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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO HEALTH AND SAFETY -- COMMERCIAL KITCHEN EXHAUST SYSTEM
INSPECTION AND CLEANING, LICENSING AND CERTIFICATION ACT

Introduced By: Senator Peter A. Appollonio

Date Introduced: February 27, 2026

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Findings of fact.

2 The general assembly hereby finds as follows:

3 (1) Contaminated commercial kitchen exhaust systems present catastrophic potential
4 danger to life and property resulting from highly flammable deposits from grease-laden vapors that
5 can ignite and spread quickly.

6 (2) The Rhode Island fire safety code requires that commercial kitchen exhaust systems be
7 inspected and tested by a properly trained, qualified, and certified person every three (3) to six (6)
8 months or annually, and then cleaned by a properly trained, qualified, and certified person, if
9 contaminated.

10 (3) Because the general assembly values Rhode Islanders' safety and security in life and
11 property, and informed by recent events, it seeks to prevent loss of life and property by establishing
12 standards for licensure of commercial kitchen exhaust inspection and cleaning professionals.

13 (4) In conjunction with the duties of the state fire marshal pursuant to § 23-28.2-4(2) and
14 (4) to conduct and supervise fire safety inspections of all buildings regulated by the fire code within
15 the state and to plan for and oversee the comprehensive, professional, and consistent enforcement
16 of the fire safety code, the licensing of commercial kitchen exhaust systems' inspection and
17 cleaning professionals shall be administered and regulated by the office of state fire marshal.

18 SECTION 2. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby

1 amended by adding thereto the following chapter:

2 CHAPTER 28.40

3 COMMERCIAL KITCHEN EXHAUST SYSTEM INSPECTION AND CLEANING,

4 LICENSING AND CERTIFICATION ACT

5 **23-28.40-1. Short title.**

6 This chapter shall be known and cited as the “Commercial Kitchen Exhaust System
7 Inspection and Cleaning Licensing and Certification Act.”

8 **23-28.40-2. Definitions.**

9 When used in this chapter:

10 (1) “AHJ” means authority having jurisdiction in connection with the administration of the
11 Fire Code, NFPA 96 and all applicable codes and standards.

12 (2) “Approved certificate examination” means an examination that tests the examinee’s
13 knowledge of NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial
14 Cooking Operations, and shall include, but not be limited to, those examinations offered by a state
15 approved testing provider.

16 (3) “Certificate” means the credential issued by the OSFM to technicians that are properly
17 trained and qualified in commercial kitchen exhaust system inspection and/or cleaning.

18 (4) “Commercial kitchen exhaust system” means the components of a commercial kitchen
19 venting system including, but not limited to, hoods, ducts, fans, filters and other components of
20 commercial cooking exhaust systems in accordance with NFPA 96 standards.

21 (5) “Critical condition” means a situation that cannot be corrected within twenty-four (24)
22 hours of cleaning, attempting to clean, or assessment of the commercial kitchen exhaust system,
23 and which includes, but is not limited to: insufficient access to any portion of the exhaust duct,
24 fan(s), pollution control device(s), and other associated equipment restricting proper cleaning of
25 the entire exhaust system; encrusted grease accumulation, which cannot be cleaned and/or requires
26 the replacement of the exhaust duct or part thereof; physical damage to the exhaust system affecting
27 the operation of the system; and/or major deficiencies affecting the operations of the exhaust
28 system.

29 (6) “Department” means the department of business regulation.

30 (7) “License” means the credential issued by the OSFM to a business entity or individual
31 applicant who is, and employs, properly trained, qualified and certified individuals in commercial
32 kitchen exhaust systems’ inspection and/or cleaning, and whose application therefor has been
33 approved by the OSFM.

34 (8) “NFPA 96” means the National Fire Protection Association standard for ventilation

1 control and fire protection of commercial cooking operations (2024 edition).

2 (9) "OSFM" means the office of the state fire marshal established pursuant to the provisions
3 of § 23-28.2-1.

4 (10) "Passing score" means the results of a written examination where the examinee attains
5 a minimum of seventy percent (70%) correct answers where the exam has been administered by
6 the department or a test provider approved by the department.

7 (11) "Properly trained, qualified and certified" means the description of an individual who
8 has applied and received approval for a license or certificate for commercial kitchen exhaust
9 systems inspection and/or cleaning pursuant to § 23-28.40-5.

10 **23-28.40-3. Restricted receipts.**

11 All fees collected by the department and the OSFM pursuant to this chapter shall be placed
12 in a restricted receipt account to support the kitchen exhaust system inspection and cleaning
13 program within the OSFM including, but not limited to, expenses incurred for the administration
14 of this chapter by either the department or the OSFM. The restricted receipt account shall be known
15 as the "kitchen exhaust system inspection and cleaning program account" and shall be housed
16 within the budget of the department and/or the OSFM.

17 **23-28.40-4. Licensing, certification and renewals.**

18 (a) Practices for which license and certification are required.

