Description of graphic: RI State Seal an anchor in gold behind a blue wheelchair logo. Just below is a blue banner with the state motto "Hope". All are in the center of a ring of 8 blue stars, in groups of 2 separated by the logos for Braille, hearing aids, low vision and amplified phone.

# Governor's Commission on Disabilities
# Legislation Committee
## Monday February 13, 2012 3-4:30 PM

John O. Pastore Center, 41 Cherry Dale Court,
Cranston, RI 02920-3049
(voice) 401-462-0100 (fax) 462-0106 (tty) via RI Relay 711
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|---|---|
| meeting graphic | **Attendees:** Linda Ward (Chair.); William R. Inlow (Vice Chair.); Sharon Brinkworth; Rosemary C. Carmody; Heather Daglieri; Julie DeRosa; Roger Harris; Kathleen Heren; Paula Parker*; Arthur M. Plitt; Ronald Racine (for Linda Deschenes) & Angelina Stabile<br>**Absentees:**; Sarah Everhart Skeels; Timothy Flynn; Elaina Goldstein; Kate McCarthy-Barnett; Gwendolyn Reeve; Joseph Reppucci; Msgr. Gerard O. Sabourin; Theresa Thoelke; & Dawn Wardyga |
| Guests: | Joee Lindbeck, Attorney General's Office; Ron Racine, Services for the Blind and Visually Impaired |
| Staff: | Bob Cooper & Jessica Burrows |

| | Agenda Topics | Moderator/Leader | Time |
|---|---|---|---|
| Clock graphic | **Call to Order and Acceptance of the Minutes** | **Linda Ward, Chairperson** | **3:00** |
| | Chair calls the meeting to order at 3:04 PM<br>Introductions of Commissioners and guests | | |

MOTION: To accept the minutes of the previous meeting as presented WI/RH passed unanimously

| | Action Items: | | |
|---|---|---|---|
| law graphic | **Commission's Legislative Package** | Bob Cooper, Executive Secretary | **3:05** |

Purpose/Goal:

Discussion: As of 2/13/12 the status of the legislative package was:

# 1 CRISIS INTERVENTION SERVICES - 2011 Sponsors: Senator McCaffrey & Representative Naughton have been asked to sponsor the bills.

# 2 TRANSPORTATION TO EMPLOYMENT, JOB TRAINING, EDUCATION, HEALTH CARE, ETC.- 2011 Sponsors: Senator DiPalma has agreed to sponsor the bill & Representative O'Grady has been asked to sponsor the bill.

# 3 GLOBAL MEDICAID CONSUMER CHOICE WAIVER:

(a) MEDICALLY NECESSARY BRAND NAME DRUGS - Representative Corvese (has a bill H 7327 to do the same for commercial insurers) has been asked to sponsor the bills. No Senate sponsor identified yet!

(b) ADULTS WITH AUTISM SPECTRUM DISORDERS - Representative Palumbo & Senator O`Neill have been asked to sponsor the bills.

# 4 SUPPORTIVE HOUSING - Bills have been introduced by Representatives Ucci's bill H 7237, Rep. Slater's bill H 7265, and Sen. Tassoni's bill S 2203 to create the supportive

| Agenda Topics | Moderator/Leader | Time |
|---|---|---|

housing program, provide $12.2 million in FY 2013 and ask the voters in November 2012 to approve a $75 million dollars affordable housing bond issue.

# 5 TRANSITION FROM YOUTH SERVICES (EDUCATION, MEDICAID, ETC.) TO EMPLOYMENT, OR POST-SECONDARY EDUCATION OR ADULT SERVICES - Representative McNamara & Senator Gallo have been asked to sponsor the bills.

# 6 NEIGHBORHOOD NOTIFICATION PRIOR TO CHEMICAL PESTICIDE LAWN TREATMENTS - Senator Jabour has agreed to sponsor the bill and Representative Handy has been asked to sponsor the bill.

# 7. REQUIRE HEALTH INSURANCE PLANS TO COVER SPECIALTY DRUG - Senator Miller and Representative Keable agreed to sponsor the bills.

# 8 REFOCUSING THE DISABILITY BUSINESS ENTERPRISE - 2011 Sponsors: Senator Lanzi & Representative Walsh have agreed to sponsor the bills.

# 9. REFOCUSING STATE AND MUNICIPAL DISABILITY - Representative Ehrhardt has agreed to sponsor the bill and Senator Goodwin have been asked to sponsor the bill.

**Revisions for last month's draft bills**

# 3a The draft medically necessary brand name drugs bill has been revised to match the language in Representative Corvese bill H 7327 that does the same for commercial insurers.

1 SECTION 1. Section 40-8-24 of the General Laws in Chapter 40-8 entitled "Human Services –
2 Medical Assistance" is hereby amended to read as follows:
3 **40-8-24. Less expensive alternative medications. -** For pharmaceutical purchases eligible for
4 reimbursement under the Medicaid state plan, the department shall encourage the substitution of
5 generic drugs which are therapeutically equivalent and interchangeable with specific brand name
6 drugs in accordance with § 21-31-16.1 and related regulations of the department of health, except
7 in the event that a brand name is determined by the director to be less costly to the state than the
8 equivalent generic. Calculation of comparative drug costs shall include consideration of the
9 amount paid by the state to the pharmacy for a drug under the current retail pharmacy
10 reimbursement formula, less any discounts or rebates, including those paid pursuant to federal
11 Medicaid law during the previous calendar quarter, and inclusive of all dispensing fees.
12 [add](b)The department shall not require a beneficiary to use, prior to using a brand name
13 prescription drug prescribed by a licensed prescriber, any alternative brand name prescription
14 drug or over-the-counter drugs.
15 (c) The department may require a beneficiary to use, prior to using a brand name prescription
16 drug prescribed by a licensed prescriber, a therapeutically equivalent generic drug, unless,
17 pursuant to sections 5-19.1-19, 5-37-18.1 and 21-31-15(b), the prescriber indicates "brand name
18 necessary" on the prescription form, or if the prescriber gives oral directions to that effect to the
19 dispensing pharmacist.[add]
20 SECTION 2. This act takes effect on July 1, 2012.

☑ voting check off graphic

MOTION: To find that the draft Brand Name Drugs bill (above) is consistent with the Commission's Legislative Package. WI/RH passed PP & HD abstained

# 4 SUPPORTIVE HOUSING - Introduced by Representatives Ucci's bill H 7237, Rep. Slater's bill H 7265, and Sen. Tassoni's bill S 2203.

These acts would create the supportive housing program, provide $12.2 million in FY 2013 and ask the voters in November 2012 to approve a $75 million dollars affordable housing bond issue.

