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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Introduced By: Representatives Mattiello, and Newberry

Date Introduced: February 27, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-1-21 of the General Laws in Chapter 4-1 entitled "Cruelty to
2 Animals" is hereby amended to read as follows:

3 **4-1-21. Powers of agents of society for prevention of cruelty to animals. --** The
4 general agent of the Rhode Island society for the prevention of cruelty to animals and any number
5 of special agents as may be appointed by that society have the same power and authority to arrest
6 as any officer authorized to serve criminal process for the purpose of enforcing any of the laws of
7 this state in relation to cruelty to animals, that power and authority to extend throughout the state,
8 and they may serve any search warrant issued under § 4-1-19 and may search any building or
9 place named in that warrant. A general agent and any special agents may, for the purpose of
10 carrying out their duties, possess and carry pistols as defined in § 11-47-2, and the provisions of §
11 ~~11-47-5~~ 11-47-8 shall not apply to them. Any person who interferes with or obstructs any of those
12 agents in the discharge of their duty shall be guilty of obstructing an officer and punished as
13 provided in § 11-32-1.

14 SECTION 2. Section 7-13-48 of the General Laws in Chapter 7-13 entitled "Limited
15 Partnerships" is hereby amended to read as follows:

16 **7-13-48. Applicable law. --** Subject to the constitution of this state:

17 (1) The laws of the state under which a foreign limited partnership is organized govern
18 its organization and internal affairs and the liability of its ~~limited~~ partners, except as to foreign
19 limited liability limited partnerships, which shall be treated as if they were foreign limited

1 partnerships;

2 (2) A foreign limited partnership may not be denied registration by reason of any
3 difference between those laws and the laws of this state; and

4 (3) A certificate of registration does not authorize a foreign limited partnership to engage
5 in any business or exercise any power that a limited partnership may not engage in or exercise in
6 this state.

7 SECTION 3. Section 11-47-9 of the General Laws in Chapter 11-47 entitled "Weapons"
8 is hereby amended to read as follows:

9 **11-47-9. Persons exempt from restrictions.** -- (a) The provisions of § 11-47-8 shall not
10 apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, members of
11 the Rhode Island airport police department, members of the Rhode Island state marshals, Rhode
12 Island state fire marshal, chief deputy state fire marshals, deputy state fire marshals assigned to
13 the bomb squad, and those assigned to the investigation unit, correctional officers, ~~all~~ within the
14 department of corrections, members of the city or town police force, capitol police investigators
15 of the department of attorney general appointed pursuant to § 42-9-8.1, the witness protection
16 coordinator for the witness protection review board as set forth in chapter 30 of title 12 and
17 subject to the minimum qualifications of § 42-9-8.1, the director, assistant director, investigators
18 of the department of public safety Workers' Compensation Investigations unit pursuant to § 42-
19 7.3-3.1 and automobile theft investigators of the Rhode Island state police pursuant to § 31-50-1,
20 railroad police while traveling to and from official assignments or while on assignments,
21 conservation officers, or other duly appointed law enforcement officers, nor to members of the
22 Army, Navy, Air Force, and Marine Corps of the United States, the National Guard, or organized
23 reserves, when on duty, nor to members of organizations by law authorized to purchase or receive
24 firearms from the United States or this state, provided these members are at or going to or from
25 their places of assembly or target practice, nor to officers or employees of the United States
26 authorized by law to carry a concealed firearm, nor to any civilian guard or criminal investigator
27 carrying sidearms or a concealed firearm in the performance of his or her official duties under the
28 authority of the commanding officer of the military establishment in the state of Rhode Island
29 where he or she is employed by the United States, nor to any civilian guard carrying sidearms or a
30 concealed firearm in the performance of his or her official duties under the authority of the
31 adjutant general where he or she is employed guarding a national guard facility, provided, that the
32 commanding officer of the military establishment shall have on file with the attorney general of
33 this state a list of the names and addresses of all civilian guards and criminal investigators so
34 authorized, nor to duly authorized military organizations when on duty, nor to members when at

