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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 Filippi

Date Introduced: June 12, 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) **Suspend**
10 **suspend**, revoke, annul, or take other permitted action with respect to any certificate of
11 registration; and/or (2) **Suspend suspend**, revoke, annul, or take other permitted action with
12 respect to any certificate of authorization; and/or (3) **Publicly publicly** censure, reprimand, or
13 censure in writing; and/or (4) **Limit limit** the scope of practice of; and/or (5) **Impose impose** an
14 administrative fine upon (not to exceed one thousand dollars (\$1,000) for each violation); and/or
15 (6) **Place place** on probation; and/or (7) **For for** good cause shown, order a reimbursement of the
16 department for all fees, expenses, costs, and attorneys' fees in connection with the proceedings
17 (which amounts shall be deposited as general revenues), all with or without terms, conditions, or
18 limitations, holders of a certificate of registration or a certificate of authorization (subsequently
19 referred to as a licensee or licensees) for any **one** or more of the causes set out in subsection (b) of

1 this section.

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

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

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

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

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

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

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

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

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

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

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

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

28 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
29 Chapter 5-3.1 entitled "Public Accountancy" are hereby amended to read as follows:

30 **5-3.1-8. Permits for accountants licensed by foreign countries.**

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

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

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

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

34 (1) The licensing authority of the foreign country in which the holder of the annual

1 limited permit is licensed has established requirements for continuing education for practitioners
2 ~~of~~ of public accounting;

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

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

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

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

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

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

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

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

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

30 **5-3.1-9. Permits for practice units.**

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

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

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

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

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

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

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

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

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

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

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

1 (iii) At least one partner, shareholder, or member must be a certified public accountant or
2 a public accountant holding a certificate or authority under this chapter and a permit to practice in
3 this state under § 5-3.1-7; [and](#)

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

6 (2) For a sole proprietorship:

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

10 (ii) The sole proprietor must be a certified public accountant or a public accountant
11 holding a certificate or authority under this chapter and a permit to practice in this state under § 5-
12 3.1-7;

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

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

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

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

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

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

1 (2) Of any change in the number or location of offices within this state required to be
2 listed in the application pursuant to this section;

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

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

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

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

17 Effective January 1, 2009, permits issued pursuant to this section may be renewed for a
18 period of three (3) years, and the renewed permit shall expire on the last day of June of the year in
19 which the renewed permit is scheduled to expire, unless the renewed permit is again renewed by
20 its holder. All applications for renewal of permits under this section shall be submitted to the
21 board by February 15 of the year in which a permit or renewed permit is scheduled to expire. All
22 applicants for permit renewal shall satisfy the ~~quality peer~~-review requirements prescribed in §
23 5-3.1-10.

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

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

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

1 or revocation of the permit.

2 **5-3.1-10. Peer reviews.**

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

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

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

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

1 long as they are acting in their official capacities, have access to any and all records, reports,
2 work papers, and other documents and materials ~~which~~ that may at any time have been in the
3 possession of or prepared by a peer-review committee during the performance of its duties.

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

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

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

19 **5-5-10. Grounds for suspension and revocation of licenses.**

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

- 21 (1) Violates any provisions of this chapter or rules and regulations promulgated under
22 this chapter;
- 23 (2) Practices fraud, deceit, or misrepresentation;
- 24 (3) Makes a material misstatement in the application for or renewal of the license; or
- 25 (4) Commits any act that would disqualify the qualifying agent.

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

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

1 that ~~he or she~~ the authority deems appropriate.

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

4 **5-5.1-15. Grounds for suspension and revocation of licenses.**

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

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

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

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

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

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

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

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

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

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

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

1 attorney general may, upon his or her own motion or upon application by the licensee or any
2 party affected by the termination, extend the time for the termination of the licensee's operations,
3 subject to any reasonable, necessary, and proper conditions or restrictions that he or she deems
4 appropriate.

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

7 **5-6-15. False statement in applications.**

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

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

13 **5-8-21. Exemptions.**

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

15 (1) Temporary certificates of registration.

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

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

32 (2) Employees and subordinates. The work of an employee or a subordinate of a person
33 holding a certificate of registration under this chapter, or an employee of a person practicing
34 lawfully under paragraph (1)(ii) of this section; provided, that work does not include final

1 engineering designs or decisions and is done under the direct supervision of or checked by a
2 person holding a certificate of registration under this chapter or a person practicing lawfully under
3 subdivision (1) of this section.

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

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

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

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

34 (7) Research and development corporations. The practice of engineering, as prescribed in

1 this chapter, by research and development corporations and their officers and employees while
2 engaged in research and development activities for that corporation.

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

5 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
6 and 5-19.1-29 of the General Laws in Chapter 5-19.1 entitled "Pharmacies" are hereby amended
7 to read as follows:

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

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

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

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

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

1 **5-19.1-14. Licensing of pharmacists -- Prerequisites -- Examinations -- Reciprocity --**

2 **Fees -- Renewal.**

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

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

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

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

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

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

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

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

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

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

25 **5-19.1-15. Pharmacy interns -- License -- Fees -- Renewals.**

26 (a) Any person who is a graduate of an accredited program of pharmacy, or who is a
27 student enrolled in at least the third year of a professional program of an accredited program of
28 pharmacy, or any graduate of a foreign college of pharmacy who has obtained FPGEC
29 certification may file an application for licensure as a pharmacy intern with the department. He or
30 she shall be required to furnish any information that the board may, by regulation, prescribe and,
31 simultaneously with the filling of the application, shall pay to the department a fee to be
32 determined by the department. All licenses issued to pharmacy interns shall be valid for a period
33 to be determined by the department, but in no instance shall the license be valid if the individual
34 is no longer making timely progress toward graduation. No pharmacy student may serve an

1 internship with a preceptor without holding a valid pharmacy intern license from the board of
2 pharmacy.

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

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

10 **5-19.1-19.1. Pharmacists -- Substitution of biological products.**

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

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

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

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

33 (d) Entry into an electronic records system as described in this ~~subsection~~ section is
34 presumed to provide notice to the prescriber. Otherwise, the pharmacist shall communicate the

1 biological product dispensed to the prescriber using facsimile, telephone, electronic transmission,
2 or other prevailing means; provided that the communication shall not be required where:

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

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

7 **5-19.1-23. Unlawful practices.**

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

16 **5-19.1-24. Emergency prescription refill.**

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

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

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

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

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

30 **5-19.1-29. Continuity of administration.**

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

1 though it were undertaken or commenced or completed prior to January 1, 2002.

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

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

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

11 **5-19.2-2. Definitions.**

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

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

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

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

- 1 (1) Initiating, adjusting, monitoring, or discontinuing drug therapy;
- 2 (2) Collecting and reviewing patient histories;
- 3 (3) Obtaining and checking vital signs, including pulse, height, weight, temperature,
- 4 blood pressure, and respiration; and
- 5 (4) Under the supervision of, or in direct consultation with one or more physician(s),
- 6 ordering and evaluating the results of laboratory tests directly related to drug therapy when
- 7 performed in accordance with approved protocols applicable to the practice setting and providing
- 8 such evaluation does not include any diagnostic component.

9 (e) "Limited-function test" means those tests listed in the federal register under the

10 Clinical Laboratory Improvement Amendments of 1988 (CLIA) as waived tests. For the purposes

11 of this chapter, limited-function test shall include only the following: blood glucose, hemoglobin

12 ~~Ale~~, A1c cholesterol tests, and/or other tests that are classified as waived under CLIA and are

13 approved by the United States Food and Drug Administration for sale to the public without a

14 prescription in the form of an over-the-counter test kit.

15 (f) "Pharmacist with advanced training and experience relevant to the scope of

16 collaborative practice" means a licensed pharmacist in this state with a bachelor of science in

17 pharmacy and post-graduate educational training or a doctor of pharmacy degree. Such training

18 shall include, but not be limited to, residency training; board certification; certification from an

19 accredited professional organization educational institution; or any other continuing education

20 provider approved by the director of health relevant to the proposed scope of the collaborative

21 practice agreement.

