2019 -- H 6207

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N   A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Introduced By: Representatives Shekarchi, and Filippi

Date Introduced: June 12, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

ARTICLE I -- STATUTORY REENACTMENT

SECTION 1. It is the express intention of the General Assembly to reenact the entirety of title 5 of the General Laws of R.I., including every chapter and section therein, and any chapters and sections of title 5 not included in this act may be, and are hereby reenacted as if fully set forth herein.

SECTION 2. Section 5-1-13 of the General Laws in Chapter 5-1 entitled "Architects" is hereby amended to read as follows:

5-1-13. Revocation or suspension of certificates of registration or of authorization.

(a) After notice and hearing as provided in § 5-1-13.1, the director may: (1) Suspend, revoke, annul, or take other permitted action with respect to any certificate of registration; and/or (2) Suspend, revoke, annul, or take other permitted action with respect to any certificate of authorization; and/or (3) Publicly censure, reprimand, or censure in writing; and/or (4) Limit the scope of practice of; and/or (5) Impose an administrative fine upon (not to exceed one thousand dollars ($1,000) for each violation); and/or (6) Place on probation; and/or (7) For good cause shown, order a reimbursement of the department for all fees, expenses, costs, and attorneys’ fees in connection with the proceedings (which amounts shall be deposited as general revenues), all with or without terms, conditions, or limitations, holders of a certificate of registration or a certificate of authorization (subsequently referred to as a licensee or licensees) for any one or more of the causes set out in subsection (b) of
(b) The director may take actions specified in subsection (a) of this section for any of the following causes:

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

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

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

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

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

(6) Violation of any of the provisions of this chapter or chapter 5-84 of this title;

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

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

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

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

and

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

SECTION 3. Sections 5-3.1-8, 5-3.1-9, 5-3.1-10 and 5-3.1-21 of the General Laws in Chapter 5-3.1 entitled "Public Accountancy" are hereby amended to read as follows:

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

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

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

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

(1) The licensing authority of the foreign country in which the holder of the annual
limited permit is licensed has established requirements for continuing education for practitioners
of public accounting;

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

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

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

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

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

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

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

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

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

5.3.1-9. Permits for practice units.

(a) Permits to engage in the practice of public accounting in this state as a practice unit shall be issued by the board, upon application therefore and payment of the required fee, to an entity that demonstrates its qualifications in accordance with this chapter or to certified public accounting firms originally licensed in another state that establish an office in this state.
practice unit must hold a permit issued under this section in order to provide attest and
compilation services as defined or to use the title "CPAs" or "CPA firm." An applicant entity for
initial issuance or renewal of a permit to practice under this section shall be required to register
each office of the firm within this state with the board and to show that all attest and compilation
services as defined in this chapter rendered in this state are under the charge of a person holding a
valid certificate issued under this chapter, or the corresponding provision of prior law or some
other state.

(b) An entity shall satisfy the following requirements:

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

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

(ii) A majority of the ownership of the entity, in terms of financial interests and voting
rights of all partners, shareholders, or members, belongs to holders of a certificate who shall hold
a certificate and a permit from some state, and such partners, shareholders, or members, whose
principal place of business is in this state and who perform professional services in this state, hold
a valid permit issued under this chapter or are public accountants registered under § 5-3.1-7.

Although firms may include non-licensee owners, the firm and its ownership and all parties must
comply with rules promulgated by the board. For firms of public accountants, a majority of the
ownership of the firm, in terms of financial interests and voting rights, must belong to holders of
permits under § 5-3.1-7, and provided, that any such entity, as defined by this subsection, may
include non-licensee owners, provided that:

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

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

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

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

(E) Any individual licensee who signs or authorizes another licensee to sign the
accountants' accountant's report on the financial statements on behalf of the firm shall meet the
experience requirement as set out in professional standards for such these services.
(iii) At least one partner, shareholder, or member must be a certified public accountant or a public accountant holding a certificate or authority under this chapter and a permit to practice in this state under § 5-3.1-7; and

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

(2) For a sole proprietorship:

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

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

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

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

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

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

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

(1) Of any change in the identities of the partners, officers, directors, or shareholders who are personally engaged in this state in the practice of public accounting;
(2) Of any change in the number or location of offices within this state required to be listed in the application pursuant to this section;

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

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

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

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

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

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

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

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

5.3.1-10. Peer reviews.

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

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

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

(b) The proceedings, records, and work papers of a peer-review committee appointed by the board for the purpose of conducting peer reviews under this subsection shall be privileged and shall not be subject to discovery, subpoena, or other means of legal process or introduction into evidence in any civil action, arbitration, administrative proceeding, or state accountancy board proceeding. No member of the peer-review committee or other person involved in the peer-review process shall be permitted or required to testify in the civil action, arbitration, administrative proceeding, or state accountancy board proceeding as to any matters produced, presented, disclosed, or discussed during or in connection with the peer-review process, or as to any findings, recommendations, evaluations, opinions, or other actions of the committees or any members of the committees. Information, documents, or records that are publicly available shall not be construed as immune from discovery or use in civil actions, arbitration proceedings, administrative proceedings, or state accountancy board proceedings merely because they were presented or considered in connection with the peer-review process. The privilege created by this statute also does not apply to materials prepared in connection with a particular engagement merely because they are subsequently presented or considered as part of the peer-review process; nor does it apply to disputes between review committees and practice units subject to a peer review arising from the performance of the review. The privilege similarly does not apply, notwithstanding any provision in this section to the contrary, to the board or its members, who, so
long as they are acting in their official capacities, have access to any and all records, reports, work papers, and other documents and materials which may at any time have been in the possession of or prepared by a peer review committee during the performance of its duties.

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

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

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

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

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

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

(2) Practices fraud, deceit or misrepresentation;

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

(4) Commits any act that would disqualify the qualifying agent.

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

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

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


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

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

(2) Practices fraud, deceit, or misrepresentation;

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

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

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

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

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

(3) All hearings shall be held in accordance with the provisions of chapter 35 of title 42.

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

(d) Under circumstances in which the attorney general determines that the public health, welfare, or safety may be jeopardized by the termination of a licensee's services, the
attorney general may, upon his or her own motion or upon application by the licensee or any
party affected by the termination, extend the time for the termination of the licensee's operations,
subject to any reasonable, necessary, and proper conditions or restrictions that he or she deems
appropriate.

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

5-6-15. False statement in applications.

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

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

5-8-21. Exemptions.

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

(1) Temporary certificates of registration.

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

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

(2) Employees and subordinates. The work of an employee or a subordinate of a person
holding a certificate of registration under this chapter, or an employee of a person practicing
lawfully under paragraph (1)(ii) of this section; provided, that work does not include final
engineering designs or decisions and is done under the direct supervision of or checked by a person holding a certificate of registration under this chapter or a person practicing lawfully under subdivision (1) of this section.

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

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

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

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

(7) Research and development corporations. The practice of engineering, as prescribed in
this chapter, by research and development corporations and their officers and employees while
engaged in research and development activities for that corporation.

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

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

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

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

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

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

(d) In the event such the license fee remains unpaid on the date due, no renewal or new
license shall be issued except upon payment of the license renewal fee.
5-19.1-14. Licensing of pharmacists -- Prerequisites -- Examinations -- Reciprocity --

Fees -- Renewal.

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

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

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

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

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

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

(6) Meet any additional requirements that may be established in regulations.

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

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

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


(a) Any person who is a graduate of an accredited program of pharmacy, or who is a student enrolled in at least the third year of a professional program of an accredited program of pharmacy, or any graduate of a foreign college of pharmacy who has obtained FPGEC certification may file an application for licensure as a pharmacy intern with the department. He or she shall be required to furnish any information that the board may, by regulation, prescribe and, simultaneously with the filling of the application, shall pay to the department a fee to be determined by the department. All licenses issued to pharmacy interns shall be valid for a period to be determined by the department, but in no instance shall the license be valid if the individual is no longer making timely progress toward graduation. No pharmacy student may serve an
internship with a preceptor without holding a valid pharmacy intern license from the board of pharmacy.