1-1 SECTION 1. Section 42-128-8 of the General Laws in Chapter 42-128 entitled "Rhode
1-2 Island Housing Resources Act of 1998" is hereby amended to read as follows:
1-3 **42-128-8. Powers and duties. --** In order to provide housing opportunities for all Rhode
1-4 Islanders, to maintain the quality of housing in Rhode Island, and to coordinate and make

effective the housing responsibilities of the agencies and subdivisions of the state, the commission shall have the following powers and duties:

(1) Policy, planning and coordination of state housing functions. - The commission shall have the power and duty:

(i) To prepare and adopt the state's plans for housing; provided, however, that this provision shall not be interpreted to contravene the prerogative of the state planning council to adopt a state guide plan for housing.

(ii) To prepare, adopt, and issue the state's housing policy.

(iii) To conduct research on and make reports regarding housing issues in the state.

(iv) To advise the governor and general assembly on housing issues and to coordinate housing activities among government agencies and agencies created by state law or providing housing services under government programs.

(2) Establish, implement, and monitor state performance measures and guidelines for housing programs. - The commission shall have the power and the duty:

(i) To promulgate performance measures and guidelines for housing programs conducted under state law.

(ii) To monitor and evaluate housing responsibilities established by state law, and to establish a process for annual reporting on the outcomes of the programs and investments of the state in housing for low and moderate income people.

(iii) To hear and resolve disputes pertaining to housing issues.

(3) Administer the programs pertaining to housing resources that may be assigned by state law. - The commission shall have the power and duty to administer programs for housing, housing services, and community development, including, but not limited to, programs pertaining to:

(i) Abandoned properties and the remediation of blighting conditions.

(ii) Lead abatement and to manage a lead hazard abatement program in cooperation with the Rhode Island housing and mortgage finance corporation.

(iii) Services for the homeless.

(iv) Rental assistance.

(v) Community development.

(vi) Outreach, education and technical assistance services.

(vii) Assistance, including financial support, to non-profit organizations and community development corporations.

(viii) Tax credits that assist in the provision of housing or foster community development or that result in support to non-profit organizations performing functions to accomplish the purposes of this chapter.

(ix) The Supportive Services Program, the purpose of which is to help prevent and end homelessness among those who have experienced long-term homelessness and for whom certain services in addition to housing are essential. State funding for this program may leverage other resources for the purpose of providing supportive services. Services provided pursuant to this subsection may include, but not be limited to: assistance with budgeting and paying rent; access to employment; encouraging tenant involvement in facility management and policies; medication monitoring and management; daily living skills related to food, housekeeping and socialization; counseling to support self-identified goals; referrals to mainstream health, mental health and treatment programs; and conflict resolution.

add (x) The neighborhood opportunities program, the purpose of which shall be to address the housing and revitalization needs of the state's deteriorating neighborhoods. The neighborhood opportunities program shall provide financial assistance to implement the following three (3) components:

(A) The family affordable housing program, the purpose of which shall be to produce an additional supply of housing units at rents affordable to families working at or near minimum wage. State funding will leverage other resources for the production of housing, to create mixed income housing, and to revitalize neighborhoods through the rehabilitation of existing substandard units.

(B) The permanent supportive housing program, the purpose of which shall be to produce additional housing for disabled individuals to be coupled with services and case management to

stabilize homeless individuals in permanent housing at affordable rents for persons receiving supplemental social security income (SSI).

(C) The neighborhood revitalization program, the purpose of which shall be to provide grants to local communities for renovation, demolition, and homeownership opportunities in neighborhoods designated for revitalization.[add]

SECTION 2. [add]There is hereby appropriated out of a dedicated funding stream of money in the treasury appropriated for the fiscal year 2012-2013, the sum of 12.5 million dollars ($12,500,000) for the purpose of carrying out the provisions of this act, and the state controller is hereby authorized to draw his or her orders upon the general treasurer for the payment of said sum, or so much thereof as may be from time to time required, upon receipt by him or her of properly authenticated vouchers.[add]

SECTION 3. [add]At the general election to be held on the Tuesday next after the first Monday in November 2012, there shall be submitted to the people for their approval or rejection the following proposition:

"Shall the action of the general assembly, by an act passed by the January 2012 session authorizing the issuance of bonds, refunding bonds, and temporary notes of the State of Rhode Island in the amount of seventy-five million dollars ($75,000,000) to provide funds to the housing resources commission to be allocated to finance the cost of the neighborhood opportunities program be approved, and the issuance of such bonds, refunding bonds, and temporary notes in accordance with the act be authorized?"[add]

SECTION 4. Section 1, Section 2 and Section 4 shall take effect upon passage. Section 3 of this act shall take effect upon the approval of this act by a majority of those voting on the question at the election presented by the foregoing section.

☑ voting check off graphic

MOTION: To find that the **H 7237, H 7265 & S 2203 Acts Relating to State Affairs and Government – Rhode Island Housing Resources Act of 1998** (above) is consistent with the Commission's Legislative Package. JD/SB passed, PP abstained

Draft bill # 5 on transition from youth services (education, medicaid, etc.) to employment, or post-secondary education or adult services, has been revised after discussions with the RI Department of Elementary and Secondary Education.

SECTION 1. Section 16-24-18 of the General Laws in Chapter 16-24 entitled "Education - Children with Disabilities" are hereby amended to read as follows:

**16-24-18. Transition from school to self-sufficient adulthood for students with disabilities.**

(a) There is established within the department of elementary and secondary education an interagency transition council (the "transition council") composed of:

(1) The administrators or their designees of the following:

(i) Department of human services - office of rehabilitation services;

(ii) Department of [delete]~~mental health, retardation~~[delete] [add]behavioral healthcare, developmental disabilities[add] and hospitals - division of developmental disabilities;

(iii) Department of [delete]~~mental health, retardation,~~[delete] [add]behavioral healthcare, developmental disabilities[add] and hospitals - division of [add]behavioral healthcare[add] [delete]~~mental health~~[delete];

(iv) Department of children, youth, and families - [add]division of children's behavioral health and education[add] [delete]~~mental health services~~ [delete];

(v) Department of elementary and secondary education - [delete]~~special education~~[delete] office [add]of student, community, and academic supports[add];

(vi) Department of elementary and secondary education - [delete]~~vocational~~[delete] [add]office of adult and career[add] and technical education;

(vii) Department of labor and training - human resource investment council;

(viii) department of health - division of [add]community,[add] family health[add], and equity[add]; and

(2) Commissioner of higher education or his or her designee; and

(3) Two (2) young persons with disabilities, two (2) parents of young persons with disabilities, and two (2) representatives of local school districts and one transition coordinator from one of

the regional educational collaboratives, appointed by the [delete]~~governor~~[delete] [add]commissioner of elementary and secondary education[add].

(4) One (1) representative of community based providers of services to adults with developmental disabilities and one (1) representative of community based providers of services to adults with behavioral healthcare, appointed by the director of the department of behavioral healthcare, developmental disabilities and hospitals.

