

1 limiting diagnosis that will lead to profound functional, cognitive and/or physical decline, and
2 likely will result in death within eighteen (18) months.

3 ~~(e)~~(d) "Severely ill" means suffering from a significant and permanent or chronic physical
4 and/or mental condition that: (1) Requires extensive medical and/or psychiatric treatment with little
5 to no possibility of recovery; and (2) ~~Precludes significant~~ Significantly impairs rehabilitation from
6 further incarceration.

7 (e) "Aging prisoner" means an individual who is sixty-five (65) years of age or older and
8 suffers from functional impairment, infirmity, or illness, and has served, in actual custody, the
9 lesser of ten (10) years of the sentence or seventy-five percent (75%) of the total sentence.

10 **13-8.1-4. Procedure.**

11 (a) The parole board is authorized to grant medical parole release of a prisoner, except a
12 prisoner serving life without parole, at any time, who is determined to be terminally ill, severely
13 ill, or permanently physically or cognitively incapacitated within the meaning of § 13-8.1-3(a)(b)(c)
14 and (d). ~~Inmates who are severely ill will only be considered for such release when their treatment~~
15 ~~causes the state to incur exorbitant expenses as a result of continued and frequent medical treatment~~
16 ~~during their incarceration, as determined by the office of financial resources of the department of~~
17 ~~corrections.~~

18 (b) The parole board is authorized to grant geriatric parole release of a prisoner, except a
19 prisoner serving life without parole, who is an aging prisoner within the meaning of § 13-8.1-3(e)
20 or under medical parole as outlined by § 13-8.1-2.

21 ~~(b)~~ (c) In order to apply for this relief, the prisoner or his or her family member or friend,
22 with an attending physician's written approval, or an attending physician, on behalf of the prisoner,
23 shall file an application with the director of the department of corrections. Within seventy-two (72)
24 hours after the filing of any application, the director shall refer the application to the health service
25 unit of the department of corrections for a medical report and a medical or geriatric discharge plan
26 to be completed within ten (10) days. Upon receipt of the ~~medical~~ discharge plan, the director of
27 the department of corrections shall immediately transfer the ~~medical~~ discharge plan, together with
28 the application, to the parole board for its consideration and decision.

29 ~~(e)~~ (d) The report shall contain, at a minimum, the following information:

- 30 (1) Diagnosis of the prisoner's medical conditions, including related medical history;
31 (2) Detailed description of the conditions and treatments;
32 (3) Prognosis, including life expectancy, likelihood of recovery, likelihood of
33 improvement, mobility and trajectory and rate of debilitation;

1 (4) Degree of incapacity or disability, including an assessment of whether the prisoner is
2 ambulatory, capable of engaging in any substantial physical activity, ability to independently
3 provide for their daily life activities, and the extent of that activity;

4 (5) An opinion from the medical director as to whether the person is terminally ill, and if
5 so, the stage of the illness, or whether the person is permanently physically or cognitively
6 incapacitated, ~~or~~ severely ill, or an aging prisoner. If the medical director's opinion is that the person
7 is not terminally ill, permanently, physically or cognitively incapacitated, ~~or~~ severely ill, or an aging
8 prisoner as defined in § 13-8.1-3, the petition for medical or geriatric parole shall not be forwarded
9 to the parole board.

10 ~~(6) In the case of a severely ill inmate, the report shall also contain a determination from~~
11 ~~the office of financial resources that the inmate's illness causes the state to incur exorbitant expenses~~
12 ~~as a result of continued and frequent medical treatment during incarceration.~~

13 ~~(4)~~(e) When the director of corrections refers a prisoner to the parole board for medical or
14 geriatric parole, the director shall provide to the parole board a ~~medical~~ discharge plan that is
15 acceptable to the parole board.

16 ~~(e)~~(f) The department of corrections and the parole board shall jointly develop standards
17 for the medical or geriatric discharge plan that are appropriately adapted to the criminal justice
18 setting. The discharge plan should ensure at the minimum that:

19 (1) An appropriate placement for the prisoner has been secured, including, but not limited
20 to: a hospital, nursing facility, hospice, or family home;

21 (2) A referral has been made for the prisoner to secure a source for payment of the prisoner's
22 medical expenses;

23 (3) A parole officer has been assigned to periodically obtain updates on the prisoner's
24 medical condition to report back to the board.

25 ~~(f)~~(g) If the parole board finds from the credible medical evidence that the prisoner is
26 terminally ill, permanently physically or cognitively incapacitated, ~~or~~ severely ill, or an aging
27 prisoner, the board shall grant release to the prisoner but only after the board also considers whether,
28 in light of the prisoner's medical condition, there is a reasonable probability that the prisoner, if
29 released, will live and remain at liberty without violating the law, and that the release is compatible
30 with the welfare of society and will not so depreciate the seriousness of the crime as to undermine
31 respect for the law. Notwithstanding any other provision of law, medical release may be granted an
32 any time during the term of a prisoner's sentence and geriatric release may be granted when the
33 prisoner has served the lesser of ten (10) years of the sentence or seventy-five percent (75%) of the
34 total sentence.

1 ~~(h)~~ There shall be a presumption that the opinion of the physician and/or medical
2 director will be accepted. However, the applicant, the physician, the director, or the parole board
3 may request an independent medical evaluation within seven (7) days after the physician's and/or
4 medical director's report is presented. The evaluation shall be completed and a report, containing
5 the information required by subsection (b) of this section, filed with the director and the parole
6 board, and a copy sent to the applicant within fourteen (14) days from the date of the request.

7 ~~(i)~~ Within seven (7) days of receiving the application, the medical or geriatric report and
8 the discharge plan, the parole board shall determine whether the application, on its face,
9 demonstrates that relief may be warranted. If the face of the application clearly demonstrates that
10 relief is unwarranted, the board may deny the application without a hearing or further proceedings,
11 and within seven (7) days shall notify the prisoner in writing of its decision to deny the application,
12 setting forth its factual findings and a brief statement of the reasons for denying release without a
13 hearing. Denial of release does not preclude the prisoner from reapplying for medical or geriatric
14 parole after the expiration of sixty (60) days. A reapplication under this section must demonstrate
15 a material change in circumstances.

16 ~~(j)~~(1) Upon receipt of the application from the director of the department of corrections
17 the parole board shall, except as provided in subsection ~~(h)~~ ~~(i)~~ of this section, set the case for a
18 hearing within thirty (30) days;

19 (2) Notice of the hearing shall be sent to the prosecutor and the victim(s), if any, of the
20 offense(s) for which the prisoner is incarcerated, and the prosecutor and the victim(s) shall have
21 the right to be heard at the hearing, or in writing, or both;

22 (3) At the hearing, the prisoner shall be entitled to be represented by an attorney or by the
23 public defender if qualified or other representative.

24 ~~(k)~~ Within seven (7) days of the hearing, the parole board shall issue a written decision
25 granting or denying medical or geriatric parole and explaining the reasons for the decision. If the
26 board determines that medical or geriatric parole is warranted, it shall impose conditions of release,
27 that shall include the following:

- 28 (1) Periodic medical examinations;
- 29 (2) Periodic reporting to a parole officer, and the reporting interval;
- 30 (3) Any other terms or conditions that the board deems necessary; and
- 31 (4) In the case of a prisoner who is medically or geriatric paroled due to being severely ill,
32 the parole board shall require electronic monitoring as a condition of the medical or geriatric parole,
33 unless the health care plan mandates placement in a medical facility that cannot accommodate the
34 electronic monitoring.

1 ~~(l)~~ If after release the releasee's condition or circumstances change so that he or she
2 would not then be eligible for medical or geriatric parole, the parole board may order him or her
3 returned to custody to await a hearing to determine whether his or her release should be revoked.
4 A release may also be revoked for violation of conditions otherwise applicable to parole.

5 ~~(m)~~ An annual report shall be prepared by the director of corrections for the parole board
6 and the general assembly. The report shall include:

- 7 (1) The number of inmates who have applied for medical or geriatric parole;
- 8 (2) The number of inmates who have been granted medical or geriatric parole;
- 9 (3) The nature of the illness or cognitive condition of the applicants, and the nature of the
10 placement pursuant to the ~~medical~~ discharge plan;
- 11 (4) The categories of reasons for denial for those who have been denied;
- 12 (5) The number of releasees on medical or geriatric parole who have been returned to the
13 custody of the department of corrections and the reasons for return.

14 SECTION 2. Sections 16-21.2-4 and 16-21.2-5 of the General Laws in Chapter 16-21.2
15 entitled "The Rhode Island Substance Abuse Prevention Act" are hereby amended to read as
16 follows:

17 **16-21.2-4. Substance abuse prevention program.**

18 (a) The department of behavioral healthcare, developmental disabilities and hospitals
19 shall be charged with the administration of this chapter and shall:

20 (i) Identify funding distribution criteria;

21 (ii) Identify criteria for effective substance abuse prevention programs; and

22 (iii) Provide ~~provide~~ grants to assist in the planning, establishment, ~~and~~ operation, and
23 reporting of substance abuse prevention programs. Grants under this section shall be made to
24 municipal governments or their designated agents according to the following guidelines:

25 (1) The maximum grant shall be one hundred twenty-five thousand dollars (\$125,000);
26 provided, however, in the event that available funding exceeds \$1.6 million in a fiscal year, those
27 surplus funds are to be divided proportionately among the cities and towns on a per capita basis but
28 in no event shall the city of Providence exceed a maximum grant cap of \$175,000.00.

29 (2) In order to obtain a grant, the municipality or its designated agent must in the first year:

30 (i) Demonstrate the municipality's need for a comprehensive substance abuse program in
31 the areas of prevention and education.

32 (ii) Demonstrate that the municipality to be provided a grant has established by appropriate
33 legislative or executive action, a substance abuse prevention council which shall assist in assessing
34 the needs and resources of the community, developing a three (3) year plan of action addressing

1 the identified needs, the operation and implementation of the overall substance abuse prevention
2 program; coordinating existing services such as law enforcement, prevention, treatment, and
3 education; consisting of representatives of the municipal government, representatives of the school
4 system, parents, and human service providers.