22 (g) "Practice of pharmacy" means the interpretation, evaluation, and implementation of

23 medical orders, including the performance of clinical laboratory tests, provided such testing is

24 limited to limited-function tests as defined herein; the dispensing of prescription drug orders;

25 participation in drug and device selection; drug ~~regiment~~ regimen reviews and drug or drug-

26 related research; provision of patient counseling and the provision of those acts or services

27 necessary to provide pharmaceutical care; drug therapy management pursuant to a collaborative

28 practice agreement; and the responsibility for the supervision for compounding and labeling of

29 drugs and devices (except labeling by a manufacturer, repackager, or distributor of

30 nonprescription drugs and commercially packaged legend drugs and devices); proper and safe

31 storage of drugs and devices; and maintenance of proper records for them.

32 SECTION 10. Sections 5-20-12, 5-20-12.1, 5-20-14.1, 5-20-17 and 5-20-35 of the

33 General Laws in Chapter 5-20 entitled "Plumbers, Irrigators, and Water System Installers" are

34 hereby amended to read as follows:

1 **5-20-12. Corporations and firms engaging in business.**

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

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

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

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

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

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

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

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

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

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

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

1 licenses to be issued by the department of labor and training have been so issued and remain in
2 good standing.

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

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

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

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

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

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

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

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

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

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

1 (b) Prior to January 1, 2018, the authority shall, without examination, upon payment of
2 the fees required in this chapter, issue through the department of labor and training, division of
3 professional regulation, a master water-filtration/treatment-system installer license or a
4 journeyperson water-filtration/treatment-system installer license to any applicant who shall
5 present satisfactory evidence that they have the qualifications for the type of license applied for.
6 After January 1, 2018, in order to qualify for a master water-filtration/treatment-system installer
7 license or a journeyperson water-filtration/treatment-system installer license, the eligible
8 individual shall be required to pass a written examination and show the proof contained in this
9 subsection of their eligibility.

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

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

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

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

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

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

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

22 **5-20-17. Qualifications of journeyperson -- Application fee.**

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

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

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

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

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

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

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

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

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

25 **5-20-35. Persons and acts exempt -- Issuance of licenses in special cases.**

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

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

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

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

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

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

30 **5-20.5-14. Revocation, suspension of license -- Probationary period -- Penalties.**

31 (a) The director may, upon his or her own motion, and shall, upon the receipt of the
32 written verified complaint of any person initiating a cause under this section, ascertain the facts
33 and, if warranted, hold a hearing for the suspension or revocation of a license. The director has
34 power to refuse a license for cause or to suspend or revoke a license or place a licensee on

1 probation for a period not to exceed one year where it has been obtained by false representation,
2 or by fraudulent act or conduct, or where a licensee, in performing or attempting to perform any
3 of the acts mentioned in this chapter, is found to have committed any of the following acts or
4 practices:

5 (1) Making any substantial misrepresentation;

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

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

11 (4) Any misleading or untruthful advertising;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 by an existing agency relationship;

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

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

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

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

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

16 (29) Advertising to sell, buy, exchange, rent, or lease the property of another in a manner
17 indicating that the offer to sell, buy, exchange, rent, or lease that property is being made by a
18 private party not engaged in the real estate business, ~~not~~ or inserting advertisements in any
19 publication containing only a post office or other box number, telephone number, or street
20 address. No salesperson shall advertise the property of another under his or her own name;

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

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

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

1 lease his or her property due to ~~such~~ these factors;

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

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

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

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

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

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

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

21 **5-29-14. Limited registration -- Academic faculty.**

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

1 podiatry. The registration is valid for a period of not more than one year expiring on the 30th day
2 of June following its initial effective date, but may be renewed annually; provided, that ~~such~~ the
3 registration automatically expires when the holder's relationship with the medical school or
4 podiatry school is terminated. The application fee for the registration authorized under this
5 section and for the application fee for biennial renewal, as promulgated by the director, shall be as
6 set forth in § 23-1-54.

7 **5-29-15. Immunity from suit.**

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

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

22 **5-29-16. Unprofessional conduct.**

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

26 (1) Fraudulent or deceptive procuring or use of a license of limited registration;

27 (2) All advertising of podiatry business, ~~which~~ that is intended or has a tendency to
28 deceive the public;

29 (3) Conviction of a crime involving moral turpitude, conviction of a felony, or
30 conviction of a crime arising out of the practice of podiatry;

31 (4) Abandonment of a patient;

32 (5) Dependence upon a controlled substance, habitual drunkenness, or rendering
33 professional services to a patient while the podiatrist or limited registrant is intoxicated or
34 incapacitated by the use of drugs;

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

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

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

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

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

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

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

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

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

23 ~~**5-29-20. Privileges and immunities for peer review activities**~~ **Privileges and**
24 **immunities for peer-review activities.**

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

1 discovery or use in any civil proceedings merely because they were presented during the
2 proceedings of the committee.

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

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

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

15 SECTION 13. Section 5-33.2-1 of the General Laws in Chapter 5-33.2 entitled "Funeral
16 Director/Embalmer Funeral Service Establishments" is hereby amended to read as follows:

17 **5-33.2-1. Definitions.**

18 As used in this chapter:

19 (1) "Board" means the state board of funeral directors/embalmers.

20 (2) "Cremation" means a two- ~~(2)~~ part (2) procedure where a dead human body or body
21 parts are reduced by direct flames to residue ~~which~~ that includes bone fragments and the
22 pulverization of the bone fragments to a coarse powdery consistency.

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

24 (4) "Division" means the division of professional regulation created under chapter 26 of
25 this title.

26 (5) "Embalmer" means any person who has completed an internship; full course of study
27 at an accredited mortuary science school; has passed the national board examination; and is
28 engaged in the practice or profession of embalming, as defined in this section.

29 (6) "Embalming" means the practice, science, or profession of preserving, disinfecting,
30 and preparing in any manner; dead human bodies for burial, cremation, or transportation.

31 (7) "Funeral" means a period following death in which there are religious services or
32 other rites or ceremonies with the body of the deceased present.

33 (8)(i) "Funeral directing" means:

34 (A) Conducting funeral services; or

1 (B) The arrangement for disposition of dead human bodies, except in the case of any
2 religion where the preparation of the body or the provision of funeral services should be done
3 according to religious custom or belief.

4 (ii) Only funeral directors/embalmers, working for a licensed funeral establishment are
5 allowed to meet with families for the purpose of arranging funerals. Provided, that any person
6 who assumed an ownership interest from ~~their~~ his or her spouse or any widow or widower of a
7 licensed funeral director who at the time of November 1, 1995, has been meeting with families to
8 arrange for the conducting of funeral services ~~are~~ is allowed to continue this practice.

9 (9) "Funeral director/embalmer" means any person engaged, or holding himself or herself
10 out as engaged, in the practice or profession of funeral directing, and the science, practice, or
11 profession of embalming as previously defined, including a funeral director of record, who may
12 be a funeral director at more than one establishment or any other word or title intending to imply
13 or designate him or her as a funeral director/embalmer, undertaker, or mortician. The holder of
14 this license must be the holder of an embalmer's license.

15 (10) "Funeral director/embalmer intern" means any person engaged in learning the
16 practice, or profession of funeral directing and the science, practice, or profession of embalming
17 under the instruction and supervision of a funeral director/embalmer licensed and registered under
18 the provisions of this chapter and actively engaged in the practice, or profession of funeral
19 directing and embalming in this state.

20 (11) "Funeral establishment" means a fixed place, establishment, or premises, licensed by
21 the department, devoted to the activities ~~which~~ that are incident, convenient, or related to the
22 care and preparation, arrangement, financial and otherwise, for the funeral, transportation, burial,
23 or other disposition of human dead bodies and including, but not limited to, a suitable room with
24 all instruments and supplies used for the storage ~~and/or~~ preparation of dead human bodies for
25 burial or other disposition.

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

31 (13) "Person" includes individuals, partnerships, corporations, limited-liability
32 companies, associations, and ~~organization~~ organizations of all kinds.

33 (14) "Practice of funeral service" means a person engaging in providing shelter, care, and
34 custody of human dead remains; in the practice of preparing of the human dead remains by

1 embalming or other methods for burial or other disposition; in entering into a funeral service
2 contract; engaging in the functions of funeral directing and/or embalming as presently known
3 including those stipulated within this chapter and as defined in the ~~federal-trade-commission~~
4 ~~"funeral-rule"~~ Federal Trade Commission "Funeral Rule". The practice of conducting
5 funeral services ~~is~~ shall be conducted in the presence of a licensed funeral director/embalmer.

