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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Introduced By: Representatives Shekarchi, and Chippendale

Date Introduced: May 15, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 ARTICLE I -- STATUTORY REENACTMENT

2 SECTION 1. It is the express intention of the General Assembly to reenact the entirety of
3 title 5 of the General Laws of R.I., including every chapter and section therein, and any chapters
4 and sections of title 5 not included in this act may be, and are hereby reenacted as if fully set forth
5 herein.

6 SECTION 2. Section 5-1-13 of the General Laws in Chapter 5-1 entitled "Architects" is
7 hereby amended to read as follows:

8 **5-1-13. Revocation or suspension of certificates of registration or of authorization.**

9 (a) After notice and hearing as provided in § 5-1-13.1, the director may: (1) **S**suspend,
10 revoke, annul, or take other permitted action with respect to any certificate of registration; and/or
11 (2) **S**suspend, revoke, annul, or take other permitted action with respect to any certificate of
12 authorization; and/or (3) **P**publicly censure, reprimand, or censure in writing; and/or (4) **L**imit
13 the scope of practice of; and/or (5) **I**mpose an administrative fine upon (not to exceed one
14 thousand dollars (\$1,000) for each violation); and/or (6) **P**lace on probation; and/or (7) **F**or
15 good cause shown, order a reimbursement of the department for all fees, expenses, costs, and
16 attorneys' fees in connection with the proceedings (which amounts shall be deposited as general
17 revenues), all with or without terms, conditions, or limitations, holders of a certificate of
18 registration or a certificate of authorization (subsequently referred to as a licensee or licensees)
19 for any **one** or more of the causes set out in subsection (b) of this section.

1 (b) The director may take actions specified in subsection (a) of this section for any of the
2 following causes:

3 (1) Bribery, fraud, deceit, or misrepresentation in obtaining a certificate of registration or
4 certificate of authorization;

5 (2) Practicing architecture in another state, country, or jurisdiction in violation of the laws
6 of that state, country, or jurisdiction;

7 (3) Practicing architecture in this state in violation of the standards of professional
8 conduct established by the board and approved by the director;

9 (4) Fraud, deceit, recklessness, gross negligence, misconduct, or incompetence in the
10 practice of architecture;

11 (5) Use of an architect's stamp in violation of § 5-1-12;

12 (6) Violation of any of the provisions of this chapter or chapter ~~5~~-84 of this [title](#);

13 (7) Suspension or revocation of the right to practice architecture before any state or
14 before any other country or jurisdiction;

15 (8) Conviction of or pleading guilty or nolo contendere to any felony, or to any crime of,
16 or act constituting a crime of, forgery, embezzlement, obtaining money under false pretenses,
17 bribery, larceny, extortion, conspiracy to defraud, or any other similar offense, in a court of
18 competent jurisdiction of this state or any other state or of the federal government;

19 (9) Failure to furnish to the department, board, or any person acting on behalf of the
20 department and/or board, within sixty (60) days of notification any information that may be
21 legally requested by the department and/or board;

22 (10) In conjunction with any violation of subdivisions (1) -- (9) of this subsection, any
23 conduct reflecting adversely upon the licensee's fitness to engage in the practice of architecture;
24 and

25 (11) In conjunction with any violation of subdivisions (1) -- (9) of this subsection, any
26 other conduct injurious to the reputation of the architectural profession.

27 SECTION 3. Sections 5-3.1-8, 5-3.1-9, 5-3.1-10 and 5-3.1-21 of the General Laws in
28 Chapter 5-3.1 entitled "Public Accountancy" are hereby amended to read as follows:

29 **5-3.1-8. Permits for accountants licensed by foreign countries.**

30 (a) An annual limited permit to engage in the practice of public accounting in this state
31 may be issued by the board, upon application for the permit and payment of the required fee, to
32 any person who is the holder of a certificate, license, or degree from a foreign country
33 constituting a recognized qualification for the practice of public accounting in that country,
34 provided that: (1) ~~The~~ [The](#) board determines that the requirements for obtaining the certificate,

1 license, or degree are substantially equivalent to those prescribed under this chapter for obtaining
2 a certificate in this state; (2) ~~T~~he certificate, license, or degree at the time of application is then
3 in full force and effect; and (3) ~~T~~he applicant meets all other requirements under this section. In
4 the event the board determines that the requirements for obtaining the certificate, license, or
5 degree are not substantially equivalent to those prescribed in this chapter for obtaining a
6 certificate in this state, the board may require, as a condition to granting a permit under this
7 section, that the applicant pass the written examinations required of candidates for a certificate
8 under § 5-3.1-5(a)(4). Any permit issued under this section shall be issued in the name of the
9 applicant followed by the recognized accounting designation by which he or she is known in the
10 country where licensed, translated into the English language, followed by the name of the
11 country. Annual limited permits to engage in the practice of public accounting qualify the holder
12 to practice public accounting in this state solely as to matters concerning residents, governments,
13 and corporations or other business entities, including the divisions, subsidiaries, or any affiliates
14 of the business entity, of the foreign country in which the holder is licensed to practice public
15 accounting. A person who is issued a permit under this section, when engaging in the practice of
16 public accounting in this state, shall only use the title under which he or she is generally known in
17 his or her own country, translated into the English language and ~~indicates~~ indicating after the
18 title the name of the country from which he or she received his or her certificate, license, or
19 degree.

20 (b) All annual limited permits issued under this section shall expire on the last day of
21 June of each year and may be renewed for a period of one year in accordance with subsection (c)
22 of this section. Submission of the application for original issuance or renewal of an annual limited
23 permit constitutes the appointment of the secretary of state as an agent for the applicant for
24 service of process in any action or proceeding arising out of any transaction or operation
25 connected with or incidental to the practice of public accounting in this state by the applicant.

26 (c) Applications for renewal of an annual limited permit are submitted to the board by
27 February 15 of each year and shall be accompanied by evidence of satisfaction of the continuing
28 professional education requirements promulgated by board regulation. The evidence shall be in
29 any form that the board requires. Failure to furnish the evidence constitutes grounds for refusal to
30 renew the permit unless the board in its discretion determines that the failure was due to
31 reasonable cause or excusable neglect. Notwithstanding the preceding, the board, in its discretion,
32 may waive the above continuing education requirements if:

33 (1) The licensing authority of the foreign country in which the holder of the annual
34 limited permit is licensed has established requirements for continuing education for practitioners

1 ~~of~~ of public accounting;

2 (2) The applicant has filed with the board an affidavit stating that he or she is in
3 compliance with those continuing education requirements at the time of the application for
4 renewal; and

5 (3) The board determines that the continuing education requirements are substantially
6 equivalent to those promulgated by the board under this chapter.

7 (d) An application for a permit under this section shall list all other jurisdictions in which
8 the applicant has applied for or holds a certificate, license, or degree to practice public
9 accountancy or a permit to practice. Each applicant for or holder of a permit under this section
10 shall, within thirty (30) days of the occurrence of the event, notify the board in writing:

11 (1) Of the issuance, denial, revocation, or suspension of the certificate, license, degree, or
12 permit; or

13 (2) Of the commencement of any disciplinary or enforcement action against the applicant
14 or holder by any jurisdiction.

15 (e) An applicant under this section shall also list in the application the address of every
16 office established or maintained in this state for the limited practice of public accounting. All of
17 those offices shall be under the direct supervision of an accountant licensed either by this state or
18 by a foreign country who holds an annual limited permit to practice issued under this section, and
19 shall be designated by the name and title of the accountant. If applicable, the title is translated
20 into the English language and followed by the name of the foreign country where the accountant
21 is licensed. All applicants for or holders of a permit under this section shall notify the board, in
22 writing, within thirty (30) days of the occurrence of the event:

23 (1) Of any change in the number or location of offices within this state required to be
24 listed in the application; and

25 (2) Of any change in the identities of the persons supervising those offices.

26 (f) The board shall charge a fee to each person who makes application for original
27 issuance or renewal of a permit under this section. The fee shall be paid in U.S. currency at the
28 time the application is made. Fees charged under this section shall be established by the board.

29 **5-3.1-9. Permits for practice units.**

30 (a) Permits to engage in the practice of public accounting in this state as a practice unit
31 shall be issued by the board, upon application therefore and payment of the required fee, to an
32 entity that demonstrates its qualifications in accordance with this chapter or to certified public
33 accounting firms originally licensed in another state that establish an office in this state. A
34 practice unit must hold a permit issued under this section in order to provide attest and

1 compilation services as defined or to use the title "CPAs" or "CPA firm." An applicant entity for
2 initial issuance or renewal of a permit to practice under this section shall be required to register
3 each office of the firm within this state with the board and to show that all attest and compilation
4 services as defined in this chapter rendered in this state are under the charge of a person holding a
5 valid certificate issued under this chapter, or the corresponding provision of prior law or some
6 other state.

7 (b) An entity shall satisfy the following requirements:

8 (1) For corporations, general partnerships, joint ventures, limited-liability partnerships,
9 and limited-liability companies:

10 (i) The principal purpose and business of the partnership must be to furnish public
11 accounting services to the public not inconsistent with this chapter and the rules and regulations
12 of the board;

13 (ii) A majority of the ownership of the entity, in terms of financial interests and voting
14 rights of all partners, shareholders, or members, belongs to holders of a certificate who shall hold
15 a certificate and a permit from some state, and such partners, shareholders, or members, whose
16 principal place of business is in this state and who perform professional services in this state, hold
17 a valid permit issued under this chapter or are public accountants registered under § 5-3.1-7.
18 Although firms may include non-licensee owners, the firm and its ownership and all parties must
19 comply with rules promulgated by the board. For firms of public accountants, a majority of the
20 ownership of the firm, in terms of financial interests and voting rights, must belong to holders of
21 permits under § 5-3.1-7, and provided, that any such entity, as defined by this subsection, may
22 include non-licensee owners, provided that:

23 (A) The entity designates a licensee of this state, who is responsible for the proper
24 registration of the firm and identifies that individual to the board;

25 (B) All non-licensee owners are active individual participants in the entity;

26 (C) The entity complies with such other requirements as the board may impose by rule;

27 (D) Any individual licensee who is responsible for supervising attest and compilation
28 services and signs or authorizes another licensee to sign the accountant's report on the financial
29 statements on behalf of the firm, shall meet the experience requirements as set out in professional
30 standards for such services;

31 (E) Any individual licensee who signs or authorizes another licensee to sign the
32 accountant's report on the financial statements on behalf of the firm shall meet the experience
33 requirement as set out in professional standards for such services;

34 (iii) At least one partner, shareholder, or member must be a certified public accountant or

1 a public accountant holding a certificate or authority under this chapter and a permit to practice in
2 this state under § 5-3.1-7; and

3 (iv) The address of every office of the entity located in this state must be listed in the
4 application for the permit.

5 (2) For a sole proprietorship:

6 (i) The principal purpose and business of the sole proprietorship must be to furnish public
7 accounting services to the public not inconsistent with this chapter and the rules and regulations
8 of the board;

9 (ii) The sole proprietor must be a certified public accountant or a public accountant
10 holding a certificate or authority under this chapter and a permit to practice in this state under § 5-
11 3.1-7;

12 (iii) The address of every office of the sole proprietorship located in this state must be
13 listed in the application for the permit;

14 (iv) Any individual licensee who is responsible for supervising attest and compilation
15 services and signs or authorizes another licensee to sign the accountant's report on the financial
16 statements on behalf of the sole proprietor shall meet the experience requirements as set out in
17 professional standards for ~~such~~ these services; and

18 (v) Any individual licensee who signs or authorizes another licensee to sign the
19 accountants' report on the financial statements on behalf of the firm shall meet the experience
20 requirement as set out in professional standards for ~~such~~ these services.

21 (c) Application for a permit under this section must be made upon the affidavit of the
22 partner, shareholder, member, or sole proprietor who holds a permit to practice in this state under
23 § 5-3.1-7 as a certified public accountant or a public accountant. All applications for a permit
24 under this section must include, in addition to any other information required by this chapter or
25 by rule or regulation of the board to be stated in the application, a list of all other states in which
26 the entity has applied for or holds a permit. Upon receipt of the application, the board shall
27 determine whether the entity is eligible for a permit. In the event the board determines the entity
28 is ineligible for a permit under this section, that determination shall be stated in writing and
29 delivered to the applicant at the address that is stated in the application.

30 (d) All applicants for, or holders of, a permit under this section shall notify the board in
31 writing within thirty (30) days of the occurrence of the event:

32 (1) Of any change in the identities of the partners, officers, directors, or shareholders who
33 are personally engaged in this state in the practice of public accounting;

34 (2) Of any change in the number or location of offices within this state required to be

1 listed in the application pursuant to this section;

2 (3) Of any change in the identities of the persons supervising the offices;

3 (4) Of any issuance, denial, revocation, or suspension of a permit by any other state. The
4 board may prescribe fees, ~~which~~ that are to be paid by the applicants or holders upon the
5 notification; and

6 (5) Of a reduction below a majority of the ownership in the entity in terms of financial
7 interests and voting rights.

8 (e) All permits issued by the board under this section subsequent to January 1, 2009, shall
9 be valid for a period of three (3) years and shall expire on the last day of June of the year in which
10 the permit is scheduled to expire unless the permit is renewed in accordance with the provisions
11 of this section. To transition existing licensees to a three-year (3) licensing cycle, the board shall
12 have the authority and discretion in 2008 to issue permits under this section that are valid for one,
13 two (2), or three (3) years. All ~~such~~ permits issued during 2008 shall expire upon the last day of
14 June of the year in which the permit is scheduled to expire. The board's authority to issue permits
15 valid for one or two (2) years shall cease as of December 31, 2008.

16 Effective January 1, 2009, permits issued pursuant to this section may be renewed for a
17 period of three (3) years, and the renewed permit shall expire on the last day of June of the year in
18 which the renewed permit is scheduled to expire, unless the renewed permit is again renewed by
19 its holder. All applications for renewal of permits under this section shall be submitted to the
20 board by February 15 of the year in which a permit or renewed permit is scheduled to expire. All
21 applicants for permit renewal shall satisfy the ~~quality peer~~-review requirements prescribed in §
22 5-3.1-10.

23 (f) Fees to be paid upon application for initial issuance or renewal of a permit under this
24 section shall be established, from time to time, by the board. Fees shall be paid at the time the
25 application is filed with the board.

26 (g) An annual permit to engage in the practice of public accounting in this state shall be
27 issued by the board, upon application for it and payment of the required fee, to the office of the
28 auditor general, provided the office is in compliance with § 5-3.1-10.

29 (h) An entity that falls out of compliance with the provisions of this section due to
30 changes in firm ownership or personnel, after receiving or renewing a permit, shall take
31 corrective action to bring the firm into compliance as quickly as possible. The board may grant a
32 reasonable period of time for a firm to take ~~such~~ the corrective action. Failure to bring the firm
33 into compliance within a reasonable period as defined by the board will result in the suspension
34 or revocation of the permit.

1 **5-3.1-10. Peer reviews.**

2 (a) The board shall require, as a condition to the renewal of permits for practice units
3 under § 5-3.1-9, that applicants undergo peer reviews conducted no more frequently than one
4 every three (3) years in any manner and with any satisfactory result that the board specifies. The
5 review shall include verification that the individuals in the firm who are responsible for
6 supervising attest and compilation services and sign or authorize someone to sign the accountant's
7 report on the financial statements on behalf of the firm meet competency requirements set out in
8 the professional standards for such services. Any requirements established by the board regarding
9 ~~power~~ peer reviews shall:

10 (1) Be promulgated reasonably in advance of the time when it must first be met; and

11 (2) Provide for compliance by an applicant upon the showing that it has undergone a
12 satisfactory peer review performed for other purposes, such as those performed by the American
13 Institute of Certified Public Accountants in connection with its peer-review programs, which was
14 substantially equivalent to the review required under this subsection, and that this review was
15 completed within the three (3) years immediately preceding the renewal period.

16 (b) The proceedings, records, and work papers of a peer-review committee appointed by
17 the board for the purpose of conducting peer reviews under this subsection shall be privileged and
18 shall not be subject to discovery, subpoena, or other means of legal process or introduction into
19 evidence in any civil action, arbitration, administrative proceeding, or state accountancy board
20 proceeding. No member of the peer-review committee or other person involved in the peer-
21 review process shall be permitted or required to testify in the civil action, arbitration,
22 administrative proceeding, or state accountancy board proceeding as to any matters produced,
23 presented, disclosed, or discussed during or in connection with the peer-review process, or as to
24 any findings, recommendations, evaluations, opinions, or other actions of the committees or any
25 members of the committees. Information, documents, or records that are publicly available shall
26 not be construed as immune from discovery or use in civil actions, arbitration proceedings,
27 administrative proceedings, or state accountancy board proceedings merely because they were
28 presented or considered in connection with the peer-review process. The privilege created by this
29 statute also does not apply to materials prepared in connection with a particular engagement
30 merely because they are subsequently presented or considered as part of the peer-review process;
31 nor does it apply to disputes between review committees and practice units subject to a peer
32 review arising from the performance of the review. The privilege similarly does not apply,
33 notwithstanding any provision in this section to the contrary, to the board or its members, who, so
34 long as they are acting in their official capacities, have access to any and all records, reports,

1 work papers and other documents and materials ~~which~~ that may at any time have been in the
2 possession of or prepared by a peer- review committee during the performance of its duties.

3 **5-3.1-21. Use of card, sign, or advertisement as evidence -- Single act sufficient**
4 **evidence.**

5 The display or presentation of a card, sign, advertisement, or other printed, engraved, or
6 written instrument or device bearing a person's or entity's name in conjunction with the words
7 "certified public accountant," "certified public accountants," "public accountant," or "public
8 accountants," or any abbreviation of those words, except as permitted by this chapter, is prima
9 facie evidence in any action brought under § 5-3.1-19 or 5-3.1-20 that the person or entity whose
10 name is displayed caused or procured the display or presentation of that card, sign, advertisement,
11 or other printed, engraved, or written instrument or device and that the person or entity is holding
12 himself, herself, or itself out to the public as a certified public accountant or public accountant, or
13 as a practice unit composed of certified public accountants and/or public accountants. In that
14 action, evidence of the commission of a single act prohibited by this chapter is sufficient to justify
15 an injunction ~~or~~ and a conviction need not be established for that purpose.

16 SECTION 4. Section 5-5-10 of the General Laws in Chapter 5-5 entitled "Private
17 Detective Act" is hereby amended to read as follows:

18 **5-5-10. Grounds for suspension and revocation of licenses.**

19 (a) A license may be suspended or revoked if the licensee:

20 (1) Violates any provisions of this chapter or rules and regulations promulgated under
21 this chapter;

22 (2) Practices fraud, deceit, or misrepresentation;

23 (3) Makes a material misstatement in the application for or renewal of the license; or

24 (4) Commits any act that would disqualify the qualifying agent.

25 (b) After the licensee has exhausted the right of appeal or, if the licensee does not seek a
26 hearing, the licensee shall immediately cease to operate the business for the time period provided
27 in the order of suspension or permanently in the case of revocation and shall notify all of its
28 clients of the revocation or suspension and maintain a copy of the notices in its business records.

29 (c) Under circumstances in which the local licensing authority determines that the public
30 health, welfare, or safety may be jeopardized by the termination of a licensee's services, that local
31 licensing authority may, upon ~~his or her~~ the authority's own motion or upon application by the
32 licensee or any party affected by the termination, extend the time for the termination of the
33 licensee's operations, subject to any reasonable, necessary, and proper conditions or restrictions
34 that ~~he or she~~ the authority deems appropriate.

1 SECTION 5. Section 5-5.1-15 of the General Laws in Chapter 5-5.1 entitled "Private
2 Security Guard Businesses" is hereby amended to read as follows:

3 **5-5.1-15. Grounds for suspension and revocation of licenses.**

4 The attorney general may suspend or revoke any license issued under this chapter in the
5 manner subsequently prescribed if the licensee or any of its partners, officers, generals, and
6 shareholders owning a ten percent (10%) or greater interest in the license, provided the licensee is
7 not a publicly traded corporation, and the qualifying agent does any of the following:

8 ~~(a)~~(1) Violates any provisions of this chapter or rules and regulations promulgated under
9 this chapter;

10 (2) Practices fraud, deceit, or misrepresentation;

11 (3) Makes a material misstatement in the application for or renewal of the license;

12 (4) In the case of the qualifying agent, commits any act ~~which~~ that would disqualify the
13 qualifying agent under § 5-5.1-8 and in the case of the licensee, or any of its partners, officers,
14 generals, and shareholders owning a ten percent (10%) or greater interest in the licensee, provided
15 the licensee is not a publicly traded corporation, fails to meet the qualifications of § 5-5.1-8.

16 (5) Demonstrates incompetence or untrustworthiness in actions affecting the conduct of
17 the business required to be licensed under this chapter.

18 ~~(6)~~(b)(1) Prior to suspension or revocation of a license, the attorney general shall
19 promptly notify ~~promptly notifies~~ the licensee of his or her intent to issue an order for
20 revocation or suspension, stating the grounds for revocation or suspension. Within fifteen (15)
21 days of receipt of notice of intent to revoke or suspend from the attorney general, the licensee
22 may request a hearing in writing.

23 ~~(7)~~ (2) If a request for a hearing is received in a timely manner, the attorney general shall
24 set a date for a hearing and notify the parties of the time and place of the meeting.

25 ~~(8)~~ (3) All hearings ~~are~~ shall be held in accordance with the provisions of chapter 35 of
26 title 42.

27 ~~(9)~~(c) After the licensee has exhausted the right of appeal or, if the licensee does not seek
28 a hearing, the licensee shall immediately cease to operate the business for the time period
29 provided in the order of suspension or permanently in the case of revocation and shall notify all
30 of its clients of the revocation or suspension and maintain a copy of the notices in its business
31 records.

32 ~~(10)~~(d) Under circumstances in which the attorney general determines that the public
33 health, welfare, or safety may be jeopardized by the termination of a licensee's services, the
34 attorney general may, upon his or her own motion or upon application by the licensee or any

1 party affected by the termination, extend the time for the termination of the licensee's operations,
2 subject to any reasonable, necessary, and proper conditions or restrictions that he or she deems
3 appropriate.

4 SECTION 6. Section 5-6-15 of the General Laws in Chapter 5-6 entitled "Electricians" is
5 hereby amended to read as follows:

6 **5-6-15. False statement in applications.**

7 Any person applying for a license and making any misstatement as to his or her
8 experience or other qualifications, or any person, firm, or corporation subscribing to, or vouching
9 for, any misstatement, shall be subject to the penalties prescribed in § 5-6-~~28~~ 32.

10 SECTION 7. Section 5-8-21 of the General Laws in Chapter 5-8 entitled "Engineers" is
11 hereby amended to read as follows:

12 **5-8-21. Exemptions.**

13 This chapter shall not be construed to prevent or to affect:

14 (1) Temporary certificates of registration.

15 (i) Nonresidents. The practice or offer to practice of engineering by a person not a
16 resident of or having no established place of business in this state, when that practice does not
17 exceed in the aggregate more than thirty (30) days in any calendar year; provided, the person is
18 legally qualified by registration to practice engineering, as defined in § 5-8-2(f), in his or her own
19 state or country. The person shall make application to the board, in writing, and after payment of
20 a fee set by the board in an amount not to exceed two hundred dollars (\$200) may be granted a
21 written temporary certificate of registration for a definite period of time to do a specific job;
22 provided, no right to practice engineering accrues to an applicant as to any work not prescribed in
23 the temporary certificate.

24 (ii) Recent arrivals in state. The practice of a person not a resident of and having no
25 established place of business in this state, or who has recently become a resident of the state,
26 practicing or offering to practice engineering in the state for more than thirty (30) days in any
27 calendar year, if he or she has filed with the board an application for a certificate of registration
28 and has paid the fee required by this chapter; provided, that the person is legally qualified by
29 registration to practice engineering in his or her own state or country. That practice shall continue
30 only for the time that the board requires for the consideration of the application for registration.

31 (2) Employees and subordinates. The work of an employee or a subordinate of a person
32 holding a certificate of registration under this chapter, or an employee of a person practicing
33 lawfully under paragraph (1)(ii) of this section; provided, that work does not include final
34 engineering designs or decisions and is done under the direct supervision of or checked by a

1 person holding a certificate of registration under this chapter or a person practicing lawfully under
2 subdivision (1) of this section.

