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LC001597
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO FISH AND WILDLIFE -- SHELLFISH

Introduced By: Senators McKenney, Britto, DiMario, Urso, Sosnowski, and Murray

Date Introduced: March 07, 2025

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Chapter 20-6 of the General Laws entitled "Shellfish" is hereby amended by
2 adding thereto the following section:
- 3 **20-6-31. Shellfish hatchery program.**
- 4 (a) Definitions. As used in this section the following terms shall have the following
5 meanings:
- 6 (1) "Department" means the department of environmental management.
- 7 (2) "Redfield ratio" is the ratio of carbon (C), nitrogen (N), and phosphorus (P) in marine
8 phytoplankton and dissolved nutrients. The ratio is 106:16:1.
- 9 (3) "Shellfish" means any species of molluscan bivalve, including quahogs, clams, scallops
10 and oysters.
- 11 (4) "Shellfish dealer" means a person duly licensed by the State of Rhode Island to sell,
12 purchase, barter, and/or trade shellfish products obtained directly from a duly licensed commercial
13 fisher, pursuant to the provisions of chapter 2.1 of title 20.
- 14 (b) Shellfish hatchery program.
- 15 (1) The department shall establish a shellfish hatchery program in order to foster
16 sustainable development and resiliency of Rhode Island's historic shellfish industry.
- 17 (2) The program shall be administered by a nonprofit entity chosen by the department, and
18 be used only for the public benefit of the wild shellfish industry. The hatchery shall have a
19 production capacity of five hundred million (500,000,000) pieces annually.

1 (3) On or before September 1, 2025, and every five (5) years thereafter, the department
2 shall produce specifications to receive bids from nonprofits to conduct the proposed operation of
3 programs to fulfill the requirements of this section.

4 (4) The department, in conjunction with the department of administration, shall solicit
5 proposed bids from nonprofits for the operation of the shellfish hatchery. Funding for
6 implementation and operation of the program shall be pursuant to the provisions of subsection (c)
7 of this section.

8 (5) The department of environmental management shall supervise the program and
9 promulgate rules and regulations related to the operation of the hatchery program.

10 (6) The nonprofit organization chosen pursuant to this section shall be deemed and held to
11 be in the performance of an essential governmental function of the state for public purposes.

12 (c) Funding.

13 (1) The department shall establish a restricted receipt account with funds to be used in the
14 establishment and operation of the shellfish hatchery program. The funding in the account shall be
15 limited to an amount to cover a maximum of ten (10) years of the program implementation and
16 operation. Excess funds, if any, shall be deposited in the general fund.

17 (2) The department shall:

18 (i) Establish a fee to be collected per piece bought by a shellfish dealer. The fee determined
19 by the department shall go into effect on a date beginning three (3) years after the first year's
20 shellfish hatchery production. Funding for the program shall also include funds appropriated by the
21 general assembly for the program, with all funds directed into the shellfish hatchery program
22 restricted receipt account;

23 (ii) Provide a report to the general assembly providing an estimate of the necessary
24 appropriation to initially implement and operate the program pursuant to the proposal adopted in
25 accordance with the provisions of subsection (b) of this section; and

26 (iii) The department may accept from any source any grant, donation or gift for carrying
27 out the purposes of this section.

28 (d) Nitrogen levels.

29 (1) The department shall monitor the nitrogen levels in all shellfish harvest areas to ensure
30 levels meet the Redfield ratio year-round.

31 (2) Nitrogen data collected by the department shall be reported monthly and be available
32 to the public.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would create a department of environmental management shellfish hatchery
2 program to foster sustainable development and resiliency of the state's shellfish industry. The
3 department shall accept proposals and choose a nonprofit entity to administer the program.
4 This act would take effect upon passage.

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