5 (iii) Demonstrate the municipality's ability to develop a plan of implementation of a
6 comprehensive three (3) year substance abuse prevention program based on the specific needs of
7 the community to include high risk populations of adolescents, children of substance abusers, and
8 primary education school aged children.

9 (iv) Agree to conduct a survey/questionnaire of the student population designed to establish
10 the extent of the use and abuse of drugs and alcohol in students throughout the local community's
11 school population.

12 (v) Demonstrate that at least twenty percent (20%) of the cost of the proposed program will
13 be contributed either in cash or in-kind by public or private resources within the municipality.

14 (3) Each municipality that receives a grant must demonstrate in an annual written report
15 submitted to the department of behavioral healthcare, developmental disabilities and hospitals that
16 the funding issued is expended on substance abuse prevention programs that reflect the criteria
17 pursuant to subsection (a) of this section.

18 (b) The department of behavioral healthcare, developmental disabilities and hospitals shall
19 adopt rules and regulations necessary and appropriate to carry out the purposes of this section.

20 **16-21.2-5. Funding of substance abuse prevention program.**

21 (a)(1) Money to fund the Rhode Island Substance Abuse Prevention Act shall be
22 appropriated from state general revenues and shall be raised by assessing an additional penalty of
23 thirty dollars (\$30.00) for all speeding violations as set forth in ~~§ 31-43-5.1~~ § 31-41.1-4.

24 (2) Money to fund the Rhode Island substance abuse prevention program shall also be
25 appropriated from state general revenues in an amount estimated to be collected by any state or
26 municipal court from civil penalties issued pursuant to §§ 21-28-4.01(c)(2)(iii) and 21-28-
27 4.01(c)(2)(iv) to the extent that the revenues collected are not otherwise specifically appropriated.
28 The appropriated funds shall be further allocated in accordance with the distribution criteria
29 identified by the department of behavioral healthcare, developmental disabilities and hospitals set
30 forth in § 16-21.2-4(a).

31 (3) The money shall be deposited as general revenues. The department of behavioral
32 healthcare, developmental disabilities and hospitals may utilize up to ten percent (10%) of the sums
33 appropriated for the purpose of administering the substance abuse prevention program.

1 (b) Grants made under this chapter shall not exceed money available in the substance
2 abuse prevention program.

3 SECTION 3. The title of Chapter 16-21.3 of the General Laws entitled "The Rhode
4 Island Student Assistance Junior High/Middle School Act" is hereby amended to read as follows:

5 ~~CHAPTER 16-21.3~~

6 ~~The Rhode Island Student Assistance Junior High/Middle School Act~~

7 CHAPTER 16-21.3

8 The Rhode Island Student Assistance High School/Junior High/Middle School Act

9 SECTION 4. Sections 16-21.3-2 and 16-21.3-3 of the General Laws in Chapter 16-21.3
10 entitled "The Rhode Island Student Assistance Junior High/Middle School Act" are hereby
11 amended to read as follows:

12 ~~16-21.3-2. Junior high/middle school student assistance program.~~ High school/junior
13 high/middle school student assistance program.

14 (a) The department of behavioral healthcare, developmental disabilities and hospitals shall
15 be charged with the administration of this chapter and shall:

16 (1) Identify funding distribution criteria;

17 (2) Identify criteria for effective substance abuse prevention programs; and

18 (3) Contract ~~contract~~ with appropriate substance abuse prevention/intervention agencies to
19 provide student assistance services that incorporate the criteria in high school/junior high/middle
20 schools.

21 (b) Following the first complete year of operation, school systems receiving high
22 school/junior high/middle school student assistance services will be required to contribute twenty
23 percent (20%) of the costs of student assistance counselors to the service provider agency in order
24 to continue the services.

25 ~~16-21.3-3. Funding of junior high/middle school student assistance program.~~

26 Funding of high school/junior high/middle school student assistance program.

27 (a)(1) Money to fund this program shall be raised by assessing an additional substance
28 abuse prevention assessment of thirty dollars (\$30.00) for all moving motor vehicle violations
29 handled by the traffic tribunal including, but not limited to, those violations set forth in § 31-41.1-
30 4, except for speeding. The money shall be deposited in a restricted purpose receipt account separate
31 from all other accounts within the department of behavioral healthcare, developmental disabilities
32 and hospitals. The restricted purpose receipt account shall be known as the high school/junior
33 high/middle school student assistance fund and the traffic tribunal shall transfer money from the
34 high school/junior high/middle school student assistance fund to the department of behavioral

1 healthcare, developmental disabilities and hospitals for the administration of the Rhode Island
2 Student Assistance High School/Junior High/Middle School Act.

3 (2) Money to fund the Rhode Island substance abuse prevention program shall also be
4 appropriated from state general revenues in an amount estimate to be collected by any state or
5 municipal court from civil penalties issued pursuant to §§ 21-28-4.01(c)(2)(iii) and 21-28-
6 4.01(c)(2)(iv) to the extent that the revenues collected are not otherwise specifically appropriated.
7 The appropriated funds shall be allocated in accordance with the distribution criteria identified by
8 the department of behavioral healthcare, developmental disabilities and hospitals set forth in § 16-
9 21.2-4(a).

10 (b) The department of behavioral healthcare, developmental disabilities and hospitals may
11 utilize up to ten percent (10%) of the sums collected from the additional penalty for the purpose of
12 administering the program.

13 SECTION 5. Section 21-28-4.01 of the General Laws in Chapter 21-28 entitled "Uniform
14 Controlled Substances Act" is hereby amended to read as follows:

15 **21-28-4.01. Prohibited acts A -- Penalties.**

16 (a)(1) Except as authorized by this chapter, it shall be unlawful for any person to
17 manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

18 (2) Any person who is not a drug-addicted person, as defined in § 21-28-1.02(20), who
19 violates this subsection with respect to a controlled substance classified in schedule I or II, except
20 the substance classified as marijuana, is guilty of a crime and, upon conviction, may be imprisoned
21 to a term up to life or fined not more than five hundred thousand dollars (\$500,000) nor less than
22 ten thousand dollars (\$10,000), or both.

23 (3) Where the deliverance as prohibited in this subsection shall be the proximate cause of
24 death to the person to whom the controlled substance is delivered, it shall not be a defense that the
25 person delivering the substance was, at the time of delivery, a drug-addicted person as defined in §
26 21-28-1.02(20).

27 (4) Any person, except as provided for in subdivision (2) of this subsection, who violates
28 this subsection with respect to:

29 (i) A controlled substance, classified in schedule I or II, is guilty of a crime and, upon
30 conviction, may be imprisoned for not more than thirty (30) years, or fined not more than one
31 hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

32 (ii) A controlled substance, classified in schedule III or IV, is guilty of a crime and, upon
33 conviction, may be imprisoned for not more than twenty (20) years, or fined not more than forty
34 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in

1 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
2 more than twenty thousand dollars (\$20,000), or both.

3 (iii) A controlled substance, classified in schedule V, is guilty of a crime and, upon
4 conviction, may be imprisoned for not more than one year, or fined not more than ten thousand
5 dollars (\$10,000), or both.

6 (b)(1) Except as authorized by this chapter, it is unlawful for any person to create,
7 deliver, or possess with intent to deliver, a counterfeit substance.

8 (2) Any person who violates this subsection with respect to:

9 (i) A counterfeit substance, classified in schedule I or II, is guilty of a crime and, upon
10 conviction, may be imprisoned for not more than thirty (30) years, or fined not more than one
11 hundred thousand dollars (\$100,000), or both;

12 (ii) A counterfeit substance, classified in schedule III or IV, is guilty of a crime and, upon
13 conviction, may be imprisoned for not more than twenty (20) years, or fined not more than forty
14 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
15 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
16 more than twenty thousand dollars (\$20,000), or both.

17 (iii) A counterfeit substance, classified in schedule V, is guilty of a crime and, upon
18 conviction, may be imprisoned for not more than one year, or fined not more than ten thousand
19 dollars (\$10,000), or both.

20 (c)(1) It shall be unlawful for any person knowingly or intentionally to possess a
21 controlled substance, unless the substance was obtained directly from, or pursuant to, a valid
22 prescription or order of a practitioner while acting in the course of his or her professional practice,
23 or except as otherwise authorized by this chapter.

24 (2) Any person who violates this subsection with respect to:

25 (i) A controlled substance classified in schedules I, II and III, IV, and V, except the
26 substance classified as marijuana, is guilty of a crime and, upon conviction, may be imprisoned for
27 not more than three (3) years, or fined not less than five hundred dollars (\$500) nor more than five
28 thousand dollars (\$5,000), or both;

29 (ii) More than one ounce (1 oz.) of a controlled substance classified in schedule I as
30 marijuana is guilty of a misdemeanor, except for those persons subject to (a)(1), and, upon
31 conviction, may be imprisoned for not more than one year, or fined not less than two hundred
32 dollars (\$200) nor more than five hundred dollars (\$500), or both.

33 (iii) Notwithstanding any public, special, or general law to the contrary, the possession of
34 one ounce (1 oz.) or less of marijuana by a person who is eighteen (18) years of age or older, and

1 who is not exempted from penalties pursuant to chapter 28.6 of this title, shall constitute a civil
2 offense, rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars
3 (\$150) and forfeiture of the marijuana, but not to any other form of criminal or civil punishment or
4 disqualification. Notwithstanding any public, special, or general law to the contrary, this civil
5 penalty of one hundred fifty dollars (\$150) and forfeiture of the marijuana shall apply if the offense
6 is the first (1st) or second (2nd) violation within the previous eighteen (18) months.