3 (3) Partnership, limited-liability partnership, corporate, and limited-liability company
4 practice. The practice or offer to practice of engineering as defined by this chapter by individual
5 registered professional engineers through a partnership, limited-liability partnership, corporation,
6 joint stock company, or limited-liability company, or by a partnership, limited-liability
7 partnership, corporation, limited-liability company, or joint stock company, through individual
8 registered professional engineers as agents, employees, officers, or partners or members or
9 managers, provided, that they are jointly and severally liable for their professional acts; and
10 provided, that all personnel of that partnership, limited-liability partnership, joint stock company,
11 corporation, or limited-liability company who act ~~in~~ on its behalf as engineers in the state are
12 registered under this chapter or are persons practicing lawfully or are exempt under subdivision
13 (1) or (2) ~~or (3)~~ of this section. Each partnership, limited-liability partnership, joint stock
14 company, corporation, or limited-liability company providing engineering services is jointly and
15 severally liable with the individually registered professional engineers, and all final plans,
16 designs, drawings, specifications, and reports involving engineering judgment and discretion,
17 when issued, shall be dated and bear the seals and signatures of the engineers who prepared them.

18 (4) Federal employees. The practice by officers and employees of the government of the
19 United States while engaged within this state in the practice of engineering for that government;
20 provided, that no right to practice engineering accrues to those persons as to any other
21 engineering work. The rights to registration after leaving government employment shall not be
22 granted except under the provisions established under § 5-8-11.

23 (5) Railroad, telephone, telegraph, and other public utility companies. The practice of
24 engineering, as prescribed in this chapter, by railroad, telephone, telegraph, and other public
25 utility companies, and their officers and employees while engaged in the work of those
26 companies in this state; provided, that the practice is carried on under the responsible charge of an
27 engineer or engineers in this state, or in any other state under requirements equivalent to those
28 prescribed in this chapter; and provided, that no right to practice engineering accrues to any
29 unregistered person as to any other engineering work.

30 (6) Manufacturing corporations. The practice of engineering, as prescribed in this
31 chapter, by manufacturing corporations, and their officers and employees while engaged in
32 manufacturing, and research and development activities for those corporations.

33 (7) Research and development corporations. The practice of engineering, as prescribed in
34 this chapter, by research and development corporations and their officers and employees while

1 engaged in research and development activities for that corporation.

2 (8) Other professions. The practice of architecture, landscape architecture, or land
3 surveying.

4 SECTION 8. Sections 5-19.1-11, 5-19.1-14, 5-19.1-15, 5-19.1-19.1, 5-19.1-23, 5-19.1-24
5 and 5-19.1-29 of the General Laws in Chapter 5-19.1 entitled "Pharmacies" are hereby amended
6 to read as follows:

7 **5-19.1-11. Nonresident pharmacy -- Fees -- Display -- Declaration of ownership and**
8 **location.**

9 (a) Any pharmacy located outside this state that ships, mails, or delivers, in any manner,
10 legend drugs, controlled substances, or devices into this state is a nonresident pharmacy and shall
11 be licensed by the department. The nonresident pharmacy shall maintain at all times a valid
12 unexpired license, permit, or registration to operate the pharmacy in compliance with the laws of
13 the state in which it is located. Any pharmacy subject to this section shall comply with the board
14 of pharmacy regulations of this state when dispensing legend drugs or devices to residents of this
15 state.

16 (b) A pharmacy license will be issued to the owner who meets the requirements
17 established pursuant to this chapter or regulations. The owner of each pharmacy shall pay an
18 original license fee to be determined by the director, and annually thereafter, on or before a date
19 to be determined by the director, for which he or she shall receive a license of location, ~~which~~
20 that shall entitle the owner to operate the pharmacy at the specified location, or any other
21 temporary location as the director may approve, for the period ending on a date to be determined
22 by the director. Each ~~such~~ owner shall, at the time of filing, provide proof of payment of the fee,
23 and each owner shall file with the department, on a provided form, a declaration of ownership
24 and location. The declaration of ownership and location so filed ~~as aforesaid~~ shall be deemed
25 presumptive evidence of ownership of the pharmacy mentioned in the form. A license shall be
26 issued to the owner and premise listed on the form and shall not be transferred. A license issued
27 pursuant to this section shall be the property of the state and loaned to the licensee, and it shall be
28 kept posted in a conspicuous place on the licensed premises. If a change in owner or premise
29 listed in ~~said the~~ firm occurs, the license shall become null and void.

30 (c) It shall be the duty of the owner to immediately notify the department of any proposed
31 change of location or ownership.

32 (d) In the event ~~such the~~ license fee remains unpaid on the date due, no renewal or new
33 license shall be issued except upon payment of the license renewal fee.

34 **5-19.1-14. Licensing of pharmacists -- Prerequisites -- Examinations -- Reciprocity --**

1 **Fees -- Renewal.**

2 (a) The director shall license as a pharmacist any individual who shall:

3 (1) Be at least eighteen (18) years of age;

4 (2) Have satisfied the board that he or she is of good moral and professional character;

5 (3) Hold a baccalaureate degree in pharmacy or a doctor of pharmacy degree granted by a
6 school or college of pharmacy program that is accredited by the American Council on
7 Pharmaceutical Education; or is a graduate of a foreign college who wishes to be examined for
8 licensure as a pharmacist in this state and who shall provide evidence of successful completion of
9 the FPGEC Certification Program as established in regulation.

10 (4) Have completed or have otherwise met the internship requirements as set forth in
11 rules;

12 (5) Have satisfactorily passed examinations approved by the board and the director; and

13 (6) ~~Meet~~ Have met any additional requirements that may be established in regulations.

14 (b) The department shall, without examination other than those required in regulation
15 relating to the practice of pharmacy, license as a pharmacist any individual who has been duly
16 licensed by examination as a pharmacist under the laws of another state, territory or possession of
17 the United States, if, in the opinion of the board of pharmacy, the applicant meets the
18 qualifications required of professional pharmacists in this state.

19 (c) Every application under this ~~subsection~~ section shall be accompanied by a fee as
20 determined by the department in regulation.

21 (d) The department shall provide for, regulate, and require all persons licensed as
22 pharmacists to periodically renew their license, and shall prescribe the form of ~~such~~ the license
23 and information required to be submitted by all applicants.

24 **5-19.1-15. Pharmacy interns -- License -- Fees -- Renewals.**

25 (a) Any person who is a graduate of an accredited program of pharmacy, or who is a
26 student enrolled in at least the third year of a professional program of an accredited program of
27 pharmacy, or any graduate of a foreign college of pharmacy who has obtained FPGEC
28 certification may file an application for licensure as a pharmacy intern with the department. He or
29 she shall be required to furnish any information that the board may, by regulation, prescribe and,
30 simultaneously with the filling of the application, shall pay to the department a fee to be
31 determined by the department. All licenses issued to pharmacy interns shall be valid for a period
32 to be determined by the department, but in no instance shall the license be valid if the individual
33 is no longer making timely progress toward graduation. No pharmacy student may serve an
34 internship with a preceptor without holding a valid pharmacy intern license from the board of

1 pharmacy.

2 (b) To ~~assure~~ ensure adequate practical instruction, pharmacy internship experience as
3 required under this chapter shall be obtained after licensure as a pharmacy intern by practice in
4 any licensed pharmacy or other program meeting the requirements promulgated by regulation of
5 the board, and shall include any instruction in the practice of pharmacy that the board ~~of~~ by
6 regulation shall prescribe.

7 (c) Licensed pharmacy interns shall practice only under the immediate supervision of a
8 licensed pharmacist.

9 **5-19.1-19.1. Pharmacists -- Substitution of biological products.**

10 (a) Pharmacists when dispensing a prescription for any biological product shall, unless
11 requested otherwise by the individual presenting the prescription in writing, substitute ~~such~~ the
12 product with an interchangeable biological product in accordance with the provisions of § 21-31-
13 16.1(g). No substitution under this section shall be allowed if the prescribing physician orders the
14 pharmacist to dispense as brand-name necessary on the prescription form, or if the prescriber
15 gives oral direction to that effect to the dispensing pharmacist. The requirements of this section
16 shall not apply to an order to dispense a biological product for immediate administration to a
17 licensed hospital, nursing facility, or hospice facility in-patient. The pharmacist will make a
18 biological product selection from approved interchangeable prescription biological products in
19 accordance with § 21-31-16.1(g). When a biological product selection is made, the pharmacist
20 shall inform the patient of the selection made and shall indicate the product dispensed on the
21 written prescription or on the oral prescription, which has been reduced to writing, or product
22 information may be maintained on a computerized system if information is readily retrievable.

23 (b) Within five (5) business days following the dispensing of a biological product, the
24 dispensing pharmacist, or the pharmacist's designee, shall communicate to the prescriber the
25 specific product provided to the patient, including the name of the product and the manufacturer.

26 (c) The communication shall be conveyed by making an entry electronically accessible to
27 the prescriber through:

- 28 (1) An interoperable, electronic medical-records system;
- 29 (2) An electronic prescribing technology;
- 30 (3) A pharmacy benefit management system; or
- 31 (4) A pharmacy record.

32 (d) Entry into an electronic records system as described in this ~~subsection~~ section is
33 presumed to provide notice to the prescriber. Otherwise, the pharmacist shall communicate the
34 biological product dispensed to the prescriber using facsimile, telephone, electronic transmission,

1 or other prevailing means; provided that the communication shall not be required where:

2 (1) There is no interchangeable biological product for the product prescribed approved by
3 the United States Food and Drug Administration; or

4 (2) A refill prescription is not changed from the product dispensed on the prior filling of
5 the prescription.

6 **5-19.1-23. Unlawful practices.**

7 Any person who shall take or use or exhibit in or upon any place of business, or advertise
8 in a newspaper, telephone directory, or other directory, or by electronic media, or in any other
9 manner, the title of pharmacist, pharmacy intern, druggist, pharmacy, drug store, medicine store,
10 drug department, drugs, drug sundries, or any title or name of like description or import without
11 continuously and regularly ~~employed~~ employing in his or her shop, store, or place of business,
12 during business hours of the pharmacy, a pharmacist duly licensed under this chapter, shall be
13 guilty of a misdemeanor, and each and every day that ~~such~~ the prohibited practice continues shall
14 be deemed a separate offense.

15 **5-19.1-24. Emergency prescription refill.**

16 In the event a pharmacist receives a request for a prescription refill, and the pharmacist is
17 unable to readily obtain refill authorization from the prescriber, the pharmacist may dispense a
18 one-time emergency refill of up to a seventy-two ~~72~~ hour 72 supply of the prescribed
19 medication, ~~providing~~ provided that:

20 (1) The prescription is not for a drug in ~~S~~Schedule II appearing in chapter 28 of title ~~22~~
21 21;

22 (2) The medication is essential to the maintenance of life or to the continuation of therapy
23 of a chronic condition;

24 (3) In the pharmacist's professional judgment, the interruption of therapy might
25 reasonably produce undesirable health consequences or may cause physical or mental discomfort;
26 and

27 (4) The dispensing pharmacist notifies the prescriber of the emergency dispensing within
28 a reasonable time after ~~such~~ the dispensing.

29 **5-19.1-29. Continuity of administration.**

30 (a) Any proceeding or other business or matter undertaken or commenced prior to
31 January 1, 2002, and pending on January 1, 2002, may be conducted and completed by the
32 director of the department of health, board of pharmacy, or by a subordinate under his or her
33 direction, in the same manner and under the same terms and conditions with the same effect as
34 though it were undertaken or commenced or completed prior to January 1, 2002.

1 (b) All officers and members of the existing board, their subordinates, and employees,
2 whose functions and duties are preserved by this chapter shall continue to perform the same
3 function and duties from January 1, 2002, in like manner as though they had been appointed or
4 employed after January 1, 2002.

5 (c) All rules and regulations issued, ~~adapted~~ adopted, modified, or repealed by the board
6 of pharmacy pursuant to any provisions of this chapter shall remain in effect until subsequent
7 action of the director of health and the board of pharmacy.

8 SECTION 9. Section 5-19.2-2 of the General Laws in Chapter 5-19.2 entitled
9 "Collaborative Pharmacy Practice" is hereby amended to read as follows:

10 **5-19.2-2. Definitions.**

11 (a) "Collaborative Pharmacy Practice" is that practice of pharmacy whereby one or more
12 licensed pharmacist(s), with advanced training and experience relevant to the scope of
13 collaborative practice, agrees to work in collaboration with one or more physicians for the
14 purpose of drug therapy management of patients, such management to be pursuant to a protocol
15 or protocols authorized by the physician(s) and subject to conditions and/or limitations as set
16 forth by the department. A health care professional who has prescribing privileges and is
17 employed by a collaborating physician may be in such an agreement.

18 (b) "Collaborative practice agreement" is a written and signed agreement, entered into
19 voluntarily, between one or more licensed pharmacist(s), with advanced training and experience
20 relevant to the scope of collaborative practice, and one or more physicians that defines the
21 collaborative pharmacy practice in which the pharmacist(s) and physician(s) propose to engage.
22 Collaborative practice agreements shall be made in the best interest of public health.

23 (c) "Collaborative practice committee" shall consist of six (6) individuals: three (3)
24 individuals to be appointed by the board of pharmacy from nominees provided by the Rhode
25 Island Pharmacists Association and three (3) individuals to be appointed by the board of medical
26 licensure and discipline from nominees provided by the Rhode Island Medical Society. The
27 collaborative practice committee shall advise the director on all issues pertinent to the regulation
28 of collaborative practice agreements.

29 (d) "Drug therapy management" means the review, in accordance with a collaborative
30 practice agreement, of drug therapy regimen or regimens of patients by one or more licensed
31 pharmacist(s) for the purpose of initiating, adjusting, monitoring, or discontinuing the regimen.
32 Decisions involving drug therapy management shall be made in the best interests of the patient. In
33 accordance with a collaborative practice agreement, drug therapy management may include:

34 (1) Initiating, adjusting, monitoring, or discontinuing drug therapy;

1 (2) Collecting and reviewing patient histories;
2 (3) Obtaining and checking vital signs, including pulse, height, weight, temperature,
3 blood pressure, and respiration; and

4 (4) Under the supervision of, or in direct consultation with one or more physician(s),
5 ordering and evaluating the results of laboratory tests directly related to drug therapy when
6 performed in accordance with approved protocols applicable to the practice setting and providing
7 such evaluation does not include any diagnostic component.

8 (e) "Limited-function test" means those tests listed in the federal register under the
9 Clinical Laboratory Improvement Amendments of 1988 (CLIA) as waived tests. For the purposes
10 of this chapter, limited-function test shall include only the following: blood glucose, hemoglobin
11 ~~A1c~~, A1c cholesterol tests, and/or other tests that are classified as waived under CLIA and are
12 approved by the United States Food and Drug Administration for sale to the public without a
13 prescription in the form of an over-the-counter test kit.

14 (f) "Pharmacist with advanced training and experience relevant to the scope of
15 collaborative practice" means a licensed pharmacist in this state with a bachelor of science in
16 pharmacy and post-graduate educational training or a doctor of pharmacy degree. Such training
17 shall include, but not be limited to, residency training; board certification; certification from an
18 accredited professional organization educational institution; or any other continuing education
19 provider approved by the director of health relevant to the proposed scope of the collaborative
20 practice agreement.

21 (g) "Practice of pharmacy" means the interpretation, evaluation, and implementation of
22 medical orders, including the performance of clinical laboratory tests, provided such testing is
23 limited to limited-function tests as defined herein; the dispensing of prescription drug orders;
24 participation in drug and device selection; drug ~~regiment~~ regimen reviews and drug or drug-
25 related research; provision of patient counseling and the provision of those acts or services
26 necessary to provide pharmaceutical care; drug therapy management pursuant to a collaborative
27 practice agreement; and the responsibility for the supervision for compounding and labeling of
28 drugs and devices (except labeling by a manufacturer, repackager, or distributor of
29 nonprescription drugs and commercially packaged legend drugs and devices); proper and safe
30 storage of drugs and devices; and maintenance of proper records for them.

31 SECTION 10. Sections 5-20-12, 5-20-12.1, 5-20-14.1, 5-20-17 and 5-20-35 of the
32 General Laws in Chapter 5-20 entitled "Plumbers, Irrigators, and Water System Installers" are
33 hereby amended to read as follows:

34 **5-20-12. Corporations and firms engaging in business.**

1 (a) No corporation, firm, association, partnership, or other entity shall engage in
2 business, advertise, make application for and take out permits, bid for work, or represent itself as
3 a master plumber, a master irrigator, or master water-filtration/treatment-system installer unless:

4 (1) A licensed master plumber, as provided in this chapter, shall be continuously engaged
5 in the supervision of the entity's plumbing installation, irrigation installation, commercial water-
6 filtration/treatment-system installation, maintenance, and repair work and the licensed master is
7 an officer of the corporation, a partner in the partnership, or a similarly authorized principal of
8 any firm, association, or other entity; or

9 (2) The entity possesses a valid plumbing contractor's [license](#), master irrigator's license,
10 or master water-filtration/treatment-system installer's license duly issued by the department of
11 labor and training as described in subsection (b) of this section.

12 (b) Upon application of any of the entities listed in subsection (a) of this section in form
13 and substance prescribed by the department of labor and training, and receipt of the fee for the
14 application and license, which shall be equal to the fee for a master plumber's license, master
15 irrigator's license, or master water-filtration/treatment-system installer's license as described in §
16 5-20-16, the department of labor and training shall issue the applicant entity a license as a
17 plumbing contractor, irrigation contractor, or commercial water-filtration/treatment-system
18 contractor. The plumbing contractor's, irrigation contractor's, or commercial water-
19 filtration/treatment-system contractor's license shall specify the name of the entity holding the
20 license and shall state that the license holder shall:

21 (1) Have a licensed contractor master plumber, as that term is defined in § 5-20-12.1,
22 who is continuously engaged in the supervision of the entity's plumbing installation, maintenance,
23 and repair work and who is an officer of the corporation, a partner in the partnership, or a
24 similarly authorized principal of any firm, association, or other entity; or

25 (2) Continuously employ at all times, while holding the license, a duly licensed master
26 plumber, master irrigator, or master water-filtration/treatment-system installer as provided in this
27 chapter, who is continuously engaged in the supervision of the entity's plumbing installation,
28 irrigation installation, commercial water-filtration/treatment-system installation, maintenance,
29 and repair work. The plumbing contractor's, master irrigator's, and water-filtration/treatment-
30 system installer's license shall entitle the entity holding the license to engage in business,
31 advertise, bid for work, or represent itself as a master plumber, master irrigator, and master water-
32 filtration/treatment-system installer or a plumbing contractor and shall also entitle the entity to
33 make application for and take out permits through its duly authorized officer or similarly
34 authorized principal, as well as through the duly licensed contractor master as described in this

1 section, or the duly licensed master plumber, master irrigator or master water-filtration/treatment-
2 system installer continuously employed by the entity as stated in this section, as the case may be.
3 The contractor's license shall not, in and of itself, permit a principal, officer, employee, or agent
4 of the entity holding the license to individually engage in installation, maintenance, or repair
5 work as described above unless that principal, officer, employee, or agent is individually licensed
6 so to do.

7 (c) Any work engaged in, advertised for, applied for by permit, bid for, or represented to
8 be permissible shall be solely of the type for which the licensed master plumber, master irrigator,
9 or master water-filtration/treatment-system installer who serves as an officer, or similarly
10 authorized principal, of the entity or who is continuously employed by the entity holding a
11 plumbing contractor's license, irrigation contractor's, or commercial water-filtration/treatment-
12 system contractor's license, is duly licensed to perform.

13 (d) Any licensed master plumber, master irrigator, or master water-filtration/treatment-
14 system installer who serves as an officer, or similarly authorized principal of this type of entity, or
15 who is continuously employed by an entity holding a plumbing, irrigation, or commercial water-
16 filtration/treatment-system contractor's license shall represent the interests of one such entity and
17 only one such entity at any given time as described in this section.

18 (e) In the event that the licensed master plumber, master irrigator, or master water-
19 filtration/treatment-system installer described in this section ceases to be an officer or similarly
20 authorized principal of one of the entities described in this section, or ceases to be continuously
21 employed by an entity holding a plumbing contractor's license for any reason whatsoever, the
22 entity shall provide written notice of the cessation to the department of health no more than
23 fourteen (14) days after the effective date of occurrence of the cessation. Any entity so affected
24 shall provide written notice of the cessation to the department of labor and training specifying the
25 licensed master plumber, master irrigator, or master water-filtration/treatment-system installer
26 who is replacing the departed licensed master plumber referenced in this section no more than
27 forty-five (45) days after the effective date of occurrence of the cessation.

28 (f) No corporation, firm, association, partnership, or other entity ~~which~~ that engages in,
29 offers to engage in, or represents that it engages in plumbing installation, irrigation system
30 installation, or commercial water-filtration/treatment-system maintenance or repair work in the
31 state of Rhode Island is permitted to incorporate, form, qualify to do business, or otherwise
32 register with the Rhode Island secretary of state's office until and unless that office has first
33 received a written confirmation from the department of labor and training that all requisite
34 licenses to be issued by the department of labor and training have been so issued and remain in

1 good standing.

2 (g) Any willful violation of this section is grounds for revocation of license as further
3 described in § 5-20-27.

4 **5-20-12.1. Issuance of contractor master license.**

5 (a) There is created a class of license ~~which~~ that shall be known as a contractor master
6 plumber. This license does not, in and of itself, permit any holder of a license to individually
7 engage in installation, maintenance, or repair as described in this chapter, but may instead only be
8 used in conjunction with a contractor's license as described in § 5-20-12.

9 (b) No application for a license of a contractor master plumber shall be filed with the
10 department of labor and training, nor shall any applicant be permitted to take the examination for
11 a license, unless:

12 (1) The applicant possesses the requisite skill, expertise, education, experience, training,
13 and other qualities or qualifications to take an examination as the department of labor and
14 training, by the promulgation of regulations, may require; ~~;~~ and

15 (2) The application is accompanied by a test fee, which equals the fee for a master
16 plumber as outlined in § 5-20-16.

17 ~~(c)~~ (c) Upon passage of the contractor master examination as prepared and administered
18 by the department of labor and training upon recommendation and advice of the board, payment
19 of a license fee which equals the fee for a master plumber as outlined in § 5-20-23 shall be
20 required and the contractor master license shall be issued as provided in § 5-20-21.

21 ~~(d)~~ (d) Applications must be filed with the department of labor and training at least
22 fifteen (15) days prior to the examination date.

23 **5-20-14.1. Grandfathering -- Licensing of irrigation masters, irrigation**
24 **journeypersons, water-filtration/treatment-system masters and water-filtration/treatment-**
25 **system journeypersons without examination.**

26 (a) After July 13, 2001, and at any time prior to the expiration of twelve (12) months
27 following July 13, 2001, the authority shall, without examination, upon payment of the fees
28 required in this chapter, issue through the department of labor and training, division of
29 professional regulation, a master irrigation license or a journeyperson irrigation license to any
30 applicant who shall present satisfactory evidence that he or she has the qualifications for the type
31 of license applied for. Thereafter, in order to qualify for a master irrigation license after the initial
32 "grandfather" window, the eligible contractor shall be required to pass a written examination and
33 show the proof contained in this ~~subsection~~ section of his or her eligibility.

34 (b) Prior to January 1, 2018, the authority shall, without examination, upon payment of

1 the fees required in this chapter, issue through the department of labor and training, division of
2 professional regulation, a master water-filtration/treatment-system installer license or a
3 journeyperson water-filtration/treatment-system installer license to any applicant who shall
4 present satisfactory evidence that they have the qualifications for the type of license applied for.
5 After January 1, 2018, in order to qualify for a master water-filtration/treatment-system installer
6 license or a journeyperson water-filtration/treatment-system installer license, the eligible
7 individual shall be required to pass a written examination and show the proof contained in this
8 subsection of their eligibility.

9 (c) Satisfactory evidence shall be any of the following that is applicable:

10 (1) [Deleted by P.L. 2016, ch. 26, § 1 and P.L. 2016, ch. 31, § 1].

11 (2) [Deleted by P.L. 2016, ch. 26, § 1 and P.L. 2016, ch. 31, § 1].

12 (3) [Deleted by P.L. 2016, ch. 26, § 1 and P.L. 2016, ch. 31, § 1].

13 (4) The contractor has been incorporated or has been registered to do business with the
14 state of Rhode Island for the past three (3) years designating irrigation or installing water-
15 filtration/treatment systems as a provided service; or

16 (5) The installer has been employed for the past three (3) years by a contractor that has
17 been incorporated or registered to do business with the state of Rhode Island designating water-
18 filtration/treatment-system installation as a provided service; or

19 (6) Notarized confirmation by three (3) irrigation or water-filtration/treatment-system
20 contractors.