1 or going to or from their customary places of assembly, nor to any individual employed in the
2 capacity of warden, associate warden, major, captain, lieutenant, sergeant, correctional officer or
3 investigator at any project owned or operated by a municipal detention facility corporation,
4 including the Donald W. Wyatt Detention Facility, nor to the regular and/or ordinary
5 transportation of pistols or revolvers as merchandise, nor to any person while transporting a
6 pistol, or revolvers, unloaded from the place of purchase to their residence, or place of business,
7 from their residence to their place of business or from their place of business to their residence, or
8 to a Federal Firearms licensee for the purpose of sale, to or from a bona fide gunsmith, or
9 firearms repair facility, to any police station or other location designated as a site of a bona fide
10 "gun buy-back" program but only if said pistol or revolver is unloaded and any ammunition for
11 said pistol or revolver is not readily or directly accessible from the passenger compartment of
12 such vehicle while transporting same and further provided that in the case of a vehicle without a
13 compartment separate from the passenger compartment the firearm or the ammunition shall be
14 stored in a locked container.

15 (b) Persons exempted by the provisions of this section from the provisions of § 11-47-8
16 shall have the right to carry concealed firearms everywhere within this state; provided, that this
17 shall not be construed as giving the right to carry concealed firearms to a person transporting
18 firearms as merchandise or as household or business goods.

19 SECTION 4. Section 23-4.11-3.1 of the General Laws in Chapter 23-4.11 entitled
20 "Rights of the Terminally Ill Act" is hereby amended to read as follows:

21 **23-4.11-3.1. Medical Orders for Life Sustaining Treatment.** -- (a) The department of
22 health shall establish rules and regulations, consistent with the provisions of this section, for the
23 establishment of Medical Orders for Life Sustaining Treatment and the structure and content of
24 Medical Orders for Life Sustaining Treatment forms.

25 (b)(1) A declaration by a qualified patient may be recorded as a medical order for life-
26 sustaining treatment provided that:

27 (i) The medical orders for life-sustaining treatment and medical intervention and
28 procedures are explained by a MOLST qualified health care provider to the qualified patient or
29 health care decision maker. The MOLST qualified health care provider shall further inform the
30 patient of the difference between an advance health care directive and MOLST medical order;

31 (ii) A MOLST qualified health care provider has conducted an evaluation of the qualified
32 patient; and

33 (iii) A MOLST form documenting the declaration has been completed by a MOLST
34 qualified health care provider based on qualified patient preferences and medical appropriateness,

1 and has been signed by a MOLST qualified health care provider and the qualified patient or his or
2 her recognized health care decision maker.

3 (2) A health care decision maker may execute the MOLST form if the qualified patient
4 lacks capacity, or if the qualified patient has designated that the health care decision maker's
5 authority is valid.

6 (3) A request regarding resuscitative measures may also be evidenced by the words "do
7 not resuscitate" or the letters "DNR," in a qualified patient's medical record and/or through a
8 mechanism established by the department of health consistent with the provisions of chapter 23-
9 4.11.

10 (c)(1) A health care provider shall treat a qualified patient in accordance with the
11 qualified patient's MOLST, subject to the provisions of this chapter.

12 (2) A MOLST qualified health care provider may conduct an evaluation of the qualified
13 patient and if necessary, in consultation with the qualified patient or recognized health care
14 decision maker, issue a new MOLST consistent with the most current information available about
15 the qualified patient's health status and care preferences.

16 (3) The recognized health care decision maker of a qualified patient who is without
17 capacity shall consult with the MOLST qualified health care provider prior to making a request to
18 modify ~~that a~~ the qualified patient's MOLST.

19 (d)(1) MOLST Form. A MOLST shall be documented on an easily identifiable form
20 approved by the director. The director shall promulgate rules and regulations for the
21 implementation of this section.