7 (iv) Notwithstanding any public, special, or general law to the contrary, possession of one
8 ounce (1 oz.) or less of marijuana by a person who is seventeen (17) years of age or older and under
9 the age of eighteen (18) years, and who is not exempted from penalties pursuant to chapter 28.6 of
10 this title, shall constitute a civil offense, rendering the offender liable to a civil penalty in the amount
11 of one hundred fifty dollars (\$150) and forfeiture of the marijuana; provided the minor offender
12 completes ~~an approved,~~ a drug-awareness program approved by director of the department of
13 behavioral healthcare, developmental disabilities and hospitals or his or her designee, and
14 community service as determined by the court. If the person seventeen (17) years of age or older
15 and under the age of eighteen (18) years fails to complete an approved, drug-awareness program
16 and community service within one year of the disposition, the penalty shall be a three hundred
17 dollar (\$300) civil fine and forfeiture of the marijuana, except that if no drug-awareness program
18 or community service is available, the penalty shall be a fine of one hundred fifty dollars (\$150)
19 and forfeiture of the marijuana. The parents or legal guardian of any offender seventeen (17) years
20 of age or older and under the age of eighteen (18) shall be notified of the offense and the availability
21 of a drug-awareness and community-service program. The drug-awareness program ~~must be~~
22 ~~approved by the court, but~~ shall, at a minimum, provide four (4) hours of instruction or group
23 discussion and ten (10) hours of community service. Notwithstanding any other public, special, or
24 general law to the contrary, this civil penalty shall apply if the offense is the first or second violation
25 within the previous eighteen (18) months.

26 (v) Notwithstanding any public, special, or general law to the contrary, a person not
27 exempted from penalties pursuant to chapter 28.6 of this title found in possession of one ounce (1
28 oz.) or less of marijuana is guilty of a misdemeanor and, upon conviction, may be imprisoned for
29 not more than thirty (30) days, or fined not less than two hundred dollars (\$200) nor more than five
30 hundred dollars (\$500), or both, if that person has been previously adjudicated on a violation for
31 possession of less than one ounce (1 oz.) of marijuana under (c)(2)(iii) or (c)(2)(iv) two (2) times
32 in the eighteen (18) months prior to the third (3rd) offense.

1 (vi) Any unpaid civil fine issued under (c)(2)(iii) or (c)(2)(iv) shall double to three hundred
2 dollars (\$300) if not paid within thirty (30) days of the disposition. The civil fine shall double again
3 to six hundred dollars (\$600) if it has not been paid within ninety (90) days.

4 (vii) No person may be arrested for a violation of (c)(2)(iii) or (c)(2)(iv) of this subsection
5 except as provided in this subparagraph. Any person in possession of an identification card, license,
6 or other form of identification issued by the state or any state, city, or town, or any college or
7 university, who fails to produce the same upon request of a police officer who informs the person
8 that he or she has been found in possession of what appears to the officer to be one ounce (1 oz.)
9 or less of marijuana, or any person without any such forms of identification who fails or refuses to
10 truthfully provide his or her name, address, and date of birth to a police officer who has informed
11 such person that the officer intends to provide such individual with a citation for possession of one
12 ounce (1 oz.) or less of marijuana, may be arrested.

13 (viii) No violation of (c)(2)(iii) or (c)(2)(iv) of this subsection shall be considered a
14 violation of parole or probation.

15 (ix) Any records collected by any state agency, tribunal, or the family court that include
16 personally identifiable information about violations of (c)(2)(iii) or (c)(2)(iv) shall not be open to
17 public inspection in accordance with § 8-8.2-21.

18 (3) Jurisdiction. Any and all violations of (c)(2)(iii) and (c)(2)(iv) shall be the exclusive
19 jurisdiction of the Rhode Island traffic tribunal. All money associated with the civil fine issued
20 under (c)(2)(iii) or (c)(2)(iv) shall be payable to the Rhode Island traffic tribunal. Fifty percent
21 (50%) of all fines collected by the Rhode Island traffic tribunal from civil penalties issued pursuant
22 to (c)(2)(iii) or (c)(2)(iv) shall be ~~expended on drug awareness and treatment programs for youth~~
23 deposited as general revenues, with the estimated amount of fines to be collected to be allocated to
24 the department of behavioral healthcare, developmental disabilities and hospitals (BHDDH) and
25 used to fund substance abuse prevention programs and student assistance programs for youth
26 pursuant to chapters 21.2 and 21.3 of title 16, and in accordance with the criteria set forth in §§ 16-
27 21.2-4(a) and 16-21.3-2(a).

28 (4) Additionally, every person convicted or who pleads nolo contendere under (c)(2)(i) or
29 convicted or who pleads nolo contendere a second or subsequent time under (c)(2)(ii), who is not
30 sentenced to a term of imprisonment to serve for the offense, shall be required to:

31 (i) Perform up to one hundred (100) hours of community service;

32 (ii) Attend and complete a drug-counseling and education program, as prescribed, by the
33 director of the department of behavioral healthcare, developmental disabilities and hospitals and
34 pay the sum of four hundred dollars (\$400) to help defray the costs of this program which shall be

1 deposited as general revenues, with the estimated amount to be collected to be allocated to the
2 department of behavioral healthcare, developmental disabilities and hospitals (BHDDH) to fund
3 substance abuse prevention programs and student assistance programs for youth pursuant to
4 chapters 21.2 and 21.3 of title 16 and in accordance with the criteria set forth in §§ 16-21.2-4(a)
5 and 16-21.3-2(a). Failure to attend may result, after hearing by the court, in jail sentence up to one
6 year;

7 (iii) The court shall not suspend any part or all of the imposition of the fee required by this
8 subsection, unless the court finds an inability to pay;

9 (iv) If the offense involves the use of any automobile to transport the substance or the
10 substance is found within an automobile, then a person convicted or who pleads nolo contendere
11 under (c)(2)(i) and (c)(2)(ii) shall be subject to a loss of license for a period of six (6) months for a
12 first offense and one year for each offense after.

13 (5) All fees assessed and collected pursuant to ~~(e)(3)(ii)~~ subsection (c)(4)(ii) of this section
14 shall be deposited as general revenues, with the estimated amount of fees to be collected to be
15 allocated to the department of behavioral healthcare, developmental disabilities and hospitals
16 (BHDDH) to fund substance abuse prevention programs and student assistance programs for youth
17 pursuant to chapters 21.2 and 21.3 of title 16 and in accordance with the criteria set forth in §§ 16-
18 21.2-4(a) and 16-21.3-2(a) and shall be collected from the person convicted or who pleads nolo
19 contendere before any other fines authorized by this chapter.

20 (d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to
21 manufacture or distribute, an imitation controlled substance. Any person who violates this
22 subsection is guilty of a crime and, upon conviction, shall be subject to the same term of
23 imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the
24 controlled substance that the particular imitation controlled substance forming the basis of the
25 prosecution was designed to resemble and/or represented to be; but in no case shall the
26 imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars
27 (\$20,000).

28 (e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an
29 anabolic steroid or human growth hormone for: (1) Enhancing performance in an exercise, sport,
30 or game, or (2) Hormonal manipulation intended to increase muscle mass, strength, or weight
31 without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor
32 and, upon conviction, may be imprisoned for not more than six (6) months or a fine of not more
33 than one thousand dollars (\$1,000), or both.

1 (f) It is unlawful for any person to knowingly or intentionally possess, manufacture,
 2 distribute, or possess with intent to manufacture or distribute, any extract, compound, salt
 3 derivative, or mixture of salvia divinorum or datura stramonium or its extracts unless the person is
 4 exempt pursuant to the provisions of § 21-28-3.30. Notwithstanding any laws to the contrary, any
 5 person who violates this section is guilty of a misdemeanor and, upon conviction, may be
 6 imprisoned for not more than one year, or fined not more than one thousand dollars (\$1,000), or
 7 both. The provisions of this section shall not apply to licensed physicians, pharmacists, and
 8 accredited hospitals and teaching facilities engaged in the research or study of salvia divinorum or
 9 datura stramonium and shall not apply to any person participating in clinical trials involving the
 10 use of salvia divinorum or datura stramonium.

11 SECTION 6. Section 31-41.1-4 of the General Laws in Chapter 31-41.1 entitled
 12 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

13 **31-41.1-4. Schedule of violations.**

14 (a) The penalties for violations of the enumerated sections, listed in numerical order,
 15 correspond to the fines described. However, those offenses for which punishments may vary
 16 according to the severity of the offense, or punishment that require the violator to perform a service,
 17 shall be heard and decided by the traffic tribunal or municipal court. The following violations may
 18 be handled administratively through the method prescribed in this chapter. This list is not exclusive
 19 and jurisdiction may be conferred on the traffic tribunal with regard to other violations.

20 VIOLATIONS SCHEDULE

21	Section of		
22	General Laws		Total Fine
23	8-8.2-2	DOT, DEM, or other agency and department violations	
24		\$85.00	
25	24-10-17	Soliciting rides in motor vehicles	
26		85.00	
27	24-10-18	Backing up prohibited	
28		85.00	
29	24-10-20	Park and ride lots	
30		85.00	
31	24-12-37	Nonpayment of toll	
32		100.00	
33	31-3-12	Visibility of plates	
34		85.00	

1	31-3-18	Display of plates	85.00
2	31-3-32	Driving with expired registration	85.00
3	31-3-34	Failure to notify division of change of address	85.00
4	31-3-35	Notice of change of name	85.00
5	31-3-40	Temporary plates – dealer issued	85.00
6	31-4-3	Temporary registration – twenty-day (20) bill of sale	85.00
7	31-10-10	Rules as to armed forces license	85.00
8	31-10-30	Driving on expired license	85.00
9	31-10-32	Notice of change of address	85.00
10	31-10.1-4	No motorcycle helmet (operator)	85.00
11	31-10.1-5	Motorcycle handlebar violation	85.00
12	31-10.1-6	No motorcycle helmet (passenger)	85.00
13	31-10.1-7	Inspection of motorcycle required	85.00
14	31-12-12	Local motor vehicle ordinance	85.00
15	31-13-4	Obedience to devices	85.00
16	31-13-6(3)(i)	Eluding traffic light	85.00
17	31-13-9	Flashing signals	85.00
18	31-13-11	Injury to signs or devices	85.00
19	31-14-1	Reasonable and prudent speed	95.00
20	31-14-3	Condition requiring reduced speed	95.00
21	31-14-9	Below minimum speed	95.00
22	31-14-12	Speed limit on bridges and structures	95.00
23	31-15-1	Leaving lane of travel	85.00
24	31-15-2	Slow traffic to right	85.00
25	31-15-3	Operator left of center	85.00
26	31-15-4	Overtaking on left	85.00
27	31-15-5(a)	Overtaking on right	85.00
28	31-15-6	Clearance for overtaking	85.00
29	31-15-7	Places where overtaking prohibited	85.00
30	31-15-8	No passing zone	85.00
31	31-15-9	One way highways	85.00
32	31-15-10	Rotary traffic islands	85.00
33	31-15-11	Laned roadway violation	85.00
34	31-15-12	Following too closely	85.00