21 **5-20-17. Qualifications of journeyperson -- Application fee.**

22 (a) No application for a journeyperson's license shall be filed at the department of labor
23 and training nor shall any applicant be permitted to take the examination for a license as a
24 journeyperson plumber, unless:

25 (1) The application is accompanied by a nonrefundable application fee of seventy-five
26 dollars (\$75.00); and

27 (2) The applicant shall have possessed, for at least four (4) years prior to the filing of the
28 application, a certificate of registration in full force and effect from the department of labor and
29 training specifying that person as a registered apprentice plumber and the application of that
30 applicant is accompanied with an affidavit or affidavits of his or her employer or former
31 employers or other reasonably satisfactory evidence showing that the applicant has been actually
32 engaged in plumbing work as an apprentice plumber in the state of Rhode Island for eight
33 thousand (8,000) hours of on-the-job training during a five - ~~(5)~~ year ~~(5)~~ period, which shall
34 include the successful completion of five hundred seventy-six (576) hours of related instruction at

1 a training program recognized by the department of labor and training; provided, however, the
2 apprentice may receive credit for one hundred forty-four (144) hours of classroom training
3 applied against the five hundred seventy-six (576) hours required pursuant to this section, gained
4 in a vocational school authorized by the ~~board of regents for elementary and secondary~~
5 ~~education~~ council on elementary and secondary education; and approved by the Rhode Island
6 department of labor and training state apprenticeship council.

7 (3) The application is accompanied with an affidavit or other reasonably satisfactory
8 evidence showing that the applicant has been a registered student in a recognized college,
9 university, or trade school and has pursued a course of plumbing or sanitary engineering for at
10 least two (2) academic years; or

11 (4) The applicant is the recipient of an associate degree in either plumbing or sanitary
12 engineering, and has been registered by the department of labor and training as an apprentice
13 plumber for at least two (2) years and at all times while being employed as a registered apprentice
14 plumber by a duly licensed master plumber in this state for a period of two (2) years; or

15 (5) The application is accompanied by an affidavit or other reasonably satisfactory
16 evidence showing that the applicant possesses a certificate of license, issued under the laws of
17 another state, provided that the requirements are the same as the state specifying that person as a
18 journeyman plumber.

19 (6) The records of the hours of on- the- job training and the hours of related instruction
20 should be maintained in a mutually responsible manner, through a joint effort on the part of the
21 master plumber and the apprentice.

22 (7) The completed application is to be filed with the department at least fifteen (15) days
23 prior to the examination date.

24 **5-20-35. Persons and acts exempt -- Issuance of licenses in special cases.**

25 (a) The provisions of this chapter do not apply to the installation of automatic sprinkler
26 systems or other fire protection appliances in this state and do not apply to employees of public
27 utilities (publicly or privately owned); provided, that any resident of Rhode Island not licensed, as
28 provided in this chapter, desiring a license as a master plumber or journeyman plumber who on
29 or before August 14, 1966, presents to the department of labor and training of the state reasonably
30 satisfactory evidence, in writing, that he or she was actively engaged in the business of plumbing
31 as a master plumber or working as a journeyman plumber for a master plumber in any city or
32 town for five (5) years prior to May 16, 1966, and that he or she is at the time of presenting that
33 evidence to the department of labor and training operating in any city or town as a master
34 plumber or working as journeyman plumber, shall, upon payment of a fee of five dollars

1 (\$5.00) in the case of a master plumber or one dollar (\$1.00) in the case of a journeyperson
2 plumber, have issued to him or her by the department of labor and training a certificate of license
3 as a master plumber or a journeyperson plumber without an additional application, fee, or other
4 condition precedent. Farms, golf courses, and nurseries performing irrigation work on their
5 premises only shall not be required to be licensed under the chapter.

6 (b) Solar thermal professional. A ~~Certificate-REPC~~ Renewable energy professional
7 certificate (REPC) shall be issued to any person, firm, or corporation, qualified under this
8 chapter, engaged in, or about to engage in, the business of installing solar thermal technologies.
9 Solar thermal plumbing or mechanical work must be performed by persons, firms, or corporations
10 properly licensed under chapter 20 of title 5 or chapter 27 of title 28. ~~Certificate~~-REPC holders
11 may advertise and bid for solar thermal work provided that they contract with persons, firms, or
12 corporations who or that are properly licensed under chapter 20 of title 5 or chapter 27 of title 28
13 to perform all related plumbing or mechanical work. The REPC ~~Certificate~~ shall specify the
14 name of the person, firm, or corporation applying for it and the name of the person, who, in the
15 case of a firm, is one of its members, and in the case of a corporation, is one of its officers,
16 passing the examination by which he or she ~~or it~~ is authorized to enter upon or engage in business
17 as prescribed in the certificate.

18 (c) Solar thermal professional's certificate. The Rhode Island department of labor and
19 training shall issue a certificate of competency in the design and installation of solar thermal
20 systems to any person, firm, or corporation who or that has received a certification from a
21 nationally recognized, or equivalent, renewable energy certification training program and has
22 demonstrated proof of such certification to the Rhode Island office of energy resources.

23 (d) Nothing in this or any other chapter of the general laws shall prohibit municipalities
24 or water districts from using employees, or engaging the services of licensed plumbers or other
25 contractors and/or service providers that meet certain requirements determined by the
26 municipality or water district, for the purpose of replacing water meters or meter reading devices.

27 SECTION 11. Section 5-20.5-14 of the General Laws in Chapter 5-20.5 entitled "Real
28 Estate Brokers and Salespersons" is hereby amended to read as follows:

29 **5-20.5-14. Revocation, suspension of license -- Probationary period -- Penalties.**

30 (a) The director may, upon his or her own motion, and shall, upon the receipt of the
31 written verified complaint of any person initiating a cause under this section, ascertain the facts
32 and, if warranted, hold a hearing for the suspension or revocation of a license. The director has
33 power to refuse a license for cause or to suspend or revoke a license or place a licensee on
34 probation for a period not to exceed one year where it has been obtained by false representation,

1 or by fraudulent act or conduct, or where a licensee, in performing or attempting to perform any
2 of the acts mentioned in this chapter, is found to have committed any of the following acts or
3 practices:

4 (1) Making any substantial misrepresentation;

5 (2) Making any false promise of a character likely to influence, persuade, or induce any
6 person to enter into any contract or agreement when he or she could not or did not intend to keep
7 that promise;

8 (3) Pursuing a continued and flagrant course of misrepresentation or making of false
9 promises through salespersons, other persons, or any medium of advertising, or otherwise;

10 (4) Any misleading or untruthful advertising;

11 (5) Failing to deposit money or other customers' funds received by a broker or
12 salesperson into an escrow account maintained by the broker that complies with the requirements
13 set forth in § 5-20.5-26, upon execution of a purchase and sales agreement;

14 (6) Failing to preserve for three (3) years following its consummation records relating to
15 any real estate transaction as described in the regulations issued by the department;

16 (7) Acting for more than one party in a transaction without the knowledge and consent, in
17 writing, of all parties for whom he or she acts;

18 (8) Placing a "for sale" or "for rent" sign on any property without the written consent of
19 the owner, or his or her authorized agent;

20 (9) Failing to furnish a copy of any listing, sale, lease, or other contract relevant to a real
21 estate transaction to all signatories of the contract at the time of execution;

22 (10) Failing to specify a definite termination date that is not subject to prior notice, in any
23 listing contract;

24 (11) Inducing any party to a contract, sale, or lease to break that contract for the purpose
25 of substitution in lieu of that contract a new contract, where that substitution is motivated by the
26 personal gain of the licensee;

27 (12) Accepting a commission or any valuable consideration by a salesperson for the
28 performance of any acts specified in this chapter, from any person, except the licensed real estate
29 broker with whom he or she is affiliated;

30 (13) Failing to disclose to an owner his or her intention or true position if he or she,
31 directly or indirectly through a third party, purchases for ~~him~~ himself or herself or acquires or
32 intends to acquire any interest in or any option to purchase property that has been listed with his
33 or her office to sell or lease;

34 (14) Being convicted of any criminal felony in a court of competent jurisdiction of this or

1 any other state or federal court involving dishonesty, breach of trust, forgery, embezzlement,
2 obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, fraud,
3 false dealing, or any similar offense(s) or by pleading guilty or nolo contendere to any such
4 criminal offense or offenses;

5 (15) Violating any rule or regulation promulgated by the department in the interest of the
6 public and consistent with the provisions of this chapter;

7 (16) In the case of a broker licensee, failing to exercise adequate supervision over the
8 activities of his or her licensed salesperson within the scope of this chapter;

9 (17) Failing or refusing to provide information requested by the commission or director
10 as the result of a formal or informal complaint to the director that would indicate a violation of
11 this chapter;

12 (18) Soliciting, selling, or offering for sale real property by offering free lots, or
13 conducting lotteries or contests or offering prizes for the purpose of influencing a purchaser or
14 prospective purchaser of real property;

15 (19) Paying or accepting, giving, or charging any undisclosed commission, rebate,
16 compensation, or profit or expenditures for a principal, or in violation of this chapter;

17 (20) Any conduct in a real estate transaction that demonstrates bad faith, dishonesty,
18 untrustworthiness, or incompetence;

19 (21) Failing to have all listing agreements in writing, properly identifying the property
20 and containing all of the terms and conditions of the sale, including the commission to be paid,
21 the signatures of all parties concerned, and a definite expiration date in that contract that shall not
22 require an owner to notify a broker of his or her intention to terminate. An exclusive agency
23 listing or exclusive right to sell listing shall be clearly indicated in the listing agreement;

24 (22) Accepting a listing based on "net price". In cases where the owner wishes to list in
25 this manner, the agreed-upon commission is added and listings made in the usual manner;

26 (23) Negotiating, or attempting to negotiate, the sale, exchange, or lease of any real
27 property directly with an owner or lessor knowing that the owner or lessor has an outstanding
28 exclusive listing contract with another licensee covering the same property, except when the real
29 estate broker or salesperson is contacted by the client of another broker regarding a real estate
30 service, and the broker or salesperson has not directly or indirectly initiated those discussions,
31 they may discuss the terms under which they might enter into a future agency agreement; or they
32 may enter into an agency agreement that becomes effective upon termination of any existing
33 exclusive agreement; or they may enter into an agreement for other real estate service not covered
34 by an existing agency relationship;

1 (24) Accepting an exclusive right to sell or lease or an exclusive agency and subsequently
2 failing to make a diligent effort to sell or lease the listed property;

3 (25) Advising against the use of the services of an attorney in any real estate transaction;

4 (26) Representing to any lender or any other party in interest, either verbally or through
5 the preparation of a false sales contract, an amount other than the true and actual sales price;

6 (27) Submitting to an owner a written offer to purchase or lease unless that offer contains
7 the essential terms and conditions of the offer, including the manner in which the purchase price
8 is to be paid, and if that offer is contingent upon certain conditions, those conditions shall be
9 clearly stated in the offer, or unless the offer is conditioned upon the later execution of a complete
10 agreement for sale;

11 (28) Paying any sums of money being held in an escrow account to any person, or
12 converting the sums of money for his or her own use, in the event of a failed real estate
13 transaction, without having complied with the department's rules and regulations relative to the
14 transfer of disputed deposit funds to the office of the general treasurer;

15 (29) Advertising to sell, buy, exchange, rent, or lease the property of another in a manner
16 indicating that the offer to sell, buy, exchange, rent, or lease that property is being made by a
17 private party not engaged in the real estate business, ~~nor~~ or inserting advertisements in any
18 publication containing only a post office or other box number, telephone number, or street
19 address. No salesperson shall advertise the property of another under his or her own name;

20 (30) As a licensed salesperson, failing upon termination of his or her employment or
21 affiliation with a real estate broker and upon demand by the broker to immediately turn over to
22 the broker any and all information, records, or other materials obtained during his or her
23 employment, whether the information or records were originally given to him or her by the broker
24 or copied from the records of that broker or affiliation or acquired by the salesperson during his
25 or her employment;

26 (31) Offering, promising, giving, or paying, directly or indirectly, any part or share of his
27 or her commission or compensation arising or accruing from any real estate transaction to any
28 person who is not licensed as a real estate broker, but who by law should be licensed, or who is
29 not a real estate salesperson employed by that licensee;

30 (32) Soliciting the sale, lease, or the listing for sale or lease, of residential property on the
31 ground of loss of value due to the present or prospective entry in the neighborhood of a person or
32 persons of another race, religion, or ethnic origin, nor shall he or she distribute, or cause to be
33 distributed, material or make statements designed to induce a residential property owner to sell or
34 lease his or her property due to ~~such~~ these factors;

1 (33) Failure of the employing broker to notify the director, in writing, within ten (10)
2 days of the termination of a salesperson's employment ~~of~~ or contractual relationship, or failure of
3 a salesperson to notify the director, in writing, within ten (10) days of any change in ~~his/her~~ his
4 or her broker affiliation;

5 (34) Failure to report all written offers to the owner prior to the signing of a purchase and
6 sale agreement by the owner;

7 (35) Failure of agents to provide buyers and sellers of real property with disclosure
8 regarding real estate agency relationships as specified in chapter 20.6 of this title;

9 (36) Failure of an associate broker to inform the public of associate broker status by not
10 listing associate broker on business cards and correspondence or by informing the public that his
11 or her status in the real estate firm is that of broker; or

12 (37) Failure to pay sums of money being held in an escrow account, pursuant to § 5-20.5-
13 26, within ten (10) days of receipt of a written release that has been signed by all parties to a
14 failed real estate transaction.

15 (b) The director is authorized to levy an administrative penalty not exceeding two
16 thousand dollars (\$2,000) for any violation under this section or the rules and regulations of the
17 department of business regulation.

18 SECTION 12. Sections 5-29-14, 5-29-15, 5-29-16 and 5-29-20 of the General Laws in
19 Chapter 5-29 entitled "Podiatrists" are hereby amended to read as follows:

20 **5-29-14. Limited registration -- Academic faculty.**

21 Notwithstanding any other provisions of this chapter, a podiatrist of noteworthy and
22 recognized professional attainment who is a clearly outstanding podiatrist and who has been
23 offered by the dean of a medical school or podiatry school in this state a full-time academic
24 appointment, ~~is~~ is eligible for a limited registration while serving on the academic staff of the
25 medical school or podiatry school. Upon recommendation of the dean of an accredited school of
26 medicine, ~~or~~ or podiatry in this state, the board in its discretion, after being satisfied that the
27 applicant is a graduate of a foreign podiatry school and a person of professional rank whose
28 knowledge and special training will benefit that medical school, ~~or~~ or podiatry school, ~~may~~ may issue to
29 that podiatrist a limited registration to engage in the practice of podiatry to the extent that the
30 practice is incidental to a necessary part of his or her academic appointment and then only in the
31 hospital or hospitals and out-patient clinics connected with the medical school or podiatry school.
32 Except to the extent authorized by this section, the registrant shall not engage in the practice of
33 podiatry or receive compensation for that practice, unless he or she is issued a license to practice
34 podiatry. The registration is valid for a period of not more than one year expiring on the 30th day

1 of June following its initial effective date, but may be renewed annually; provided, that ~~such~~ the
2 registration automatically expires when the holder's relationship with the medical school or
3 podiatry school is terminated. The application fee for the registration authorized under this
4 section and for the application fee for biennial renewal, as promulgated by the director, shall be as
5 set forth in § 23-1-54.

6 **5-29-15. Immunity from suit.**

7 (a) The director of health and board members are immune from suit in any action, civil
8 or criminal, based upon any disciplinary proceeding or other official act performed in good faith
9 in the course of their duties under this chapter. There is no civil liability on the part of or cause of
10 action of any nature against the board, director, their agents or their employees or against any
11 organization or its members, peer review board or its members, or other witnesses and parties to
12 board proceedings for any statement made by them in any reports, communications, or testimony
13 concerning an investigation of the conduct or competence of a licensed podiatrist or limited
14 registrant.

15 (b) No licensed health care provider, podiatrist, or limited registrant shall discharge,
16 threaten, or otherwise discriminate against any employee, staff member, or any other person for
17 making a report, ~~to~~ giving testimony, ~~to~~ or providing any other communication to the board of
18 examiners in podiatry, a peer-review organization or any appropriate supervisory personnel
19 concerning the unprofessional conduct or incompetence or negligence of a podiatrist, or limited
20 registrant; provided, that the report, testimony or other communication was made in good faith.

21 **5-29-16. Unprofessional conduct.**

22 The term "unprofessional conduct" as used in this chapter includes, but is not limited to,
23 the following items or any combination of them and may be further defined by regulations
24 established by the board with the approval of the director:

- 25 (1) Fraudulent or deceptive procuring or use of a license of limited registration;
- 26 (2) All advertising of podiatry business, ~~which~~ that is intended or has a tendency to
27 deceive the public;
- 28 (3) Conviction of a crime involving moral turpitude; ~~a~~ conviction of a felony; ~~or~~
29 conviction of a crime arising out of the practice of podiatry;
- 30 (4) Abandonment of a patient;
- 31 (5) Dependence upon a controlled substance, habitual drunkenness, ~~a~~ or rendering
32 professional services to a patient while the podiatrist or limited registrant is intoxicated or
33 incapacitated by the use of drugs;
- 34 (6) Promotion by a podiatrist, ~~or~~ limited registrant of the sale of drugs, devices,

- 1 appliances, or goods or services provided for a patient in a manner that exploits the patient for the
2 financial gain of the podiatrist or limited registrant;
- 3 (7) Immoral conduct of a podiatrist, or limited registrant in the practice of podiatry;
- 4 (8) Willfully making and filing false reports or records in the practice of podiatry;
- 5 (9) Willful omission to file or record, or willfully impeding or obstructing a filing or
6 recording, or inducing another person to omit to file or record podiatry/medical or other reports as
7 required by law;
- 8 (10) Failure to furnish details of a patient's medical record to a succeeding podiatrist or
9 medical facility upon proper request pursuant to this chapter;
- 10 (11) Solicitation of professional patronage by agents or persons or profiting from acts of
11 those representing themselves to be agents of the licensed podiatrist or limited registrant;
- 12 (12) Division of fees or agreeing to split or divide the fees received for professional
13 services for any person for bringing to or referring a patient;
- 14 (13) Agreeing with clinical or bio-analytical laboratories to accept payments from those
15 laboratories for individual tests or test series for patients, or agreeing with podiatry laboratories to
16 accept payment from those laboratories for work referred;
- 17 (14) Willful misrepresentation in treatment;
- 18 (15) ~~Practice~~ Practicing podiatry with an unlicensed podiatrist except in accordance
19 with the rules and regulations of the board, ~~of~~ or aiding or abetting those unlicensed persons in
20 the practice of podiatry;
- 21 (16) Gross and willful overcharging for professional services, including filing of false
22 statements for collection of fees for which services are not rendered or willfully making or
23 assisting in making a false claim or deceptive claim or misrepresenting a material fact for use in
24 determining rights to podiatric care or other benefits;
- 25 (17) Offering, undertaking, or agreeing to cure or treat disease by a secret method,
26 procedure, treatment, or medicine;
- 27 (18) Professional or mental incompetence;
- 28 (19) Incompetent, negligent, or willful misconduct in the practice of podiatry ~~which~~ that
29 includes the rendering of unnecessary podiatry services and any departure from or the failure to
30 conform to the minimal standards of acceptable and prevailing podiatry practice in his or her area
31 of expertise as is determined by the board. The board does not need to establish actual injury to
32 the patient in order to adjudge a podiatrist or limited registrant to be guilty of unprofessional
33 conduct;
- 34 (20) Revocation, suspension, surrender, or limitation of privilege based on quality of care

1 provided or any other disciplinary action against a license to practice podiatry in another state or
2 jurisdiction, or revocation, suspension, surrender, or other disciplinary action as to membership
3 on any podiatry staff or in any podiatry or professional association or society for conduct similar
4 to acts or conduct ~~which~~ that would constitute grounds for action as set forth in this chapter;

5 (21) Any adverse judgment, settlement, or award arising from a medical liability claim
6 related to acts or conduct similar to acts or conduct ~~which~~ that would constitute grounds for
7 action as defined in this chapter or regulations adopted pursuant to this chapter;

8 (22) Failure to furnish the board, its director, investigator, or representative, information
9 legally requested by the board;

10 (23) Violation of any provisions of this chapter or the rules and regulations of the board
11 or any rules and regulations promulgated by the director or of an action, stipulation, or agreement
12 of the board;

13 (24) Cheating on or attempting to subvert the licensing examination;

14 (25) Violating any state or federal law or regulation relating to controlled substances;

15 (26) Failure to maintain standards established by peer-review boards, including but not
16 limited to standards related to proper utilization of services, and use of non-accepted procedure
17 ~~and~~ or quality of care; or

18 (27) A podiatrist providing services to a person who is making a claim as a result of a
19 personal injury, who charges or collects from the person any amount in excess of the
20 reimbursement to the podiatrist by the insurer as a condition of providing or continuing to provide
21 services or treatment.

22 **5-29-20. Privileges and immunities for peer review activities.**

23 (a) Neither the proceedings nor the records of peer-review boards are subject to
24 discovery or admissible in evidence in any case except litigation arising out of the imposition of
25 sanctions upon a podiatrist. Any imposition or notice of a restriction of privileges or a
26 requirement of supervision imposed on a podiatrist for unprofessional conduct is subject to
27 discovery and admissible in any proceeding against the podiatrist or against any podiatry care
28 facility or podiatry care provider ~~which~~ that allows the podiatrist to perform the podiatry
29 procedures ~~which~~ that are the subject of the restrictions or supervision during the period of any
30 imposition or notice of a restriction of privileges or a requirement of supervision, and ~~apply~~
31 applies to records made in the regular course of business by a hospital or other provider of health
32 care information. Documents or records available from original sources are not to be construed as
33 immune from discovery or use in any civil proceedings merely because they were presented
34 during the proceedings of the committee.

1 (b) There is no monetary liability on the part of, and no cause of action for damages
2 arising against, any member of an appointed peer-review board operated pursuant to written
3 bylaws, for any act or proceeding undertaken or performed within the scope of the functions of
4 the board.

5 (c) There is no monetary liability on the part of, and no cause of action for damages
6 arising against, any person on account of the communication of information in the possession of
7 that person to any peer-review board or the board of examiners in podiatry when the
8 communication is intended to aid in the evaluation of the qualifications, fitness, or character of a
9 practitioner of podiatry and does not represent as true any matter not reasonably believed to be
10 true.

11 (d) Any peer review processes authorized by statute and carried out in good faith have the
12 benefit of the state action exemption to the state antitrust law.

13 SECTION 13. Section 5-33.2-1 of the General Laws in Chapter 5-33.2 entitled "Funeral
14 Director/Embalmer Funeral Service Establishments" is 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 (2) procedure where a dead human body or body
19 parts are reduced by direct flames to residue ~~which~~ that includes bone fragments and the
20 pulverization of the bone fragments to a coarse powdery consistency.

21 (3) "Department" means the Rhode Island department of health.

22 (4) "Division" means the division of professional regulation created under chapter 26 of
23 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~~ his or her spouse or any widow or widower of a
5 licensed funeral director who at the time of November 1, 1995, has been meeting with families to
6 arrange for the conducting of funeral services ~~are~~ is 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~~ that are incident, convenient, or related to the
20 care and preparation, arrangement, financial and otherwise, for the funeral, transportation, burial,
21 or other disposition of human dead bodies and including, but not limited to, a suitable room with
22 all instruments and supplies used for the storage ~~or~~ preparation of dead human bodies for burial
23 or other disposition.

24 (12) "Funeral merchandise" means those items ~~which~~ that are normally presented for
25 sale as part of the funeral home operation on a for-profit basis. These items include caskets,
26 sealed warranted outer burial containers, and burial clothing. Not included are urns, grave
27 markers, and non-sealed outer burial containers. All persons engaged in the sale of funeral
28 merchandise must comply with the provisions of chapter ~~33~~ 33.1 of this title.

29 (13) "Person" includes individuals, partnerships, corporations, limited-liability
30 companies, associations, and organizations 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~~ shall be conducted in the presence
3 of a licensed funeral director/embalmer.

