

2025 -- H 5943

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- HOLIDAY BUSINESS

Introduced By: Representatives Casey, Phillips, J. Brien, and Chippendale

Date Introduced: February 28, 2025

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-23-2 of the General Laws in Chapter 5-23 entitled "Holiday  
2 Business" is hereby amended to read as follows:

3 **5-23-2. Licenses for holiday business.**

4 (a) A retail establishment may be open on any day of the year except as specifically  
5 prohibited herein. A retail establishment shall not be open on a holiday unless licensed by the  
6 appropriate town council pursuant to this section. The city or town council of any city or town shall  
7 grant holiday licenses for the sale by retail establishments. No license shall be issued on December  
8 25 of any year or on Thanksgiving Day, except to:

9 (1) Pharmacies licensed under chapter 19.1 of this title; provided, however, that no drug  
10 (as defined in § 5-19.1-2) or controlled substance (as defined in § 5-19.1-2) requiring a prescription  
11 (as defined in § 5-19.1-2) shall be dispensed or sold unless a licensed pharmacist-in-charge (as  
12 defined in § 5-19.1-2) is available on the premises;

13 (2) Retail establishments that principally sell food products as defined in § 44-18-30(9) and  
14 that employ fewer than six (6) employees per shift at any one location;

15 (3) Retail establishments principally engaged in the sale of cut flowers, floral products,  
16 plants, shrubs, trees, fertilizers, seeds, bulbs, and garden accessories;

17 (4) Retail establishments principally engaged in the sale and/or rental of video cassette  
18 tapes; and

19 (5) Retail establishments principally engaged in the preparation or sale of bakery products.

1 (b) Retail establishments licensed pursuant to this section may be permitted to open for  
2 business during holidays on their normal business working hours.

3 (c) Retail establishments licensed pursuant to this section shall be exempt from the  
4 provisions of chapter 1 of title 25, entitled "Holidays and Days of Special Observance," and those  
5 establishments may sell any and all items sold in the ordinary course of business with the exception  
6 of alcoholic beverages.

7 (d) All employees engaged in work during Sundays or holidays pursuant to the provisions  
8 of this section shall receive from their employer no less than time and a half for the work so  
9 performed and shall be guaranteed at least a minimum of four (4) hours employment; except those  
10 employees referred to in § 28-12-4.3(a)(4), provided that the work performed by the employee is  
11 strictly voluntary and refusal to work for any retail establishment on a Sunday or holiday is not a  
12 ground for discrimination, dismissal, or discharge or any other penalty upon the employee;  
13 provided that, the provisions of this section shall only apply to retail establishments with fifteen  
14 (15) or more employees; and provided, further that, the provisions of this section shall not apply to  
15 any individual covered by a collective bargaining agreement or employment contract. The city or  
16 town council may fix and cause to be paid into the city or town treasury for each license issued  
17 pursuant to this section a fee not to exceed the sum of one hundred dollars (\$100) and may fix the  
18 time or times when the license granted terminates; provided, that the city or town council shall not  
19 charge a licensing fee to any charitable, benevolent, educational, philanthropic, humane, patriotic,  
20 social service, civic, fraternal, police, fire, labor, or religious organization that is not operated for  
21 profit.

22 (e) Retail establishments engaged principally in the preparation or sale of bakery products  
23 and pharmacies shall be licensed prior to the sale of those products in accordance with this section;  
24 provided, that the time and one half and voluntary work provisions do not apply.

25 (f) Each city or town council shall fix, limit, and specify those rules, regulations, and  
26 conditions relating to the granting, holding, and exercising those licenses as it deems necessary or  
27 advisable and as are not inconsistent with law, and may suspend or revoke any license granted by  
28 it for more than two (2) violations of those rules, regulations, and conditions during a calendar year.

29 (g) Each city or town shall grant Class A licenses authorizing retail establishments that sell  
30 alcoholic beverages for consumption off of the premises within its jurisdiction to sell on Sundays,  
31 alcoholic beverages in accordance with the terms of this chapter and that of title 3; provided that it  
32 shall not permit such sale prior to the hour of twelve noon (12:00 p.m.) or on Christmas day, if  
33 Christmas shall occur on a Sunday; provided, further, that no employee shall be required to work  
34 and refusal to work on a Sunday shall not be the grounds for discrimination, dismissal, discharge,

1 deduction of hours, or any other penalty.

2 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
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1           This act would provide that all employees of retail establishments with fifteen (15) or more  
2 employees engaged in work during Sundays or holidays pursuant to the provisions of this section  
3 shall receive from their employer no less than time and a half for the work so performed and shall  
4 be guaranteed at least a minimum of four (4) hours employment.

5           This act would take effect upon passage.

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