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

8 **5-34-46. Status of current licensees.**

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

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

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

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

24 **5-35.1-20. Penalty for violations.**

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

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

30 **5-35.2-6. Freedom of choice for eye care.**

31 Where the contracts call for the expenditure of public or private funds involving
32 Medicaid and RItE Care, Medicare, or supplemental coverage for any purpose relating to
33 eyewear, and as it pertains to opticianry, the distribution, dispensing, filling, duplication, and
34 fabrication of eyeglasses or optical prosthesis by opticians as defined in § ~~5-35.1-1~~ 5-35.2-1,

1 those health plans or contracts are required to notify by publication in a public newspaper
2 published within and circulated and distributed throughout the state of Rhode Island, to all
3 providers, including, but not limited to, opticians, within the health plan's or contract's geographic
4 service area, of the opportunity to apply for credentials, and there is no discrimination as to the
5 rate or reimbursement for health care provided by an optician for similar services as rendered by
6 other professions pursuant to this section. Nothing contained in the chapter shall require health
7 plans to contract with any particular class of providers.

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

10 **5-37-9.2. Physician profiles -- Public access to data.**

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

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

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

21 (ii) Graduate medical education;

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

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

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

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

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

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

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

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

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

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

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

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

34 (5) Pending malpractice claims and actual amounts paid by or on behalf of a physician in

1 connection with a malpractice judgment, award, or settlement shall not be disclosed by the board
2 to the public. Nothing in this section shall be construed to prevent the board from investigating
3 and disciplining a licensee on the basis of medical malpractice claims that are pending.

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

7 (i) Specialty board certification;

8 (ii) Number of years in practice;

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

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

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

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

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

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

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

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

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

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

1 dispute.

2 (4) If a physician does not notify the board of a dispute during the twenty-one - ~~(21)~~ day
3 (21) review period, the profile shall be released to the public and the physician will be deemed to
4 have approved the profile and all information contained in the profile.

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

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

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

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

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

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

30 **5-37.7-10. Patient's rights.**

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

- 33 (1) To obtain a copy of his or her confidential health care information from the HIE;
34 (2) To obtain a copy of the disclosure report pertaining to his or her confidential health

1 care information;

2 (3) To be notified as required by chapter ~~49.2 of title 11~~ 49.3 of title 11, the Rhode Island
3 identity theft protection act, of a breach of the security system of the HIE;

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

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

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

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

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

13 **5-40-7.1. Licensing of physical therapist assistants.**

14 (a) By ~~Examination~~ examination. The applicant is required to pass with a grade
15 determined by the board an examination approved by the department in consultation with the
16 board.

17 (b) Without ~~Examination~~ examination by ~~Endorsement~~ endorsement. A license may
18 be issued without examination to an applicant who has been licensed by examination as a
19 physical therapist assistant under the laws of another state or territory or District of Columbia, if,
20 in the opinion of the board, the applicant meets the qualifications required of physical therapist
21 assistants in this state.

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

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

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

32 (d)(1) Foreign-~~Trained~~ trained Applicants applicants. If the foreign-trained applicant
33 has successfully met the requirements of the rules and regulations, the applicant's credentials shall
34 be accepted by the board.

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

4 **5-40-9. Right of use of the title of physical therapist.**

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

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

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

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

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

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

34 **5-40.1-8. Requirements for licensure.**

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

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

4 (2) Be of good moral character;

5 (3) Have successfully completed the academic requirements of an education program in
6 occupational therapy accredited by the American Occupational Therapy Association's
7 Accreditation Council for Occupational Therapy Education or other therapy accrediting agency
8 that may be approved by the board;

9 (4) Have successfully completed a period of supervised fieldwork experience arranged by
10 the recognized educational institution where he or she met the academic requirements:

11 (i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised
12 fieldwork experience shall be required;

13 (ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be
14 required;

15 (5) Have successfully passed the National Certification Examination for Occupational
16 Therapists, Registered, or National Certification Examination for Occupational Therapy
17 Assistants, of the National Board for Certification in Occupational Therapy (NBCOT) or other
18 occupational therapy certification examination as approved by the board.

19 (b) Application for licensure to practice occupational therapy in this state, either by
20 endorsement or by examination, shall be made on forms provided by the division that shall be
21 completed, and submitted to the board thirty (30) days prior to the scheduled date of the board
22 meeting. The application shall be accompanied by the following documents:

23 (1) ~~Is of good moral character~~ A document, evidenced in the manner prescribed by the
24 department, , showing the applicant is of good moral character;

25 (2) For U.S. citizens: a certified copy of birth record or naturalization papers;

26 (3) For non-U.S. citizens: documented evidence of alien status, such as immigration
27 papers or resident alien card or any other verifying papers acceptable to the administrator;

28 (4) Documented evidence and supporting transcripts of qualifying credentials as
29 prescribed in this section;

30 (5) A statement from the board of occupational therapy in each state in which the
31 applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to
32 the board of this state attesting to the licensure status of the applicant during the time period the
33 applicant held licensure in that state; and

34 (6) The results of the written national examination of the National Board for Certification

1 in Occupational Therapy (NBCOT).

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

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

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

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

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

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

25 **5-44-13. Temporary license.**

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

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

31 (2) Has received a doctoral degree in accordance with ~~§ 5-44-10~~ **§ 5-44-9**, and
32 successfully completed one thousand five hundred (1,500) hours of supervision satisfactory to the
33 board as specified in the rules and regulations;

34 (3) Shall only practice under the appropriate supervision of a licensed psychologist as

1 delineated in the rules and regulations promulgated hereunder;

2 (4) Shall refrain from using the title "psychologist" or representing himself or herself as a
3 psychologist other than by using the title "psychology student"; "psychology trainee" ~~or~~
4 "psychology intern"; or "psychology resident"; and

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

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

10 **5-44-23. Persons and practices exempt.**

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

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

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

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

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

34 (f) Nothing in this chapter limits the professional pursuits of any non-licensed

1 psychologists, psychology students, psychology trainees, psychology residents, or persons
2 rendering psychological services as an employee of a licensed hospital, accredited educational
3 institution, authorized community mental health clinic or center, government or medical agency,
4 while functioning under the title conferred upon him or her by the administration of any hospital,
5 educational institution, or agency.

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

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

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

17 **5-45-1. Board of examiners -- Creation -- Composition -- Appointment, terms, oath,**
18 **and removal of members -- Meetings.**

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

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

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

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

34 (4) A majority of the board members may not be representative of a single profession or

1 category of institution, and members who are not representative of institutions may not have a
2 direct financial interest in any nursing home. Licensed nursing home administrators shall be
3 considered representatives of institutions for the purpose of this section.

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

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

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

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

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

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

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

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

24 **5-48-6. Licensure and regulation of speech language pathologists and audiologists.**

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

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

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

33 (d) A provisional license for the clinical fellow (defined in § ~~5-48-1(b)(5)~~ 5-48-1(b)(4))
34 shall be required in speech language pathology for that period of postgraduate professional

1 experience as required in § ~~5-48-7~~ 5-48-7.1. A provisional license shall authorize an individual to
2 practice speech-language pathology solely in connection with the completion of the supervised
3 postgraduate professional experience.