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

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


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

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

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

(1) An interoperable, electronic medical-records system;

(2) An electronic prescribing technology;

(3) A pharmacy benefit management system; or

(4) A pharmacy record.

d) Entry into an electronic records system as described in this subsection section is presumed to provide notice to the prescriber. Otherwise, the pharmacist shall communicate the
biological product dispensed to the prescriber using facsimile, telephone, electronic transmission, or other prevailing means; provided that the communication shall not be required where:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

(d) "Drug therapy management" means the review, in accordance with a collaborative practice agreement, of drug therapy regimen or regimens of patients by one or more licensed pharmacist(s) for the purpose of initiating, adjusting, monitoring, or discontinuing the regimen. Decisions involving drug therapy management shall be made in the best interests of the patient. In accordance with a collaborative practice agreement, drug therapy management may include:
(1) Initiating, adjusting, monitoring, or discontinuing drug therapy;
(2) Collecting and reviewing patient histories;
(3) Obtaining and checking vital signs, including pulse, height, weight, temperature, blood pressure, and respiration; and
(4) Under the supervision of, or in direct consultation with one or more physician(s), ordering and evaluating the results of laboratory tests directly related to drug therapy when performed in accordance with approved protocols applicable to the practice setting and providing such evaluation does not include any diagnostic component.
(e) "Limited-function test" means those tests listed in the federal register under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) as waived tests. For the purposes of this chapter, limited-function test shall include only the following: blood glucose, hemoglobin A1c, cholesterol tests, and/or other tests that are classified as waived under CLIA and are approved by the United States Food and Drug Administration for sale to the public without a prescription in the form of an over-the-counter test kit.
(f) "Pharmacist with advanced training and experience relevant to the scope of collaborative practice" means a licensed pharmacist in this state with a bachelor of science in pharmacy and post-graduate educational training or a doctor of pharmacy degree. Such training shall include, but not be limited to, residency training; board certification; certification from an accredited professional organization educational institution; or any other continuing education provider approved by the director of health relevant to the proposed scope of the collaborative practice agreement.
(g) "Practice of pharmacy" means the interpretation, evaluation, and implementation of medical orders, including the performance of clinical laboratory tests, provided such testing is limited to limited-function tests as defined herein; the dispensing of prescription drug orders; participation in drug and device selection; drug regimen reviews and drug or drug-related research; provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care; drug therapy management pursuant to a collaborative practice agreement; and the responsibility for the supervision for compounding and labeling of drugs and devices (except labeling by a manufacturer, repackager, or distributor of nonprescription drugs and commercially packaged legend drugs and devices); proper and safe storage of drugs and devices; and maintenance of proper records for them.

SECTION 10. Sections 5-20-12, 5-20-12.1, 5-20-14.1, 5-20-17 and 5-20-35 of the General Laws in Chapter 5-20 entitled "Plumbers, Irrigators, and Water System Installers" are hereby amended to read as follows:

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

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

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

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

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

(2) Continuously employ at all times a duly licensed master plumber, master irrigator, or master water-filtration/treatment-system installer as provided in this chapter, who is continuously engaged in the supervision of the entity's plumbing installation, irrigation installation, commercial water-filtration/treatment-system installation, maintenance, and repair work. The plumbing contractor's, master irrigator's, and water-filtration/treatment-system installer's license shall entitle the entity holding the license to engage in business, advertise, bid for work, or represent itself as a master plumber, master irrigator, and master water-filtration/treatment-system installer or a plumbing contractor and shall also entitle the entity to make application for and take out permits through its duly authorized officer or similarly
authorized principal, as well as through the duly licensed contractor master as described in this section, or the duly licensed master plumber, master irrigator or master water-filtration/treatment-system installer continuously employed by the entity as stated in this section, as the case may be.

The contractor's license shall not, in and of itself, permit a principal, officer, employee, or agent of the entity holding the license to individually engage in installation, maintenance, or repair work as described above unless that principal, officer, employee, or agent is individually licensed so to do.

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

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

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

(f) No corporation, firm, association, partnership, or other entity which engages in, offers to engage in, or represents that it engages in plumbing installation, irrigation system installation, or commercial water-filtration/treatment-system maintenance or repair work in the state of Rhode Island is permitted to incorporate, form, qualify to do business, or otherwise register with the Rhode Island secretary of state's office until and unless that office has first received a written confirmation from the department of labor and training that all requisite
licenses to be issued by the department of labor and training have been so issued and remain in
good standing.

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

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

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

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

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

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

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

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

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

(a) After July 13, 2001, and at any time prior to the expiration of twelve (12) months
following July 13, 2001, the authority shall, without examination, upon payment of the fees
required in this chapter, issue through the department of labor and training, division of
professional regulation, a master irrigation license or a journeyperson irrigation license to any
applicant who shall present satisfactory evidence that he or she has the qualifications for the type
of license applied for. Thereafter, in order to qualify for a master irrigation license after the initial
“grandfather” window, the eligible contractor shall be required to pass a written examination and
show the proof contained in this subsection of his or her eligibility.
(b) Prior to January 1, 2018, the authority shall, without examination, upon payment of
the fees required in this chapter, issue through the department of labor and training, division of
professional regulation, a master water-filtration/treatment-system installer license or a
journeyperson water-filtration/treatment-system installer license to any applicant who shall
present satisfactory evidence that they have the qualifications for the type of license applied for.
After January 1, 2018, in order to qualify for a master water-filtration/treatment-system installer
license or a journeyperson water-filtration/treatment-system installer license, the eligible
individual shall be required to pass a written examination and show the proof contained in this
subsection of their eligibility.

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

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

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

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

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

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

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

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

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

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

(2) The applicant shall have possessed a certificate of registration in full force and effect from the department of labor and
training specifying that person as a registered apprentice plumber and the application of that
applicant is accompanied with an affidavit or affidavits of his or her employer or former
employers or other reasonably satisfactory evidence showing that the applicant has been actually
engaged in plumbing work as an apprentice plumber in the state of Rhode Island for eight
thousand (8,000) hours of on-the-job training during a five-year period, which shall
include the successful completion of five hundred seventy-six (576) hours of related instruction at a training program recognized by the department of labor and training; provided, however, the apprentice may receive credit for one hundred forty-four (144) hours of classroom training applied against the five hundred seventy-six (576) hours required pursuant to this section, gained in a vocational school authorized by the board of regents for elementary and secondary education council on elementary and secondary education; and approved by the Rhode Island department of labor and training state apprenticeship council.

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

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

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

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

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

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

(a) The provisions of this chapter do not apply to the installation of automatic sprinkler systems or other fire protection appliances in this state and do not apply to employees of public utilities (publicly or privately owned); provided, that any resident of Rhode Island not licensed, as provided in this chapter, desiring a license as a master plumber or journeyperson plumber who on or before August 14, 1966, presents to the department of labor and training of the state reasonably satisfactory evidence, in writing, that he or she was actively engaged in the business of plumbing as a master plumber or working as a journeyperson plumber for a master plumber in any city or town for five (5) years prior to May 16, 1966, and that he or she is at the time of presenting that evidence to the department of labor and training operating in any city or town as a master
plumber or working as journeyperson plumber, shall, upon payment of a fee of five dollars
($5.00) in the case of a master plumber or one dollar ($1.00) in the case of a journeyperson
plumber, have issued to him or her by the department of labor and training a certificate of license
as a master plumber or a journeyperson plumber without an additional application, fee, or other
condition precedent. Farms, golf courses, and nurseries performing irrigation work on their
premises only shall not be required to be licensed under the chapter.

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

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

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

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

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

(a) The director may, upon his or her own motion, and shall, upon the receipt of the
written verified complaint of any person initiating a cause under this section, ascertain the facts
and, if warranted, hold a hearing for the suspension or revocation of a license. The director has
power to refuse a license for cause or to suspend or revoke a license or place a licensee on
probation for a period not to exceed one year where it has been obtained by false representation,
or by fraudulent act or conduct, or where a licensee, in performing or attempting to perform any
of the acts mentioned in this chapter, is found to have committed any of the following acts or
practices:

   (1) Making any substantial misrepresentation;
   (2) Making any false promise of a character likely to influence, persuade, or induce any
   person to enter into any contract or agreement when he or she could not or did not intend to keep
   that promise;
   (3) Pursuing a continued and flagrant course of misrepresentation or making of false
   promises through salespersons, other persons, or any medium of advertising, or otherwise;
   (4) Any misleading or untruthful advertising;
   (5) Failing to deposit money or other customers' funds received by a broker or
   salesperson into an escrow account maintained by the broker that complies with the requirements
   set forth in § 5-20.5-26, upon execution of a purchase and sales agreement;
   (6) Failing to preserve for three (3) years following its consummation records relating to
   any real estate transaction as described in the regulations issued by the department;
   (7) Acting for more than one party in a transaction without the knowledge and consent, in
   writing, of all parties for whom he or she acts;
   (8) Placing a "for sale" or "for rent" sign on any property without the written consent of
   the owner, or his or her authorized agent;
   (9) Failing to furnish a copy of any listing, sale, lease, or other contract relevant to a real
   estate transaction to all signatories of the contract at the time of execution;
   (10) Failing to specify a definite termination date that is not subject to prior notice, in any
   listing contract;
   (11) Inducing any party to a contract, sale, or lease to break that contract for the purpose
   of substitution in lieu of that contract a new contract, where that substitution is motivated by the
   personal gain of the licensee;
   (12) Accepting a commission or any valuable consideration by a salesperson for the
   performance of any acts specified in this chapter, from any person, except the licensed real estate
   broker with whom he or she is affiliated;
   (13) Failing to disclose to an owner his or her intention or true position if he or she,
directly or indirectly through a third party, purchases for him himself or herself or acquires or
intends to acquire any interest in or any option to purchase property that has been listed with his
or her office to sell or lease;
(14) Being convicted of any criminal felony in a court of competent jurisdiction of this or any other state or federal court involving dishonesty, breach of trust, forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, fraud, false dealing, or any similar offense(s) or by pleading guilty or nolo contendere to any such criminal offense or offenses;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notwithstanding any other provisions of this chapter, a podiatrist of noteworthy and recognized professional attainment who is a clearly outstanding podiatrist and who has been offered by the dean of a medical school or podiatry school in this state a full-time academic appointment, is eligible for a limited registration while serving on the academic staff of the medical school or podiatry school. Upon recommendation of the dean of an accredited school of medicine, or podiatry in this state, the board in its discretion, after being satisfied that the applicant is a graduate of a foreign podiatry school and a person of professional rank whose knowledge and special training will benefit that medical school, or podiatry school, may issue to that podiatrist a limited registration to engage in the practice of podiatry to the extent that the practice is incidental to a necessary part of his or her academic appointment and then only in the hospital or hospitals and out-patient clinics connected with the medical school or podiatry school. Except to the extent authorized by this section, the registrant shall not engage in the practice of podiatry or receive compensation for that practice, unless he or she is issued a license to practice
podiatry. The registration is valid for a period of not more than one year expiring on the 30th day of June following its initial effective date, but may be renewed annually; provided, that such the registration automatically expires when the holder's relationship with the medical school or podiatry school is terminated. The application fee for the registration authorized under this section and for the application fee for biennial renewal, as promulgated by the director, shall be as set forth in § 23-1-54.

5-29-15. Immunity from suit.

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

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

5-29-16. Unprofessional conduct.

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

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

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

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

(4) Abandonment of a patient;

(5) Dependence upon a controlled substance, habitual drunkenness, or rendering professional services to a patient while the podiatrist or limited registrant is intoxicated or incapacitated by the use of drugs;
(6) Promotion by a podiatrist or limited registrant of the sale of drugs, devices, appliances, or goods or services provided for a patient in a manner that exploits the patient for the financial gain of the podiatrist or limited registrant;

(7) Immoral conduct of a podiatrist or limited registrant in the practice of podiatry;

(8) Willfully making and filing false reports or records in the practice of podiatry;

(9) Willful omission to file or record, or willfully impeding or obstructing a filing or recording, or inducing another person to omit to file or record podiatry/medical or other reports as required by law;

(10) Failure to furnish details of a patient's medical record to a succeeding podiatrist or medical facility upon proper request pursuant to this chapter;

(11) Solicitation of professional patronage by agents or persons or profiting from acts of those representing themselves to be agents of the licensed podiatrist or limited registrant;

(12) Division of fees or agreeing to split or divide the fees received for professional services for any person for bringing to or referring a patient;

(13) Agreeing with clinical or bio-analytical laboratories to accept payments from those laboratories for individual tests or test series for patients, or agreeing with podiatry laboratories to accept payment from those laboratories for work referred;

(14) Willful misrepresentation in treatment;

(15) Practicing podiatry with an unlicensed podiatrist except in accordance with the rules and regulations of the board, or aiding or abetting those unlicensed persons in the practice of podiatry;

(16) Gross and willful overcharging for professional services, including filing of false statements for collection of fees for which services are not rendered or willfully making or assisting in making a false claim or deceptive claim or misrepresenting a material fact for use in determining rights to podiatric care or other benefits;

(17) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine;

(18) Professional or mental incompetence;

(19) Incompetent, negligent, or willful misconduct in the practice of podiatry which includes the rendering of unnecessary podiatry services and any departure from or the failure to conform to the minimal standards of acceptable and prevailing podiatry practice in his or her area of expertise as is determined by the board. The board does not need to establish actual injury to the patient in order to adjudge a podiatrist or limited registrant to be guilty of unprofessional conduct;
(20) Revocation, suspension, surrender, or limitation of privilege based on quality of care provided or any other disciplinary action against a license to practice podiatry in another state or jurisdiction, or revocation, suspension, surrender, or other disciplinary action as to membership on any podiatry staff or in any podiatry or professional association or society for conduct similar to acts or conduct which would constitute grounds for action as set forth in this chapter;

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

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

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

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

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

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

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

5-29-20. Privileges and immunities for peer-review activities. Privileges and immunities for peer-review activities.

(a) Neither the proceedings nor the records of peer-review boards are subject to discovery or admissible in evidence in any case except litigation arising out of the imposition of sanctions upon a podiatrist. Any imposition or notice of a restriction of privileges or a requirement of supervision imposed on a podiatrist for unprofessional conduct is subject to discovery and admissible in any proceeding against the podiatrist or against any podiatry care facility or podiatry care provider which allows the podiatrist to perform the podiatry procedures which are the subject of the restrictions or supervision during the period of any imposition or notice of a restriction of privileges or a requirement of supervision, and apply to records made in the regular course of business by a hospital or other provider of health care information. Documents or records available from original sources are not to be construed as immune from
discovery or use in any civil proceedings merely because they were presented during the
proceedings of the committee.

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

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

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

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

5-33.2-1. Definitions.

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) "Funeral merchandise" means those items which are normally presented for
sale as part of the funeral home operation on a for-profit basis. These items include caskets,
sealed warranted outer burial containers, and burial clothing. Not included are urns, grave
markers, and non-sealed outer burial containers. All persons engaged in the sale of funeral
merchandise must comply with the provisions of chapter 3 of this title.

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

(14) "Practice of funeral service" means a person engaging in providing shelter, care, and
custody of human dead remains; in the practice of preparing of the human dead remains by
embalming or other methods for burial or other disposition; in entering into a funeral service contract; engaging in the functions of funeral directing and/or embalming as presently known including those stipulated within this chapter and as defined in the federal trade commission "funeral rule." Federal Trade Commission "Funeral Rule". The practice of conducting funeral services is shall be conducted in the presence of a licensed funeral director/embalmer.

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

5-34-46. Status of current licensees.

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

(b) Any person holding a valid license to practice nursing having graduated from an accredited course of study, actively practicing in an advanced role, and holding a national certification related to his or her current practice setting as of the (effective date of this act), as defined in this chapter chapters 5-35 or chapter 6-34.2 of title 5, shall be deemed to be eligible for to license as an APRN license.

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

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

5-35.1-20. Penalty for violations.

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

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

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

Where the contracts call for the expenditure of public or private funds involving Medicaid and Rite Care, Medicare, or supplemental coverage for any purpose relating to eyewear, and as it pertains to opticianry, the distribution, dispensing, filling, duplication, and fabrication of eyeglasses or optical prosthesis by opticians as defined in § 5-35.1-1 5-35.2-1.
those health plans or contracts are required to notify by publication in a public newspaper
published within and circulated and distributed throughout the state of Rhode Island, to all
providers, including, but not limited to, opticians, within the health plan's or contract's geographic
service area, of the opportunity to apply for credentials, and there is no discrimination as to the
rate or reimbursement for health care provided by an optician for similar services as rendered by
other professions pursuant to this section. Nothing contained in the chapter shall require health
plans to contract with any particular class of providers.

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

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

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

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

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

(ii) Graduate medical education;

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

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

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

(vi) A description of revocation or restriction of hospital privileges for reasons related to
competence taken by the hospital's governing body or any other official of the hospital after
procedural due process has been afforded, or the resignation from or nonrenewal of medical staff
membership or the restriction of privileges at a hospital. Only cases, which have occurred within
the most recent ten (10) years, shall be disclosed by the board to the public.
(vii) All medical malpractice court judgments and all medical malpractice arbitration awards in which a payment is awarded to a complaining party since September 1, 1988, or during the most recent ten (10) years, and all settlements of medical malpractice claims in which a payment is made to a complaining party since September 1, 1988, or within the most recent ten (10) years. Dispositions of paid claims shall be reported in a minimum of three (3) graduated categories indicating the level of significance of the award or settlement. Information concerning paid medical malpractice claims shall be put in context by comparing an individual physician's medical malpractice judgments, awards and settlements to the experience of other physicians licensed in Rhode Island who perform procedures and treat patients with a similar degree of risk. All judgment, award, and settlement information reported shall be limited to amounts actually paid by or on behalf of the physician.