19 (1) No individual, corporation or business entity shall engage within this state in the
20 business of inspecting and/or cleaning commercial kitchen exhaust systems unless:

21 (i) The individual, corporation or business entity possesses a license from the OSFM to
22 operate as an inspector and/or cleaner of commercial kitchen exhaust systems; and

23 (ii) Each technician performing inspection and/or cleaning services including the
24 individual licensee, or in the case of a corporation or business entity its principal owner/officer,
25 possesses a certificate from the OSFM.

26 (b) Certificates. An individual over the age of eighteen (18) may be certified as a technician
27 in inspection and/or cleaning of commercial kitchen exhaust systems; provided that, the individual
28 completes and submits to the OSFM an application containing all information and documentation
29 as the OSFM in its sole discretion determines is warranted, including satisfactory evidence of the
30 following:

31 (1) A minimum of thirty (30) hours of hands-on experience in commercial kitchen exhaust
32 system cleaning;

33 (2) Participation in an approved training program, which may include, but is not limited to,
34 an in-person apprenticeship with a technician in good standing with the OSFM;

1 (3) Taking and obtaining a passing score on an approved certificate examination. If after
2 the first examination, the examinee does not obtain a passing score, the examinee may take the
3 examination again after no less than thirty (30) days have elapsed from the date the examinee
4 received the first examination's results. If the examinee does not pass the second examination, the
5 examinee may take another additional test, which may occur no less than sixty (60) days from the
6 date the examinee received the second examination's results; and

7 (4) Obtaining a criminal background check from the Rhode Island state police or the
8 department of attorney general.

9 (c) Licenses. An individual, corporation or business entity applicant may be licensed in the
10 inspection and/or cleaning of commercial kitchen exhaust systems; provided that, the applicant
11 completes and submits to the OSFM an application, containing such information and
12 documentation as the OSFM in its sole discretion determines is warranted, including satisfactory
13 evidence of the following:

14 (1) Employment of two (2) or more certified technicians, one of whom shall be the
15 individual applicant or in the cases of a corporation or business entity its principal owner/officer;

16 (2) Ownership of or permission to use approved commercial kitchen exhaust systems'
17 cleaning equipment;

18 (3) Possession and maintenance of general liability insurance coverage in amounts
19 established by regulation; and

20 (4) Possession and maintenance of worker's compensation insurance coverage if the
21 applicant has or hires any employees.

22 (d) Fees. The fee for licensure of a commercial kitchen exhaust system inspector and/or
23 cleaner shall be two hundred dollars (\$200), and the fee for a certificate of a commercial kitchen
24 exhaust system inspector and/or cleaner shall be one hundred dollars (\$100), and all fees shall be
25 deposited into the restricted receipt account in accordance with section § 23-28.40-4.

26 (e) Duration. Except as provided pursuant to § 23-28.40-8, any license or certification
27 issued pursuant to this chapter shall be valid for a period of three (3) years from the date of issuance
28 or approval of renewal.

29 (f) Renewals. Certification and licensing shall be renewed every three (3) years, on forms
30 made available by the OSFM containing such information and documentation as the OSFM
31 determines is warranted, including satisfactory evidence of the following:

32 (1) Continuing education or training attendance in the amount of five (5) credit hours per
33 licensing cycle;

34 (2) Payment of a renewal fee of fifty dollars (\$50.00) for technician recertification and one

1 hundred dollars (\$100) for license renewals; and

2 (3) Proof of compliance with OSFM requirements, on forms made available by the OSFM
3 and updated from time to time.

4 (g) Records. Any documentary evidence of the licensee's or certificate holder's compliance
5 with the requirements of this section shall be maintained by the licensee or certificate holder for a
6 period of three (3) years from the date thereof.

7 **23-28.40-5. Rangehood decals.**

8 (a) After inspection and/or cleaning, a decal purchased from OSFM shall be attached to the
9 hood indicating the day, month and year of the service, the individual who performed the service,
10 the company that employed the servicing individual, and the applicable certificate and license
11 numbers.

12 (b) Rangehood decals shall be available for purchase from, and at a price set by, the OSFM
13 and any individual inspecting and/or cleaning any commercial kitchen exhaust system under this
14 chapter shall use the most recent version of the OSFM rangehood decal available.

15 **23-28.40-6. Required notices.**

16 (a) Any certificate holder and/or licensee that becomes aware of a critical condition in the
17 course of their inspection and/or cleaning shall notify the AHJ and the client within twenty-four
18 (24) hours of becoming aware of the critical condition.

19 (b) Notices shall be in writing in accordance with National Fire Protection Association
20 (NFPA 1) Fire Code, chapter 50 ("commercial cooking"), and shall include photographs and/or
21 videos of the critical condition(s).

22 (c) Nothing herein shall be construed to allocate responsibility for the critical condition to
23 the certificate and/or license holder.

24 **23-28.40-7. Rules and regulations.**

25 The OSFM may promulgate rules and regulations for the implementation and maintenance
26 of commercial kitchen exhaust systems' inspection and cleaning certificates and licenses and to
27 carry out the provisions of this chapter.