4 SECTION 14. Section 5-34-46 of the General Laws in Chapter 5-34 entitled "Nurses" is
5 hereby amended to read as follows:

6 **5-34-46. Status of current licensees.**

7 (a) Any person holding a license to practice nursing as a certified nurse practitioner,
8 psychiatric clinical nurse specialists , or certified registered nurse anesthetist, as defined in this
9 chapter and chapter ~~5-34.2~~ of title 5, in this state that is valid upon passage of this chapter shall
10 be deemed to be licensed as an APRN, with his or her current privileges and shall be eligible for
11 renewal of such license as defined under the provisions of this chapter and chapter ~~5-34.2~~ of title
12 5.

13 (b) Any person holding a valid license to practice nursing having graduated from an
14 accredited course of study, actively practicing in an advanced role, and holding a national
15 certification related to his or her current practice setting as of ~~(effective date of this act)~~ passage
16 of this chapter, as defined in this chapters ~~5-35~~ or chapter 5-34.2 of title 5, shall be deemed to
17 be eligible for ~~to license as~~ an APRN license.

18 (c) After August 1, 2013, all new applicants for APRN licensure must meet the stipulated
19 licensure requirements as stated in this chapter.

20 SECTION 15. Section 5-35.1-20 of the General Laws in Chapter 5-35.1 entitled
21 "Optometrists" is hereby amended to read as follows:

22 **5-35.1-20. Penalty for violations.**

23 Any person who violates the provisions of this chapter shall be punished by a fine ~~or~~ of
24 not more than that set forth in § 23-1-54, or shall be imprisoned for not more than three (3)
25 months for each offense.

26 SECTION 16. Section 5-35.2-6 of the General Laws in Chapter 5-35.2 entitled
27 "Opticians" is hereby amended to read as follows:

28 **5-35.2-6. Freedom of choice for eye care.**

29 Where the contracts call for the expenditure of public or private funds involving
30 Medicaid and RIte Care, Medicare, or supplemental coverage for any purpose relating to
31 eyewear, and as it pertains to opticianry, the distribution, dispensing, filling, duplication, and
32 fabrication of eyeglasses or optical prosthesis by opticians as defined in § ~~5-35.1-1~~ 5-35.2-1,
33 those health plans or contracts are required to notify by publication in a public newspaper
34 published within and circulated and distributed throughout the state of Rhode Island, to all

1 providers, including, but not limited to, opticians, within the health plan's or contract's geographic
2 service area, of the opportunity to apply for credentials, and there is no discrimination as to the
3 rate or reimbursement for health care provided by an optician for similar services as rendered by
4 other professions pursuant to this section. Nothing contained in the chapter shall require health
5 plans to contract with any particular class of providers.

6 SECTION 17. Section 5-37-9.2 of the General Laws in Chapter 5-37 entitled "Board of
7 Medical Licensure and Discipline" is hereby amended to read as follows:

8 **5-37-9.2. Physician profiles -- Public access to data.**

9 (a)(1) The board shall compile the information listed in this section to create individual
10 profiles on licensed physicians, in a format created by the board, consistent with the provisions of
11 this section ~~and § 23-1-1.4~~ and any regulations promulgated under ~~these~~ this sections section,
12 that are available for dissemination to the public and ~~which that~~ include a conspicuous statement
13 that "This profile contains certain information ~~which that~~ may be used as a starting point in
14 evaluating the physician. This profile should not be your sole basis for selecting a physician".

15 (2) The following information shall be compiled by the board in accordance with state
16 laws and board regulations and procedures and shall be included in physician profiles, subject to
17 the limitations and requirements set forth below:

18 (i) Names of medical schools and dates of graduation;

19 (ii) Graduate medical education;

20 (iii) A description of any final board disciplinary actions within the most recent ten (10)
21 years;

22 (iv) A description of any final disciplinary actions by licensing boards in other states
23 within the most recent ten (10) years;

24 (v) A description of any criminal convictions for felonies within the most recent ten (10)
25 years. For the purposes of this subsection, a person is deemed to be convicted of a crime if he or
26 she pleaded guilty or if he or she was found or adjudged guilty by a court of competent
27 jurisdiction, or was convicted of a felony by the entry of a plea of nolo contendere;

28 (vi) A description of revocation or restriction of hospital privileges for reasons related to
29 competence taken by the hospital's governing body or any other official of the hospital after
30 procedural due process has been afforded, or the resignation from or nonrenewal of medical staff
31 membership or the restriction of privileges at a hospital. Only cases, which have occurred within
32 the most recent ten (10) years, shall be disclosed by the board to the public. ~~;~~ and

33 (vii) All medical malpractice court judgments and all medical malpractice arbitration
34 awards in which a payment is awarded to a complaining party since September 1, 1988, or during

1 the most recent ten (10) years, and all settlements of medical malpractice claims in which a
2 payment is made to a complaining party since September 1, 1988, or within the most recent ten
3 (10) years. Dispositions of paid claims shall be reported in a minimum of three (3) graduated
4 categories indicating the level of significance of the award or settlement. Information concerning
5 paid medical malpractice claims shall be put in context by comparing an individual physician's
6 medical malpractice judgments, awards and settlements to the experience of other physicians
7 licensed in Rhode Island who perform procedures and treat patients with a similar degree of risk.
8 All judgment, award, and settlement information reported shall be limited to amounts actually
9 paid by or on behalf of the physician.

10 (3) Comparisons of malpractice payment data shall be accompanied by:

11 (i) An explanation of the fact that physicians treating certain patients and performing
12 certain procedures are more likely to be the subject of litigation than others and that the
13 comparison given is for physicians who perform procedures and treat patients with a similar
14 degree of risk;

15 (ii) A statement that the report reflects data since September 1, 1988, or for the last ten
16 (10) years and the recipient should take into account the number of years the physician has been
17 in practice when considering the data;

18 (iii) An explanation that an incident, giving rise to a malpractice claim, may have
19 occurred years before any payment was made due to the time lawsuits take to move through the
20 legal system;

21 (iv) An explanation of the effect of treating high-risk patients on a physician's
22 malpractice history; and

23 (v) An explanation that malpractice cases may be settled for reasons other than liability
24 and that settlements are sometimes made by the insurer without the physician's consent.

25 (4) Information concerning all settlements shall be accompanied by the following
26 statement: "Settlement of a claim may occur for a variety of reasons ~~which~~ that do not
27 necessarily reflect negatively on the professional competence or conduct of the physician. A
28 payment in settlement of a medical malpractice action or claim should not be construed as
29 creating a presumption that medical malpractice has occurred." Nothing in this section shall be
30 construed to limit or prevent the board from providing further explanatory information regarding
31 the significance of categories in which settlements are reported.

32 (5) Pending malpractice claims and actual amounts paid by or on behalf of a physician in
33 connection with a malpractice judgment, award, or settlement shall not be disclosed by the board
34 to the public. Nothing in this section shall be construed to prevent the board from investigating

1 and disciplining a licensee on the basis of medical malpractice claims that are pending.

2 (6) The following information shall be reported to the board by the physician and shall be
3 included in physician profiles, subject to the limitations and requirements specified in this
4 subdivision:

5 (i) Specialty board certification;

6 (ii) Number of years in practice;

7 (iii) Names of the hospitals where the physician has privileges;

8 (iv) Appointments to medical school faculties and indication as to whether a physician
9 has a responsibility for graduate medical education within the most recent ten (10) years;

10 (v) Information regarding publications in peer-reviewed medical literature within the
11 most recent ten (10) years;

12 (vi) Information regarding professional or community service activities and awards;

13 (vii) The location of the physician's primary practice setting; and

14 (viii) The identification of any language translating services that may be available at the
15 physician's primary practice location; provided, that a statement is included in the profile
16 indicating that these services may be temporary and that the physician's office should first be
17 contacted to confirm the present availability of language translation.

18 (b) A physician may elect to have his or her profile omit certain information provided
19 pursuant to ~~paragraphs~~ subsection (a)(6)(iv) – ~~(a)(6)~~ (vi) of this section, concerning academic
20 appointments and teaching responsibilities, publication in peer-reviewed journals, and
21 professional and community service awards. In collecting information for these profiles and
22 disseminating it, the board shall inform physicians that they may choose not to provide any
23 information required pursuant to ~~paragraphs~~ (a)(6)(iv) – ~~(a)(6)~~ (vi) of this section.

24 (c)(1) The board shall provide individual physicians with a copy of their profiles prior to
25 initial release to the public and each time a physician's profile is modified or amended based on
26 information not personally supplied to the board by the physician or not generated by the board
27 itself.

28 (2) Prior to initial release to the public and upon each modification or amendment
29 requiring physician review as provided in this subsection, a physician shall be provided not less
30 than twenty-one (21) calendar days to correct factual inaccuracies that appear in his or her profile.

31 (3) If a dispute arises between a physician and the board regarding the accuracy of factual
32 information in the physician's profile, the physician shall notify the board, in writing, of this
33 dispute.

34 (4) If a physician does not notify the board of a dispute during the twenty-one - ~~(21)~~ day

1 [\(21\)](#) review period, the profile shall be released to the public and the physician will be deemed to
2 have approved the profile and all information contained in the profile.

3 (5) If a physician notifies the board of a dispute in accordance with this subsection, the
4 physician's profile shall be released to the public without the disputed information, but with a
5 statement to the effect that information in the identified category is currently the subject of a
6 dispute and is not available at this time.

7 (6) Within ten (10) calendar days after the board's receipt of notice of a dispute, the
8 physician and the board or its authorized representative shall in good faith enter into discussions,
9 which may continue for up to thirty (30) days, to resolve the dispute. If the dispute is not resolved
10 within thirty (30) days, the disputed information shall be included in the profile with a statement
11 that this information is disputed by the physician.

12 (d) Each profile shall contain a statement specifying the date of its last modification,
13 amendment, or update. If a physician has reviewed and approved or been deemed to have
14 approved his or her profile in accordance with this subsection, the physician is responsible for the
15 accuracy of the information contained in it. If a profile is released to the public without physician
16 review as required by this subsection, then notwithstanding any immunity from liability granted
17 by § 5-37-1.5 or 23-1-32, the board or any state agency supplying physician information to the
18 board is solely responsible for the accuracy of the information it generates or supplies and **which**
19 is contained in physician profiles released to the public.

20 (e) In order to protect against the unauthorized use or disclosure of provider profiles by
21 department of health employees with access to the data, the department of health shall apply its
22 existing safeguards and procedures for protecting confidential information to physician profile
23 information.

24 (f) For each profile provided to the public by the board, the board may charge no more
25 than fifty cents (\$.50) per page or three dollars (\$3.00) per profile, whichever is greater.

26 SECTION 18. Section 5-37.7-10 of the General Laws in Chapter 5-37.7 entitled "Rhode
27 Island Health Information Exchange Act of 2008" is hereby amended to read as follows:

28 **5-37.7-10. Patient's rights.**

29 Pursuant to this chapter, a patient participant who has his or her confidential health care
30 information transferred through the HIE shall have the following rights:

31 (1) To obtain a copy of his or her confidential health care information from the HIE;

32 (2) To obtain a copy of the disclosure report pertaining to his or her confidential health
33 care information;

34 (3) To be notified as required by chapter ~~49.2 of title 11~~ [49.3 of title 11](#), the Rhode Island

1 identity theft protection act, of a breach of the security system of the HIE;

2 (4) To terminate his or her participation in the HIE in accordance with rules and
3 regulations promulgated by the agency;

4 (5) To request to amend his or her own information through the provider participant;

5 (6) To request ~~their~~ his or her confidential health care information from the HIE be
6 disclosed to an authorized representative; and

7 (7) To request ~~their~~ his or her confidential health care information from the HIE be
8 disclosed to health care providers who are not provider participants as defined by this chapter.

9 SECTION 19. Sections 5-40-7.1 and 5-40-9 of the General Laws in Chapter 5-40 entitled
10 "Physical Therapists" are hereby amended to read as follows:

11 **5-40-7.1. Licensing of physical therapist assistants.**

12 (a) By eExamination. The applicant is required to pass with a grade determined by the
13 board an examination approved by the department in consultation with the board.

14 (b) Without eExamination by eEndorsement. A license may be issued without
15 examination to an applicant who has been licensed by examination as a physical therapist
16 assistant under the laws of another state or territory or District of Columbia, if, in the opinion of
17 the board, the applicant meets the qualifications required of physical therapist assistants in this
18 state.

19 (c)(1) Graduate pPractice. Every graduate of a board - approved physical therapist
20 assistant educational program who has filed a physical therapy application may, upon receiving a
21 permit from the department of health, perform as a physical therapist assistant under the
22 supervision of a physical therapist licensed in this state.

23 (2) During this period, the applicant shall identify ~~him~~ himself or herself only as a
24 "graduate physical therapist assistant."

25 (3) If the applicant fails to take the examination, as specified in § ~~5-40-7(a)~~ subsection(a)
26 within ninety (90) days from the effective date of graduate status, without cause or fails to pass
27 the examination and receive a license, all privileges provided in ~~subdivisions (1) and (2) of this~~
28 ~~subsection~~ subsections (c)(1) and (c)(2) automatically cease.

29 (d)(1) Foreign-tTrained aApplicants. If the foreign-trained applicant has successfully met
30 the requirements of the rules and regulations, the applicant's credentials shall be accepted by the
31 board.

32 (2) Prior to becoming licensed in this state, the foreign-trained applicant must also meet
33 all of the appropriate requirements described in this section or its equivalent as established in
34 rules and regulations.

1 **5-40-9. Right of use of the title of physical therapist.**

2 (a) To safeguard the welfare and health of the people of the state, it is unlawful for any
3 person to represent himself or herself as a physical therapist or physical therapist assistant in this
4 state or to use any title, abbreviation, sign, or device to indicate that the person is a physical
5 therapist or physical therapist assistant unless this person has been licensed pursuant to the
6 provisions of § 5-40-7, ~~and 5-40-7.1.~~

7 (b) A physical therapist shall use the letters "PT" or the term "physical therapist"
8 immediately following his or her name to designate licensure under this chapter. A person or
9 business entity, its employees, agents, or representatives shall not use in connection with that
10 person's name or the name or activity of the business, the words "physical therapy", "physical
11 therapist", "registered physical therapist", the letters "PT", "DPT", "LPT", "RPT", "SPT", or any
12 other words, abbreviations, or insignia, indicating or implying, ~~directly or indirectly,~~ that physical
13 therapy is provided or supplied, unless ~~such~~ the services are provided by or under the direction of
14 a physical therapist licensed pursuant to this chapter. A person or business entity shall not
15 advertise or otherwise promote another person as being a "physical therapist" unless the
16 individual so advertised or promoted is licensed as a physical therapist pursuant to this chapter. A
17 person or business entity who or that offers, provides, or bills any other person for services shall
18 not characterize those services as "physical therapy" unless the individual performing those
19 services is a person under the direction or supervision of a physical therapist pursuant to this
20 chapter.

21 (c) The abbreviation "G.P.T." shall be used to identify a "graduate physical therapist"
22 authorized to perform as a graduate physical therapist pursuant to this chapter.

23 (d) A physical therapist assistant shall use the letters "PTA" immediately following his or
24 her name to designate licensure under this chapter.

25 (e) A person shall not use the title "physical therapist assistant" or "graduate physical
26 therapist assistant" and the letters "PTA" or "GPTA", or any other words, abbreviations, or
27 insignia in connection with that person's name, to indicate or imply, directly or indirectly, that the
28 person is a physical therapist assistant unless that person is licensed as a physical therapist
29 assistant pursuant to this chapter.

30 SECTION 20. Section 5-40.1-8 of the General Laws in Chapter 5-40.1 entitled
31 "Occupational Therapy" is hereby amended to read as follows:

32 **5-40.1-8. Requirements for licensure.**

33 (a) Any applicant seeking licensure as an occupational therapist or occupational therapy
34 assistant in this state must:

- 1 (1) Be at least eighteen (18) years of age;
- 2 (2) Be of good moral character;
- 3 (3) Have successfully completed the academic requirements of an education program in
4 occupational therapy accredited by the American Occupational Therapy Association's
5 Accreditation Council for Occupational Therapy Education or other therapy accrediting agency
6 that may be approved by the board;
- 7 (4) Have successfully completed a period of supervised fieldwork experience arranged by
8 the recognized educational institution where he or she met the academic requirements:
- 9 (i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised
10 fieldwork experience shall be required;
- 11 (ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be
12 required;
- 13 (5) Have successfully passed the National Certification Examination for Occupational
14 Therapists, Registered, or National Certification Examination for Occupational Therapy
15 Assistants, of the National Board for Certification in Occupational Therapy (NBCOT) or other
16 occupational therapy certification examination as approved by the board.
- 17 (b) Application for licensure to practice occupational therapy in this state, either by
18 endorsement or by examination, shall be made on forms provided by the division that shall be
19 completed, and submitted to the board thirty (30) days prior to the scheduled date of the board
20 meeting. The application shall be accompanied by the following documents:
- 21 (1) ~~Is of good moral character, a~~ A document, evidenced in the manner prescribed by
22 the department, , showing the applicant is of good moral character;
- 23 (2) For U.S. citizens: a certified copy of birth record or naturalization papers;
- 24 (3) For non-U.S. citizens: documented evidence of alien status, such as immigration
25 papers or resident alien card or any other verifying papers acceptable to the administrator;
- 26 (4) Documented evidence and supporting transcripts of qualifying credentials as
27 prescribed in this section;
- 28 (5) A statement from the board of occupational therapy in each state in which the
29 applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to
30 the board of this state attesting to the licensure status of the applicant during the time period the
31 applicant held licensure in that state; and
- 32 (6) The results of the written national examination of the National Board for Certification
33 in Occupational Therapy (NBCOT).
- 34 (c)(1) Applicants seeking licensure as occupational therapists or occupational therapy

1 assistants are required to pass the national written examination of the National Board for
2 Certification in Occupational Therapy (NBCOT) approved by the board to test the applicant's
3 fitness to engage in the practice of occupational therapy pursuant to the provisions of this chapter.
4 **; and**

5 (2) The date, time, and place of examinations shall be available from the National Board
6 for Certification in Occupational Therapy (NBCOT).

7 (d) In case any applicant fails to satisfactorily pass an examination, the applicant shall be
8 entitled to re-examination.

9 (e) Occupational therapists and occupational therapy assistants who are licensed or
10 regulated to practice under laws of another state or territory or the District of Columbia may,
11 upon receiving a receipt from the division, perform as an occupational therapist or occupational
12 therapy assistant under the supervision of a qualified and licensed occupational therapist or
13 occupational therapy assistant. If this applicant fails to receive licensure when the board reviews
14 the application, all previously mentioned privileges automatically cease.

15 (f) Applicants from foreign occupational therapy schools must meet the requirements of
16 the National Board for Certification in Occupational Therapy (NBCOT) and present evidence of
17 passage of the National Certification Examination for Occupational Therapists or the National
18 Certification Examination for Occupational Therapy Assistants of the NBCOT. Applicants must
19 meet all of the appropriate requirements for licensure to the satisfaction of the board and in
20 accordance with the statutory and regulatory provisions of this chapter.

21 SECTION 21. Sections 5-44-13 and 5-44-23 of the General Laws in Chapter 5-44
22 entitled "Psychologists" are hereby amended to read as follows:

23 **5-44-13. Temporary license.**

24 (a) Pursuant to §§ 5-44-6 and 5-44-23~~(e)~~ **(f) of this chapter** and rules and regulations
25 promulgated hereunder, a temporary permit to practice psychology under supervision may be
26 granted to a candidate for licensure who has paid the required fee as set forth in § 23-1-54 and has
27 satisfied the following requirements:

28 (1) Filed an application for licensure with all required supporting materials;

29 (2) Has received a doctoral degree in accordance with § **5-44-10**, and successfully
30 completed one thousand five hundred (1,500) hours of supervision satisfactory to the board as
31 specified in the rules and regulations;

32 (3) Shall only practice under the appropriate supervision of a licensed psychologist as
33 delineated in the rules and regulations promulgated hereunder;

34 (4) Shall refrain from using the title "psychologist" or representing himself or herself as a

1 psychologist other than by using the title "psychology student," "psychology trainee," ~~or~~
2 "psychology intern," or "psychology resident"; and

3 (5) The temporary permit shall be valid for a period of two (2) years from the date of
4 issuance.

5 (b) Temporary permit holders may request from the board a one - year extension. Such an
6 extension may be granted at the discretion of the board upon review of the applicant's
7 circumstances. This extension shall only be granted once.

8 **5-44-23. Persons and practices exempt.**

9 (a) No provisions of this chapter shall be construed to prevent members of other
10 recognized professions ~~that~~ who are licensed, certified, or regulated for independent practice of
11 that profession under the laws of this state from rendering services consistent with their
12 professional training and code of ethics; provided, that they do not represent themselves to be
13 psychologists. Recognized members of the clergy shall not be restricted from functioning in their
14 ministerial capacity; provided, that they do not represent themselves to be psychologists.

15 (b) Nothing in this chapter shall be construed to prohibit teachers, guidance personnel,
16 social workers, and school psychologists in public or private school, from full performance of
17 their duties; nor to prohibit the use of psychological techniques by business or industrial
18 organizations or companies for employment, placement, evaluation, promotion, or job adjustment
19 of their own officers or employees.

20 (c) Nothing in this section shall be construed as prohibiting the use of consultants who
21 are defined as qualified ~~mental-retardation~~ intellectual disability professionals under the Code
22 of Federal Regulations (C.F.R.) 42 C.F.R. § 483.430, by facilities licensed as intermediate care
23 facilities for ~~people who are mentally-retarded~~ persons with intellectual disability by the
24 department of behavioral healthcare, developmental disabilities and hospitals.

25 (d) Nothing in this chapter shall be construed as permitting the licensed psychologist to
26 practice medicine as defined by the laws of this state.

27 (e) Nothing in this section shall be construed as permitting those persons identified in
28 subsections (b) and (f) of this section to offer their services to any persons or organizations other
29 than those listed in subsection (f) of this section as consultants or to accept remuneration for any
30 psychological services other than that of their institutional salaries or fees unless they have been
31 licensed under this chapter or exempted under subsection (a) of this section.

32 (f) Nothing in this chapter limits the professional pursuits of any non-licensed
33 psychologists, psychology students, psychology trainees, psychology residents, or persons
34 rendering psychological services as an employee of a licensed hospital, accredited educational

1 institution, authorized community mental health clinic or center, government or medical agency,
2 while functioning under the title conferred upon him or her by the administration of any hospital,
3 educational institution, or agency.

4 (g) Those organizations listed in subsection (f) of this section include all facilities,
5 agencies, or institutions regulated and/or licensed by the department of health, the department of
6 elementary and secondary education, the department of children, youth and families, and the
7 department of behavioral healthcare, developmental disabilities and hospitals.

8 (h) A psychologist licensed or certified in another state, or United States territory may
9 perform psychological services in the state of Rhode Island without obtaining a license for up to
10 ten (10) calendar days per calendar year with no more than five (5) days of this activity occurring
11 consecutively. The calendar day limit shall not apply to service as an expert witness in a legal
12 proceeding.

13 SECTION 22. Section 5-45-1 of the General Laws in Chapter 5-45 entitled "Nursing
14 Home Administrators" is hereby amended to read as follows:

15 **5-45-1. Board of examiners -- Creation -- Composition -- Appointment, terms, oath,**
16 **and removal of members -- Meetings.**

17 (a) Within the department of health, there shall be a board of examiners for nursing home
18 administrators. The board shall be appointed by the director of the department of health, with the
19 approval of the governor, and shall consist of seven (7) persons who shall be certified electors of
20 this state.

21 (1) Three (3) members of the board shall be persons licensed as nursing home
22 administrators pursuant to the provisions of this chapter.

23 (2) Two (2) members of the board shall be representatives from senior citizen groups.

24 (3) On June 1, 1979, two (2) additional qualified members are appointed. One shall be a
25 nurse who is licensed in the state, is a graduate of an accredited school of nursing, and has been
26 actively engaged in nursing service for at least two (2) years immediately preceding appointment
27 or reappointment. The other member shall be a physician licensed to practice medicine in this
28 state, who has been actively engaged in the practice of medicine for at least two (2) years
29 immediately preceding appointment or reappointment. The physician and nurse members of the
30 board shall be representative of those persons of the profession concerned with the care and
31 treatment of chronically ill or infirm elderly patients.

32 (4) A majority of the board members may not be representative of a single profession or
33 category of institution, and members who are not representative of institutions may not have a
34 direct financial interest in any nursing home. Licensed nursing home administrators shall be

1 considered representatives of institutions for the purpose of this section.