(b) The goal of the transition council is to ensure the preparedness of students with disabilities, upon leaving school, to live and work in the community.

(c) The transition council shall draft and propose periodic revisions to the cooperative agreement among the state departments and offices for the provisions of services in the transition of young persons with disabilities from school to self-sufficient adult life. The directors of the state departments and agencies shall sign the cooperative agreement and any revisions, prior to their implementation. The transition council shall oversee the implementation of the cooperative agreement. The council shall issue guidelines or instructions and recommend to the state departments and agencies appropriate directives necessary to effectuate the implementation of the cooperative agreement. The transition council shall develop joint plans for state departments and agencies and local school districts for providing transition services to assist young persons with disabilities. The transition council shall, after hearing from the public, issue an annual report to the governor, children's cabinet, and general assembly on the status of transition services and recommendations for improving opportunities for young persons with disabilities to make a successful transition from school to self-sufficient adult life.

(d) Individualized transition planning will be initiated by the school district to include the young person with a disability, guardian, general education and special education personnel as appropriate, [delete]~~vocation~~[delete] [add]career and[add] technical education, and representatives of any party to the delivery and implementation of the individual plan. Transition planning will begin by age [add]fourteen (14)[add] [delete]~~sixteen (16) and~~, ~~when~~[deleted] [add]or younger if[add] determined appropriate in the individualized education program [delete]~~, at age fourteen (14) or younger~~[delete] for each eligible young person with a disability and shall be reviewed and updated annually.

(e) As used in this section:

(1) "Transition services" means a coordinated set of activities for a young person with a disability, designed within an outcome oriented process, that promotes movement from school to post-school activities including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The activities shall be based on the needs of the individual young person with a disability, taking into account the young person with a disability's preferences and interests; and shall include needed activities in the areas of:

(i) Instruction:

(ii) Community experiences;

(iii) The development of employment and other post-school adult living objectives; and

(iv) If appropriate, acquisition of daily living skills and functional vocational evaluation.

(2) "Young person(s) with a disability" means those students:

(i) Evaluated in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., as having mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, specific learning disabilities, deaf-blindness, or multiple disabilities; or

(ii) Who because of those impairments needs special education and related services, and

(iii) Age [add]fourteen (14)[add] [delete]~~sixteen (16) and, when~~[delete] [add]or younger if[add] determined appropriate in the individualized education program [delete]~~, at age fourteen (14) or younger~~[delete].

SECTION 2. This act shall take effect upon passage.

| ☑ voting check off graphic | MOTION: To find that the draft transition from youth services to employment, or post-secondary education or adult services bill (above) is consistent with the Commission's Legislative Package. RH/JD passed, PP abstained |
|---|---|
| | Draft bill # 7 to require health insurance plans to cover specialty drug, would be replaced by a substitute proposed by the National Multiple Sclerosis Society. |

It is enacted by the General Assembly as follows:

SECTION 1. Legislative findings. – The cost-sharing, deductibles and co-insurance obligations for certain drugs are becoming more cost prohibitive for persons trying to overcome serious and often life-threatening diseases and conditions, such as cancer, multiple sclerosis, rheumatoid arthritis, hepatitis C, hemophilia and psoriasis.

These drugs are typically new, produced in lesser quantities than other drugs, and not available as less expensive brand name or generic prescription drugs. Some health insurance plans and policies in other states as well as some self-insured plans have established unique categories or specialty tiers for these drugs, sometimes referred to as Tier IV or Tier V.

Patients under these plans are required to pay a percentage of the costs of these high-priced drugs, rather than the traditional co-payment amounts for generic, preferred brand and non-preferred brand prescription drugs, often covered by Tier I, Tier II and Tier III plans and policies, respectively. As a result, patients covered under plans with specialty tiers must pay thousands of dollars in out-of-pocket costs for drugs critical for their treatment.

It is in the public interest to help patients to afford necessary prescription drugs by prohibiting cost-sharing, deductibles and co-insurance obligations by patients that exceed payments for non-preferred brand prescription drugs or the equivalent thereof. It is not the intent of this legislation to preclude plans or policies from categorizing drugs used in the treatment of these common diseases as brand name prescription drugs or generic prescription drug equivalents. The extraordinary disparity in cost-sharing, deductible and co-insurance burdens imposed on patients whose life and health depend on these drugs constitutes serious and unjustified discrimination based on their disease or disability.

This legislation is intended to provide patients more affordable access to prescription drugs essential for their treatment of cancer, multiple sclerosis, rheumatoid arthritis, hepatitis C, hemophilia, psoriasis and other diseases.

SECTION 2. Title 27 of the General Laws, entitled "Insurance" and chapters 27-20.8 entitled "Prescription Drug Benefits" is amended as follows:

add§ 27-20.8-3 Specialty Tiers Prohibited. – (a) No health plan, which provides coverage for prescription drugs and for which cost-sharing, deductibles or co-insurance obligations are determined by category of prescription drugs, shall establish tiers of prescription drug co-pays in which the maximum prescription drug co-pay exceeds by more than five hundred percent (500%) the lowest prescription drug co-pay charged under the health plan. If the health plan provides a limit for out-of-pocket expenses for benefits other than prescription drugs, the insurer shall include one of the following provisions in the plan that would result in the lowest out-of-pocket prescription drug cost to the enrollee or subscriber:

(1) Out-of-pocket expenses for prescription drugs shall be included under the health plan's total limit for out-of-pocket expenses for all benefits provided under the plan; or

(2) Out-of-pocket expenses for prescription drugs per contract year shall not exceed one thousand dollars ($1,000) per enrollee or subscriber, or two thousand dollars ($2,000) per insured family, adjusted for inflation.

(b) This section shall not apply to insurance coverage providing benefits for:

(1) Hospital confinement indemnity;

(2) Disability income;

(3) Accident only;

(4) Long-term care;

46 (5) Medicare supplement;
47 (6) Limited benefit health;
48 (7) Specified disease indemnity;
49 (8) Sickness or bodily injury or death by accident or both; and
50 (9) Other limited benefit policies.
51 (c) It shall be an unlawful discriminatory practice for any employer, labor organization,
52 insurer, health maintenance organization or other entity to limit health care coverage such that
53 cost-sharing, deductibles or co-insurance obligations for any prescription drug exceeds by more
54 than five hundred percent (500%) the lowest prescription drug co-pay charged under the health
55 plan; provided however, this subdivision shall not apply to any self-insured employee welfare
56 benefit plan, as established in the employee retirement income security act of 1974, as amended.
57 (d) Nothing in this section shall apply to the title XIX state plan pursuant to title XIX of the
58 Social Security Act to provide Medicaid coverage or title XXI state plan pursuant to Title XXI of the
59 Social Security Act to provide medical assistance coverage. The services provided shall be in
60 accord with title XIX [42 U.S.C. § 1396 et seq.] and title XXI [42 U.S.C. § 1397 et seq.] of the
61 Social Security Act.
62 SECTION 3. Severability. – If any provision of this act, or any application of any provision of this
63 act, is held to be invalid, or ruled by any federal agency to violate or be inconsistent with any
64 applicable federal law or regulation, that shall not affect the validity or effectiveness of any other
65 provision of this act, or of any other application of any provision of this act.[add]
66 SECTION 4. Effective date. – This act shall take effect upon passage.

