



Governor's Commission on Disabilities Legislation Committee

Monday January 14, 2008 3 – 4:30 PM

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Attendees:	Timothy Flynn (Chair); Kate McCarthy-Barnett (Vice Chair); Jeanne Behie; Elaina Goldstein; Liberty Goodwin; William R. Inlow; Arthur M. Plitt; Rev. Gerard O. Sabourin; & Janet Spinelli		
Excused:	Raymond Bandusky; Sharon Brinkworth; Rosemary C. Carmody; Paul Choquette; Linda Deschenes; Deborah Garneau; Dianne Kayala; Ken Pariseau; Paula Parker; ; Gwendolyn Reeve; & Michael Spoerri		
Absent:			
----- Minutes -----			
Call to Order and Acceptance of the Minutes	Tim Flynn Chairperson	5 min.	
Introductions: Chair calls the meeting to order at 3:10 PM.			
MOTION: To accept the minutes of the previous meeting as presented AP/LG passed unanimously			
Action Items:	Discussion Leader:	Time:	
1. Status on Introduction of Legislative Package			
Discussion:			
	Items to be Enacted during the 2008 session:	Person responsible:	Deadline:
1.	Extend governmental tort liability to members of state boards and commissions when acting in their official capacity and legal representation		
	a. Draft bill	Bob Cooper	completed
	b. Ask sponsors to reintroduce	Bob Cooper	Rep. Mumford & Sen. Lenihan agreed on 1/10
	c. Identify potential “witnesses”	Tim Flynn will speak to Civil Rights Roundtable	1/31/08
	d. Prepare testimony with the “witnesses”		2/7/08
	e. Track bill(s)	GCD Fellow	continuously
	f. Arrange testimony		
2.	Ensure families of children with severe impairments who have coverage from both Medicaid &		

	Items to be Enacted during the 2008 session:	Person responsible:	Deadline:
	commercial health care insurance, get quick resolution of their claims, rather than be bounced back and forth between Medicaid and the insurer (Public Law 2006 Chapter 246 Article 34 Section 5 Insurance -- Mandated Benefits / Children's health account)		
	a. Determine status of the implementation of the law	Elaina Goldstein & Jeanne Behie,	1/31/08
	b. Identify potential “witnesses”	Arthur Plitt will check with RIPIN on who was behind the initial legislation and invite them to next Leg. Cmte. meeting	
	c. Prepare testimony with the “witnesses”		2/7/08
	d. Track Budget Hearing(s) for	GCD Fellow	continuously
	e. Arrange testimony		
	3. Ensure implementation of the crisis intervention services for abused non-elderly adults (18-64) with severe impaired (Public Law 2006 Chapter 275 Assault on persons with severe impairments or mentally disabled - penalties - services for adult victims with severe impairments of abuse, neglect and/or exploitation)		
	a. Determine status of the implementation of the law	Ray Bandusky & Gwen Reeve	1/31/08
	b. Prepare testimony with the “witnesses”		2/7/08
	c. Track Budget Hearing(s) for MHRH	GCD Fellow	continuously
	d. Arrange testimony		
	4. Refocus Medicaid from institutional care to home & community based services so people can remain living in their community (Public Law 2006, Chapter 263 / RIGL 40-8.9 Medical Assistance - Long-Term Care Service And Finance Reform)		
	a. Represent GCD on DHS “Long-Term Care Service” Working Group on Finance	Kate to ask John Treat, with Ken P. EG reported that the Governor will be a main element of his State of the State address and Medicaid / Medicare Waiver “50% 50% by 2012”.	1/31/08
	b. Prepare testimony with the “witnesses”		2/7/08
	c. Track Budget Hearing(s) for DHS	GCD Fellow	continuously
	d. Arrange testimony		
	5. Permit an accessory family dwelling within a single family residence for the sole use of one or more members of the family of the occupant who is a person with a disability or is over the age of sixty-five (65)		