28 **23-28.40-8. Enforcement and penalties.**

29 (a) In the execution of its authority pursuant to this chapter, the OSFM may deny or not
30 renew an application, suspend, revoke, place on probation or issue administrative penalties
31 regarding a certificate or license when any of the following conditions exist:

32 (1) An applicant, licensee or certificate holder makes a material misrepresentation in its
33 application, recertification or renewal, in any document submitted therewith, and/or in connection
34 with any requirement provided by § 23-28.40-4;

1 (2) An applicant, licensee or certificate holder possesses a criminal conviction
2 demonstrated by its criminal record and which criminal conviction is substantially related to the
3 certificate or license sought by the applicant in conformity with § 28-5.1-14;

4 (3) An applicant, licensee or certificate holder in the course of inspecting or cleaning any
5 commercial kitchen exhaust system, fails to give the required notice of a critical condition pursuant
6 to § 23-28.40-6;

7 (4) An applicant, licensee or certificate holder defrauds, attempts to defraud or makes a
8 material misrepresentation to any customer;

9 (5) An applicant, licensee or certificate holder fails to comply with any requirement under
10 this chapter or the rules or regulations issued hereunder or the safety standards of the industry;
11 and/or

12 (6) A licensee or certificate holder hires, uses or knowingly assists a person who is not
13 licensed or certified pursuant to this chapter to perform work for which a license or certificate is
14 required pursuant to this chapter.

15 (b) When assessing administrative penalties in connection with any violation pursuant to
16 this chapter, the OSFM may assess a maximum of one thousand dollars (\$1,000) per violation.

17 (c) If the OSFM has reason to believe that any person, firm, association, corporation or
18 other business entity is conducting a commercial kitchen exhaust system inspection and/or cleaning
19 operation without a license or certificate, or who after the denial, suspension or revocation of a
20 license or certificate is conducting any activities requiring licensing or certification under this
21 chapter, the OSFM may issue to that person, firm, association or corporation an order to cease and
22 desist its violation of this chapter and any failure to comply with such order may be enforced in the
23 district court for Providence county.

24 (d) As to any certificate or license holder who has had three (3) violation determinations
25 by the OSFM pursuant to this chapter, any subsequent violation of this chapter shall be referred to
26 the department of the attorney general for prosecution, and such subsequent violation of this chapter
27 shall be a misdemeanor, a conviction for which shall be punished by not more than one year in
28 prison or a fine of not more than one thousand dollars (\$1,000) or both.

29 **23-28.40-9. Violations, appeals and judicial review.**

30 (a) If the OSFM acts to deny a license or certificate application or renewal thereof or to
31 suspend, revoke or place on probation a license or certificate or issue an administrative penalty,
32 pursuant to § 23-28.40-8, the OSFM shall notify the applicant, licensee or certificate holder in
33 writing which notice shall include notice of the right to appeal and opportunity for a hearing in
34 accordance with chapter 35 of title 42 (“administrative procedures”).

1 **(b) The right of appeal shall be to the Rhode Island fire safety code board of appeal and**
2 **review.**

3 **(c) Any appeal to and hearing conducted by the fire safety code board of appeal and review**
4 **pursuant to this section shall conform to the fire safety code board of appeal and review rules and**
5 **regulations on hearings and appeals.**

6 **(d) Any applicant or licensee or certificate holder aggrieved by a final decision, modified**
7 **decision or amended decision on its appeal by the fire safety code board of appeal and review, shall**
8 **have the right to appeal such decision to the sixth division of the district court within thirty (30)**
9 **days after the decision in conformity with § 23-28.3-6.**

10 **23-28.40-10. Responsibility of licensee for acts of agents.**

11 **If a licensee is a firm or corporate entity, it is sufficient cause for the suspension or**
12 **revocation of a license that any officer, director, owner, principal or trustee of the firm or corporate**
13 **entity or any member, in the case of a partnership, has been found by the OSFM to have engaged**
14 **in any act or omission that would be cause for refusing, suspending, or revoking a license to that**
15 **party as an individual. Each licensee shall be responsible for the acts of any technician, inspector**
16 **or cleaner or other employee acting as the agent for the licensee.**

17 **23-28.40-11. Severability.**

18 **The provisions of this chapter are severable; and if any of the provisions are held to be**
19 **invalid, the decision of the court respecting that provision or provisions shall not affect the validity**
20 **of any other provision that can be given effect without that invalid provision.**

21 SECTION 3. This act shall take effect on January 1, 2029.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- COMMERCIAL KITCHEN EXHAUST SYSTEM
INSPECTION AND CLEANING, LICENSING AND CERTIFICATION ACT

1 This act would establish the commercial kitchen exhaust system inspection and cleaning
2 licensing and certification act. This act would require entities inspecting or cleaning commercial
3 exhaust systems to be licensed and insured.

4 This act would take effect on January 1, 2029.

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