22 (2) The MOLST form shall be signed by the qualified patient or the qualified patient's
23 recognized health care decision maker, and a MOLST qualified health care provider.

24 (3) The MOLST form shall contain all other information as required by this section.

25 (e)(1) A MOLST shall apply regardless of whether the qualified patient executes the
26 MOLST form within or outside a hospital or other health care setting.

27 (2) The MOLST form is valid within or outside a hospital or other health care setting.

28 (f)(1) Revocation. A qualified patient or his/her recognized health care decision maker
29 may, at any time, revoke in any manner that communicates an intent to revoke his/her declaration
30 by informing the MOLST qualified health care providers, other health care providers, or any
31 member of the medical or nursing staff of the revocation of the declaration concerning life-
32 sustaining or resuscitative measures.

33 (2) Any member of the medical or nursing staff informed of a revocation shall
34 immediately notify a MOLST qualified health care provider of the revocation.

1 (3) The MOLST qualified health care provider informed of a revocation of MOLST made
2 pursuant to this section shall immediately:

3 (i) Record the revocation in the qualified patient's medical record;

4 (ii) Cancel any orders implementing the decision to withhold or withdraw treatment; and

5 (iii) Notify the health care providers and staff directly responsible for the qualified
6 patient's care of the revocation and any cancellations.

7 (4) If a decision to withhold or withdraw life-sustaining treatment has been made by a
8 recognized health care decision maker pursuant to this section, and the MOLST qualified health
9 care provider determines at any time that the decision is no longer appropriate or authorized
10 because the qualified patient has regained decision-making capacity or because the qualified
11 patient's condition has otherwise improved, the MOLST qualified health care provider shall
12 immediately:

13 (i) Include such determination in the qualified patient's medical record;

14 (ii) Cancel any orders or plans of care implementing the decision to withhold or withdraw
15 life-sustaining treatment;

16 (iii) Notify the health care decision maker who made the decision to withhold or
17 withdraw treatment; and

18 (iv) Notify the other health care providers, including the medical and nursing staff
19 directly responsible for the qualified patient's care, of any cancelled MOLST orders or plans of
20 care.

21 (g) If a qualified patient with a MOLST order is transferred from a hospital, a licensed
22 health facility, or the community, the MOLST order or plan shall remain effective until a MOLST
23 qualified health care provider first examines the transferred qualified patient, whereupon a
24 MOLST qualified health care provider shall issue appropriate orders to continue the prior order or
25 plan. Such orders may be issued without obtaining another consent to withhold or withdraw life-
26 sustaining treatment pursuant to this chapter.

27 (h) The MOLST is a voluntary option for qualified patients. No patient is required to
28 elect a MOLST.

29 SECTION 5. Section 42-12-19 of the General Laws in Chapter 42-12 entitled
30 "Department of Human Services" is hereby amended to read as follows:

31 **42-12-19. Permanent advisory commission on traumatic brain injuries –**

32 **Commission established.** -- (a) There is hereby established a permanent advisory commission on
33 traumatic brain injuries.

34 (b) The purpose of the commission shall be to:

1 (1) Report on all matters relating to traumatic brain injury in Rhode Island to the
2 governor and the general assembly.

3 (2) Advise the department of human services, the department of mental health,
4 retardation and hospitals, and the department of health regarding the development of priorities
5 and criteria for disbursement of moneys in response to both individual requests and grant-seeking
6 entities from the traumatic brain injury fund. Such priorities and criteria shall be in accordance
7 with the expenditure guidelines set forth in § 42-12-28 of this chapter.

8 (3) Advise the department of human services, the department of mental health,
9 retardation and hospitals, and the department of health on all matters regarding traumatic brain
10 injury.

11 (c) The commission shall consist of nineteen (19) members. They shall meet not less than
12 four (4) times a year and report their findings annually to the governor and general assembly. The
13 members of the commission shall serve without compensation. The commissioners shall elect
14 their own officers on a biennial basis.