1	31-15-12.1	Entering intersection	100.00
2	31-15-13	Crossing center section of divided highway	85.00
3	31-15-14	Entering or leaving limited access roadways	85.00
4	31-15-16	Use of emergency break-down lane for travel	85.00
5	31-15-17	Crossing bicycle lane	85.00
6	31-15-18	Unsafe passing of person operating a bicycle	85.00
7	31-16-1	Care in starting from stop	85.00
8	31-16-2	Manner of turning at intersection	85.00
9	31-16-4	U turn where prohibited	85.00
10	31-16-5	Turn signal required	85.00
11	31-16-6	Time of signaling turn	85.00
12	31-16-7	Failure to give stop signal	85.00
13	31-16-8	Method of giving signals	85.00
14	31-16.1-3	Diesel vehicle idling rules	
15		first offense not to exceed	100.00
16		second and subsequent offense not to exceed	500.00
17	31-17-1	Failure to yield right of way	85.00
18	31-17-2	Vehicle turning left	85.00
19	31-17-3	Yield right of way (intersection)	85.00
20	31-17-4	Obedience to stop signs	85.00
21	31-17-5	Entering from private road or driveway	85.00
22	31-17-8	Vehicle within right of way, rotary	85.00
23	31-17-9	Yielding to bicycles on bicycle lane	85.00
24	31-18-3	Right of way in crosswalks	
25			85.00 first violation
26			100.00 second
27			violation or any
28			subsequent violation
29	31-18-5	Crossing other than at crosswalks	85.00
30	31-18-8	Due care by drivers	85.00
31	31-18-12	Hitchhiking	85.00
32	31-18-18	Right of way on sidewalks	85.00
33	31-19-3	Traffic laws applied to bicycles	85.00
34	31-19-20	Sale of new bicycles	85.00

1	31-19-21	Sale of used bicycles	85.00
2	31-19.1-2	Operating motorized bicycle on an interstate highway	85.00
3	31-19.2-2	Operating motorized tricycle on an interstate highway	85.00
4	31-20-1	Failure to stop at railroad crossing	85.00
5	31-20-2	Driving through railroad gate	85.00
6	31-20-9	Obedience to stop sign	85.00
7	31-21-4	Places where parking or stopping prohibited	85.00
8	31-21-14	Opening of vehicle doors	85.00
9	31-21-18	Electric vehicle charging station restriction	85.00
10	31-22-2	Improper backing up	85.00
11	31-22-4	Overloading vehicle	85.00
12	31-22-5	Violation of safety zone	85.00
13	31-22-6	Coasting	85.00
14	31-22-7	Following fire apparatus	85.00
15	31-22-8	Crossing fire hose	85.00
16	31-22-9	Throwing debris on highway – snow removal	85.00
17	31-22-11.5	Improper use of school bus	– not to exceed five
18			hundred dollars
19			(\$500) for each day
20		of improper use	
21	31-22-22(a)	No child restraint	85.00
22	31-22-22(a)	Child restraint/seat belt but not in any rear seating position	85.00
23	31-22-22(b), (f)	No seat belt – passenger	40.00
24	31-22-22(g)	No seat belt – operator	40.00
25	31-22-23	Tow trucks – proper identification	275.00
26	31-22-24	Operation of interior lights	85.00
27	31-23-1(b)(2)	U.S. department of transportation motor carrier safety	
28		rules and regulations	Not less than \$85.00
29			or more than \$500.00
30	31-23-1(e)(6)	Removal of an "out of service vehicle" sticker	125.00
31	31-23-1(e)(7)	Operation of an "out of service vehicle"	100.00
32	31-23-2(b)	Installation or adjustment of unsafe or prohibited	
33		parts, equipment, or accessories:	(first offense) 250.00
34			(second offense) 500.00

1			(third and subsequent
2			offenses) 1,000.00
3	31-23-4	Brake equipment required	85.00
4	31-23-8	Horn required	85.00
5	31-23-10	Sirens prohibited	85.00
6	31-23-13	Muffler required	85.00
7	31-23-13.1	Altering height or operating a motor vehicle with an	
8		altered height	85.00
9	31-23-14	Prevention of excessive fumes or smoke	85.00
10	31-23-16	Windshield and window stickers (visibility)	85.00
11	31-23-17	Windshield wipers	85.00
12	31-23-19	Metal tires prohibited	85.00
13	31-23-20	Protuberances on tires	85.00
14	31-23-26	Fenders and wheel flaps required	85.00
15	31-23-27	Rear wheel flaps on buses, trucks, and trailers	85.00
16	31-23-29	Flares or red flag required over	
17		four thousand pounds (4,000 lbs.)	85.00
18	31-23-40	Approved types of seat belt requirements	85.00
19	31-23-42.1	Special mirror – school bus	85.00
20	31-23-43	Chocks required (1 pair) – over	
21		four thousand pounds (4,000 lbs.)	85.00
22	31-23-45	Tire treads – defective tires	85.00
23	31-23-47	Slow moving emblem required	85.00
24	31-23-49	Transportation of gasoline – passenger vehicle	85.00
25	31-23-51	Operating bike or motor vehicle	
26		wearing ear phones	85.00 (first offense)
27			95.00 second offense
28			140.00 for the third
29			
30		and each subsequent	
31		offense	
32	31-24-1	Times when lights required	85.00
33	through		
34	31-24-54		

1	31-25-3	Maximum width of one hundred	
2		and two inches (102") exceeded	85.00
3	31-25-4	Maximum height of one hundred	
4		sixty-two inches (162") exceeded	85.00
5	31-25-6	Maximum number and length of coupled vehicles	500.00
6	31-25-7	Load extending three feet (3') front, six feet (6') rear exceeded	85.00
7	31-25-9	Leaking load	85.00
8	31-25-11	Connections between coupled vehicles	85.00
9	31-25-12	Towing chain, twelve-inch (12") square flag required	85.00
10	31-25-12.1	Tow truck – use of lanes (first offense)	85.00
11		second offense	95.00
12		for the third and each subsequent offense	100.00
13	31-25-14(d)(1)	Maximum weight and tandem axles	125.00
14	31-25-14(d)(2)	Maximum weight and tandem axles	125.00
15	31-25-14(d)(3)	Maximum weight and tandem axles	125.00
16	31-25-16(c)(2)	Maximum weight shown in registration	85.00 per
17			thousand lbs.
18			overweight or
19			portion thereof.
20	31-25-16(c)(3)	Maximum weight shown in registration	125.00 per
21			thousand lbs.
22			overweight or
23			portion thereof.
24	31-25-16(c)(4)	Maximum weight shown in registration	1,025.00 plus
25			\$125.00 per
26			thousand
27			pounds
28			overweight or
29			portion thereof.
30	31-25-17	Identification of trucks and truck-tractors (first offense)	85.00
31		(second offense)	95.00
32			125.00 for the third and
33			subsequent offenses
34	31-25-24	Carrying and inspection of excess load limit	175.00

1	31-25-27(c)	Maximum axle	3,000.00 (first offense)
2			not to exceed
3			5,000.00 for each
4		and every	
5		subsequent offense	
6	31-25-30	Maximum axle Pawtucket River Bridge and	
7		Sakonnet River Bridge	3,000.00 (first
8			offense) not to
9			exceed 5,000.00 for
10		each and every	
11		subsequent offense	
12	31-27-2.3	Refusal to take preliminary breath test	85.00
13	31-28-7(d)	Wrongful use of handicapped parking placard	500.00
14	31-28-7(f)	Handicapped parking space violation:	
15		First offense	100.00
16		Second offense	175.00
17		Third offense and subsequent offenses	325.00
18	31-28-7.1(e)	Wrongful use of institutional	
19		handicapped parking placard	125.00
20	31-33-2	Failure to file accident report	85.00
21	31-36.1-17	No fuel tax stamp (out-of-state)	
22		85.00 and not	
23		exceeding (\$100) for	
24		subsequent offense	
25	31-38-3	No inspection sticker	85.00
26	31-38-4	Violation of inspection laws	85.00
27	31-41.3-15	Automated school-zone-speed-enforcement system	50.00
28	31-47.2-6	Heavy-duty vehicle emission inspections:	
29		First offense	125.00
30		Second offense	525.00
31		Third and subsequent offenses	1,025.00
32	37-15-7	Littering	not less than 55.00

1		not more than five
2		hundred dollars
3		(\$500)
4	39-12-26	Public carriers violation
5		300.00
6		
7		SPEEDING Fine
8	Speeding	Fine
9	(A) One to ten miles per hour (1-10 mph)	
10	in excess of posted speed limit	
11		\$ 95.00
12	(B) Eleven miles per hour (11 mph) in excess	
13	of posted speed limit with a fine of	
14	ten dollars (\$10.00) per mile in excess	
15	of speed limit shall be assessed.	205.00
16		minimum

16 (b) In addition to any other penalties provided by law, a judge may impose the following
17 penalties for speeding:

18 (1) For speeds up to and including ten miles per hour (10 mph) over the posted speed limit
19 on public highways, a fine as provided for in subsection (a) of this section for the first offense; ten
20 dollars (\$10.00) per mile for each mile in excess of the speed limit for the second offense if within
21 twelve (12) months of the first offense; and fifteen dollars (\$15.00) per mile for each mile in excess
22 of the speed limit for the third and any subsequent offense if within twelve (12) months of the first
23 offense. In addition, the license may be suspended up to thirty (30) days.