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

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

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

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

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

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

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

(5) Pending malpractice claims and actual amounts paid by or on behalf of a physician in
connection with a malpractice judgment, award, or settlement shall not be disclosed by the board
to the public. Nothing in this section shall be construed to prevent the board from investigating
and disciplining a licensee on the basis of medical malpractice claims that are pending.

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

(i) Specialty board certification;
(ii) Number of years in practice;
(iii) Names of the hospitals where the physician has privileges;
(iv) Appointments to medical school faculties and indication as to whether a physician
has a responsibility for graduate medical education within the most recent ten (10) years;
(v) Information regarding publications in peer-reviewed medical literature within the
most recent ten (10) years;
(vi) Information regarding professional or community service activities and awards;
(vii) The location of the physician's primary practice setting; and
(viii) The identification of any language translating services that may be available at the
physician's primary practice location; provided, that a statement is included in the profile
indicating that these services may be temporary and that the physician's office should first be
contacted to confirm the present availability of language translation.

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

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

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

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

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

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

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

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

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

(f) For each profile provided to the public by the board, the board may charge no more than fifty cents ($0.50) per page or three dollars ($3.00) per profile, whichever is greater.

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

5-37.7-10. Patient's rights.

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

(1) To obtain a copy of his or her confidential health care information from the HIE;

(2) To obtain a copy of the disclosure report pertaining to his or her confidential health information.
(3) To be notified as required by chapter 49.2 of title 11 49.3 of title 11, the Rhode Island identity theft protection act, of a breach of the security system of the HIE;

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

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

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

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

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

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

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

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

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

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

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

(d)(1) Foreign-Trained trained Applicants applicants. If the foreign-trained applicant has successfully met the requirements of the rules and regulations, the applicant's credentials shall be accepted by the board.
(2) Prior to becoming licensed in this state, the foreign-trained applicant must also meet all of the appropriate requirements described in this section or its equivalent as established in rules and regulations.

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

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

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

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

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

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

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

5-40.1-8. **Requirements for licensure.**
(a) Any applicant seeking licensure as an occupational therapist or occupational therapy assistant in this state must:

1. Be at least eighteen (18) years of age;
2. Be of good moral character;
3. Have successfully completed the academic requirements of an education program in occupational therapy accredited by the American Occupational Therapy Association’s Accreditation Council for Occupational Therapy Education or other therapy accrediting agency that may be approved by the board;
4. Have successfully completed a period of supervised fieldwork experience arranged by the recognized educational institution where he or she met the academic requirements:
   i. For an occupational therapist, a minimum of twenty-four (24) weeks of supervised fieldwork experience shall be required;
   ii. For an occupational therapy assistant, a minimum of twelve (12) weeks shall be required;
5. Have successfully passed the National Certification Examination for Occupational Therapists, Registered, or National Certification Examination for Occupational Therapy Assistants, of the National Board for Certification in Occupational Therapy (NBCOT) or other occupational therapy certification examination as approved by the board.

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

1. A document, evidenced in the manner prescribed by the department, showing the applicant is of good moral character;
2. For U.S. citizens: a certified copy of birth record or naturalization papers;
3. For non-U.S. citizens: documented evidence of alien status, such as immigration papers or resident alien card or any other verifying papers acceptable to the administrator;
4. Documented evidence and supporting transcripts of qualifying credentials as prescribed in this section;
5. A statement from the board of occupational therapy in each state in which the applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to the board of this state attesting to the licensure status of the applicant during the time period the applicant held licensure in that state; and
6. The results of the written national examination of the National Board for Certification
(c)(1) Applicants seeking licensure as occupational therapists or occupational therapy assistants are required to pass the national written examination of the National Board for Certification in Occupational Therapy (NBCOT) approved by the board to test the applicant's fitness to engage in the practice of occupational therapy pursuant to the provisions of this chapter.

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

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

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

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

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

5-44-13. Temporary license.

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

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

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

(3) Shall only practice under the appropriate supervision of a licensed psychologist as
delineated in the rules and regulations promulgated hereunder;

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

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

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

5-44-23. Persons and practices exempt.

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

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

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

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

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

(f) Nothing in this chapter limits the professional pursuits of any non-licensed
psychologists, psychology students, psychology trainees, psychology residents, or persons
rendering psychological services as an employee of a licensed hospital, accredited educational
institution, authorized community mental health clinic or center, government or medical agency,
while functioning under the title conferred upon him or her by the administration of any hospital,
educational institution, or agency.

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

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

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

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

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

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

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

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

(4) A majority of the board members may not be representative of a single profession or
category of institution, and members who are not representative of institutions may not have a
direct financial interest in any nursing home. Licensed nursing home administrators shall be
considered representatives of institutions for the purpose of this section.

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

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

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

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

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

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

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

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


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

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

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

(d) A provisional license for the clinical fellow (defined in § 5-48-1(b)(5) 5-48-1(b)(4))
shall be required in speech language pathology for that period of postgraduate professional
experience as required in § 5-48-7. A provisional license shall authorize an individual to
practice speech-language pathology solely in connection with the completion of the supervised
postgraduate professional experience.

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


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

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

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

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

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

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

(a) Applications for licenses required by the provisions of this chapter shall be filed with
the licensing authority on a form provided by the licensing authority. If the applicant is an
individual, the application shall be subscribed and sworn to by the individual. If the applicant is a
firm or partnership, the application shall be subscribed and sworn to by an owner in the case of a
firm, and by at least one general partner in the case of a partnership. If the applicant is an
individual and does not reside, operate any business, or is not employed within the state or if in
the event the applicant is a firm or partnership and no owner or general partner resides, operates a
business, or is employed within the state, then the application must also be subscribed and sworn
to by an individual having the authority and the responsibility for the management and operations
of the alarm business within the state. If the applicant is a corporation, the application shall be
subscribed and sworn to by at least one principal officer of the corporation. If the applicant is a
corporation and none of its principal officers is responsible for the management and operations of
the alarm business within the state, the application must also be subscribed and sworn to by an
individual having the authority and responsibility for the management and operations of the alarm
business within the state.

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

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

(1) The individual's full name and address (business and residence);
(2) The individual's business telephone number;
(3) The individual's date and place of birth;
(4) The individual's social security number;
(5) The name and address of the individual's present place or places of employment or
self-employment and the length of time engaged there;
(6) A list of all felony and misdemeanor convictions of the individual in any jurisdiction;
(7) Two classifiable sets of fingerprints of the individual having the authority and the
responsibility for the management and operation of the alarm business within the state, recorded
in any manner that may be specified by the licensing authority; and
(8) Whether the individual has ever been denied in any jurisdiction a license or permit to
engage in the alarm business or has had the license or permit revoked.

(d) The application shall include the following information concerning the applicant:
(1) The name, address, and telephone number of the alarm business and the locations
where it intends to operate within the state;
(2) A statement as to the length of time that the applicant has been engaged in the alarm business and where engaged; and the date when the alarm business or businesses commenced operation in the state or when the alarm business intends to commence that operation;

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

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

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

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


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

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

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

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

(4) "Certificate of authenticity" means a written statement by an art merchant confirming,
approving, or attesting to the authorship of a work of fine art or multiple, which is capable of being used to the advantage or disadvantage of some person;

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

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

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

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

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

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

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

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

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

(14) "Proofs" means multiples which are the same as, and which are produced from the same masters as, the multiples in a limited edition, but which, whether so designated or not, are set aside from and are in addition to the limited edition to which they relate;
"Reproduction" means a copy, in any medium, of a work of fine art that is displayed or published under circumstances that, reasonably construed, evinces an intent that it be taken as a representation of a work of fine art as created by the artist;

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

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

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

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

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

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


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

(1) Whenever an artist or craftperson, his or her heirs or personal representatives, delivers or causes to be delivered a work of fine art, craft or a print of his or her own creation to an art merchant for the purpose of exhibition and/or sale on a commission, fee or other basis of compensation, the delivery to and acceptance of the work or print by the art merchant
establishes a cosignor/cosignee relationship as between the artist or craftsperson and the art
merchant with respect to the work, and:

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

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

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

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

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

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

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

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

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

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

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

SECTION 26. Sections 5-63.2-9 and 5-63.2-22 of the General Laws in Chapter 5-63.2
entitled "Mental Health Counselors and Marriage and Family Therapists" are hereby amended to read as follows:

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

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

(1) Is of good character; and

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

(3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their his graduate counseling/therapy program; and

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

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

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

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

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

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

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


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

(1) Revocation of the license;
(2) Suspension of the license for any period of time;
(3) Censure of the licensee;
(4) Issue Issuance of a letter or of reprimand;
(5) Place Placement of a licensee on probationary status and require requirement that
the licensee to submit to any of the following:

(i) Report regularly Regular reporting to the licensing board upon matters that are the
basis of probation;
(ii) Continue to renew Continual renewal of professional education until a satisfactory
degree of skill has been attached attained in those areas that are the basis of probation;
(iii) Attend Attendance at employee assistance counseling services.
(vi) Refuse Refusal to renew a license;
(7) Revoke Revocation of probation which that was granted and impose and
imposition of any other discipline provided in this section when the requirements of probation
are not fulfilled or have been violated.
(b) The director may reinstate any licensee to good standing under this chapter, if, after a
hearing the department of health is satisfied that the applicant's renewed practice is in the public
interest.
(c) Upon the suspension or revocation of a license issued under this chapter, a licensee
shall be required to surrender the license to the director and upon failure to do so, the director
shall have the right to seize the license.
(d) The director may make available annually a list of the names and addresses of all
licensees under the provisions of this chapter, and of all persons who have been disciplined within
the preceding twelve (12) months.
(e) Any persons convicted of violating the provisions of this chapter shall be guilty of a
misdemeanor, punishable by a fine of not more than five hundred dollars ($500), imprisonment
for not more than one year, or both.

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

(a) Upon payment of the fees required by this chapter, an individual who has complied
with the requirements of this chapter is entitled to a certificate and identification card indicating
that he or she is qualified for licensure under the provisions of this chapter.
(b) Each certificate shall contain the name of the individual to whom it was issued and his or her date of birth and the category or categories to which he or she is licensed.

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

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

5-70-18. Enforcement.

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

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

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

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

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

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

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

(c) Any person may prefer charges against an applicant or licensee under subsection (a) of this section by submitting a written statement of charges, sworn to by the complainant with the director of labor and training. The director of labor and training, or his or her designee, shall hear
and determine all charges within three (3) months after the date on which the statement of charges was received by the division of professional regulation. The time and place of the hearing shall be fixed by the director of labor and training. The applicant or licensee charged shall be entitled to be represented by counsel. A hearing shall be conducted in accordance with the provisions for hearings of contested cases in the Administrative Procedure Act. The director of labor and training, or his or her designee, may administer oaths and conduct examinations. If, after the hearing, a majority of the members of the board with the approval of the director of labor and training, find the accused applicant or licensee guilty of a charge or the charges, or any of them, it may refuse to issue a license to the accused applicant, or it may revoke or suspend the license of the accused licensee.

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

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

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

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

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

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

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

5-78-1. Definitions.

As used in this chapter:

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

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

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

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

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

(2) A photograph or video selection process;

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

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

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

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

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

(1) Is of good moral character;

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

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

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

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

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

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

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

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

(1) Is of good moral character;

(2) Has obtained a bachelor's degree in behavior analysis or a related field, as approved by the board, from a college or university accredited by the New England Association of Schools and Colleges, or an equivalent regional accrediting agency, and that has the approval by a national or regional certifying authority, including, but not limited to, the applied behavior analyst licensing board;

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

(4) Has appropriate supervised experience to include either: (i) One thousand (1,000) hours of supervised independent fieldwork in applied behavior analysis. The distribution of supervised independent fieldwork hours must be at least ten (10) hours per week, but not more than thirty (30) hours per week, for a minimum of (3) three weeks per month; (ii) Six hundred seventy (670) hours of practicum in behavior analysis within a university experience program approved by the national or regional certifying board. The distribution of practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per month; or (iii) Five hundred (500) hours of intensive practicum in behavior analysis within a university experience program approved by the national or regional certifying board. The distribution of intensive practicum hours must be at least ten (10) hours per week, but not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per month;

(5) Is supervised by a licensed applied behavior analyst in a manner consistent with the
(6) Has passed the examination administered by an appropriate nationally recognized accrediting organization as approved by department of health licensing for this function;

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

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

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

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

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

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

(3) Is of good moral character;

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

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

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

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

ARTICLE II -- STATUTORY CONSTRUCTION

SECTION 1. Section 2-6-7 of the General Laws in Chapter 2-6 entitled "Rhode Island
Seed Act” is hereby amended to read as follows:

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

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

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

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

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

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

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

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

(2) To issue and enforce a written or printed “stop sale” order to the owner or custodian of any lot of agricultural or vegetable seed that the director finds is in violation of any of the provisions of this chapter or rules and regulations promulgated under this chapter. That order shall prohibit further sale, processing, and movement of the seed, except on approval of the director, until the director has evidence that the law has been complied with and the director has issued a release from the "stop sale" order of the seed; provided, that in respect to seed that has been denied sale, processing, and movement as provided in this paragraph, the owner or
custodian of the seed has the right to appeal from the order to a court of competent jurisdiction in
the locality in which the seeds are found, praying for a judgment as to the justification of the
order and for the discharge of the seeds from the order prohibiting the sale, processing, and
movement in accordance with the findings of the court. The provisions of this paragraph shall not
be construed as limiting the right of the director to proceed as authorized by other sections of this
chapter;

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

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

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

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

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

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

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

This section shall not apply:

(1) During medical research;

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

(3) During transportation;

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

(5) During temporary confinement for animal husbandry purposes for no more than six
(6) hours in any twenty-four (24) hour period unless ordered by a licensed veterinarian;
(6) During the humane slaughter of a sow or pig in accordance with the provisions of chapter 4-17, and other applicable laws and regulations.

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

(8) To calves being trained to exhibit;

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

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

This chapter shall not apply:

(1) During medical research;

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

(3) During transportation;

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

(5) During temporary confinement for animal husbandry purposes for no more than six hours in any twenty-four-hour (24) period, unless ordered by a licensed veterinarian;

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

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

(8) To calves being trained to exhibit; and

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

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


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

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

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

(ii) Proper identification.

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

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

(i) Proper identification;

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

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

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

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

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

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

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

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

(9) A security freeze shall remain in place until the consumer requests, using a point of
contact designated by the consumer reporting agency, that the security freeze be removed. A
consumer reporting agency shall remove a security freeze within three (3) business days of
receiving a request for removal from the consumer who provides all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(xi) Any person or entity for use in setting or adjusting a rate, adjusting a claim, or
underwriting for insurance purposes.
1 (13) A consumer may not be charged a fee for any security freeze service by a consumer
2 reporting agency.
3 (b) Entities not required to place a security freeze.
4 The following entities are not required to place a security freeze on a credit report:
5 (1) A consumer reporting agency that acts only as a reseller of credit information by
6 assembling and merging information contained in the database of another consumer reporting
7 agency or multiple consumer credit reporting agencies and does not maintain a permanent
8 database of credit information from which new consumer credit reports are produced. However, a
9 consumer reporting agency acting as a reseller shall honor any security freeze placed on a
10 consumer credit report by another consumer reporting agency;
11 (2) A check services or fraud prevention services company that issues reports on
12 incidents of fraud or authorizations for the purpose of approving or processing negotiable
13 instruments, electronic funds transfers, or similar methods of payments;
14 (3) A deposit account information service company that issues reports regarding account
15 closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information
16 regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a
17 consumer request for a deposit account at the inquiring bank or financial institution; and
18 (4) Any database or file that consists of any information adverse to the interests of the
19 consumer, including, but not limited to, criminal record information; personal loss history
20 information; information used for fraud prevention or detection; tenant screening; and
21 employment screening.
22 SECTION 4. Section 11-13-9 of the General Laws in Chapter 11-13 entitled "Explosives
23 and Fireworks" is hereby amended to read as follows:
25 components. (a) Every person who, without lawful authority, places a bomb, explosive device, or
26 any destructive or incendiary device or substance, or falsely reports the placing of a bomb,
27 explosive device, or any destructive or incendiary device or substance, shall upon conviction be
28 imprisoned not less than three (3) years nor more than twenty (20) years and fined not less than
29 one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000).
30 (b) Every person who threatens to place a bomb, explosive device, or any destructive or
31 incendiary device or substance, or falsely reports the placing of a bomb, explosive device, or
32 any destructive or incendiary device or substance, shall, upon conviction, be imprisoned not
33 less than one year nor more than ten (10) years and fined not less than five hundred dollars ($500)
34 nor more than five thousand dollars ($5,000).
(c) Whoever, without lawful authority, has in their possession or under their control any bomb, explosive device, or any destructive or incendiary device or substance, or combination of materials that are readily convertible to a bomb, explosive device, or any destructive or incendiary device or substance, shall be punished by imprisonment for not less than three (3) years nor more than twenty (20) years, or by a fine of not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000), or both.