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

6 **5-57-14. Alarm business license required -- Licensing of electricians.**

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

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

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

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

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

31 **5-57-15. Contents of applications for licenses.**

32 (a) Applications for licenses required by the provisions of this chapter shall be filed with
33 the licensing authority on a form provided by the licensing authority. If the applicant is an
34 individual, the application shall be subscribed and sworn to by the individual. If the applicant is a

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (2) A statement as to the length of time that the applicant has been engaged in the alarm
2 business and where engaged; and the date when the alarm business or businesses commenced
3 operation in the state or when the alarm business intends to commence that operation;

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

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

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

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

17 **5-62-2. Definitions.**

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

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

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

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

34 (4) "Certificate of authenticity" means a written statement by an art merchant confirming,

1 approving, or attesting to the authorship of a work of fine art or multiple, which is capable of
2 being used to the advantage or disadvantage of some person;

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

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

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

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

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

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

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

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

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

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

1 (15) "Reproduction" means a copy, in any medium, of a work of fine art, that is displayed
2 or published under circumstances that, reasonably construed, evinces an intent that it be taken as
3 a representation of a work of fine art as created by the artist;

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

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

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

13 (19) "Visual art multiples" or "multiples" means prints, photographs, positive or negative,
14 sculpture, and similar art objects produced in more than one copy and sold, offered for sale, or
15 consigned in, into, or from this state for an amount in excess of one hundred dollars (\$100)
16 exclusive of any frame or in the case of sculpture, an amount in excess of fifteen hundred dollars
17 (\$1,500). Pages or sheets taken from books and magazines and offered for sale or sold as visual
18 art objects shall be included, but books and magazines are excluded;

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

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

27 **5-62-7. Artists -- Art merchant relationships.**

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

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

1 establishes a cosignor/cosignee relationship as between the artist or craftsperson and the art
2 merchant with respect to the work, and:

3 (i) The cosignee shall thereafter be deemed to be the agent of the cosignor with respect to
4 the work;

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

6 (iii) Any proceeds from the sale of the work are trust funds in the hands of the cosignee
7 for the benefit of the cosignor;

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

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

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

19 (i) No waiver shall be valid with respect to the first two thousand five hundred dollars
20 (\$2,500) of gross proceeds of sales received in any twelve- ~~(12)~~ month (12) period commencing
21 with the date of the execution of the waiver;

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

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

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

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

34 SECTION 26. Sections 5-63.2-9 and 5-63.2-22 of the General Laws in Chapter 5-63.2

1 entitled "Mental Health Counselors and Marriage and Family Therapists" are hereby amended to
2 read as follows:

3 **5-63.2-9. Qualifications of licensed clinical mental health counselors.**

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

6 (1) Is of good character; and

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

11 (3) Has completed sixty (60) semester hours or ninety (90) quarter hours within ~~their~~ [his](#)
12 [or her](#) graduate counseling/therapy program; and

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

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

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

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

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

34 **5-63.2-22. Procedure for discipline.**

1 When a sworn complaint is filed with the board charging a person with having been
2 guilty of any of the actions specified in § ~~5-63.2-20~~ 5-63.2-21, the division of professional
3 regulation shall immediately ~~investigates~~ investigate the charges, or, the board, after
4 investigation, may institute charges. In the event the investigation reveals reasonable grounds for
5 believing that the applicant or person licensed under this chapter is guilty of the charges, the
6 board shall fix a time and place for a hearing, and shall cause a copy of the charges, together with
7 a notice of the time and the place fixed for a hearing, to be personally served upon the accused at
8 least twenty (20) days prior to the time fixed for the hearing. When personal service cannot be
9 effected and the fact is certified by oath by any person authorized to make service, the board shall
10 cause to be published once in each of two (2) successive weeks, a notice of the hearing in a
11 newspaper published in the county where the accused last resided according to the records of the
12 board and shall mail a copy of the charges and the notice to the accused at his or her last known
13 address. When publication of notice is necessary, the date of the hearing shall not be less than
14 twenty (20) days after the last date of publication of the notice. At the hearing, the accused has
15 the right to appear personally or by counsel, or both, to produce witnesses and evidence on his or
16 her behalf, to cross-examine witnesses, and to have subpoenas issued by the administrator of
17 professional regulation. The attendance of witnesses and the production of books, documents, and
18 papers at the hearing may be compelled by subpoenas issued by the administrator, which ~~is~~ shall
19 be served in accordance with law. At the hearing, the administrator shall administer oaths that are
20 necessary for the proper conduct of the hearing. The board shall not be bound by the strict rules
21 of procedure or by the laws of evidence in the conduct of its proceedings, but the determination
22 shall be based upon sufficient legal evidence to sustain it. If the accused is found guilty of the
23 charges, the board may refuse to issue a registration to the applicant or may revoke or suspend his
24 or her license or discipline the person. Upon the revocation or suspension of any license, the
25 holder shall surrender the license to the administrator of professional regulation who shall strike
26 the name of the holder from the register of licensed clinical mental health counselors and/or
27 licensed marriage and family therapists. A revocation or suspension of a license may be reviewed
28 at the discretion of the board or at the initiative of the administrator of professional regulation
29 who may order a rehearing of the issue if he or she finds cause.

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

32 **5-69-13. Disciplinary sanctions.**

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

1 described in this section:

2 (1) Revocation of the license;

3 (2) Suspension of the license for any period of time;

4 (3) Censure of the licensee;

5 (4) ~~Issue~~ Issuance of a letter ~~or of~~ reprimand;

6 (5) ~~Place~~ Placement of a licensee on probationary status and ~~require~~ requirement that
7 the licensee ~~to~~ submit to any of the following:

8 (i) ~~Report regularly~~ Regular reporting to the licensing board upon matters that are the
9 basis of probation;

10 (ii) ~~Continue to renew~~ Continual renewal of professional education until a satisfactory
11 degree of skill has been ~~attached~~ attained in those areas that are the basis of probation;

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

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

14 (7) ~~Revoke~~ Revocation of probation ~~which that~~ was granted and ~~impose and~~
15 imposition of any other discipline provided in this section when the requirements of probation
16 are not fulfilled or have been violated.

17 (b) The director may reinstate any licensee to good standing under this chapter, ~~if,~~ after a
18 hearing, the department of health is satisfied that the applicant's renewed practice is in the public
19 interest.

20 (c) Upon the suspension or revocation of a license issued under this chapter, a licensee
21 shall be required to surrender the license to the director and upon failure to do so, the director
22 shall have the right to seize the license.

23 (d) The director may make available annually a list of the names and addresses of all
24 licensees under the provisions of this chapter, and of all persons who have been disciplined within
25 the preceding twelve (12) months.

26 (e) Any persons convicted of violating the provisions of this chapter shall be guilty of a
27 misdemeanor, punishable by a fine of not more than five hundred dollars (\$500), imprisonment
28 for not more than one year, or both.

29 SECTION 28. Sections 5-70-15 and 5-70-18 of the General Laws in Chapter 5-70
30 entitled "Telecommunications" are hereby amended to read as follows:

31 **5-70-15. Certificate -- Identification cards.**

32 (a) Upon payment of the fees required by this chapter, an individual who has complied
33 with the requirements of this chapter is entitled to a certificate and identification card indicating
34 that he or she is qualified for licensure under the provisions of this chapter.

1 (b) Each certificate shall contain the name of the individual to whom it was issued and his
2 or her date of birth and the category or categories ~~to~~ under which he or she is licensed.

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

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

10 **5-70-18. Enforcement.**

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

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

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

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

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

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

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

32 (c) Any person may prefer charges against an applicant or licensee under subsection (a)
33 of this section by submitting a written statement of charges, sworn to by the complainant with the
34 director of labor and training. The director of labor and training, or his or her designee, shall hear

1 and determine all charges within three (3) months after the date on which the statement of charges
2 was received by the division of professional regulation. The time and place of the hearing shall be
3 fixed by the director of labor and training. The applicant or licensee charged shall be entitled to
4 be represented by counsel. A hearing shall be conducted in accordance with the provisions for
5 hearings of contested cases in the ~~Administrative Procedure Act~~ administrative procedure
6 act, chapter 35 of title 42. The director of labor and training, or his or her designee, may
7 administer oaths and conduct examinations. If, after the hearing, a majority of the members of the
8 board with the approval of the director of labor and training, find the accused applicant or
9 licensee guilty of a charge or ~~the~~ charges, ~~or any of them~~, it may refuse to issue a license to the
10 accused applicant, or it may revoke or suspend the license of the accused licensee.

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

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

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

24 **5-74.1-7. Suspension, revocation, or refusal to renew registration.**

25 (a) The secretary of state may suspend, revoke, or refuse to renew a registration for
26 conduct that would have justified denial of registration under ~~subsection 5-74.1-5(b)~~ § 5-74.1-
27 6(b).