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| ☑ voting check off graphic | MOTION: To find that the substitute bill to Require Health Insurance Plans To Cover Specialty Drug (above) is consistent with the Commission's Legislative Package (clarify the impact on upfront deductable). RC/AP passed, PP & HD abstained |
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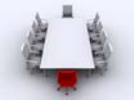
|  table graphic | Bills Tabled for More Information | 3:20 |
| | Purpose/Goal: | |
| | Discussion: **H 7035 An Act Relating To Behavioral Healthcare, Developmental Disabilities And Hospitals - Rights For Persons With Developmental Disabilities** by Rep. Guthrie referred to House Finance<br>This act would restore:<br>(a) the individual program plan rate for adults with developmental disabilities for the period of October 1, 2011 to December 31, 2011 to the rate in effect for the period of July 1, 2011 to September 30, 2011; and<br>(b) the monthly share of supplementary assistance to the supplementary security income program for individuals living in state licensed assisted living residence: from $332 to $538. | |

SECTION 1. Section 40.1-11-4.3 of the General Laws in Chapter 40.1-11 entitled "Division of Developmental Disabilities" is hereby amended to read as follows:

**<u>40.1-21-4.3. Definitions. --</u>** As used in this chapter and in chapter 22 of this title the words:

(1) "Ancillary services" means those services provided, and shall include, but not be limited to, transportation, housing, housing adaptation, personal attendant care, and homemaker services.

(2) "Case management" means the implementation of an individual's program by providing information, by referral to appropriate service providers, by procurement of services, and by the coordination of the necessary services.

(3) "Department" means the Rhode Island department of mental health, retardation, and hospitals.

(4) "Developmental services" means those services provided to developmentally disabled adults, and shall include, but not be limited to, habilitation and rehabilitation services, and day services.

(5) "Developmentally disabled adult" means a person, eighteen (18) years old or older and not under the jurisdiction of the department of children, youth, and families who is either a mentally retarded developmentally disabled adult or is a person with a severe, chronic disability which:

(i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) Is manifested before the person attains age twenty-two (22);

(iii) Is likely to continue indefinitely;

(iv) Results in substantial functional limitations in three (3) or more of the following areas of major life activity:

(A) Self care,

(B) Receptive and expressive language,

(C) Learning,

(D) Mobility,

(E) Self-direction,

(F) Capacity for independent living,

(G) Economic self-sufficiency; and

(v) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services, which are of lifelong or extended duration and are individually planned and coordinated. For purposes of funding, it is understood that students enrolled in school will continue to receive education from their local education authority in accordance with section 16-24-1 et seq.

(6) "Diagnosis and evaluation" means a process to determine whether and to what extent an individual is developmentally disabled and a study of the individual's condition, situation, and needs which lead to a recommendation of what services, if any, would benefit the individual.

(7) "Individualized program plan" or "general service plan" means a plan, however named, which includes, but shall not be limited to, the following:

(i) An evaluation of the strengths, difficulties, needs, and goals of the individual;

(ii) A description of those services found to be necessary or appropriate to assist the individual in realizing his or her potential for self-sufficiency in major life activities;

(iii) A description of the agencies and/or individuals, which are proposed to provide each of the recommended services;

(iv) The intermediate and long-range objectives for the individual's development and habilitation;

(v) The expected duration for the provision of the services;

(vi) A description of the tests and other evaluative devices used and their results;

(vii) Proposed criteria for monitoring and evaluating the success of the services in meeting the individual's needs; and

(viii) The signatures of the preparers of the plan and the date.

The individual program plan shall indicate developmental, supportive, or ancillary

3-3 services by function and frequency, the manner of subsidy and delivery and the categories of need
3-4 for services such as transportation, job training, or occupation, housing, housing adaptation,
3-5 personal attendant care, homemaker, or other services. This plan shall be reviewed at least
3-6 annually; provided, however, that authorizations for services and funding issued prior to July 1,
3-7 2011 are null and void. Authorizations will be paid at the rate effective in the quarter the service
3-8 was provided [add]; provided, further, that the authorized rates for the period of October 1, 2011 to
3-9 December 31, 2011, shall be the same as the rates in effect for the period of July 1, 2011 to
3-10 September 30, 2011.[add]
3-11 (8) "Mentally retarded developmentally disabled adult" means a person eighteen (18)
3-12 years old or older and not under the jurisdiction of the department of children, youth, and
3-13 families, with significant sub-average, general intellectual functioning two (2) standard deviations
3-14 below the norm, existing concurrently with deficits in adaptive behavior and manifested during
3-15 the developmental period. For purposes of funding, it is understood that students enrolled in
3-16 school will continue to receive education from their local education authority in accordance with
3-17 section 16-24-1 et seq.
3-18 (9) "Service broker" means that individual who assists in facilitating the connection
3-19 between the developmentally disabled person and the services required by the individual program
3-20 plan.
3-21 (10) "Subsidized access to service" means the provisions of financial resources through
3-22 vouchers to a developmentally disabled person to enable the person to gain access to appropriate
3-23 generic and/or special services as required by the individual program plan.
3-24 (11) "Supportive services" means those services provided to developmentally disabled
3-25 adults, and shall include, but not be limited to, occupational therapy, physical therapy,
3-26 psychological services, counseling, nursing services, and medical services.
3-27 SECTION 2. Section 40.1-26-2 of the General Laws in Chapter 40.1-26 entitled "Rights
3-28 for Persons with Developmental Disabilities" is hereby amended to read as follows:
3-29 **40.1-26-2. Definitions. --** As used in this chapter:
3-30 (1) "Advocate" means: (i) a legal guardian; or (ii) an individual acting on behalf of a
3-31 person with a developmental disability in a manner clearly consistent with the interests of the
3-32 person with a developmental disability and includes a family member, friend, or professional
3-33 advocate. Whenever possible an advocate should be selected by the person with a disability.
4-34 (2) "Agency" means any person or organization which provides day program services,
4-35 residential services, support services or advocacy services for persons with developmental
4-36 disabilities, and which is licensed by the department of mental health, retardation, and hospitals
4-37 pursuant to section 40.1-24-1 et seq.
4-38 (3) "Applicant" means any person with a developmental disability who has applied for
4-39 services from the division of developmental disabilities and/or any agency licensed by the
4-40 department of mental health, retardation, and hospitals pursuant to section 40.1-24-1 et seq.
4-41 (4) "Aversive interventions" means a class of stimuli that are followed by escape or
4-42 avoidance response.
4-43 (5) "Behavioral Treatment Intervention" means any intervention or treatment to develop
4-44 or strengthen adaptive appropriate behaviors through the application of behavioral interventions
4-45 and to simultaneously reduce the frequency of maladaptive or inappropriate behaviors. Behavior
4-46 interventions encompass interventions, which refer to purposeful, clinical manipulation of
4-47 behavior.
4-48 (6) "Competent" means the ability to understand the likely risks and benefits of a
4-49 procedure or plan when the risks and benefits are presented to the participant in a manner most
4-50 likely to be understood by the participant in light of his or her cognitive abilities and learning
4-51 style.
4-52 (7) "Department" means the department of mental health, retardation, and hospitals.
4-53 (8) "Developmental disability" means a severe chronic disability which is attributable to
4-54 a mental or physical impairment or combination of impairments; is manifested before the person
4-55 attains age twenty-two (22); is likely to continue indefinitely; results in substantial functional
4-56 limitations in three (3) or more of the following areas of major life activity: self-care, receptive
4-57 and expressive language, learning, mobility, self-direction, capacity for independent living,

