a manufacturer the creation of new full-time jobs in this state in an amount not
15 less than ten percent (10%) of the manufacturer's existing number of full-time employees or the
16 creation of at least one hundred (100) new full-time jobs in this state.

17 (d) When a business applies for an incentive under this chapter, in order to assist the
18 commerce corporation in determining whether the business is eligible for the incentives under
19 this chapter, the business's chief executive officer, or equivalent officer, shall attest under oath:

20 (1) That any projected creation of new full-time jobs would not occur, or would not occur
21 in the state of Rhode Island, but for the provision of tax credits under the program;

22 (2) The business will create new full-time jobs in an amount equal to or greater than the
23 applicable number set forth in subsection (c) of this section;

24 (3) That the business's chief executive officer, or equivalent officer, has reviewed the
25 information submitted to the commerce corporation and that the representations contained therein
26 are accurate and complete.

27 (e) The commerce corporation shall establish, by regulation, the documentation an
28 applicant shall be required to provide under this subsection. Such documentation may include
29 documentation showing that the applicant could reasonably locate the new positions outside of
30 this state, or that the applicant is considering locating the positions outside of this state, or that it
31 would not be financially feasible for the applicant to create the positions without the tax credits
32 provided in this chapter.

33 (f) In the event that this attestation by the business's chief executive officer, or equivalent
34 officer, required under subsection (d) of this section is found to be willfully false, the commerce

1 corporation may revoke any award of tax credits in their entirety, which revocation shall be in
2 addition to any other criminal or civil penalties that the business and/or the officer may be subject
3 to under applicable law. Additionally, the commerce corporation may revoke any award of tax
4 credits in its entirety if the eligible business is convicted of bribery, fraud, theft, embezzlement,
5 misappropriation, and/or extortion involving the state, any state agency or political subdivision of
6 the state.

7 (g) The definition of manufacturer in this chapter is limited to the eligibility for the
8 program in this chapter only and shall not modify or define the legal standing of a manufacturer
9 for any other purpose in Title 44 of the Rhode Island general laws.

10 SECTION 20. This Article shall take effect upon passage.

11 ARTICLE 13

12 RELATING TO MEDICAL ASSISTANCE

13 SECTION 1. Sections 40-8-4, 40-8-13.4, 40-8-15 and 40-8-19 of the General Laws in
14 Chapter 40-8 entitled "Medical Assistance" are hereby amended to read as follows:

15 **40-8-4. ~~Direct vendor payment plan.~~ Medicaid vendor payment and beneficiary**
16 **copayment.**

17 (a) The ~~department~~ executive office of health and human services ("executive office")
18 shall furnish medical care benefits to eligible beneficiaries through ~~a direct vendor payment plan~~
19 and/or other methodologies and plans authorized in this chapter. ~~The plan shall include, but need~~
20 ~~not be limited to, any or all of the following benefits, which benefits shall be contracted for by the~~
21 ~~director.~~ Such plans and methodologies shall cover the services and supports approved as eligible
22 for federal financial participation identified in the Medicaid state plan and any active waivers.:

23 ~~(1) Inpatient hospital services, other than services in a hospital, institution, or facility for~~
24 ~~tuberculosis or mental diseases;~~

25 ~~(2) Nursing services for such period of time as the director shall authorize;~~

26 ~~(3) Visiting nurse service;~~

27 ~~(4) Drugs for consumption either by inpatients or by other persons for whom they are~~
28 ~~prescribed by a licensed physician;~~

29 ~~(5) Dental services; and~~

30 ~~(6) Hospice care up to a maximum of two hundred and ten (210) days as a lifetime~~
31 ~~benefit.~~

32 ~~(b) For purposes of this chapter, the payment of federal Medicare premiums or other~~
33 ~~health insurance premiums by the department on behalf of eligible beneficiaries in accordance~~
34 ~~with the provisions of Title XIX of the federal Social Security Act, 42 U.S.C. § 1396 et seq., shall~~

1 ~~be deemed to be a direct vendor payment.~~

2 (e) With respect to medical care benefits furnished ~~to eligible individuals~~ under this
3 chapter, ~~or~~ Title XIX, or Title XXI of the federal Social Security Act, the ~~department~~ executive
4 office is authorized and directed to impose:

5 (i) ~~Nominal~~ nominal co-payments or similar charges upon ~~eligible individuals~~ adults over
6 the age of nineteen (19) who are not living with a disability and eligible for Medicaid pursuant to
7 §§ 40-8.4-4(b), 40-8.5-1, 40-8.12-2(a), the total of which is not to exceed five (5) percent of
8 annual countable income in a year eligibility period, as follows:

9 (i) Copayments in the amount of eight dollars (\$8.00) per visit for non-emergency
10 services provided in a hospital emergency room; three dollars (\$3.00) per inpatient hospital visit;
11 and three dollars (\$3.00) per non-preventive health physical office visit.

12 (ii) Co-payments for prescription drugs in the amount of ~~one dollar (\$1.00)~~ two dollars
13 and fifty cents (\$2.50) for generic drug prescriptions and ~~three~~ four dollars (~~\$3.00~~ 4.00) for brand
14 name drug prescriptions in accordance with the provisions of 42 U.S.C. § 1396, et seq.

15 (d)(b) The ~~department~~ executive office is authorized and directed to promulgate rules and
16 regulations to impose such co-payments or charges and to provide that, with respect to
17 subdivision (ii) above, those regulations shall be effective upon filing.

18 (e) (c) No state agency shall pay a vendor for medical benefits provided to a ~~recipient of~~
19 ~~assistance~~ beneficiary under this chapter until and unless the vendor has submitted a claim for
20 payment to a commercial insurance plan, Medicare, and/or a Medicaid managed care plan, if
21 applicable for that ~~recipient~~ beneficiary, in that order. This includes payments for skilled nursing
22 and therapy services specifically outlined in Chapter 7, 8 and 15 of the Medicare Benefit Policy
23 Manual.

24 **40-8-13.4. Rate methodology for payment for in state and out of state hospital**
25 **services.**

26 (a) The executive office of health and human services ("executive office") shall
27 implement a new methodology for payment for in-state and out-of-state hospital services in order
28 to ensure access to, and the provision of, high-quality and cost-effective hospital care to its
29 eligible recipients.

30 (b) In order to improve efficiency and cost effectiveness, the executive office shall:

31 (1)(i) With respect to inpatient services for persons in fee-for-service Medicaid, which is
32 non-managed care, implement a new payment methodology for inpatient services utilizing the
33 Diagnosis Related Groups (DRG) method of payment, which is a patient-classification method
34 that provides a means of relating payment to the hospitals to the type of patients cared for by the

1 hospitals. It is understood that a payment method based on DRG may include cost outlier
2 payments and other specific exceptions. The executive office will review the DRG-payment
3 method and the DRG base price annually, making adjustments as appropriate in consideration of
4 such elements as trends in hospital input costs; patterns in hospital coding; beneficiary access to
5 care; and the Centers for Medicare and Medicaid Services national CMS Prospective Payment
6 System (IPPS) Hospital Input Price index. For the twelve-month (12) period beginning July 1,
7 2015, the DRG base rate for Medicaid fee-for-service inpatient hospital services shall not exceed
8 ninety-seven and one-half percent (97.5%) of the payment rates in effect as of July 1, 2014. [For](#)
9 [the twelve \(12\) month period beginning July 1, 2018, there shall be no increase in the DRG base](#)
10 [rate for Medicaid fee-for-service inpatient hospital services.](#)

11 (ii) With respect to inpatient services, (A) It is required as of January 1, 2011 until
12 December 31, 2011, that the Medicaid managed care payment rates between each hospital and
13 health plan shall not exceed ninety and one tenth percent (90.1%) of the rate in effect as of June
14 30, 2010. Increases in inpatient hospital payments for each annual twelve-month (12) period
15 beginning January 1, 2012 may not exceed the Centers for Medicare and Medicaid Services
16 national CMS Prospective Payment System (IPPS) Hospital Input Price index for the applicable
17 period; (B) Provided, however, for the twenty-four-month (24) period beginning July 1, 2013, the
18 Medicaid managed care payment rates between each hospital and health plan shall not exceed the
19 payment rates in effect as of January 1, 2013, and for the twelve-month (12) period beginning
20 July 1, 2015, the Medicaid managed-care payment inpatient rates between each hospital and
21 health plan shall not exceed ninety-seven and one-half percent (97.5%) of the payment rates in
22 effect as of January 1, 2013; (C) Increases in inpatient hospital payments for each annual twelve-
23 month (12) period beginning July 1, 2017, shall be the Centers for Medicare and Medicaid
24 Services national CMS Prospective Payment System (IPPS) Hospital Input Price Index, less
25 Productivity Adjustment, for the applicable period and shall be paid to each hospital retroactively
26 to July 1; (D) [For the twelve \(12\) month period beginning July 1, 2018, the Medicaid managed](#)
27 [care payment rates between each hospital and health plan shall not exceed the payment rates in](#)
28 [effect as of January 1, 2017.](#) The executive office will develop an audit methodology and process
29 to assure that savings associated with the payment reductions will accrue directly to the Rhode
30 Island Medicaid program through reduced managed-care-plan payments and shall not be retained
31 by the managed-care plans; (E) All hospitals licensed in Rhode Island shall accept such payment
32 rates as payment in full; and (F) For all such hospitals, compliance with the provisions of this
33 section shall be a condition of participation in the Rhode Island Medicaid program.

34 (2) With respect to outpatient services and notwithstanding any provisions of the law to

1 the contrary, for persons enrolled in fee-for-service Medicaid, the executive office will reimburse
2 hospitals for outpatient services using a rate methodology determined by the executive office and
3 in accordance with federal regulations. Fee-for-service outpatient rates shall align with Medicare
4 payments for similar services. Notwithstanding the above, there shall be no increase in the
5 Medicaid fee-for-service outpatient rates effective on July 1, 2013, July 1, 2014, or July 1, 2015.
6 For the twelve-month (12) period beginning July 1, 2015, Medicaid fee-for-service outpatient
7 rates shall not exceed ninety-seven and one-half percent (97.5%) of the rates in effect as of July 1,
8 2014. Increases in the outpatient hospital payments for the twelve-month (12) period beginning
9 July 1, 2016, may not exceed the CMS national Outpatient Prospective Payment System (OPPS)
10 Hospital Input Price Index. [Effective July 1, 2018, there shall be no increase in the Medicaid fee-](#)
11 [for-service outpatient hospital rates.](#) With respect to the outpatient rate, (i) It is required as of
12 January 1, 2011, until December 31, 2011, that the Medicaid managed-care payment rates
13 between each hospital and health plan shall not exceed one hundred percent (100%) of the rate in
14 effect as of June 30, 2010; (ii) Increases in hospital outpatient payments for each annual twelve-
15 month (12) period beginning January 1, 2012 until July 1, 2017, may not exceed the Centers for
16 Medicare and Medicaid Services national CMS Outpatient Prospective Payment System OPPS
17 hospital price index for the applicable period; (iii) Provided, however, for the twenty-four-month
18 (24) period beginning July 1, 2013, the Medicaid managed-care outpatient payment rates between
19 each hospital and health plan shall not exceed the payment rates in effect as of January 1, 2013,
20 and for the twelve-month (12) period beginning July 1, 2015, the Medicaid managed-care
21 outpatient payment rates between each hospital and health plan shall not exceed ninety-seven and
22 one-half percent (97.5%) of the payment rates in effect as of January 1, 2013; (iv) Increases in
23 outpatient hospital payments for each annual twelve-month (12) period beginning July 1, 2017,
24 shall be the Centers for Medicare and Medicaid Services national CMS OPPS Hospital Input
25 Price Index, less Productivity Adjustment, for the applicable period and shall be paid to each
26 hospital retroactively to July 1. [For the twelve \(12\) month period beginning July 1, 2018, the](#)
27 [Medicaid managed-care outpatient payment rates between each hospital and health plan shall not](#)
28 [exceed the payment rates in effect as of January 1, 2017.](#)

29 (3) "Hospital", as used in this section, shall mean the actual facilities and buildings in
30 existence in Rhode Island, licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter
31 any premises included on that license, regardless of changes in licensure status pursuant to
32 chapter 17.14 of title 23 (hospital conversions) and § 23-17-6(b) (change in effective control),
33 that provides short-term, acute inpatient and/or outpatient care to persons who require definitive
34 diagnosis and treatment for injury, illness, disabilities, or pregnancy. Notwithstanding the

1 preceding language, the Medicaid managed care payment rates for a court-approved purchaser
2 that acquires a hospital through receivership, special mastership or other similar state insolvency
3 proceedings (which court-approved purchaser is issued a hospital license after January 1, 2013)
4 shall be based upon the new rates between the court-approved purchaser and the health plan, and
5 such rates shall be effective as of the date that the court-approved purchaser and the health plan
6 execute the initial agreement containing the new rates. The rate-setting methodology for
7 inpatient-hospital payments and outpatient-hospital payments set forth in subdivisions
8 (b)(1)(ii)(C) and (b)(2), respectively, shall thereafter apply to increases for each annual twelve-
9 month (12) period as of July 1 following the completion of the first full year of the court-
10 approved purchaser's initial Medicaid managed care contract.

11 (c) It is intended that payment utilizing the DRG method shall reward hospitals for
12 providing the most efficient care, and provide the executive office the opportunity to conduct
13 value-based purchasing of inpatient care.

14 (d) The secretary of the executive office is hereby authorized to promulgate such rules
15 and regulations consistent with this chapter, and to establish fiscal procedures he or she deems
16 necessary, for the proper implementation and administration of this chapter in order to provide
17 payment to hospitals using the DRG-payment methodology. Furthermore, amendment of the
18 Rhode Island state plan for Medicaid, pursuant to Title XIX of the federal Social Security Act, is
19 hereby authorized to provide for payment to hospitals for services provided to eligible recipients
20 in accordance with this chapter.

21 (e) The executive office shall comply with all public notice requirements necessary to
22 implement these rate changes.

23 (f) As a condition of participation in the DRG methodology for payment of hospital
24 services, every hospital shall submit year-end settlement reports to the executive office within one
25 year from the close of a hospital's fiscal year. Should a participating hospital fail to timely submit
26 a year-end settlement report as required by this section, the executive office shall withhold
27 financial-cycle payments due by any state agency with respect to this hospital by not more than
28 ten percent (10%) until said report is submitted. For hospital fiscal year 2010 and all subsequent
29 fiscal years, hospitals will not be required to submit year-end settlement reports on payments for
30 outpatient services. For hospital fiscal year 2011 and all subsequent fiscal years, hospitals will not
31 be required to submit year-end settlement reports on claims for hospital inpatient services.
32 Further, for hospital fiscal year 2010, hospital inpatient claims subject to settlement shall include
33 only those claims received between October 1, 2009, and June 30, 2010.

34 (g) The provisions of this section shall be effective upon implementation of the new

1 payment methodology set forth in this section and § 40-8-13.3, which shall in any event be no
2 later than March 30, 2010, at which time the provisions of §§ 40-8-13.2, 27-19-14, 27-19-15, and
3 27-19-16 shall be repealed in their entirety.

4 **40-8-15. Lien on deceased recipient's estate for assistance.**

5 (a)(1) Upon the death of a recipient of ~~medical assistance~~ Medicaid under Title XIX of
6 the federal Social Security Act, 42 U.S.C. § 1396 et seq., (42 U.S.C. § 1396 et seq and referred to
7 hereinafter as the “Act”), the total sum ~~of medical assistance~~ for Medicaid benefits so paid on
8 behalf of a ~~recipient~~ beneficiary who was fifty-five (55) years of age or older at the time of
9 receipt ~~of the assistance~~ shall be and constitute a lien upon the estate, as defined in subdivision
10 (a)(2) below, of the ~~recipient~~ beneficiary in favor of the executive office of health and human
11 services (“executive office”). The lien shall not be effective and shall not attach as against the
12 estate of a ~~recipient~~ beneficiary who is survived by a spouse, or a child who is under the age of
13 twenty-one (21), or a child who is blind or permanently and totally disabled as defined in Title
14 XVI of the federal Social Security Act, 42 U.S.C. § 1381 et seq. The lien shall attach against
15 property of a ~~recipient~~ beneficiary, which is included or includible in the decedent's probate
16 estate, regardless of whether or not a probate proceeding has been commenced in the probate
17 court by the executive office ~~of health and human services~~ or by any other party. Provided,
18 however, that such lien shall only attach and shall only be effective against the ~~recipient's~~
19 beneficiary's real property included or includible in the ~~recipient's~~ beneficiary's probate estate if
20 such lien is recorded in the land evidence records and is in accordance with subsection 40-8-15(f).
21 Decedents who have received ~~medical assistance~~ Medicaid benefits are subject to the assignment
22 and subrogation provisions of §§ 40-6-9 and 40-6-10.

23 (2) For purposes of this section, the term “estate” with respect to a deceased individual
24 shall include all real and personal property and other assets included or includable within the
25 individual's probate estate.

26 (b) The executive office ~~of health and human services~~ is authorized to promulgate
27 regulations to implement the terms, intent, and purpose of this section and to require the legal
28 representative(s) and/or the heirs-at-law of the decedent to provide reasonable written notice to
29 the executive office ~~of health and human services~~ of the death of a ~~recipient~~ beneficiary of
30 ~~medical assistance~~ Medicaid benefits who was fifty-five (55) years of age or older at the date of
31 death, and to provide a statement identifying the decedent's property and the names and addresses
32 of all persons entitled to take any share or interest of the estate as legatees or distributes thereof.

33 (c) The amount of ~~medical assistance~~ reimbursement for Medicaid benefits imposed
34 under this section shall also become a debt to the state from the person or entity liable for the

1 payment thereof.

2 (d) Upon payment of the amount of reimbursement for ~~medical assistance~~ [Medicaid](#)
3 [benefits](#) imposed by this section, the secretary of the executive office ~~of health and human~~
4 ~~services~~, or his or her designee, shall issue a written discharge of lien.

5 (e) Provided, however, that no lien created under this section shall attach nor become
6 effective upon any real property unless and until a statement of claim is recorded naming the
7 debtor/owner of record of the property as of the date and time of recording of the statement of
8 claim, and describing the real property by a description containing all of the following: (1) tax
9 assessor's plat and lot; and (2) street address. The statement of claim shall be recorded in the
10 records of land evidence in the town or city where the real property is situated. Notice of said lien
11 shall be sent to the duly appointed executor or administrator, the decedent's legal representative,
12 if known, or to the decedent's next of kin or heirs at law as stated in the decedent's last application
13 for ~~medical assistance~~ [Medicaid benefits](#).

14 (f) The executive office ~~of health and human services~~ shall establish procedures, in
15 accordance with the standards specified by the secretary, U.S. Department of Health and Human
16 Services, under which the executive office ~~of health and human services~~ shall waive, in whole or
17 in part, the lien and reimbursement established by this section if such lien and reimbursement
18 would ~~work~~ [cause](#) an undue hardship, as determined by the executive office ~~of health and human~~
19 ~~services~~, on the basis of the criteria established by the secretary in accordance with 42 U.S.C. §
20 1396p(b)(3).

21 (g) Upon the filing of a petition for admission to probate of a decedent's will or for
22 administration of a decedent's estate, when the decedent was fifty-five (55) years or older at the
23 time of death, a copy of said petition and a copy of the death certificate shall be sent to the
24 executive office ~~of health and human services~~. Within thirty (30) days of a request by the
25 executive office ~~of health and human services~~, an executor or administrator shall complete and
26 send to the executive office ~~of health and human services~~ a form prescribed by that office and
27 shall provide such additional information as the office may require. In the event a petitioner fails
28 to send a copy of the petition and a copy of the death certificate to the executive office ~~of health~~
29 ~~and human services~~ and a decedent has received ~~medical assistance~~ [Medicaid benefits](#) for which
30 the executive office of ~~health and human services~~ is authorized to recover, no distribution and/or
31 payments, including administration fees, shall be disbursed. Any person and /or entity that receive
32 a distribution of assets from the decedent's estate shall be liable to the executive office ~~of health~~
33 ~~and human services~~ to the extent of such distribution.

34 (h) Compliance with the provisions of this section shall be consistent with the

1 requirements set forth in § 33-11-5 and the requirements of the affidavit of notice set forth in §
2 33-11-5.2. Nothing in these sections shall limit the executive office ~~of health and human services~~
3 from recovery, to the extent of the distribution, in accordance with all state and federal laws.

4 (i)To assure the financial integrity of the Medicaid eligibility determination, benefit
5 renewal, and estate recovery processes in this and related sections, the secretary of health and
6 human services is authorized and directed to, by no later than August 1, 2018: (1), implement an
7 automated asset verification system, as mandated by §1940 of the of Act that uses electronic data
8 sources to verify the ownership and value of countable resources held in financial institutions and
9 any real property for applicants and beneficiaries subject to resource and asset tests pursuant in
10 the Act in §1902(e)(14)(D); (2) Apply the provisions required under §§1902(a)(18) and 1917(c)
11 of the Act pertaining to the disposition of assets for less than fair market value by applicants and
12 beneficiaries for Medicaid long-term services and supports and their spouses, without regard to
13 whether they are subject to or excepted from resources and asset tests as mandated by federal
14 guidance; and.(3) Pursue any state plan or waiver amendments from the U.S. Centers for
15 Medicare and Medicaid Services and promulgate such rules, regulations, and procedures he or
16 she deems necessary to carry out the requirements set forth herein and ensure the state plan and
17 Medicaid policy conform and comply with applicable provisions Title XIX.

18 **40-8-19. Rates of payment to nursing facilities.**

19 (a) Rate reform.

20 (1) The rates to be paid by the state to nursing facilities licensed pursuant to chapter 17 of
21 title 23, and certified to participate in the Title XIX Medicaid program for services rendered to
22 Medicaid-eligible residents, shall be reasonable and adequate to meet the costs which must be
23 incurred by efficiently and economically operated facilities in accordance with 42 U.S.C.
24 §1396a(a)(13). The executive office of health and human services ("executive office") shall
25 promulgate or modify the principles of reimbursement for nursing facilities in effect as of July 1,
26 2011 to be consistent with the provisions of this section and Title XIX, 42 U.S.C. § 1396 et seq.,
27 of the Social Security Act.

28 (2) The executive office shall review the current methodology for providing Medicaid
29 payments to nursing facilities, including other long-term care services providers, and is
30 authorized to modify the principles of reimbursement to replace the current cost based
31 methodology rates with rates based on a price based methodology to be paid to all facilities with
32 recognition of the acuity of patients and the relative Medicaid occupancy, and to include the
33 following elements to be developed by the executive office:

34 (i) A direct care rate adjusted for resident acuity;

1 (ii) An indirect care rate comprised of a base per diem for all facilities;
2 (iii) A rerearray of costs for all facilities every three (3) years beginning October, 2015,
3 which may or may not result in automatic per diem revisions;
4 (iv) Application of a fair rental value system;
5 (v) Application of a pass-through system; and
6 (vi) Adjustment of rates by the change in a recognized national nursing home inflation
7 index to be applied on October 1st of each year, beginning October 1, 2012. This adjustment will
8 not occur on October 1, 2013 or October 1, 2015, but will occur on April 1, 2015. [The rate](#)
9 [adjustment that occurs on October 1, 2018 will not exceed an increase of one \(1\) percent.](#) Said
10 inflation index shall be applied without regard for the transition factors in subsections [\(b\)\(1\) and](#)
11 [\(b\)\(2\)](#) below. For purposes of October 1, 2016, adjustment only, any rate increase that results
12 from application of the inflation index to subparagraphs (a)(2)(i) and (a)(2)(ii) shall be dedicated
13 to increase compensation for direct-care workers in the following manner: Not less than 85% of
14 this aggregate amount shall be expended to fund an increase in wages, benefits, or related
15 employer costs of direct-care staff of nursing homes. For purposes of this section, direct-care staff
16 shall include registered nurses (RNs), licensed practical nurses (LPNs), certified nursing
17 assistants (CNAs), certified medical technicians, housekeeping staff, laundry staff, dietary staff,
18 or other similar employees providing direct care services; provided, however, that this definition
19 of direct-care staff shall not include: (i) RNs and LPNs who are classified as "exempt employees"
20 under the Federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.); or (ii) CNAs, certified
21 medical technicians, RNs, or LPNs who are contracted, or subcontracted, through a third-party
22 vendor or staffing agency. By July 31, 2017, nursing facilities shall submit to the secretary, or
23 designee, a certification that they have complied with the provisions of this subparagraph
24 (a)(2)(vi) with respect to the inflation index applied on October 1, 2016. Any facility that does not
25 comply with terms of such certification shall be subjected to a clawback, paid by the nursing
26 facility to the state, in the amount of increased reimbursement subject to this provision that was
27 not expended in compliance with that certification.

28 (b) Transition to full implementation of rate reform. For no less than four (4) years after
29 the initial application of the price-based methodology described in subdivision (a)(2) to payment
30 rates, the executive office of health and human services shall implement a transition plan to
31 moderate the impact of the rate reform on individual nursing facilities. Said transition shall
32 include the following components:

33 (1) No nursing facility shall receive reimbursement for direct-care costs that is less than
34 the rate of reimbursement for direct-care costs received under the methodology in effect at the

1 time of passage of this act; for the year beginning October 1, 2017, the reimbursement for direct-
2 care costs under this provision will be phased out in twenty-five-percent (25%) increments each
3 year until October 1, 2021, when the reimbursement will no longer be in effect. ~~No nursing~~
4 ~~facility shall receive reimbursement for direct care costs that is less than the rate of~~
5 ~~reimbursement for direct care costs received under the methodology in effect at the time of~~
6 ~~passage of this act;~~ and

7 (2) No facility shall lose or gain more than five dollars (\$5.00) in its total per diem rate
8 the first year of the transition. An adjustment to the per diem loss or gain may be phased out by
9 twenty-five percent (25%) each year; except, however, for the years beginning October 1, 2015,
10 there shall be no adjustment to the per diem gain or loss, but the phase out shall resume
11 thereafter; and

12 (3) The transition plan and/or period may be modified upon full implementation of
13 facility per diem rate increases for quality of care related measures. Said modifications shall be
14 submitted in a report to the general assembly at least six (6) months prior to implementation.

15 (4) Notwithstanding any law to the contrary, for the twelve (12) month period beginning
16 July 1, 2015, Medicaid payment rates for nursing facilities established pursuant to this section
17 shall not exceed ninety-eight percent (98%) of the rates in effect on April 1, 2015.

18 SECTION 2. Section 40-8.3-10 of the General Laws in Chapter 40-8.3 entitled
19 "Uncompensated Care" is hereby amended to read as follows:

20 **40-8.3-10. Hospital adjustment payments.**

21 Effective July 1, 2012 and for each subsequent year, the executive office of health and
22 human services is hereby authorized and directed to amend its regulations for reimbursement to
23 hospitals for ~~inpatient and~~ outpatient services as follows:

24 (a) Each hospital in the state of Rhode Island, as defined in subdivision 23-17-38.1(c)(1),
25 shall receive a quarterly outpatient adjustment payment each state fiscal year of an amount
26 determined as follows:

27 (1) Determine the percent of the state's total Medicaid outpatient and emergency
28 department services (exclusive of physician services) provided by each hospital during each
29 hospital's prior fiscal year;

30 (2) Determine the sum of all Medicaid payments to hospitals made for outpatient and
31 emergency department services (exclusive of physician services) provided during each hospital's
32 prior fiscal year;

33 (3) Multiply the sum of all Medicaid payments as determined in subdivision (2) by a
34 percentage defined as the total identified upper payment limit for all hospitals divided by the sum

1 of all Medicaid payments as determined in subdivision (2); and then multiply that result by each
2 hospital's percentage of the state's total Medicaid outpatient and emergency department services
3 as determined in subdivision (1) to obtain the total outpatient adjustment for each hospital to be
4 paid each year;

5 (4) Pay each hospital on or before July 20, October 20, January 20, and April 20 one
6 quarter (1/4) of its total outpatient adjustment as determined in subdivision (3) above.