24 (2) For speeds in excess of ten miles per hour (10 mph) over the posted speed limit on
25 public highways, a mandatory fine of ten dollars (\$10.00) for each mile over the speed limit for the
26 first offense; fifteen dollars (\$15.00) per mile for each mile in excess of the speed limit for the
27 second offense if within twelve (12) months of the first offense; and twenty dollars (\$20.00) per
28 mile for each mile in excess of the speed limit for the third and subsequent offense if within twelve
29 (12) months of the first offense. In addition, the license may be suspended up to sixty (60) days.

30 (c) Except for a technology surcharge assessed in accordance with § 8-15-11 and
31 assessments collected under §16-21.2-5 and §16-21.3-3, any person charged with a violation who
32 pays the fine administratively pursuant to this chapter shall not be subject to any additional costs or
33 assessments, including, but not limited to, the hearing fee established in § 8-18-4.

1 SECTION 7. Effective July 1, 2020, section 40-5.2-8 of the General Laws in Chapter 40-
2 5.2 entitled "The Rhode Island Works Program" are hereby amended to read as follows:

3 40-5.2-8. Definitions.

4 (a) As used in this chapter, the following terms having the meanings set forth herein, unless
5 the context in which such terms are used clearly indicates to the contrary:

6 (1) "Applicant" means a person who has filed a written application for assistance for
7 herself/himself and her/his dependent child(ren). An applicant may be a parent or non-parent
8 caretaker relative.

9 (2) "Assistance" means cash and any other benefits provided pursuant to this chapter.

10 (3) "Assistance unit" means the assistance filing unit consisting of the group of persons,
11 including the dependent child(ren), living together in a single household who must be included in
12 the application for assistance and in the assistance payment if eligibility is established. An
13 assistance unit may be the same as a family.

14 (4) "Benefits" shall mean assistance received pursuant to this chapter.

15 (5) "Community service programs" means structured programs and activities in which cash
16 assistance recipients perform work for the direct benefit of the community under the auspices of
17 public or nonprofit organizations. Community service programs are designed to improve the
18 employability of recipients not otherwise able to obtain paid employment.

19 (6) "Department" means the department of human services.

20 (7) "Dependent child" means an individual, other than an individual with respect to whom
21 foster care maintenance payments are made, who is: (A) under the age of eighteen (18); or (B)
22 under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent
23 level of vocational or educational training), ~~if before he or she attains age nineteen (19), he or she~~
24 ~~may reasonably be expected to complete the program of such secondary school (or such training).~~

25 (8) "Director" means the director of the department of human services.

26 (9) "Earned income" means income in cash or the equivalent received by a person through
27 the receipt of wages, salary, commissions, or profit from activities in which the person is self-
28 employed or as an employee and before any deductions for taxes.

29 (10) "Earned income tax credit" means the credit against federal personal income tax
30 liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section,
31 the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26
32 U.S.C. § 3507, or any successor section and any refund received as a result of the earned income
33 tax credit, as well as any refundable state earned income tax credit.

1 (11) "Education directly related to employment" means education, in the case of a
2 participant who has not received a high school diploma or a certificate of high school equivalency,
3 related to a specific occupation, job, or job offer.

4 (12) "Family" means: (A) a pregnant woman from and including the seventh month of her
5 pregnancy; or (B) a child and the following eligible persons living in the same household as the
6 child: (C) each biological, adoptive or stepparent of the child, or in the absence of a parent, any
7 adult relative who is responsible, in fact, for the care of such child; and (D) the child's minor siblings
8 (whether of the whole or half-blood); provided, however, that the term "family" shall not include
9 any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.
10 A family may be the same as the assistance unit.

11 (13) "Gross earnings" means earnings from employment and self-employment further
12 described in the department of human services rules and regulations.

13 (14) "Individual employment plan" means a written, individualized plan for employment
14 developed jointly by the applicant and the department of human services that specifies the steps the
15 participant shall take toward long-term economic independence developed in accordance with
16 subsection 40-5.2-10(e). A participant must comply with the terms of the individual employment
17 plan as a condition of eligibility in accordance with subsection 40-5.2-10(e) of this chapter.

18 (15) "Job search and job readiness" means the mandatory act of seeking or obtaining
19 employment by the participant, or the preparation to seek or obtain employment.

20 In accord with federal requirements, job search activities must be supervised by the department of
21 labor and training and must be reported to the department of human services in accordance with
22 TANF work verification requirements.

23 Except in the context of rehabilitation employment plans, and special services provided by
24 the department of children, youth and families, job search and job readiness activities are limited
25 to four (4) consecutive weeks, or for a total of six (6) weeks in a twelve (12) month period, with
26 limited exceptions as defined by the department. The department of human services in consultation
27 with the department of labor and training shall extend job search, and job readiness assistance for
28 up to twelve (12) weeks in a fiscal year if a state has an unemployment rate at least fifty percent
29 (50%) greater than the United States unemployment rate if the state meets the definition of a "needy
30 state" under the contingency fund provisions of federal law.

31 Preparation to seek employment, or job readiness, may include, but may not be limited to,
32 the participant obtaining life skills training, homelessness services, domestic violence services,
33 special services for families provided by the department of children youth and families, substance
34 abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who

1 are otherwise employable. Such services, treatment or therapy must be determined to be necessary
2 and certified by a qualified medical or mental health professional. Intensive work readiness services
3 may include work-based literacy, numeracy, hands-on training, work experience and case
4 management services. Nothing in this section shall be interpreted to mean that the department of
5 labor and training shall be the sole provider of job readiness activities described herein.

6 (16) "Job skills training directly related to employment" means training or education for
7 job skills required by an employer to provide an individual with the ability to obtain employment
8 or to advance or adapt to the changing demands of the workplace. Job skills training directly related
9 to employment must be supervised on an ongoing basis.

10 (17) "Net income" means the total gross income of the assistance unit less allowable
11 disregards and deductions as described in subsection 40-5.2-10(g).

12 (18) "Minor parent" means a parent under the age of eighteen (18). A minor parent may be
13 an applicant or recipient with his or her dependent child(ren) in his/her own case or a member of
14 an assistance unit with his or her dependent child(ren) in a case established by the minor parent's
15 parent.

16 (19) "On-the-job-training" means training in the public or private sector that is given to a
17 paid employee while he or she is engaged in productive work and that provides knowledge and
18 skills essential to the full and adequate performance of the job. On-the-job training must be
19 supervised by an employer, work site sponsor, or other designee of the department of human
20 services on an ongoing basis.

21 (20) "Participant" means a person who has been found eligible for assistance in accordance
22 with this chapter and who must comply with all requirements of this chapter, and has entered into
23 an individual employment plan. A participant may be a parent or non-parent caretaker relative
24 included in the cash assistance payment.

25 (21) "Recipient" means a person who has been found eligible and receives cash assistance
26 in accordance with this chapter.

27 (22) "Relative" means a parent, stepparent, grandparent, great grandparent, great-great
28 grandparent, aunt, great aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister, brother,
29 stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great
30 niece, great-great niece, nephew, great nephew, or great-great nephew.

31 (23) "Resident" means a person who maintains residence by his or her continuous physical
32 presence in the state.

33 (24) "Self-employment income" means the total profit from a business enterprise, farming,
34 etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses

1 directly related to producing the goods or services and without which the goods or services could
2 not be produced. However, items such as depreciation, personal business and entertainment
3 expenses, and personal transportation are not considered business expenses for the purposes of
4 determining eligibility for cash assistance in accordance with this chapter.

5 (25) "State" means the State of Rhode Island and Providence Plantations.

6 (26) "Subsidized employment" means employment in the private or public sectors for
7 which the employer receives a subsidy from TANF or other public funds to offset some or all of
8 the wages and costs of employing a recipient. It includes work in which all or a portion of the wages
9 paid to the recipient are provided to the employer either as a reimbursement for the extra costs of
10 training or as an incentive to hire the recipient, including, but not limited to, grant diversion.

11 (27) "Subsidized housing" means housing for a family whose rent is restricted to a
12 percentage of its income.

13 (28) "Unsubsidized employment" means full or part-time employment in the public or
14 private sector that is not subsidized by TANF or any other public program.

15 (29) "Vocational educational training" means organized educational programs, not to
16 exceed twelve (12) months with respect to any participant, that are directly related to the preparation
17 of participants for employment in current or emerging occupations. Vocational educational training
18 must be supervised.

19 (30) "Work experience" means a work activity that provides a participant with an
20 opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain
21 employment. The purpose of work experience is to improve the employability of those who cannot
22 find unsubsidized employment. An employer, work site sponsor, and/or other appropriate designee
23 of the department must supervise this activity.

24 (31) "Work supplementation" also known as "grant diversion" means the use of all or a
25 portion of a participant's cash assistance grant and food stamp grant as a wage supplement to an
26 employer. Such a supplement shall be limited to a maximum period of twelve (12) months. An
27 employer must agree to continue the employment of the participant as part of the regular work
28 force, beyond the supplement period, if the participant demonstrates satisfactory performance.

29 (32) "Work activities" mean the specific work requirements which must be defined in the
30 individual employment plan and must be complied with by the participant as a condition of
31 eligibility for the receipt of cash assistance for single and two (2) family households outlined in §
32 40-5.2-12 of this chapter.

33 SECTION 8. Effective January 1, 2021, section 40-5.2-10 of the General Laws in Chapter
34 40-5.2 entitled "The Rhode Island Works Program" are hereby amended to read as follows:

1 **40-5.2-10. Necessary requirements and conditions.**

2 The following requirements and conditions shall be necessary to establish eligibility for
3 the program.

4 (a) *Citizenship, alienage, and residency requirements.*

5 (1) A person shall be a resident of the State of Rhode Island.