15 (d) The membership of the commission shall be as follows: the director of the department
16 of mental health, retardation and hospitals or his or her designee; the director of the department of
17 health or his or her designee; the director of the department of human services or his or her
18 designee; the director of the department of education or his or her designee, all of whom shall
19 serve ex-officio; the chief of neurosurgery at Rhode Island Hospital or his or her designee; the
20 president and executive director or two (2) designees of the Brain Injury Association of Rhode
21 Island; the director of the Rhode Island Disability Law Center or his or her designee; the governor
22 or his or her designee; and ten (10) persons appointed by the governor as follows: two (2) persons
23 who are unrelated, one of whom must have a traumatic brain injury, and one of whom may be an
24 immediate family member of an individual with a traumatic brain injury; one person who is a
25 neurologist; one person who is a ~~psychiatrist~~ physiatrist; one person who is a neuropsychologist;
26 one person who is a cognitive rehabilitation specialist; one of whom is a traumatic brain injury
27 case manager; one of whom is a physical therapist or occupational therapist; one of whom is a
28 representative of a post-acute rehabilitation facility; and one person who is a community-based
29 service provider.

30 (e) The first meeting of the members of the commission shall be called to order by the
31 governor or his or her designee within ninety (90) days of the effective date of this act [July 7,
32 2006]. Of the ten (10) members appointed by the governor, three (3) shall serve a term of one
33 year, three (3) shall serve a term of two (2) years, and four (4) shall serve a term of three (3)
34 years. Upon expiration of the initial term, commission members shall serve terms of three (3)

1 years. The initial terms of commission members shall be determined by lot.

2 SECTION 6. Section 42-61.2-2.2 of the General Laws in Chapter 42-61.2 entitled "Video
3 Lottery Terminal" is hereby amended to read as follows:

4 **42-61.2-2.2. State authorized to operate casino gaming at Newport Grand. --** (a)

5 State-operated casino gaming shall be authorized at the facility of the licensed video lottery
6 terminal retailer known as "Newport Grand" located in the town of Newport; provided, that the
7 requirements of Article VI, Section 22 of the Rhode Island Constitution are met with respect to
8 said facility at the general election next held after enactment of this section.

9 ~~(b)~~(b) With respect to the Newport Grand facility, the authorization of this section 2.2
10 shall be effective upon:

11 ~~(1)~~(1) The certification by the secretary of state that the qualified voters of the state have
12 approved the expansion of gambling at such facility to include casino gaming; and

13 ~~(2)~~(2) The certification by the board of canvassers of the city of Newport that the
14 qualified electors of the city of Newport have approved the expansion of gambling at such facility
15 to include casino gaming.

16 ~~(c)~~(c) The general assembly finds that:

17 ~~(1)~~(1) The operation of casino gaming at Newport Grand will play a critical role in the
18 economy of the state and enhance local revenues;

19 (2) Pursuant to Article VI, Section 15 of the Rhode Island Constitution and the specific
20 powers, authorities and safeguards set forth in subsection (c) herein in connection with the
21 operation of casino gaming, the state shall have full operational control over the specified
22 location at which casino gaming shall be conducted;

23 (3) It is in the best interest of the state to have the authorization to operate casino gaming
24 as specified at Newport Grand; ~~and~~

25 (4) Pursuant to the provisions of subdivision 42-61.2-2.1(b)(4), and by action of the
26 governor, an extensive analysis and evaluation of competitive casino-gaming operations was
27 completed, which concluded that the viability of Newport Grand as a video lottery terminal
28 facility is threatened by the location of casino gaming in Southeast Massachusetts; ~~and~~

29 (5) The legislature shall, by enactment of comprehensive legislation during the 2012
30 session, determine the terms and conditions pursuant to which casino gaming would be operated
31 in the state if it is authorized as set forth herein.