	Items to be Enacted during the 2008 session:	Person responsible:	Deadline:
	a. Draft bill	Bob Cooper	completed
	b. Identify sponsors (1 Representative & 1 Senator)	Arthur Plitt & Bill Inlow	Rep. Kilmartin & Sen. Levesque agreed on 1/10
	c. Identify potential “witnesses”	Senior Agenda	1/31/08
	d. Prepare testimony with the “witnesses”		2/7/08
	e. Track bill(s)	GCD Fellow	continuously
	f. Arrange testimony		
6.	Restoration of DCYF services to children 18-21		
	a. Identify potential “witnesses” or Commission’s participation in larger children’s advocacy efforts	Ken P. & Jeanne Tim Flynn will speak to Civil Rights Roundtable Arthur will speak to the Parents Support Network	1/31/08
	b. Prepare testimony with the “witnesses”		2/7/08
	c. Track Budget Hearing(s) for DCYF	GCD Fellow	continuously
	d. Arrange testimony		
<p>Does the following bill meet the Commission’s Legislative Package item # 6b Restoration of DCYF services to children: housing adolescents 17-21 at the youth correctional facility not in ACI? 08 H-7023 AN ACT RELATING TO FAMILY COURT -- JURISDICTION Sponsors: Rep. Gemma & Reps. Brien, Singleton, Wasyluk, Lima Referred to Committee House Finance Committee Description: This act would mandate that sentences imposed by courts, other than family court, upon seventeen years pursuant to 2007 P.L. 73 Article 22, section 1, be vacated and remand to the family court for the institution of appropriate proceedings. This act would take effect upon passage.</p>			
<p>It is enacted by the General Assembly as follows:</p> 1-1 SECTION 1. Chapter 14-1 of the General Laws entitled "Proceedings in Family Court" is 1-2 hereby amended by adding thereto the following section: 1-3 <u>14-1-6.3. Vacation of sentences. -- In any case where a court, other than family court,</u> 1-4 <u>shall have sentenced a juvenile having attained seventeen (17) years of age, and not yet having</u> 1-5 <u>attained the age of eighteen (18) years of age, pursuant to 2007 P.L. 73 Article 22 section 1, said</u> 1-6 <u>courts shall vacate those sentences and remand the cases to family court for the institution of</u> 1-7 <u>appropriate proceedings.</u> 1-8 SECTION 2. This act shall take effect upon passage.			
<p>MOTION: 08 H-7023 AN ACT RELATING TO FAMILY COURT – JURISDICTION shall be Commission’s Legislative Package item # 6b’s bill. BI/ JB passed AP abstained</p>			
2. Consideration of New Bills			

Discussion: Members reviewed 3 recently introduced bills.

Special Education

Review requested by

08 H-7014 AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Sponsors: Rep. Gemma & Reps. Schadone, Singleton, Picard, Rice Referred to Committee House Health, Education, & Welfare Committee

Description: This act would require school departments to develop policies and procedures for administering injections to diabetic students in the event of an emergency. The policy would include parent authorization and the training of school personnel. This act would take effect upon passage.

No position taken

Transportation

Review requested by

08 H-7048 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT – STATE POLICE

Sponsors: Rep. Corvese & Reps. Ajello, Schadone, Malik, McNamara Referred to Committee House Health, Education, & Welfare Committee

Description: This act would provide for the implementation of a program among law enforcement agencies, broadcast media, and other appropriate entities to alert the state police and the public in the event of the disappearance of a senior citizen with an impaired mental condition. This act would take effect on passage

No position taken

08 H-7098 AN ACT RELATING TO HEALTH AND SAFETY -- TOXIC CHEMICALS IN CHILDREN'S PRODUCTS

Sponsors: Rep. Rice & Reps. McNamara, Segal, Walsh, Handy Referred to Committee House Health, Education, & Welfare Committee

This act would require manufacturers of children’s products that contain chemicals of high concern to disclose information to the department of health on their chemical use if the department designates the chemical as a priority chemical based on potential exposure of a child or fetus to that chemical. The act would further authorize the department to require replacement of a priority chemical in children’s products with a safer alternative whenever it determines that a safer alternative is available for a specified use. The act would exempt use of priority chemicals for industrial or manufacturing purposes, in motor vehicles and components, as fuels or that are generated as combustion byproducts. This act would take effect upon passage.

It is enacted by the General Assembly as follows:

- 1-1 SECTION 1. Title 23 of the General Laws entitled "Health and Safety" is hereby
- 1-2 amended by adding thereto the following chapter:
- 1-3 **CHAPTER 24.11**
- 1-4 **TOXIC CHEMICALS IN CHILDREN'S PRODUCTS**
- 1-5 **23-24.11-1. Definitions.** – (a) As used in this chapter, unless the context otherwise
- 1-6 indicates, the following terms have the following meanings:
- 1-7 (1) “Alternative” means a substitute process, product, materials, chemical, strategy or
- 1-8 combination of these that serves a functionally equivalent purpose to a chemical in a children’s
- 1-9 product.