6 (2) Effective October 1, 2008, a person shall be a United States citizen, or shall meet the
7 alienage requirements established in § 402(b) of the Personal Responsibility and Work Opportunity
8 Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section may hereafter
9 be amended [8 U.S.C. § 1612]; a person who is not a United States citizen and does not meet the
10 alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in
11 accordance with this chapter.

12 (b) The family/assistance unit must meet any other requirements established by the
13 department of human services by rules and regulations adopted pursuant to the Administrative
14 Procedures Act, as necessary to promote the purpose and goals of this chapter.

15 (c) Receipt of cash assistance is conditional upon compliance with all program
16 requirements.

17 (d) All individuals domiciled in this state shall be exempt from the application of
18 subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work
19 Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any
20 individual ineligible for certain state and federal assistance if that individual has been convicted
21 under federal or state law of any offense that is classified as a felony by the law of the jurisdiction
22 and that has as an element the possession, use, or distribution of a controlled substance as defined
23 in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

24 (e) *Individual employment plan as a condition of eligibility.*

25 (1) Following receipt of an application, the department of human services shall assess the
26 financial conditions of the family, including the non-parent caretaker relative who is applying for
27 cash assistance for himself or herself as well as for the minor child(ren), in the context of an
28 eligibility determination. If a parent or non-parent caretaker relative is unemployed or under-
29 employed, the department shall conduct an initial assessment, taking into account: (A) The physical
30 capacity, skills, education, work experience, health, safety, family responsibilities and place of
31 residence of the individual; and (B) The child care and supportive services required by the applicant
32 to avail himself or herself of employment opportunities and/or work readiness programs.

33 (2) On the basis of this assessment, the department of human services and the department
34 of labor and training, as appropriate, in consultation with the applicant, shall develop an individual

1 employment plan for the family which requires the individual to participate in the intensive
2 employment services. Intensive employment services shall be defined as the work requirement
3 activities in § 40-5.2-12(g) and (i).

4 (3) The director, or his or her designee, may assign a case manager to an
5 applicant/participant, as appropriate.

6 (4) The department of labor and training and the department of human services in
7 conjunction with the participant shall develop a revised individual employment plan that shall
8 identify employment objectives, taking into consideration factors above, and shall include a
9 strategy for immediate employment and for preparing for, finding, and retaining employment
10 consistent, to the extent practicable, with the individual's career objectives.

11 (5) The individual employment plan must include the provision for the participant to
12 engage in work requirements as outlined in § 40-5.2-12.

13 (6)(i) The participant shall attend and participate immediately in intensive assessment and
14 employment services as the first step in the individual employment plan, unless temporarily exempt
15 from this requirement in accordance with this chapter. Intensive assessment and employment
16 services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

17 (ii) Parents under age twenty (20) without a high school diploma or general equivalency
18 diploma (GED) shall be referred to special teen parent programs which will provide intensive
19 services designed to assist teen parents to complete high school education or GED, and to continue
20 approved work plan activities in accord with Rhode Island works program requirements.

21 (7) The applicant shall become a participant in accordance with this chapter at the time the
22 individual employment plan is signed and entered into.

23 (8) Applicants and participants of the Rhode Island works program shall agree to comply
24 with the terms of the individual employment plan, and shall cooperate fully with the steps
25 established in the individual employment plan, including the work requirements.

26 (9) The department of human services has the authority under the chapter to require
27 attendance by the applicant/participant, either at the department of human services or at the
28 department of labor and training, at appointments deemed necessary for the purpose of having the
29 applicant enter into and become eligible for assistance through the Rhode Island works program.
30 The appointments include, but are not limited to, the initial interview, orientation and assessment;
31 job readiness and job search. Attendance is required as a condition of eligibility for cash assistance
32 in accordance with rules and regulations established by the department.

33 (10) As a condition of eligibility for assistance pursuant to this chapter, the
34 applicant/participant shall be obligated to keep appointments, attend orientation meetings at the

1 department of human services and/or the Rhode Island department of labor and training, participate
2 in any initial assessments or appraisals and comply with all the terms of the individual employment
3 plan in accordance with department of human services rules and regulations.

4 (11) A participant, including a parent or non-parent caretaker relative included in the cash
5 assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause as
6 defined in this chapter or the department's rules and regulations.

7 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in
8 § 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall be sanctioned
9 in accordance with rules and regulations promulgated by the department.

10 (f) *Resources.*

11 (1) The family or assistance unit's countable resources shall be less than the allowable
12 resource limit established by the department in accordance with this chapter.

13 (2) No family or assistance unit shall be eligible for assistance payments if the combined
14 value of its available resources (reduced by any obligations or debts with respect to such resources)
15 exceeds one thousand dollars (\$1,000).

16 (3) For purposes of this subsection, the following shall not be counted as resources of the
17 family/assistance unit in the determination of eligibility for the works program:

18 (i) The home owned and occupied by a child, parent, relative or other individual;

19 (ii) Real property owned by a husband and wife as tenants by the entirety, if the property
20 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
21 the property;

22 (iii) Real property that the family is making a good faith effort to dispose of, however, any
23 cash assistance payable to the family for any such period shall be conditioned upon such disposal
24 of the real property within six (6) months of the date of application and any payments of assistance
25 for that period shall (at the time of disposal) be considered overpayments to the extent that they
26 would not have occurred at the beginning of the period for which the payments were made. All
27 overpayments are debts subject to recovery in accordance with the provisions of the chapter;

28 (iv) Income producing property other than real estate including, but not limited to,
29 equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or
30 services that the department determines are necessary for the family to earn a living;

31 (v) One vehicle for each adult household member, but not to exceed two (2) vehicles per
32 household, and in addition, a vehicle used primarily for income producing purposes such as, but
33 not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle that annually
34 produces income consistent with its fair market value, even if only used on a seasonal basis; a

1 vehicle necessary to transport a family member with a disability where the vehicle is specially
2 equipped to meet the specific needs of the person with a disability or if the vehicle is a special type
3 of vehicle that makes it possible to transport the person with a disability;

4 (vi) Household furnishings and appliances, clothing, personal effects, and keepsakes of
5 limited value;

6 (vii) Burial plots (one for each child, relative, and other individual in the assistance unit)
7 and funeral arrangements;

8 (viii) For the month of receipt and the following month, any refund of federal income taxes
9 made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating
10 to earned income tax credit), and any payment made to the family by an employer under § 3507 of
11 the Internal Revenue Code of 1986, 26 U.S.C. § 3507 (relating to advance payment of such earned
12 income credit);

13 (ix) The resources of any family member receiving supplementary security income
14 assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

15 (g) *Income.*

16 (1) Except as otherwise provided for herein, in determining eligibility for and the amount
17 of cash assistance to which a family is entitled under this chapter, the income of a family includes
18 all of the money, goods, and services received or actually available to any member of the family.

19 (2) In determining the eligibility for and the amount of cash assistance to which a
20 family/assistance unit is entitled under this chapter, income in any month shall not include the first
21 one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross earnings
22 of the family in excess of one hundred seventy dollars (\$170) earned during the month.

23 (3) The income of a family shall not include:

24 (i) The first fifty dollars (\$50.00) in child support received in any month from each non-
25 custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars
26 (\$50.00) per month multiplied by the number of months in which the support has been in arrears)
27 that are paid in any month by a non-custodial parent of a child;

28 (ii) Earned income of any child;

29 (iii) Income received by a family member who is receiving supplemental security income
30 (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;

31 (iv) The value of assistance provided by state or federal government or private agencies to
32 meet nutritional needs, including: value of USDA donated foods; value of supplemental food
33 assistance received under the Child Nutrition Act of 1966, as amended and the special food service

1 program for children under Title VII, nutrition program for the elderly, of the Older Americans Act
2 of 1965 as amended, and the value of food stamps;

3 (v) Value of certain assistance provided to undergraduate students, including any grant or
4 loan for an undergraduate student for educational purposes made or insured under any loan program
5 administered by the U.S. Commissioner of Education (or the Rhode Island council on
6 postsecondary education or the Rhode Island division of higher education assistance);

7 (vi) Foster care payments;

8 (vii) Home energy assistance funded by state or federal government or by a nonprofit
9 organization;

10 (viii) Payments for supportive services or reimbursement of out-of-pocket expenses made
11 to foster grandparents, senior health aides or senior companions and to persons serving in SCORE
12 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act
13 of 1973, 42 U.S.C. § 5000 et seq.;

14 (ix) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules
15 and regulations;

16 (x) Certain payments to native Americans; payments distributed per capita to, or held in
17 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,
18 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes
19 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,
20 1975;

21 (xi) Refund from the federal and state earned income tax credit;

22 (xii) The value of any state, local, or federal government rent or housing subsidy, provided
23 that this exclusion shall not limit the reduction in benefits provided for in the payment standard
24 section of this chapter.

25 (xiii) The earned income of any adult family member who gains employment, in
26 compliance with their employment plan, while an active RI Works household member. Such earned
27 income is excluded for the first six (6) months of earned income from employment, until the
28 household reaches its forty-eight (48) month time limit, or until household's total gross income
29 exceeds 185% of the Federal Poverty Level (FPL) whichever is first.

30 (4) The receipt of a lump sum of income shall affect participants for cash assistance in
31 accordance with rules and regulations promulgated by the department.

32 (h) *Time limit on the receipt of cash assistance.*

33 (1) On or after January 1, 2020, no cash assistance shall be provided, pursuant to this
34 chapter, to a family or assistance unit that includes an adult member who has received cash

1 assistance for a total of forty-eight (48) months (whether or not consecutive), to include any time
2 receiving any type of cash assistance in any other state or territory of the United States of America
3 as defined herein. Provided further, in no circumstances other than provided for in subsection (h)(3)
4 with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to
5 a family or assistance unit which includes an adult member who has received cash assistance for a
6 total of a lifetime limit of forty-eight (48) months.

7 (2) Cash benefits received by a minor dependent child shall not be counted toward their
8 lifetime time limit for receiving benefits under this chapter should that minor child apply for cash
9 benefits as an adult.