4-58 economic self-sufficiency; and reflects the person's need for a combination and sequence of
4-59 special, interdisciplinary or generic care, treatment, or other services which are of life long or
4-60 extended duration and are individually planned and coordinated.
4-61 (9) "Individualized plan" means the personalized document which describes an
4-62 individualized profile of the participant highlighting his or her capabilities, preferences and
4-63 interests. The plan describes specific supports in the areas of vocational, social, medical,
4-64 supported living, and rehabilitation required to meet the specific needs of the participant. The
4-65 plan includes quality indicators that demonstrate the plan has met the expectations of the
4-66 participant and the participant is satisfied with the support services he or she is receiving;
4-67 provided, however, that authorizations for services and funding issued prior to July 1, 2011 are
4-68 null and void. Authorizations for services will be paid at the rate effective when in the quarter the
5-1 service was provided [add]; provided, further, that the authorized rates for the period of October 1,
5-2 2011 to December 31, 2011, shall be the same as the rates in effect for the period of July 1, 2011
5-3 to September 30, 2011.[add]
5-4 (10) "Participant" means any person eighteen (18) years or older, with a developmental
5-5 disability who receives services from the division of developmental disabilities and/or an agency
5-6 licensed by the department of mental health, retardation, and hospitals.
5-7 (11) "Relative" means a member of the participant's or applicant's family who has been
5-8 actively involved in the participant's or applicant's life, has an ongoing relationship with the
5-9 participant or applicant, and is supportive in a manner clearly consistent with the best interests of
5-10 the participant or applicant.
5-11 (12) "Seclusion" means placing a participant alone in a locked room without supervision.
5-12 (13) "Serious incidents" means any situation involving a person with developmental
5-13 disabilities in which the person:
5-14 (i) Has sustained an injury, which requires medical care or treatment beyond routine first
5-15 aid;
5-16 (ii) Has been missing;
5-17 (iii) Has died;
5-18 (iv) Has been involved in a criminal act;
5-19 (v) Has been subject to a medication error.
5-20 SECTION 3. Section 40-6-27 of the General Laws in Chapter 40-6 entitled "Public
5-21 Assistance Act" is hereby amended to read as follows:
5-22 **40-6-27. Supplemental security income. --** (a) (1) The director of the department is
5-23 hereby authorized to enter into agreements on behalf of the state with the secretary of the
5-24 Department of Health and Human Services or other appropriate federal officials, under the
5-25 supplementary and security income (SSI) program established by title XVI of the Social Security
5-26 Act, 42 U.S.C. section 1381 et seq., concerning the administration and determination of eligibility
5-27 for SSI benefits for residents of this state, except as otherwise provided in this section. The state's
5-28 monthly share of supplementary assistance to the supplementary security income program
5-29 [delete]~~effective January 1, 2009,~~[delete] shall be as follows:
5-30 (i) Individual living alone: $39.92
5-31 (ii) Individual living with others: $51.92
5-32 (iii) Couple living alone: $79.38
5-33 (iv) Couple living with others: $97.30
6-34 (v) Individual living in state licensed assisted living residence: [delete]~~$332.00~~[delete] [add]$538.00[add]
6-35 (vi) Individual living in state licensed supportive residential care settings that, depending
6-36 on the population served, meet the standards set by the department of human services in
6-37 conjunction with the department(s) of children, youth and families, elderly affairs and/or [delete]~~mental~~
6-38 ~~health, retardation and hospitals~~[delete] [add]behavioral healthcare, developmental disabilities and hospitals[add]:
6-39 $300.00.
6-40 Provided, however, that the department of human services shall by regulation reduce,
6-41 effective January 1, 2009, the state's monthly share of supplementary assistance to the
6-42 supplementary security income program for each of the above listed payment levels, by the same
6-43 value as the annual federal cost of living adjustment to be published by the federal social security
6-44 administration in October 2008 and becoming effective on January 1, 2009, as determined under

the provisions of title XVI of the federal social security act [42 U.S.C. section 1381 et seq.] and provided further, that it is the intent of the general assembly that the January 1, 2009 reduction in the state's monthly share shall not cause a reduction in the combined federal and state payment level for each category of recipients in effect in the month of December 2008; provided further, that the department of human services is authorized and directed to provide for payments to recipients in accordance with the above directives delete~~beginning January 1, 2009~~delete.

(2) As of July 1, 2010, state supplement payments shall not be federally administered and shall be paid directly by the department of human services to the recipient.

(3) Individuals living in institutions shall receive a twenty dollar ($20.00) per month personal needs allowance from the state which shall be in addition to the personal needs allowance allowed by the Social Security Act, 42 U.S.C. section 301 et seq.

(4) Individuals living in state licensed supportive residential care settings and assisted living residences who are receiving SSI shall be allowed to retain a minimum personal needs allowance of fifty-five dollars ($55.00) per month from their SSI monthly benefit prior to payment of any monthly fees.

(5) To ensure that supportive residential care or an assisted living residence is a safe and appropriate service setting, the department is authorized and directed to make a determination of the medical need and whether a setting provides the appropriate services for those persons who: (i) Have applied for or are receiving SSI, and who apply for admission to supportive residential care setting and assisted living residences on or after October 1, 1998; or (ii) Who are residing in supportive residential care settings and assisted living residences, and who apply for or begin to receive SSI on or after October 1, 1998.