2 (b) Members shall be appointed to a term of three (3) years. No member shall serve more
3 than two (2) terms. The director of the department of health shall, with the approval of the
4 governor, appoint to vacancies, as they occur, a qualified person to serve on the board for the
5 remainder of the term and until his or her successor is appointed and qualified.

6 (c) The director of the department of health may remove, after a hearing and with the
7 approval of the governor, any member of the board for neglect of any duty required by law or for
8 any incompetency, unprofessional or dishonorable conduct. Vacancies shall be filled in the same
9 manner as the original appointment was made for the remainder of the term. Before beginning his
10 or her term of office, each member shall take the oath prescribed by law for state officers, a
11 record of which shall be filed with the secretary of state.

12 (d) The director shall appoint a chairperson. No member shall serve as chairperson for
13 more than three (3) years.

14 (e) Four (4) members of the board shall constitute a quorum.

15 (f) The members of the board shall serve without compensation.

16 (g) Meetings shall be called by the director of the department of health, or his or her
17 authorized designee, or by a majority of the members of the board.

18 (h) The administrator of professional regulation of the department of health, as provided
19 by chapter 26 of this title, shall serve as administrative agent of the board.

20 SECTION 23. Section 5-48-6 of the General Laws in Chapter 5-48 entitled "Speech
21 Pathology and Audiology" is hereby amended to read as follows:

22 **5-48-6. Licensure and regulation of speech language pathologists and audiologists.**

23 (a) Licensure shall be granted in either speech language pathology or audiology
24 independently. A person may be licensed in both areas if he or she meets the respective
25 qualifications.

26 (b) No person shall practice as, advertise as, or use the title of speech pathologist or
27 audiologist as defined in § 5-48-1 in this state unless he or she is licensed in accordance with the
28 provisions of the laws of the state.

29 (c) Registered speech language pathologists and/or audiologists may render services
30 under the terms and provisions of the workers' compensation and rehabilitation laws.

31 (d) A provisional license for the clinical fellow (defined in § ~~5-48-1(b)(5)~~ 5-48-1(b)(4))
32 shall be required in speech language pathology for that period of postgraduate professional
33 experience as required in § ~~5-48-7~~ 5-48-7.1. A provisional license shall authorize an individual to
34 practice speech-language pathology solely in connection with the completion of the supervised

1 postgraduate professional experience.

2 SECTION 24. Sections 5-57-14 and 5-57-15 of the General Laws in Chapter 5-57
3 entitled "Burglar and Hold-Up Alarm Businesses" are hereby amended to read as follows:

4 **5-57-14. Alarm business license required -- Licensing of electricians.**

5 (a) It is unlawful and punishable as provided in § 5-57-41 for any person to engage in the
6 alarm business within this state without having first obtained an alarm business license from the
7 state licensing authority, subject to subsection (c) of this section; provided, that nothing contained
8 in this chapter shall be construed to prohibit an electrician licensed pursuant to chapter 6 of this
9 title from installing a burglar or hold-up alarm system; and provided, that no electrician licensed
10 pursuant to this section shall install any burglar or hold-up alarm system in any bank or other
11 financial institution or in any residential housing with four (4) units or less.

12 (b) Authority for the licensing of any electrician shall be vested with the department of
13 labor and training which shall:

14 (1) After receipt of an application for a license, **shall** conduct an investigation to
15 determine whether the facts presented in the application are true and shall receive from the
16 department of the attorney general all records of criminal information which it has or shall
17 receive indicating any criminal activity on the part of the individual signing the application.

18 (2) Deny any application of a person who has been convicted in any jurisdiction of the
19 United States of a felony or a misdemeanor if the licensing authority finds that the conviction
20 reflects unfavorably on the fitness of the applicant to engage in the alarm business.

21 (c) Every person desiring to be engaged in the alarm business within this state shall apply
22 to the licensing authority for a license to operate an alarm business. Any person engaged in the
23 alarm business on July 1, 1979, and filing a timely application may continue to engage in the
24 alarm business pending a final determination of the application. Any person not having previous
25 experience in the alarm business and filing as a new applicant who will be the owner or principal
26 officer of the business or branch office in this state shall not engage in the alarm business until
27 approval by the licensing authority of his or her alarm business license and I.D. card applications
28 for himself or herself and his or her employees.

29 **5-57-15. Contents of applications for licenses.**

30 (a) Applications for licenses required by the provisions of this chapter shall be filed with
31 the licensing authority on a form provided by the licensing authority. If the applicant is an
32 individual, the application shall be subscribed and sworn to by the individual. If the applicant is a
33 firm or partnership, the application shall be subscribed and sworn to by an owner in the case of a
34 firm, and by at least one general partner in the case of a partnership. If the applicant is an

1 individual and does not reside, operate any business, or is not employed within the state or if in
2 the event the applicant is a firm or partnership and no owner or general partner resides, operates a
3 business, or is employed within the state, then the application must also be subscribed and sworn
4 to by an individual having the authority and the responsibility for the management and operations
5 of the alarm business within the state. If the applicant is a corporation, the application shall be
6 subscribed and sworn to by at least one principal officer of the corporation. If the applicant is a
7 corporation and none of its principal officers is responsible for the management and operations of
8 the alarm business within the state, the application shall be subscribed and sworn to by an
9 individual having the authority and responsibility for the management and operations of the alarm
10 business within the state.

11 (b) If the applicant is a corporation, the application shall specify the date and place of its
12 incorporation; the location of the applicant's principal place of business; a list of the principal
13 officers of the corporation; owners of twenty-five percent (25%) or more of outstanding stock of
14 all classes of the corporation; and the business address, residence address, and the office or
15 position held by each officer in the corporation.

16 (c) The application shall include the following information for each individual required to
17 subscribe and swear to it:

18 (1) The individual's full name and address (business and residence);

19 (2) The individual's business telephone number;

20 (3) The individual's date and place of birth;

21 (4) The individual's social security number;

22 (5) The name and address of the individual's present place or places of employment or
23 self-employment and the length of time engaged there;

24 (6) A list of all felony and misdemeanor convictions of the individual in any jurisdiction;

25 (7) Two classifiable sets of fingerprints of the individual having the authority and the
26 responsibility for the management and operation of the alarm business within the state, recorded
27 in any manner that may be specified by the licensing authority; and

28 (8) Whether the individual has ever been denied in any jurisdiction a license or permit to
29 engage in the alarm business or has had the license or permit revoked.

30 (d) The application shall include the following information concerning the applicant:

31 (1) The name, address, and telephone number of the alarm business and the locations
32 where it intends to operate within the state;

33 (2) A statement as to the length of time that the applicant has been engaged in the alarm
34 business and where engaged; and the date when the alarm business or businesses commenced

1 operation in the state or when the alarm business intends to commence that operation;

2 (3) A statement as to whether, to the best knowledge and information of the individual
3 signing the application, ~~and~~ any of the owners, partners, or principal corporate officers of the
4 applicant, including those not residing within the state, have been convicted in any jurisdiction of
5 a felony or misdemeanor. If there have been any convictions, then the application must state the
6 names of the individuals convicted and the dates and places of the convictions.

7 (e) The licensing authority may require that the application include any other information
8 ~~which~~ the licensing authority may reasonably deem necessary to determine whether the applicant
9 or individual signing the application meets the requirements of this chapter or to establish the
10 truth of the facts presented in the application.

11 (f) Any individual signing a license application must be at least eighteen (18) years of
12 age.

13 SECTION 25. Sections 5-62-2 and 5-62-7 of the General Laws in Chapter 5-62 entitled
14 "Works of Art - Artists' Rights" are hereby amended to read as follows:

15 **5-62-2. Definitions.**

16 Whenever used in this chapter except where the context clearly requires, the terms listed
17 below have the following meanings:

18 (1) "Artist" means the creator of a work of fine art or, in the case of multiples, the person
19 who conceived or created the image, which is contained in or which constitutes the master from
20 which the individual print was made;

21 (2) "Art merchant" means a person who is in the business of dealing, exclusively or non-
22 exclusively, in works of fine art or multiples, or a person who by his or her occupation holds
23 himself or herself out as having knowledge or skill peculiar to those works, or to whom that
24 knowledge or skill may be attributed by his or her employment of an agent or other intermediary
25 who by his or her occupation holds himself or herself out as having that knowledge or skill. The
26 term "art merchant" includes an auctioneer who sells art works at public auction, and except in
27 the case of multiples, includes persons, not otherwise defined or treated as art merchants in this
28 section, who are consignors or principals of auctioneers;

29 (3) "Author" or "authorship" refers to the creator of a work of fine art or multiple or to
30 the period, culture, source, or origin, as the case may be, with which the creation of that work is
31 identified in the description of the work;

32 (4) "Certificate of authenticity" means a written statement by an art merchant confirming,
33 approving, or attesting to the authorship of a work of fine art or multiple, which is capable of
34 being used to the advantage or disadvantage of some person;

1 (5) "Conservation" means acts taken to correct deterioration and alteration and acts taken
2 to prevent, stop, or retard deterioration;

3 (6) "Counterfeit" means a work of fine art or multiple made, altered, or copied, with or
4 without intent to deceive, in any manner that it appears or is claimed to have an authorship ~~which~~
5 that it does not in fact possess;

6 (7) "Craft" means a functional or non-functional work individually designed, and crafted
7 by hand, in any medium, including, but not limited to, textile, tile, paper, clay, glass, fiber, wood,
8 metal, or plastic; provided, that if produced in multiples, craft does not include works mass
9 produced or produced in other than a limited edition;

10 (8) "Creditors" means "creditor" as defined in the Uniform Commercial Code, § ~~6A-1-~~
11 ~~201(12)~~ 6A-1-201(13);

12 (9) "Limited edition" means works of art produced from a master, all of which are the
13 same image and bear numbers or other markings to denote the limited production of the work to a
14 stated maximum number of multiples, or are otherwise held out as limited to a maximum number
15 of multiples;

16 (10) "Master", when used alone, is used in lieu of and means the same as such things as
17 printing plate, stone, block, screen, photographic negative, or other like material ~~which~~ that
18 contains an image used to produce visual art objects in multiples, or in the case of sculptures, a
19 mold, model, cast, form, or other prototype, other than from glass, from which additional
20 multiples of sculpture are produced, fabricated, or carved;

21 (11) "On consignment" means that no title to, estate in, or right to possession of, the work
22 of fine art or multiple that is superior to that of the cosigner vests in the cosignee, notwithstanding
23 the cosignee's power or authority to transfer or convey all the right, title, and interest of the
24 cosignor, in and to such work, to a third person;

25 (12) "Person" means an individual, partnership, corporation, association, or other group,
26 however organized;

27 (13) "Print", in addition to meaning a multiple produced by, but not limited to, such
28 processes as engraving, etching, woodcutting, lithography, and serigraphy, also means multiples
29 produced or developed from photographic negatives, or any combination of these processes;

30 (14) "Proofs" means multiples ~~which~~ that are the same as, and ~~which~~ that are produced
31 from the same masters as, the multiples in a limited edition, but which, whether so designated or
32 not, are set aside from and are in addition to the limited edition to which they relate;

33 (15) "Reproduction" means a copy, in any medium, of a work of fine art, that is displayed
34 or published under circumstances that, reasonably construed, evinces an intent that it be taken as

1 a representation of a work of fine art as created by the artist;

2 (16) "Reproduction right" means a right to reproduce, prepare derivative works of,
3 distribute copies of, publicly perform, or publicly display a work of fine art;

4 (17) "Sculpture" means a three-dimensional fine art object produced, fabricated, or
5 carved in multiple from a mold, model, cast, form, or other prototype, other than from glass, sold,
6 offered for sale, or consigned in, into, or from this state for an amount in excess of fifteen
7 hundred dollars (\$1,500);

8 (18) "Signed" means autographed by the artist's own hand, and not by mechanical means
9 of reproduction, after the multiple was produced, whether or not the master was signed or
10 unsigned;

11 (19) "Visual art multiples" or "multiples" means prints, photographs, positive or negative,
12 sculpture, and similar art objects produced in more than one copy and sold, offered for sale, or
13 consigned in, into, or from this state for an amount in excess of one hundred dollars (\$100)
14 exclusive of any frame or in the case of sculpture, an amount in excess of fifteen hundred dollars
15 (\$1,500). Pages or sheets taken from books and magazines and offered for sale or sold as visual
16 art objects shall be included, but books and magazines are excluded;

17 (20) "Work of fine art" means any original work of visual or graphic art of any medium
18 which includes, but is not limited to, the following: painting; drawing; print; photographic print,
19 or sculpture of a limited edition of no more than three hundred (300) copies; provided, that "work
20 of fine art" does not include sequential imagery such as that in motion pictures;

21 (21) "Written instrument" means a written or printed agreement, bill of sale, invoice,
22 certificate of authenticity, catalogue, or any other written or printed note or memorandum or label
23 describing the work of fine art or multiple ~~which~~ that is to be sold, exchanged, or cosigned by an
24 art merchant.

25 **5-62-7. Artists -- Art merchant relationships.**

26 (a) Notwithstanding any custom, practice, or usage of the trade, any provision of the
27 Uniform Commercial Code, or any other law, statute, requirement, or rule, or any agreement,
28 note, memorandum, or writing to the contrary:

29 (1) Whenever an artist or craftperson, his or her heirs, or personal representatives,
30 delivers or causes to be delivered a work of fine art, craft, or a print of his or her own creation to
31 an art merchant for the purpose of exhibition and/or sale on a commission, fee, or other basis of
32 compensation, the delivery to ~~an~~ and acceptance of the work or print by the art merchant
33 establishes a cosignor/cosignee relationship as between the artist or craftperson and the art
34 merchant with respect to the work, and:

1 (i) The consignee shall thereafter be deemed to be the agent of the cosignor with respect to
2 the work;

3 (ii) The work is trust property in the hands of the consignee for the benefit of the cosignor;

4 (iii) Any proceeds from the sale of the work are trust funds in the hands of the consignee
5 for the benefit of the cosignor;

6 (iv) The work shall remain trust property notwithstanding its purchase by the consignee for
7 his or her own account until the price is paid in full to the cosignor; provided that, if the work is
8 resold to a bona fide third party before the cosignor has been paid in full, the resale proceeds are
9 trust funds in the hands of the consignee for the benefit of the cosignor to the extent necessary to
10 pay any balance still due to the cosignor and the trusteeship shall continue until the fiduciary
11 obligation of the consignee with respect to the transaction is discharged in full; and

12 (v) No trust property or trust funds shall be subject or subordinate to any claims, liens, or
13 security interest of any kind or nature whatsoever.

14 (2) Waiver of any provision of this section is absolutely void except that a cosignor may
15 lawfully waive the provisions of paragraph (1)(iii) of this subsection, if the waiver is clear,
16 conspicuous, in writing, and subscribed by the cosignor, provided:

17 (i) No waiver shall be valid with respect to the first two thousand five hundred dollars
18 (\$2,500) of gross proceeds of sales received in any twelve- ~~(12)~~ month (12) period commencing
19 with the date of the execution of the waiver;

20 (ii) No waiver shall be valid with respect to the proceeds of a work initially received on
21 consignment but subsequently purchased by the consignee directly or indirectly for his or her own
22 account; and

23 (iii) No waiver shall inure to the benefit of the consignee's creditors in any manner ~~which~~
24 that might be inconsistent with the cosignor's rights under this section.

25 (3) Proceeds from the sale of consigned works covered by this section shall be deemed to
26 be revenue from the sale of tangible goods, and not revenue from the provision of services to the
27 cosignor or others, except that the provisions of this paragraph do not apply to proceeds from the
28 sale of consigned works sold at public auction.

29 (b) Nothing in this section shall be construed to have any effect upon any written or oral
30 contract or arrangement in existence prior to September 1, 2000, or to any extensions or renewals
31 of a contract, except by mutual written consent of the parties ~~of~~ to the contract.

32 SECTION 26. Sections 5-63.2-9 and 5-63.2-22 of the General Laws in Chapter 5-63.2
33 entitled "Mental Health Counselors and Marriage and Family Therapists" are hereby amended to
34 read as follows:

1 **5-63.2-9. Qualifications of licensed clinical mental health counselors.**

2 (a) An applicant for licensure shall submit to the board written evidence on forms
3 furnished by the division of professional regulation that the applicant:

4 (1) Is of good character; and

5 (2) Has received a graduate degree specializing in counseling/therapy from a college or
6 university accredited by the New England Association of Schools and Colleges, or an equivalent
7 regional accrediting agency, and which has the approval by a cognizable national or regional
8 certifying authority; and

9 (3) Has completed sixty (60) semester hours or ninety (90) quarter hours within ~~their~~ his
10 or her graduate counseling/therapy program; and

11 (4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter
12 hours of supervised practicum and a minimum of one calendar year of supervised internship
13 consisting of twenty (20) hours per week, or its equivalent, with emphasis in mental health
14 counseling supervised by the department within the college or university granting the requisite
15 degree or by an accredited postgraduate clinical training program recognized by the United States
16 Department of Education, or education and/or experience that is deemed equivalent by the board;
17 and

18 (5) Has completed a minimum of two (2) years of relevant postgraduate experience,
19 including at least two thousand (2,000) hours of direct client contact offering clinical or
20 counseling or therapy services with emphasis in mental health counseling subsequent to being
21 awarded a master's degree, certificate of advanced graduate study, or doctorate; and

22 (6) Has ~~A~~ a minimum of one hundred (100) hours of post-degree supervised case work
23 spread over a two-year (2) period; provided, that the supervision was provided by a person who,
24 at the time of rendering the supervision, was recognized by the board as an approved supervisor;
25 and

26 (7) Has passed, to the satisfaction of the board, an examination conducted by it to
27 determine the applicant's qualification for licensure as a clinical mental health counselor or is
28 applying for licensure under the provisions of § 5-63.2-15.

29 (b) A candidate shall be held to have qualified for licensure as a clinical mental health
30 counselor upon the affirmative vote of at least four (4) members of the board, two (2) of whom
31 must be mental health counselors on the board.

32 **5-63.2-22. Procedure for discipline.**

33 When a sworn complaint is filed with the board charging a person with having been
34 guilty of any of the actions specified in § ~~5-63.2-20~~ 5-63.2-21, the division of professional

1 regulation shall immediately investigate~~s~~ the charges~~;~~ or, the board, after investigation, may
2 institute charges. In the event the investigation reveals reasonable grounds for believing that the
3 applicant or person licensed under this chapter is guilty of the charges, the board shall fix a time
4 and place for a hearing, and shall cause a copy of the charges, together with a notice of the time
5 and the place fixed for a hearing, to be personally served upon the accused at least twenty (20)
6 days prior to the time fixed for the hearing. When personal service cannot be effected and the fact
7 is certified by oath by any person authorized to make service, the board shall cause to be
8 published once in each of two (2) successive weeks, a notice of the hearing in a newspaper
9 published in the county where the accused last resided according to the records of the board and
10 shall mail a copy of the charges and the notice to the accused at his or her last known address.
11 When publication of notice is necessary, the date of the hearing shall not be less than twenty (20)
12 days after the last date of publication of the notice. At the hearing~~,~~ the accused has the right to
13 appear personally or by counsel~~,~~ or both~~;~~ to produce witnesses and evidence on his or her
14 behalf~~;~~ to cross-examine witnesses~~;~~ and to have subpoenas issued by the administrator of
15 professional regulation. The attendance of witnesses and the production of books, documents~~,~~ and
16 papers at the hearing may be compelled by subpoenas issued by the administrator, which ~~is~~ **shall**
17 **be** served in accordance with law. At the hearing~~,~~ the administrator shall administer oaths that are
18 necessary for the proper conduct of the hearing. The board shall not be bound by the strict rules
19 of procedure or by the laws of evidence in the conduct of its proceedings, but the determination
20 shall be based upon sufficient legal evidence to sustain it. If the accused is found guilty of the
21 charges, the board may refuse to issue a registration to the applicant or may revoke or suspend his
22 or her license or discipline the person. Upon the revocation or suspension of any license~~,~~ the
23 holder shall surrender the license to the administrator of professional regulation who shall strike
24 the name of the holder from the register of licensed clinical mental health counselors and/or
25 licensed marriage and family therapists. A revocation or suspension of a license may be reviewed
26 at the discretion of the board or at the initiative of the administrator of professional regulation
27 who may order a rehearing of the issue if he or she finds cause.

28 SECTION 27. Section 5-69-13 of the General Laws in Chapter 5-69 entitled "License
29 Procedure for Chemical Dependency Professionals" is hereby amended to read as follows:

30 **5-69-13. Disciplinary sanctions.**

31 (a) The licensing board may recommend that the director impose any of the following
32 sanctions, singly or in combination, when it finds that a licensee is guilty of any offenses
33 described in this section:

34 (1) Revocation of the license;

- 1 (2) Suspension of the license for any period of time;
- 2 (3) Censure of the licensee;
- 3 (4) ~~Issue~~ Issuance of a letter ~~or of~~ reprimand;
- 4 (5) ~~Place~~ Placement of a licensee on probationary status and ~~require~~ requirement that
- 5 the licensee ~~to~~ submit to any of the following:

6 (i) ~~Report regularly~~ Regular reporting to the licensing board upon matters that are the

7 basis of probation;

8 (ii) ~~Continue to renew~~ Continual renewal of professional education until a satisfactory

9 degree of skill has been attached in those areas that are the basis of probation;

10 (iii) ~~Attend~~ Attendance at employee assistance counseling services.

11 (6) ~~Refuse~~ Refusal to renew a license;

12 (7) ~~Revoke~~ Revocation of probation ~~which that~~ was granted and ~~impose and~~

13 imposition of any other discipline provided in this section when the requirements of probation

14 are not fulfilled or have been violated.

15 (b) The director may reinstate any licensee to good standing under this chapter, ~~if,~~ after a

16 hearing, the department of health is satisfied that the applicant's renewed practice is in the public

17 interest.

18 (c) Upon the suspension or revocation of a license issued under this chapter, a licensee

19 shall be required to surrender the license to the director and upon failure to do so, the director

20 shall have the right to seize the license.

21 (d) The director may make available annually a list of the names and addresses of all

22 licensees under the provisions of this chapter, and of all persons who have been disciplined within

23 the preceding twelve (12) months.

24 (e) Any persons convicted of violating the provisions of this chapter shall be guilty of a

25 misdemeanor, punishable by a fine of not more than five hundred dollars (\$500), imprisonment

26 for not more than one year, or both.

27 SECTION 28. Sections 5-70-15 and 5-70-18 of the General Laws in Chapter 5-70

28 entitled "Telecommunications" are hereby amended to read as follows:

29 **5-70-15. Certificate -- Identification cards.**

30 (a) Upon payment of the fees required by this chapter, an individual who has complied

31 with the requirements of this chapter is entitled to a certificate and identification card indicating

32 that he or she is qualified for licensure under the provisions of this chapter.

33 (b) Each certificate shall contain the name of the individual to whom it was issued and his

34 or her date of birth and the category or categories ~~to~~ under which he or she is licensed.

1 (c) Each individual identification card shall contain the name of the individual to whom it
2 was issued, his or her date of birth, the class of license, the category or categories to which he or
3 she is licensed, and a head and shoulders picture (passport type) taken within three (3) months
4 prior to the date of issuance of the license.

5 (d) A duplicate certificate ~~and~~/or identification card to replace one ~~which~~ that has been
6 lost, destroyed, or mutilated may be issued by the board upon payment of the fee required by this
7 chapter.

8 **5-70-18. Enforcement.**

9 (a) The director of labor and training may refuse to issue a certificate, or may revoke or
10 annul a certificate, or may suspend a certificate for a period not to exceed one year for any of the
11 following acts:

12 (1) Bribery, fraud, or misrepresentation in obtaining a license;

13 (2) Performing or engaging in the installation, alteration, service, or testing of
14 telecommunications systems in another state or country in violation of the laws of that state or
15 country;

16 (3) Performing or engaging in the installation, alteration, service, or testing of
17 telecommunications systems in this state in violation of the provisions of this chapter or standards
18 of professional conduct established and published by the director of labor and training;

19 (4) Fraud, deceit, recklessness, gross negligence, or incompetence in the installation,
20 alteration, service, or testing of a telecommunications system; or

21 (5) Use of a license serial number in a manner other than that authorized by this chapter.

22 (b) The division of professional regulation is authorized to provide assistance to the
23 director of labor and training in the normal day-to-day enforcement and administration of this
24 chapter. This assistance shall be in accordance with sections entitled "~~Administration~~
25 administration" and "~~Enforcement enforcement~~" of the bylaws of the board. All administrative
26 guidance to the department shall be consistent with the ~~Administrative Procedures Act~~
27 administrative procedures act, chapter 35 of title 42, ~~of the state~~. The board shall be
28 responsible for the expenses incurred in the administration and enforcement of this chapter and
29 shall authorize payment from the fund to the department of labor and training for these expenses.