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


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

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

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

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

(e) Every resident man or woman over the age of sixty-five (65) years is entitled, subject to the provisions of this title and the regulations issued pursuant to this title, to receive a special
permanent license to hunt and/or fish or both in this state for which there is no fee.

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

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

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

(1) Social Security Disability Insurance Benefits (SSDI);
(2) Supplemental Security Income benefits (SSI).

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

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

23-4-3.1. Immunity.

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

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

23-22.5-1. Rules, regulations, and orders -- Facilities to which applicable.
(a) The department of environmental management is authorized and empowered to adopt
and prescribe rules of procedure and regulations and to amend, change, and/or repeal these rules
and regulations and make any orders and perform any actions that it may deem necessary to the
proper administration and supervision of drowning prevention, lifesaving, first aid, and safety
personnel and equipment of all camps, camp grounds, bathhouses, bathing resorts, beachside
motels or boarding houses, beachside parking areas, swimming pools, other beach and swimming
areas, surfing areas, amusement parks, and skiing areas which serve all and/or any part of
the general public by fee, membership, or invitation. The provisions of this chapter shall not
apply to facilities maintained by a person without charge or assessment to the general public and
which are for the sole use of his or her family, private guests, or tenants.

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

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

31-3.1-2. Exclusions.

No certificate of title need be obtained for:

(1) A vehicle owned by the United States unless it is registered in this state;

(2) A vehicle owned by a manufacturer or dealer and held for sale, even though
incidentally moved on the highway, or used for purposes of testing or demonstration; or a vehicle
used by a manufacturer solely for testing;

(3) A vehicle owned by a nonresident of this state and not required by law to be
registered in this state;

(4) A vehicle regularly engaged in the interstate transportation of persons or property for
which a currently effective certificate of title has been issued in another state;

(5) A vehicle moved solely by human or animal power;

(6) An implement of husbandry;

(7) Special mobile equipment;

(8) A self-propelled invalid wheelchair or tricycle for a person with a disability;

(9) A trailer without motive power and designed for carrying property, to be drawn by a
motor vehicle and having a gross vehicle weight rating (GVWR) of three thousand pounds (3,000
lbs.) or less. As used herein, the term "trailer" does not include a travel trailer, a fifth-wheel
trailer, or park trailer, as defined in § 31-1-3;
(10) Motorized bicycles; and

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

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

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

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

(b)(1) Any person charged under subsection (a), whose blood alcohol concentration is eight one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis of a blood, breath, or urine sample, shall be guilty of violating subsection (a). This provision shall not preclude a conviction based on other admissible evidence. Proof of guilt under this section may also be based on evidence that the person charged was under the influence of intoxicating liquor, drugs, toluene, or any controlled substance defined in chapter 28 of title 21, or any combination of these, to a degree that rendered the person incapable of safely operating a vehicle.

The fact that any person charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not constitute a defense against any charge of violating this section.

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

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

(1) The defendant has consented to the taking of the test upon which the analysis is made.

Evidence that the defendant had refused to submit to the test shall not be admissible unless the defendant elects to testify.
(2) A true copy of the report of the test result was mailed within seventy-two (72) hours of the taking of the test to the person submitting to a breath test.

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

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

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

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

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

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

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

(2)(i) Every person convicted of a second violation within a five-year (5) period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or who has a blood presence of any controlled substance as defined in subsection (b)(2), and every person convicted of a second violation within a five-year (5) period, regardless of whether the prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be subject to a mandatory fine of four hundred dollars ($400). The person's driving license shall
be suspended for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten (10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug treatment for the individual; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration and shall prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

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

(3)(i) Every person convicted of a third or subsequent violation within a five-year (5) period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown or who has a blood presence of any scheduled controlled substance as defined in subsection (b)(2), regardless of whether any prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory fine of four hundred ($400) dollars. The person's driving license shall be suspended for a period of two (2) years to three (3) years, and the individual shall be sentenced to not less than one year and not more than three (3) years in jail. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug treatment for the individual; provided, however, that the court may permit
a servicemember or veteran to complete any court-approved counseling program administered or
approved by the Veterans' Administration, and shall prohibit that person from operating a motor
vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

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

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

(4) Whoever drives or otherwise operates any vehicle in the state while under the
influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in
chapter 28 of title 21, or any combination of these, when his or her license to operate is
suspended, revoked, or cancelled for operating under the influence of a narcotic drug or
intoxicating liquor, shall be guilty of a felony punishable by imprisonment for not more than three
(3) years and by a fine of not more than three thousand dollars ($3,000). The court shall require
alcohol and/or drug treatment for the individual; provided, the penalties provided for in this
subsection (d)(4) shall not apply to an individual who has surrendered his or her license and
served the court-ordered period of suspension, but who, for any reason, has not had his or her
license reinstated after the period of suspension, revocation, or suspension has expired; provided,
进一步，该人将对分条文(d)(2)(i)，(d)(2)(ii)，
provision of this section.
(5)(i) For purposes of determining the period of license suspension, a prior violation shall constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1.

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

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

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

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

(ii) If the person convicted of violating this section is under the age of eighteen (18) years, for a second or subsequent violation regardless of whether any prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, he or she shall be subject
to a mandatory suspension of his or her driving license until such time as he or she is twenty-one
(21) years of age and may, in the discretion of the sentencing judge, also be sentenced to the
Rhode Island training school for a period of not more than one year and/or a fine of not more than
five hundred dollars ($500).

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

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

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

(2) Persons convicted under the provisions of this chapter shall be required to attend a
special course on driving while intoxicated or under the influence of a controlled substance,
and/or participate in an alcohol or drug treatment program; provided, however, that the court may
permit a servicemember or veteran to complete any court-approved counseling program
administered or approved by the Veterans' Administration. The course shall take into
consideration any language barrier that may exist as to any person ordered to attend, and shall
provide for instruction reasonably calculated to communicate the purposes of the course in
accordance with the requirements of the subsection. Any costs reasonably incurred in connection
with the provision of this accommodation shall be borne by the person being retrained. A copy of
any violation under this section shall be forwarded by the court to the alcohol and drug safety
unit. In the event that persons convicted under the provisions of this chapter fail to attend and
complete the above course or treatment program, as ordered by the judge, then the person may be
brought before the court, and after a hearing as to why the order of the court was not followed,
may be sentenced to jail for a period not exceeding one year.

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

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

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

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

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

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

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

(m) For the purposes of this section, "servicemember" means a person who is presently
serving in the armed forces of the United States, including the Coast Guard, a reserve component
thereof, or the National Guard. "Veteran" means a person who has served in the armed forces, including the Coast Guard of the United States, a reserve component thereof, or the National Guard, and has been discharged under other than dishonorable conditions.

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

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

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

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

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

(1) A certificate of proof of financial responsibility;
(2) A bond or certification of the issuance of a bond;

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

(4) A certificate of self insurance.

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

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

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

(f) Any operator of a motor vehicle registered in this state who shall operate a motor vehicle without proof of financial security, as defined in this chapter, being in full force and effect on the date of the motor vehicle stop or accident, may be subject to suspension of license and fines as follows:
(1) For a first offense, a suspension of up to thirty (30) days and may be fined one hundred dollars ($100) up to two hundred and fifty dollars ($250);

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

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

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

42-61.3-2. Casino gaming crimes.

(a) Definitions as used in this chapter:

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

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

(i) The result of the game;

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

(iii) The value of a wagering instrument; or

(iv) The value of a wagering credit.