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

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

32 **5-78-1. Definitions.**

33 As used in this chapter:

34 (a) "Buyer" means any person entering into a social referral services contract with a

1 seller;

2 (b) "Person" means a natural person, partnership, corporation, association, or any other
3 legal entity;

4 (c) "Seller" means any person offering social referral services; **and**

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

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

8 (2) A photograph or video selection process;

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

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

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

14 **5-86-9. Qualifications and examinations for licensing.**

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

17 (1) Is of good moral character;

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

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

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

1 hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per
2 week, for a minimum of three (3) weeks per month;

3 (5) Has passed the relevant examination administered by an appropriate nationally
4 recognized accrediting organization as approved by the department of health for this function;

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

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

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

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

14 (1) Is of good moral character;

15 (2) Has obtained a bachelor's degree in behavior analysis or a related field, as approved
16 by the board, from a college or university accredited by the New England Association of Schools
17 and Colleges, or an equivalent regional accrediting agency, and that has the approval by a
18 national or regional certifying authority, including, but not limited to, the applied behavior analyst
19 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 thousand (1,000)
23 hours of supervised independent fieldwork in applied behavior analysis. The distribution of
24 supervised independent fieldwork hours must be at least ten (10) hours per week, but not more
25 than thirty (30) hours per week, for a minimum of (3) three weeks per month; (ii) Six hundred
26 seventy (670) hours of practicum in behavior analysis within a university experience program
27 approved by the national or regional certifying board. The distribution of practicum hours must
28 be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a
29 minimum of three (3) weeks per month; or (iii) Five hundred (500) hours of intensive practicum
30 in behavior analysis within a university experience program approved by the national or regional
31 certifying board. The distribution of intensive practicum hours must be at least ten (10) hours per
32 week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per
33 month;

34 (5) Is supervised by a licensed applied behavior analyst in a manner consistent with the

1 board's requirements for supervision of licensed applied behavior assistant analysts;

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

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

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

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

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

15 (1) Has received a doctoral degree in psychology from a college or university accredited
16 by the New England ~~association of schools and colleges~~ Association of Schools and Colleges,
17 or an equivalent regional accrediting agency, and that has the approval by a national or regional
18 certifying authority;

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

21 (3) Is of good moral character;

22 (4) Has completed coursework in applied behavior analysis supervised by the department
23 within the college or university granting the requisite degree or by an accredited postgraduate
24 clinical training program recognized by the United States ~~department of education~~ Department
25 of Education, or education and/or experience which is deemed equivalent by the board;

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

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

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

33 ARTICLE II -- STATUTORY CONSTRUCTION

34 SECTION 1. Section 2-6-7 of the General Laws in Chapter 2-6 entitled "Rhode Island

1 Seed Act" is hereby amended to read as follows:

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

4 (a) The duty of enforcing this chapter and carrying out its provisions and requirements is
5 vested in the director of the department of environmental management. It is the duty of that
6 officer, who may act through his or her authorized agents:

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

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

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

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

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

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

28 (2) To issue and enforce a written or printed "stop sale" order to the owner or custodian
29 of any lot of agricultural or vegetable seed that the director finds is in violation of any of the
30 provisions of this chapter or rules and regulations promulgated under this chapter. That order
31 shall prohibit further sale, processing, and movement of the seed, except on approval of the
32 director, until the director has evidence that the law has been complied with and the director has
33 issued a release from the "stop sale" order of the seed; provided, that in respect to seed that has
34 been denied sale, processing, and movement as provided in this paragraph, the owner or

1 custodian of the seed has the right to appeal from the order to a court of competent jurisdiction in
2 the locality in which the seeds are found, praying for a judgment as to the justification of the
3 order and for the discharge of the seeds from the order prohibiting the sale, processing, and
4 movement in accordance with the findings of the court. The provisions of this paragraph shall not
5 be construed as limiting the right of the director to proceed as authorized by other sections of this
6 chapter;

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

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

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

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

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

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

25 **4-1.1-4. Exceptions. [Effective until July 1, 2026.]**

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

27 (1) During medical research- ;

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

30 (3) During transportation- ;

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

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

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

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

3 (7) To a sow during the fourteen ~~- (14)~~ day (14) period prior to the sows expected date of
4 giving birth and extending for a duration of time until the piglets are weaned. This period may be
5 modified upon the order of a licensed veterinarian; ~~;~~ ;

6 (8) To calves being trained to exhibit; ~~;~~ ; and

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

8 **4-1.1-4. Exceptions. [Effective July 1, 2026.]**

9 This chapter shall not apply:

10 (1) During medical research;

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

13 (3) During transportation;

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

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

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

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

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

22 (8) To calves being trained to exhibit; and

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

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

26 **6-48-5. Security freeze -- Timing, covered entities, cost.**

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

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

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

33 (ii) Proper identification.

34 (3) The consumer reporting agency shall send a written confirmation of the security

1 freeze to the consumer within ten (10) business days of placing the freeze and at the same time
2 shall provide the consumer with a unique personal identification number, password, or similar
3 device to be used by the consumer when providing authorization for the release of his or her
4 credit report for a specific period of time, or when permanently removing the freeze.

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

9 (i) Proper identification;

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

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

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

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

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

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

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

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

34 (9) A security freeze shall remain in place until the consumer requests, using a point of

1 contact designated by the consumer reporting agency, that the security freeze be removed. A
2 consumer reporting agency shall remove a security freeze within three (3) business days of
3 receiving a request for removal from the consumer who provides all of the following:

4 (i) Proper identification; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) Whoever, without lawful authority, has in their possession or under their control any
2 bomb, explosive device, or any destructive or incendiary device or substance, or combination of
3 materials that are readily convertible to a bomb, explosive device, or any destructive or
4 incendiary device or substance, shall be punished by imprisonment for not less than three (3)
5 years nor more than twenty (20) years, or by a fine of not less than one thousand dollars (\$1,000)
6 nor more than ten thousand dollars (\$10,000), or both.

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

9 **20-2-31. Hunting and fishing licenses -- Exceptions.**

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

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

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

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

33 (e) Every resident man or woman over the age of sixty-five (65) years is entitled, subject
34 to the provisions of this title and the regulations issued pursuant to this title, to receive a special

1 permanent license to hunt ~~and~~/or fish or both in this state for which there is no fee.

2 (f) Any man or woman who is one hundred percent (100%) permanently disabled may
3 apply to receive a license to fish in this state, and upon presentation of a proof of his or her
4 disability as prescribed by the department of environmental management, receive, without the
5 payment of any license fee, a continuing special form of license authorizing the man or woman to
6 fish in this state for so long as he or she so desires; provided, however, that the man or woman,
7 having once made application for this license, shall not again be required to appear before the
8 licensing authority to present his or her papers.

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

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

17 (1) Social Security Disability Insurance Benefits (SSDI);

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

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

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

26 **23-4-3.1. Immunity.**

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

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

34 **23-22.5-1. Rules, regulations, and orders -- Facilities to which applicable.**

1 (a) The department of environmental management is authorized and empowered to adopt
2 and prescribe rules of procedure and regulations and to amend, change, and/or repeal these rules
3 and regulations and make any orders and perform any actions that it may deem necessary to the
4 proper administration and supervision of drowning prevention, lifesaving, first aid, and safety
5 personnel and equipment of all camps, camp grounds, bathhouses, bathing resorts, beachside
6 motels or boarding houses, beachside parking areas, swimming pools, other beach and swimming
7 areas, surfing areas, amusement parks, and skiing areas ~~which~~ that serve all and/or any part of
8 the general public by fee, membership, or invitation. The provisions of this chapter shall not
9 apply to facilities maintained by a person without charge or assessment to the general public and
10 ~~which~~ that are for the sole use of his or her family, private guests, or tenants.