30 (c) Any person may prefer charges against an applicant or licensee under subsection (a)
31 of this section by submitting a written statement of charges, sworn to by the complainant with the
32 director of labor and training. The director of labor and training, or his or her designee, shall hear
33 and determine all charges within three (3) months after the date on which the statement of charges
34 was received by the division of professional regulation. The time and place of the hearing shall be

1 fixed by the director of labor and training. The applicant or licensee charged shall be entitled to
2 be represented by counsel. A hearing shall be conducted in accordance with the provisions for
3 hearings of contested cases in the Administrative Procedure Act, chapter 35 of title 42. The
4 director of labor and training, or his or her designee, may administer oaths and conduct
5 examinations. If, after the hearing, a majority of the members of the board with the approval of
6 the director of labor and training, find the accused applicant or licensee guilty of a charge or the
7 charges, ~~or any of them,~~ it may refuse to issue a license to the accused applicant, or it may
8 revoke or suspend the license of the accused licensee.

9 (d) The director of labor and training may, in his or her discretion, issue a license to any
10 applicant denied licensing under subsection (b) of this section upon presentation of suitable
11 evidence of reform. The director of labor and training may, in his or her discretion, reissue a
12 license revoked or suspended under subsection (b) of this section upon presentation of suitable
13 evidence of reform. There shall be a right to appeal of the reconsideration, should either party
14 choose, through the courts.

15 (e) Legal counsel of the department of labor and training shall act as legal advisor to the
16 director of labor and training and shall render the legal assistance that is necessary in carrying out
17 the provisions of this chapter. The board may employ counsel and other necessary assistance to
18 be appointed by the governor to aid in the enforcement of this chapter, and the compensation and
19 expenses shall be paid from the fund of the department of labor and training.

20 SECTION 29. Section 5-74.1-7 of the General Laws in Chapter 5-74.1 entitled "Uniform
21 Athlete Agents Act" is hereby amended to read as follows:

22 **5-74.1-7. Suspension, revocation, or refusal to renew registration.**

23 (a) The secretary of state may suspend, revoke, or refuse to renew a registration for
24 conduct that would have justified denial of registration under subsection 5-74.1-~~5(b)~~ 6(b).

25 (b) The secretary of state may deny, suspend, revoke, or refuse to renew a certificate of
26 registration or licensure only after proper notice and an opportunity for a hearing.

27 SECTION 30. Section 5-78-1 of the General Laws in Chapter 5-78 entitled "Dating
28 Services" is hereby amended to read as follows:

29 **5-78-1. Definitions.**

30 As used in this chapter:

31 (a) "Buyer" means any person entering into a social referral services contract with a
32 seller;

33 (b) "Person" means a natural person, partnership, corporation, association, or any other
34 legal entity.

1 (c) "Seller" means any person offering social referral services; ~~and~~

2 (d) "Social referral services" means dating, matrimonial, or personal referral services by
3 any of the following means:

4 (1) An exchange of names, telephone numbers, addresses, and statistics;

5 (2) A photograph or video selection process;

6 (3) Personal introductions provided by the seller ~~of~~ at the seller's place of business; or

7 (4) A social environment provided by the seller intended primarily as an alternative to
8 singles' bars or club type environments.

9 SECTION 31. Section 5-86-9 of the General Laws in Chapter 5-86 entitled "Licensing of
10 Applied Behavior Analysts" is hereby amended to read as follows:

11 **5-86-9. Qualifications and examinations for licensing.**

12 (a) An applicant for licensure as a licensed applied behavior analyst shall submit to the
13 board written evidence on forms furnished by the department that the applicant:

14 (1) Is of good moral character;

15 (2) Has obtained a graduate degree in applied behavior analysis or a related field, as
16 approved by the board, from a college or university accredited by the New England Association
17 of Schools and Colleges, or an equivalent regional accrediting agency, and that has the
18 approval by a national or regional certifying authority, including, but not limited to, the applied
19 behavior analyst licensing board;

20 (3) Has successfully completed the amount of coursework in applied behavior analysis
21 acceptable to the board;

22 (4) Has appropriate supervised experience to include either: (i) One year, including one
23 thousand five hundred (1,500) hours of supervised independent fieldwork in applied behavior
24 analysis. The distribution of supervised independent fieldwork hours must be at least ten (10)
25 hours per week, but not more than thirty (30) hours per week, for a minimum of three (3) weeks
26 per month; (ii) One thousand (1,000) hours of practicum in behavior analysis within a university
27 experience program approved by the national or regional certifying authority. The distribution of
28 practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25)
29 hours per week, for a minimum of three (3) weeks per month; or (iii) Seven hundred fifty (750)
30 hours of intensive practicum in behavior analysis within a university experience program
31 approved by the national or regional certifying authority. The distribution of intensive practicum
32 hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per
33 week, for a minimum of three (3) weeks per month;

34 (5) Has passed the relevant examination administered by an appropriate nationally

1 recognized accrediting organization as approved by the department of health for this function;

2 (6) ~~Maintain~~ Has maintained active status and fulfilled all relevant requirements for
3 renewal and relicensing with the nationally recognized and accredited organization(s) as
4 approved by the department of health licensing;

5 (7) Conducts his or her professional activities in accordance with accepted standards for
6 responsible professional conduct, as approved by the Rhode Island applied behavior analyst
7 licensing board; and

8 (8) Meets the criteria as established in § 5-86-12.

9 (b) An applicant for licensure as a licensed applied behavior assistant analyst shall submit
10 to the board written evidence on forms furnished by the department that the applicant:

11 (1) Is of good moral character;

12 (2) Has obtained a bachelor's degree in behavior analysis or a related field, as approved
13 by the board, from a college or university accredited by the New England Association of Schools
14 and Colleges, or an equivalent regional accrediting agency, and that has the approval by a
15 national or regional certifying authority, including, but not limited to, the applied behavior analyst
16 licensing board;

17 (3) Has successfully completed the amount of coursework in applied behavior analysis
18 acceptable to the board;

19 (4) Has appropriate supervised experience to include either: (i) One thousand (1,000)
20 hours of supervised independent fieldwork in applied behavior analysis. The distribution of
21 supervised independent fieldwork hours must be at least ten (10) hours per week, but not more
22 than thirty (30) hours per week, for a minimum of (3) three weeks per month; (ii) Six hundred
23 seventy (670) hours of practicum in behavior analysis within a university experience program
24 approved by the national or regional certifying board. The distribution of practicum hours must
25 be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a
26 minimum of three (3) weeks per month; or (iii) Five hundred (500) hours of intensive practicum
27 in behavior analysis within a university experience program approved by the national or regional
28 certifying board. The distribution of intensive practicum hours must be at least ten (10) hours per
29 week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per
30 month;

31 (5) Is supervised by a licensed applied behavior analyst in a manner consistent with the
32 board's requirements for supervision of licensed applied behavior assistant analysts;

33 (6) Has passed the examination administered by an appropriate nationally recognized
34 accrediting organization as approved by department of health licensing for this function;

1 (7) ~~Maintain~~ Has maintained active status and ~~fulfill~~ fulfilled all relevant requirements
2 for renewal and relicensing with the nationally recognized and accredited organization(s) as
3 approved by the department of health licensing;

4 (8) ~~Conduct~~ Conducts his or her professional activities in accordance with accepted
5 standards for responsible professional conduct, as required by the Rhode Island applied behavior
6 analyst licensure board; and

7 (9) ~~Meet~~ Meets the criteria as established in § 5-86-11.

8 (c) An applicant shall be judged to hold the equivalent requirement of a licensure as an
9 applied behavior analyst upon submission to the board, written evidence on forms furnished by
10 the department if the following equivalency requirements are met to the satisfaction of the
11 licensing board:

12 (1) Has received a doctoral degree in psychology from a college or university accredited
13 by the New England association of schools and colleges, or an equivalent regional accrediting
14 agency, and that has the approval by a national or regional certifying authority;

15 (2) Is individually licensed by the department of health as a psychologist subject to
16 chapter 44 of this title;

17 (3) Is of good moral character;

18 (4) Has completed coursework in applied behavior analysis supervised by the department
19 within the college or university granting the requisite degree or by an accredited postgraduate
20 clinical training program recognized by the United States department of education, or education
21 and/or experience which is deemed equivalent by the board;

22 (5) Has completed one thousand five hundred (1,500) hours of direct client contact
23 offering applied behavior analysis services subsequent to being awarded a doctoral degree in
24 psychology;

25 (6) Conducts his or her professional activities in accordance with accepted standards for
26 responsible professional conduct, as required by the Rhode Island applied behavior analyst
27 licensure board; and

28 (7) Meets the criteria as established in § 5-86-12.

29 ARTICLE II -- STATUTORY CONSTRUCTION

30 SECTION 1. Section 2-6-7 of the General Laws in Chapter 2-6 entitled "Rhode Island
31 Seed Act" is hereby amended to read as follows:

32 **2-6-7. Duties and authority of the director of the department of environmental**
33 **management.**

34 (a) The duty of enforcing this chapter and carrying out its provisions and requirements is

1 vested in the director of the department of environmental management. It is the duty of that
2 officer, who may act through his or her authorized agents:

3 (1) To sample, inspect, make analysis of, and test agricultural and vegetable seeds
4 transported, sold, or offered or exposed for sale within the state for sowing purposes, at any time
5 and place and to any extent as he or she may deem necessary to determine whether those
6 agricultural or vegetable seeds are in compliance with the provisions of this chapter; and to notify
7 promptly the person who transported, sold, offered, or exposed the seed for sale, of any violation;

8 (2) To prescribe and, after a public hearing following public notice, to adopt rules and
9 regulations governing the method of sampling, inspecting, analyzing, testing, and examining
10 agricultural and vegetable seed and the tolerances to be followed in the administration of this
11 chapter, which shall be in general accord with officially prescribed practice in interstate
12 commerce and any other rules and regulations that may be necessary to secure efficient
13 enforcement of this chapter;

14 (3) To prescribe and, after a public hearing following public notice, establish, add to, or
15 subtract from by regulations a prohibited and restricted noxious weed list; and

16 (4) To prescribe and, after a public hearing following public notice, to adopt rules and
17 regulations establishing reasonable standards of germination for vegetable seeds.

18 (b) For the purpose of carrying out the provisions of this chapter, the director,
19 individually or through his or her authorized agents, is authorized:

20 (1) To enter upon any public or private premises during regular business hours in order to
21 have access to seeds and the records connected with the premises subject to this chapter and rules
22 and regulations under this chapter, and any truck or other conveyor by land, water, or air at any
23 time when the conveyor is accessible, for the same purpose;

24 (2) To issue and enforce a written or printed "stop sale" order to the owner or custodian
25 of any lot of agricultural or vegetable seed that the director finds is in violation of any of the
26 provisions of this chapter or rules and regulations promulgated under this chapter. That order
27 shall prohibit further sale, processing, and movement of the seed, except on approval of the
28 director, until the director has evidence that the law has been complied with and the director has
29 issued a release from the "stop sale" order of the seed; provided, that in respect to seed that has
30 been denied sale, processing, and movement as provided in this paragraph, the owner or
31 custodian of the seed has the right to appeal from the order to a court of competent jurisdiction in
32 the locality in which the seeds are found, praying for a judgment as to the justification of the
33 order and for the discharge of the seeds from the order prohibiting the sale, processing, and
34 movement in accordance with the findings of the court. The provisions of this paragraph shall not

1 be construed as limiting the right of the director to proceed as authorized by other sections of this
2 chapter;

3 (3) To establish and maintain or make provisions for seed-testing facilities; to employ
4 qualified persons; and to incur any expenses that may be necessary to comply with these
5 provisions;

6 (4) To make or provide for making purity and germination tests of seed for farmers and
7 dealers on request; to prescribe rules and regulations governing that testing; and to fix and collect
8 charges for the tests made. Fees shall be accounted for in any manner that the state legislature
9 may prescribe; and

10 (5) To cooperate with the United States Department of Agriculture and other agencies in
11 seed law enforcement.

12 (c) Jurisdiction in all matters pertaining to the cultivation, harvesting, production,
13 processing, certification, labeling, inspection, analyzing, testing, sampling, classification,
14 designation, advertising, marketing, sale, storage, transportation, distribution, possession,
15 notification of use, planting, and other use of agricultural and vegetable seeds is, by this chapter,
16 vested exclusively in the director, to the exclusion of all local ordinances or regulations.

17 (1) All acts or parts of acts, whether general, special, or local, inconsistent with this
18 section are expressly repealed, declared to be invalid, and of no effect.

19 SECTION 2. Section 4-1.1-4 of the General Laws in Chapter 4-1.1 entitled "Unlawful
20 Confinement of a Covered Animal" is hereby amended to read as follows:

21 **4-1.1-4. Exceptions. [Effective until July 1, 2026.]**

22 This ~~section~~ chapter shall not apply:

23 (1) During medical research-; ;

24 (2) Temporary confinement prior to and during examination, testing, individual treatment
25 or operation for veterinary purposes-; ;

26 (3) During transportation-; ;

27 (4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar
28 exhibitions or educational programs-; ;

29 (5) During temporary confinement for animal husbandry purposes for no more than six

30 (6) hours in any twenty-four (24) hour period unless ordered by a licensed veterinarian-; ;

31 (6) During the humane slaughter of a sow or pig accordance with the provisions of
32 chapter 4-17, and other applicable laws and regulations-; ;

33 (7) To a sow during the fourteen (14) day period prior to the sows expected date of giving
34 birth and extending for a duration of time until the piglets are weaned. This period may be

1 modified upon the order of a licensed veterinarian; ~~;~~ **;**

2 (8) To calves being trained to exhibit; ~~;~~ **;-or**

3 (9) To calves being trained to accept routine confinement in dairy and beef housing.

4 **4-1.1-4. Exceptions. [Effective July 1, 2026.]**

5 This chapter shall not apply:

6 (1) During medical research;

7 (2) Temporary confinement prior to and during examination, testing, individual treatment
8 or operation for veterinary purposes;

9 (3) During transportation;

10 (4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar
11 exhibitions or educational programs;

12 (5) During temporary confinement for animal husbandry purposes for no more than six

13 (6) hours in any twenty-four-hour (24) period, unless ordered by a licensed veterinarian;

14 (6) During the humane slaughter of a covered animal in accordance with the provisions of
15 chapter 17 of this title, and other applicable laws and regulations;

16 (7) To a sow during the five-day (5) period prior to the sow's expected date of giving
17 birth and any day that the sow is nursing piglets;

18 (8) To calves being trained to exhibit; **or**

19 (9) To calves being trained to accept routine confinement in dairy and beef housing.

20 SECTION 3. Section 6-48-5 of the General Laws in Chapter 6-48 entitled "Consumer
21 Empowerment and Identity Theft Prevention Act of 2006" is hereby amended to read as follows:

22 **6-48-5. Security freeze -- Timing, covered entities, cost.**

23 (a)(1) A consumer may elect to place a "security freeze" on his or her credit report by
24 making a request by certified mail to a consumer reporting agency at an address designated by the
25 consumer reporting agency to receive such requests.

26 (2) A consumer reporting agency shall place a security freeze on a consumer's credit
27 report no later than five (5) business days after receiving from the consumer:

28 (i) A written request as described in subsection (a)(1); and

29 (ii) Proper identification.

30 (3) The consumer reporting agency shall send a written confirmation of the security
31 freeze to the consumer within ten (10) business days of placing the freeze and at the same time
32 shall provide the consumer with a unique personal identification number, password, or similar
33 device to be used by the consumer when providing authorization for the release of his or her
34 credit report for a specific period of time, or when permanently removing the freeze.

1 (4) If the consumer wishes to allow his or her credit report to be accessed for a specific
2 period of time while a freeze is in place, he or she shall contact the consumer reporting agency,
3 using a point of contact designated by the consumer reporting agency, to request that the freeze
4 be temporarily lifted and provide the following:

5 (i) Proper identification;

6 (ii) The unique personal identification number or password provided by the consumer
7 reporting agency pursuant to subsection (a)(3); and

8 (iii) The proper information regarding the time period for which the report shall be
9 available to users of the credit report.

10 (5) A consumer reporting agency that receives a request from a consumer to temporarily
11 lift a freeze on a credit report pursuant to subsection (a)(4) shall comply with the request no later
12 than three (3) business days after receiving the request.

13 (6) A consumer reporting agency may develop procedures involving the use of telephone,
14 fax, or, upon the consent of the consumer in the manner required by the Electronic Signatures in
15 Global and National Commerce Act, 15 U.S.C. § 7001 et seq., hereinafter referred to as ("E-
16 Sign") for legally required notices, by the internet, e-mail, or other electronic media to receive
17 and process a request from a consumer to temporarily lift a freeze on a credit report pursuant to
18 subsection (a)(4) in an expedited manner.

19 (7) A consumer reporting agency shall remove or temporarily lift a freeze placed on a
20 consumer's credit report only in the following cases:

21 (i) Upon consumer request, pursuant to subsection (a)(4) or (a)(~~10~~ 9); and

22 (ii) If the consumer's credit report was frozen due to a material misrepresentation of fact
23 by the consumer. If a consumer reporting agency intends to remove a freeze upon a consumer's
24 credit report pursuant to this paragraph, the consumer reporting agency shall notify the consumer
25 in writing prior to removing the freeze on the consumer's credit report.

26 (8) If a third party requests access to a consumer credit report on which a security freeze
27 is in effect; and this request is in connection with an application for credit or any other use; and
28 the consumer does not allow his or her credit report to be accessed; then the third party may treat
29 the application as incomplete.

30 (9) A security freeze shall remain in place until the consumer requests, using a point of
31 contact designated by the consumer reporting agency, that the security freeze be removed. A
32 consumer reporting agency shall remove a security freeze within three (3) business days of
33 receiving a request for removal from the consumer who provides all of the following:

34 (i) Proper identification; and

1 (ii) The unique personal identification number or password provided by the consumer
2 reporting agency pursuant to subsection (a)(3).

3 (10) A consumer reporting agency shall require proper identification of the person
4 making a request to place or remove a security freeze.

5 (11) A consumer reporting agency may not suggest or otherwise state or imply to a third
6 party that the consumer's security freeze reflects a negative credit score, history, report, or rating.

7 (12) The provisions of this section do not apply to the use of a consumer credit report by
8 any of the following:

9 (i) A person, or the person's subsidiary, affiliate, agent, or assignee with which the
10 consumer has, or prior to assignment had, an account, contract, or debtor-creditor relationship for
11 the purposes of reviewing the account or collecting the financial obligation owing for the account,
12 contract, or debt;

13 (ii) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom
14 access has been granted under subsection (a)(4) for purposes of facilitating the extension of credit
15 or other permissible use;

16 (iii) Any person acting pursuant to a court order, warrant, or subpoena;

17 (iv) A state or local agency that administers a program for establishing and enforcing
18 child support obligations;

19 (v) The department of health, or its agents or assigns, acting to investigate fraud;

20 (vi) The attorney general, or its agents or assigns, acting to investigate fraud;

21 (vii) The division of taxation, or its agents or assigns, acting to investigate or collect
22 delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities;

23 (viii) The use of a credit report by a person for purposes of prescreening as defined by the
24 federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.;

25 (ix) Any person or entity administering a credit file monitoring subscription service to
26 which the consumer has subscribed;

27 (x) Any person or entity for the purpose of providing a consumer with a copy of his or
28 her credit report upon the consumer's request; and

29 (xi) Any person or entity for use in setting or adjusting a rate, adjusting a claim, or
30 underwriting for insurance purposes.

31 (13) A consumer may not be charged a fee for any security freeze service by a consumer
32 reporting agency.

33 (b) Entities not required to place a security freeze.

34 The following entities are not required to place a security freeze on a credit report:

1 (1) A consumer reporting agency that acts only as a reseller of credit information by
2 assembling and merging information contained in the database of another consumer reporting
3 agency or multiple consumer credit reporting agencies and does not maintain a permanent
4 database of credit information from which new consumer credit reports are produced. However, a
5 consumer reporting agency acting as a reseller shall honor any security freeze placed on a
6 consumer credit report by another consumer reporting agency;

7 (2) A check services or fraud prevention services company that issues reports on
8 incidents of fraud or authorizations for the purpose of approving or processing negotiable
9 instruments, electronic funds transfers, or similar methods of payments;

10 (3) A deposit account information service company that issues reports regarding account
11 closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information
12 regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a
13 consumer request for a deposit account at the inquiring bank or financial institution; and

14 (4) Any database or file that consists of any information adverse to the interests of the
15 consumer, including, but not limited to, criminal record information; personal loss history
16 information; information used for fraud prevention or detection; tenant screening; and
17 employment screening.

18 SECTION 4. Section 11-13-9 of the General Laws in Chapter 11-13 entitled "Explosives
19 and Fireworks" is hereby amended to read as follows:

20 **11-13-9. Placing of explosive devices -- Threats -- Possession of readily convertible**
21 **components.** (a) Every person who, without lawful authority, places a bomb, explosive device, or
22 any destructive or incendiary device or substance, or falsely reports the placing of a bomb,
23 explosive device, or any destructive or incendiary device or substance, shall upon conviction be
24 imprisoned not less than three (3) years nor more than twenty (20) years and fined not less than
25 one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000).

26 (b) Every person who threatens to place a bomb, explosive device, or any destructive or
27 incendiary device or substance, ~~or falsely reports the placing of a bomb, explosive device, or~~
28 ~~any destructive or incendiary device or substance,~~ shall, upon conviction, be imprisoned not
29 less than one year nor more than ten (10) years and fined not less than five hundred dollars (\$500)
30 nor more than five thousand dollars (\$5,000).

31 (c) Whoever, without lawful authority, has in their possession or under their control any
32 bomb, explosive device, or any destructive or incendiary device or substance, or combination of
33 materials that are readily convertible to a bomb, explosive device, or any destructive or
34 incendiary device or substance, shall be punished by imprisonment for not less than three (3)

1 years nor more than twenty (20) years, or by a fine of not less than one thousand dollars (\$1,000)
2 nor more than ten thousand dollars (\$10,000), or both.

3 SECTION 5. Section 20-2-31 of the General Laws in Chapter 20-2 entitled "Licensing" is
4 hereby amended to read as follows:

5 **20-2-31. Hunting and fishing licenses -- Exceptions.**

6 (a) Every valid license to hunt or fish in this state that is held by any resident of this state
7 upon joining the armed forces or the merchant marine of the United States is hereby extended and
8 is in force and valid until six (6) months following the termination of his or her service.

9 (b) Every member of the armed forces or of the merchant marine of the United States
10 may hunt or fish in this state if that person procures a hunting or fishing license issued by the
11 state of Rhode Island, the fee for which is that charged for a resident civilian.

12 (c) Every man or woman who was a part of the armed forces of the United States
13 government and is now a one hundred percent (100%) disabled veteran, and any man or woman
14 who is one hundred percent (100%) permanently disabled, is entitled, subject to the provisions of
15 this title, to receive a license to hunt ~~and~~/or fish or both in this state; and upon the presentation of
16 his or her necessary military discharge identification ~~and~~/or disability papers or both, as
17 prescribed by the department of environmental management, shall, at the discretion of the
18 licensing authority, receive, without the payment of any license fee, a continuing special form of
19 license authorizing the man or woman to hunt ~~and~~/or fish in this state in accordance with the
20 provisions of this title and regulations issued pursuant to this title for so long as he or she so
21 desires; provided, however, that the man or woman, having once made application for this
22 license, shall not again be required to appear before the licensing authority to present his or her
23 papers.

24 (d) A freshwater fishing license is not required of any blind person. For the purposes of
25 this section, a person is blind only if his or her central visual acuity does not exceed 20/200 in the
26 better eye with correcting lenses or if his or her visual acuity is greater than 20/200 but is
27 accompanied by a limitation in the fields of vision such that the widest diameter of the visual
28 field subtends an angle no greater than twenty degrees (20°).

29 (e) Every resident man or woman over the age of sixty-five (65) years is entitled, subject
30 to the provisions of this title and the regulations issued pursuant to this title, to receive a special
31 permanent license to hunt ~~and~~/or fish or both in this state for which there is no fee.