7 ~~(b) Each hospital in the state of Rhode Island, as defined in subdivision 3-17-38.19(b)(1),
8 shall receive a quarterly inpatient adjustment payment each state fiscal year of an amount
9 determined as follows:~~

10 ~~(1) Determine the percent of the state's total Medicaid inpatient services (exclusive of
11 physician services) provided by each hospital during each hospital's prior fiscal year;~~

12 ~~(2) Determine the sum of all Medicaid payments to hospitals made for inpatient services
13 (exclusive of physician services) provided during each hospital's prior fiscal year;~~

14 ~~(3) Multiply the sum of all Medicaid payments as determined in subdivision (2) by a
15 percentage defined as the total identified upper payment limit for all hospitals divided by the sum
16 of all Medicaid payments as determined in subdivision (2); and then multiply that result by each
17 hospital's percentage of the state's total Medicaid inpatient services as determined in subdivision
18 (1) to obtain the total inpatient adjustment for each hospital to be paid each year;~~

19 ~~(4) Pay each hospital on or before July 20, October 20, January 20, and April 20 one
20 quarter (1/4) of its total inpatient adjustment as determined in subdivision (3) above.~~

21 (e b) The amounts determined in subsections (a) ~~and (b)~~ are in addition to Medicaid
22 ~~inpatient and~~ outpatient payments and emergency services payments (exclusive of physician
23 services) paid to hospitals in accordance with current state regulation and the Rhode Island Plan
24 for Medicaid Assistance pursuant to Title XIX of the Social Security Act and are not subject to
25 recoupment or settlement.

26 SECTION 3. Section 40-8.4-12 of the General Laws in Chapter 40-8.4 entitled "Health
27 Care for Families" is hereby amended to read as follows:

28 **40-8.4-12. RIte Share Health Insurance Premium Assistance Program.**

29 (a) Basic RIte Share Health Insurance Premium Assistance Program. ~~The office of health
30 and human services is authorized and directed to amend the medical assistance Title XIX state
31 plan to implement the provisions of section 1906 of Title XIX of the Social Security Act, 42
32 U.S.C. section 1396e, and establish the Rhode Island health insurance premium assistance
33 program for RIte Care eligible families with incomes up to two hundred fifty percent (250%) of
34 the federal poverty level who have access to employer based health insurance. The state plan~~

1 ~~amendment shall require eligible families with access to employer based health insurance to~~
2 ~~enroll themselves and/or their family in the employer based health insurance plan as a condition~~
3 ~~of participation in the RIte Share program under this chapter and as a condition of retaining~~
4 ~~eligibility for medical assistance under chapters 5.1 and 8.4 of this title and/or chapter 12.3 of title~~
5 ~~42 and/or premium assistance under this chapter, provided that doing so meets the criteria~~
6 ~~established in section 1906 of Title XIX for obtaining federal matching funds and the department~~
7 ~~has determined that the person's and/or the family's enrollment in the employer based health~~
8 ~~insurance plan is cost effective and the department has determined that the employer based health~~
9 ~~insurance plan meets the criteria set forth in subsection (d). The department shall provide~~
10 ~~premium assistance by paying all or a portion of the employee's cost for covering the eligible~~
11 ~~person or his or her family under the employer based health insurance plan, subject to the cost~~
12 ~~sharing provisions in subsection (b), and provided that the premium assistance is cost effective in~~
13 ~~accordance with Title XIX, 42 U.S.C. section 1396 et seq. - Under the terms of Section 1906 of~~
14 Title XIX of the U.S. Social Security Act, states are permitted to pay a Medicaid eligible person's
15 share of the costs for enrolling in employer-sponsored health insurance (ESI) coverage if it is cost
16 effective to do so. Pursuant to general assembly's direction in Rhode Island Health Reform Act of
17 2000, the Medicaid agency requested and obtained federal approval under § 1916 to establish the
18 RIte Share premium assistance program to subsidize the costs of enrolling Medicaid eligible
19 persons and families in employer sponsored health insurance plans that have been approved as
20 meeting certain cost and coverage requirements. The Medicaid agency also obtained, at the
21 general assembly's direction, federal authority to require any such persons with access to ESI
22 coverage to enroll as a condition of retaining eligibility providing that doing so meets the criteria
23 established in Title XIX for obtaining federal matching funds.

24 (b) ~~Individuals who can afford it shall share in the cost. The office of health and human~~
25 ~~services is authorized and directed to apply for and obtain any necessary waivers from the~~
26 ~~secretary of the United States Department of Health and Human Services, including, but not~~
27 ~~limited to, a waiver of the appropriate sections of Title XIX, 42 U.S.C. section 1396 et seq., to~~
28 ~~require that families eligible for RIte Care under this chapter or chapter 12.3 of title 42 with~~
29 ~~incomes equal to or greater than one hundred fifty percent (150%) of the federal poverty level pay~~
30 ~~a share of the costs of health insurance based on the person's ability to pay, provided that the cost~~
31 ~~sharing shall not exceed five percent (5%) of the person's annual income. The department of~~
32 ~~human services shall implement the cost sharing by regulation, and shall consider co-payments,~~
33 ~~premium shares or other reasonable means to do so.~~ Definitions. - For the purposes of this
34 subsection, the following definitions apply:

1 (1) “Cost-effective” means that the portion of the ESI that the state would subsidize, as
2 well as wrap-around costs, would on average cost less to the State than enrolling that same
3 person/family in a managed care delivery system.

4 (2) “Cost sharing” means any co-payments, deductibles or co-insurance associated with
5 ESI.

6 (3) “Employee premium” means the monthly premium share a person or family is
7 required to pay to the employer to obtain and maintain ESI coverage.

8 (4) “Employer-Sponsored Insurance or ESI” means health insurance or a group health
9 plan offered to employees by an employer. This includes plans purchased by small employers
10 through the State health insurance marketplace, Healthsource, RI (HSRI).

11 (5) “Policy holder” means the person in the household with access to ESI, typically the
12 employee.

13 (6) “RIte Share-approved employer-sponsored insurance (ESI)” means an employer-
14 sponsored health insurance plan that meets the coverage and cost-effectiveness criteria for RIte
15 Share.

16 (7) “RIte Share buy-in” means the monthly amount an Medicaid-ineligible policy holder
17 must pay toward RIte Share-approved ESI that covers the Medicaid-eligible children, young
18 adults or spouses with access to the ESI. The buy-in only applies in instances when household
19 income is above 150% the FPL.

20 (8) “RIte Share premium assistance program” means the Rhode Island Medicaid
21 premium assistance program in which the State pays the eligible Medicaid member’s share of the
22 cost of enrolling in a RIte Share-approved ESI plan. This allows the State to share the cost of the
23 health insurance coverage with the employer.

24 (9) “RIte Share Unit” means the entity within EOHHS responsible for assessing the cost-
25 effectiveness of ESI, contacting employers about ESI as appropriate, initiating the RIte Share
26 enrollment and disenrollment process, handling member communications, and managing the
27 overall operations of the RIte Share program.

28 (10) “Third Party Liability (TPL)” means other health insurance coverage. This insurance
29 is in addition to Medicaid and is usually provided through an employer. Since Medicaid is always
30 the payer of last resort, the TPL is always the primary coverage.

31 (11) “Wrap-around services or coverage” means any health care services not included in
32 the ESI plan that would have been covered had the Medicaid member been enrolled in a RIte
33 Care or Rhody Health Partners plan. Coverage of deductibles and co-insurance is included in the
34 wrap. Co-payments to providers are not covered as part of the wrap-around coverage.

1 (c) ~~Current RItE Care enrollees with access to employer based health insurance. The~~
2 ~~office of health and human services shall require any family who receives RItE Care or whose~~
3 ~~family receives RItE Care on the effective date of the applicable regulations adopted in~~
4 ~~accordance with subsection (f) to enroll in an employer based health insurance plan at the~~
5 ~~person's eligibility redetermination date or at an earlier date determined by the department,~~
6 ~~provided that doing so meets the criteria established in the applicable sections of Title XIX, 42~~
7 ~~U.S.C. section 1396 et seq., for obtaining federal matching funds and the department has~~
8 ~~determined that the person's and/or the family's enrollment in the employer based health~~
9 ~~insurance plan is cost effective and has determined that the health insurance plan meets the~~
10 ~~criteria in subsection (d). The insurer shall accept the enrollment of the person and/or the family~~
11 ~~in the employer based health insurance plan without regard to any enrollment season restrictions.~~

12 RItE Share Populations. Medicaid beneficiaries subject to RItE Share include: children, families,
13 parent and caretakers eligible for Medicaid or the Children's Health Insurance Program under this
14 chapter or chapter 42-12.3; and adults between the ages of 19 and 64 who are eligible under
15 chapters 40-8.5 and 40-8.12, not receiving or eligible to receive Medicare, and are enrolled in
16 managed care delivery systems. The following conditions apply:

17 (1) The income of Medicaid beneficiaries shall affect whether and in what manner they
18 must participate in RItE Share as follows:

19 (i) Income at or below 150% of FPL -- Persons and families determined to have
20 household income at or below 150% of the Federal Poverty Level (FPL) guidelines based on the
21 modified adjusted gross income (MAGI) standard or other standard approved by the secretary are
22 required to participate in RItE Share if a Medicaid-eligible adult or parent/caretaker has access to
23 cost-effective ESI. Enrolling in ESI through RItE Share shall be a condition of maintaining
24 Medicaid health coverage for any eligible adult with access to such coverage.

25 (ii) Income above 150% FPL and policy holder is not Medicaid-eligible -- Premium
26 assistance is available when the household includes Medicaid-eligible members, but the ESI
27 policy holder (typically a parent/ caretaker or spouse) is not eligible for Medicaid. Premium
28 assistance for parents/caretakers and other household members who are not Medicaid-eligible
29 may be provided in circumstances when enrollment of the Medicaid-eligible family members in
30 the approved ESI plan is contingent upon enrollment of the ineligible policy holder and the
31 executive office of health and human services (executive office) determines, based on a
32 methodology adopted for such purposes, that it is cost-effective to provide premium assistance for
33 family or spousal coverage.

34 (d) RItE Share Enrollment as a Condition of Eligibility. For Medicaid beneficiaries over

1 the age of nineteen (19) enrollment in RIt Share shall be a condition of eligibility except as
2 exempted below and by regulations promulgated by the executive office.

3 (1) Medicaid-eligible children and young adults up to age nineteen (19) shall not be
4 required to enroll in a parent/caretaker relative's ESI as a condition of maintaining Medicaid
5 eligibility if the person with access to RIt Share-approved ESI does not enroll as required. These
6 Medicaid-eligible children and young adults shall remain eligible for Medicaid and shall be
7 enrolled in a RIt Care plan

8 (2) There shall be a limited six (6) month exemption from the mandatory enrollment
9 requirement for persons participating in the RI Works program pursuant to § 40-5.2.

10 ~~(d)~~ (e) Approval of health insurance plans for premium assistance. The office of health
11 and human services shall adopt regulations providing for the approval of employer-based health
12 insurance plans for premium assistance and shall approve employer-based health insurance plans
13 based on these regulations. In order for an employer-based health insurance plan to gain approval,
14 the ~~department~~ executive office must determine that the benefits offered by the employer-based
15 health insurance plan are substantially similar in amount, scope, and duration to the benefits
16 provided to ~~RIt Care~~ Medicaid-eligible persons ~~by the RIt Care program~~ enrolled in Medicaid
17 managed care plan, when the plan is evaluated in conjunction with available supplemental
18 benefits provided by the office. The office shall obtain and make available as to persons
19 otherwise eligible for ~~RIt Care~~ Medicaid identified in this section as supplemental benefits those
20 benefits not reasonably available under employer-based health insurance plans which are required
21 for ~~RIt Care-eligible persons~~ Medicaid beneficiaries by state law or federal law or regulation.
22 Once it has been determined by the Medicaid agency that the ESI offered by a particular
23 employer is RIt Share-approved, all Medicaid members with access to that employer's plan are
24 required participate in RIt Share. Failure to meet the mandatory enrollment requirement shall
25 result in the termination of the Medicaid eligibility of the policy holder and other Medicaid
26 members nineteen (19) or older in the household that could be covered under the ESI until the
27 policy holder complies with the RIt Share enrollment procedures established by the executive
28 office.

29 (f) Premium Assistance. The executive office shall provide premium assistance by paying
30 all or a portion of the employee's cost for covering the eligible person and/or his or her family
31 under such a RIt Share-approved ESI plan subject to the buy-in provisions in this section.

32 (g) Buy-in. Persons who can afford it shall share in the cost. - The executive office is
33 authorized and directed to apply for and obtain any necessary state plan and/or waiver
34 amendments from the secretary of the U.S. DHHS to require that person enrolled in a RIt Share-

1 approved employer-based health plan who have income equal to or greater than one hundred fifty
2 percent (150%) of the FPL to buy-in to pay a share of the costs based on the ability to pay,
3 provided that the buy-in cost shall not exceed five percent (5%) of the person's annual income.
4 The executive office shall implement the buy-in by regulation, and shall consider co-payments,
5 premium shares or other reasonable means to do so.

6 (e) (h) Maximization of federal contribution. The office of health and human services is
7 authorized and directed to apply for and obtain federal approvals and waivers necessary to
8 maximize the federal contribution for provision of medical assistance coverage under this section,
9 including the authorization to amend the Title XXI state plan and to obtain any waivers necessary
10 to reduce barriers to provide premium assistance to recipients as provided for in Title XXI of the
11 Social Security Act, 42 U.S.C. section 1397 et seq.

12 (f) (i) Implementation by regulation. The office of health and human services is
13 authorized and directed to adopt regulations to ensure the establishment and implementation of
14 the premium assistance program in accordance with the intent and purpose of this section, the
15 requirements of Title XIX, Title XXI and any approved federal waivers.

16 SECTION 4. Section 15 of Article 5 of Chapter 141 of the Public Laws of 2015 is hereby
17 amended to read as follows:

18 A pool is hereby established of up to \$4.0 1.5 million to support Medicaid Graduate
19 Education funding for Academic Medical Centers with level I Trauma Centers who provide care
20 to the state's critically ill and indigent populations. ~~The office of Health and Human Services shall~~
21 ~~utilize this pool to provide up to \$5 million per year in additional Medicaid payments to support~~
22 ~~Graduate Medical Education programs to hospitals meeting all of the following criteria:~~

23 ~~(a) Hospital must have a minimum of 25,000 inpatient discharges per year for all patients~~
24 ~~regardless of coverage.~~

25 ~~(b) Hospital must be designated as Level I Trauma Center.~~

26 ~~(c) Hospital must provide graduate medical education training for at least 250 interns and~~
27 ~~residents per year.~~

28 The Secretary of the Executive Office of Health and Human Services shall determine the
29 appropriate Medicaid payment mechanism to implement this program and amend any state plan
30 documents required to implement the payments.

31 Payments for Graduate Medical Education programs shall be made annually.

32 SECTION 5. This Article shall take effect upon passage.

33 **ARTICLE 14**

34 **RELATING TO MEDICAID REFORM ACT OF 2008 RESOLUTION**

1 SECTION 1. *Rhode Island Medicaid Reform Act of 2008 Resolution.*

2 WHEREAS, the General Assembly enacted Chapter 12.4 of Title 42 entitled “The Rhode
3 Island Medicaid Reform Act of 2008”; and

4 WHEREAS, a legislative enactment is required pursuant to Rhode Island General Laws
5 42-12.4-1, *et seq.*; and

6 WHEREAS, Rhode Island General Law 42-7.2-5(3)(a) provides that the Secretary of the
7 Executive Office of Health and Human Services (“Executive Office”) is responsible for the
8 review and coordination of any Medicaid section 1115 demonstration waiver requests and
9 renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan
10 or category II or III changes as described in the demonstration, “with potential to affect the scope,
11 amount, or duration of publicly-funded health care services, provider payments or
12 reimbursements, or access to or the availability of benefits and services provided by Rhode Island
13 general and public laws”; and

14 WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is
15 fiscally sound and sustainable, the Secretary requests legislative approval of the following
16 proposals to amend the demonstration:

17 (a) *Provider Rates -- Adjustments.* The Executive Office proposes to:

18 (i) Maintain in-patient and out-patient hospital payment rates at SFY 2018 levels.

19 (ii) The nursing facility rate adjustment that would otherwise take-effect on October 1,
20 2018 will not exceed an increase of one percent; and

21 (iii) Reduce rates for Medicaid managed care plan administration.

22 Implementation of adjustments may require amendments to the Rhode Island’s Medicaid
23 State Plan and/or Section 1115 waiver under the terms and conditions of the demonstration.
24 Further, adoption of new or amended rules, regulations and procedures may also be required.

25 (b) *Section 1115 Demonstration Waiver – Implementation of Existing Authorities.* To
26 achieve the objectives of the State’s demonstration waiver, the Executive Office proposes to
27 implement the following approved authorities:

28 (i) Upon meeting federal guidelines for the timely processing of applications, elimination
29 of retroactive coverage for Medicaid beneficiaries, except for pregnant women and newborn
30 infants, and promulgate rules, regulations, and/or procedures that establish criteria to provide a
31 hardship exemption for eligible persons who have a significant need;

32 (ii) Expanded expedited eligibility for long-term services and supports (LTSS) applicants
33 who are transitioning to a home or community-based setting from a health facility, including a
34 hospital or nursing home; and

1 (iii) Institute the multi-tiered needs-based criteria for determining the level of care and
2 scope of services available to applicants with developmental disabilities seeking Medicaid home
3 and community-based services in lieu of institutional care.

4 (c) *Section 1115 Demonstration Waiver – Extension Request* – The Executive Office
5 proposes to seek approval from our federal partners to extend the Section 1115 demonstration as
6 authorized in §42-12.4. In addition to maintaining existing waiver authorities, the Executive
7 Office proposes to seek additional federal authorities to:

8 (i) Further the goals of LTSS rebalancing set forth in §40-8.9, by expanding the array of
9 health care stabilization and maintenance services eligible for federal financial participation
10 which are available to beneficiaries residing in home and community-based settings. Such
11 services include adaptive and home-based monitoring technologies, transition help, and peer and
12 personal supports that assist beneficiaries in better managing and optimizing their own care. The
13 Executive Office proposes to pursue alternative payment strategies financed through the Health
14 System Transformation Project (HSTP) to cover the state’s share of the cost for such services and
15 to expand on-going efforts to identify and provide cost-effective preventive services to persons
16 at-risk for LTSS and other high cost interventions.

17 (ii) Leverage existing resources and the flexibility of alternative payment methodologies
18 to provide integrated medical and behavioral services to children and youth at risk and in
19 transition, including targeted family visiting nurses, peer supports, and specialized networks of
20 care.

21 (d) *Financial Integrity – Asset Verification and Transfers*. To comply with federal
22 mandates pertaining to the integrity of the determination of eligibility and estate recoveries, the
23 Executive Office plans to adopt an automated asset verification system which uses electronic data
24 sources to verify ownership and the value of the financial resources and real property of
25 applicants and beneficiaries and their spouses who are subject to asset and resource limits under
26 Title XIX. In addition, the Executive Office proposes to adopt new or amended rules, policies and
27 procedures for LTSS applicants and beneficiaries, inclusive of those eligible pursuant to §40-
28 8.12, that conform to federal guidelines related to the transfer of assets for less than fair market
29 value established in Title XIX and applicable federal guidelines. State plan amendments are
30 required to comply fully with these mandates.

31 (e) *Service Delivery*. To better leverage all available health care dollars and promote
32 access and service quality, the Executive Office proposes to:

33 (i) Restructure delivery systems for dual Medicare and Medicaid eligible LTSS
34 beneficiaries who have chronic or disabling conditions to provide the foundation for

1 implementing more cost-effective and sustainable managed care LTSS arrangements. Additional
2 state plan authorities may be required.

3 (ii) Expand the reach of the RIte Share premium assistance program through amendments
4 to the Medicaid state plan to cover all adults, ages 19 and older, who have access to a cost-
5 effective Executive Office approved employer-sponsored health insurance program.

6 (f) *Non-Emergency Transportation Program (NEMT)*. To implement cost effective
7 delivery of services and to enhance consumer satisfaction with transportation services by:

8 (i) Expanding reimbursement methodologies; and

9 (ii) Removing transportation restrictions to align with Title XIX of Federal law.

10 (g) *Community First Choice (CFC)*. To seek Medicaid state plan and any additional
11 waiver authority necessary to implement the CFC option.

12 (h) *Alternative Payment Methodology*. To develop, in collaboration with the Department
13 of Behavioral Healthcare, Development Disabilities and Hospitals (BHDDH), a health home for
14 providing conflict free person-centered planning and a quality and value based alternative
15 payment system that advances the goal of improving service access, quality and value.

16 (i) *Opioid and Behavioral Health Crisis Management*. To implement in collaboration
17 with the Department of Behavioral Healthcare, Development Disabilities and Hospitals
18 (BHDDH), a community based alternative to emergency departments for addiction and mental
19 health emergencies.

20 (j) *Federal Financing Opportunities*. The Executive Office proposes to review Medicaid
21 requirements and opportunities under the U.S. Patient Protection and Affordable Care Act of
22 2010 (PPACA) and various other recently enacted federal laws and pursue any changes in the
23 Rhode Island Medicaid program that promote service quality, access and cost-effectiveness that
24 may warrant a Medicaid State Plan amendment or amendment under the terms and conditions of
25 Rhode Island's Section 1115 Waiver, its successor, or any extension thereof. Any such actions by
26 the Executive Office shall not have an adverse impact on beneficiaries or cause there to be an
27 increase in expenditures beyond the amount appropriated for state fiscal year 2019.

28 Now, therefore, be it: RESOLVED, the General Assembly hereby approves proposals
29 and be it further;

30 RESOLVED, the Secretary of the Executive Office is authorized to pursue and
31 implement any waiver amendments, State Plan amendments, and/or changes to the applicable
32 department's rules, regulations and procedures approved herein and as authorized by 42-12.4; and
33 be it further

34 RESOLVED, that this Joint Resolution shall take effect upon passage.

1 SECTION 2. This Article shall take effect upon passage.

2 **ARTICLE 15**

3 **RELATING TO CHILDREN AND FAMILIES**

4 SECTION 1. Sections 14-1-3, 14-1-6 and 14-1-11.1 of the General Laws in Chapter 14-1
5 entitled "Proceedings in Family Court" are hereby amended to read as follows:

6 **14-1-3. Definitions.**

7 The following words and phrases when used in this chapter shall, unless the context
8 otherwise requires, be construed as follows:

9 (1) "Adult" means a person eighteen (18) years of age or older, except that "adult"
10 includes any person seventeen (17) years of age or older who is charged with a delinquent offense
11 involving murder, first-degree sexual assault, first-degree child molestation, or assault with intent
12 to commit murder, and that person shall not be subject to the jurisdiction of the family court as set
13 forth in §§ 14-1-5 and 14-1-6 if, after a hearing, the family court determines that probable cause
14 exists to believe that the offense charged has been committed and that the person charged has
15 committed the offense.

16 (2) "Appropriate person", as used in §§ 14-1-10 and 14-1-11, except in matters relating to
17 adoptions and child marriages, means and includes:

18 (i) Any police official of this state, or of any city or town within this state;

19 (ii) Any duly qualified prosecuting officer of this state, or of any city or town within this
20 state;

21 (iii) Any director of public welfare of any city or town within this state, or his or her duly
22 authorized subordinate;

23 (iv) Any truant officer or other school official of any city or town within this state;

24 (v) Any duly authorized representative of any public or duly licensed private agency or
25 institution established for purposes similar to those specified in § 8-10-2 or 14-1-2; or

26 (vi) Any maternal or paternal grandparent, who alleges that the surviving parent, in those
27 cases in which one parent is deceased, is an unfit and improper person to have custody of any
28 child or children.

29 (3) "Child" means a person under eighteen (18) years of age.

30 (4) "The court" means the family court of the state of Rhode Island.

31 (5) "Delinquent", when applied to a child, means and includes any child who has
32 committed any offense that, if committed by an adult, would constitute a felony, or who has on
33 more than one occasion violated any of the other laws of the state or of the United States or any
34 of the ordinances of cities and towns, other than ordinances relating to the operation of motor

1 vehicles.

2 (6) "Dependent" means any child who requires the protection and assistance of the court
3 when his or her physical or mental health or welfare is harmed, or threatened with harm, due to
4 the inability of the parent or guardian, through no fault of the parent or guardian, to provide the
5 child with a minimum degree of care or proper supervision because of:

6 (i) The death or illness of a parent; or

7 (ii) The special medical, educational, or social-service needs of the child which the parent
8 is unable to provide.

9 (7) "Justice" means a justice of the family court.

10 (8) "Neglect" means a child who requires the protection and assistance of the court when
11 his or her physical or mental health or welfare is harmed, or threatened with harm, when the
12 parents or guardian:

13 (i) Fails to supply the child with adequate food, clothing, shelter, or medical care, though
14 financially able to do so or offered financial or other reasonable means to do so;

15 (ii) Fails to provide the child proper education as required by law; or

16 (iii) Abandons and/or deserts the child.

17 (9) "Wayward", when applied to a child, means and includes any child:

18 (i) Who has deserted his or her home without good or sufficient cause;

19 (ii) Who habitually associates with dissolute, vicious, or immoral persons;

20 (iii) Who is leading an immoral or vicious life;

21 (iv) Who is habitually disobedient to the reasonable and lawful commands of his or her
22 parent or parents, guardian, or other lawful custodian;

23 (v) Who, being required by chapter 19 of title 16 to attend school, willfully and habitually
24 absents himself or herself from school or habitually violates the rules and regulations of the
25 school when he or she attends;

26 (vi) Who has, on any occasion, violated any of the laws of the state or of the United
27 States or any of the ordinances of cities and towns, other than ordinances relating to the operation
28 of motor vehicles; or

29 (vii) Any child under seventeen (17) years of age who is in possession of one ounce (1
30 oz.) or less of marijuana, as defined in § 21-28-1.02, and who is not exempted from the penalties
31 pursuant to chapter 28.6 of title 21.

32 (10) "Young adult" means an individual who has attained the age of eighteen (18) years
33 but has not reached the age of twenty-one (21) years and was in the legal custody of the
34 department on their eighteenth birthday pursuant to an abuse, neglect or dependency petition; or

1 was a former foster child who was adopted or placed in a guardianship after attaining age sixteen
2 (16).

3 (11) "Voluntary placement agreement for extension of care" means a written agreement
4 between the state agency and a young adult who meets the eligibility conditions specified in §14-
5 1-6(c), acting as their own legal guardian that is binding on the parties to the agreement. At a
6 minimum, the agreement recognizes the voluntary nature of the agreement, the legal status of the
7 young adult and the rights and obligations of the young adult, as well as the services and supports
8 the agency agrees to provide during the time that the young adult consents to giving the
9 department legal responsibility for care and placement.

10 (12) "Supervised independent living setting" means a supervised setting in which a young
11 adult is living independently, that meets any safety and or licensing requirements established by
12 the department for this population, and is paired with a supervising agency or a supervising
13 worker, including, but not limited to, single or shared apartments or houses, host homes, relatives'
14 and mentors' homes, college dormitories or other post-secondary educational or vocational
15 housing. All or part of the financial assistance that secures an independent supervised setting for a
16 young adult may be paid directly to the young adult if there is no provider or other child placing
17 intermediary, or to a landlord, a college, or to a supervising agency, or to other third parties on
18 behalf of the young adult in the discretion of the department.

19 ~~(10)~~ (13) The singular shall be construed to include the plural, the plural the singular, and
20 the masculine the feminine, when consistent with the intent of this chapter.

21 ~~(11)~~ (14) For the purposes of this chapter, "electronic surveillance and monitoring
22 devices" means any "radio frequency identification device (RFID)" or "global positioning device"
23 that is either tethered to a person or is intended to be kept with a person and is used for the
24 purposes of tracking the whereabouts of that person within the community.

25 **14-1-6. Retention of jurisdiction.**

26 (a) When the court shall have obtained jurisdiction over any child prior to the child
27 having attained the age of eighteen (18) years by the filing of a petition alleging that the child is
28 wayward or delinquent pursuant to § 14-1-5, the child shall, except as specifically provided in
29 this chapter, continue under the jurisdiction of the court until he or she becomes nineteen (19)
30 years of age, unless discharged prior to turning nineteen (19).