1-10 (2) “Chemical” means a substance with a distinct molecular composition or a group of
1-11 structurally related substances and includes the breakdown products of the substance or
1-12 substances that form through decomposition, degradation or metabolism.
1-13 (3) “Chemical of high concern” means a chemical identified by an authoritative
1-14 governmental entity on the basis of credible scientific evidence as being known to:
1-15 (i) Harm the normal development of a fetus or child or cause other developmental
1-16 toxicity;
1-17 (ii) Cause cancer, genetic damage or reproductive harm;
1-18 (iii) Disrupt the endocrine or hormone system;
2-1 (iv) Damage the nervous system, immune system or organs or cause other systemic
2-2 toxicity;
2-3 (v) Be persistent, bioaccumulative and toxic; or
2-4 (vi) Be very persistent and very bioaccumulative.
2-5 (4) “Chemical of low concern” means a chemical for which adequate toxicity and
2-6 environmental data are available to determine that it is not a chemical of high concern, a chemical
2-7 of moderate concern or a chemical of unknown concern.
2-8 (5) “Chemical of moderate concern” means a chemical identified by an authoritative
2-9 governmental entity on the basis of credible scientific evidence as being suspected of causing an
2-10 adverse health or environmental effect listed in subsection 3.
2-11 (6) “Chemical of unknown concern” means a chemical for which insufficient data is
2-12 available to classify it as a chemical of high concern, a chemical of moderate concern or a
2-13 chemical of low concern.
2-14 (7) “Children’s product” means a consumer product intended for use by children, such as
2-15 baby products, toys, car seats, personal care products and clothing, and any consumer product
2-16 containing a chemical of high concern that when used or disposed of may result in a child or a
2-17 fetus being exposed to that chemical.
2-18 (8) “Consumer product” means any item sold for residential or commercial use, including
2-19 any component parts and packaging. “Consumer product” does not include a drug or biologic
2-20 regulated by the federal Food and Drug Administration, a food or beverage or an additive to a
2-21 food or beverage, a tobacco product or a pesticide regulated by the Federal Environmental
2-22 Protection Agency, except that “consumer product” may include a container or packaging in
2-23 which such an item is sold.
2-24 (9) “Distributor” means a person who sells consumer products to retail establishments on
2-25 a wholesale basis.
2-26 (10) “Manufacturer” means any person who manufactured a final consumer product or
2-27 whose brand name is affixed to the consumer product. In the case of a consumer product that was
2-28 imported into the United States, “manufacturer” includes the importer or domestic distributor of
2-29 the consumer product if the person who manufactured or assembled the consumer product or
2-30 whose brand name is affixed to the consumer product does not have a presence in the United
2-31 States.
2-32 (11) “Priority chemical” means a chemical identified as such by the department pursuant
2-33 to section 23.24.11-2.
2-34 (12) “Safer alternative” means an alternative that, when compared to a priority chemical
3-1 that it could replace, would reduce the potential for harm to human health or the environment or
3-2 that has not been shown to pose the same or greater potential for harm to human health or the
3-3 environment as that priority chemical.
3-4 (13) “Department” means the Rhode Island department of health.
3-5 **23-24.11-2. Identification of priority chemicals. – Process and criteria. (a) Not later**
3-6 **than January 1, 2011, the department shall identify at least one hundred (100) chemicals of high**
3-7 **concern as priority chemicals after consideration of the potential for exposure of a child or fetus**
3-8 **to each chemical as determined on the basis of credible scientific evidence in accordance with**