10 (3) Certain minor children not subject to time limit. This section regarding the lifetime time
11 limit for the receipt of cash assistance, shall not apply only in the instances of a minor child(ren)
12 living with a parent who receives SSI benefits and a minor child(ren) living with a responsible adult
13 non-parent caretaker relative who is not in the case assistance payment.

14 (4) Receipt of family cash assistance in any other state or territory of the United States of
15 America shall be determined by the department of human services and shall include family cash
16 assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds
17 [Title IV-A of the Federal Social Security Act 42 U.S.C. § 601 et seq.] and/or family cash assistance
18 provided under a program similar to the Rhode Island families work and opportunity program or
19 the federal TANF program.

20 (5)(i) The department of human services shall mail a notice to each assistance unit when
21 the assistance unit has six (6) months of cash assistance remaining and each month thereafter until
22 the time limit has expired. The notice must be developed by the department of human services and
23 must contain information about the lifetime time limit, the number of months the participant has
24 remaining, the hardship extension policy, the availability of a post-employment-and-closure bonus,
25 and any other information pertinent to a family or an assistance unit nearing the forty-eight-month
26 (48) lifetime time limit.

27 (ii) For applicants who have less than six (6) months remaining in the forty-eight-month
28 (48) lifetime time limit because the family or assistance unit previously received cash assistance in
29 Rhode Island or in another state, the department shall notify the applicant of the number of months
30 remaining when the application is approved and begin the process required in subsection (h)(5)(i).

31 (6) If a cash assistance recipient family closed pursuant to Rhode Island's Temporary
32 Assistance for Needy Families Program (federal TANF described in Title IV A of the Federal
33 Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family
34 independence program, more specifically under § 40-5.1-9(2)(c) [repealed], due to sanction

1 because of failure to comply with the cash assistance program requirements; and that recipient
2 family received forty-eight (48) months of cash benefits in accordance with the family
3 independence program, then that recipient family is not able to receive further cash assistance for
4 his/her family, under this chapter, except under hardship exceptions.

5 (7) The months of state or federally funded cash assistance received by a recipient family
6 since May 1, 1997, under Rhode Island's Temporary Assistance for Needy Families Program
7 (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. § 601 et seq.),
8 formerly entitled the Rhode Island family independence program, shall be countable toward the
9 time limited cash assistance described in this chapter.

10 (i) *Time limit on the receipt of cash assistance.*

11 (1) No cash assistance shall be provided, pursuant to this chapter, to a family assistance
12 unit in which an adult member has received cash assistance for a total of sixty (60) months (whether
13 or not consecutive) to include any time receiving any type of cash assistance in any other state or
14 territory of the United States as defined herein effective August 1, 2008. Provided further, that no
15 cash assistance shall be provided to a family in which an adult member has received assistance for
16 twenty-four (24) consecutive months unless the adult member has a rehabilitation employment plan
17 as provided in § 40-5.2-12(g)(5).

18 (2) Effective August 1, 2008, no cash assistance shall be provided pursuant to this chapter
19 to a family in which a child has received cash assistance for a total of sixty (60) months (whether
20 or not consecutive) if the parent is ineligible for assistance under this chapter pursuant to
21 subdivision 40-5.2(a) (2) to include any time received any type of cash assistance in any other state
22 or territory of the United States as defined herein.

23 (j) *Hardship exceptions.*

24 (1) The department may extend an assistance unit's or family's cash assistance beyond the
25 time limit, by reason of hardship; provided, however, that the number of families to be exempted
26 by the department with respect to their time limit under this subsection shall not exceed twenty
27 percent (20%) of the average monthly number of families to which assistance is provided for under
28 this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by
29 federal law, any waiver granted under § 40-5.2-35, for domestic violence, shall not be counted in
30 determining the twenty percent (20%) maximum under this section.

31 (2) Parents who receive extensions to the time limit due to hardship must have and comply
32 with employment plans designed to remove or ameliorate the conditions that warranted the
33 extension.

34 (k) *Parents under eighteen (18) years of age.*

1 (1) A family consisting of a parent who is under the age of eighteen (18), and who has
2 never been married, and who has a child; or a family consisting of a woman under the age of
3 eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if
4 the family resides in the home of an adult parent, legal guardian, or other adult relative. The
5 assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of
6 the individual and child unless otherwise authorized by the department.

7 (2) This subsection shall not apply if the minor parent or pregnant minor has no parent,
8 legal guardian, or other adult relative who is living and/or whose whereabouts are unknown; or the
9 department determines that the physical or emotional health or safety of the minor parent, or his or
10 her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same
11 residence as his or her parent, legal guardian, or other adult relative (refusal of a parent, legal
12 guardian or other adult relative to allow the minor parent or his or her child, or a pregnant minor,
13 to live in his or her home shall constitute a presumption that the health or safety would be so
14 jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent or
15 legal guardian for a period of at least one year before either the birth of any child to a minor parent
16 or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental
17 regulations, for waiving the subsection; and the individual resides in a supervised supportive living
18 arrangement to the extent available.

19 (3) For purposes of this section, "supervised supportive living arrangement" means an
20 arrangement that requires minor parents to enroll and make satisfactory progress in a program
21 leading to a high school diploma or a general education development certificate, and requires minor
22 parents to participate in the adolescent parenting program designated by the department, to the
23 extent the program is available; and provides rules and regulations that ensure regular adult
24 supervision.

25 (1) *Assignment and cooperation.* As a condition of eligibility for cash and medical
26 assistance under this chapter, each adult member, parent, or caretaker relative of the
27 family/assistance unit must:

28 (1) Assign to the state any rights to support for children within the family from any person
29 that the family member has at the time the assignment is executed or may have while receiving
30 assistance under this chapter;

31 (2) Consent to and cooperate with the state in establishing the paternity and in establishing
32 and/or enforcing child support and medical support orders for all children in the family or assistance
33 unit in accordance with title 15 of the general laws, as amended, unless the parent or caretaker
34 relative is found to have good cause for refusing to comply with the requirements of this subsection.

1 (3) Absent good cause, as defined by the department of human services through the rule-
2 making process, for refusing to comply with the requirements of (1)(1) and (1)(2), cash assistance
3 to the family shall be reduced by twenty-five percent (25%) until the adult member of the family
4 who has refused to comply with the requirements of this subsection consents to and cooperates with
5 the state in accordance with the requirements of this subsection.

6 (4) As a condition of eligibility for cash and medical assistance under this chapter, each
7 adult member, parent, or caretaker relative of the family/assistance unit must consent to and
8 cooperate with the state in identifying and providing information to assist the state in pursuing any
9 third-party who may be liable to pay for care and services under Title XIX of the Social Security
10 Act, 42 U.S.C. § 1396 et seq.

11 SECTION 9. Effective July 1, 2020, section 40-5.2-20 of the General Laws in Chapter 40-
12 5.2 entitled "The Rhode Island Works Program" are hereby amended to read as follows:

13 **40-5.2-20. Child-care assistance.**

14 Families or assistance units eligible for child-care assistance.

15 (a) The department shall provide appropriate child care to every participant who is eligible
16 for cash assistance and who requires child care in order to meet the work requirements in
17 accordance with this chapter.

18 (b) *Low-income child care.* The department shall provide child care to all other working
19 families with incomes at or below one hundred eighty percent (180%) of the federal poverty level
20 if, and to the extent, these other families require child care in order to work at paid employment as
21 defined in the department's rules and regulations. Beginning October 1, 2013, the department shall
22 also provide child care to families with incomes below one hundred eighty percent (180%) of the
23 federal poverty level if, and to the extent, these families require child care to participate on a short-
24 term basis, as defined in the department's rules and regulations, in training, apprenticeship,
25 internship, on-the-job training, work experience, work immersion, or other job-readiness/job-
26 attachment program sponsored or funded by the human resource investment council (governor's
27 workforce board) or state agencies that are part of the coordinated program system pursuant to §
28 42-102-11. Beginning January 1, 2021, the department shall also provide child care to families with
29 incomes below one hundred eighty percent (180%) of the federal poverty level if, and to the extent,
30 these families require child care to enroll or maintain enrollment in a Rhode Island public institution
31 of higher education.

32 (c) No family/assistance unit shall be eligible for child-care assistance under this chapter if
33 the combined value of its liquid resources exceeds one million dollars (\$1,000,000), which
34 corresponds to the amount permitted by the federal government under the state plan and set forth

1 in the administrative rule-making process by the department. Liquid resources are defined as any
2 interest(s) in property in the form of cash or other financial instruments or accounts that are readily
3 convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit
4 union, or other financial institution savings, checking, and money market accounts; certificates of
5 deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments
6 or accounts. These do not include educational savings accounts, plans, or programs; retirement
7 accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse.
8 The department is authorized to promulgate rules and regulations to determine the ownership and
9 source of the funds in the joint account.

10 (d) As a condition of eligibility for child-care assistance under this chapter, the parent or
11 caretaker relative of the family must consent to, and must cooperate with, the department in
12 establishing paternity, and in establishing and/or enforcing child support and medical support
13 orders for any children in the family receiving appropriate child care under this section in
14 accordance with the applicable sections of title 15 of the state's general laws, as amended, unless
15 the parent or caretaker relative is found to have good cause for refusing to comply with the
16 requirements of this subsection.

17 (e) For purposes of this section, "appropriate child care" means child care, including infant,
18 toddler, pre-school, nursery school, school-age, that is provided by a person or organization
19 qualified, approved, and authorized to provide the care by the state agency or agencies designated
20 to make the determinations in accordance with the provisions set forth herein.

21 (f)(1) Families with incomes below one hundred percent (100%) of the applicable federal
22 poverty level guidelines shall be provided with free child care. Families with incomes greater than
23 one hundred percent (100%) and less than one hundred eighty percent (180%) of the applicable
24 federal poverty guideline shall be required to pay for some portion of the child care they receive,
25 according to a sliding-fee scale adopted by the department in the department's rules.