31 (b) When the court shall have obtained jurisdiction over any child prior to the child's
32 eighteenth (18th) birthday by the filing of a miscellaneous petition or a petition alleging that the
33 child is dependent, neglected, ~~and~~ or abused pursuant to §§ 14-1-5 and 40-11-7 or 42-72-14,
34 ~~including any child under the jurisdiction of the family court on petitions filed and/or pending~~

1 ~~before the court prior to July 1, 2007,~~ the child shall, except as specifically provided in this
2 chapter, continue under the jurisdiction of the court until he or she becomes eighteen (18) years of
3 age; provided, that at least six (6) months prior to a child turning eighteen (18) years of age, the
4 court shall require the department of children, youth and families to provide a description of the
5 transition services including the child's housing, health insurance, education and/or employment
6 plan, available mentors and continuing support services, including workforce supports and
7 employment services afforded the child in placement or a detailed explanation as to the reason
8 those services were not offered. As part of the transition planning, the child shall be informed by
9 the department of the opportunity to voluntarily agree to extended care and placement by the
10 department and legal supervision by the court until age twenty-one (21). The details of a child's
11 transition plan shall be developed in consultation with the child, wherever possible, and approved
12 by the court prior to the dismissal of an abuse, neglect, dependency, or miscellaneous petition
13 before the child's twenty-first birthday.

14 (c) A child, who is in foster care on their eighteenth birthday due to the filing of a
15 miscellaneous petition or a petition alleging that the child is dependent, neglected, or abused
16 pursuant to §§14-1-5, 40-11-7 or 42-72-14 may voluntarily elect to continue responsibility for
17 care and placement from DCYF and to remain under the legal supervision of the court as a young
18 adult until age twenty-one (21), provided:

19 (1) The young adult was in the legal custody of the department at age eighteen (18); or

20 (2) Was a former foster child who was adopted or placed in a guardianship with an
21 adoption assistance agreement that was effective upon attaining age sixteen (16); and

22 (3) The young adult is participating in at least one of the following:

23 (i) Completing the requirements to receive a high school diploma or GED;

24 (ii) Completing a secondary education or a program leading to an equivalent credential;
25 enrolled in an institution that provides post-secondary or vocational education;

26 (iii) Participating in a job training program or an activity designed to promote or remove
27 barriers to employment;

28 (iv) Be employed for at least eighty (80) hours per month; or

29 (v) Incapable of doing any of the foregoing due to a medical condition that is regularly
30 updated and documented in the case plan;

31 (4) Upon the request of the young adult, the court's legal supervision and the department's
32 responsibility for care and placement may be terminated. Provided, however, the young adult may
33 request reinstatement of responsibility and resumption of the court's legal supervision at any time
34 prior to their twenty-first birthday if the young adult meets the requirements set forth in §14-1-

1 [6\(c\)\(3\). If the department wishes to terminate the court's legal supervision and its responsibility](#)
2 [for care and placement, it may file a motion for good cause. The court may exercise its discretion](#)
3 [to terminate legal supervision over the young adult at any time.](#)

4 ~~(d)~~ (d) The court may retain jurisdiction of any child who is seriously emotionally
5 disturbed or developmentally delayed pursuant to § 42-72-5(b)(24)(v) until that child turns age
6 twenty-one (21) when the court shall have obtained jurisdiction over any child prior to the child's
7 eighteenth birthday by the filing of a miscellaneous petition or a petition alleging that the child is
8 dependent, neglected and or abused pursuant to §§ 14-1-5, and 40-11-7, or 42-72-14.

9 ~~(e)~~ (e) The department of children, youth and families shall work collaboratively with the
10 department of behavioral healthcare, developmental disabilities and hospitals, and other agencies,
11 in accordance with § 14-1-59, to provide the family court with a transition plan for those
12 individuals who come under the court's jurisdiction pursuant to a petition alleging that the child is
13 dependent, neglected, and/or abused and who are seriously emotionally disturbed or
14 developmentally delayed pursuant to § 42-72-5(b)(24)(v). This plan shall be a joint plan
15 presented to the court by the department of children, youth and families and the department of
16 behavioral healthcare, developmental disabilities and hospitals. The plan shall include the
17 behavioral healthcare, developmental disabilities and hospitals' community or residential service
18 level, health insurance option, education plan, available mentors, continuing support services,
19 workforce supports and employment services, and the plan shall be provided to the court at least
20 twelve (12) months prior to discharge. At least three (3) months prior to discharge, the plan shall
21 identify the specific placement for the child, if a residential placement is needed. The court shall
22 monitor the transition plan. In the instance where the department of behavioral healthcare,
23 developmental disabilities and hospitals has not made timely referrals to appropriate placements
24 and services, the department of children, youth and families may initiate referrals.

25 ~~(f)~~ (f) The parent and/or guardian and/or guardian ad litem of a child who is seriously
26 emotionally disturbed or developmentally delayed pursuant to § 42-72-5(b)(24)(v), and who is
27 before the court pursuant to §§ 14-1-5(1)(iii) through 14-1-5(1)(v), 40-11-7 or 42-72-14, shall be
28 entitled to a transition hearing, as needed, when the child reaches the age of twenty (20) if no
29 appropriate transition plan has been submitted to the court by the department of children, person
30 and families and the department of behavioral healthcare, developmental disabilities and
31 hospitals. The family court shall require that the department of behavioral healthcare,
32 developmental disabilities, and hospitals shall immediately identify a liaison to work with the
33 department of children, youth, and families until the child reaches the age of twenty-one (21) and
34 an immediate transition plan be submitted if the following facts are found:

1 (1) No suitable transition plan has been presented to the court addressing the levels of
2 service appropriate to meet the needs of the child as identified by the department of behavioral
3 healthcare, developmental disabilities and hospitals; or

4 (2) No suitable housing options, health insurance, educational plan, available mentors,
5 continuing support services, workforce supports, and employment services have been identified
6 for the child.

7 ~~(e) Provided, further, that any youth who comes within the jurisdiction of the court by the~~
8 ~~filing of a wayward or delinquent petition based upon an offense that was committed prior to July~~
9 ~~1, 2007, including youth who are adjudicated and committed to the Rhode Island training school~~
10 ~~and who are placed in a temporary community placement as authorized by the family court, may~~
11 ~~continue under the jurisdiction of the court until he or she turns twenty one (21) years of age.~~

12 ~~(f)~~ (g) In any case where the court shall not have acquired jurisdiction over any person
13 prior to the person's eighteenth (18th) birthday by the filing of a petition alleging that the person
14 had committed an offense, but a petition alleging that the person had committed an offense that
15 would be punishable as a felony if committed by an adult has been filed before that person attains
16 the age of nineteen (19) years of age, that person shall, except as specifically provided in this
17 chapter, be subject to the jurisdiction of the court until he or she becomes nineteen (19) years of
18 age, unless discharged prior to turning nineteen (19).

19 ~~(g)~~ (h) In any case where the court shall not have acquired jurisdiction over any person
20 prior to the person attaining the age of nineteen (19) years by the filing of a petition alleging that
21 the person had committed an offense prior to the person attaining the age of eighteen (18) years
22 which would be punishable as a felony if committed by an adult, that person shall be referred to
23 the court that had jurisdiction over the offense if it had been committed by an adult. The court
24 shall have jurisdiction to try that person for the offense committed prior to the person attaining
25 the age of eighteen (18) years and, upon conviction, may impose a sentence not exceeding the
26 maximum penalty provided for the conviction of that offense.

27 ~~(h)~~ (i) In any case where the court has certified and adjudicated a child in accordance
28 with the provisions of §§ 14-1-7.2 and 14-1-7.3, the jurisdiction of the court shall encompass the
29 power and authority to sentence the child to a period in excess of the age of nineteen (19) years.
30 However, in no case shall the sentence be in excess of the maximum penalty provided by statute
31 for the conviction of the offense.

32 ~~(i)~~ (j) Nothing in this section shall be construed to affect the jurisdiction of other courts
33 over offenses committed by any person after he or she reaches the age of eighteen (18) years.

34 **14-1-11.1. Commitment of voluntary placements.**

1 (a) The department of children, youth, and families shall petition the family court and
2 request the care, custody, and control of any child who is voluntarily placed with the department
3 for the purpose of foster care by a parent or other person previously having custody and who
4 remains in foster care for a period of twelve (12) months. However, there shall be no requirement
5 for the department to seek custody of any child with an emotional, behavioral or mental disorder
6 or developmental or physical disability if the child is voluntarily placed with the department by a
7 parent or guardian of the child for the purpose of accessing an out-of-home program for the child
8 in a program which provides services for children with disabilities, including, but not limited to,
9 residential treatment programs, residential counseling centers, and therapeutic foster care
10 programs.

11 (b) In a hearing on a petition alleging that a child is dependent, competent and creditable
12 evidence that the child has remained in foster care for a period of twelve (12) months shall
13 constitute prima facie evidence sufficient to support the finding by the court that the child is
14 "dependent" in accordance with § 14-1-3.

15 (c) In those cases where a young adult who meets the eligibility criteria in §14-1-6(c)
16 wishes to continue in foster care after age eighteen (18), the young adult and an authorized
17 representative of DCYF shall, before the youth reaches age eighteen (18), discuss the terms of a
18 voluntary placement agreement for extension of care to be executed upon or after the young
19 adult's eighteenth birthday.

20 (d) In those cases where a young adult who meets the eligibility criteria in §14-1-6(c)
21 exits foster care at or after age eighteen (18), but wishes to return to foster care before age
22 twenty-one (21), DCYF shall file a petition for legal supervision of the young adult, with a
23 voluntary placement agreement for extension of care, executed by the young adult and an
24 authorized representative of DCYF attached.

25 SECTION 2. Section 40-11-14 of the General Laws in Chapter 40-11 entitled "Abused
26 and Neglected Children" is hereby amended to read as follows:

27 **40-11-14. Right to representation in court proceedings.**

28 (a) Any child who is alleged to be abused or neglected as a subject of a petition filed in
29 family court under this chapter, shall have a guardian ad litem appointed by the court to represent
30 this child. In addition, any young adult, who is eligible for extended foster care pursuant to §14-1-
31 6(c) and who has executed a voluntary agreement for extension of care may request the
32 appointment of guardian ad litem or court-appointed counsel. An appointment shall be in the
33 discretion of the court. The cost of counsel in those instances shall be paid by the state.

34 (b) A volunteer court-appointed special advocate may be assigned to assist the guardian

1 ad litem, in the court-appointed special advocate's office (CASA):

2 (1) In order to assist the family court with the ability to ensure that these volunteers,
3 whose activity involves routine contact with minors, are of good moral character, all persons
4 seeking to volunteer for CASA shall be required to undergo a national criminal records check for
5 the purpose of determining whether the prospective volunteer has been convicted of any crime.

6 (i) A national criminal records check shall include fingerprints submitted to the Federal
7 Bureau of Investigation (FBI) by the department of children, youth and families (DCYF) for a
8 national criminal records check. The national criminal records check shall be processed prior to
9 the commencement of volunteer activity.

10 (ii) For the purposes of this section, "conviction" means, in addition to judgments of
11 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances
12 where the defendant has entered a plea of nolo contendere and has received a sentence of
13 probation and that sentence has not expired and those instances where a defendant has entered
14 into a deferred sentence agreement with the attorney general.

15 (iii) For the purposes of this section, "disqualifying information" means information
16 produced by a national criminal records check pertaining to conviction for the offenses
17 designated as "disqualifying information" pursuant to DCYF policy.

18 (iv) The department of children, youth and families (DCYF) shall inform the applicant, in
19 writing, of the nature of the disqualifying information; and, without disclosing the nature of the
20 disqualifying information, shall notify the family court, in writing, that disqualifying information
21 has been discovered.

22 (v) In those situations in which no disqualifying information has been found, DCYF shall
23 inform the applicant and the family court, in writing, of this fact.

24 (vi) The family court shall maintain on file evidence that national criminal records checks
25 have completed on all volunteer court-appointed special advocates.

26 (vii) The criminal record check shall be conducted without charge to the prospective
27 CASA volunteers. At the conclusion of the background check required pursuant to this section,
28 DCYF shall promptly destroy the fingerprint record of the applicant obtained pursuant to this
29 chapter.

30 (2) All persons seeking to volunteer for CASA must submit a satisfactory DCYF
31 clearance and participate in a program of training offered by the CASA office.

32 (c) If the parent or other person responsible for the child's care is financially unable to
33 engage counsel as determined by the court, the court may, at the request of that person, and in its
34 discretion, appoint the public defender, or other counsel, to represent the person. The cost of other

1 counsel in those instances shall be paid by the state. In every court proceeding under this chapter
2 in which it is a party, the department shall be represented by its legal counsel.

3 SECTION 3. Chapter 40-11 of the General Laws entitled "Abused and Neglected
4 Children" is hereby amended by adding thereto the following section:

5 **40-11-12.5. Review of young adults under the court's legal supervision and receiving**
6 **care and placement services from DCYF.**

7 (a) In the case of a young adult, between the ages of eighteen (18) and twenty-one (21),
8 who has executed a voluntary placement agreement for continued care and placement
9 responsibility from the department and for legal supervision of the court, the permanency plan
10 shall document the reasonable efforts made by the department and the young adult to finalize a
11 permanency plan that addresses the goal of preparing the young adult for independence and
12 successful adulthood. This includes, but is not limited to, housing assistance to obtain supervised
13 independent living arrangements, shared living arrangements or extended foster and kinship care:
14 education, vocational assessment, job training and employment plan needed to transition the
15 young adult to self-sufficiency: assisting the young adult in obtaining educational goals: a job,
16 employment/vocational skills: any other services and supports that will assist the young adult in
17 accessing available services; applying for public benefits; acquiring important documents, such as
18 ID card, driver's license, birth certificate, social security card, health insurance cards, medical
19 records; attending to physical and mental health needs; maintaining relationships with individuals
20 who are important to them and acquiring information about siblings and other maternal and
21 paternal relatives.

22 (b) Initial judicial determination - Within one hundred eighty (180) days of signing the
23 voluntary placement agreement, the department must petition the court to make a determination
24 whether remaining in foster care is in the young adult's best interests.

25 (c) The court shall conduct a permanency hearing within one year after the young adult
26 and the department execute a voluntary placement agreement and annually thereafter. At the
27 permanency hearing, the department shall present a written case plan to the court for approval
28 that details the necessary services, care and placement the young adult shall receive to assist the
29 transition to independence and successful adulthood. The court shall also review the efforts made
30 to assist the youth in forming permanent connections with caring adults, or otherwise establish
31 positive, supportive relationships. The young adult is expected to be present at each permanency
32 hearing, except for good cause shown. The young adult shall be expected to guide the
33 development of the permanency plan. The court shall determine permanency plan for the young
34 adult and whether continued care and placement responsibility from the department is in the best

1 interests of the young adult. The best interests of the young adult shall be paramount.

2 (d) Notice of the court hearings shall be served by the department upon all parties in
3 interest in accordance with the rules of child welfare procedure of the family court.

4 (e) Periodic formal reviews, shall be held not less than once every one hundred eighty
5 (180) days to assess the progress and case plan of any young adult under the court's legal
6 supervision and under the care and placement responsibility of DCYF pursuant to a voluntary
7 agreement for extension of care.

8 The permanency plan shall be reviewed by the court at least once every twelve (12)
9 months at a permanency hearing and by the department in an administrative review within one
10 hundred eighty (180) days after the permanency hearing. The young adult is expected to
11 participate in case planning and periodic reviews.

12 (f) At the administrative review and the permanency hearing the department and the court
13 shall ascertain:

14 (1) Whether the young adult continues to be compliant with the conditions for eligibility
15 for extended care and placement responsibility;

16 (2) Whether the department has made reasonable efforts to finalize a permanency plan
17 that prepares the young adult for a successful transition to independence;

18 (3) Whether the young adult is safe in their placement and continued foster care is
19 appropriate;

20 (4) Whether the young adult has been provided appropriate services or requires additional
21 services and support to achieve the goals documented in the case plan for a successful transition
22 under state or federal law;

23 (5) Whether progress has been made to achieve independence on a projected date;

24 (g) The court may order the department or any other department of state government,
25 consistent with §14-1-59 to take action to access transition services, particularly those necessary
26 to secure affordable housing, to provide vocational testing, assessment and guidance, to acquire
27 job training opportunities and apprenticeships and to apply for any applicable state or federal
28 benefits to ensure that the young adult receives the support and care necessary to achieve
29 independence and successful adulthood.

30 SECTION 4. Section 42-102-10 of the General Laws in Chapter 42-102 entitled
31 "Governor's Workforce Board Rhode Island" is hereby amended to read as follows:

32 **42-102-10. State Career-Pathways System.**

33 The workforce board ("board") shall support and oversee statewide efforts to develop and
34 expand career pathways that enable individuals to secure employment within a specific industry

1 or occupational sector and to advance over time to successively higher levels of education and
2 employment in that sector. Towards this purpose, the board shall convene an advisory committee
3 comprised of representatives from business, labor, adult education, secondary education, higher
4 education, the department of corrections, the executive office of health and human services, [the](#)
5 [department of children, youth and families](#), the department of behavioral healthcare,
6 developmental disabilities and hospitals, the office of library and information services,
7 community-based organizations, consumers, and the public-workforce system. Included in the
8 state career-pathways system, shall be the creation of pathways and workforce training programs
9 to fill skill gaps and employment opportunities in the clean-energy sector.

10 SECTION 5. Sections 40-72.1-2, 42-72.1-3, and 42-72.1-6 of the General Laws in
11 Chapter 40-72.1 entitled "Licensing and Monitoring of Child Care Providers and Child-Placing
12 Agencies" are hereby amended to read as follows:

13 **42-72.1-2. Definitions.**As used in this chapter:

14 (1) "Administrator of licensing" means the director of the licensing unit (or his/her
15 designee) that carries out the provisions of this chapter, hereafter referred to as the
16 "administrator".

17 (2) "Applicant" means a child-placing agency or childcare provider that applies for a
18 license to operate.

19 (3) "Child" means any person less than eighteen (18) years of age; provided, that a child
20 over eighteen (18) years of age who is nevertheless subject to continuing jurisdiction of the
21 family court, pursuant to chapter 1 of title 14, or defined as emotionally disturbed according to
22 chapter 7 of title 40.1, shall be considered a child for the purposes of this chapter.

23 (4) "Childcare provider" means a person or agency, which offers residential or
24 nonresidential care and/or treatment for a child outside of his/her natural home.

25 (5) "Child day care [or child care](#)" means daily care and/or supervision offered
26 commercially to the public for any part of a twenty-four (24) hour day to children away from
27 their homes.

28 (6) "Child day care center [or child care center](#)" means any person, firm, corporation,
29 association, or agency who, on a regular or irregular basis, receives any child under the age of
30 sixteen (16) years, for the purpose of care and/or supervision, not in a home or residence, apart
31 from the child's parent or guardian for any part of a twenty-four (24) hour day irrespective of
32 compensation or reward. It shall include childcare programs that are offered to employees at the
33 worksite. It does not include nursery schools or other programs of educational services subject to
34 approval by the commissioner of elementary and secondary education.

1 (7) "Child-placing agency" means any private or public agency, which receives children
2 for placement into independent living arrangements, supervised apartment living, residential
3 group care facilities, family foster homes, or adoptive homes.

4 (8) "Department" means the department of children, youth, and families (DCYF).

5 (9) "Director" means the director of the department of children, youth, and families, or
6 the director's designee.

7 (10) "Family day care home" means any home other than the child's home in which child
8 day care in lieu of parental care and/or supervision is offered at the same time to four (4) or more
9 children who are not relatives of the care giver.

10 (11) "Group family day care home" means a residence occupied by an individual of at
11 least twenty-one (21) years of age who provides care for not less than nine (9) and not more than
12 twelve (12) children, with the assistance of one or more approved adults, for any part of a twenty-
13 four (24) hour day. The maximum of twelve (12) children shall include children under six (6)
14 years of age who are living in the home, school-age children under the age of twelve (12) years
15 whether they are living in the home or are received for care, and children related to the provider
16 who are received for care. These programs shall be subject to yearly licensing as addressed in this
17 chapter and shall comply with all applicable state and local fire, health, and zoning regulations.

18 (12) "Licensee" means any person, firm, corporation, association, or agency, which holds
19 a valid license under this chapter.

20 (13) "Regulation" means any requirement for licensure, promulgated pursuant to this
21 chapter having the force of law.

22 (14) "Related" means any of the following relationships, by marriage, blood or adoption,
23 even following the death or divorce of a natural parent: parent, grandparent, brother, sister, aunt,
24 uncle, and first cousin. In a prosecution under this chapter or of any law relating thereto, a
25 defendant who relies for a defense upon the relationship of any child to him or herself, the
26 defendant shall have the burden of proof as to the relationship.

27 **42-72.1-3. Powers and scope of activities.**

28 (a) The department shall issue, deny, and revoke licenses for, and monitor the operation
29 of, facilities and programs by child placing agencies and child care providers, as defined in § 42-
30 72.1-2 [or assess administrative penalty under the provisions of §42-72.11 of this chapter relating](#)
31 [to licensed child care centers, family child care homes, group family child care homes.](#)

32 (b) The department shall adopt, amend, and rescind regulations in accordance with this
33 chapter and implement its provisions. The regulations shall be promulgated and become effective
34 in accordance with the provisions of the Administrative Procedures Act, chapter 35 of title 42.

1 (c) The department through its licensing unit shall administer and manage the regulations
2 pertaining to the licensing and monitoring of those agencies, and shall exercise all statutory and
3 administrative powers necessary to carry out its functions.

4 (d) The administrator shall investigate complaints of noncompliance, and shall take
5 licensing action as required.

6 (e) Regulations formulated pursuant to the foregoing authority shall include, but need not
7 be limited to, the following:

8 (1) Financial, administrative and organizational ability, and stability of the applicant;

9 (2) Compliance with specific fire and safety codes and health regulations;

10 (3) Character, health suitability, qualifications of child care providers;

11 (4) Staff/child ratios and workload assignments of staff providing care or supervision to
12 children;

13 (5) Type and content of records or documents that must be maintained to collect and
14 retain information for the planning and caring for children;

15 (6) Procedures and practices regarding basic child care and placing services to ensure
16 protection to the child regarding the manner and appropriateness of placement;

17 (7) Service to families of children in care;

18 (8) Program activities, including components related to physical growth, social,
19 emotional, educational, and recreational activities, social services and habilitative or rehabilitative
20 treatment;

21 (9) Investigation of previous employment, criminal record check and department records
22 check; and

23 (10) Immunization and testing requirements for communicable diseases, including, but
24 not limited to, tuberculosis, of child care providers and children at any child day-care center or
25 family day-care home as is specified in regulations promulgated by the director of the department
26 of health. Notwithstanding the foregoing, all licensing and monitoring authority shall remain with
27 the department of children, youth, and families.

28 (f) The administrator may:

29 (1) Prescribe any forms for reports, statements, notices, and other documents deemed
30 necessary;

31 (2) Prepare and publish manuals and guides explaining this chapter and the regulations to
32 facilitate compliance with and enforcement of the regulations;

33 (3) Prepare reports and studies to advance the purpose of this chapter;

34 (4) Provide consultation and technical assistance, as requested, to assist licensees in

1 maintaining compliance; and

2 (5) Refer to the advisory council for children and families for advice and consultation on
3 licensing matter.

4 (g) The department may promulgate rules and regulations for the establishment of child
5 day care centers located on the second floor.

6 (h) When the department is otherwise unsuccessful in remedying noncompliance with the
7 provisions of this chapter and the regulations promulgated under it, it ~~shall~~ may petition the
8 family court for an order enjoining the noncompliance or for any order that equity and justice
9 may require.

10 (i) The department shall collaborate with the departments of human services, elementary
11 and secondary education, and health to provide monitoring, mentoring, training, technical
12 assistance, and other services which are necessary and appropriate to improving the quality of
13 child care offered by child care providers who are certified, licensed, or approved by the
14 department or the department of elementary and secondary education or who are seeking
15 certification, licensure, or approval pursuant to § 42-72-1 or § 16-48-2, including non-English
16 speaking providers.

17 (j) The department shall adopt, amend, and rescind regulations in the same manner as set
18 forth above in order to permit the placement of a pregnant minor in a group residential facility
19 which provides a shelter for pregnant adults as its sole purpose.

20 **42-72.1-6. Violations, suspensions and revocations of license.**

21 (a) When a licensee violates the terms of the license, the provisions of this chapter, or any
22 regulation thereunder, the department may pursue the administrative remedies herein provided,
23 including the assessment administrative penalties under the provisions of §42-72.11 of this
24 chapter relating to licensed child care centers, family child care homes, group family child care
25 homes, in addition to other civil or criminal remedies according to the general laws.

26 (b) After notice and hearing, as provided by the Administrative Procedures Act, chapter
27 35 of title 42, the administrator may revoke the license, or suspend the license for a period not
28 exceeding six (6) months.

29 (c) During a suspension, the agency, facility or program shall cease operation.

30 (d) To end a suspension, the licensee shall, within thirty (30) days of the notice of
31 suspension, submit a plan of corrective action to the administrator. The plan shall outline the
32 steps and timetables for immediate correction of the areas of noncompliance and is subject to the
33 approval of the administrator.

34 (e) At the end of the suspension, the administrator may reinstate the license for the term

1 of the original license, revoke the license, issue a new license, or deny a reapplication.

2 (f) Upon revocation, the licensed agency, program or facility shall cease operation. The
3 licensee whose license has been revoked may not apply for a similar license within a three (3)
4 year period from the date of revocation.

5 (g) Except in those instances wherein there is a determination that there exists a danger to
6 the public health, safety, or welfare or there is a determination that the child care provider has
7 committed a serious breach of State law, orders, or regulation, the director shall utilize
8 progressive penalties for noncompliance of any rule, regulation or order relating to child care
9 providers. Progressive penalties could include written notice of noncompliance, education and
10 training, suspending enrollment to the program, assessing fines, suspension of license, and
11 revocation of license.

12 SECTION 6. Title 42 of the General Laws entitled "State Affairs and Government" is
13 hereby amended by adding thereto the following chapter:

14 CHAPTER 42-72.11

15 ADMINISTRATIVE PENALTIES FOR CHILD CARE LICENSING VIOLATIONS

16 **42-72.11-1. Definitions.**

17 As used in this chapter, the following words, unless the context clearly requires
18 otherwise, shall have the following meanings:

19 (1) "Administrative penalty" means a monetary penalty not to exceed the civil penalty
20 specified by statute or, where not specified by statute, an amount not to exceed five hundred
21 dollars (\$500).

22 (2) "Director" means the director of the department of children, youth and families or his
23 or her duly authorized agent.

24 (3) "Person" means any public or private corporation, individual, partnership, association,
25 or other entity that is licensed as a child care center, family child care home, group family child
26 care home or any officer, employee or agent thereof.

27 (4) "Citation" means a notice of an assessment of an administrative penalty issued by the
28 director or his or her duly authorized agent.

29 **42-72.11-2. Authority of director to assess penalty.**

30 The director may assess an administrative penalty on a person who fails to comply with
31 any provision of any rule, regulation, order, permit, license, or approval issued or adopted by the
32 director, or of any law which the director has the authority or responsibility to enforce.

33 **42-72.11-3. Notice of violation and assessment of penalty.**

34 (a) Whenever the director seeks to assess an administrative penalty on any person, the

1 director shall cause to be served upon the person, either by service, in hand, or by certified mail,
2 return receipt requested, a written notice of its intent to assess an administrative penalty which
3 shall include:

4 (1) A concise statement of the alleged act or omission for which the administrative
5 penalty is sought to be assessed;

6 (2) Each law, rule, regulation, or order which has not been complied with as a result of
7 the alleged act or omission;

8 (3) The amount which the director seeks to assess as an administrative penalty for each
9 alleged act or omission;

10 (4) A statement of the person's right to an adjudicatory hearing on the proposed
11 assessment;

12 (5) The requirements the person must comply with to avoid being deemed to have waived
13 the right to an adjudicatory hearing; and

14 (6) The manner of payment thereof if the person elects to pay the penalty and waive an
15 adjudicatory hearing.

16 **42-72.11-4. Right to adjudicatory hearing.**

17 (a) Whenever the director seeks to assess an administrative penalty on any person the
18 person shall have the right to an adjudicatory hearing under chapter 35 of this title, the provisions
19 of which shall apply except when they are inconsistent with the provisions of this chapter.