11 (b) The department shall charge an annual fee of ten dollars (\$10.00) for lifeguard
12 certification required by the rules and regulations. ~~The funds shall be appropriated to the "user~~
13 ~~fees at state beaches, parks and recreation areas -- development fund" established under §~~
14 ~~42-17.1-29.~~

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

17 **31-3.1-2. Exclusions.**

18 No certificate of title need be obtained for:

- 19 (1) A vehicle owned by the United States unless it is registered in this state;
- 20 (2) A vehicle owned by a manufacturer or dealer and held for sale, even though
21 incidentally moved on the highway, or used for purposes of testing or demonstration; or a vehicle
22 used by a manufacturer solely for testing;
- 23 (3) A vehicle owned by a nonresident of this state and not required by law to be
24 registered in this state;
- 25 (4) A vehicle regularly engaged in the interstate transportation of persons or property for
26 which a currently effective certificate of title has been issued in another state;
- 27 (5) A vehicle moved solely by human or animal power;
- 28 (6) An implement of husbandry;
- 29 (7) Special mobile equipment;
- 30 (8) A self-propelled ~~invalid~~ wheelchair or tricycle for a person with a disability;
- 31 (9) A trailer without motive power and designed for carrying property, to be drawn by a
32 motor vehicle and having a gross vehicle weight rating (GVWR) of three thousand pounds (3,000
33 lbs.) or less. As used herein, the term "trailer" does not include a travel trailer, a fifth-wheel
34 trailer, or park trailer, as defined in § 31-1-3;

1 (10) Motorized bicycles; and

2 (11) A mobile home or other nonmotorized dwelling unit built on a chassis greater than
3 eight feet six inches (8' 6") in width or sixty feet (60') in length and containing complete
4 electrical, plumbing, and sanitary facilities, and designed to be installed on a temporary or
5 permanent foundation for permanent living quarters.

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

8 **31-27-2. Driving under influence of liquor or drugs.**

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

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

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

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

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

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

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

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

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

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

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

34 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-

1 tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent
2 (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less
3 than one hundred (\$100) dollars, nor more than four hundred dollars (\$400), and shall be required
4 to perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned
5 for up to one year. The sentence may be served in any unit of the adult correctional institutions in
6 the discretion of the sentencing judge. The person's driving license shall be suspended for a
7 period of three (3) months to twelve (12) months. The sentencing judge shall require attendance
8 at a special course on driving while intoxicated or under the influence of a controlled substance
9 and/or alcoholic or drug treatment for the individual; provided, however, that the court may
10 permit a servicemember or veteran to complete any court-approved counseling program
11 administered or approved by the Veterans' Administration. The sentencing judge or magistrate
12 may prohibit that person from operating a motor vehicle that is not equipped with an ignition
13 interlock system as provided in § 31-27-2.8.

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

27 (2)(i) Every person convicted of a second violation within a five-year (5) period with a
28 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than
29 fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or
30 who has a blood presence of any controlled substance as defined in subsection (b)(2), and every
31 person convicted of a second violation within a five-year (5) period, regardless of whether the
32 prior violation and subsequent conviction was a violation and subsequent conviction under this
33 statute or under the driving under the influence of liquor or drugs statute of any other state, shall
34 be subject to a mandatory fine of four hundred dollars (\$400). The person's driving license shall

1 be suspended for a period of one year to two (2) years, and the individual shall be sentenced to
2 not less than ten (10) days, nor more than one year, in jail. The sentence may be served in any
3 unit of the adult correctional institutions in the discretion of the sentencing judge; however, not
4 less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing
5 judge shall require alcohol or drug treatment for the individual; provided, however, that the court
6 may permit a servicemember or veteran to complete any court-approved counseling program
7 administered or approved by the Veterans' Administration and shall prohibit that person from
8 operating a motor vehicle that is not equipped with an ignition interlock system as provided in §
9 31-27-2.8.

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

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

1 a servicemember or veteran to complete any court-approved counseling program administered or
2 approved by the Veterans' Administration, and shall prohibit that person from operating a motor
3 vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

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

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

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

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

3 (ii) Any person over the age of eighteen (18) who is convicted under this section for
4 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of
5 these, while a child under the age of thirteen (13) years was present as a passenger in the motor
6 vehicle when the offense was committed shall be subject to immediate license suspension
7 pending prosecution. Any person convicted of violating this section shall be guilty of a
8 misdemeanor for a first offense and may be sentenced to a term of imprisonment of not more than
9 one year and a fine not to exceed one thousand dollars (\$1,000). Any person convicted of a
10 second or subsequent offense shall be guilty of a felony offense and may be sentenced to a term
11 of imprisonment of not more than five (5) years and a fine not to exceed five thousand dollars
12 (\$5,000). The sentencing judge shall also order a license suspension of up to two (2) years,
13 require attendance at a special course on driving while intoxicated or under the influence of a
14 controlled substance, and alcohol or drug education and/or treatment. The individual may also be
15 required to pay a highway assessment fee of no more than five hundred dollars (\$500) and the
16 assessment shall be deposited in the general fund.

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

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

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

31 (ii) If the person convicted of violating this section is under the age of eighteen (18)
32 years, for a second or subsequent violation regardless of whether any prior violation and
33 subsequent conviction was a violation and subsequent [conviction](#) under this statute or under the
34 driving under the influence of liquor or drugs statute of any other state, he or she shall be subject

1 to a mandatory suspension of his or her driving license until such time as he or she is twenty-one
2 (21) years of age and may, in the discretion of the sentencing judge, also be sentenced to the
3 Rhode Island training school for a period of not more than one year and/or a fine of not more than
4 five hundred dollars (\$500).

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

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

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

24 (2) Persons convicted under the provisions of this chapter shall be required to attend a
25 special course on driving while intoxicated or under the influence of a controlled substance,
26 and/or participate in an alcohol or drug treatment program; provided, however, that the court may
27 permit a servicemember or veteran to complete any court-approved counseling program
28 administered or approved by the Veterans' Administration. The course shall take into
29 consideration any language barrier that may exist as to any person ordered to attend, and shall
30 provide for instruction reasonably calculated to communicate the purposes of the course in
31 accordance with the requirements of the subsection. Any costs reasonably incurred in connection
32 with the provision of this accommodation shall be borne by the person being retrained. A copy of
33 any violation under this section shall be forwarded by the court to the alcohol and drug safety
34 unit. In the event that persons convicted under the provisions of this chapter fail to attend and

1 complete the above course or treatment program, as ordered by the judge, then the person may be
2 brought before the court, and after a hearing as to why the order of the court was not followed,
3 may be sentenced to jail for a period not exceeding one year.

4 (3) The alcohol and drug safety action program within the division of motor vehicles
5 shall be funded by general revenue appropriations.

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

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

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

21 (j) An order to attend a special course on driving while intoxicated, that shall be
22 administered in cooperation with a college or university accredited by the state, shall include a
23 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars
24 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into
25 the general fund.

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

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

33 (m) For the purposes of this section, "servicemember" means a person who is presently
34 serving in the armed forces of the United States, including the Coast Guard, a reserve component

1 thereof, or the National Guard. "Veteran" means a person who has served in the armed forces,
2 including the Coast Guard of the United States, a reserve component thereof, or the National
3 Guard, and has been discharged under other than dishonorable conditions.

4 SECTION 10. Section 31-47-12 of the General Laws in Chapter 31-47 entitled "Motor
5 Vehicle Repairs Act" is hereby amended to read as follows:

6 **31-47-12. Police officers and agents of administrator of the division of motor**
7 **vehicles -- Fees collected, forms of proof. [Effective January 1, 2019.]**

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

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

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

34 (1) A certificate of proof of financial responsibility;

1 (2) A bond or certification of the issuance of a bond;

2 (3) A certificate of deposit of money or securities; or

3 (4) A certificate of self insurance.

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

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

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

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

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

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

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

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

10 **42-61.3-2. Casino gaming crimes.**

11 (a) Definitions as used in this chapter:

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

13 (2) "Cheat" means to alter the element of chance, method of selection, or criteria **which**
14 **that** determines:

15 (i) The result of the game;

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

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

19 (iv) The value of a wagering credit.