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

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

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

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

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

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

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

(ii) Melting pots or other receptacles;

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

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

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

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

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

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

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

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

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

(5) Manipulate or alter, or attempt to manipulate or alter, with the intent to cheat, any physical, mechanical, electromechanical, electronic, or computerized component of a casino game, contrary to the designed and normal operational purpose for the component. Any person convicted of violating this section shall be guilty of a felony punishable by imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand dollars ($100,000), or
(6) Use, sell, or possess, or attempt to use, sell, or possess, counterfeit: coins, slugs, tokens, gaming chips, debit instruments, player rewards cards, or any counterfeit wagering instruments and/or devices resembling tokens, gaming chips, debit or other wagering instruments approved by the division of state lottery for use in a casino game in a gaming facility. Any person convicted of violating this section shall be guilty of a felony punishable by imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand dollars ($100,000), or both;

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

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

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

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

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

(11) Use or possess, or attempt to use or possess, at a gaming facility, without the written
consent of the director of the division of state lottery, any electronic, electrical, or mechanical
device designed, constructed, or programmed to assist the user or another person with the intent
to:

(i) Predict the outcome of a casino game;
(ii) Keep track of the cards played;
(iii) Analyze and/or predict the probability of an occurrence relating to the casino game;
and/or
(iv) Analyze and/or predict the strategy for playing or wagering to be used in the casino
game. Any person convicted of violating this section shall be guilty of a felony punishable by
imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand
dollars ($100,000), or both;

(12) Skim, or attempt to skim, casino gaming proceeds by excluding anything of value
from the deposit, counting, collection, or computation of:
(i) Gross revenues from gaming operations or activities;
(ii) Net gaming proceeds; and/or
(iii) Amounts due the state pursuant to applicable casino gaming-related laws. Any
person convicted of violating this section shall be guilty of a felony punishable by imprisonment
for not more than ten (10) years or a fine of not more than one hundred thousand dollars
($100,000), or both;

(13) Cheat, or attempt to cheat, in the performance of his/her duties as a
dealer or other casino employee by conducting one's self in a manner that is deceptive to the
public or alters the normal random selection of characteristics or the normal chance or result of
the game, including, but not limited to, using cards, dice, or any cheating device(s) which have
been marked, tampered with, or altered. Any person convicted of violating this section
shall be guilty of a felony punishable by imprisonment for not more than ten (10) years or a fine
of not more than one hundred thousand dollars ($100,000), or both;

(14) Possess or use, or attempt to use, without proper authorization from the state lottery
division, while in the gaming facility any key or device designed for the purpose of or suitable for
opening or entering any self-redemption unit (kiosk), vault, video-lottery terminal, drop box, or
any secured area in the gaming facility that contains casino gaming and/or surveillance
equipment, computers, electrical systems, currency, cards, chips, dice, or any other thing of value.
Any person convicted of violating this section shall be guilty of a felony punishable by
imprisonment for not more than ten (10) years or a fine of not more than one hundred thousand
dollars ($100,000), or both;
(15) Tamper and/or interfere, or attempt to tamper and/or interfere, with any casino
gaming and/or surveillance equipment, including, but not limited to, related computers and
electrical systems. Any person convicted of violating this section shall be guilty of a felony
punishable by imprisonment for not more than ten (10) years or a fine of not more than one
hundred thousand dollars ($100,000), or both;

(16) Access, interfere with, infiltrate, hack into, or infect, or attempt to access, interfere
with, infiltrate, hack into, or infect, any casino gaming-related computer, network, hardware
and/or software or other equipment. Any person convicted of violating this section shall be guilty
of a felony punishable by imprisonment for not more than ten (10) years or a fine of not more
than one hundred thousand dollars ($100,000), or both;

(17) Sell, trade, barter, profit from, or otherwise use to one's financial advantage, or
attempt to sell, trade, barter, profit from, or otherwise use to one's financial advantage, any
confidential information related to casino-gaming operations, including, but not limited to, data
(whether stored on a computer's software, hardware, network, or elsewhere), passwords, codes,
surveillance and security characteristics and/or vulnerabilities, and/or non-public internal
controls, policies, and procedures related thereto. Any person convicted of violating this section
shall be guilty of a felony punishable by imprisonment for not more than ten (10) years or a fine
of not more than one hundred thousand dollars ($100,000), or both;

(18) Conduct a gaming operation, or attempt to conduct a gaming operation, where
wagering is used or to be used without a license issued by or authorization from, the division of
state lottery. Any person convicted of violating this section shall be guilty of a felony punishable
by imprisonment for not more than ten (10) years or a fine of not more than one hundred
thousand dollars ($100,000), or both;

(19) Provide false information and/or testimony to the division of state lottery,
department of business regulation, or their authorized representatives and/or the state police while
under oath. Any person convicted of violating this section shall be guilty of a felony punishable
by imprisonment for not more than ten (10) years or a fine of not more than one hundred
thousand dollars ($100,000), or both;

(20) Play a casino game and/or make a wager, or attempt to play a casino game and/or
make a wager, if under the age of eighteen (18) years. Any person charged under this section
shall be referred to family court; or

(21) Permit, or attempt to permit, a person to play a casino game and/or accept, or
attempt to accept, a wager from a person, if he/she is under the age of eighteen (18)
years. Any person convicted of violating this section shall be guilty of a misdemeanor punishable
by imprisonment for not more than one year or a fine of not more than one thousand dollars ($1,000), or both.

SECTION 12. Section 42-64.14-5 of the General Laws in Chapter 42-64.14 entitled “The I-195 Redevelopment Act of 2011” is hereby amended to read as follows:

**42-64.14-5. The I-195 redevelopment district created.**

(a) The I-195 redevelopment district is hereby constituted as an independent public instrumentality and body corporate and politic for the purposes set forth in this chapter with a separate legal existence from the city of Providence and from the state and the exercise by the commission of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public function. The boundaries of the district are established in § 37-5-8. However, parcels P2 and P4, as delineated on that certain plan of land captioned "Improvements to Interstate Route 195, Providence, Rhode Island, Proposed Development Parcel Plans 1 through 10, Scale: 1" =20', May 2010, Bryant Associates, Inc., Engineers-Surveyors-Construction Managers, Lincoln, RI, Maguire Group, Inc., Architects/Engineers/Planners, Providence, RI," shall be developed and continued to be used as parks or park supporting activity; provided, however, the commission may, from time to time, pursuant to action taken at a meeting of the commission in public session, adjust the boundaries of parcel P4 provided that at all times parcel P4 shall contain no fewer than one hundred eighty-six thousand one hundred eighty-six square feet (186,186 ft²) of land and provided, further, that the city of Providence shall not be responsible for the upkeep of the parks unless a memorandum of understanding is entered into between the commission or the state and the city of Providence that grants full funding to the city for that purpose.

(b) The I-195 redevelopment district commission established in this chapter shall oversee, plan, implement, and administer the development of the areas within the district consistent with and subject to the city of Providence comprehensive plan adopted by the city pursuant to § 45-22-1 et seq. and the city of Providence zoning ordinances pursuant to § 45-24-27 et seq. as previously enacted by the city of Providence, and as may be enacted and/or amended from time to time through July 1, 2012, or enacted and/or mended thereafter with the consent of the commission.

(c) The city of Providence shall not be required to install or pay for the initial installation of any public or private utility infrastructure within the district.

(d) It is the intent of the general assembly by the passage of this chapter to vest in the commission all powers, authority, rights, privileges, and titles that may be necessary to enable it to accomplish the purposes herein set forth, and this chapter and the powers granted hereby shall
be liberally construed in conformity with those purposes.

SECTION 13. Section 44-18-15 of the General Laws in Chapter 44-18 entitled "Sales and Use Taxes - Liability and Computation" is hereby amended to read as follows:


(a) "Retailer" includes:

(1) Every person engaged in the business of making sales at retail, including prewritten computer software delivered electronically or by load and leave, vendor-hosted prewritten computer software, sales of services as defined in § 44-18-7.3, and sales at auction of tangible personal property owned by the person or others.

(2) Every person making sales of tangible personal property, including prewritten computer software delivered electronically or by load and leave or vendor-hosted prewritten computer software or sales of services as defined in § 44-18-7.3, through an independent contractor or other representative, if the retailer enters into an agreement with a resident of this state, under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an internet website or otherwise, to the retailer, provided the cumulative gross receipts from sales by the retailer to customers in the state who are referred to the retailer by all residents with this type of an agreement with the retailer, is in excess of five thousand dollars ($5,000) during the preceding four (4) quarterly periods ending on the last day of March, June, September, and December. Such retailer shall be presumed to be soliciting business through such the independent contractor or other representative, which presumption may be rebutted by proof that the resident with whom the retailer has an agreement did not engage in any solicitation in the state on behalf of the retailer that would satisfy the nexus requirement of the United States Constitution during such four (4) quarterly periods.

(3) Every person engaged in the business of making sales for storage, use, or other consumption of: (i) tangible personal property, (ii) sales at auction of tangible personal property owned by the person or others, (iii) prewritten computer software delivered electronically or by load and leave, (iv) vendor-hosted prewritten computer software, and (v) services as defined in § 44-18-7.3.