20 (b) A person shall be deemed to have waived his or her right to an adjudicatory hearing
21 unless, within ten (10) days of the date of the director's notice that he or she seeks to assess an
22 administrative penalty, the person files with the director a written statement denying the
23 occurrence of any of the acts or omissions alleged by the director in the notice, or asserting that
24 the money amount of the proposed administrative penalty is excessive. In any adjudicatory
25 hearing authorized pursuant to chapter 35 of title 42, the director shall, by a preponderance of the
26 evidence, prove the occurrence of each act or omission alleged by the director.

27 (c) If a person waives his or her right to an adjudicatory hearing, the proposed
28 administrative penalty shall be final immediately upon the waiver.

29 **42-72.11-5. Judicial review.**

30 (a) If an administrative penalty is assessed at the conclusion of an adjudicatory hearing
31 the administrative penalty shall be final upon the expiration of thirty (30) days if no action for
32 judicial review of the decision is commenced pursuant to chapter 35 of this title.

33 (b) The family court shall have exclusive jurisdiction to review all appeals filed under
34 this chapter.

1 **42-72.11-6. Determination of administrative penalty.**

2 In determining the amount of each administrative penalty, the director shall include, but
3 not be limited to, the following to the extent practicable in his or her considerations:

4 (1) The actual and potential impact on health, safety and welfare of children impacted the
5 alleged noncompliance;

6 (2) Whether the person being assessed the administrative penalty took steps to prevent
7 noncompliance, and to promptly come into compliance;

8 (3) Whether the person being assessed the administrative penalty has previously failed to
9 comply with any rule, regulation, or order issued or adopted by the director, or any law which the
10 director has the authority or responsibility to enforce;

11 (4) Making compliance less costly than noncompliance;

12 (5) Deterring future noncompliance;

13 (7) The amount necessary to eliminate the economic advantage of noncompliance;

14 (8) Whether the failure to comply was intentional, willful, or knowing or was the result of
15 error;

16 (9) Any amount specified by state and/or federal statute for a similar violation or failure
17 to comply;

18 (10) Any other factor(s) that may be relevant in determining the amount of a penalty,
19 provided that the other factors shall be set forth in the written notice of assessment of the penalty;

20 and

21 (11) The public interest.

22 **42-72.11-7. Limitations on amount of penalty.**

23 The administrative penalty shall be not more than one thousand dollars (\$1,000) for each
24 violation or failure to comply unless a different amount is authorized by statute as a civil penalty
25 for the subject violation. Each and every occurrence and/or day during which the violation or
26 failure to comply is repeated shall constitute a separate and distinct violation.

27 **42-72.11-8. Rules and regulations.**

28 No administrative penalty shall be assessed by the director pursuant to this chapter until
29 the director has promulgated rules and regulations for assessing administrative penalties in
30 accordance with the provisions of chapter 35 of this title.

31 **42-72.11-9. Severability.**

32 If any provision of this chapter or the application thereof to any person or circumstances
33 is held invalid, that invalidity shall not affect other provisions or applications of the chapter,
34 which can be given effect without the invalid provision or application, and to this end the

1 [provisions of this chapter are declared to be severable.](#)

2 SECTION 7. Sections 23-24.6-14 and 23-24.6-14.1 of the General Laws in Chapter 23-
3 24.6 entitled "Lead Poisoning Prevention Act" are hereby amended to read as follows:

4 **23-24.6-14. Inspection of child care facilities.**

5 (a) The director shall promulgate regulations requiring that as a condition of licensure all
6 ~~preschools, day care facilities, nursery schools,~~ [group family child care homes, family child care](#)
7 [homes, child care centers, residential facilities, and](#) public and private elementary schools ~~and~~
8 ~~schoolyards, and public playgrounds, and shelters and foster homes~~ serving children under the
9 age of six (6) years in Rhode Island:

- 10 (1) Receive comprehensive environmental lead inspections at specified intervals; and
11 (2) Demonstrate that they are either lead free or lead safe.

12 ~~(b) The director, shall, using state inspectors, conduct comprehensive environmental lead~~
13 ~~inspections for all these facilities at the specified intervals.~~

14 **23-24.6-14.1. Inspection of foster homes.**

15 [\(a\) The director shall promulgate regulations that subject foster homes to, at a minimum,](#)
16 [a visual lead inspection to assess whether there are any potential lead hazards in the home. The](#)
17 [department of health shall review the results of all lead inspections of foster homes and shall](#)
18 [ensure that owners receive all information needed to remediate the lead hazards identified in the](#)
19 [inspection.](#)

20 SECTION 8. Section 40-5.2-20 of the General Laws in Chapter 40-5.2 entitled "The
21 Rhode Island Works Program" is hereby amended to read as follows:

22 **40-5.2-20. Child-care assistance.**

23 Families or assistance units eligible for childcare assistance.

24 (a) The department shall provide appropriate child care to every participant who is
25 eligible for cash assistance and who requires child care in order to meet the work requirements in
26 accordance with this chapter.

27 (b) *Low-Income child care.* The department shall provide child care to all other working
28 families with incomes at or below one hundred eighty percent (180%) of the federal poverty level
29 if, and to the extent, such other families require child care in order to work at paid employment as
30 defined in the department's rules and regulations. [Beginning July 1, 2018, and contingent on the](#)
31 [availability of funding, the department shall provide child care to families with incomes at or](#)
32 [below one hundred eighty percent \(180%\) of the federal poverty level if, and to the extent, such](#)
33 [families are enrolled in studies, as defined in the department's rules and regulations, at a Rhode](#)
34 [Island institution of higher education, and need child care in order to attend.](#) Beginning October 1,

1 2013, the department shall also provide child care to families with incomes at or below one
2 hundred eighty percent (180%) of the federal poverty level if, and to the extent, such families
3 require child care to participate on a short-term basis, as defined in the department's rules and
4 regulations, in training, apprenticeship, internship, on-the-job training, work experience, work
5 immersion, or other job-readiness/job-attachment program sponsored or funded by the human
6 resource investment council (governor's workforce board) or state agencies that are part of the
7 coordinated program system pursuant to § 42-102-11.

8 (c) No family/assistance unit shall be eligible for child care assistance under this chapter
9 if the combined value of its liquid resources exceeds ten thousand dollars (\$10,000). Liquid
10 resources are defined as any interest(s) in property in the form of cash or other financial
11 instruments or accounts that are readily convertible to cash or cash equivalents. These include,
12 but are not limited to: cash, bank, credit union, or other financial institution savings, checking,
13 and money market accounts; certificates of deposit or other time deposits; stocks; bonds; mutual
14 funds; and other similar financial instruments or accounts. These do not include educational
15 savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held
16 jointly with another adult, not including a spouse. The department is authorized to promulgate
17 rules and regulations to determine the ownership and source of the funds in the joint account.

18 (d) As a condition of eligibility for child care assistance under this chapter, the parent or
19 caretaker relative of the family must consent to, and must cooperate with, the department in
20 establishing paternity, and in establishing and/or enforcing child support and medical support
21 orders for all children in the family in accordance with title 15, as amended, unless the parent or
22 caretaker relative is found to have good cause for refusing to comply with the requirements of this
23 subsection.

24 (e) For purposes of this section, "appropriate child care" means child care, including
25 infant, toddler, pre-school, nursery school, school-age, that is provided by a person or
26 organization qualified, approved, and authorized to provide such care by the department of
27 children, youth, and families, or by the department of elementary and secondary education, or
28 such other lawful providers as determined by the department of human services, in cooperation
29 with the department of children, youth and families and the department of elementary and
30 secondary education.

31 (f) (1) Families with incomes below one hundred percent (100%) of the applicable
32 federal poverty level guidelines shall be provided with free childcare. Families with incomes
33 greater than one hundred percent (100%) and less than one hundred eighty (180%) of the
34 applicable federal poverty guideline shall be required to pay for some portion of the childcare

1 they receive, according to a sliding-fee scale adopted by the department in the department's rules.

2 (2) Families who are receiving childcare assistance and who become ineligible for
3 childcare assistance as a result of their incomes exceeding one hundred eighty percent (180%) of
4 the applicable federal poverty guidelines shall continue to be eligible for childcare assistance until
5 their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty
6 guidelines. To be eligible, such families must continue to pay for some portion of the childcare
7 they receive, as indicated in a sliding-fee scale adopted in the department's rules and in
8 accordance with all other eligibility standards.

9 (g) In determining the type of childcare to be provided to a family, the department shall
10 take into account the cost of available childcare options; the suitability of the type of care
11 available for the child; and the parent's preference as to the type of child care.

12 (h) For purposes of this section, "income" for families receiving cash assistance under §
13 40-5.2-11 means gross earned income and unearned income, subject to the income exclusions in
14 subdivisions §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean
15 gross, earned and unearned income as determined by departmental regulations.

16 (i) The caseload estimating conference established by chapter 17 of title 35 shall forecast
17 the expenditures for childcare in accordance with the provisions of § 35-17-1.

18 (j) In determining eligibility for child care assistance for children of members of reserve
19 components called to active duty during a time of conflict, the department shall freeze the family
20 composition and the family income of the reserve component member as it was in the month prior
21 to the month of leaving for active duty. This shall continue until the individual is officially
22 discharged from active duty.

23 SECTION 9. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled "Child
24 Care – State Subsidies" is hereby amended to read as follows:

25 **40-6.2-1.1. Rates established.**

26 (a) Through June 30, 2015, subject to the payment limitations in section (b), the
27 maximum reimbursement rates to be paid by the departments of human services and children,
28 youth and families for licensed child care centers and ~~certified~~ licensed family-child care
29 providers shall be based on the following schedule of the 75th percentile of the 2002 weekly
30 market rates adjusted for the average of the 75th percentile of the 2002 and the 2004 weekly
31 market rates:

32 LICENSED CHILD CARE CENTERS	75th PERCENTILE OF WEEKLY MARKET RATE
33 INFANT	\$182.00
34 PRESCHOOL	\$150.00

1	SCHOOL-AGE	\$135.00
2	CERTIFIED FAMILY CHILD CARE	75th PERCENTILE OF WEEKLY MARKET RATE
3	CHILD CARE PROVIDERS	
4	INFANT	\$150.00
5	PRESCHOOL	\$150.00
6	SCHOOL-AGE	\$135.00

7 ~~Effective July 1, 2015, Through June 30, 2018,~~ subject to the payment limitations in
8 subsection (b), the maximum reimbursement rates to be paid by the departments of human
9 services and children, youth and families for licensed child care centers and ~~certified-licensed~~
10 family-child care providers shall be based on the above schedule of the 75th percentile of the
11 2002 weekly market rates adjusted for the average of the 75th percentile of the 2002 and the 2004
12 weekly market rates. These rates shall be increased by ten dollars (\$10.00) per week for
13 infant/toddler care provided by ~~certified~~ licensed family-child care providers and license-exempt
14 providers and then the rates for all providers for all age groups shall be increased by three percent
15 (3%). Effective July 1, 2018, subject to the payment limitations in subsection (b), the maximum
16 infant/toddler reimbursement rate to be paid by the departments of human services and children,
17 youth and families for licensed child care centers and licensed family-child care providers shall
18 be implemented in a tiered manner, reflective of the quality rating the provider has achieved
19 within the State's Quality Rating System outlined in § 42-12-23.1. The rates shall be based on the
20 2015 market rate survey and shall be updated when future market rate surveys are completed.
21 Rates will be established by the department of human services. No rate shall be below \$193 for
22 licensed child care centers, and \$169 for licensed family child care homes, and the rate for
23 Providers achieving a five-star rating in the quality rating system will be no less than the 75th
24 percentile of the market rate.

25 (b) The departments shall pay child care providers based on the lesser of the applicable
26 rate specified in subsection (a), or the lowest rate actually charged by the provider to any of its
27 public or private child care customers with respect to each of the rate categories, infant, preschool
28 and school-age.

29 (c) By June 30, 2004 and biennially through June 30, 2014, the department of labor and
30 training shall conduct an independent survey or certify an independent survey of the then current
31 weekly market rates for child care in Rhode Island and shall forward such weekly market rate
32 survey to the department of human services. The next survey shall be conducted by June 30,
33 2016, and triennially thereafter. The departments of human services and labor and training will
34 jointly determine the survey criteria including, but not limited to, rate categories and sub-

1 categories.

2 (d) In order to expand the accessibility and availability of quality child care, the
3 department of human services is authorized to establish by regulation alternative or incentive
4 rates of reimbursement for quality enhancements, innovative or specialized child care and
5 alternative methodologies of child care delivery, including non-traditional delivery systems and
6 collaborations.

7 (e) ~~On or before~~ Effective January 1, 2007, all child care providers have the option to be
8 paid every two (2) weeks and have the option of automatic direct deposit and/or electronic funds
9 transfer of reimbursement payments.

10 SECTION 10. This Article shall take effect upon passage.

11 **ARTICLE 16**

12 **RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS**

13 SECTION 1. This article shall serve as joint resolution required pursuant to Rhode Island
14 General Law § 35-18-1, et seq.

15 SECTION 2. *University of Rhode Island - Repaving, Hardscape & Landscape*

16 WHEREAS, the Rhode Island Council on Postsecondary Education is proposing a project
17 which involves the re-pavement and reconstruction of major parking facilities, internal roadways,
18 and walkways and associated infrastructure on the University's Kingston, Narragansett Bay, and
19 W. Alton Jones; and

20 WHEREAS, the University has made progress in the improvement of its extensive
21 inventory of paved surfaces on its Campuses, the scope of repaving and reconstruction of major
22 parking facilities, internal roadways, and walkways and associated infrastructure is substantial and
23 ongoing; and

24 WHEREAS, a recent Transportation and Parking Master Plan recommends the
25 redevelopment of campus roadways into "complete streets" allowing safe travel for pedestrians,
26 cyclists, vehicles and other modes of travel; and

27 WHEREAS, the design and execution of this Master Plan will improve the campus's
28 environmental impact; and

29 WHEREAS, these timely project commitments serve the objectives of both the University
30 and the local community; and

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

1 WHEREAS, the design and paving work will be financed through Rhode Island Health
2 and Education Building Corporation revenue bonds, with an expected term of twenty (20) years;
3 and

4 WHEREAS, the project costs associated with completion of the project and proposed
5 financing method is eleven million dollars (\$11,000,000), including cost of issuance. Debt
6 Service payments would be supported by both University's unrestricted general revenues and
7 enterprise funding from the University of Rhode Island Parking Services operation. Total debt
8 service on the bonds is not expected to exceed eight hundred eighty three thousand dollars
9 (\$883,000) annually and seventeen million six hundred sixty thousand dollars (\$17,660,000) in
10 the aggregate based on an average interest rate of five percent (5%); now, therefore be it

11 RESOLVED, that this General Assembly hereby approves financing in an amount not to
12 exceed eleven million dollars (\$11,000,000) for the Repaving, Hardscape & Landscape project at
13 the University of Rhode Island; and be it further

14 RESOLVED, that, this Joint Resolution shall take effect upon passage by this General
15 Assembly.

16 SECTION 3. *University of Rhode Island – Utility Infrastructure Upgrade Phase I.*

17 WHEREAS, the Council on Postsecondary Education and the University of Rhode
18 Island are proposing a project which involves the engineering and construction of upgrades and
19 component replacements to five municipal-level Kingston Campus utility systems; and

20 WHEREAS, the University has engaged qualified engineering firms to examine its major
21 infrastructure systems; and

22 WHEREAS, based on the condition and capabilities of these systems, the studies have
23 concluded that replacement of components and reconfiguration was advisable for each of these
24 extensive systems to ensure necessary steam, water, sanitary and electrical support for the next
25 20-40 years; and

26 WHEREAS, the University has also developed the required Storm Water Management
27 Plan for the Kingston Campus, which provides guidelines that are being incorporated into
28 new building projects under development and are driving stand-alone storm water infrastructure
29 projects as well; and

30 WHEREAS, the University has successfully completed many extremely important
31 individual utility infrastructure projects in its continuing progression of work to upgrade and
32 replace infrastructure systems within the Kingston Campus but now needs dedicated
33 investments beyond annual capital resources; and

34 WHEREAS, this project is the first phase in a phased implementation plan to upgrade

1 and improve the reliability of the University of Rhode Island's Kingston campus infrastructure;
2 and

3 WHEREAS, the utility infrastructure work will be financed through Rhode Island Health
4 and Education Building Corporation revenue bonds, with an expected term of twenty (20) years;
5 and

6 WHEREAS, the total project costs associated with completion of this project and
7 proposed financing method is six million five hundred thousand dollars (\$6,500,000),
8 including cost of issuance. Debt service payments would be supported by revenues derived from
9 the University's unrestricted general revenues. Total debt service on the bonds is not expected to
10 exceed five hundred twenty two thousand dollars (\$522,000) annually and ten million four
11 hundred forty thousand dollars (\$10,440,000) in the aggregate based on an average interest rate
12 of five (5%) percent; now, therefore be it

13 RESOLVED, that this General Assembly hereby approves financing in an amount not to
14 exceed six million five hundred thousand dollars (\$6,500,000) for the Utility Infrastructure
15 Upgrade Phase I project at the University of Rhode Island; and be it further

16 RESOLVED, that, this Joint Resolution shall take effect upon passage by this General
17 Assembly.

18 SECTION 4. *University of Rhode Island – Fire Safety & Protection – Auxiliary*
19 *Enterprise Buildings Phase Two.*

20 WHEREAS, the Council on Postsecondary Education and the University of Rhode
21 Island are proposing a project which involves the installation of upgraded fire alarm and sprinkler
22 systems as well as life safety improvements in auxiliary enterprise buildings, in accordance with
23 the State Fire Code; and

24 WHEREAS, the Council on Postsecondary Education and the University have a long
25 standing commitment to the improvement and maintenance of fire safety conditions in all of the
26 buildings under their responsibility; and

27 WHEREAS, the University has already completed extensive fire safety
28 improvements during the Fire Safety & Protection – Auxiliary Enterprise Buildings Phase One;
29 and

30 WHEREAS, the University engaged a qualified fire code compliance engineering firm to
31 examine all of its occupied buildings and the firm has recommended fire safety improvements
32 needed to satisfy the Rhode Island Fire Code; and

33 WHEREAS, there remains fire safety compliance investments, identified by the
34 University's fire compliance engineering firm, in its Auxiliary Enterprise building complement

1 that the University is prepared to advance; and

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

6 WHEREAS, the design and construction associated with this fire safety compliance
7 work in Auxiliary Enterprise buildings will be financed through the Rhode Island Health and
8 Education Building Corporation (RIHEBC) revenue bonds, with an expected term of twenty
9 (20) years; and

10 WHEREAS, the total project costs associated with completion of the project and
11 proposed financing method is two million three hundred thousand dollars (\$2,300,000),
12 including cost of issuance. Debt service payments would be supported by revenues derived from
13 student fees associated with the respective Auxiliary Enterprises of the University of Rhode Island
14 occupying said facilities. Total debt service on the bonds is not expected to exceed one hundred
15 eighty five thousand dollars (\$185,000) annually and three million seven hundred thousand
16 dollars (\$3,700,000) in the aggregate based on an average interest rate of five (5%) percent; now,
17 therefore be it

18 RESOLVED, that this General Assembly hereby approves financing in an amount
19 not to exceed two million three hundred thousand dollars (\$2,300,000) for the fire safety and
20 protection project for the auxiliary enterprise buildings on the University of Rhode Island
21 campus; and be it further

22 RESOLVED, that, this Joint Resolution shall take effect upon passage by this General
23 Assembly.

24 SECTION 5. This Article shall take effect upon passage.

25 **ARTICLE 17**

26 RELATING TO THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL
27 MARIJUANA ACT

28 SECTION 1. Sections 21-28.6-3, 21-28.6-4, 21-28.6-5, 21-28.6-6, 21-28.6-7, 21-28.6-8,
29 21-28.6-9, 21-28.6-12, 21-28.6-15, 21-28.6-16, and 21-28.6-17 of the General Laws in Chapter
30 21-28.6 entitled “The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act” are
31 hereby amended as follows:

32 **21-28.6-3. Definitions.**

33 For the purposes of this chapter:

34 (1) “Acute pain” means the normal, predicted physiological response to a noxious

1 [chemical, thermal, or mechanical stimulus and typically is associated with invasive procedures,](#)
2 [trauma, and disease. Acute pain generally is resulting from nociceptor activation due to damage](#)
3 [to tissues. Acute pain typically resolves once the tissue damage is repaired. The duration of acute](#)
4 [pain varies.](#)

5 ~~(1)~~(2) "Authorized purchaser" means a natural person who is at least twenty-one (21)
6 years old and who ~~is registered with the department of health~~ [holds a registry identification card](#)
7 for the purposes of assisting a qualifying patient in purchasing marijuana from a compassion
8 center. An authorized purchaser may assist no more than one patient, and is prohibited from
9 consuming marijuana obtained for the use of the qualifying patient. An authorized purchaser shall
10 be registered with the ~~department of health~~ [division](#) and shall possess a valid registry
11 identification card.

12 ~~(2)~~(3) "Cardholder" means a person who has been registered or licensed with the
13 department of health or the department of business regulation pursuant to this chapter and
14 possesses a valid registry identification card or license.

15 ~~(3)~~(4) "Commercial unit" means a building, office, suite, or room within a commercial or
16 industrial building for use by one business or person and is rented or owned by that business or
17 person.

18 ~~(4)~~(5)(i) "Compassion center" means a not-for-profit corporation, subject to the
19 provisions of chapter 6 of title 7, and registered under § 21-28.6-12, that acquires, possesses,
20 ~~cultivates, manufactures,~~ delivers, transfers, transports, supplies, or dispenses marijuana, and/or
21 related supplies and educational materials, to patient cardholders and/or their registered caregiver
22 cardholder or authorized purchaser [pursuant to regulations promulgated by the department of](#)
23 [business regulation.](#)

24 (ii) "Compassion center cardholder" means a principal officer, board member, employee,
25 volunteer, or agent of a compassion center who has registered with the ~~department of health or~~
26 ~~the~~ department of business regulation and has been issued and possesses a valid, registry
27 identification card.

28 ~~(5)~~(6) "Debilitating medical condition" means:

29 (i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired
30 immune deficiency syndrome, Hepatitis C, post-traumatic stress disorder, [acute pain](#), or the
31 treatment of these conditions;

32 (ii) A chronic or debilitating disease or medical condition, or its treatment, that produces
33 one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain;
34 severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe

1 and persistent muscle spasms, including but not limited to, those characteristic of multiple
2 sclerosis or Crohn's disease; or agitation of Alzheimer's Disease; or

3 (iii) Any other medical condition or its treatment approved by the department, as
4 provided for in § 21-28.6-5.

5 ~~(6)~~(7) "Department of business regulation" means the Rhode Island department of
6 business regulation or its successor agency.

7 ~~(7)~~(8) "Department of health" means the Rhode Island department of health or its
8 successor agency.

9 (9) "Division" means the marijuana regulation division within the department of business
10 regulation, or its successor division or unit within the department of business regulation.

11 ~~(8)~~(10) "Department of public safety" means the Rhode Island department of public
12 safety or its successor agency.

13 ~~(9)~~(11) "Dried, useable marijuana" means the dried leaves and flowers of the marijuana
14 plant as defined by regulations promulgated by the departments of health and business regulation.

15 ~~(10)~~(12) "Dwelling unit" means the room, or group of rooms, within a dwelling used or
16 intended for use by one family or household, or by no more than three (3) unrelated individuals,
17 for living, sleeping, sanitation, cooking, and eating.

18 ~~(11)~~(13) "Equivalent amount" means the portion of usable marijuana, be it in extracted,
19 edible, concentrated, or any other form, found to be equal to a portion of dried, usable marijuana,
20 as defined by regulations promulgated by the departments of ~~health and~~ business regulation.

21 ~~(12)~~(14) "Licensed cultivator" means a person or entity, as identified in § 43-3-6, who
22 has been licensed by the department of business regulation to cultivate marijuana pursuant to §
23 21-28.6-16.

24 (15) "Licensed manufacturer" means a person or entity, as identified in § 43-3-6, who has
25 been licensed by the department of business regulation to manufacture and/or process marijuana
26 products pursuant to § 21-28.6-16.1.

27 ~~(13)~~(16) "Marijuana" has the meaning given that term in § 21-28-1.02(29).

28 ~~(14)~~(17) "Mature marijuana plant" means a marijuana plant that has flowers or buds that
29 are readily observable by an unaided visual examination.

30 (18) "Medical marijuana emporium" means any establishment, or club, whether for-profit
31 or nonprofit, or any commercial unit or other premises as further defined through regulations
32 promulgated by the department of business regulation, at which the sale, distribution, transfer or
33 use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or
34 among registered patients, registered caregivers, authorized purchaser cardholders or other

1 persons as further defined through regulations promulgated by the department of business
2 regulation. This shall not include a compassion center regulated and licensed by the department
3 of business regulation pursuant to the terms of this chapter.

4 ~~(15)~~(19) "Medical use" means the acquisition, possession, cultivation, manufacture, use,
5 delivery, transfer, or transportation of marijuana or paraphernalia relating to the consumption of
6 marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms
7 associated with the medical condition in accordance with the provisions of this chapter.

8 (20) "Medical marijuana plant tag set" or "plant tag" means any tag, identifier,
9 registration, certificate, or inventory tracking system authorized or issued by the division or
10 which the division requires be used for the lawful possession and cultivation of medical
11 marijuana plants in accordance with this chapter.

12 (21) "Medical marijuana testing laboratory" means a third party analytical testing
13 laboratory licensed by the department of health to collect and test samples of medical marijuana
14 pursuant to regulations promulgated by the department.

15 ~~(16)~~(22) "Practitioner" means a person who is licensed with authority to prescribe drugs
16 pursuant to chapter 37 of title 5 ~~or a physician licensed with authority to prescribe drugs in~~
17 ~~Massachusetts or Connecticut,~~ who may provide a qualifying patient with a written certification
18 in accordance with regulations promulgated by the departments of health and business regulation.

19 ~~(17)~~(23) "Primary caregiver" means a natural person who is at least twenty-one (21) years
20 old. A primary caregiver may assist no more than five (5) qualifying patients with their medical
21 use of marijuana in accordance with regulations promulgated by the department of business
22 regulation.

23 ~~(18)~~(24) "Qualifying patient" means a person who has been diagnosed by a practitioner as
24 having a debilitating medical condition and is a resident of Rhode Island.

25 ~~(19)~~(25) "Registry identification card" means a document issued by the department of
26 health or the division that identifies a person as a registered qualifying patient, a registered
27 primary caregiver, or authorized purchaser, or a document issued by the department of business
28 regulation that identifies a person as a registered principal officer, board member, employee,
29 volunteer, or agent of a compassion center, licensed cultivator, manufacturer, testing lab, or any
30 other medical marijuana licensee.

31 ~~(20)~~(26) ~~"Seedling~~ Immature marijuana plant " means a marijuana plant with no
32 observable flowers or buds.

33 ~~(21)~~(27) "Unusable marijuana" means marijuana seeds, stalks, ~~seedlings~~, and unusable
34 roots.

1 ~~(22)~~(28) "Usable marijuana" means the ~~dried~~ leaves and flowers of the marijuana plant,
2 and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the
3 plant.

4 ~~(23)~~(29) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant
5 before they have reached a dry useable state, as defined by regulations promulgated by the
6 departments of health and business regulation.

7 ~~(24)~~(30) "Written certification" means ~~the qualifying patient's medical records, and a~~
8 statement signed by a practitioner, stating that, in the practitioner's professional opinion, the
9 potential benefits of the medical use of marijuana would likely outweigh the health risks for the
10 qualifying patient. A written certification shall be made only in the course of a bona fide,
11 practitioner-patient relationship after the practitioner has completed a full assessment of the
12 qualifying patient's medical history. The written certification shall specify the qualifying patient's
13 debilitating medical condition or conditions and include any other information required by
14 regulations promulgated by the department of health which may include the qualifying patient's
15 medical records.