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

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

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

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

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

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

1 limited to:

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

4 (ii) Melting pots or other receptacles;

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

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

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

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

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

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

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

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

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

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

1 both;

2 (6) Use, sell, or possess, or attempt to use, sell, or possess, counterfeit: coins, slugs,
3 tokens, gaming chips, debit instruments, player rewards cards, or any counterfeit wagering
4 instruments and/or devices resembling tokens, gaming chips, debit or other wagering instruments
5 approved by the division of state lottery for use in a casino game in a gaming facility. Any person
6 convicted of violating this section shall be guilty of a felony punishable by imprisonment for not
7 more than ten (10) years or a fine of not more than one hundred thousand dollars (\$100,000), or
8 both;

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

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

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

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

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

34 (11) Use or possess, or attempt to use or possess, at a gaming facility, without the written

1 consent of the director of the division of state lottery, any electronic, electrical, or mechanical
2 device designed, constructed, or programmed to assist the user or another person with the intent
3 to:

- 4 (i) Predict the outcome of a casino game;
- 5 (ii) Keep track of the cards played;
- 6 (iii) Analyze and/or predict the probability of an occurrence relating to the casino game;

7 and/or

- 8 (iv) Analyze and/or predict the strategy for playing or wagering to be used in the casino
9 game. Any person convicted of violating this section shall be guilty of a felony punishable by
10 imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand
11 dollars (\$100,000), or both;

12 (12) Skim, or attempt to skim, casino gaming proceeds by excluding anything of value
13 from the deposit, counting, collection, or computation of:

- 14 (i) Gross revenues from gaming operations or activities;
- 15 (ii) Net gaming proceeds; and/or
- 16 (iii) Amounts due the state pursuant to applicable casino gaming-related laws. Any
17 person convicted of violating this section shall be guilty of a felony punishable by imprisonment
18 for not more than ten (10) years or a fine of not more than one hundred thousand dollars
19 (\$100,000), or both;

20 (13) Cheat, or attempt to cheat, in the performance of ~~his/her~~ his or her duties as a
21 dealer or other casino employee by conducting one's self in a manner that is deceptive to the
22 public or alters the normal random selection of characteristics or the normal chance or result of
23 the game, including, but not limited to, using cards, dice, or any cheating device(s) ~~which have~~
24 that have been marked, tampered with, or altered. Any person convicted of violating this section
25 shall be guilty of a felony punishable by imprisonment for not more than ten (10) years or a fine
26 of not more than one hundred thousand dollars (\$100,000), or both;

27 (14) Possess or use, or attempt to use, without proper authorization from the state lottery
28 division, while in the gaming facility any key or device designed for the purpose of or suitable for
29 opening or entering any self-redemption unit (kiosk), vault, video-lottery terminal, drop box, or
30 any secured area in the gaming facility that contains casino gaming and/or surveillance
31 equipment, computers, electrical systems, currency, cards, chips, dice, or any other thing of value.
32 Any person convicted of violating this section shall be guilty of a felony punishable by
33 imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand
34 dollars (\$100,000), or both;

1 (15) Tamper and/or interfere, or attempt to tamper and/or interfere, with any casino
2 gaming and/or surveillance equipment, including, but not limited to, related computers and
3 electrical systems. Any person convicted of violating this section shall be guilty of a felony
4 punishable by imprisonment for not more than ten (10) years or a fine of not more than one
5 hundred thousand dollars (\$100,000), or both;

6 (16) Access, interfere with, infiltrate, hack into, or infect, or attempt to access, interfere
7 with, infiltrate, hack into, or infect, any casino gaming-related computer, network, hardware
8 and/or software or other equipment. Any person convicted of violating this section shall be guilty
9 of a felony punishable by imprisonment for not more than ten (10) years or a fine of not more
10 than one hundred thousand dollars (\$100,000), or both;

11 (17) Sell, trade, barter, profit from, or otherwise use to one's financial advantage, or
12 attempt to sell, trade, barter, profit from, or otherwise use to one's financial advantage, any
13 confidential information related to casino-gaming operations, including, but not limited to, data
14 (whether stored on a computer's software, hardware, network, or elsewhere), passwords, codes,
15 surveillance and security characteristics and/or vulnerabilities, and/or non-public internal
16 controls, policies, and procedures related thereto. Any person convicted of violating this section
17 shall be guilty of a felony punishable by imprisonment for not more than ten (10) years or a fine
18 of not more than one hundred thousand dollars (\$100,000), or both;

19 (18) Conduct a gaming operation, or attempt to conduct a gaming operation, where
20 wagering is used or to be used without a license issued by, or authorization from, the division of
21 state lottery. Any person convicted of violating this section shall be guilty of a felony punishable
22 by imprisonment for not more than ten (10) years or a fine of not more than one hundred
23 thousand dollars (\$100,000), or both;

24 (19) Provide false information and/or testimony to the division of state lottery,
25 department of business regulation, or their authorized representatives and/or the state police while
26 under oath. Any person convicted of violating this section shall be guilty of a felony punishable
27 by imprisonment for not more than ten (10) years or a fine of not more than one hundred
28 thousand dollars (\$100,000), or both;

29 (20) Play a casino game and/or make a wager, or attempt to play a casino game and/or
30 make a wager, if under the age of eighteen (18) years. Any person charged under this section
31 shall be referred to family court; or

32 (21) Permit, or attempt to permit, a person to play a casino game and/or accept, or
33 attempt to accept, a wager from a person, if ~~he/she~~ he or she is under the age of eighteen (18)
34 years. Any person convicted of violating this section shall be guilty of a misdemeanor punishable

1 by imprisonment for not more than one year or a fine of not more than one thousand dollars
2 (\$1,000), or both.

3 SECTION 12. Section 42-64.14-5 of the General Laws in Chapter 42-64.14 entitled "The
4 I-195 Redevelopment Act of 2011" is hereby amended to read as follows:

5 **42-64.14-5. The I-195 redevelopment district created.**

6 (a) The I-195 redevelopment district is hereby constituted as an independent public
7 instrumentality and body corporate and politic for the purposes set forth in this chapter with a
8 separate legal existence from the city of Providence and from the state and the exercise by the
9 commission of the powers conferred by this chapter shall be deemed and held to be the
10 performance of an essential public function. The boundaries of the district are established in § 37-
11 5-8. However, parcels P2 and P4, as delineated on that certain plan of land captioned
12 "Improvements to Interstate Route 195, Providence, Rhode Island, Proposed Development Parcel
13 Plans 1 through 10, Scale: 1" =20', May 2010, Bryant Associates, Inc., Engineers-Surveyors-
14 Construction Managers, Lincoln, RI, Maguire Group, Inc., Architects/Engineers/Planners,
15 Providence, RI," shall be developed and continued to be used as parks or park supporting activity;
16 provided, however, the commission may, from time to time, pursuant to action taken at a meeting
17 of the commission in public session, adjust the boundaries of parcel P4 provided that at all times
18 parcel P4 shall contain no fewer than one hundred eighty-six thousand one hundred eighty-six
19 square feet (186,186 ft²) of land and provided, further, that the city of Providence shall not be
20 responsible for the upkeep of the parks unless a memorandum of understanding is entered into
21 between the commission or the state and the city of Providence that grants full funding to the city
22 for that purpose.

23 (b) The I-195 redevelopment district commission established in this chapter shall oversee,
24 plan, implement, and administer the development of the areas within the district consistent with
25 and subject to the city of Providence comprehensive plan adopted by the city pursuant to § ~~45-22-~~
26 ~~2-1~~ 45-22.2-1 et seq. and the city of Providence zoning ordinances pursuant to § 45-24-27 et seq.
27 as previously enacted by the city of Providence, and as may be enacted and/or amended from
28 time to time through July 1, 2012, or enacted and/or mended thereafter with the consent of the
29 commission.

30 (c) The city of Providence shall not be required to install or pay for the initial installation
31 of any public or private utility infrastructure within the district.

32 (d) It is the intent of the general assembly by the passage of this chapter to vest in the
33 commission all powers, authority, rights, privileges, and titles that may be necessary to enable it
34 to accomplish the purposes herein set forth, and this chapter and the powers granted hereby shall

1 be liberally construed in conformity with those purposes.

2 SECTION 13. Section 44-18-15 of the General Laws in Chapter 44-18 entitled "Sales
3 and Use Taxes - Liability and Computation" is hereby amended to read as follows:

4 **44-18-15. "Retailer" defined.**

5 (a) "Retailer" includes:

6 (1) Every person engaged in the business of making sales at retail, including prewritten
7 computer software delivered electronically or by load and leave, vendor-hosted prewritten
8 computer software, sales of services as defined in § 44-18-7.3, and sales at auction of tangible
9 personal property owned by the person or others.