3-9 one or more of the following criteria:
3-10 (1) The chemical has been found through biomonitoring to be present in human blood,
3-11 including umbilical cord blood, breast milk, urine or other bodily tissues or fluids;
3-12 (2) The chemical has been found through sampling and analysis to be present in
3-13 household dust, indoor air, drinking water or elsewhere in the home environment;
3-14 (3) The chemical has been added to or is present in a consumer product used or present in
3-15 the home; or
3-16 (4) The chemical has been identified as a high production volume chemical by the
3-17 Federal Environmental Protection Agency.
3-18 (b) Updates. The department shall update the list of priority chemicals in this section at
3-19 least every three (3) years by adding additional chemicals of high concern after consideration of
3-20 the criteria listed in this section.
3-21 **23-24.11-3. Disclosure of information on priority chemicals. – (a) Reporting of**
3-22 **chemical use. Not later than one hundred eighty (180) days after a priority chemical is identified**
3-23 **pursuant to section 23-24.11-2, any person who is a manufacturer or distributor of a children’s**
3-24 **product for sale in the state that contains a priority chemical shall notify the department in writing**
3-25 **unless waived by the department pursuant to this section or exempt pursuant to section 23-24.11-**
3-26 **5. This written notice must identify the product, the number of units sold or distributed for sale in**
3-27 **the state or nationally, the priority chemical or chemicals contained in the product, the amount of**
3-28 **such chemicals in each unit of product and the intended purpose of the chemicals in the product.**
3-29 **(b) Waiver of reporting; fee; extension of deadline. The department may waive the**
3-30 **notification requirement under subsection(2) for one or more specified uses of a priority chemical**
3-31 **if the department determines that substantially equivalent information is already publicly**
3-32 **available or that the specified use or uses are minor in volume or not likely to result in exposure**
3-33 **of a child or fetus to the chemical. The department may assess a fee payable by the manufacturer**
3-34 **or distributor upon submission of the notification to cover the department’s reasonable costs in**
4-1 **managing the information collected. The department may extend the deadline for submission of**
4-2 **the required information for one or more specified uses of a priority chemical in a children’s**
4-3 **product if it determines that more time is needed by the manufacturer or distributor to comply or**
4-4 **if the information will not be needed until a later time in accordance with the schedule adopted**
4-5 **pursuant to section 23.24.11-4.**
4-6 **23-24.11-4. Safer alternatives to priority chemicals. – (a) Determination process. Not**
4-7 **later than January 1, 2012, the department shall make a determination as to the availability of**
4-8 **safer alternatives for one or more specific uses of at least one priority chemical in a children’s**
4-9 **product. Not later than January 1, 2013, the department shall adopt a schedule for completion of**
4-10 **the review and determination of the availability of safer alternatives for the major uses in**
4-11 **children’s products of all priority chemicals identified pursuant to section 23.24.11-2. This**
4-12 **schedule must include goals and a timeline established at the discretion of the department to**
4-13 **complete the review and determination and must be updated periodically to account for priority**
4-14 **chemicals identified pursuant to section 23-24.11-2.**
4-15 **(b) Safer alternative required. The department shall require a manufacturer or distributor**
4-16 **to replace a priority chemical in a children’s product sold in this state with a safer alternative**
4-17 **whenever the department determines that a safer alternative is available for the specified use of**
4-18 **the priority chemical in that product. Upon making such a determination, the department shall**
4-19 **specify a reasonably expeditious timeline, not to exceed three (3) years, by which date the priority**
4-20 **chemical in the children’s product sold in this state must be replaced with a safer alternative. The**
4-21 **manufacturer or distributor subject to a requirement under this section must comply with the**
4-22 **requirement or be subject to the prohibition specified in subsection 23-24.11-8(2). An alternative**
4-23 **to a priority chemical is presumed to be a safer alternative if it is not a chemical of high concern.**
4-24 **(c) Compliance plan. Not later than one hundred eight (180) days prior to the date**
4-25 **specified by the department under subsection 23-24.11-8(2) to replace a priority chemical with a**

4-26 safer alternative, the manufacturer or distributor of a children's product containing that chemical
4-27 shall submit a compliance plan acceptable to the department. The compliance plan must identify
4-28 the means of compliance, the safer alternative that will replace the priority chemical and a means
4-29 to educate and assist retailers to ensure timely compliance.

4-30 (d) Responsibility. A manufacturer or distributor of a children's product containing a
4-31 priority chemical shall notify persons that sell the product of the requirements of this chapter.

4-32 (e) Authority granted. The department has the authority to take actions under this
4-33 subsection:

5-1 (1) The department has the authority to require that the safer alternative required under
5-2 this section to replace a priority chemical in a children's product be the least toxic to human
5-3 health or least harmful to the environment of several available safer alternatives to the priority
5-4 chemical in question.

5-5 (2) The department has the authority to require that a manufacturer or distributor of a
5-6 children's product containing a priority chemical prepare and submit a report acceptable to the
5-7 department that assesses the availability of safer alternatives to that chemical as long as
5-8 reasonable time is provided to complete the report. If a report acceptable to the department is not
5-9 timely submitted, the department may assess a fee on the manufacturer or distributor to cover the
5-10 costs to prepare an independent report on the availability of safer alternatives by a contractor of
5-11 the department's choice.

5-12 (f) Petitions. Any person may petition the department in writing to make a determination
5-13 as to whether a safer alternative is available for a specified use of a priority chemical in a
5-14 children's product. The department shall make its determination within one hundred eight (180)
5-15 days after the department concludes that the petitioner has submitted enough information to
5-16 establish a reasonable basis for informing the determination of the department. The petitioner
5-17 bears the burden of proof in establishing the availability of a safer alternative.