32 (f) Any man or woman who is one hundred percent (100%) permanently disabled may
33 apply to receive a license to fish in this state, and upon presentation of a proof of his or her
34 disability as prescribed by the department of environmental management, receive, without the

1 payment of any license fee, a continuing special form of license authorizing the man or woman to
2 fish in this state for so long as he or she so desires; provided, however, that the man or woman,
3 having once made application for this license, shall not again be required to appear before the
4 licensing authority to present his or her papers.

5 (g) The director may, by regulation, designate no more than two (2) days in each year,
6 which may or may not be consecutive, during which residents and nonresidents may, without
7 having a license and without payment of any fee, exercise the privileges of a holder of a
8 freshwater fishing license. These persons are subject to all other limitations, restrictions,
9 conditions, laws, rules, and regulations applicable to the holder of a freshwater fishing license.

10 (h) For the purpose of this section, "man or woman who is one hundred percent (100%)
11 permanently disabled" means an individual who has a physical or mental impairment and is
12 receiving:

13 (1) Social Security Disability Insurance Benefits (SSDI); [or](#)

14 (2) Supplemental Security Income benefits (SSI).

15 All licenses that are issued to persons who qualify pursuant to this subsection shall be
16 issued without the requirement of the payment of a fee and shall expire annually on February 28
17 of each year. Persons seeking the issuance or reissuance of licenses shall be required to present
18 documentation establishing that the applicant is qualified, or remains qualified, pursuant to this
19 subsection.

20 SECTION 6. Section 23-4-3.1 of the General Laws in Chapter 23-4 entitled "Office of
21 State Medical Examiners" is hereby amended to read as follows:

22 **23-4-3.1. Immunity.**

23 No member of the multi-disciplinary team for review of drug-related overdose deaths
24 shall be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege,
25 including, but not limited to, civil penalty or disciplinary action by a business, occupational, or
26 professional licensing board or entity (and, for members who are state employees, termination; [or](#)
27 loss of employee or pension benefits), for acting in accordance with § 23-4-3.

28 SECTION 7. Section 23-22.5-1 of the General Laws in Chapter 23-22.5 entitled
29 "Drowning Prevention and Lifesaving" is hereby amended to read as follows:

30 **23-22.5-1. Rules, regulations, and orders -- Facilities to which applicable.**

31 (a) The department of environmental management is authorized and empowered to adopt
32 and prescribe rules of procedure and regulations and to amend, change, and/or repeal these rules
33 and regulations and make any orders and perform any actions that it may deem necessary to the
34 proper administration and supervision of drowning prevention, lifesaving, first aid, and safety

1 personnel and equipment of all camps, camp grounds, bathhouses, bathing resorts, beachside
2 motels or boarding houses, beachside parking areas, swimming pools, other beach and swimming
3 areas, surfing areas, amusement parks, and skiing areas ~~which~~ that serve all and/or any part of
4 the general public by fee, membership, or invitation. The provisions of this chapter shall not
5 apply to facilities maintained by a person without charge or assessment to the general public and
6 ~~which~~ that are for the sole use of his or her family, private guests, or tenants.

7 (b) The department shall charge an annual fee of ten dollars (\$10.00) for lifeguard
8 certification required by the rules and regulations. ~~The funds shall be appropriated to the "user~~
9 ~~fees at state beaches, parks and recreation areas --- development fund" established under §~~
10 ~~42-17.1-29.~~

11 SECTION 8. Section 31-3.1-2 of the General Laws in Chapter 31-3.1 entitled
12 "Certificates of Title and Security Interests" is hereby amended to read as follows:

13 **31-3.1-2. Exclusions.**

14 No certificate of title need be obtained for:

15 (1) A vehicle owned by the United States unless it is registered in this state;

16 (2) A vehicle owned by a manufacturer or dealer and held for sale, even though
17 incidentally moved on the highway, or used for purposes of testing or demonstration; or a vehicle
18 used by a manufacturer solely for testing;

19 (3) A vehicle owned by a nonresident of this state and not required by law to be
20 registered in this state;

21 (4) A vehicle regularly engaged in the interstate transportation of persons or property for
22 which a currently effective certificate of title has been issued in another state;

23 (5) A vehicle moved solely by human or animal power;

24 (6) An implement of husbandry;

25 (7) Special mobile equipment;

26 (8) A self-propelled ~~invalid~~ wheelchair for a person with a disability or tricycle;

27 (9) A trailer without motive power and designed for carrying property, to be drawn by a
28 motor vehicle and having a gross vehicle weight rating (GVWR) of three thousand pounds (3,000
29 lbs.) or less. As used herein, the term "trailer" does not include a travel trailer, a fifth-wheel
30 trailer, or park trailer, as defined in § 31-1-3;

31 (10) Motorized bicycles; and

32 (11) A mobile home or other nonmotorized dwelling unit built on a chassis greater than
33 eight feet six inches (8' 6") in width or sixty feet (60') in length and containing complete
34 electrical, plumbing, and sanitary facilities, and designed to be installed on a temporary or

1 permanent foundation for permanent living quarters.

2 SECTION 9. Section 31-27-2 of the General Laws in Chapter 31-27 entitled "Motor
3 Vehicle Offenses" is hereby amended to read as follows:

4 **31-27-2. Driving under influence of liquor or drugs.**

5 (a) Whoever drives or otherwise operates any vehicle in the state while under the
6 influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in
7 chapter 28 of title 21, or any combination of these, shall be guilty of a misdemeanor, except as
8 provided in subsection (d)(3), and shall be punished as provided in subsection (d).

9 (b)(1) Any person charged under subsection (a), whose blood alcohol concentration is
10 eight one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis
11 of a blood, breath, or urine sample, shall be guilty of violating subsection (a). This provision shall
12 not preclude a conviction based on other admissible evidence. Proof of guilt under this section
13 may also be based on evidence that the person charged was under the influence of intoxicating
14 liquor, drugs, toluene, or any controlled substance defined in chapter 28 of title 21, or any
15 combination of these, to a degree that rendered the person incapable of safely operating a vehicle.
16 The fact that any person charged with violating this section is, or has been, legally entitled to use
17 alcohol or a drug shall not constitute a defense against any charge of violating this section.

18 (2) Whoever drives, or otherwise operates, any vehicle in the state with a blood presence
19 of any scheduled controlled substance as defined within chapter 28 of title 21, as shown by
20 analysis of a blood or urine sample, shall be guilty of a misdemeanor and shall be punished as
21 provided in subsection (d).

22 (c) In any criminal prosecution for a violation of subsection (a), evidence as to the
23 amount of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
24 title 21, or any combination of these, in the defendant's blood at the time alleged as shown by a
25 chemical analysis of the defendant's breath, blood, or urine or other bodily substance, shall be
26 admissible and competent, provided that evidence is presented that the following conditions have
27 been complied with:

28 (1) The defendant has consented to the taking of the test upon which the analysis is made.
29 Evidence that the defendant had refused to submit to the test shall not be admissible unless the
30 defendant elects to testify.

31 (2) A true copy of the report of the test result was mailed within seventy-two (72) hours
32 of the taking of the test to the person submitting to a breath test.

33 (3) Any person submitting to a chemical test of blood, urine, or other body fluids shall
34 have a true copy of the report of the test result mailed to him or her within thirty (30) days

1 following the taking of the test.

2 (4) The test was performed according to methods and with equipment approved by the
3 director of the department of health of the state of Rhode Island and by an authorized individual.

4 (5) Equipment used for the conduct of the tests by means of breath analysis had been
5 tested for accuracy within thirty (30) days preceding the test by personnel qualified as
6 hereinbefore provided, and breathalyzer operators shall be qualified and certified by the
7 department of health within three hundred sixty-five (365) days of the test.

8 (6) The person arrested and charged with operating a motor vehicle while under the
9 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
10 title 21 or any combination of these in violation of subsection (a), was afforded the opportunity to
11 have an additional chemical test. The officer arresting or so charging the person shall have
12 informed the person of this right and afforded him or her a reasonable opportunity to exercise this
13 right, and a notation to this effect is made in the official records of the case in the police
14 department. Refusal to permit an additional chemical test shall render incompetent and
15 inadmissible in evidence the original report.

16 (d)(1)(i) Every person found to have violated subsection (b)(1) shall be sentenced as
17 follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one
18 percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood
19 presence of any scheduled controlled substance as defined in subsection (b)(2), shall be subject to
20 a fine of not less than one hundred dollars (\$100), nor more than three hundred dollars (\$300);
21 shall be required to perform ten (10) to sixty (60) hours of public community restitution, and/or
22 shall be imprisoned for up to one year. The sentence may be served in any unit of the adult
23 correctional institutions in the discretion of the sentencing judge and/or shall be required to attend
24 a special course on driving while intoxicated or under the influence of a controlled substance;
25 provided, however, that the court may permit a servicemember or veteran to complete any court-
26 approved counseling program administered or approved by the Veterans' Administration, and his
27 or her driver's license shall be suspended for thirty (30) days up to one hundred eighty (180) days.
28 The sentencing judge or magistrate may prohibit that person from operating a motor vehicle that
29 is not equipped with an ignition interlock system as provided in § 31-27-2.8.

30 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-
31 tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent
32 (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less
33 than one hundred (\$100) dollars, nor more than four hundred dollars (\$400), and shall be required
34 to perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned

1 for up to one year. The sentence may be served in any unit of the adult correctional institutions in
2 the discretion of the sentencing judge. The person's driving license shall be suspended for a
3 period of three (3) months to twelve (12) months. The sentencing judge shall require attendance
4 at a special course on driving while intoxicated or under the influence of a controlled substance
5 and/or alcoholic or drug treatment for the individual; provided, however, that the court may
6 permit a servicemember or veteran to complete any court-approved counseling program
7 administered or approved by the Veterans' Administration. The sentencing judge or magistrate
8 may prohibit that person from operating a motor vehicle that is not equipped with an ignition
9 interlock system as provided in § 31-27-2.8.

10 (iii) Every person convicted of a first offense whose blood alcohol concentration is
11 fifteen hundredths of one percent (.15%) or above, or who is under the influence of a drug,
12 toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to a fine of
13 five hundred dollars (\$500) and shall be required to perform twenty (20) to sixty (60) hours of
14 public community restitution and/or shall be imprisoned for up to one year. The sentence may be
15 served in any unit of the adult correctional institutions in the discretion of the sentencing judge.
16 The person's driving license shall be suspended for a period of three (3) months to eighteen (18)
17 months. The sentencing judge shall require attendance at a special course on driving while
18 intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment for
19 the individual; provided, however, that the court may permit a servicemember or veteran to
20 complete any court-approved counseling program administered or approved by the Veterans'
21 Administration. The sentencing judge or magistrate shall prohibit that person from operating a
22 motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

23 (2)(i) Every person convicted of a second violation within a five-year (5) period with a
24 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than
25 fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or
26 who has a blood presence of any controlled substance as defined in subsection (b)(2), and every
27 person convicted of a second violation within a five-year (5) period, regardless of whether the
28 prior violation and subsequent conviction was a violation and subsequent conviction under this
29 statute or under the driving under the influence of liquor or drugs statute of any other state, shall
30 be subject to a mandatory fine of four hundred dollars (\$400). The person's driving license shall
31 be suspended for a period of one year to two (2) years, and the individual shall be sentenced to
32 not less than ten (10) days, nor more than one year, in jail. The sentence may be served in any
33 unit of the adult correctional institutions in the discretion of the sentencing judge; however, not
34 less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing

1 judge shall require alcohol or drug treatment for the individual; provided, however, that the court
2 may permit a servicemember or veteran to complete any court-approved counseling program
3 administered or approved by the Veterans' Administration and shall prohibit that person from
4 operating a motor vehicle that is not equipped with an ignition interlock system as provided in §
5 31-27-2.8.

6 (ii) Every person convicted of a second violation within a five-year (5) period whose
7 blood alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as
8 shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of
9 a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to
10 mandatory imprisonment of not less than six (6) months, nor more than one year; a mandatory
11 fine of not less than one thousand dollars (\$1,000); and a mandatory license suspension for a
12 period of two (2) years from the date of completion of the sentence imposed under this
13 subsection. The sentencing judge shall require alcohol or drug treatment for the individual;
14 provided, however, that the court may permit a servicemember or veteran to complete any court
15 approved counseling program administered or approved by the Veterans' Administration. The
16 sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is
17 not equipped with an ignition interlock system as provided in § 31-27-2.8

18 (3)(i) Every person convicted of a third or subsequent violation within a five-year (5)
19 period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or
20 above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol
21 concentration is unknown or who has a blood presence of any scheduled controlled substance as
22 defined in subsection (b)(2), regardless of whether any prior violation and subsequent conviction
23 was a violation and subsequent conviction under this statute or under the driving under the
24 influence of liquor or drugs statute of any other state, shall be guilty of a felony and be subject to
25 a mandatory fine of four hundred (\$400) dollars. The person's driving license shall be suspended
26 for a period of two (2) years to three (3) years, and the individual shall be sentenced to not less
27 than one year and not more than three (3) years in jail. The sentence may be served in any unit of
28 the adult correctional institutions in the discretion of the sentencing judge; however, not less than
29 forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall
30 require alcohol or drug treatment for the individual; provided, however, that the court may permit
31 a servicemember or veteran to complete any court-approved counseling program administered or
32 approved by the Veterans' Administration, and shall prohibit that person from operating a motor
33 vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

34 (ii) Every person convicted of a third or subsequent violation within a five-year (5) period

1 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight
2 as shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence
3 of a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to
4 mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a
5 mandatory fine of not less than one thousand dollars (\$1,000), nor more than five thousand
6 dollars (\$5,000); and a mandatory license suspension for a period of three (3) years from the date
7 of completion of the sentence imposed under this subsection. The sentencing judge shall require
8 alcohol or drug treatment for the individual. The sentencing judge or magistrate shall prohibit that
9 person from operating a motor vehicle that is not equipped with an ignition interlock system as
10 provided in § 31-27-2.8.

11 (iii) In addition to the foregoing penalties, every person convicted of a third or
12 subsequent violation within a five-year (5) period, regardless of whether any prior violation and
13 subsequent conviction was a violation and subsequent conviction under this statute or under the
14 driving under the influence of liquor or drugs statute of any other state, shall be subject, in the
15 discretion of the sentencing judge, to having the vehicle owned and operated by the violator
16 seized and sold by the state of Rhode Island, with all funds obtained by the sale to be transferred
17 to the general fund.

18 (4) Whoever drives or otherwise operates any vehicle in the state while under the
19 influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in
20 chapter 28 of title 21, or any combination of these, when his or her license to operate is
21 suspended, revoked, or cancelled for operating under the influence of a narcotic drug or
22 intoxicating liquor, shall be guilty of a felony punishable by imprisonment for not more than three
23 (3) years and by a fine of not more than three thousand dollars (\$3,000). The court shall require
24 alcohol and/or drug treatment for the individual; provided, the penalties provided for in this
25 subsection (d)(4) shall not apply to an individual who has surrendered his or her license and
26 served the court-ordered period of suspension, but who, for any reason, has not had his or her
27 license reinstated after the period of suspension, revocation, or suspension has expired; provided,
28 further, the individual shall be subject to the provisions of subdivision (d)(2)(i), (d)(2)(ii),
29 (d)(3)(i), (d)(3)(ii), or (d)(3)(iii) regarding subsequent offenses, and any other applicable
30 provision of this section.

31 (5)(i) For purposes of determining the period of license suspension, a prior violation shall
32 constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1.

33 (ii) Any person over the age of eighteen (18) who is convicted under this section for
34 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of

1 these, while a child under the age of thirteen (13) years was present as a passenger in the motor
2 vehicle when the offense was committed shall be subject to immediate license suspension
3 pending prosecution. Any person convicted of violating this section shall be guilty of a
4 misdemeanor for a first offense and may be sentenced to a term of imprisonment of not more than
5 one year and a fine not to exceed one thousand dollars (\$1,000). Any person convicted of a
6 second or subsequent offense shall be guilty of a felony offense and may be sentenced to a term
7 of imprisonment of not more than five (5) years and a fine not to exceed five thousand dollars
8 (\$5,000). The sentencing judge shall also order a license suspension of up to two (2) years,
9 require attendance at a special course on driving while intoxicated or under the influence of a
10 controlled substance, and alcohol or drug education and/or treatment. The individual may also be
11 required to pay a highway assessment fee of no more than five hundred dollars (\$500) and the
12 assessment shall be deposited in the general fund.

13 (6)(i) Any person convicted of a violation under this section shall pay a highway
14 assessment fine of five hundred dollars (\$500) that shall be deposited into the general fund. The
15 assessment provided for by this subsection shall be collected from a violator before any other
16 fines authorized by this section.

17 (ii) Any person convicted of a violation under this section shall be assessed a fee of
18 eighty-six dollars (\$86).

19 (7)(i) If the person convicted of violating this section is under the age of eighteen (18)
20 years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of
21 public community restitution and the juvenile's driving license shall be suspended for a period of
22 six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing
23 judge shall also require attendance at a special course on driving while intoxicated or under the
24 influence of a controlled substance and alcohol or drug education and/or treatment for the
25 juvenile. The juvenile may also be required to pay a highway assessment fine of no more than
26 five hundred dollars (\$500) and the assessment imposed shall be deposited into the general fund.

27 (ii) If the person convicted of violating this section is under the age of eighteen (18)
28 years, for a second or subsequent violation regardless of whether any prior violation and
29 subsequent conviction was ~~a violation and subsequent~~ under this statute or under the driving
30 under the influence of liquor or drugs statute of any other state, he or she shall be subject to a
31 mandatory suspension of his or her driving license until such time as he or she is twenty-one (21)
32 years of age and may, in the discretion of the sentencing judge, also be sentenced to the Rhode
33 Island training school for a period of not more than one year and/or a fine of not more than five
34 hundred dollars (\$500).

1 (8) Any person convicted of a violation under this section may undergo a clinical
2 assessment at the community college of Rhode Island's center for workforce and community
3 education. Should this clinical assessment determine problems of alcohol, drug abuse, or
4 psychological problems associated with alcoholic or drug abuse, this person shall be referred to
5 an appropriate facility, licensed or approved by the department of behavioral healthcare,
6 developmental disabilities and hospitals, for treatment placement, case management, and
7 monitoring. In the case of a servicemember or veteran, the court may order that the person be
8 evaluated through the Veterans' Administration. Should the clinical assessment determine
9 problems of alcohol, drug abuse, or psychological problems associated with alcohol or drug
10 abuse, the person may have their treatment, case management, and monitoring administered or
11 approved by the Veterans' Administration.

12 (e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol
13 per one hundred (100) cubic centimeters of blood.

14 (f)(1) There is established an alcohol and drug safety unit within the division of motor
15 vehicles to administer an alcohol safety action program. The program shall provide for placement
16 and follow-up for persons who are required to pay the highway safety assessment. The alcohol
17 and drug safety action program will be administered in conjunction with alcohol and drug
18 programs licensed by the department of behavioral healthcare, developmental disabilities and
19 hospitals.

20 (2) Persons convicted under the provisions of this chapter shall be required to attend a
21 special course on driving while intoxicated or under the influence of a controlled substance,
22 and/or participate in an alcohol or drug treatment program; provided, however, that the court may
23 permit a servicemember or veteran to complete any court-approved counseling program
24 administered or approved by the Veterans' Administration. The course shall take into
25 consideration any language barrier that may exist as to any person ordered to attend, and shall
26 provide for instruction reasonably calculated to communicate the purposes of the course in
27 accordance with the requirements of the subsection. Any costs reasonably incurred in connection
28 with the provision of this accommodation shall be borne by the person being retrained. A copy of
29 any violation under this section shall be forwarded by the court to the alcohol and drug safety
30 unit. In the event that persons convicted under the provisions of this chapter fail to attend and
31 complete the above course or treatment program, as ordered by the judge, then the person may be
32 brought before the court, and after a hearing as to why the order of the court was not followed,
33 may be sentenced to jail for a period not exceeding one year.

34 (3) The alcohol and drug safety action program within the division of motor vehicles

1 shall be funded by general revenue appropriations.

2 (g) The director of the department of health ~~department of the state of Rhode Island~~
3 is empowered to make and file with the secretary of state regulations that prescribe the techniques
4 and methods of chemical analysis of the person's body fluids or breath and the qualifications and
5 certification of individuals authorized to administer this testing and analysis.

6 (h) Jurisdiction for misdemeanor violations of this section shall be with the district court
7 for persons eighteen (18) years of age or older and to the family court for persons under the age
8 of eighteen (18) years. The courts shall have full authority to impose any sentence authorized and
9 to order the suspension of any license for violations of this section. All trials in the district court
10 and family court of violations of the section shall be scheduled within thirty (30) days of the
11 arraignment date. No continuance or postponement shall be granted except for good cause shown.
12 Any continuances that are necessary shall be granted for the shortest practicable time. Trials in
13 superior court are not required to be scheduled within thirty (30) days of the arraignment date.

14 (i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on
15 driving while intoxicated or under the influence of a controlled substance, public community
16 restitution, or jail provided for under this section can be suspended.

17 (j) An order to attend a special course on driving while intoxicated, that shall be
18 administered in cooperation with a college or university accredited by the state, shall include a
19 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars
20 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into
21 the general fund.

22 (k) For the purposes of this section, any test of a sample of blood, breath, or urine for the
23 presence of alcohol that relies in whole or in part upon the principle of infrared light absorption is
24 considered a chemical test.

25 (l) If any provision of this section, or the application of any provision, shall for any
26 reason be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of
27 the section, but shall be confined in this effect to the provision or application directly involved in
28 the controversy giving rise to the judgment.

29 (m) For the purposes of this section, "servicemember" means a person who is presently
30 serving in the armed forces of the United States, including the Coast Guard, a reserve component
31 thereof, or the National Guard. "Veteran" means a person who has served in the armed forces,
32 including the Coast Guard of the United States, a reserve component thereof, or the National
33 Guard, and has been discharged under other than dishonorable conditions.

34 SECTION 10. Section 31-47-12 of the General Laws in Chapter 31-47 entitled "Motor

1 Vehicle Reparations Act" is hereby amended to read as follows:

2 **31-47-12. Police officers and agents of administrator of the division of motor**
3 **vehicles -- Fees collected, forms of proof. [Effective January 1, 2019.]**

4 (a) For the purpose of enforcing the provisions of this chapter, every police officer of a
5 state, town, or municipality is deemed an agent of the administrator of the division of motor
6 vehicles. Any police officer who, in the performance of his or her duties as authorized by law,
7 becomes aware of a person whose license is under an order of suspension, or whose certificate of
8 registration and registration plates are under an order of impoundment, pursuant to this section
9 may confiscate the license, certificate of registration, and registration plates, and return them to
10 the administrator of the division of motor vehicles. Any forms used by law enforcement agencies
11 in administering this section shall be prescribed by the administrator of the division of motor
12 vehicles, the cost of which shall be borne by these agencies. No police officer, law enforcement
13 agency employing a police officer, or political subdivision or governmental agency that employs
14 a police officer shall be liable in a civil action for damages or loss to persons arising out of the
15 performance of the duty required or authorized by this section. "Police officer" means the full-
16 time police from the rank of ~~patrolman~~ patrol up to and including the rank of colonel or chief,
17 ~~including policewomen~~ of any police department in any city or town within the state of Rhode
18 Island or of the state police.

19 (b) All fees, except court costs, collected under this chapter shall be paid into the state
20 treasury and credited to the highway safety fund in a special account hereby created, to be known
21 as the "financial responsibility compliance special account". This special account shall be used
22 exclusively to cover costs incurred by the division of motor vehicles in the administration of this
23 chapter, and by any law enforcement agency employing any police officer who returns any
24 license, certificate of registration, and registration plates to the administrator of the division of
25 motor vehicles pursuant to this chapter.

26 (c) The administrator of the division of motor vehicles, court, or traffic tribunal may
27 require proof of financial security. A person may demonstrate proof of financial responsibility
28 under this section by presenting to the court, traffic tribunal, or administrator of the division of
29 motor vehicles any of the following documents or a copy of these documents:

- 30 (1) A certificate of proof of financial responsibility;
31 (2) A bond or certification of the issuance of a bond;
32 (3) A certificate of deposit of money or securities; or
33 (4) A certificate of self insurance.