(6) The process for determining medical need required by subsection (4) of this section shall be developed by the office of health and human services in collaboration with the departments of that office and shall be implemented in a manner that furthers the goals of establishing a statewide coordinated long-term care entry system as required pursuant to the Global Consumer Choice Compact Waiver.

(7) To assure access to high quality coordinated services, the department is further authorized and directed to establish rules specifying the payment certification standards that must be met by those state licensed supportive residential care settings and assisted living residences admitting or serving any persons eligible for state-funded supplementary assistance under this section. Such payment certification standards shall define:

(i) The scope and frequency of resident assessments, the development and implementation of individualized service plans, staffing levels and qualifications, resident monitoring, service coordination, safety risk management and disclosure, and any other related areas;

(ii) The procedures for determining whether the payment certifications standards have been met; and

(iii) The criteria and process for granting a one time, short-term good cause exemption from the payment certification standards to a licensed supportive residential care setting or assisted living residence that provides documented evidence indicating that meeting or failing to meet said standards poses an undue hardship on any person eligible under this section who is a prospective or current resident.

(8)(a) The payment certification standards required by this section shall be developed in collaboration by the departments, under the direction of the executive office of health and human services, so as to ensure that they comply with applicable licensure regulations either in effect or in development.

(b) The department is authorized and directed to provide additional assistance to individuals eligible for SSI benefits for:

(1) Moving costs or other expenses as a result of an emergency of a catastrophic nature which is defined as a fire or natural disaster; and

(2) Lost or stolen SSI benefit checks or proceeds of them; and

(3) Assistance payments to SSI eligible individuals in need because of the application of federal SSI regulations regarding estranged spouses; and the department shall provide such assistance in a form and amount, which the department shall by regulation determine.

SECTION 4. There is hereby appropriated, out of any money in the treasury not otherwise appropriated for the fiscal year 2011-2012, the sum of $15,000,000 for services for the developmentally disabled at the rates and amounts provided for in this act, and the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for payment of said sum, or so much thereof as may be from time to time required, upon receipt by him or her of properly authenticated vouchers in accordance with the rates and amounts provided for in this act.

SECTION 5. This act shall take effect upon passage.

| | |
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| ☑ voting check off graphic | MOTION: To find beneficial **H 7035 An Act Relating To Behavioral Healthcare, Developmental Disabilities And Hospitals - Rights For Persons With Developmental Disabilities** AS/KH passed, abstain PP, RC, HD, & LW |

| | | |
|---|---|---|
| NEW new graphic | **Consideration of New Bills/Budget Articles** | **3:30** |
| | Purpose/Goal: To determine the impact of legislation on people with disabilities and their families and make recommendations to the General Assembly and Governor when appropriate | |
| | The Office of the Attorney General will be submitting a Personal Care Attendant Registration bill, based on, but not identical to, the Commission's suggested revisions of the AG's bill from last year. | |

SECTION 1. Section 40-8.1-3 of the General Laws in Chapter 40-8.1 entitled "Personal Care Attendant Program" is hereby amended to read as follows:

**40-8.1-3. Eligibility for services. -** Services available under this chapter may be provided to any person who meets the following criteria:

(1) Has made application therefor to the director of the department of human services in a manner prescribed by the director;

(2) Has a severe physical disability that caused the person to be unduly dependent, the disability to be certified by the [delete]~~division of vocational~~[delete] [add]office of[add] rehabilitation [add]services[add]; and

(3) Has not sufficient income or resources to meet the cost of home care services, a determination of insufficiency to be made by the division of vocational rehabilitation.

SECTION 2. Chapter 40-8.1 of the General Laws entitled "Personal Care Attendant Program" is hereby amended by adding thereto the following sections:

[add]**40-8.1-6. Definitions. -** As used in this chapter:

(1) "Administrator" shall mean a state agency or nonprofit organization under contract with the department to administer a personal care attendant services program.

(2) "Applicant" shall mean a person applying with the department for a certificate of registration as a personal care attendant.

(3) "Consumer" shall mean an individual who receives self directed personal attendant care services, including, a participant in personal care attendant services provided pursuant to section 40-8.1-2 or a person who receives personal care attendant services through Medicaid, a third party payor, or paid for by the individual and/or her/his family.

(4) "Department" shall mean the department of human services.

(5) "Employer" shall mean the consumer unless the personal care attendant is employed by a third party, in such cases the third party is the employer.

(6) "Participant" means an individual approved by the department to receive self directed personal attendant care services.

(7) "Personal care attendant" means an individual with appropriate training who provides personal care attendant services to a consumer ~~in the consumer's residence~~.

(8) "Personal care attendant services" means assistance with activities of daily living, homemaking, and companionship provided to a consumer in his or her residence that are intended to enable the consumer to remain safely and comfortably in their residence. Personal care attendant services does not include services provided by entities required to be licensed under the general laws, including, but not

limited to: education facilities, title 16; health care facilities, chapter 23-17; assisted living residences, chapter 23-17.4; nursing service agencies, chapter 23-17.7.1; and/or behavioral healthcare, developmental disabilities and hospitals facilities, chapter 40.1-25.1.

(9) "Personal representative" means a person who, under applicable state law, has the authority to act on behalf of the client with regard to an action to be taken.

(10) "Registrant" shall mean the lawful holder of a certification of registration as a personal care attendant with the department.

(11) "Service plan" means a written list of the types and schedule of personal care attendant services prepared by the personal care attendant, or his or her designee, updated to reflect changes in needs or services as appropriate, but at least annually, that states the services to be provided to the consumer subject to the consumer's right to temporarily suspend, permanently terminate, temporarily add, or permanently add the provision of any such service.

**40-8.1-7. Rights of Consumers.-** The department shall develop rights to be distributed to the consumer within five (5) calendar days of the initiation of services to the consumer and thereafter, on an annual basis. These rights include:

(1) The consumer's right to be free from verbal, physical and psychological abuse and to be treated with dignity;

(2) The consumer's right to temporarily or permanently suspend, terminate, or add the provision of any services stated in the service plan;

(3) The consumer's right to have property treated with respect;

(4) The consumer's right to voice grievances regarding services furnished or regarding the lack of respect for property by anyone who is furnishing services and that the consumer must not be subject to discrimination or reprisal for doing so;

(5) A statement that it is not within the scope of the services to manage the medical and health conditions of the consumers;

(6) The charges for services provided by the personal care attendant; and

(7) The procedure and contact information to file a complaint with the department.

**40-8.1-8. Complaint Process.-** The department shall investigate complaints made by a consumer, the consumer's family, or the personal representative regarding services that are or have failed to be furnished or lack of respect for the consumer's property by the personal care attendant. The department shall document the existence of the complaint and the resolution of the complaint in accordance with department's requirements.

**40-8.1-9. Registration.** (a) Every person being employed as a personal care attendant or offering services as a personal care attendant must obtain a certificate of registration issued by the department within their initial thirty (30) days of employment or of offering services.