(4) A person conducting a horse race meeting with respect to horses, which are claimed during the meeting.

(5) Every person engaged in the business of renting any living quarters in any hotel as defined in § 42-63.1-2, rooming house, or tourist camp.

(6) Every person maintaining a business within or outside of this state who engages in the regular or systematic solicitation of sales of tangible personal property, prewritten computer software, sales of services as defined in § 44-18-7.3, and sales at auction of tangible personal property owned by the person or others.
software delivered electronically or by load and leave, or vendor-hosted prewritten computer software in this state by means of:

(i) Advertising in newspapers, magazines, and other periodicals published in this state, sold over the counter in this state or sold by subscription to residents of this state, billboards located in this state, airborne advertising messages produced or transported in the airspace above this state, display cards and posters on common carriers or any other means of public conveyance incorporated or operated primarily in this state, brochures, catalogs, circulars, coupons, pamphlets, samples, and similar advertising material mailed to, or distributed within this state to residents of this state;

(ii) Telephone;

(iii) Computer assisted shopping networks; and

(iv) Television, radio, or any other electronic media, which is intended to be broadcast to consumers located in this state.

(b) When the tax administrator determines that it is necessary for the proper administration of chapters 18 and 19 of this title to regard any salespersons, representatives, truckers, peddlers, or canvassers as the agents of the dealers, distributors, supervisors, employers, or persons under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, supervisors, or employers, the tax administrator may so regard them and may regard the dealers, distributors, supervisors, or employers as retailers for purposes of chapters 18 and 19 of this title.

SECTION 14. Section 44-31.2-2 of the General Laws in Chapter 44-31.2 entitled "Motion Picture Production Tax Credits" is hereby amended to read as follows:


For the purposes of this chapter:

(1) "Accountant's certification" as provided in this chapter means a certified audit by a Rhode Island certified public accountant licensed in accordance with chapter 3.1 of title 5.

(2) "Application year" means within the calendar year the motion picture production company files an application for the tax credit.

(3) "Base investment" means the actual investment made and expended by a state-certified production in the state as production-related costs.

(4) "Documentary production" means a non-fiction production intended for educational or commercial distribution that may require out-of-state principal photography.

(5) "Domiciled in Rhode Island" means a corporation incorporated in Rhode Island or a
partnership, limited-liability company, or other business entity formed under the laws of the state of Rhode Island for the purpose of producing motion pictures as defined in this section, or an individual who is a domiciled resident of the state of Rhode Island as defined in chapter 30 of this title.

(6) "Final production budget" means and includes the total pre-production, production, and post-production out-of-pocket costs incurred and paid in connection with the making of the motion picture. The final production budget excludes costs associated with the promotion or marketing of the motion picture.

(7) "Motion picture" means a feature-length film, documentary production, video, television series, or commercial made in Rhode Island, in whole or in part, for theatrical or television viewing or as a television pilot or for educational distribution. The term "motion picture" shall not include the production of television coverage of news or athletic events, or reality television show(s), nor shall it apply to any film, video, television series, or commercial or a production for which records are required under 18 U.S.C. § 2257, to be maintained with respect to any performer in such production or reporting of books, films, etc., or other works or materials with respect to sexually explicit conduct.

(8) "Motion picture production company" means a corporation, partnership, limited-liability company, or other business entity engaged in the business of producing one or more motion pictures as defined in this section. Motion picture production company shall not mean or include:

(a) Any company owned, affiliated, or controlled, in whole or in part, by any company or person who or that is in default:

(i) On taxes owed to the state; or

(ii) On a loan made by the state in the application year; or

(iii) On a loan guaranteed by the state in the application year; or

(b) Any company that or person who has discharged an obligation to pay or repay public funds or monies by:

(i) Filing a petition under any federal or state bankruptcy or insolvency law;

(ii) Having a petition filed under any federal or state bankruptcy or insolvency law against such company or person;

(iii) Consent to, or acquiescing in, a petition filed in (i) or (ii);

(iv) Consent to, or acquiescing in, the appointment of a custodian, receiver, trustee, or examiner for such the company's or person's property; or

(v) Making an assignment for the benefit of creditors or admitting in writing or in any
legal proceeding its insolvency or inability to pay debts as they become due.

(9) "Primary locations" means the locations that:
(1) At least fifty-one percent (51%) of the motion picture principal photography days are filmed; or
(2) At least fifty-one percent (51%) of the motion picture's final production budget is spent and employs at least five (5) individuals during the production in this state; or
(3) For documentary productions, the location of at least fifty-one percent (51%) of the total productions days, which shall include pre-production and post-production locations.

(10) "Rhode Island film and television office" means an office within the Rhode Island Council on the Arts that has been established in order to promote and encourage the locating of film and television productions within the state of Rhode Island. The office is also referred to within as the "film office".

(11) "State-certified production" means a motion picture production approved by the Rhode Island film office and produced by a motion picture production company domiciled in Rhode Island, whether or not such the company owns or controls the copyright and distribution rights in the motion picture; provided, that such the company has either:

(a) Signed a viable distribution plan; or

(b) Is producing the motion picture for:

(i) A major motion picture distributor;

(ii) A major theatrical exhibitor;

(iii) Television network; or

(iv) Cable television programmer.

(12) "State-certified production cost" means any pre-production, production, and post-production cost that a motion picture production company incurs and pays to the extent it occurs within the state of Rhode Island. Without limiting the generality of the foregoing, "state-certified production costs" include: set construction and operation; wardrobes, make-up, accessories, and related services; costs associated with photography and sound synchronization, lighting, and related services and materials; editing and related services, including, but not limited to: film processing, transfers of film to tape or digital format, sound mixing, computer graphics services, special effects services, and animation services, salary, wages, and other compensation, including related benefits, of persons employed, either directly or indirectly, in the production of a film including writer, motion picture director, producer (provided the work is performed in the state of Rhode Island); rental of facilities and equipment used in Rhode Island; leasing of vehicles; costs of food and lodging; music, if performed, composed, or recorded by a Rhode Island musician, or released or published by a person domiciled in Rhode Island; travel expenses incurred to bring
persons employed, either directly or indirectly, in the production of the motion picture, to Rhode Island (but not expenses of such persons departing from Rhode Island); and legal (but not the expense of a completion bond or insurance and accounting fees and expenses related to the production's activities in Rhode Island), provided such services are provided by Rhode Island licensed attorneys or accountants.

SECTION 15. Section 47-8-1 of the General Laws in Chapter 47-8 entitled "Gasoline and Petroleum Products" is hereby amended to read as follows:

47-8-1. Testing of measuring devices -- Forbidding use -- Fee.

(a) The director of the department of labor and training is hereby authorized and directed to have tested all gasoline measuring devices used in the sale of gasoline, from time to time, as in his or her judgment it may be deemed necessary, to prevent fraud or deception in the use of these devices or to ensure the accurate measurement of gasoline in the sale.

(b) Any town or city sealer of weights, measures, and balances shall have authority to condemn and forbid the use of any gasoline measuring device for the sale of gasoline in his or her respective town or city, or until the device has been duly tried and sealed, or until the gasoline measuring device has been equipped with such an attachment, contrivance, or apparatus as will ensure the correct and proper functioning of the measuring device for the sale of the gasoline by accurate measurement.

(c) [As amended by P.L. 2018, ch. 211, § 2] The sealer of weights and measures in any town or city shall receive the same fee as any state sealer, appointed by the state, as set forth in § 47-1-5.1, except in the city of Providence where the sealer shall have the authority to remove and replace any lead seal on any gasoline measuring device and to charge an additional fee of five dollars ($5.00) for that service.

(c) [As amended by P.L. 2018, ch. 272, § 2] The sealer of weights and measures in any town or city shall receive the same fee as any state sealer, approved by the state, as stated in § 47-1-5.1, except in the city of Providence where the sealer shall have the authority to remove and replace any lead seal on any gasoline measuring device and to charge an additional fee of five dollars ($5.00) for that service.

SECTION 16. Sections 1-31 of Article I of this act shall take effect on December 31, 2019. Sections 1-15 of Article II of this act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATUTES AND STATUTORY CONSTRUCTION

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1 This act makes a number of technical amendments to the general laws, prepared at the
2 recommendation of the Law Revision Office. Article I contains the reenactment of title 5 of the
3 general laws. Article II includes the statutory construction provisions.
4 Sections 1-31 of Article I of this act would take effect on December 31, 2019. Sections 1-
5 15 of Article II of this act would take effect upon passage.