16 **21-28.6-4. Protections for the medical use of marijuana.**

17 (a) A qualifying patient cardholder who has in his or her possession a registry
18 identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied
19 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
20 business or occupational or professional licensing board or bureau, for the medical use of
21 marijuana; provided;

22 (1) Before July 1, 2018, t~~he~~ qualifying patient cardholder possesses an amount of
23 marijuana that does not exceed twelve (12) mature marijuana plants and twelve (12) immature
24 marijuana plants that are accompanied by valid medical marijuana tags (provided that if a
25 qualifying patient cardholder has valid medical marijuana tags that were ordered and processed
26 prior to July 1, 2018, and such tags have an expiration date that is on or after July 1, 2018, the
27 plant possession limits set forth in this subsection shall apply to such qualifying patient until the
28 expiration date of the issued tags), ~~two and one half (2.5)~~ three (3) ounces of ~~dried~~ usable
29 marijuana, or its equivalent amount, and an amount of wet marijuana to be set by regulations
30 promulgated by the departments of ~~health and~~ business regulation. Said plants shall be stored in
31 an indoor facility. Marijuana plants and the marijuana they produce shall be grown, stored,
32 manufactured, and processed in accordance with regulations promulgated by the department of
33 business regulation; and

34 (2) On and after July 1, 2018, a qualifying patient cardholder who has in his or her

1 possession a registry identification card shall not be subject to arrest, prosecution, or penalty in
2 any manner, or denied any right or privilege, including, but not limited to, civil penalty or
3 disciplinary action by a business or occupational or professional licensing board or bureau, for the
4 medical use of marijuana; provided, that the qualifying patient cardholder possesses an amount of
5 marijuana that does not exceed eight (8) mature marijuana plants and eight (8) immature
6 marijuana plants that are accompanied by valid medical marijuana tags (provided that if a
7 qualifying patient cardholder has valid medical marijuana tags that were ordered and processed
8 prior to July 1, 2018, and such tags have an expiration date that is on or after July 1, 2018, the
9 plant possession limits set forth in subsection (1) above shall apply to such qualifying patient
10 until the expiration date of the issued tags), three (3) ounces of dried usable marijuana, or its
11 equivalent amount, and an amount of wet marijuana to be set by regulations promulgated by the
12 department of business regulation. Said plants shall be stored in an indoor facility. Marijuana
13 plants and the marijuana they produce shall be grown, stored, manufactured, and processed in
14 accordance with regulations promulgated by the department of business regulation.

15 (b) An authorized purchaser who has in his or her possession a registry identification card
16 shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or
17 privilege, including, but not limited to, civil penalty or disciplinary action by a business or
18 occupational or professional licensing board or bureau, for the possession of marijuana; provided
19 that the authorized purchaser possesses an amount of marijuana that does not exceed ~~two and~~
20 ~~one-half (2.5)~~ three (3) ounces of dried usable marijuana, or its equivalent amount, and this
21 marijuana was purchased legally from a compassion center for the use of their designated
22 qualifying patient.

23 (c) A qualifying patient cardholder, who has in his or her possession a registry
24 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied
25 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
26 business or occupational or professional licensing board or bureau, for selling, giving, or
27 distributing, on or before December 31, 2016 to a compassion center cardholder, marijuana of the
28 type, and in an amount not to exceed, that set forth in subsection (a), that he or she has cultivated
29 or manufactured pursuant to this chapter.

30 (d) No school, employer, or landlord may refuse to enroll, employ, or lease to, or
31 otherwise penalize, a person solely for his or her status as a cardholder. Provided, however, due to
32 the safety and welfare concern for other tenants, the property, and the public, as a whole, a
33 landlord may have the discretion not to lease, or continue to lease, to a cardholder who cultivates
34 marijuana in the leased premises.

1 (e) A primary caregiver cardholder, who has in his or her possession a registry
2 identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied
3 any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
4 business or occupational or professional licensing board or bureau, for assisting a patient
5 cardholder, to whom he or she is connected through the ~~department of health~~ division's
6 registration process, with the medical use of marijuana; provided, that;

7 (1) Before July 1, 2018, the primary caregiver cardholder possesses an amount of
8 marijuana that does not exceed twelve (12) mature marijuana plants and twelve (12) immature
9 marijuana plants that are accompanied by valid medical marijuana tags (provided that if a primary
10 caregiver cardholder has valid medical marijuana tags that were ordered and processed prior to
11 July 1, 2018, and such tags have an expiration date that is on or after July 1, 2018, the plant
12 possession limits set forth in this subsection shall apply to such primary caregiver until the
13 expiration date of the issued tags), ~~two and one half (2.5)~~ three (3) ounces of dried usable
14 marijuana, or its equivalent amount, and an amount of wet marijuana set in regulations
15 promulgated by the departments of ~~health and~~ business regulation for each qualified patient
16 cardholder to whom he or she is connected through the ~~department of health~~ division's
17 registration process. Said plants shall be stored in an indoor facility. Marijuana plants and the
18 marijuana they produce shall be grown, stored, manufactured, processed, and distributed to
19 qualified patient cardholders in accordance with regulations promulgated by the department of
20 business regulation; and

21 (2) On and after July 1, 2018, the primary caregiver cardholder possesses an amount of
22 marijuana that does not exceed eight (8) mature marijuana plants and eight (8) immature
23 marijuana plants that are accompanied by valid medical marijuana tags (provided that if a primary
24 caregiver cardholder has valid medical marijuana tags that were ordered and processed prior to
25 July 1, 2018, and such tags have an expiration date that is on or after July 1, 2018, the plant
26 possession limits set forth in subsection (1) above shall apply to such primary caregiver until the
27 expiration date of the issued tags), three (3) ounces of dried usable marijuana, or its equivalent
28 amount, and an amount of wet marijuana set in regulations promulgated by the department of
29 business regulation for each qualified patient cardholder to whom he or she is connected through
30 the division's registration process. Said plants shall be stored in an indoor facility. Marijuana
31 plants and the marijuana they produce shall be grown, stored, manufactured, processed, and
32 distributed to qualified patient cardholders in accordance with regulations promulgated by the
33 department of business regulation.

34 ~~(f) A qualifying patient cardholder shall be allowed to possess a reasonable amount of~~

~~1 unusable marijuana, including up to twelve (12) seedlings that are accompanied by valid medical
2 marijuana tags. A primary caregiver cardholder shall be allowed to possess a reasonable amount
3 of unusable marijuana, including up to twenty four (24) seedlings that are accompanied by valid
4 medical marijuana tags and an amount of wet marijuana set in regulations promulgated by the
5 departments of health and business regulation.~~

~~(e)(f)~~ There shall exist a presumption that a cardholder is engaged in the medical use of marijuana if the cardholder:

(1) Is in possession of a registry identification card; and

(2) Is in possession of an amount of marijuana that does not exceed the amount permitted under this chapter. Such presumption may be rebutted by evidence that conduct related to marijuana was not for the purpose of alleviating the qualifying patient's debilitating medical condition or symptoms associated with the medical condition.

~~(h)(g)~~ A primary caregiver cardholder may receive reimbursement for costs associated with assisting a qualifying patient cardholder's medical use of marijuana. Compensation shall not constitute sale of controlled substances. The department of business regulation may promulgate regulations for the documentation and tracking of reimbursements and the transfer of marijuana between caregivers and their registered patients.

~~(i)(h)~~ A primary caregiver cardholder, who has in his or her possession a registry identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for selling, giving, or distributing, on or before December 31, 2016 to a compassion center cardholder, marijuana, of the type, and in an amount not to exceed that set forth in subsection (e), if:

(1) The primary caregiver cardholder cultivated the marijuana pursuant to this chapter, not to exceed the limits of subsection (e); and

(2) Each qualifying patient cardholder the primary caregiver cardholder is connected with through the department of health's registration process has been provided an adequate amount of the marijuana to meet his or her medical needs, not to exceed the limits of subsection (a).

~~(i)(i)~~ A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by the Rhode Island board of medical licensure and discipline, or by any other business or occupational or professional licensing board or bureau solely for providing written certifications in accordance with this chapter and regulations promulgated hereunder, or for otherwise stating that, in the practitioner's professional opinion, the potential benefits of the medical marijuana

1 would likely outweigh the health risks for a patient.

2 ~~(j)~~ Any interest in, or right to, property that is possessed, owned, or used in connection
3 with the lawful medical use of marijuana, or acts incidental to such use, shall not be forfeited.

4 ~~(k)~~ No person shall be subject to arrest or prosecution for constructive possession,
5 conspiracy, aiding and abetting, being an accessory, or any other offense, for simply being in the
6 presence or vicinity of the medical use of marijuana as permitted under this chapter, or for
7 assisting a qualifying patient cardholder with using or administering marijuana.

8 ~~(l)~~ A practitioner, nurse, nurse practitioner, physician's assistant, or pharmacist shall
9 not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege,
10 including, but not limited to, civil penalty or disciplinary action by a business or occupational or
11 professional licensing board or bureau solely for discussing the benefits or health risks of medical
12 marijuana or its interaction with other substances with a patient.

13 ~~(m)~~ A qualifying patient or primary caregiver registry identification card, or its
14 equivalent, issued under the laws of another state, U.S. territory, or the District of Columbia, to
15 permit the medical use of marijuana by a patient with a debilitating medical condition, or to
16 permit a person to assist with the medical use of marijuana by a patient with a debilitating
17 medical condition, shall have the same force and effect as a registry identification card.

18 ~~(n)~~ Notwithstanding the provisions of § 21-28.6-4(e), no primary caregiver cardholder
19 shall;

20 (1) Before July 1, 2018, pPossess an amount of marijuana in excess of twenty-four (24)
21 mature marijuana plants and twenty-four (24) immature marijuana plants that are accompanied by
22 valid medical marijuana tags (provided that if a primary caregiver cardholder has valid medical
23 marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an
24 expiration date that is on or after July 1, 2018, the plant possession limits set forth in this
25 subsection (1) shall apply to such primary caregiver until the expiration date of the issued tags)
26 and ~~five (5)~~ six (6) ounces of dried usable marijuana, or its equivalent, and an amount of wet
27 marijuana set in regulations promulgated by the departments of ~~health and~~ business regulation for
28 patient cardholders to whom he or she is connected through the ~~department of health division's~~
29 registration process.

30 (2) On or after July 1, 2018, possess an amount of marijuana in excess of sixteen (16)
31 mature marijuana plants and sixteen (16) immature marijuana plants that are accompanied by
32 valid medical marijuana tags (provided that if a primary caregiver cardholder has valid medical
33 marijuana tags that were ordered and processed prior to July 1, 2018, and such tags have an
34 expiration date that is on or after July 1, 2018, the plant possession limits set forth in subsection

1 (1) above shall apply to such primary caregiver until the expiration date of the issued tags) and
2 six (6) ounces of dried usable marijuana, or its equivalent, and an amount of wet marijuana set in
3 regulations promulgated by the department of business regulation for patient cardholders to
4 whom he or she is connected through the division 's registration process.

5 (o) Notwithstanding any other provision of this chapter, a qualifying patient whose
6 written certification specifies that their debilitating medical condition is acute pain shall:

7 (1) Be issued a patient registration card which shall be valid for a period of time
8 determined by the recommending practitioner and noted on the written certification in accordance
9 with regulations promulgated by the department of health and which shall expire no later than six
10 (6) months after issuance.

11 (2) Not be eligible to obtain medical marijuana grow tags nor have the protections to
12 grow, cultivate, manufacture, or process marijuana unless they have also been issued a valid
13 primary caregiver registration card.

14 (3) Only lawfully obtain marijuana and marijuana products from a licensed Compassion
15 Center.

16 (4) Not be eligible to appoint or register with a primary caregiver.

17 ~~(p) A qualifying patient or primary caregiver cardholder may give marijuana to another~~
18 ~~qualifying patient or primary caregiver cardholder to whom they are not connected by the~~
19 ~~department's registration process, provided that no consideration is paid for the marijuana, and~~
20 ~~that the recipient does not exceed the limits specified in § 21-28.6-4.~~

21 ~~(p)~~ (p) Qualifying patient cardholders and primary caregiver cardholders electing to grow
22 marijuana shall only grow at one premises, and this premises shall be registered with the division
23 ~~department of health.~~ Except for compassion centers, cooperative cultivations, and licensed
24 cultivators, no more than ~~twenty-four (24)~~ sixteen (16) mature marijuana plants and sixteen (16)
25 immature marijuana plants that are accompanied by valid medical marijuana tags shall be grown
26 or otherwise located at any one dwelling unit or commercial unit (provided that if a qualifying
27 patient cardholder or a primary caregiver cardholder has valid medical marijuana tags for the
28 plants grown at such registered premises that were ordered and processed prior to July 1, 2018,
29 and such tags have an expiration date that is on or after July 1, 2018, the plant possession limit of
30 twenty-four (24) mature marijuana plants and twenty-four (24) immature marijuana plants shall
31 apply to such qualifying patient or primary caregiver until the expiration date of the issued tags).

32 The number of qualifying patients or primary caregivers residing, owning, renting, growing, or
33 otherwise operating at a dwelling or commercial unit does not affect this limit. The department of
34 ~~health~~ business regulation shall promulgate regulations to enforce this provision.

1 ~~(q)~~ For the purposes of medical care, including organ transplants, a patient cardholder's
2 authorized use of marijuana shall be considered the equivalent of the authorized use of any other
3 medication used at the direction of a physician, and shall not constitute the use of an illicit
4 substance.

5 ~~(r)~~ Notwithstanding any other provisions of the general laws, the manufacture of
6 marijuana using a solvent extraction process that includes the use of a compressed, flammable gas
7 as a solvent by a patient cardholder or primary caregiver cardholder shall not be subject to the
8 protections of this chapter.

9 **21-28.6-5. Departments of health and business regulation to issue regulations.**

10 (a) Not later than ninety (90) days after the effective date of this chapter, the department
11 of health shall promulgate regulations governing the manner in which it shall consider petitions
12 from the public to add debilitating medical conditions to those included in this chapter. In
13 considering such petitions, the department of health shall include public notice of, and an
14 opportunity to comment in a public hearing, upon such petitions. The department of health shall,
15 after hearing, approve or deny such petitions within one hundred eighty (180) days of submission.
16 The approval or denial of such a petition shall be considered a final department of health action,
17 subject to judicial review. Jurisdiction and venue for judicial review are vested in the superior
18 court. The denial of a petition shall not disqualify qualifying patients with that condition, if they
19 have a debilitating medical condition as defined in § 21-28.6-3~~(5)~~ 6. The denial of a petition shall
20 not prevent a person with the denied condition from raising an affirmative defense.

21 (b) Not later than ninety (90) days after the effective date of this chapter, the department
22 of health shall promulgate regulations governing the manner in which it shall consider
23 applications for, and renewals of, registry identification cards for qualifying patients, ~~primary~~
24 ~~caregivers, and authorized purchasers~~. The department of health's regulations shall establish
25 application and renewal fees ~~that generate revenues sufficient to offset all expenses of~~
26 ~~implementing and administering this chapter~~. The department of health may vary the application
27 and renewal fees along a sliding scale that accounts for a qualifying patient's or caregiver's
28 income. The department of health may accept donations from private sources in order to reduce
29 the application and renewal fees.

30 (c) Not later than October 1, 2018, the department of business regulation shall
31 promulgate regulations governing the manner in which it shall consider applications for, and
32 renewals of, registry identification cards for, primary caregivers, and authorized purchasers. The
33 division's regulations shall establish application and renewal fees. The department of business
34 regulation may vary the application and renewal fees along a sliding scale that accounts for a

1 [qualifying patient's or caregiver's income. The department of business regulation may accept](#)
2 [donations from private sources in order to reduce the application and renewal fees.](#)

3 **21-28.6-6. Administration of department of health and business regulation**
4 **regulations.**

5 (a) The department of health shall issue registry identification cards to qualifying patients
6 who submit the following, in accordance with the department's regulations: [Applications shall](#)
7 [include but not be limited to:](#)

8 (1) Written certification as defined in § 21-28.6-3(~~24~~ 30) of this chapter;

9 (2) Application ~~or renewal~~ fee;

10 (3) Name, address, and date of birth of the qualifying patient; provided, however, that if
11 the patient is homeless, no address is required;

12 (4) Name, address, and telephone number of the qualifying patient's practitioner;

13 (5) Whether the patient elects to grow medical marijuana plants for himself or herself;

14 and

15 (6) Name, address, and date of birth of one primary caregiver of the qualifying patient
16 and ~~one~~ [any](#) authorized purchasers for the qualifying patient, if any [is chosen by the patient or](#)
17 [allowed in accordance with regulations promulgated by the department of business regulation.](#)

18 (b) The department of health shall not issue a registry identification card to a qualifying
19 patient under the age of eighteen (18) unless:

20 (1) The qualifying patient's practitioner has explained the potential risks and benefits of
21 the medical use of marijuana to the qualifying patient and to a parent, guardian, or person having
22 legal custody of the qualifying patient; and

23 (2) A parent, guardian, or person having legal custody consents in writing to:

24 (i) Allow the qualifying patient's medical use of marijuana;

25 (ii) Serve as the qualifying patient's primary caregiver or authorized purchaser; and

26 (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the
27 medical use of marijuana by the qualifying patient.

28 [\(c\) The department of health shall renew registry identification cards to qualifying](#)
29 [patients in accordance with regulations promulgated by the department of health.](#)

30 [\(d\) The department of health shall not issue a registry identification card to a qualifying](#)
31 [patient seeking treatment for post-traumatic stress disorder \(PTSD\) under the age of eighteen](#)
32 [\(18\).](#)

33 ~~(e)~~(e) The department of health shall verify the information contained in an application or
34 renewal submitted pursuant to this section, and shall approve or deny an application or renewal

1 within thirty-five (35) days of receiving it. The department may deny an application or renewal
2 only if the applicant did not provide the information required pursuant to this section, or if the
3 department determines that the information provided was falsified, or if the renewing patient has
4 violated this chapter under their previous registration. Rejection of an application or renewal is
5 considered a final department action, subject to judicial review. Jurisdiction and venue for
6 judicial review are vested in the superior court.

7 ~~(d)~~(f) If the qualifying patient's practitioner notifies the department in a written statement
8 that the qualifying patient is eligible for hospice care or chemotherapy, the department of health
9 and department of business regulation shall give priority to these applications when verifying the
10 information in accordance with subsection ~~(e)~~(e) ~~Effective January 1, 2017, the department of~~
11 ~~health shall approve or deny~~ and issue a registry identification card to these qualifying patients,
12 primary caregivers and authorized purchasers within ~~five (5) days~~ seventy-two (72) hours of
13 receipt of ~~an~~ the completed application. The departments shall not charge a registration fee to the
14 patient, caregivers or authorized purchasers named in the application. The department of health
15 may identify through regulation a list of other conditions qualifying a patient for expedited
16 application processing.

17 ~~(e)~~(g) The ~~department of health shall~~ division may issue or renew a registry identification
18 card to the qualifying patient cardholder's primary caregiver or authorized purchaser(s), if any,
19 who is named in the qualifying patient's approved application provided the qualifying patient is
20 eligible to appoint a primary caregiver or authorized purchaser(s) pursuant to regulations
21 promulgated by the division and the caregiver or authorized purchaser applicant has submitted all
22 necessary application or renewal materials and fees pursuant to regulations promulgated by the
23 department of business regulation. The division shall verify the information contained in
24 applications and renewal forms submitted pursuant to this chapter prior to issuing any registry
25 identification card. The department of business regulation may deny an application or renewal
26 only if the applicant or appointing patient did not provide the information required pursuant to
27 this section, or if the department determines that the information provided was falsified, or if the
28 applicant or appointing patient has violated this chapter under their previous registration.
29 Rejection of an application or renewal is considered a final department action, subject to judicial
30 review. Jurisdiction and venue for judicial review are vested in the superior court.

31 (1) Any qualifying patient who elects to grow medical marijuana for themselves shall not
32 be allowed to appoint a caregiver unless said qualifying patient is able to demonstrate the
33 necessity of appointing a caregiver in accordance with regulations promulgated by the department
34 of business regulation.

1 (2) A primary caregiver shall only be registered with and assist one patient cardholder
2 with their medical use of marijuana except as allowed in subdivision (g)(3) of this section.

3 (3) A primary caregiver may be registered with and assist more than one patient
4 cardholder with their medical use of marijuana provided that any additional patient is an
5 immediate family member of the primary caregiver or is able to demonstrate the necessity of
6 appointing the caregiver in accordance with regulations promulgated by the department of
7 business regulation.

8 ~~(4)~~(4) A primary caregiver applicant or an authorized purchaser applicant shall apply to
9 the bureau of criminal identification of the department of attorney general, department of public
10 safety division of state police, or local police department for a national criminal records check
11 that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the
12 discovery of any disqualifying information as defined in subdivision ~~(e)(4)~~ (g)(8), and in
13 accordance with the rules promulgated by the director, the bureau of criminal identification of the
14 department of attorney general, department of public safety division of state police, or the local
15 police department shall inform the applicant, in writing, of the nature of the disqualifying
16 information; and, without disclosing the nature of the disqualifying information, shall notify the
17 ~~department~~ division, in writing, that disqualifying information has been discovered.

18 ~~(2)~~(5) In those situations in which no disqualifying information has been found, the
19 bureau of criminal identification of the department of attorney general, department of public
20 safety division of state police, or the local police shall inform the applicant and the ~~department~~
21 division in writing, of this fact.

22 ~~(3)~~(6) The ~~department of health~~ division shall maintain on file evidence that a criminal
23 records check has been initiated on all applicants seeking a primary caregiver registry
24 identification card or an authorized purchaser registry identification card and the results of the
25 checks. The primary caregiver cardholder shall not be required to apply for a national criminal
26 records check for each patient he or she is connected to through the department's registration
27 process, provided that he or she has applied for a national criminal records check within the
28 previous two (2) years in accordance with this chapter. The ~~department~~ division shall not require
29 a primary caregiver cardholder or an authorized purchaser cardholder to apply for a national
30 criminal records check more than once every two (2) years.

31 (7) Notwithstanding any other provision of this chapter, the division may revoke or refuse
32 to issue any class or type of registry identification card or license if it determines that failing to do
33 so would conflict with any federal guidance intended to help states, businesses, or other
34 institutions avoid federal intervention or enforcement. This provision shall not be construed to

1 [prohibit the overall implementation and administration of this chapter on account of the federal](#)
2 [classification of marijuana as a class I substance or any other federal prohibitions or restrictions.](#)

3 ~~(4)~~(8) Information produced by a national criminal records check pertaining to a
4 conviction for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled
5 Substances Act"), murder, manslaughter, rape, first-degree sexual assault, second-degree sexual
6 assault, first-degree child molestation, second-degree child molestation, kidnapping, first-degree
7 arson, second-degree arson, mayhem, robbery, burglary, breaking and entering, assault with a
8 dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to
9 commit any offense punishable as a felony or a similar offense from any other jurisdiction shall
10 result in a letter to the applicant and the ~~department of health~~ [division](#) disqualifying the applicant.
11 If disqualifying information has been found, the ~~department~~ [division](#) may use its discretion to
12 issue a primary caregiver registry identification card or an authorized purchaser registry
13 identification card if the applicant's connected patient is an immediate family member and the
14 card is restricted to that patient only.

15 ~~(5)~~(9) The primary caregiver or authorized purchaser applicant shall be responsible for
16 any expense associated with the national criminal records check.

17 ~~(6)~~(10) For purposes of this section, "conviction" means, in addition to judgments of
18 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances
19 where the defendant has entered a plea of nolo contendere and has received a sentence of
20 probation and those instances where a defendant has entered into a deferred sentence agreement
21 with the attorney general.

22 ~~(f)~~(h) On or before December 31, 2016, the department of health shall issue registry
23 identification cards within five (5) business days of approving an application or renewal that shall
24 expire two (2) years after the date of issuance.

25 (ii) Effective January 1, 2017, and thereafter, the department of health [or the division, as](#)
26 [applicable,](#) shall issue registry identification cards within five (5) business days of approving an
27 application or renewal that shall expire one year after the date of issuance.

28 (iii) Registry identification cards shall contain:

29 (1) The date of issuance and expiration date of the registry identification card;

30 (2) A random registry identification number;

31 (3) A photograph; and

32 (4) Any additional information as required by regulation or the department of health [or](#)
33 [business regulation.](#)

34 ~~(e)~~(i) Persons issued registry identification cards by the department of health [or division](#)

1 shall be subject to the following:

2 (1) A qualifying patient cardholder shall notify the department of health of any change in
3 his or her name, address, primary caregiver, or authorized purchaser; or if he or she ceases to
4 have his or her debilitating medical condition, within ten (10) days of such change.

5 (2) A qualifying patient cardholder who fails to notify the department of health of any of
6 these changes is responsible for a civil infraction, punishable by a fine of no more than one
7 hundred fifty dollars (\$150). If the patient cardholder has ceased to suffer from a debilitating
8 medical condition, the card shall be deemed null and void and the person shall be liable for any
9 other penalties that may apply to the person's nonmedical use of marijuana.

10 (3) A primary caregiver cardholder or authorized purchaser shall notify the ~~department of~~
11 ~~health~~ division of any change in his or her name or address within ten (10) days of such change.
12 A primary caregiver cardholder or authorized purchaser who fails to notify the ~~department~~
13 division of any of these changes is responsible for a civil infraction, punishable by a fine of no
14 more than one hundred fifty dollars (\$150).

15 (4) When a qualifying patient cardholder or primary caregiver cardholder notifies the
16 department of health or division of any changes listed in this subsection, the department of health
17 or division shall issue the qualifying patient cardholder and each primary caregiver cardholder a
18 new registry identification card within ten (10) days of receiving the updated information and a
19 ten-dollar (\$10.00) fee.

20 (5) When a qualifying patient cardholder changes his or her primary caregiver or
21 authorized purchaser, the ~~department of health~~ division shall notify the primary caregiver
22 cardholder or authorized purchaser within ten (10) days. The primary caregiver cardholder's
23 protections as provided in this chapter as to that patient shall expire ten (10) days after
24 notification by the ~~department~~ division. If the primary caregiver cardholder or authorized
25 purchaser is connected to no other qualifying patient cardholders in the program, he or she must
26 return his or her registry identification card to the ~~department~~ division.

27 (6) If a cardholder or authorized purchaser loses his or her registry identification card, he
28 or she shall notify the department of health or division that issued the card and submit a ten-dollar
29 (\$10.00) fee within ten (10) days of losing the card. Within five (5) days, the department of health
30 or division shall issue a new registry identification card with new random identification number.

31 (7) Effective January 1, 2019, if a patient cardholder chooses to alter his or her
32 registration with regard to the growing of medical marijuana for himself or herself, he or she shall
33 notify the ~~department~~ division prior to the purchase of medical marijuana tags or the growing of
34 medical marijuana plants.

1 (8) If a cardholder or authorized purchaser willfully violates any provision of this chapter
2 as determined by the department [of health or the division](#), his or her registry identification card
3 may be revoked.

4 ~~(i)~~ Possession of, or application for, a registry identification card shall not constitute
5 probable cause or reasonable suspicion, nor shall it be used to support the search of the person or
6 property of the person possessing or applying for the registry identification card, or otherwise
7 subject the person or property of the person to inspection by any governmental agency.

8 ~~(k)~~(1) Applications and supporting information submitted by qualifying patients,
9 including information regarding their primary caregivers, authorized purchaser, and practitioners,
10 are confidential and protected ~~under~~ [in accordance with](#) the federal Health Insurance Portability
11 and Accountability Act of 1996, and shall be exempt from the provisions of chapter 2 of title 38
12 et seq. (Rhode Island access to public records act) and not subject to disclosure, except to
13 authorized employees of the departments [of health and business regulation](#) as necessary to
14 perform official duties of the departments, and pursuant to subsection ~~(j)~~[\(l\) and \(m\)](#).

15 (2) The application for qualifying patient's registry identification card shall include a
16 question asking whether the patient would like the department of health to notify him or her of
17 any clinical studies about marijuana's risk or efficacy. The department of health shall inform
18 those patients who answer in the affirmative of any such studies it is notified of, that will be
19 conducted in Rhode Island. The department of health may also notify those patients of medical
20 studies conducted outside of Rhode Island.

21 (3) The department of health [and the division](#) shall maintain a confidential list of the
22 persons to whom the department of health [or division](#) has issued registry identification cards.
23 Individual names and other identifying information on the list shall be confidential, exempt from
24 the provisions of Rhode Island access to public information, chapter 2 of title 38, and not subject
25 to disclosure, except to authorized employees of the departments [of health and business](#)
26 [regulation](#) as necessary to perform official duties of the departments [and pursuant to subsections](#)
27 [\(l\) and \(m\)](#).