(b) The department shall verify, prior to issuing a certificate of registration that the applicant underwent a criminal background check in accordance with section 40.8.1-13 and successfully completed the training program in accordance with section 40.8.1-12.

(c) The department shall register all those individuals issued a certificate of registration and the register shall be open to public inspection.

(d) The department may charge a fee for registration or renewal that shall be established by rules and regulations promulgated pursuant to section 40-8.1-19 of this chapter.

**40-8.1-10. Renewal of certificate of registration.** - Every registrant shall renew their certificate of registration biannually by making application to the department. Such forms shall be provided by the department. The renewals shall be granted as a matter of course provided that the registrant has proof of successful completion of the continuing education requirements as required by section 40.8.1-12. The department shall not automatically renew the certificate of registration if the department finds that the registrant has acted or failed to act in a manner under the circumstances that would constitute grounds for suspension or revocation of a certificate of registration.

**40-8.1-11. Grandparent clause.** - After October 30, 2012, and at any time prior to January 31, 2013, the department shall issue a certificate of registration to any applicant who shall present satisfactory evidence that he or she has the been employed as a personal care attendant in Rhode Island for a period of at least three hundred (300) hours and has underwent a criminal background check in accordance with section 40.8.1-13.

**40-8.1-12. Personal Care Attendant Training.** - (a) The department or each administrator shall be responsible for ensuring that all registrants have completed four (4) hours of initial training on personal

90 attendant care responsibilities and practices and two (2) hours of continued education biannually
91 thereafter, as prescribed by the department or the administrator. In addition to the four (4) hours of initial
92 training, each registrant shall receive individualized training on how to assist their consumer's needs.
93 (b) All applicants not otherwise exempted, under section 40-8.1-11, are required to complete the
94 process of training within thirty (30) days from the date of initiation of training. If the applicant fails to
95 successfully complete the training within ninety (90) days, they must successfully repeat the training
96 program.
97 **40-8.1-13. Criminal background check. -** (a) Any person applying for a certificate of registration as
98 a personal care attendant shall undergo a criminal background check to be initiated prior to applying for a
99 certificate of registration.
100 (b) The applicant shall apply to the bureau of criminal identification of the department of attorney
101 general for a national criminal background check that shall be supported by fingerprints submitted to the
102 federal bureau of investigation ("FBI"). Upon the discovery of any disqualifying information as defined in
103 section 40-8.1-15, the bureau of criminal identification of the department of attorney general shall inform
104 the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of
105 the disqualifying information, will notify the employer and the department, in writing, that disqualifying
106 information has been discovered.
107 (c) In those situations in which no disqualifying information has been found, the bureau of criminal
108 identification of the department of attorney general shall inform the applicant, the employer and the
109 department, in writing, of this fact.
110 (d) It shall be the responsibility of the applicant to pay for the criminal background check fees.
111 **40-8.1-14. Prior criminal records checks.-** If an applicant has undergone a national criminal records
112 check within eighteen (18) months of an application for a certificate of registration, then an applicant may
113 request from the bureau of criminal identification of the department of attorney general a letter indicating if
114 any disqualifying information was discovered. The bureau of criminal identification shall respond without
115 disclosing the nature of the disqualifying information. The letter may be maintained on file to satisfy the
116 requirements of this chapter.
117 **40-8.1-15. Disqualifying information.-** (a) Information produced by a criminal background check
118 pertaining to a conviction, for the following crimes, shall result in a letter to the applicant and the
119 department disqualifying the applicant from a certificate of registration: murder, manslaughter, first degree
120 sexual assault, second degree sexual assault, third degree sexual assault, assault on persons sixty (60)
121 years of age or older, assault with intent to commit specified felonies (murder, robbery, rape, burglary, or
122 the abominable and detestable crime against nature), felony assault, patient abuse, neglect or
123 mistreatment of patients, first degree arson, robbery, felony drug offenses, larceny, abuse, neglect and/or
124 exploitation of adults with severe impairments, fraud and false dealing, theft, embezzlement, false
125 pretenses, and misappropriation, impersonation and identity fraud, exploitation of elders, or felony banking
126 law violations.
127 (b) For purposes of this section "conviction" means, in addition to judgments of conviction entered
128 by a court subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has
129 entered a plea of nolo contendere and has received a sentence of probation and those instances where a
130 defendant has entered into a deferred sentence agreement with the attorney general.
131 **40-8.1-16. Denial, suspension, or revocation of a certificate of registration.-** The department, after
132 notice and opportunity for a hearing to the applicant or registrant, is authorized to deny, suspend, or revoke
133 a certificate of registration in any case in which it finds that there has been failure to comply with the
134 requirements under this chapter and the rules and regulations promulgated thereto or the registrant has
135 been convicted of a disqualifying offense provided in section 40-8.1-15. The notice shall be effected by
136 registered or certified mail or by personal service, setting forth the particular reasons for the proposed
137 action and fixing a date not less than thirty (30) days from the date of the mailing or service, at which time
138 the applicant or registrant shall be given an opportunity for a prompt and fair hearing. On the basis of the
139 hearing, or upon the failure of the applicant or registrant to appear, the department shall make a
140 determination specifying its findings of fact and conclusions of law. A copy of the determination shall be
141 sent by registered or certified mail or served personally upon the applicant or registrant. The decision
142 denying, suspending, or revoking the a certificate of registration or application shall become final thirty (30)
143 days after it is so mailed or served, unless the applicant or registrant, within the thirty (30) day period,
144 appeals the decision pursuant to section 42-35-15. The procedure governing hearings authorized by this
145 section shall be in accordance with sections 42-35-9 and 42-35-13 as stipulated in subsection 42-35-14. A