32 ~~(e)~~(d) Notwithstanding the provisions of any other law and pursuant to Article VI,
33 Section 15 of the Rhode Island Constitution, the state is authorized to operate, conduct and
34 control casino gaming at Newport Grand subject to subsection (a) above. In furtherance thereof,

1 the state, through the division of state lottery and/or the department of business regulation, shall
2 have full operational control to operate the foregoing facilities, the authority to make all decisions
3 about all aspects of the functioning of the business enterprise, including, without limitation, the
4 power and authority to:

5 (1) Determine the number, type, placement and arrangement of casino-gaming games,
6 tables and sites within the facility;

7 (2) Establish with respect to casino gaming one or more systems for linking, tracking,
8 deposit and reporting of receipts, audits, annual reports, prohibitive conduct and other such
9 matters determined from time to time;

10 (3) Collect all receipts from casino gaming, require that Newport Grand collect casino-
11 gaming gross receipts in trust for the state through the division of state lottery, deposit such
12 receipts into an account or accounts of its choice, allocate such receipts according to law, and
13 otherwise maintain custody and control over all casino-gaming receipts and funds;

14 (4) Hold and exercise sufficient powers over Newport Grand's accounting and finances to
15 allow for adequate oversight and verification of the financial aspects of casino gaming at the
16 facility, including, without limitation:

17 (i) The right to require Newport Grand to maintain an annual balance sheet, profit and
18 loss, and any other necessary information or reports; and

19 (ii) The authority and power to conduct periodic compliance or special or focused audits
20 of the information or reports provided, as well as the premises with the facility containing records
21 of casino gaming or in which the business of Newport Grand's casino-gaming operations are
22 conducted;

23 (5) Monitor all casino-gaming operations and have the power to terminate or suspend any
24 casino-gaming activities in the event of an integrity concern or other threat to the public trust, and
25 in furtherance thereof, require the licensed video lottery retailer to provide a specified area or
26 areas from which to conduct such monitoring activities;

27 (6) Define and limit the rules of play and odds of authorized casino-gaming games,
28 including, without limitation, the minimum and maximum wagers for each casino-gaming game;

29 (7) Have approval rights over matters relating to the employment of individuals to be
30 involved, directly or indirectly, with the operation of casino gaming at Newport Grand;

31 (8) Establish compulsive gambling treatment programs;

32 (9) Promulgate, or propose for promulgation, any legislative, interpretive and procedural
33 rules necessary for the successful implementation, administration and enforcement of this
34 chapter; and

1 (10) Hold all other powers necessary and proper to fully effectively execute and
2 administer the provisions of this chapter for its purpose of allowing the state to operate a casino-
3 gaming facility through a licensed video lottery retailer hosting said casino gaming on behalf of
4 the state of Rhode Island.

5 ~~(d)~~(e) Subject to subsection (a) above, the state, through the division of state lottery
6 and/or the department of business regulation, may expand Newport Grand's existing video lottery
7 license issued, or issue Newport Grand a new casino-gaming license, to permit casino gaming to
8 the extent authorized by this act.

9 ~~(e)~~(f) Subject to subsection (a) above, all rules and regulations shall be promulgated by
10 the state, through the division of state lottery and the department of business regulation, in
11 accordance with the authority conferred upon the general assembly pursuant to Article VI,
12 Section 15 of the Rhode Island Constitution. In accord therewith, subject to subsection (a) above,
13 the state, through the division of state lottery and/or the department of business regulation, shall
14 have authority to issue such regulations as it deems appropriate pertaining to control, operation
15 and management of casino gaming as specifically set forth in subsections (b), ~~and~~ (c) and (d).

16 SECTION 6. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATUTES AND STATUTORY CONSTRUCTION

1 This act is the annual statutory construction bill, prepared based upon recommendations
2 of the Law Revision Office. The act would make technical changes and revisions to various
3 general laws.

4 This act would take effect upon passage.

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