28 ~~(l)~~ Notwithstanding subsections ~~(k) and (m)~~, the departments [of health and business](#)
29 [regulation](#) ~~shall~~ [may](#) verify to law enforcement personnel whether a registry identification card is
30 valid [or whether a cardholder is compliant with the provisions of this chapter and the regulations](#)
31 [promulgated hereunder](#). ~~solely by confirming the random registry identification number or name~~.
32 This verification may occur through the use of a shared database, provided that any [medical](#)
33 [records or](#) confidential information in this database [related to a cardholder's specific medical](#)
34 [condition](#) is protected in accordance with subdivision ~~(k)~~[\(l\)](#)(1).

1 ~~(m)~~ It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a
2 one thousand dollar (\$1,000) fine, for any person, including an employee or official of the
3 departments of health, business regulation, public safety, or another state agency or local
4 government, to breach the confidentiality of information obtained pursuant to this chapter.
5 Notwithstanding this provision, the department [of health and department of business regulation](#)
6 employees may notify law enforcement about falsified or fraudulent information submitted to the
7 department [or violations of this chapter](#).

8 ~~(m)~~ On or before the fifteenth day of the month following the end of each quarter of
9 the fiscal year, the department [of health and the division](#) shall report to the governor, the speaker
10 of the House of Representatives, and the president of the senate on applications for the use of
11 marijuana for symptom relief. The report shall provide:

12 (1) The number of applications for registration as a qualifying patient, primary caregiver,
13 or authorized purchaser that have been made to the department [of health and the division](#) during
14 the preceding quarter, the number of qualifying patients, primary caregivers, and authorized
15 purchasers approved, the nature of the debilitating medical conditions of the qualifying patients,
16 the number of registrations revoked, and the number and specializations, if any, of practitioners
17 providing written certification for qualifying patients.

18 ~~(m)~~~~(n)~~ On or before September 30 of each year, the department of health [and the division](#)
19 shall report to the governor, the speaker of the House of Representatives, and the president of the
20 senate on the use of marijuana for symptom relief. The report shall provide:

21 (1) The total number of applications for registration as a qualifying patient, primary
22 caregiver, or authorized purchaser that have been made to the department [of health and the](#)
23 [division](#), the number of qualifying patients, primary caregivers, and authorized purchasers
24 approved, the nature of the debilitating medical conditions of the qualifying patients, the number
25 of registrations revoked, and the number and specializations, if any, of practitioners providing
26 written certification for qualifying patients;

27 (2) The number of active qualifying patient, primary caregiver, and authorized purchaser
28 registrations as of June 30 of the preceding fiscal year;

29 (3) An evaluation of the costs permitting the use of marijuana for symptom relief,
30 including any costs to law enforcement agencies and costs of any litigation;

31 (4) Statistics regarding the number of marijuana-related prosecutions against registered
32 patients and caregivers, and an analysis of the facts underlying those prosecutions;

33 (5) Statistics regarding the number of prosecutions against physicians for violations of
34 this chapter; and

1 (6) Whether the United States Food and Drug Administration has altered its position
2 regarding the use of marijuana for medical purposes or has approved alternative delivery systems
3 for marijuana.

4 **21-28.6-7. Scope of chapter.**

5 (a) This chapter shall not permit:

6 (1) Any person to undertake any task under the influence of marijuana, when doing so
7 would constitute negligence or professional malpractice;

8 (2) The smoking of marijuana:

9 (i) In a school bus or other form of public transportation;

10 (ii) On any school grounds;

11 (iii) In any correctional facility;

12 (iv) In any public place;

13 (v) In any licensed drug treatment facility in this state; or

14 (vi) Where exposure to the marijuana smoke significantly adversely affects the health,
15 safety, or welfare of children.

16 (3) Any person to operate, navigate, or be in actual physical control of any motor vehicle,
17 aircraft, or motorboat while under the influence of marijuana. However, a registered qualifying
18 patient shall not be considered to be under the influence solely for having marijuana metabolites
19 in his or her system.

20 [\(4\) Any person to operate a medical marijuana emporium, and the operation of a medical](#)
21 [marijuana emporium is prohibited in this state.](#)

22 (b) Nothing in this chapter shall be construed to require:

23 (1) A government medical assistance program or private health insurer to reimburse a
24 person for costs associated with the medical use of marijuana; or

25 (2) An employer to accommodate the medical use of marijuana in any workplace.

26 (c) Fraudulent representation to a law enforcement official of any fact or circumstance
27 relating to the medical use of marijuana to avoid arrest or prosecution shall be punishable by a
28 fine of five hundred dollars (\$500) which shall be in addition to any other penalties that may
29 apply for making a false statement for the nonmedical use of marijuana.

30 **21-28.6-8. Affirmative defense and dismissal.**

31 (a) Except as provided in § 21-28.6-7, a qualifying patient may assert the medical
32 purpose for using marijuana as a defense to any prosecution involving marijuana, and such
33 defense shall be presumed valid where the evidence shows that:

34 (1) The qualifying patient's practitioner has stated that, in the practitioner's professional

1 opinion, after having completed a full assessment of the person's medical history and current
2 medical condition made in the course of a bona fide practitioner-patient relationship, the potential
3 benefits of using marijuana for medical purposes would likely outweigh the health risks for the
4 qualifying patient; and

5 (2) The qualifying patient [was compliant with this chapter and all regulations](#)
6 [promulgated hereunder and](#) in possession of a quantity of marijuana that was not more than what
7 is permitted under this chapter to ensure the uninterrupted availability of marijuana for the
8 purpose of alleviating the person's medical condition or symptoms associated with the medical
9 condition.

10 (b) A person may assert the medical purpose for using marijuana in a motion to dismiss,
11 and the charges shall be dismissed following an evidentiary hearing where the defendant shows
12 the elements listed in subsection (a) of this section.

13 (c) Any interest in, or right to, property that was possessed, owned, or used in connection
14 with a qualifying patient's use of marijuana for medical purposes shall not be forfeited if the
15 qualifying patient demonstrates the qualifying patient's medical purpose for using marijuana
16 pursuant to this section.

17 **21-28.6-9. Enforcement.**

18 (a) If the department of health fails to adopt regulations to implement this chapter within
19 one hundred twenty (120) days of the effective date of this act, a qualifying patient may
20 commence an action in a court of competent jurisdiction to compel the department to perform the
21 actions mandated pursuant to the provisions of this chapter.

22 (b) If the department of health or the department of business regulation fails to issue a
23 valid registry identification card in response to a valid application submitted pursuant to this
24 chapter within thirty-five (35) days of its submission, the registry identification card shall be
25 deemed granted and a copy of the registry identification application shall be deemed a valid
26 registry identification card.

27 (c) The department of health and the department of business regulation shall revoke and
28 shall not reissue, the registry identification card of any cardholder or licensee who is convicted of;
29 placed on probation; whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo
30 contendere; or whose case is deferred pursuant to § 12-19-19 where the defendant pleads nolo
31 contendere for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled
32 Substances Act") or a similar offense from any other jurisdiction.

33 (d) If a cardholder exceeds the possession limits set forth in §§ 21-28.6-4 or 21-28.6-14,
34 [or is in violation of any other section of this chapter or the regulations promulgated hereunder](#) he

1 or she shall be subject to arrest and prosecution under chapter 28 of title 21 ("Rhode Island
2 Controlled Substances Act").

3 (e) (1) Notwithstanding any other provision of this chapter, if the department of business
4 regulation has reason to believe that any person or entity has in the course of medical marijuana
5 cultivation, manufacturing, and/or distribution violated any provision of chapter 21-28.6 under
6 the department's jurisdiction or violated any rule or regulation promulgated thereunder, including
7 but not limited to engaging in operations or other activity that requires a medical marijuana
8 license without obtaining the appropriate license, and the department finds that public health,
9 safety, or welfare imperatively requires emergency action, and incorporates a finding to that
10 effect in its order, the department may issue an immediate compliance order listing the violation
11 and ordering the person or entity to cease and desist from the violation and/or otherwise remedy
12 the public health, safety, or welfare threat presented by the violation. If a person or entity that is
13 the subject of an immediate compliance order contests the order by requesting a hearing, the order
14 shall remain in effect pending administrative proceedings, which shall be promptly instituted and
15 determined. Orders issued under this section shall be enforceable in the Superior Court for
16 Providence County.

17 (2) In addition its authority to issue immediate compliance orders under section § 21-
18 28.6-9(e)(1), the department of business regulation may issue an order to show cause to any
19 person or entity for whom/which the department has reason to believe has in the course of
20 medical marijuana cultivation, manufacturing, and/or distribution violated any provision of
21 chapter 21-28.6 under the department's jurisdiction or violated any rule or regulation
22 promulgated thereunder, including but not limited to engaging in operations or other activity that
23 requires a medical marijuana license without obtaining the appropriate license, ordering that
24 person or entity to appear before the department at a hearing to show cause why the department
25 should not issue an order to that person or entity to cease and desist from the violation and/or
26 otherwise remedy the violation. By decision after hearing pursuant to this subsection (e)(2),
27 approved by the director, the department may issue a permanent order to cease and desist.

28 **21-28.6-12. Compassion centers.**

29 (a)A compassion center registered under this section may acquire, possess, ~~cultivate,~~
30 ~~manufacture,~~ deliver, transfer, transport, supply, or dispense marijuana, or related supplies and
31 educational materials, to registered qualifying patients and their registered primary caregivers or
32 authorized purchasers. Except as specifically provided to the contrary, all provisions of the
33 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, §§ 21-28.6-1 – 21-28.6-11,
34 apply to a compassion center unless they conflict with a provision contained in § 21-28.6-12.

1 ***(b) Registration of compassion centers—authority of the departments of health and***
2 ***business regulation:***

3 (1) Not later than ninety (90) days after the effective date of this chapter, the department
4 of health shall promulgate regulations governing the manner in which it shall consider
5 applications for registration certificates for compassion centers, including regulations governing:

6 (i) The form and content of registration and renewal applications;

7 (ii) Minimum oversight requirements for compassion centers;

8 (iii) Minimum record-keeping requirements for compassion centers;

9 (iv) Minimum security requirements for compassion centers; and

10 (v) Procedures for suspending, revoking, or terminating the registration of compassion
11 centers that violate the provisions of this section or the regulations promulgated pursuant to this
12 subsection.

13 (2) Within ninety (90) days of the effective date of this chapter, the department of health
14 shall begin accepting applications for the operation of a single compassion center.

15 (3) Within one hundred fifty (150) days of the effective date of this chapter, the
16 department of health shall provide for at least one public hearing on the granting of an application
17 to a single compassion center.

18 (4) Within one hundred ninety (190) days of the effective date of this chapter, the
19 department of health shall grant a single registration certificate to a single compassion center,
20 providing at least one applicant has applied who meets the requirements of this chapter.

21 (5) If at any time after fifteen (15) months after the effective date of this chapter, there is
22 no operational compassion center in Rhode Island, the department of health shall accept
23 applications, provide for input from the public, and issue a registration certificate for a
24 compassion center if a qualified applicant exists.

25 (6) Within two (2) years of the effective date of this chapter, the department of health
26 shall begin accepting applications to provide registration certificates for two (2) additional
27 compassion centers. The department shall solicit input from the public, and issue registration
28 certificates if qualified applicants exist.

29 (7)(i) Any time a compassion center registration certificate is revoked, is relinquished, or
30 expires on or before December 31, 2016, the department of health shall accept applications for a
31 new compassion center.

32 (ii) Any time a compassion center registration certificate is revoked, is relinquished, or
33 expires on or after January 1, 2017, the department of business regulation shall accept
34 applications for a new compassion center.

1 (8) If at any time after three (3) years after the effective date of this chapter and on or
2 before December 31, 2016, fewer than three (3) compassion centers are holding valid registration
3 certificates in Rhode Island, the department of health shall accept applications for a new
4 compassion center. If at any time on or after January 1, 2017~~8~~, fewer than ~~three (3)~~ fifteen (15)
5 compassion centers are holding valid registration certificates in Rhode Island, the department of
6 business regulation shall accept applications for a new compassion center. ~~No more than three (3)~~
7 ~~compassion centers may hold valid registration certificates at one time.~~

8 (9) Any compassion center application selected for approval by the department of health
9 on or before December 31, 2016, or selected for approval by the department of business
10 regulation on or after January 1, 2017, shall remain in full force and effect, notwithstanding any
11 provisions of this chapter to the contrary, and shall be subject to state law adopted herein and
12 rules and regulations adopted by the departments of health and business regulation subsequent to
13 passage of this legislation.

14 (c) *Compassion center and agent applications and registration:*

15 (1) Each application for a compassion center shall ~~include~~ be submitted in accordance
16 with regulations promulgated by the department of business regulation and shall include but not
17 be limited to:

18 (i) A non-refundable application fee paid to the department in the amount of ~~two hundred~~
19 ~~fifty dollars (\$250)~~ ten thousand dollars (\$10,000);

20 (ii) The proposed legal name and proposed articles of incorporation of the compassion
21 center;

22 (iii) The proposed physical address of the compassion center, if a precise address has
23 been determined, or, if not, the general location where it would be located. ~~This may include a~~
24 ~~second location for the cultivation of medical marijuana;~~

25 (iv) ~~A description of the enclosed, locked facility that would be used in the cultivation of~~
26 ~~marijuana;~~

27 ~~(v)~~ The name, address, and date of birth of each principal officer and board member of
28 the compassion center;

29 ~~(vi)~~(v) Proposed security and safety measures that shall include at least one security
30 alarm system for each location, planned measures to deter and prevent the unauthorized entrance
31 into areas containing marijuana and the theft of marijuana, as well as a draft, employee-
32 instruction manual including security policies, safety and security procedures, personal safety,
33 and crime-prevention techniques; and

34 ~~(vii)~~(vi) Proposed procedures to ensure accurate record keeping;

1 (2)(i) For applications submitted on or before December 31, 2016, any time one or more
2 compassion center registration applications are being considered, the department of health shall
3 also allow for comment by the public and shall solicit input from registered qualifying patients,
4 registered primary caregivers; and the towns or cities where the applicants would be located;

5 (ii) For applications submitted on or after January 1, 2017, any time one or more
6 compassion center registration applications are being considered, the department of business
7 regulation shall also allow for comment by the public and shall solicit input from registered
8 qualifying patients, registered primary caregivers; and the towns or cities where the applicants
9 would be located.

10 (3) Each time a new compassion center ~~certificate~~ registration is ~~granted~~ issued, the
11 decision shall be based upon the overall health needs of qualified patients and the safety of the
12 public, including, but not limited to, the following factors:

13 (i) Convenience to patients from underserved areas throughout the state of Rhode Island.
14 ~~to the compassion centers if the applicant were approved;~~

15 (ii) The applicant's ability to provide a steady supply to the registered qualifying patients
16 in the state;

17 (iii) The applicant's experience running a non-profit or business;

18 (iv) The interests of qualifying patients regarding which applicant be granted a
19 registration certificate;

20 (v) The interests of the city or town where the dispensary would be located;

21 (vi) The sufficiency of the applicant's plans for record keeping and security, which
22 records shall be considered confidential health-care information under Rhode Island law and are
23 intended to be deemed protected health-care information for purposes of the Federal Health
24 Insurance Portability and Accountability Act of 1996, as amended; and

25 (vii) The sufficiency of the applicant's plans for safety and security, including proposed
26 location, security devices employed, and staffing;

27 (4) A compassion center approved by the department of health on or before December
28 31, 2016, shall submit the following to the department before it may begin operations:

29 (i) A fee paid to the department in the amount of five thousand dollars (\$5,000);

30 (ii) The legal name and articles of incorporation of the compassion center;

31 (iii) The physical address of the compassion center; ~~this may include a second address for~~
32 ~~the secure cultivation of marijuana;~~

33 (iv) The name, address, and date of birth of each principal officer and board member of
34 the compassion center; and

1 (v) The name, address, and date of birth of any person who will be an agent of, employee,
2 or volunteer of the compassion center at its inception.

3 (5) A compassion center approved or renewed by the department of business regulation
4 on or after January 1, 2017, shall submit materials pursuant to regulations promulgated by the
5 department of business regulation ~~the following to the department~~ before it may begin operations
6 which shall include but not be limited to:

- 7 (i) A fee paid to the department in the amount of ~~five~~ thirty thousand dollars (\$~~530,000~~);
- 8 (ii) The legal name and articles of incorporation of the compassion center;
- 9 (iii) The physical address of the compassion center; ~~this may include a second address for~~
10 ~~the secure cultivation of marijuana~~

11 (iv) The name, address, and date of birth of each principal officer and board member of
12 the compassion center;

13 (v) The name, address, and date of birth of any person who will be an agent of, employee,
14 or volunteer of the compassion center at its inception.

15 (6) Except as provided in subdivision (7), the department of health or the department of
16 business regulation shall issue each principal officer, board member, agent, volunteer, and
17 employee of a compassion center a registry identification card or renewal card after receipt of the
18 person's name, address, date of birth; a fee in an amount established by the department of health
19 or the department of business regulation; and notification to the department of health or the
20 department of business regulation by the department of public safety division of state police,
21 attorney general's office, or local law enforcement that the registry identification card applicant
22 has not been convicted of a felony drug offense or has not entered a plea of nolo contendere for a
23 felony drug offense and received a sentence of probation. Each card shall specify that the
24 cardholder is a principal officer, board member, agent, volunteer, or employee of a compassion
25 center and shall contain the following:

26 (i) The name, address, and date of birth of the principal officer, board member, agent,
27 volunteer, or employee;

28 (ii) The legal name of the compassion center to which the principal officer, board
29 member, agent, volunteer, or employee is affiliated;

30 (iii) A random identification number that is unique to the cardholder;

31 (iv) The date of issuance and expiration date of the registry identification card; ~~and~~

32 (v) A photograph, if the department of health or the department of business regulation
33 decides to require one; and

34 (vi) Any other information or card classification that the department of business

1 [regulation requires.](#)

2 (7) Except as provided in this subsection, neither the department of health nor the
3 department of business regulation shall issue a registry identification card to any principal officer,
4 board member, agent, volunteer, or employee of a compassion center who has been convicted of a
5 felony drug offense or has entered a plea of nolo contendere for a felony drug offense and
6 received a sentence of probation. If a registry identification card is denied, the compassion center
7 will be notified in writing of the purpose for denying the registry identification card. A registry
8 identification card may be granted if the offense was for conduct that occurred prior to the
9 enactment of the Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act or that was
10 prosecuted by an authority other than the state of Rhode Island and for which the Edward O.
11 Hawkins and Thomas C. Slater Medical Marijuana Act would otherwise have prevented a
12 conviction.

13 (i) All registry identification card applicants shall apply to the department of public safety
14 division of state police, [the attorney general's office, or local law enforcement](#) for a national
15 criminal identification records check that shall include fingerprints submitted to the federal
16 bureau of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo
17 contendere for a felony drug offense with a sentence of probation, and in accordance with the
18 rules promulgated by the department of health and the department of business regulation, the
19 department of public safety division of state police, [the attorney general's office, or local law](#)
20 [enforcement](#) shall inform the applicant, in writing, of the nature of the felony and the department
21 of public safety division of state police shall notify the department of health or the department of
22 business regulation, in writing, without disclosing the nature of the felony, that a felony drug
23 offense conviction or a plea of nolo contendere for a felony drug offense with probation has been
24 found.

25 (ii) In those situations in which no felony drug offense conviction or plea of nolo
26 contendere for a felony drug offense with probation has been found, the department of public
27 safety division of state police, [the attorney general's office, or local law enforcement](#) shall inform
28 the applicant and the department of health or the department of business regulation, in writing, of
29 this fact.

30 (iii) All registry identification card applicants shall be responsible for any expense
31 associated with the criminal background check with fingerprints.

32 (8) A registry identification card of a principal officer, board member, agent, volunteer,
33 ~~or~~ employee, [or any other designation required by the division](#) shall expire one year after its
34 issuance, or upon the expiration of the registered organization's registration certificate, or upon

1 the termination of the principal officer, board member, agent, volunteer or employee's
2 relationship with the compassion center, whichever occurs first.

3 (9) A compassion center cardholder shall notify and request approval from the
4 department of business regulation of any change in his or her name or address within ten (10)
5 days of such change. A compassion center cardholder who fails to notify the department of
6 business regulation of any of these changes is responsible for a civil infraction, punishable by a
7 fine of no more than one hundred fifty dollars (\$150).

8 (10) When a compassion center cardholder notifies the department of health or the
9 department of business regulation of any changes listed in this subsection, the department shall
10 issue the cardholder a new registry identification card within ten (10) days of receiving the
11 updated information and a ten-dollar (\$10.00) fee.

12 (11) If a compassion center cardholder loses his or her registry identification card, he or
13 she shall notify the department of health or the department of business regulation and submit a ten
14 dollar (\$10.00) fee within ten (10) days of losing the card. Within five (5) days, the department
15 shall issue a new registry identification card with new random identification number.

16 (12) On or before December 31, 2016, a compassion center cardholder shall notify the
17 department of health of any disqualifying criminal convictions as defined in subdivision (c)(7).
18 The department of health may choose to suspend and/or revoke his or her registry identification
19 card after such notification.

20 (13) On or after January 1, 2017, a compassion center cardholder shall notify the
21 department of business regulation of any disqualifying criminal convictions as defined in
22 subdivision (c)(7). The department of business regulation may choose to suspend and/or revoke
23 his or her registry identification card after such notification.

24 (14) If a compassion center cardholder violates any provision of this chapter or
25 regulations promulgated hereunder as determined by the departments of health and business
26 regulation, his or her registry identification card may be suspended and/or revoked.

27 *(d) Expiration or termination of compassion center:*

28 (1) On or before December 31, 2016, a compassion center's registration shall expire two
29 (2) years after its registration certificate is issued. On or after January 1, 2017, a compassion
30 center's registration shall expire one year after its registration certificate is issued. The
31 compassion center may submit a renewal application beginning sixty (60) days prior to the
32 expiration of its registration certificate;

33 (2) The department of health or the department of business regulation shall grant a
34 compassion center's renewal application within thirty (30) days of its submission if the following

1 conditions are all satisfied:

2 (i) The compassion center submits the materials required under subdivisions (c)(4) and
3 (c)(5), including a ~~five~~ thirty thousand dollar (~~\$530,000~~) fee;

4 (ii) The compassion center's registration has never been suspended for violations of this
5 chapter or regulations issued pursuant to this chapter; and

6 (iii) The ~~department of health and the~~ department of business regulation find that the
7 compassion center is adequately providing patients with access to medical marijuana at
8 reasonable rates;

9 (3) If the department of health or the department of business regulation determines that
10 any of the conditions listed in paragraphs (d)(2)(i) – (iii) have not been met, the department ~~shall~~
11 may begin an open application process for the operation of a compassion center. In granting a
12 new registration certificate, the department of health or the department of business regulation
13 shall consider factors listed in subdivision (c)(3);

14 (4) The ~~department of health or the~~ department of business regulation shall issue a
15 compassion center one or more thirty-day (30) temporary registration certificates after that
16 compassion center's registration would otherwise expire if the following conditions are all
17 satisfied:

18 (i) The compassion center previously applied for a renewal, but the department had not
19 yet come to a decision;

20 (ii) The compassion center requested a temporary registration certificate; and

21 (iii) The compassion center has not had its registration certificate suspended or revoked
22 due to violations of this chapter or regulations issued pursuant to this chapter.

23 (5) A compassion center's registry identification card shall be subject to revocation if the
24 compassion center:

25 (i) Possesses an amount of marijuana exceeding the limits established by this chapter;

26 (ii) Is in violation of the laws of this state;

27 (iii) Is in violation of other departmental regulations; or

28 (iv) Employs or enters into a business relationship with a medical practitioner who
29 provides written certification of a qualifying patient's medical condition.

30 (e) *Inspection* Compassion centers are subject to reasonable inspection by the department
31 of health, division of facilities regulation and the department of business regulation. During an
32 inspection, the departments may review the compassion center's confidential records, including
33 its dispensing records, which shall track transactions according to qualifying patients' registry
34 identification numbers to protect their confidentiality.

1 (f) *Compassion center requirements:*

2 (1) A compassion center shall be operated on a not-for-profit basis for the mutual benefit
3 of its patients. A compassion center need not be recognized as a tax-exempt organization by the
4 Internal Revenue Service; . A compassion center shall be subject to regulations promulgated by
5 the department of business regulation for general operations and record keeping which shall
6 include but not be limited to:

7 (i) Minimum security and surveillance requirements;

8 (ii) Minimum requirements for workplace safety and sanitation;

9 (iii) Minimum requirements for product safety and testing;

10 (iv) Minimum requirements for inventory tracking and monitoring;

11 (v) Minimum requirements for the secure transport and transfer of medical marijuana;

12 (vi) Minimum requirements to address odor mitigation;

13 (vii) Minimum requirements for product packaging and labeling;

14 (vii) Minimum requirements for advertising;

15 (ix) Minimum requirements for the testing and destruction of marijuana. Wherever
16 destruction of medical marijuana and medical marijuana product is required to bring a person or
17 entity into compliance with any provision of chapter 21-28.6, any rule or regulation promulgated
18 thereunder, or any administrative order issued in accordance therewith, the director of the
19 department of business regulation may designate his or her employees or agents to facilitate said
20 destruction.

21 (x) If a compassion center violates this chapter, or any regulation thereunder, and the
22 department of business regulation determines that violation does not pose an immediate threat to
23 public health or public safety, the compassion center shall pay to the department of business
24 regulation a fine of no less than five-hundred dollars (\$500).

25 (xi) If a compassion center violates this chapter, or any regulation promulgated
26 hereunder, and the department of business regulation determines that violation poses an
27 immediate threat to public health or public safety, the compassion center shall pay to the
28 department of business regulation a fine of no less than two-thousand dollars (\$2,000) and the
29 department shall be entitled to pursue any other enforcement action provided for under this
30 chapter and the regulations.

31 (2) A compassion center may not be located within one thousand feet (1000') of the
32 property line of a preexisting public or private school;

33 (3) On or before December 31, 2016, a compassion center shall notify the department of
34 health within ten (10) days of when a principal officer, board member, agent, volunteer, or

1 employee ceases to work at the compassion center. On or after January 1, 2017, a compassion
2 center shall notify the department of business regulation within ten (10) days of when a principal
3 officer, board member, agent, volunteer, or employee ceases to work at the compassion center.
4 His or her card shall be deemed null and void and the person shall be liable for any penalties that
5 may apply to any nonmedical possession or use of marijuana by the person;

6 (4)(i) On or before December 31, 2016, a compassion center shall notify the department
7 of health in writing of the name, address, and date of birth of any new principal officer, board
8 member, agent, volunteer or employee and shall submit a fee in an amount established by the
9 department for a new registry identification card before that person begins his or her relationship
10 with the compassion center;

11 (ii) On or after January 1, 2017, a compassion center shall notify the department of
12 business regulation, in writing, of the name, address, and date of birth of any new principal
13 officer, board member, agent, volunteer, or employee and shall submit a fee in an amount
14 established by the department [of business regulation](#) for a new registry identification card before
15 that person begins his or her relationship with the compassion center;

16 (5) A compassion center shall implement appropriate security measures to deter and
17 prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana and
18 shall insure that each location has an operational security alarm system. Each compassion center
19 shall request that the department of public safety division of state police visit the compassion
20 center to inspect the security of the facility and make any recommendations regarding the security
21 of the facility and its personnel within ten (10) days prior to the initial opening of each
22 compassion center. Said recommendations shall not be binding upon any compassion center, nor
23 shall the lack of implementation of said recommendations delay or prevent the opening or
24 operation of any center. If the department of public safety division of state police does not inspect
25 the compassion center within the ten-day (10) period, there shall be no delay in the compassion
26 center's opening.

27 (6) The operating documents of a compassion center shall include procedures for the
28 oversight of the compassion center and procedures to ensure accurate record keeping.