10 (2) Every person making sales of tangible personal property, including prewritten
11 computer software delivered electronically or by load and leave or vendor-hosted prewritten
12 computer software or sales of services as defined in § 44-18-7.3, through an independent
13 contractor or other representative, if the retailer enters into an agreement with a resident of this
14 state, under which the resident, for a commission or other consideration, directly or indirectly
15 refers potential customers, whether by a link on an internet website or otherwise, to the retailer,
16 provided the cumulative gross receipts from sales by the retailer to customers in the state who are
17 referred to the retailer by all residents with this type of an agreement with the retailer, is in excess
18 of five thousand dollars (\$5,000) during the preceding four (4) quarterly periods ending on the
19 last day of March, June, September, and December. Such retailer shall be presumed to be
20 soliciting business through ~~such~~ the independent contractor or other representative, which
21 presumption may be rebutted by proof that the resident with whom the retailer has an agreement
22 did not engage in any solicitation in the state on behalf of the retailer that would satisfy the nexus
23 requirement of the United States Constitution during such four (4) quarterly periods.

24 (3) Every person engaged in the business of making sales for storage, use, or other
25 consumption of: (i) ~~tangible~~ Tangible personal property, (ii) ~~sales~~ Sales at auction of tangible
26 personal property owned by the person or others, (iii) ~~prewritten~~ Prewritten computer software
27 delivered electronically or by load and leave, (iv) ~~vendor~~ Vendor-hosted prewritten computer
28 software, and (v) ~~services~~ Services as defined in § 44-18-7.3.

29 (4) A person conducting a horse race meeting with respect to horses, which are claimed
30 during the meeting.

31 (5) Every person engaged in the business of renting any living quarters in any hotel as
32 defined in § 42-63.1-2, rooming house, or tourist camp.

33 (6) Every person maintaining a business within or outside of this state who engages in the
34 regular or systematic solicitation of sales of tangible personal property, prewritten computer

1 software delivered electronically or by load and leave, or vendor-hosted prewritten computer
2 software in this state by means of:

3 (i) Advertising in newspapers, magazines, and other periodicals published in this state,
4 sold over the counter in this state or sold by subscription to residents of this state, billboards
5 located in this state, airborne advertising messages produced or transported in the airspace above
6 this state, display cards and posters on common carriers or any other means of public conveyance
7 incorporated or operated primarily in this state, brochures, catalogs, circulars, coupons,
8 pamphlets, samples, and similar advertising material mailed to, or distributed within this state to
9 residents of this state;

10 (ii) Telephone;

11 (iii) Computer assisted shopping networks; and

12 (iv) Television, radio, or any other electronic media, ~~which~~ that is intended to be
13 broadcast to consumers located in this state.

14 (b) When the tax administrator determines that it is necessary for the proper
15 administration of chapters 18 and 19 of this title to regard any salespersons, representatives,
16 truckers, peddlers, or canvassers as the agents of the dealers, distributors, supervisors, employers,
17 or persons under whom they operate or from whom they obtain the tangible personal property
18 sold by them, irrespective of whether they are making sales on their own behalf or on behalf of
19 the dealers, distributors, supervisors, or employers, the tax administrator may so regard them and
20 may regard the dealers, distributors, supervisors, or employers as retailers for purposes of
21 chapters 18 and 19 of this title.

22 SECTION 14. Section 44-31.2-2 of the General Laws in Chapter 44-31.2 entitled
23 "Motion Picture Production Tax Credits" is hereby amended to read as follows:

24 **44-31.2-2. Definitions.**

25 For the purposes of this chapter:

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

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

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

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

34 (5) "Domiciled in Rhode Island" means a corporation incorporated in Rhode Island or a

1 partnership, limited-liability company, or other business entity formed under the laws of the state
2 of Rhode Island for the purpose of producing motion pictures as defined in this section, or an
3 individual who is a domiciled resident of the state of Rhode Island as defined in chapter 30 of this
4 title.

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

9 (7) "Motion picture" means a feature-length film, documentary production, video,
10 television series, or commercial made in Rhode Island, in whole or in part, for theatrical or
11 television viewing or as a television pilot or for educational distribution. The term "motion
12 picture" shall not include the production of television coverage of news or athletic events, or
13 reality television show(s), nor shall it apply to any film, video, television series, or commercial or
14 a production for which records are required under 18 U.S.C. § 2257, to be maintained with
15 respect to any performer in such production or reporting of books, films, ~~ete.~~ or other works or
16 materials with respect to sexually explicit conduct.

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

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

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

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

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

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

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

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

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

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

34 (v) Making an assignment for the benefit of creditors or admitting in writing or in any

1 legal proceeding its insolvency or inability to pay debts as they become due.

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

8 (10) "Rhode Island film and television office" means an office within the Rhode Island
9 Council on the Arts that has been established in order to promote and encourage the locating of
10 film and television productions within the state of Rhode Island. The office is also referred to
11 within as the "film office".

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

16 (a) Signed a viable distribution plan; or

17 (b) Is producing the motion picture for:

18 (i) A major motion picture distributor;

19 (ii) A major theatrical exhibitor;

20 (iii) Television network; or

21 (iv) Cable television programmer.

22 (12) "State-certified production cost" means any pre-production, production, and post-
23 production cost that a motion picture production company incurs and pays to the extent it occurs
24 within the state of Rhode Island. Without limiting the generality of the foregoing, "state-certified
25 production costs" include: set construction and operation; wardrobes, make-up, accessories, and
26 related services; costs associated with photography and sound synchronization, lighting, and
27 related services and materials; editing and related services, including, but not limited to: film
28 processing, transfers of film to tape or digital format, sound mixing, computer graphics services,
29 special effects services, and animation services, salary, wages, and other compensation, including
30 related benefits, of persons employed, either directly or indirectly, in the production of a film
31 including writer, motion picture director, producer (provided the work is performed in the state of
32 Rhode Island); rental of facilities and equipment used in Rhode Island; leasing of vehicles; costs
33 of food and lodging; music, if performed, composed, or recorded by a Rhode Island musician, or
34 released or published by a person domiciled in Rhode Island; travel expenses incurred to bring

1 persons employed, either directly or indirectly, in the production of the motion picture, to Rhode
2 Island (but not expenses of such persons departing from Rhode Island); and legal (but not the
3 expense of a completion bond or insurance and accounting fees and expenses related to the
4 production's activities in Rhode Island); provided such services are provided by Rhode Island
5 licensed attorneys or accountants.

6 SECTION 15. Section 47-8-1 of the General Laws in Chapter 47-8 entitled "Gasoline and
7 Petroleum Products" is hereby amended to read as follows:

8 **47-8-1. Testing of measuring devices -- Forbidding use -- Fee.**

9 (a) The director of the department of labor and training is hereby authorized and directed
10 to have tested all gasoline measuring devices used in the sale of gasoline, from time to time, as in
11 his or her judgment it may be deemed necessary, to prevent fraud or deception in the use of these
12 devices or to ensure the accurate measurement of gasoline in the sale.

13 (b) Any town or city sealer of weights, measures, and balances shall have authority to
14 condemn and forbid the use of any gasoline measuring device for the sale of gasoline in his or her
15 respective town or city, or until the device has been duly tried and sealed, or until the gasoline
16 measuring device has been equipped with such an attachment, contrivance, or apparatus as will
17 ensure the correct and proper functioning of the measuring device for the sale of the gasoline by
18 accurate measurement.

19 ~~(c) [As amended by P.L. 2018, ch. 211, § 2.] The sealer of weights and measures in~~
20 ~~any town or city shall receive the same fee as any state sealer, appointed by the state, as set~~
21 ~~forth in § 47-1-5.1, except in the city of Providence where the sealer shall have the authority~~
22 ~~to remove and replace any lead seal on any gasoline measuring device and to charge an~~
23 ~~additional fee of five dollars (\$5.00) for that service.~~

24 (c) [As amended by P.L. 2018, ch. 272, § 2.] The sealer of weights and measures in any
25 town or city shall receive the same fee as any state sealer, approved by the state, as stated in § 47-
26 1-5.1, except in the city of Providence where the sealer shall have the authority to remove and
27 replace any lead seal on any gasoline measuring device and to charge an additional fee of five
28 dollars (\$5.00) for that service.

29 SECTION 16. Sections 1-31 of Article I of this act shall take effect on December 31,
30 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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