5-18 **23-24.11-5. Exemptions.** – (a) Small quantities. The disclosure requirements of section
5-19 23-24.11-3 do not apply to a manufacturer that produces and sells its product at retail in this state
5-20 in small quantities.

5-21 (b) Industry. The requirements of this chapter do not apply to uses of priority chemicals
5-22 for industrial or manufacturing purposes.

5-23 (c) Vehicles. The requirements of this chapter do not apply to motor vehicles or their
5-24 component parts, except that the use of priority chemicals in detachable car seats is not exempt.

5-25 (d) Combustion. The requirements of this chapter do not apply to priority chemicals
5-26 generated solely as combustion by-products or that are present in combustible fuels.

5-27 (e) Retailers. A retailer is exempt from the requirements of this chapter, unless that
5-28 retailer knowingly sells a consumer product containing a priority chemical after the effective date
5-29 of its prohibition for which that retailer has received prior notification from a manufacturer,
5-30 distributor or this state.

5-31 (f) Exemption process. A manufacturer or distributor may apply to the department for an
5-32 exemption for one or more specific uses of a priority chemical subject to a requirement of
5-33 replacement with a safer alternative adopted under section 23-24.11-4. The written application
5-34 for exemption must identify the specific consumer product use or uses for which the exemption is
6-1 sought. The application must document the alternatives evaluated and the basis for concluding
6-2 that alternatives are not feasible.

6-3 The department may grant an exemption for a term not to exceed five (5) years upon finding that
6-4 there is no feasible alternative to the use or uses of a priority chemical in a consumer product.

6-5 **23-24.11-6. Interstate clearinghouse to promote safer chemicals.** – The department is
6-6 authorized to participate in an interstate clearinghouse to promote safer chemicals in consumer
6-7 products in cooperation with other states and governmental entities. The department may
6-8 cooperate with the interstate clearinghouse to classify existing chemicals in commerce into one of
6-9 four (4) categories: chemicals of high concern, chemicals of moderate concern, chemicals of

6-10 unknown concern and chemicals of low concern; to organize and manage available data on
 6-11 chemicals, including information on uses, hazards and environmental concerns; to produce and
 6-12 inventory information on safer alternatives to specific uses of chemicals of concern and on model
 6-13 policies and programs; to provide technical assistance to business and consumers related to safer
 6-14 chemicals; and to undertake other activities in support of state programs to promote safer
 6-15 chemicals.

6-16 **23-24.11-7. Education and assistance.** – The department shall develop a program to
 6-17 educate and assist consumers and retailers in identifying children’s products that may contain
 6-18 priority chemicals.

6-19 **23-24.11-8. Enforcement and implementation.** – (1) General. If a manufacturer or
 6-20 distributor fails to comply with a requirement of this chapter within ninety (90) days of the
 6-21 effective date of the requirement, unless otherwise provided in this chapter, the department may
 6-22 take enforcement action and may request the attorney general to initiate immediate injunction
 6-23 proceedings to prevent the sale of the product.

6-24 (2) Restriction on sale. A manufacturer or distributor who fails to comply with the safer
 6-25 alternatives requirements of section 23-24.11-1 by the effective date specified by the department
 6-26 is prohibited from selling or distributing for sale in this state a children’s product containing the
 6-27 priority chemical subject to the requirement.

6-28 (3) Certificate of compliance. If there are grounds to suspect that a consumer product is
 6-29 being offered for sale in violation of this chapter, the department may request the manufacturer
 6-30 or distributor of the product to provide a certificate of compliance. Within ten (10) days of
 6-31 receipt of a request, the manufacturer or distributor shall: (a) provide the department with the
 6-32 certificate attesting that the consumer product complies with the requirements of this chapter; or
 6-33 (b) Notify persons who sell the consumer product in this state that the sale of the product is
 6-34 prohibited and provide the department with a list of the names and addresses of those notified.

7-1 SECTION 2. This act shall take effect upon passage.

Tabled until the next meeting, for more information from the toxic information center.		
Announcements and Scheduling of Meetings	Chairperson	5 min.
Next meeting will be on:	Monday February 11 th	Starting at: 3 PM
Adjournment:	Chairperson adjourned the meeting at 4:30 PM	

Other Information

Observers:	John Pimentel, EJ Schroeder Legislative Fellow
Resource persons:	Bob Cooper, Committee Staff