29 (7) A compassion center is prohibited from acquiring, possessing, ~~cultivating,~~
30 ~~manufacturing,~~ delivering, transferring, transporting, supplying, or dispensing marijuana for any
31 purpose except to assist registered qualifying patients with the medical use of marijuana directly
32 or through the qualifying patient's primary caregiver or authorized purchaser.

33 (8) All principal officers and board members of a compassion center must be residents of
34 the state of Rhode Island.

1 (9) Each time a new, registered, qualifying patient visits a compassion center, it shall
2 provide the patient with a frequently asked questions sheet, designed by the department, that
3 explains the limitations on the right to use medical marijuana under state law.

4 (10) Effective July 1, 2017, each compassion center shall be subject to any regulations
5 promulgated by the departments of health [and business regulation](#) that specify how usable
6 marijuana must be tested for items included but not limited to cannabinoid profile and
7 contaminants.

8 (11) Effective January 1, 2017, each compassion center shall be subject to any product
9 labeling requirements promulgated by the department of business regulation.

10 (12) Each compassion center shall develop, implement, and maintain on the premises
11 employee, volunteer, and agent policies and procedures to address the following requirements:

12 (i) A job description or employment contract developed for all employees and agents, and
13 a volunteer agreement for all volunteers, that includes duties, authority, responsibilities,
14 qualifications, and supervision; and

15 (ii) Training in, and adherence to, state confidentiality laws.

16 (13) Each compassion center shall maintain a personnel record for each employee, agent,
17 and volunteer that includes an application and a record of any disciplinary action taken.

18 (14) Each compassion center shall develop, implement, and maintain on the premises an
19 on-site training curriculum, or enter into contractual relationships with outside resources capable
20 of meeting employee training needs, that includes, but is not limited to, the following topics:

21 (i) Professional conduct, ethics, and patient confidentiality; and

22 (ii) Informational developments in the field of medical use of marijuana.

23 (15) Each compassion center entity shall provide each employee, agent, and volunteer, at
24 the time of his or her initial appointment, training in the following:

25 (i) The proper use of security measures and controls that have been adopted; and

26 (ii) Specific procedural instructions on how to respond to an emergency, including
27 robbery or violent accident.

28 (16) All compassion centers shall prepare training documentation for each employee and
29 volunteer and have employees and volunteers sign a statement indicating the date, time, and place
30 the employee and volunteer received said training and topics discussed, to include name and title
31 of presenters. The compassion center shall maintain documentation of an employee's and a
32 volunteer's training for a period of at least six (6) months after termination of an employee's
33 employment or the volunteer's volunteering.

34 (g) *Maximum amount of usable marijuana to be dispensed:*

1 (1) A compassion center or principal officer, board member, agent, volunteer, or
2 employee of a compassion center may not dispense more than ~~two and one-half (2.5)~~ three (3 oz.)
3 of dried usable marijuana, or its equivalent, to a qualifying patient directly or through a qualifying
4 patient's primary caregiver or authorized purchaser during a fifteen-day (15) period;

5 (2) A compassion center or principal officer, board member, agent, volunteer, or
6 employee of a compassion center may not dispense an amount of usable marijuana, or its
7 equivalent, ~~seedlings, or mature marijuana plants~~, to a qualifying patient, a qualifying patient's
8 primary caregiver, or a qualifying patient's authorized purchaser that the compassion center,
9 principal officer, board member, agent, volunteer, or employee knows would cause the recipient
10 to possess more marijuana than is permitted under the Edward O. Hawkins and Thomas C. Slater
11 Medical Marijuana Act.

12 (3) Compassion centers shall utilize a database administered by the departments of health
13 and business regulation. The database shall contain~~s~~ all compassion centers' transactions
14 according to qualifying patients', authorized purchasers', and primary caregivers', registry
15 identification numbers to protect the confidentiality of patient personal and medical information.
16 Compassion centers will not have access to any applications or supporting information submitted
17 by qualifying patients, authorized purchasers or primary caregivers. Before dispensing marijuana
18 to any patient or authorized purchaser, the compassion center must utilize the database to ensure
19 that a qualifying patient is not dispensed more than ~~two and one-half (2.5)~~ three (3) ounces of
20 dried usable marijuana or its equivalent directly or through the qualifying patient's primary
21 caregiver or authorized purchaser during a fifteen-day (15) period.

22 *(h) Immunity:*

23 (1) No registered compassion center shall be subject to prosecution; search, except by the
24 departments pursuant to subsection (e); seizure; or penalty in any manner, or denied any right or
25 privilege, including, but not limited to, civil penalty or disciplinary action by a business,
26 occupational, or professional licensing board or entity, solely for acting in accordance with this
27 section to assist registered qualifying patients.

28 (2) No registered compassion center shall be subject to prosecution, seizure, or penalty in
29 any manner, or denied any right or privilege, including, but not limited to, civil penalty or
30 disciplinary action, by a business, occupational, or professional licensing board or entity, for
31 selling, giving, or distributing marijuana in whatever form, and within the limits established by,
32 the department of health or the department of business regulation to another registered
33 compassion center.

34 (3) No principal officers, board members, agents, volunteers, or employees of a registered

1 compassion center shall be subject to arrest, prosecution, search, seizure, or penalty in any
2 manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary
3 action by a business, occupational, or professional licensing board or entity, solely for working
4 for or with a compassion center to engage in acts permitted by this section.

5 (4) No state employee shall be subject to arrest, prosecution or penalty in any manner, or
6 denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,
7 termination, or loss of employee or pension benefits, for any and all conduct that occurs within
8 the scope of his or her employment regarding the administration, execution and/or enforcement of
9 this act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

10 (i) *Prohibitions:*

11 (1) A compassion center must limit its inventory of ~~seedlings, plants, and~~ usable
12 marijuana to reflect the projected needs of qualifying patients; (i) A compassion center may not
13 cultivate marijuana or manufacture or process marijuana products pursuant to its compassion
14 center registration, provided that cultivation, processing and manufacture may be conducted
15 under a cultivator license or a manufacturer license which has been issued to the compassion
16 center by the department of business regulation pursuant to regulations promulgated by the
17 department.

18 (ii) A compassion center which was approved by the department of health or renewed by
19 the department of business regulation prior to July 1, 2018 may also hold a cultivator license and
20 a manufacturer license and shall be issued said license or licenses in accordance with regulations
21 promulgated by the department of business regulation, provided that the class or classes of said
22 cultivator license and manufacturer license shall correspond to the size of any growing,
23 manufacturing, or processing facility or facilities which were in operation or were approved prior
24 to July 1, 2018.

25 (iii) A compassion center which is approved by the department of health or renewed by
26 the department of business regulation after July 1, 2018 may also hold a cultivator license and a
27 manufacturer license in accordance with regulations promulgated by the department of business
28 regulation, provided the class or classes of said cultivator license and manufacturer license shall
29 correspond to the size of any growing, manufacturing, or processing facility or facilities which
30 were in operation or were approved prior to July 1, 2018.

31 (2) A compassion center may not dispense, deliver, or otherwise transfer marijuana to a
32 person other than a ~~qualifying~~ patient cardholder or to such patient's primary caregiver or
33 authorized purchaser;

34 (3) A person found to have violated paragraph (2) of this subsection may not be an

1 employee, agent, volunteer, principal officer, or board member of any compassion center;

2 (4) An employee, agent, volunteer, principal officer or board member of any compassion
3 center found in violation of paragraph (2) shall have his or her registry identification revoked
4 immediately; and

5 (5) No person who has been convicted of a felony drug offense or has entered a plea of
6 nolo contendere for a felony drug offense with a sentence or probation may be the principal
7 officer, board member, agent, volunteer, or employee of a compassion center unless the
8 department has determined that the person's conviction was for the medical use of marijuana or
9 assisting with the medical use of marijuana in accordance with the terms and conditions of this
10 chapter. A person who is employed by or is an agent, volunteer, principal officer, or board
11 member of a compassion center in violation of this section is guilty of a civil violation punishable
12 by a fine of up to one thousand dollars (\$1,000). A subsequent violation of this section is a
13 misdemeanor.

14 (j) *Legislative oversight committee:*

15 (1) The general assembly shall appoint a nine-member (9) oversight committee
16 comprised of: one member of the house of representatives; one member of the senate; one
17 physician to be selected from a list provided by the Rhode Island medical society; one nurse to be
18 selected from a list provided by the Rhode Island state nurses association; two (2) registered
19 qualifying patients; one registered primary caregiver; one patient advocate to be selected from a
20 list provided by the Rhode Island patient advocacy coalition; and the superintendent of the
21 department of public safety, or his/her designee.

22 (2) The oversight committee shall meet at least six (6) times per year for the purpose of
23 evaluating and making recommendations to the general assembly regarding:

- 24 (i) Patients' access to medical marijuana;
- 25 (ii) Efficacy of compassion centers;
- 26 (iii) Physician participation in the Medical Marijuana Program;
- 27 (iv) The definition of qualifying medical condition; and
- 28 (v) Research studies regarding health effects of medical marijuana for patients.

29 (3) On or before January 1 of every even numbered year, the oversight committee shall
30 report to the general assembly on its findings.

31 **21-28.6-15. Medical Marijuana Plant Tags.**

32 (a) Effective January 1, 2017, the department of business regulation shall make medical
33 marijuana tag sets available for purchase. Effective April 1, 2017, every marijuana plant, either
34 mature or **seedling** **immature**, grown by a registered patient or primary caregiver must be

1 accompanied by a physical medical marijuana tag purchased through the department of business
2 regulation and issued by the ~~department of health~~ division to qualifying patients and primary
3 caregivers ~~or by the department of business regulation to licensed cultivators.~~

4 (1) The department of business regulation shall charge an annual fee for each medical
5 marijuana tag set which shall include one tag for a mature medical marijuana plant and one tag
6 for ~~a seedling~~ an immature plant. If the required fee has not been paid, those medical marijuana
7 tags shall be considered expired and invalid. The fee established by the department of business
8 regulation shall be in accordance with the following requirements:

9 (i) For patient cardholders authorized to grow medical marijuana by the ~~department of~~
10 ~~health~~ division, the fee per tag set shall not exceed twenty-five dollars (\$25);

11 (ii) For primary caregivers, the fee per tag set shall not exceed twenty-five dollars (\$25);

12 (iii) For patients that qualify for reduced-registration due to income or disability status,
13 there shall be no fee per tag set;

14 (iv) For caregivers who provide care for a patient cardholder who qualifies for reduced-
15 registration due to income or disability status, there shall be no fee per tag set for such qualifying
16 patient; and

17 (v) For licensed cultivators, the fee per tag set shall be established in regulations
18 promulgated by the department of business regulation.

19 (2) Effective January 1, 2017, the department of business regulation shall verify ~~with the~~
20 ~~department of health~~ that all medical marijuana tag purchases are made by qualifying patient
21 cardholders or primary caregiver cardholders. ~~The department of health shall provide this~~
22 ~~verification according to qualifying patients' and primary caregivers' registry identification~~
23 ~~numbers and without providing access to any applications or supporting information submitted by~~
24 ~~qualifying patients to protect patient confidentiality;~~

25 (3) Effective January 1, 2019 and thereafter, the department of business regulation shall
26 verify ~~with the department of health~~ that all medical marijuana tag purchases are made by
27 registered patient cardholders who have notified the department of health or the division of their
28 election to grow medical marijuana or primary caregiver cardholders. ~~The department of health~~
29 ~~shall provide this verification according to qualifying patients' and primary caregivers' registry~~
30 ~~identification numbers and without providing access to any applications or supporting~~
31 ~~information submitted by qualifying patients to protect patient confidentiality;~~

32 (4) The department of business regulation shall maintain information pertaining to
33 medical marijuana tags and shall share that information with the department of health-

34 (5) All primary caregivers shall purchase at least one medical marijuana tag set for each

1 patient under their care and all patients growing medical marijuana for themselves shall purchase
2 at least one medical marijuana tag set.

3 (6) All licensed cultivators shall purchase at least one medical marijuana tag set or utilize
4 a seed to sale tracking system in accordance with regulations promulgated by the department of
5 business regulation.

6 (7) The departments of business regulation ~~and health~~ shall jointly promulgate
7 regulations to establish a process by which medical marijuana tags may be returned ~~to either~~
8 ~~department~~. The department of business regulation may choose to reimburse a portion or the
9 entire amount of any fees paid for medical marijuana tags that are subsequently returned.

10 (b) *Enforcement:*

11 (1) If a patient cardholder, primary caregiver cardholder or licensed cultivator violates
12 any provision of this chapter or the regulations promulgated hereunder as determined by the
13 departments of business regulation and health, his or her medical marijuana tags may be revoked.
14 In addition, the department that issued the cardholder's registration or the license may revoke the
15 cardholder's registration or license ~~pursuant to §21-28.6-9~~.

16 (2) The department of business regulation may revoke and not reissue, pursuant to
17 regulations, medical marijuana tags to any cardholder or licensee who is convicted of; placed on
18 probation; whose case is filed pursuant to §12-10-12 where the defendant pleads nolo contendere;
19 or whose case is deferred pursuant to §12-19-19 where the defendant pleads nolo contendere for
20 any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act") or a
21 similar offense from any other jurisdiction.

22 (3) If a patient cardholder, primary caregiver cardholder, licensed cooperative cultivation
23 or licensed cultivator is found to have ~~mature~~ marijuana plants without valid medical marijuana
24 tags sets or which are not tracked in accordance with regulation, the ~~department of health or~~
25 ~~department of business regulation~~ division shall impose an administrative penalty on the patient
26 cardholder, primary caregiver cardholder, licensed cooperative cultivation or licensed cultivator
27 for each untagged ~~mature~~ marijuana plant ~~not in excess of the limits set forth in §21-28.6-4, §21-~~
28 ~~28.6-14 and §21-28.6-16 of no more than the total fee that would be paid by a cardholder or~~
29 ~~licensee who purchased medical marijuana tags for such plants in compliance with this chapter.~~

30 ~~(4) If a patient cardholder, primary caregiver cardholder, or licensed cooperative~~
31 ~~cultivation is found to have mature marijuana plants exceeding the limits set forth in §21-28.6-4,~~
32 ~~§21-28.6-14, and §21-28.6-16 in addition to any penalties that may be imposed pursuant to §21-~~
33 ~~28.6-9, the department of health or department of business regulation may impose an~~
34 ~~administrative penalty on that cardholder or license holder for each mature marijuana plant in~~

~~1 excess of the applicable statutory limit of no less than the total fee that would be paid by a
2 cardholder who purchased medical marijuana tags for such plants in compliance with this chapter.~~

3 **21-28.6-16. Licensed cultivators.**

4 (a) A licensed cultivator licensed under this section may acquire, possess, cultivate,
5 deliver, or transfer marijuana to licensed compassion centers [or to a licensed manufacturer](#). A
6 licensed cultivator shall not be a primary caregiver cardholder and shall not hold a cooperative
7 cultivation license. Except as specifically provided to the contrary, all provisions of the Edward
8 O. Hawkins and Thomas C. Slater Medical Marijuana Act, §§ 21-28.6-1 – 21-28.6-15, apply to a
9 licensed cultivator unless they conflict with a provision contained in § 21-28.6-16.

10 (b) *Licensing of cultivators – Department of business regulation authority.* The
11 department of business regulation shall promulgate regulations governing the manner in which it
12 shall consider applications for the licensing of cultivators, including regulations governing:

13 (1) The form and content of licensing and renewal applications;

14 (2) Minimum oversight requirements for licensed cultivators;

15 (3) Minimum record-keeping requirements for cultivators;

16 (4) Minimum security requirements for cultivators; and

17 (5) Procedures for suspending, revoking, or terminating the license of cultivators that
18 violate the provisions of this section or the regulations promulgated pursuant to this subsection.

19 (c) A licensed cultivator license issued by the department of business regulation shall
20 expire one year after it was issued and the licensed cultivator may apply for renewal with the
21 department in accordance with its regulations pertaining to licensed cultivators.

22 (d) The department of business regulation shall promulgate regulations that govern how
23 many marijuana plants, ~~how many marijuana seedlings~~ [mature and immature](#), how much wet
24 marijuana, and how much usable marijuana a licensed cultivator may possess. Every marijuana
25 plant possessed by a licensed cultivator must be accompanied by valid medical marijuana tag
26 issued by the department of business regulation pursuant to § 21-28.6-15 [or catalogued in a seed](#)
27 [to sale inventory tracking system in accordance with regulations promulgated by the department](#)
28 [of business regulation](#). ~~Each cultivator must purchase at least one medical marijuana tag or in~~
29 ~~order to remain a licensed cultivator.~~

30 (e) Cultivators shall only sell marijuana to compassion centers [or a licensed](#)
31 [manufacturer](#). All marijuana possessed by a cultivator in excess of the possession limit
32 established pursuant to subsection (d) shall be under formal agreement to be purchased by a
33 compassion center [or by a licensed manufacturer](#). If such excess marijuana is not under formal
34 agreement to be purchased, the cultivator will have a period of time, specified in regulations

1 promulgated by the department of business regulation, to sell or destroy that excess marijuana.
2 The department may suspend and/or revoke the cultivator's license and the license of any officer,
3 director, employee, or agent of such cultivator and/or impose an administrative penalty in
4 accordance with such regulations promulgated by the department for any violation of this section
5 or the regulations. In addition, any violation of this section or the regulations promulgated
6 pursuant to this subsection and subsection (d) shall cause a licensed cultivator to lose the
7 protections described in subsection (m) and may subject the licensed cultivator to arrest and
8 prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

9 (f) Cultivators shall be subject to any regulations promulgated by the department of
10 health or department of business regulation that specify how marijuana must be tested for items,
11 including, but not limited to, potency, cannabinoid profile, and contaminants;

12 (g) Cultivators shall be subject to any product labeling requirements promulgated by the
13 department of business regulation and the department of health;

14 (h) Notwithstanding any other provisions of the general laws, the manufacture of
15 marijuana using a solvent extraction process that includes the use of a compressed, flammable gas
16 as a solvent by a licensed cultivator shall not be subject to the protections of this chapter.

17 (i) Cultivators shall only be licensed to grow, marijuana at a single location, registered
18 with the department of business regulation and the department of public [safety unless the](#)
19 [cultivator's license is held by a compassion center which was approved by the department of](#)
20 [health or renewed by the department of business regulation prior to July 1, 2018](#). The department
21 of business regulation may promulgate regulations governing where cultivators are allowed to
22 grow. Cultivators must abide by all local ordinances, including zoning ordinances.

23 (j) *Inspection* Cultivators shall be subject to reasonable inspection by the department of
24 business regulation or the department of health for the purposes of enforcing regulations
25 promulgated pursuant to this chapter and all applicable Rhode Island general laws.

26 (k) The cultivator applicant shall apply to the bureau of criminal identification of the
27 department of attorney general, department of public safety division of state police, or local
28 police department for a national criminal records check that shall include fingerprints submitted
29 to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as
30 defined in subdivision (k)(2), and in accordance with the rules promulgated by the director of the
31 department of business regulation, the bureau of criminal identification of the department of
32 attorney general, department of public safety division of state police, or the local police
33 department shall inform the applicant, in writing, of the nature of the disqualifying information;
34 and, without disclosing the nature of the disqualifying information, shall notify the department of

1 business regulation, in writing, that disqualifying information has been discovered.

2 (1) In those situations in which no disqualifying information has been found, the bureau
3 of criminal identification of the department of attorney general, department of public safety
4 division of state police, or the local police department shall inform the applicant and the
5 department of business regulation, in writing, of this fact.

6 (2) Information produced by a national criminal records check pertaining to a conviction
7 for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a
8 sentence of probation shall result in a letter to the applicant and the department of business
9 regulation disqualifying the applicant.

10 (3) The cultivator applicant shall be responsible for any expense associated with the
11 national criminal records check.

12 (1) Persons issued cultivator licenses shall be subject to the following:

13 (1) A licensed cultivator [cardholder](#) shall notify and request approval from the
14 department of business regulation of any change in his or her name or address within ten (10)
15 days of such change. A cultivator [cardholder](#) who fails to notify the department of business
16 regulation of any of these changes is responsible for a civil infraction, punishable by a fine of no
17 more than one hundred fifty dollars (\$150).

18 (2) When a licensed cultivator [cardholder](#) notifies the department of business regulation
19 of any changes listed in this subsection, the department of business regulation shall issue the
20 cultivator [cardholder](#) a new ~~license~~ [registry identification card](#) after the department approves the
21 changes and receives from the licensee payment of a fee specified in regulation.

22 (3) If a licensed cultivator [cardholder](#) loses his or her ~~license card~~, he or she shall notify
23 the department of business regulation and submit a fee specified in regulation within ten (10)
24 days of losing the ~~license card~~. The department of business regulation shall issue a new ~~license~~
25 [card](#) with a new random identification number.

26 (4) A licensed cultivator [cardholder](#) shall notify the department of business regulation of
27 any disqualifying criminal convictions as defined in subdivision (k)(2). The department of
28 business regulation may choose to suspend and/or revoke his or her ~~license card~~ after such
29 notification.

30 (5) If a licensed cultivator [or cultivator cardholder](#) violates any provision of this chapter
31 or regulations promulgated hereunder as determined by the department of business regulation, his
32 or her [card and the issued](#) license may be suspended and/or revoked.

33 (m) *Immunity:*

34 (1) No licensed cultivator shall be subject to prosecution; search, except by the

1 departments pursuant to subsection (j); seizure; or penalty in any manner, or denied any right or
2 privilege, including, but not limited to, civil penalty or disciplinary action by a business,
3 occupational, or professional licensing board or entity, solely for acting in accordance with this
4 section ~~to assist registered-qualifying~~;

5 (2) No licensed cultivator shall be subject to prosecution, seizure, or penalty in any
6 manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary
7 action by a business, occupational, or professional licensing board or entity, for selling, giving, or
8 distributing marijuana in whatever form and within the limits established by the department of
9 business regulation to a [licensed manufacturer or](#) registered compassion center;

10 (3) No principal officers, board members, agents, volunteers, or employees of a licensed
11 cultivator shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or
12 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
13 business, occupational, or professional licensing board or entity, solely for working for or with a
14 licensed cultivator to engage in acts permitted by this section.

15 (4) No state employee shall be subject to arrest, prosecution, or penalty in any manner, or
16 denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,
17 termination, or loss of employee or pension benefits, for any and all conduct that occurs within
18 the scope of his or her employment regarding the administration, execution, and/or enforcement
19 of this act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

20 **21-28.6-17. Revenue.**

21 (a) Effective July 1, 2016, all fees collected by the departments of health and business
22 regulation from applicants, registered patients, primary caregivers, authorized purchasers,
23 licensed cultivators, [licensed manufacturers](#), cooperative cultivations, compassion centers, [other](#)
24 [licensees licensed pursuant to this chapter](#), and compassion-center [and other registry](#)
25 [identification](#) cardholders shall be placed in restricted-receipt accounts to support the state's
26 medical marijuana program, including but not limited to, payment of expenses incurred by the
27 departments of health and business regulation for the administration of the program.

28 (b) All revenues remaining in the restricted-receipt accounts after payments specified in
29 subsection (a) of this section shall first be paid to cover any existing deficit in the department of
30 health's restricted-receipt account or the department of business regulation's restricted-receipt
31 account. These transfers shall be made annually on the last business day of the fiscal year.

32 (c) All revenues remaining in the restricted-receipt accounts after payments specified in
33 subsections (a) and (b) shall be paid into the state's general fund. These payments shall be made
34 annually on the last business day of the fiscal year.

1 SECTION 2. Chapter 21-28.6 of the General Laws entitled “The Edward O. Hawkins and
2 Thomas C. Slater Medical Marijuana Act” are hereby amended by adding thereto the following
3 sections:

4 **21-28.6-16.1. Licensed manufacturers.**

5 (a) A marijuana manufacturer licensed under this section may acquire marijuana from
6 licensed cultivators or compassion centers. A licensed manufacturer may possess, manufacture, or
7 process marijuana into marijuana products in accordance with regulations promulgated by the
8 department of business regulation. A licensed manufacturer may deliver, or transfer marijuana
9 products to licensed compassion centers or another licensed manufacturer in accordance with
10 regulations promulgated by the department of business regulation. A licensed manufacturer shall
11 not be a primary caregiver cardholder and shall not hold a cooperative cultivation license. A
12 licensed manufacturer shall not grow, cultivate, sell, or dispense medical marijuana unless the
13 licensed manufacturer has also been issued a cultivator license or compassion center registration
14 pursuant to regulations promulgated by the department of business regulation. The department of
15 business regulation may restrict the number, types, and classes of medical marijuana licenses an
16 applicant may be issued through regulations promulgated by the department. Except as
17 specifically provided to the contrary, all provisions of the Edward O. Hawkins and Thomas C.
18 Slater Medical Marijuana Act, §§ 21-28.6-1 – 21-28.6-15, apply to a licensed manufacturer
19 unless they conflict with a provision contained in § 21-28.6-16.1.

20 (b) Licensing of manufacturers – Department of business regulation authority. The
21 department of business regulation shall promulgate regulations governing the manner in which it
22 shall consider applications for the licensing of manufacturers, including but not limited to
23 regulations governing:

- 24 (1) The form and content of licensing and renewal applications;
25 (2) Minimum oversight requirements for licensed manufacturers;
26 (3) Minimum record-keeping requirements for manufacturers;
27 (4) Minimum security requirements for manufacturers; and
28 (5) Procedures for suspending, revoking, or terminating the license of manufacturers that
29 violate the provisions of this section or the regulations promulgated pursuant to this subsection.
30 (6) Applicable application and license fees.

31 (c) A manufacturer license issued by the department of business regulation shall expire
32 one year after it was issued and the licensed manufacturer may apply for renewal with the
33 department in accordance with its regulations pertaining to licensed manufacturers.

34 (d) The department of business regulation may promulgate regulations that govern how

1 much marijuana a licensed manufacturer may possess. All marijuana possessed by a licensed
2 manufacturer must be catalogued in a seed to sale inventory tracking system in accordance with
3 regulations promulgated by the department of business regulation.

4 (e) Manufacturers shall only sell manufactured marijuana products to compassion centers
5 or another licensed manufacturer. The department may suspend and/or revoke the manufacturer's
6 license and the license of any officer, director, employee, or agent of such manufacturer and/or
7 impose an administrative penalty in accordance with such regulations promulgated by the
8 department for any violation of this section or the regulations. In addition, any violation of this
9 section or the regulations promulgated pursuant to this subsection and subsection (d) shall cause a
10 licensed manufacturer to lose the protections described in subsection (m) and may subject the
11 licensed manufacturer to arrest and prosecution under Chapter 28 of title 21 (the Rhode Island
12 Controlled Substances Act).

13 (f) manufacturers shall be subject to any regulations promulgated by the department of
14 health or department of business regulation that specify how marijuana must be tested for items,
15 including, but not limited to, potency, cannabinoid profile, and contaminants;

16 (g) manufacturers shall be subject to any product labeling requirements promulgated by
17 the department of business regulation and the department of health;

18 (i) manufacturers shall only be licensed to manufacture marijuana at a single location,
19 registered with the department of business regulation and the department of public safety unless
20 the manufacturer license is held by a compassion center which was approved by the department
21 of health or renewed by the department of business regulation prior to July 1, 2018. The
22 department of business regulation may promulgate regulations governing where manufacturers
23 are allowed to grow. Manufacturers must abide by all local ordinances, including zoning
24 ordinances.

25 (j) Inspection. Manufacturers shall be subject to reasonable inspection by the department
26 of business regulation or the department of health for the purposes of enforcing regulations
27 promulgated pursuant to this chapter and all applicable Rhode Island general laws.

28 (k) The manufacturer applicant shall apply to the bureau of criminal identification of the
29 department of attorney general, department of public safety division of state police, or local
30 police department for a national criminal records check that shall include fingerprints submitted
31 to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as
32 defined in subdivision (k)(2), and in accordance with the rules promulgated by the director of the
33 department of business regulation, the bureau of criminal identification of the department of
34 attorney general, department of public safety division of state police, or the local police

1 department shall inform the applicant, in writing, of the nature of the disqualifying information;
2 and, without disclosing the nature of the disqualifying information, shall notify the department of
3 business regulation, in writing, that disqualifying information has been discovered.

4 (1) In those situations in which no disqualifying information has been found, the bureau
5 of criminal identification of the department of attorney general, department of public safety
6 division of state police, or the local police department shall inform the applicant and the
7 department of business regulation, in writing, of this fact.