34 (d) At the time of investigation of a motor vehicle offense or accident by a police officer

1 or when a motor vehicle is stopped by a police officer for probable cause, the police officer
2 making the investigation or stopping the motor vehicle shall ask for evidence of proof of financial
3 security as defined in this chapter. Proof of financial responsibility may be provided using a
4 mobile electronic device; provided, however, that the police officer requiring the proof of
5 financial responsibility shall be prohibited from viewing any other content on the mobile
6 electronic device. Any person utilizing an electronic device to provide proof of insurance shall
7 assume any and all liability for any damage sustained to the mobile electronic device. If the
8 evidence is not provided, a citation to appear before the traffic tribunal shall be issued to the
9 operator. However, any citation issued solely for failing to provide evidence of financial
10 responsibility shall be held by the issuing police officer or law enforcement agency for at least
11 one business day before submitting the citation to the traffic tribunal. Any operator who receives
12 a citation for failing to provide valid evidence of financial responsibility shall have the
13 opportunity to provide evidence of financial responsibility that existed at the time of the violation
14 within the one-business-day period, at which time the issuing police officer or law enforcement
15 agency shall withdraw the citation, and the motorist shall not be required to appear before the
16 traffic tribunal. Notwithstanding this provision, police officers who issue a citation for lack of
17 evidence of financial responsibility, in addition to one or more other citations, need not wait the
18 one-business-day waiting period before submitting the citation for lack of evidence of financial
19 responsibility to the traffic tribunal. The traffic tribunal may, by rule and regulation, prescribe the
20 procedures for processing the citations. Motor vehicles may not be stopped solely for the purpose
21 of checking for evidence of proof of financial security.

22 (e)(1) Upon a first offense, one must provide proof of current insurance and a binder or
23 release letter covering the cost of the accident, as long as the accident does not include bodily
24 injury, or death, ~~etc.~~

25 (2) In addition, penalties do not release the motorist from any pending matter before any
26 other appropriate court.

27 (f) Any operator of a motor vehicle registered in this state who shall operate a motor
28 vehicle without proof of financial security, as defined in this chapter, being in full force and effect
29 on the date of the motor vehicle stop or accident, may be subject to suspension of license and
30 fines as follows:

31 (1) For a first offense, a suspension of up to thirty (30) days and may be fined one
32 hundred dollars (\$100) up to two hundred and fifty dollars (\$250);

33 (2) For a second offense, a suspension of up to six (6) months and may be fined five
34 hundred dollars (\$500); and

1 (3) For a third and subsequent offense, a suspension of up to one year. Additionally, any
2 person violating this section a third or subsequent time shall be punished as a civil violation and
3 may be fined one thousand dollars (\$1,000).

4 SECTION 11. Section 42-61.3-2 of the General Laws in Chapter 42-61.3 entitled "Casino
5 Gaming" is hereby amended to read as follows:

6 **42-61.3-2. Casino gaming crimes.**

7 (a) Definitions as used in this chapter:

8 (1) "Casino gaming" shall have the meaning set forth in § 42-61.2-1(1).

9 (2) "Cheat" means to alter the element of chance, method of selection, or criteria ~~which~~
10 that determines:

11 (i) The result of the game;

12 (ii) The amount or frequency of payment in a game, including intentionally taking
13 advantage of a malfunctioning machine;

14 (iii) The value of a wagering instrument; or

15 (iv) The value of a wagering credit.

16 (3) "Cheating device" means any physical, mechanical, electromechanical, electronic,
17 photographic, or computerized device used in such a manner as to cheat, deceive, or defraud a
18 casino game. This includes, but is not limited to:

19 (i) Plastic, tape, string, or dental floss, or any other item placed inside a coin or bill
20 acceptor or any other opening in a video-lottery terminal in a manner to simulate coin or currency
21 acceptance;

22 (ii) Forged or stolen keys used to gain access to a casino game to remove its contents; and

23 (iii) Game cards or dice that have been tampered with, marked, or loaded.

24 (4) "Gaming facility" means any facility authorized to conduct casino gaming as defined
25 in § 42-61.2-1(1), including its parking areas and/or adjacent buildings and structures.

26 (5) "Paraphernalia for the manufacturing of cheating devices" means the equipment,
27 products, or materials that are intended for use in manufacturing, producing, fabricating,
28 preparing, testing, analyzing, packaging, storing, or concealing a counterfeit facsimile of the
29 chips, tokens, debit instruments, or other wagering devices approved by the division of state
30 lottery or lawful coin or currency of the United States of America. This term includes, but is not
31 limited to:

32 (i) Lead or lead alloy molds, forms, or similar equipment capable of producing a likeness
33 of a gaming token or United States coin or currency;

34 (ii) Melting pots or other receptacles;

1 (iii) Torches, tongs, trimming tools, or other similar equipment; and

2 (iv) Equipment that can be used to manufacture facsimiles of debit instruments or
3 wagering instruments approved by the division of state lottery.

4 (6) "Table game" shall have the meaning set forth in § 42-61.2-1(24).

5 (7) "Wager" means a sum of money or representative of value that is risked on an
6 occurrence for which the outcome is uncertain.

7 (b) Prohibited acts and penalties. It shall be unlawful for any person to:

8 (1) Use, or attempt to use, a cheating device in a casino game or to have possession of
9 such a device in a gaming facility. Any person convicted of violating this section shall be guilty
10 of a felony punishable by imprisonment for not more than ten (10) years or a fine of not more
11 than one hundred thousand dollars (\$100,000), or both;

12 (2) Use, acquire, or possess paraphernalia with intent to cheat, or attempt to use, acquire,
13 or possess, paraphernalia with the intent to manufacture cheating devices. Any person convicted
14 of violating this section shall be guilty of a felony punishable by imprisonment for not more than
15 ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or both;

16 (3) Cheat, or attempt to cheat, in order to take or collect money or anything of value,
17 whether for one's self or another, in or from a casino game in a gaming facility. Any person
18 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not
19 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or
20 both;

21 (4) Conduct, carry on, operate, deal, or attempt to conduct, carry on, operate, or deal, or
22 allow to be conducted, carried on, operated, or dealt, any cheating game or device. Any person
23 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not
24 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or
25 both;

26 (5) Manipulate or alter, or attempt to manipulate or alter, with the intent to cheat, any
27 physical, mechanical, electromechanical, electronic, or computerized component of a casino
28 game, contrary to the designed and normal operational purpose for the component. Any person
29 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not
30 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or
31 both;

32 (6) Use, sell, or possess, or attempt to use, sell, or possess, counterfeit: coins, slugs,
33 tokens, gaming chips, debit instruments, player rewards cards, or any counterfeit wagering
34 instruments and/or devices resembling tokens, gaming chips, debit or other wagering instruments

1 approved by the division of state lottery for use in a casino game in a gaming facility. Any person
2 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not
3 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or
4 both;

5 (7)(i) Place, increase, decrease, cancel, or remove a wager or determine the course of play
6 of a table game, or attempt to place, increase, decrease, cancel, or remove a wager or determine
7 the course of play of a table game, with knowledge of the outcome of the table game where such
8 knowledge is not available to all players; or

9 (ii) Aid, or attempt to aid, anyone in acquiring such knowledge for the purpose of
10 placing, increasing, decreasing, cancelling, or removing a wager or determining the course of
11 play of the table game. Any person convicted of violating this section shall be guilty of a felony
12 punishable by imprisonment for not more than ten (10) years or a fine of not more than one
13 hundred thousand dollars (\$100,000), or both;

14 (8) Claim, collect, or take, or attempt to claim, collect, or take, money or anything of
15 value in or from a casino game or gaming facility, with intent to defraud, or to claim, collect, or
16 take an amount greater than the amount won. Any person convicted of violating this section shall
17 be guilty of a felony punishable by imprisonment for not more than ten (10) years or a fine of not
18 more than one hundred thousand dollars (\$100,000), or both;

19 (9) For any employee of a gaming facility or anyone acting on behalf of or at the
20 direction of an employee of a gaming facility, to knowingly fail to collect, or attempt to fail to
21 collect, a losing wager or pay, or attempt to pay, an amount greater on any wager than required
22 under the rules of a casino game. Any person convicted of violating this section shall be guilty of
23 a felony punishable by imprisonment for not more than ten (10) years or a fine of not more than
24 one hundred thousand dollars (\$100,000), or both;

25 (10) Directly or indirectly offer, or attempt to offer, to conspire with another, or solicit, or
26 attempt to solicit, from another, anything of value, for the purpose of influencing the outcome of
27 a casino game. Any person convicted of violating this section shall be guilty of a felony
28 punishable by imprisonment for not more than ten (10) years or a fine of not more than one
29 hundred thousand dollars (\$100,000), or both;

30 (11) Use or possess, or attempt to use or possess, at a gaming facility, without the written
31 consent of the director of the division of state lottery, any electronic, electrical, or mechanical
32 device designed, constructed, or programmed to assist the user or another person with the intent
33 to:

34 (i) Predict the outcome of a casino game;

1 (ii) Keep track of the cards played;

2 (iii) Analyze and/or predict the probability of an occurrence relating to the casino game;

3 and/or

4 (iv) Analyze and/or predict the strategy for playing or wagering to be used in the casino

5 game. Any person convicted of violating this section shall be guilty of a felony punishable by

6 imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand

7 dollars (\$100,000), or both;

8 (12) Skim, or attempt to skim, casino gaming proceeds by excluding anything of value

9 from the deposit, counting, collection, or computation of:

10 (i) Gross revenues from gaming operations or activities;

11 (ii) Net gaming proceeds; and/or

12 (iii) Amounts due the state pursuant to applicable casino gaming-related laws. Any

13 person convicted of violating this section shall be guilty of a felony punishable by imprisonment

14 for not more than ten (10) years or a fine of not more than one hundred thousand dollars

15 (\$100,000), or both;

16 (13) Cheat, or attempt to cheat, in the performance of ~~his/her~~ his or her duties as a

17 dealer or other casino employee by conducting one's self in a manner that is deceptive to the

18 public or alters the normal random selection of characteristics or the normal chance or result of

19 the game, including, but not limited to, using cards, dice, or any cheating device(s) ~~which have~~

20 that has been marked, tampered with, or altered. Any person convicted of violating this section

21 shall be guilty of a felony punishable by imprisonment for not more than ten (10) years or a fine

22 of not more than one hundred thousand dollars (\$100,000), or both;

23 (14) Possess or use, or attempt to use, without proper authorization from the state lottery

24 division, while in the gaming facility any key or device designed for the purpose of or suitable for

25 opening or entering any self-redemption unit (kiosk), vault, video-lottery terminal, drop box, or

26 any secured area in the gaming facility that contains casino gaming and/or surveillance

27 equipment, computers, electrical systems, currency, cards, chips, dice, or any other thing of value.

28 Any person convicted of violating this section shall be guilty of a felony punishable by

29 imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand

30 dollars (\$100,000), or both;

31 (15) Tamper and/or interfere, or attempt to tamper and/or interfere, with any casino

32 gaming and/or surveillance equipment, including, but not limited to, related computers and

33 electrical systems. Any person convicted of violating this section shall be guilty of a felony

34 punishable by imprisonment for not more than ten (10) years or a fine of not more than one

1 hundred thousand dollars (\$100,000), or both;

2 (16) Access, interfere with, infiltrate, hack into, or infect, or attempt to access, interfere
3 with, infiltrate, hack into, or infect, any casino gaming-related computer, network, hardware
4 and/or software or other equipment. Any person convicted of violating this section shall be guilty
5 of a felony punishable by imprisonment for not more than ten (10) years or a fine of not more
6 than one hundred thousand dollars (\$100,000), or both;

7 (17) Sell, trade, barter, profit from, or otherwise use to one's financial advantage, or
8 attempt to sell, trade, barter, profit from, or otherwise use to one's financial advantage, any
9 confidential information related to casino-gaming operations, including, but not limited to, data
10 (whether stored on a computer's software, hardware, network, or elsewhere), passwords, codes,
11 surveillance and security characteristics and/or vulnerabilities, and/or non-public internal
12 controls, policies, and procedures related thereto. Any person convicted of violating this section
13 shall be guilty of a felony punishable by imprisonment for not more than ten (10) years or a fine
14 of not more than one hundred thousand dollars (\$100,000), or both;

15 (18) Conduct a gaming operation, or attempt to conduct a gaming operation, where
16 wagering is used or to be used without a license issued by, or authorization from, the division of
17 state lottery. Any person convicted of violating this section shall be guilty of a felony punishable
18 by imprisonment for not more than ten (10) years or a fine of not more than one hundred
19 thousand dollars (\$100,000), or both;

20 (19) Provide false information and/or testimony to the division of state lottery,
21 department of business regulation, or their authorized representatives and/or the state police while
22 under oath. Any person convicted of violating this section shall be guilty of a felony punishable
23 by imprisonment for not more than ten (10) years or a fine of not more than one hundred
24 thousand dollars (\$100,000), or both;

25 (20) Play a casino game and/or make a wager, or attempt to play a casino game and/or
26 make a wager, if under the age of eighteen (18) years. Any person charged under this section
27 shall be referred to family court; or

28 (21) Permit, or attempt to permit, a person to play a casino game and/or accept, or
29 attempt to accept, a wager from a person, if ~~he/she~~ he or she is under the age of eighteen (18)
30 years. Any person convicted of violating this section shall be guilty of a misdemeanor punishable
31 by imprisonment for not more than one year or a fine of not more than one thousand dollars
32 (\$1,000), or both

33 SECTION 12. Section 42-64.14-5 of the General Laws in Chapter 42-64.14 entitled "The
34 I-195 Redevelopment Act of 2011" is hereby amended to read as follows:

1 **42-64.14-5. The I-195 redevelopment district created.**

2 (a) The I-195 redevelopment district is hereby constituted as an independent public
3 instrumentality and body corporate and politic for the purposes set forth in this chapter with a
4 separate legal existence from the city of Providence and from the state and the exercise by the
5 commission of the powers conferred by this chapter shall be deemed and held to be the
6 performance of an essential public function. The boundaries of the district are established in § 37-
7 5-8. However, parcels P2 and P4, as delineated on that certain plan of land captioned
8 "Improvements to Interstate Route 195, Providence, Rhode Island, Proposed Development Parcel
9 Plans 1 through 10, Scale: 1" =20', May 2010, Bryant Associates, Inc., Engineers-Surveyors-
10 Construction Managers, Lincoln, RI, Maguire Group, Inc., Architects/Engineers/Planners,
11 Providence, RI," shall be developed and continued to be used as parks or park supporting activity;
12 provided, however, the commission may, from time to time, pursuant to action taken at a meeting
13 of the commission in public session, adjust the boundaries of parcel P4 provided that at all times
14 parcel P4 shall contain no fewer than one hundred eighty-six thousand one hundred eighty-six
15 square feet (186,186 ft²) of land and provided, further, that the city of Providence shall not be
16 responsible for the upkeep of the parks unless a memorandum of understanding is entered into
17 between the commission or the state and the city of Providence that grants full funding to the city
18 for that purpose.

19 (b) The I-195 redevelopment district commission established in this chapter shall oversee,
20 plan, implement, and administer the development of the areas within the district consistent with
21 and subject to the city of Providence comprehensive plan adopted by the city pursuant to § ~~45-22-~~
22 ~~2-1~~ 45-22.2-1 et seq. and the city of Providence zoning ordinances pursuant to § 45-24-27 et seq.
23 as previously enacted by the city of Providence, and as may be enacted and/or amended from
24 time to time through July 1, 2012, or enacted and/or mended thereafter with the consent of the
25 commission.

26 (c) The city of Providence shall not be required to install or pay for the initial installation
27 of any public or private utility infrastructure within the district.

28 (d) It is the intent of the general assembly by the passage of this chapter to vest in the
29 commission all powers, authority, rights, privileges, and titles that may be necessary to enable it
30 to accomplish the purposes herein set forth, and this chapter and the powers granted hereby shall
31 be liberally construed in conformity with those purposes.

32 SECTION 13. Section 44-18-15 of the General Laws in Chapter 44-18 entitled "Sales
33 and Use Taxes - Liability and Computation" is hereby amended to read as follows:

34 **44-18-15. "Retailer" defined.**

1 (a) "Retailer" includes:

2 (1) Every person engaged in the business of making sales at retail, including prewritten
3 computer software delivered electronically or by load and leave, vendor-hosted prewritten
4 computer software, sales of services as defined in § 44-18-7.3, and sales at auction of tangible
5 personal property owned by the person or others.

6 (2) Every person making sales of tangible personal property, including prewritten
7 computer software delivered electronically or by load and leave or vendor-hosted prewritten
8 computer software or sales of services as defined in § 44-18-7.3, through an independent
9 contractor or other representative, if the retailer enters into an agreement with a resident of this
10 state, under which the resident, for a commission or other consideration, directly or indirectly
11 refers potential customers, whether by a link on an internet website or otherwise, to the retailer,
12 provided the cumulative gross receipts from sales by the retailer to customers in the state who are
13 referred to the retailer by all residents with this type of an agreement with the retailer, is in excess
14 of five thousand dollars (\$5,000) during the preceding four (4) quarterly periods ending on the
15 last day of March, June, September, and December. Such retailer shall be presumed to be
16 soliciting business through ~~such~~ the independent contractor or other representative, which
17 presumption may be rebutted by proof that the resident with whom the retailer has an agreement
18 did not engage in any solicitation in the state on behalf of the retailer that would satisfy the nexus
19 requirement of the United States Constitution during such four (4) quarterly periods.

20 (3) Every person engaged in the business of making sales for storage, use, or other
21 consumption of: (i) ~~T~~angible personal property, (ii) ~~S~~ales at auction of tangible personal
22 property owned by the person or others, (iii) ~~P~~rewritten computer software delivered
23 electronically or by load and leave, (iv) ~~V~~endor-hosted prewritten computer software, and (v)
24 ~~S~~ervices as defined in § 44-18-7.3.

25 (4) A person conducting a horse race meeting with respect to horses, which are claimed
26 during the meeting.

27 (5) Every person engaged in the business of renting any living quarters in any hotel as
28 defined in § 42-63.1-2, rooming house, or tourist camp.

29 (6) Every person maintaining a business within or outside of this state who engages in the
30 regular or systematic solicitation of sales of tangible personal property, prewritten computer
31 software delivered electronically or by load and leave, or vendor-hosted prewritten computer
32 software in this state by means of:

33 (i) Advertising in newspapers, magazines, and other periodicals published in this state,
34 sold over the counter in this state or sold by subscription to residents of this state, billboards

1 located in this state, airborne advertising messages produced or transported in the airspace above
2 this state, display cards and posters on common carriers or any other means of public conveyance
3 incorporated or operated primarily in this state, brochures, catalogs, circulars, coupons,
4 pamphlets, samples, and similar advertising material mailed to, or distributed within this state to
5 residents of this state;

6 (ii) Telephone;

7 (iii) Computer assisted shopping networks; and

8 (iv) Television, radio, or any other electronic media, ~~which~~ that is intended to be
9 broadcast to consumers located in this state.

10 (b) When the tax administrator determines that it is necessary for the proper
11 administration of chapters 18 and 19 of this title to regard any salespersons, representatives,
12 truckers, peddlers, or canvassers as the agents of the dealers, distributors, supervisors, employers,
13 or persons under whom they operate or from whom they obtain the tangible personal property
14 sold by them, irrespective of whether they are making sales on their own behalf or on behalf of
15 the dealers, distributors, supervisors, or employers, the tax administrator may so regard them and
16 may regard the dealers, distributors, supervisors, or employers as retailers for purposes of
17 chapters 18 and 19 of this title.

18 SECTION 14. Section 44-31.2-2 of the General Laws in Chapter 44-31.2 entitled
19 "Motion Picture Production Tax Credits" is hereby amended to read as follows:

20 **44-31.2-2. Definitions.**

21 For the purposes of this chapter:

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

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

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

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

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

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

5 (7) "Motion picture" means a feature-length film, documentary production, video,
6 television series, or commercial made in Rhode Island, in whole or in part, for theatrical or
7 television viewing or as a television pilot or for educational distribution. The term "motion
8 picture" shall not include the production of television coverage of news or athletic events, or
9 reality television show(s), nor shall it apply to any film, video, television series, or commercial or
10 a production for which records are required under 18 U.S.C. § 2257, to be maintained with
11 respect to any performer in such production or reporting of books, films, ~~etc.~~ or other works or
12 materials with respect to sexually explicit conduct.

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

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

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

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

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

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

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

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

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

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

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

32 (9) "Primary locations" means the locations that (1) At least fifty-one percent (51%) of
33 the motion picture principal photography days are filmed; or (2) At least fifty-one percent (51%)
34 of the motion picture's final production budget is spent and employs at least five (5) individuals

1 during the production in this state; or (3) For documentary productions, the location of at least
2 fifty-one percent (51%) of the total productions days, which shall include pre-production and
3 post-production locations.

4 (10) "Rhode Island film and television office" means an office within the Rhode Island
5 Council on the Arts that has been established in order to promote and encourage the locating of
6 film and television productions within the state of Rhode Island. The office is also referred to
7 within as the "film office".

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

- 12 (a) Signed a viable distribution plan; or
- 13 (b) Is producing the motion picture for:
 - 14 (i) A major motion picture distributor;
 - 15 (ii) A major theatrical exhibitor;
 - 16 (iii) Television network; or
 - 17 (iv) Cable television programmer.

18 (12) "State-certified production cost" means any pre-production, production, and post-
19 production cost that a motion picture production company incurs and pays to the extent it occurs
20 within the state of Rhode Island. Without limiting the generality of the foregoing, "state-certified
21 production costs" include: set construction and operation; wardrobes, make-up, accessories, and
22 related services; costs associated with photography and sound synchronization, lighting, and
23 related services and materials; editing and related services, including, but not limited to: film
24 processing, transfers of film to tape or digital format, sound mixing, computer graphics services,
25 special effects services, and animation services, salary, wages, and other compensation, including
26 related benefits, of persons employed, either directly or indirectly, in the production of a film
27 including writer, motion picture director, producer (provided the work is performed in the state of
28 Rhode Island); rental of facilities and equipment used in Rhode Island; leasing of vehicles; costs
29 of food and lodging; music, if performed, composed, or recorded by a Rhode Island musician, or
30 released or published by a person domiciled in Rhode Island; travel expenses incurred to bring
31 persons employed, either directly or indirectly, in the production of the motion picture, to Rhode
32 Island (but not expenses of such persons departing from Rhode Island); and legal (but not the
33 expense of a completion bond or insurance and accounting fees and expenses related to the
34 production's activities in Rhode Island);⁵ provided such services are provided by Rhode Island

1 licensed attorneys or accountants.

2 SECTION 15. Section 47-8-1 of the General Laws in Chapter 47-8 entitled "Gasoline and
3 Petroleum Products" is hereby amended to read as follows:

4 **47-8-1. Testing of measuring devices -- Forbidding use -- Fee.**

5 (a) The director of the department of labor and training is hereby authorized and directed
6 to have tested all gasoline measuring devices used in the sale of gasoline, from time to time, as in
7 his or her judgment it may be deemed necessary, to prevent fraud or deception in the use of these
8 devices or to ensure the accurate measurement of gasoline in the sale.

9 (b) Any town or city sealer of weights, measures, and balances shall have authority to
10 condemn and forbid the use of any gasoline measuring device for the sale of gasoline in his or her
11 respective town or city, or until the device has been duly tried and sealed, or until the gasoline
12 measuring device has been equipped with such an attachment, contrivance, or apparatus as will
13 ensure the correct and proper functioning of the measuring device for the sale of the gasoline by
14 accurate measurement.

15 ~~(e) [As amended by P.L. 2018, ch. 211, § 2.] The sealer of weights and measures in~~
16 ~~any town or city shall receive the same fee as any state sealer, appointed by the state, as set~~
17 ~~forth in § 47-1-5.1, except in the city of Providence where the sealer shall have the authority~~
18 ~~to remove and replace any lead seal on any gasoline measuring device and to charge an~~
19 ~~additional fee of five dollars (\$5.00) for that service.~~

20 (c) [As amended by P.L. 2018, ch. 272, § 2.] The sealer of weights and measures in
21 any town or city shall receive the same fee as any state sealer, approved by the state, as
22 stated in § 47-1-5.1, except in the city of Providence where the sealer shall have the
23 authority to remove and replace any lead seal on any gasoline measuring device and to
24 charge an additional fee of five dollars (\$5.00) for that service.

25 SECTION 16. Sections 1-31 of Article I of this act shall take effect on December 31,
26 2019. Sections 1-15 of Article II of 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 makes a number of technical amendments to the general laws, prepared at the
2 recommendation of the Law Revision Office. Article I contains the reenactment of title 5 of the
3 general laws. Article II includes the statutory construction provisions.

4 Sections 1-31 of Article I of this act would take effect on December 31, 2019. Sections 1-
5 15 of Article II of this act would take effect upon passage.

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