26 (2) Families who are receiving child-care assistance and who become ineligible for child-
27 care assistance as a result of their incomes exceeding one hundred eighty percent (180%) of the
28 applicable federal poverty guidelines shall continue to be eligible for child-care assistance until
29 their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty
30 guidelines. To be eligible, the families must continue to pay for some portion of the child care they
31 receive, as indicated in a sliding-fee scale adopted in the department's rules and in accordance with
32 all other eligibility standards.

1 (g) In determining the type of child care to be provided to a family, the department shall
2 take into account the cost of available child-care options; the suitability of the type of care available
3 for the child; and the parent's preference as to the type of child care.

4 (h) For purposes of this section, "income" for families receiving cash assistance under §
5 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in
6 §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and
7 unearned income as determined by departmental regulations.

8 (i) The caseload estimating conference established by chapter 17 of title 35 shall forecast
9 the expenditures for child care in accordance with the provisions of § 35-17-1.

10 (j) In determining eligibility for child-care assistance for children of members of reserve
11 components called to active duty during a time of conflict, the department shall freeze the family
12 composition and the family income of the reserve component member as it was in the month prior
13 to the month of leaving for active duty. This shall continue until the individual is officially
14 discharged from active duty.

15 SECTION 10. Effective July 1, 2020, section 40-6.2-1.1 of the General Laws in Chapter
16 40-6.2 entitled "Child Care – State Subsidies" is hereby amended to read as follows:

17 **40-6.2-1.1. Rates established.**

18 (a) Through June 30, ~~2015~~ 2021, ~~subject to the payment limitations in subsection (e), the~~
19 ~~minimum base reimbursement rates to be paid by the departments of human services and children,~~
20 ~~youth and families for licensed childcare centers for care of infant/toddler and preschool age~~
21 ~~children shall be determined using the following schedule, with infant/toddler reimbursement rates~~
22 ~~to be set at the 25th percentile of the 2018 weekly market rates and preschool reimbursement rates~~
23 ~~to be set halfway to the 25th percentile of the 2018 weekly market rates. The maximum~~
24 ~~infant/toddler and preschool reimbursement rates to be paid by the departments of human services~~
25 ~~and children, youth and families for licensed family childcare providers shall be implemented in a~~
26 ~~tiered manner, reflective of the quality rating the provider has achieved within the state's quality~~
27 ~~rating system outlined in § 42-12-23.1 and to be based on the 75th percentile of the 2018 weekly~~
28 ~~market rates. The maximum base reimbursement rates to be paid by the departments of human~~
29 ~~services and children, youth and families for licensed childcare centers for care of infant and~~
30 ~~preschool aged children and licensed family childcare providers shall be based on the following~~
31 ~~schedule of the 75th percentile of the 2002-2018 weekly market rates adjusted for the average of~~
32 ~~the 75th percentile of the 2002 and the 2004 weekly market rates:~~

33 ~~LICENSED CHILDCARE CENTERS 75th PERCENTILE OF WEEKLY MARKET RATE~~
34 ~~INFANT \$182.00~~

1	PRESCHOOL					\$150.00
2	SCHOOL-AGE					\$135.00
3	LICENSED FAMILY CHILDCARE					
4	CHILDCARE PROVIDERS					75th PERCENTILE OF WEEKLY MARKET RATE
5	INFANT					\$150.00
6	PRESCHOOL					\$150.00
7	SCHOOL-AGE					\$135.00
8	<u>LICENSED</u>	<u>TIER ONE</u>	<u>TIER TWO</u>	<u>TIER</u>	TIER FOUR	<u>TIER FIVE</u>
9	<u>CHILDCARE</u>	<u>(25th</u>		<u>THREE</u>		<u>(75th</u>
10	<u>CENTERS</u>	<u>percentile of</u>				
11		percentile of				
12		<u>weekly</u>				weekly
13		<u>market rate)</u>				<u>market</u>
14	<u>rate)</u>					
15	<u>INFANT/TODDLER</u>	<u>\$222.38</u>	<u>\$226.83</u>	<u>\$240.17</u>	<u>\$249.07</u>	<u>\$257.54</u>
16	<u>PRESCHOOL</u>	<u>\$176.67</u>	<u>\$180.53</u>	<u>\$193.94</u>	<u>\$201.99</u>	<u>\$212.84</u>

~~Effective July 1, 2015, subject to the payment limitations in subsection (c), the maximum reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers and licensed family childcare providers shall be based on the above schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average of the 75th percentile of the 2002 and the 2004 weekly market rates. These rates shall be increased by ten dollars (\$10.00) per week for infant/toddler care provided by licensed family childcare providers and license exempt providers and then the rates for all providers for all age groups shall be increased by three percent (3%). For the fiscal year ending June 30, 2018, licensed childcare centers shall be reimbursed a maximum weekly rate of one hundred ninety three dollars and sixty four cents (\$193.64) for infant/toddler care and one hundred sixty one dollars and seventy one cents (\$161.71) for preschool age children.~~

~~(b) Effective July 1, 2018, subject to the payment limitations in subsection (c), the maximum infant/toddler and preschool age reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state's quality rating system outlined in § 42-12-23.1.~~

~~(1) For infant/toddler childcare, tier one shall be reimbursed two and one half percent (2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above~~

1 ~~the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY~~
2 ~~2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly~~
3 ~~amount, and tier five shall be reimbursed thirty three percent (33%) above the FY 2018 weekly~~
4 ~~amount.~~

5 ~~(2) For preschool reimbursement rates, tier one shall be reimbursed two and one half~~
6 ~~(2.5%) percent above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%)~~
7 ~~above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY~~
8 ~~2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018~~
9 ~~weekly amount, and tier five shall be reimbursed twenty one percent (21%) above the FY 2018~~
10 ~~weekly amount.~~

11 (b) The weekly reimbursement rate for licensed childcare centers for care of school age
12 children shall be \$146.26.

13 The minimum base reimbursement rates to be paid by the departments of human services
14 and children, youth, and families for licensed family childcare providers shall be determined
15 through collective bargaining with the maximum infant/toddler and preschool reimbursement rates
16 to be paid by the departments of human services and children, youth and families for licensed
17 family childcare providers and shall be implemented in a tiered manner, reflective of the quality
18 rating the provider has achieved within the state's quality rating system outlined in 42-12-23.1.

19 (c) [Deleted by P.L. 2019, ch. 88, art. 13, § 4].

20 ~~(d) By June 30, 2004, and biennially through June 30, 2014, the department of labor and~~
21 ~~training~~ The department of human services shall conduct an independent survey or certify an
22 independent survey of the then current weekly market rates for childcare in Rhode Island ~~and shall~~
23 ~~forward such weekly market rate survey to the department of human services. The next survey shall~~
24 ~~be conducted by June 30, 2016, and triennially thereafter. The departments of human services and~~
25 ~~labor and training~~ The department of human services will jointly determine the survey criteria
26 including, but not limited to, rate categories and sub-categories. Surveys shall be conducted by
27 June 30, 2021 and triennially thereafter.

28 (e) In order to expand the accessibility and availability of quality childcare, the department
29 of human services is authorized to establish by regulation alternative or incentive rates of
30 reimbursement for quality enhancements, innovative or specialized childcare and alternative
31 methodologies of childcare delivery, including non-traditional delivery systems and collaborations.

32 (f) Effective January 1, 2007, all childcare providers have the option to be paid every two
33 (2) weeks and have the option of automatic direct deposit and/or electronic funds transfer of
34 reimbursement payments.

1 ~~(g) Effective July 1, 2019, the maximum infant/toddler reimbursement rates to be paid by~~
2 ~~the departments of human services and children, youth and families for licensed family childcare~~
3 ~~providers shall be implemented in a tiered manner, reflective of the quality rating the provider has~~
4 ~~achieved within the state's quality rating system outlined in § 42-12-23.1. Tier one shall be~~
5 ~~reimbursed two percent (2%) above the prevailing base rate for step 1 and step 2 providers, three~~
6 ~~percent (3%) above prevailing base rate for step 3 providers, and four percent (4%) above the~~
7 ~~prevailing base rate for step 4 providers; tier two shall be reimbursed five percent (5%) above the~~
8 ~~prevailing base rate; tier three shall be reimbursed eleven percent (11%) above the prevailing base~~
9 ~~rate; tier four shall be reimbursed fourteen percent (14%) above the prevailing base rate; and tier~~
10 ~~five shall be reimbursed twenty three percent (23%) above the prevailing base rate.~~

11 SECTION 11. Section 42-56-38 of the General Laws in Chapter 42-56 entitled
12 “Corrections Department” is hereby amended to read as follows:

13 **42-56-38. Assessment of costs.**

14 (a) Each sentenced offender committed to the care, custody or control of the department of
15 corrections shall reimburse the state for the cost or the reasonable portion of the cost incurred by
16 the state relating to that commitment; provided, however, that a person committed, awaiting trial
17 and not convicted, shall not be liable for the reimbursement. Items of cost shall include physical
18 services and commodities such as food, medical, clothing and specialized housing, as well as social
19 services such as specialized supervision and counseling. Costs shall be assessed by the director of
20 corrections, or his or her designee, based upon each person's ability to pay, following a public
21 hearing of proposed fee schedules. Each offender's family income and number of dependents shall
22 be among the factors taken into consideration when determining ability to pay. Moneys received
23 under this section shall be deposited as general revenues. The director shall promulgate rules and
24 regulations necessary to carry out the provisions of this section. The rules and regulations shall
25 provide that the financial situation of persons, financially dependent on the person, be considered
26 prior to the determination of the amount of reimbursement. This section shall not be effective until
27 the date the rules and regulations are filed with the office of the secretary of state.

28 (b) Notwithstanding the provision of subsection (a), or any rule or regulation promulgated
29 by the director, any sentenced offender who is ordered or directed to the work release program,
30 shall pay no less than thirty percent (30%) of his or her gross net salary for room and board.

31 SECTION 12. Sections 1-7 and Sections 9-11 of this article shall take effect July 1, 2020.
32 Section 8 of this article shall take effect January 1, 2021.