8 (2) Information produced by a national criminal records check pertaining to a conviction
9 for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a
10 sentence of probation shall result in a letter to the applicant and the department of business
11 regulation disqualifying the applicant.

12 (3) The manufacturer applicant shall be responsible for any expense associated with the
13 national criminal records check.

14 (l) Persons issued manufacturer licenses or registration card shall be subject to the
15 following:

16 (1) A licensed manufacturer cardholder shall notify and request approval from the
17 department of business regulation of any change in his or her name or address within ten (10)
18 days of such change. A manufacturer cardholder who fails to notify the department of business
19 regulation of any of these changes is responsible for a civil infraction, punishable by a fine of no
20 more than one hundred fifty dollars (\$150).

21 (2) When a licensed manufacturer cardholder notifies the department of business
22 regulation of any changes listed in this subsection, the department of business regulation shall
23 issue the manufacturer cardholder a new license or registry identification card after the
24 department approves the changes and receives from the licensee payment of a fee specified in
25 regulation.

26 (3) If a licensed manufacturer cardholder loses his or her registry identification card, he
27 or she shall notify the department of business regulation and submit a fee specified in regulation
28 within ten (10) days of losing the registry identification card. The department of business
29 regulation shall issue a new registry identification card with a new random identification number.

30 (4) A licensed manufacturer cardholder shall notify the department of business regulation
31 of any disqualifying criminal convictions as defined in subdivision (k)(2). The department of
32 business regulation may choose to suspend and/or revoke his or her card after such notification.

33 (5) If a licensed manufacturer or manufacturer cardholder violates any provision of this
34 chapter or regulations promulgated hereunder as determined by the department of business

1 regulation, his or her card or the issued license may be suspended and/or revoked.

2 (m) Immunity:

3 (1) No licensed manufacturer shall be subject to prosecution; search, except by the
4 departments pursuant to subsection (j); seizure; or penalty in any manner, or denied any right or
5 privilege, including, but not limited to, civil penalty or disciplinary action by a business,
6 occupational, or professional licensing board or entity, solely for acting in accordance with this
7 chapter;

8 (2) No licensed manufacturer shall be subject to prosecution, seizure, or penalty in any
9 manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary
10 action by a business, occupational, or professional licensing board or entity, for selling, giving, or
11 distributing marijuana in whatever form and within the limits established by the department of
12 business regulation to another licensed manufacturer or registered compassion center;

13 (3) No principal officers, board members, agents, volunteers, or employees of a licensed
14 manufacturer shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or
15 denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a
16 business, occupational, or professional licensing board or entity, solely for working for or with a
17 licensed manufacturer to engage in acts permitted by this section.

18 (4) No state employee shall be subject to arrest, prosecution, or penalty in any manner, or
19 denied any right or privilege, including, but not limited to, civil penalty, disciplinary action,
20 termination, or loss of employee or pension benefits, for any and all conduct that occurs within
21 the scope of his or her employment regarding the administration, execution, and/or enforcement
22 of this act, and the provisions of §§ 9-31-8 and 9-31-9 shall be applicable to this section.

23 **21-28.6-16.2. Other Supporting Medical Marijuana Licenses.**

24 (a) The department of business regulation shall have the authority to promulgate
25 regulations to create and implement additional types and classes of commercial medical
26 marijuana licenses, including but not limited to, licenses for businesses to engage in marijuana
27 destruction, delivery, disposal, research and development, transportation or any other commercial
28 activity needed to support licensed cultivators, licensed manufacturers, compassion centers,
29 licensed testing facilities, and patient need; provided no license created by the department shall
30 allow for the retail sale of medical marijuana to registered cardholders.

31 (b) The department of business regulation shall promulgate regulations governing the
32 manner in which it shall consider applications for issuing additional medical marijuana licenses,
33 including but not limited to, regulations governing:

34 (1) The form and content of licensing and renewal applications;

- 1 (2) Minimum oversight requirements for additional medical marijuana license holders;
2 (3) Minimum record-keeping requirements for additional medical marijuana license
3 holders;
4 (4) Minimum security requirements for additional medical marijuana license holders;
5 (5) Procedures for suspending, revoking, or terminating the licenses of licensees that
6 violate the provisions of this chapter or the regulations promulgated pursuant to this chapter; and
7 (6) Applicable application and license fees.
8 (c) Any applicant, or employee, officer, director, manager, member or agent of a holder
9 of a license issued by the department of business regulation pursuant to this section and the
10 regulations shall be required to obtain a registry identification card from the division subject to
11 the requirements and fees set by the department pursuant to the regulations.
12 (d) With respect to any licenses and registrations issued by the department of business
13 regulation pursuant to this chapter, the department of business regulation shall be entitled to
14 charge application, license and registration fees as set by the department of business regulation
15 and set forth in regulations promulgated here under.

16 SECTION 3. Section 21-28.6-6.1 of the General Laws in Chapter 21-28.6 entitled “The
17 Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act” is hereby repealed.

18 ~~**21-28.6-6.1. Administration of regulations.**~~

19 ~~(a) The department of health shall issue registry identification cards to qualifying patients~~
20 ~~who submit the following, in accordance with the department's regulations:~~

- 21 ~~(1) Written certification as defined in § 21-28.6-3(24) of this chapter;~~
22 ~~(2) Application or renewal fee;~~
23 ~~(3) Name, address, and date of birth of the qualifying patient; provided, however, that if~~
24 ~~the patient is homeless, no address is required;~~
25 ~~(4) Name, address, and telephone number of the qualifying patient's practitioner;~~
26 ~~(5) Name, address, and date of birth of each primary caregiver of the qualifying patient, if~~
27 ~~any.~~

28 ~~(b) The department of health shall not issue a registry identification card to a qualifying~~
29 ~~patient under the age of eighteen (18) unless:~~

- 30 ~~(1) The qualifying patient's practitioner has explained the potential risks and benefits of~~
31 ~~the medical use of marijuana to the qualifying patient and to a parent, guardian, or person having~~
32 ~~legal custody of the qualifying patient; and~~
33 ~~(2) A parent, guardian, or person having legal custody consents in writing to:~~
34 ~~(i) Allow the qualifying patient's medical use of marijuana;~~

1 ~~(ii) Serve as one of the qualifying patient's primary caregivers; and~~
2 ~~(iii) Control the acquisition of the marijuana, the dosage, and the frequency of the~~
3 ~~medical use of marijuana by the qualifying patient.~~

4 ~~(c) The department shall not issue a registry identification card to a qualifying patient~~
5 ~~seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen (18).~~

6 ~~(d) The department shall verify the information contained in an application or renewal~~
7 ~~submitted pursuant to this section, and shall approve or deny an application or renewal within~~
8 ~~fifteen (15) days of receiving it. The department may deny an application or renewal only if the~~
9 ~~applicant did not provide the information required pursuant to this section, or if the department~~
10 ~~determines that the information provided was falsified. Rejection of an application or renewal is~~
11 ~~considered a final department action, subject to judicial review. Jurisdiction and venue for~~
12 ~~judicial review are vested in the superior court.~~

13 ~~(e) If the qualifying patient's practitioner notifies the department in a written statement~~
14 ~~that the qualifying patient is eligible for hospice care, the department shall verify the application~~
15 ~~information in accordance with subsection (d) and issue a registry identification card to the~~
16 ~~qualifying patient and primary caregivers named in the patient's application within seventy two~~
17 ~~(72) hours of receipt of the completed application. The department shall not charge a registration~~
18 ~~fee to the patient or caregivers named in the application.~~

19 ~~(f) The department shall issue a registry identification card to each primary caregiver, if~~
20 ~~any, who is named in a qualifying patient's approved application, up to a maximum of two (2)~~
21 ~~primary caregivers per qualifying patient.~~

22 ~~(1) The primary caregiver applicant shall apply to the bureau of criminal identification of~~
23 ~~the department of attorney general, state police, or local police department for a national criminal~~
24 ~~records check that shall include fingerprints submitted to the Federal Bureau of Investigation.~~
25 ~~Upon the discovery of any disqualifying information as defined in subdivision (f)(4), and in~~
26 ~~accordance with the rules promulgated by the director, the bureau of criminal identification of the~~
27 ~~department of attorney general, state police, or the local police department shall inform the~~
28 ~~applicant, in writing, of the nature of the disqualifying information; and, without disclosing the~~
29 ~~nature of the disqualifying information, shall notify the department, in writing, that disqualifying~~
30 ~~information has been discovered.~~

31 ~~(2) In those situations in which no disqualifying information has been found, the bureau~~
32 ~~of criminal identification of the department of attorney general, state police, or the local police~~
33 ~~shall inform the applicant and the department, in writing, of this fact.~~

34 ~~(3) The department shall maintain on file evidence that a criminal records check has been~~

1 ~~initiated on all applicants seeking a primary caregiver registry identification card and the results~~
2 ~~of the checks. The primary caregiver cardholder shall not be required to apply for a national~~
3 ~~criminal records check for each patient he or she is connected to through the department's~~
4 ~~registration process, provided that he or she has applied for a national criminal records check~~
5 ~~within the previous two (2) years in accordance with this chapter. The department shall not~~
6 ~~require a primary caregiver cardholder to apply for a national criminal records check more than~~
7 ~~once every two (2) years.~~

8 ~~(4) Information produced by a national criminal records check pertaining to a conviction~~
9 ~~for any felony offense under chapter 28 of title 21 ("Rhode Island Controlled Substances Act");~~
10 ~~murder, manslaughter, rape, first degree sexual assault, second degree sexual assault, first degree~~
11 ~~child molestation, second degree child molestation, kidnapping, first degree arson, second degree~~
12 ~~arson, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon,~~
13 ~~assault or battery involving grave bodily injury, and/or assault with intent to commit any offense~~
14 ~~punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the~~
15 ~~applicant and the department disqualifying the applicant. If disqualifying information has been~~
16 ~~found, the department may use its discretion to issue a primary caregiver registry identification~~
17 ~~card if the applicant's connected patient is an immediate family member and the card is restricted~~
18 ~~to that patient only.~~

19 ~~(5) The primary caregiver applicant shall be responsible for any expense associated with~~
20 ~~the national criminal records check.~~

21 ~~(6) For purposes of this section "conviction" means, in addition to judgments of~~
22 ~~conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances~~
23 ~~where the defendant has entered a plea of nolo contendere and has received a sentence of~~
24 ~~probation and those instances where a defendant has entered into a deferred sentence agreement~~
25 ~~with the attorney general.~~

26 ~~(g) The department shall issue registry identification cards within five (5) days of~~
27 ~~approving an application or renewal that shall expire two (2) years after the date of issuance.~~

28 ~~Registry identification cards shall contain:~~

- 29 ~~(1) The date of issuance and expiration date of the registry identification card;~~
- 30 ~~(2) A random registry identification number;~~
- 31 ~~(3) A photograph; and~~
- 32 ~~(4) Any additional information as required by regulation or the department.~~

33 ~~(h) Persons issued registry identification cards shall be subject to the following:~~

- 34 ~~(1) A patient cardholder shall notify the department of any change in the patient~~

1 ~~cardholder's name, address, or primary caregiver; or if he or she ceases to have his or her~~
2 ~~debilitating medical condition, within ten (10) days of such change.~~

3 ~~(2) A patient cardholder who fails to notify the department of any of these changes is~~
4 ~~responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars~~
5 ~~(\$150). If the patient cardholder has ceased to suffer from a debilitating medical condition, the~~
6 ~~card shall be deemed null and void and the person shall be liable for any other penalties that may~~
7 ~~apply to the person's nonmedical use of marijuana.~~

8 ~~(3) A primary caregiver cardholder or compassion center cardholder shall notify the~~
9 ~~department of any change in his or her name or address within ten (10) days of such change. A~~
10 ~~primary caregiver cardholder or compassion center cardholder who fails to notify the department~~
11 ~~of any of these changes is responsible for a civil infraction, punishable by a fine of no more than~~
12 ~~one hundred fifty dollars (\$150).~~

13 ~~(4) When a patient cardholder or primary caregiver cardholder notifies the department of~~
14 ~~any changes listed in this subsection, the department shall issue the patient cardholder and each~~
15 ~~primary caregiver cardholder a new registry identification card within ten (10) days of receiving~~
16 ~~the updated information and a ten dollar (\$10.00) fee. When a compassion center cardholder~~
17 ~~notifies the department of any changes listed in this subsection, the department shall issue the~~
18 ~~cardholder a new registry identification card within ten (10) days of receiving the updated~~
19 ~~information and a ten dollar (\$10.00) fee.~~

20 ~~(5) When a patient cardholder changes his or her primary caregiver, the department shall~~
21 ~~notify the primary caregiver cardholder within ten (10) days. The primary caregiver cardholder's~~
22 ~~protections, as provided in this chapter as to that patient, shall expire ten (10) days after~~
23 ~~notification by the department. If the primary caregiver cardholder is connected to no other~~
24 ~~patient cardholders in the program, he or she must return his or her registry identification card to~~
25 ~~the department.~~

26 ~~(6) If a cardholder loses his or her registry identification card, he or she shall notify the~~
27 ~~department and submit a ten dollar (\$10.00) fee within ten (10) days of losing the card. Within~~
28 ~~five (5) days, the department shall issue a new registry identification card with new, random~~
29 ~~identification number.~~

30 ~~(7) If a cardholder willfully violates any provision of this chapter as determined by the~~
31 ~~department, his or her registry identification card may be revoked.~~

32 ~~(i) Possession of, or application for, a registry identification card shall not constitute~~
33 ~~probable cause or reasonable suspicion, nor shall it be used to support the search of the person or~~
34 ~~property of the person possessing or applying for the registry identification card, or otherwise~~

1 ~~subject the person or property of the person to inspection by any governmental agency.~~

2 ~~(j)(1) Applications and supporting information submitted by qualifying patients,~~
3 ~~including information regarding their primary caregivers and practitioners, are confidential and~~
4 ~~protected under the federal Health Insurance Portability and Accountability Act of 1996, and shall~~
5 ~~be exempt from the provisions of chapter 2 of title 38 et seq. (Rhode Island access to public~~
6 ~~records act) and not subject to disclosure, except to authorized employees of the department as~~
7 ~~necessary to perform official duties of the department, and pursuant to subsection (k) of this~~
8 ~~section.~~

9 ~~(2) The application for qualifying patient's registry identification card shall include a~~
10 ~~question asking whether the patient would like the department to notify him or her of any clinical~~
11 ~~studies about marijuana's risk or efficacy. The department shall inform those patients who answer~~
12 ~~in the affirmative of any such studies it is notified of that will be conducted in Rhode Island. The~~
13 ~~department may also notify those patients of medical studies conducted outside of Rhode Island.~~

14 ~~(3) The department shall maintain a confidential list of the persons to whom the~~
15 ~~department has issued registry identification cards. Individual names and other identifying~~
16 ~~information on the list shall be confidential, exempt from the provisions of Rhode Island access to~~
17 ~~public information, chapter 2 of title 38, and not subject to disclosure, except to authorized~~
18 ~~employees of the department as necessary to perform official duties of the department.~~

19 ~~(k) Notwithstanding subsection (j) of this section, the department shall verify to law~~
20 ~~enforcement personnel whether a registry identification card is valid solely by confirming the~~
21 ~~random registry identification number or name.~~

22 ~~(l) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a one~~
23 ~~thousand dollar (\$1,000) fine, for any person, including an employee or official of the department~~
24 ~~or another state agency or local government, to breach the confidentiality of information obtained~~
25 ~~pursuant to this chapter. Notwithstanding this provision, the department employees may notify~~
26 ~~law enforcement about falsified or fraudulent information submitted to the department.~~

27 ~~(m) On or before January 1 of each odd numbered year, the department shall report to the~~
28 ~~house committee on health, education and welfare and to the senate committee on health and~~
29 ~~human services on the use of marijuana for symptom relief. The report shall provide:~~

30 ~~(1) The number of applications for registry identification cards, the number of qualifying~~
31 ~~patients and primary caregivers approved, the nature of the debilitating medical conditions of the~~
32 ~~qualifying patients, the number of registry identification cards revoked, and the number of~~
33 ~~practitioners providing written certification for qualifying patients;~~

34 ~~(2) An evaluation of the costs permitting the use of marijuana for symptom relief,~~

1 ~~including any costs to law enforcement agencies and costs of any litigation;~~

2 ~~(3) Statistics regarding the number of marijuana-related prosecutions against registered~~
3 ~~patients and caregivers, and an analysis of the facts underlying those prosecutions;~~

4 ~~(4) Statistics regarding the number of prosecutions against physicians for violations of~~
5 ~~this chapter; and~~

6 ~~(5) Whether the United States Food and Drug Administration has altered its position~~
7 ~~regarding the use of marijuana for medical purposes or has approved alternative delivery systems~~
8 ~~for marijuana.~~

9 SECTION 4. This Article shall take effect upon passage.

10 **ARTICLE 18**

11 **RELATING TO EFFECTIVE DATE**

12 SECTION 1. This Act shall take effect as of July 1, 2018, except as otherwise provided
13 herein.

14 SECTION 2. This Article shall take effect upon passage.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL
YEAR ENDING JUNE 30, 2019

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ARTICLE 1

RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2019

This article makes appropriations from general revenue and authorizes expenditure of federal funds, restricted receipts, and other funds for FY 2019. This article also identifies the FTE position authorizations for each agency and department for fiscal year 2019; provides multi-year appropriations for Rhode Island Capital Plan Fund projects; provides for the reappropriation of unexpended and unencumbered funds from the Rhode Island Capital Plan Fund project appropriations in the ensuing fiscal year; provides expenditure limits for internal service funds; provides appropriations for all Temporary Disability Insurance funds, Employment Security funds, University and College funds, and Lottery Division funds.

ARTICLE 2

RELATING TO STATE FUNDS

This article adds Municipal Police Training Tuition and Fees, School for the Deaf – School Breakfast and Lunch Program, and School Construction Services to the list of indirect cost recovery restricted receipt accounts to be exempt from transferring 10% of cash receipts to the general fund. Additionally, this article allows the State Budget Officer to implement an indirect cost for the purpose of funding direct project management costs of state employees. This article also expands the Westerly Higher Education Center’s restricted receipt account to allow for revenues collected from future, additional Higher Education Centers to be deposited in the account to allow for the Westerly Center and future Centers to be self-sustaining. Additionally, this article creates a restricted receipt account for the atomic energy commission reactor fees generated from use of the reactor facilities and related services. This article also shifts the date for the approval of reappropriations by the Governor from August 15th to September 1st to coincide with the issuance of the preliminary closing by the State Controller. Lastly, this article establishes the Government Performance Improvement Fund, dedicated to purpose funding “pay for success contracts” throughout state government.

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ARTICLE 3

RELATING TO GOVERNMENT REFORM

This article moves the State Building Code Commission, the Fire Safety Code Board Appeal and Review, and the Contractor’s Registration and Licensing Board from the Department of Administration to the Department of Business Regulation. The article also moves the Office of the Fire Marshal from the Department of Public Safety to the Department of Business Regulation. Additionally, the article requires application for accidental disability benefits by Injured on Duty (IOD) recipients to be governed by the IOD statute; and provides for IOD benefits to be terminated upon final ruling of the State Retirement Board, the Worker’s Compensation Court, or any court of competent jurisdiction. The article also transfers the responsibilities of the Water Resources Board from the Department of Administration’s Division of Planning to the Division of Public Utilities. Furthermore, this article makes several membership changes to the Tobacco Settlement Finance Corporation Board. This article also clarifies a section of law to reflect a 2015 legislative change that moved the Film Office out of the Department of Administration. Lastly, this article amends the law to allow the state to withhold state aid from cities and towns that owe funds to the state.

ARTICLE 4

RELATING TO TAXES AND REVENUE

This article requires the lottery to: (1) study, evaluate and, where appropriate, implement new lottery-related initiatives; (2) beginning in fiscal year 2018, for the purpose of determining revenues remaining to be transferred to the state general fund, to reflect actuarially determined expenses for employer contributions to the State Employees and Electing Teachers’ OPEB System as expenses incurred by the Lottery in the operation of the Lottery; and (3) to operate legalized sports wagering in the state at the Twin River Casino in Lincoln and Twin River Casino in Tiverton provided sports-wagering is allowed under federal law; authorizes the Director of the Department of Revenue to establish a collections unit for the purpose of assisting state agencies with the collection of debts. Additionally, the article imposes sales tax on vendor-hosted prewritten computer software also referred to as software as a service; repeal a technical error related to exemption of certain seeds and plants from sales tax which is already codified in 44-18-30; and imposes sales tax on certain investigation, guard, and armored car services; imposes the other tobacco products tax on electronic cigarettes, requires other tobacco products be purchased from licensed manufacturers, importers, distributors; increases the maximum per cigar tax by thirty cents (\$.30); and, increases the cigarette tax by twenty-five cents (\$.25); and imposes a floor tax on existing inventory of cigarettes.

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ARTICLE 5

RELATING TO CAPITAL DEVELOPMENT PROGRAM

This article submits to the voters of Rhode Island in November 2018, for their approval or rejection, three capital development referenda totaling \$368,500,000. This consists of one five-year school construction referendum, one higher education referendum consisting of two projects, and one environmental and recreation referendum consisting of ten components. The proposition would authorize the issuance of bonds, refunding bonds, or temporary notes of the State for capital projects.

ARTICLE 6

RELATING TO LICENSING

This article is a modern economy omnibus package that includes amendments to existing legislation that simplify the process of doing business in Rhode Island and promote the modernization of the State’s economy through the: (1) elimination of unnecessary and duplicative licenses; (2) removal of small fees for filing complaints or business applications; (3) consolidation or elimination of fees for secondary business activities; (4) amendment of documentation requirements to enable the digital submission of application materials; (5) elimination of unnecessary notarization and oath requirements for business owners and professionals; and (6) alignment of various certification and permit renewal periods. Lastly, this article transfers oversight for nine licenses from the RI Department of Health to the Department of Business Regulation.

ARTICLE 7

RELATING TO FEES

This article makes adjustments to fees collected from companies that sell mutual funds and insurance claims adjustors to make Rhode Island more competitive. This article authorizes the State to continue its collection of the Hospital Licensing Fee for one additional fiscal year. Lastly, this article authorizes municipal police training school to collect tuition and fees and deposit funds into a newly created restricted receipt account for the purposes of supporting the operations of the training school.

ARTICLE 8

RELATING TO MOTOR VEHICLES

This article delays the requirement that the Division of Motor Vehicles (DMV) issue a new fully reflective license plate from January 1, 2019 to January 1, 2020 and merges the update fee and duplicate license fee into one category. This article also exempts the update and duplicate license fee from the transfer to the Highway Maintenance Fund to provide the DMV with additional resources to implement the federal requirements of REAL-ID. Finally, it changes the

1 percentage of the transfer to the Highway Maintenance Fund in FY 2018 from eighty percent to
2 sixty percent.

3 **ARTICLE 9**

4 **RELATING TO SCHOOL CONSTRUCTION AND EDUCATION**

5 This article proposes to improve the condition of school buildings in Rhode Island
6 consistent with the recommendations made by the Governor’s School Building Task Force. This
7 article proposes to temporarily expand the incentives to the school housing aid ratio to encourage
8 school construction projects that address health and safety deficiencies, provide educational and
9 technological enhancements, and utilize school buildings efficiently. The expansion of the school
10 construction program requires additional responsibilities and oversight by the school building
11 authority and therefore, this proposal creates additional roles and responsibilities for the school
12 building authority. To further support school construction projects, the financing for energy and
13 environmental projects funded by the Rhode Island Infrastructure Bank are made eligible for state
14 school housing aid reimbursement. To ensure that school building projects are conducted in an
15 efficient and cost-effective manner, owners program managers and commissioning agents will be
16 assigned to projects exceeding \$1,500,000, and state certification of prime contractors will be
17 required for projects exceeding \$10,000,000. Finally, to ensure that school buildings are properly
18 maintained into the future, the article requires the introduction of maintenance requirements and
19 minimum facility standards for school buildings statewide.

20 **ARTICLE 10**

21 **RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2018**

22 This article makes revised appropriations from general revenue and authorizes
23 expenditure of federal funds, restricted receipts, and other funds for FY 2018. This article also
24 provides that each line in Section 10 constitutes an appropriation; provides expenditures limits for
25 internal service funds; identifies revised FTE position authorizations for each agency and
26 department for fiscal year 2018; and provides for an effective date of “upon passage”.

27 **ARTICLE 11**

28 **RELATING TO WORKFORCE DEVELOPMENT**

29 This article amends Chapter 42-102 to codify the Real Jobs RI program into law –
30 establishing a permanent presence for the administration’s sector driven workforce strategy.
31 Amends Section 28-43-8 to establish additional funding for the Real Jobs RI program by
32 adjusting the JDF assessment and Unemployment Insurance (UI) tax rates annually via formula to
33 capture any interest earned by the UI Trust Fund. Amends Section 28-43-8.5 to sunset the Jobs
34 Training Tax Credit program, which would eliminate duplicative incentives and align investments

1 with the administration’s priorities. Amends Section 42-102-11 to provide flexibility around the
2 administration of the Governor’s Workforce Board’s Work Immersion program. This article also
3 establishes a restricted receipt account for the misclassification task force and workplace fraud
4 unit.

5 **ARTICLE 12**

6 **RELATING TO COMMERCE CORPORATION AND ECONOMIC DEVELOPMENT**

7 This article authorizes new programs and funds intended to promote economic
8 development. Each program contains program integrity requirements to ensure proper use of
9 public funds. The article amends and extends existing programs to better promote economic
10 growth, manufacturing, and small business activity. The article also contains new reporting
11 requirements for the Commerce Corporation to provide information regarding the use and effect
12 of the disbursed tax credits/funds from incentive programs.

13 **ARTICLE 13**

14 **RELATING TO MEDICAL ASSISTANCE**

15 This article implements several changes to the organization, financing and delivery of the
16 Medicaid program that build on the foundation of the Reinventing Medicaid Act. Toward this
17 end, the Article seeks to adjust provider payment levels and leverage funding opportunities to
18 ensure continued access to high quality, coordinated health care services and promote better
19 health outcomes through performance-based payment incentives and reforms.

20 **ARTICLE 14**

21 **RELATING TO MEDICAID REFORM ACT OF 2008**

22 This article establishes the legal authority for the Secretary of the Executive Office of
23 Health and Human Services to review and coordinate any Medicaid section 1115 demonstration
24 waiver requests and renewals, as well as any initiatives and proposals requiring amendments to
25 the Medicaid state plan or category II or III changes as described in the demonstration, with “the
26 potential to affect the scope, amount, or duration of publicly-funded health care services, provider
27 payments or reimbursements, or access to or the availability of benefits and services provided by
28 Rhode Island general and public laws and cost-effective consumer choice system of care that is
29 fiscally sound and sustainable”.

30 **ARTICLE 15**

31 **RELATING TO CHILDREN AND FAMILIES**

32 This article contains changes to the powers and duties of the Department of Children, Youth
33 and Families, the regulation of childcare facilities and the administration of the childcare assistance
34 program.

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ARTICLE 16

RELATING TO DEBT MANAGEMENT

This article contains four sections that pertain to the issuance of revenue bonds by the Rhode Island Health and Educational Building (RIHEBC) as a conduit issuer on behalf of the University of Rhode Island. There are three RIHEBC debt-financed capital projects scheduled to begin in FY 2019 at the University, thus requiring legislative authorization pursuant to RIGL 35-18-1 et seq, the Rhode Island Public Corporation Debt Management Act.

ARTICLE 17

RELATING TO THE EDWARD O. HAWKINS AND THOMAS C. SLATER MEDICAL MARIJUANA ACT

This article expands the number of compassion centers from three to fifteen and restructures compassion center licenses to increase competition in the medical marijuana industry and increase patient access to regulated medical marijuana. It also creates a new commercial manufacturing license for the manufacturing and processing of medical marijuana products. The article consolidates the registration and oversight of caregivers and authorized purchasers under the department of business regulation, which already enforces regulations for the cultivation of medical marijuana and the use of marijuana plant tags.

ARTICLE 18

RELATING TO EFFECTIVE DATE

This article provides that the act shall take effect as of July 1, 2018, except as otherwise provided herein.

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