146 full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not
147 be transcribed unless the decision is appealed pursuant to section 42-35-15. A copy or copies of the
148 transcript may be obtained by an interested party on payment of the cost of preparing the copy or copies.
149 Witnesses may be subpoenaed by either party.
150 **40-8.1-17. Judicial review of certificate of registration action. -** Any person who has exhausted all
151 administrative remedies available to him or her within the department, and who is aggrieved by a final
152 decision of the department, is entitled to judicial review in accordance with the provisions of sections 42-
153 35-15 and 42-35-16.
154 **40-8.1-18. Immunity from liability.-** Anyone who disqualifies an individual from employment or
155 continued employment within thirty (30) days of receipt of a letter containing disqualifying information as
156 defined in section 40-8.1-15 or of a criminal background check relating to that information shall be liable for
157 civil damages or subject to any claim, cause of action, or proceeding of any nature as a result of the
158 disqualification.
159 **40-8.1-19. Inspections and Investigations.-** The department may conduct any such investigation
160 and inspection as it deems necessary to assess compliance with this chapter and the rules and regulations
161 promulgated thereto. Wherever possible and practical, on-site reviews shall be scheduled, in an effort so
162 as to reduce the number of visits and the disruption to the personal care attendant services. Investigations
163 and inspections may occur when the consumer gives consent include the direct observation of the
164 provision of personal care attendant services in the consumer's home. Personal care attendants
165 registered under the chapter shall make available to the department all books, records, policies and
166 procedures, or any other materials requested during the course of an investigation or inspection. Refusal
167 to make such materials available to the department shall be grounds for certificate of registration
168 revocation, or the imposition of any other penalty provided in the chapter.
169 **40-8.1-20. Rules and regulations.-** The department shall promulgate regulations to carry out the
170 intent of this chapter.
171 **40-8.1-21. Penalties for violations.** - It shall be a misdemeanor punishable by a fine of not more
172 than one thousand dollars ($1,000) and/or by imprisonment for not more than one year for any person to:
173 (1) Be employed as a personal care attendant or offer services as a personal care attendant
174 without a certificate of registration as required by this chapter;
175 (2) Practice as a personal care attendant during the time his or her certification or registration
176 issued under the provisions of this chapter shall be suspended or revoked; or
177 (3) Obtain his or her certification or registration by means of fraud, misrepresentation, or
178 concealment of material facts.
179 **40-8.1-22. Severability.-** If any provision of this chapter or the application of any provision of this
180 chapter to any person or circumstance shall be held invalid, the invalidity shall not affect the provisions or
181 application of this chapter which can be given effect without the invalid provisions or application, and to
182 this end the provisions of this chapter are declared severable.[add]
183 **SECTION 3**. The act shall take effect upon passage.

☑ voting check off graphic

MOTION: To find beneficial if amended, to not cover family members providing services without compensation, the Attorney General's draft bill on Personal Care Attendant Registration. RH/KH passed, HD, & PP abstained.

MOTON: To also recommend removing the reference to "in the consumer's residence" AP/RC passed, HD & PP abstained.

MOTION To table the Attorney General's draft Criminal Background Check Act" bill until the next meeting. WI/RC passed unanimously

Discussion: The Commission on 2/6/12 refer to the Legislation Committee for action:

- **Article 9 Health Fees** - raising the licensing fees for health care providers
- **Article 14 Relating To Restricted Receipt Accounts** - Section 2 "Non-governmental funding for early childhood education fund".
- **Article 24 Relating To Taxation And Revenues**

1-2

# ARTICLE 9

1-3

## RELATING TO DEPARTMENT OF HEALTH FEES

| | GCD Note Proposed Fee | Current Fee |
|---|---|---|
| 54-16 | SECTION 49. Chapter 23-1 of the General Laws entitled "Department of Health" is | |
| 54-17 | hereby amended by adding thereto the following section: | |
| 54-18 | add **23-1-54. Fees Payable to the Department of Health. --** Fees payable to the department | |
| 54-19 | shall be as follows: | |
| 54-20 | PROFESSION RIGL Section Description of Fee FEE | |
| 55-36 | Podiatrists 5-29-7 Application fee $240.00 | $410 |
| 55-37 | Podiatrists 5-29-11 Renewal fee: minimum $240.00 | $260 |
| 55-38 | Podiatrists 5-29-11 Renewal fee: maximum $540.00 | $490 |
| 55-39 | Podiatrists 5-29-13 Limited registration $90.00 | $70 |
| 55-40 | Podiatrists 5-29-14 Limited registration: | |
| 55-41 | Academic faculty $240.00 | $70 |
| 55-42 | Podiatrists 5-29-14 Application fee: | |
| 55-43 | Renewal minimum $240.00 | $280 |
| 55-44 | Podiatrists 5-29-14 Application fee: | |
| 55-45 | Renewal maximum $440.00 | $400 |
| 55-46 | Chiropractors 5-30-7 Examination exemption fee: $210.00 | $90 |
| 55-47 | Chiropractors 5-30-8 (b) Exam Physiotherapy $210.00 | $60 |
| 55-48 | Chiropractors 5-30-8 (b) Exam combined chiro $210.00 | $90 |
| 55-49 | Chiropractors 5-30-12 and physio Renewal fee $210.00 | $170 |
| 55-50 | Dentists/dental hygienists 5-31.1-6 (d) Dentist: application fee $965.00 | $570 |
| 55-51 | Dentists/dental hygienists 5-31.1-6 (d) Dental hygienist: application fee $65.00 | $130 |
| 55-52 | Dentists/dental hygienists 5-31.1-6 (d) Reexamination: dentist $965.00 | $570 |
| 55-53 | Dentists/dental hygienists 5-31.1-6 (d) Reexamination: hygienist $65.00 | $130 |
| 55-54 | Dentists/dental hygienists 5-31.1-21 (b) Reinstatement fee $965.00 | |
| 55-55 | Dentists/dental hygienists 5-31.1-21 (c) Inactive status: dentist $220.00 | $170 |
| 55-56 | Dentists/dental hygienists 5-31.1-21 (c) Inactive status: hygienist $120.00 | $90 |
| 55-57 | Dentists/dental hygienists 5-31.1-22 Limited registration $65.00 | $50 |
| 55-58 | Dentists/dental hygienists 5-31.1-23 [c] Limited reg: | $50 |
| 55-59 | Academic faculty $965.00 | $570 |
| 55-60 | Dentists/dental hygienists 5-31.1-23 [c] Limited reg: | |
| 55-61 | Academic faculty renewal $220.00 | $170 |
| 56-84 | Nurses 5-34-12 RN Application fee $135.00 | $30 |
| 56-85 | Nurses 5-34-16 LPN Application fee $45.00 | $90 |
| 56-86 | Nurses 5-34-19 Renewal fee: RN $135.00 | $90 |
| 56-87 | Nurses 5-34-19 Renewal fee: LPN $45.00 | $90 |
| 56-88 | Nurses 5-34-37 RNP application fee $80.00 | $130 |
| 56-89 | Nurses 5-34-37 RNP renewal fee $80.00 | $90 |
| 56-90 | Nurses 5-34-37 RNP prescriptive privileges $65.00 | $50 |
| 56-91 | Nurses 5-34-40.3 Clin nurse spec application $80.00 | $130 |
| 56-92 | Nurses 5-34-40.3 Clin nurse spec renewal $80.00 | $130 |
| 56-93 | Nurses 5-34-40.3 Clin nurse spec Rx privilege $65.00 | $50 |
| 56-94 | Nurse anesthetists 5-34.2-4 (a) CRNA application fee $80.00 | $130 |
| 56-95 | Nurse anesthetists 5-34.2-4 (b) CRNA renewal fee $80.00 | $130 |
| 56-96 | Optometrists 5-35.1-4 Application fee $280.00 | $170 |
| 56-97 | Optometrists 5-35.1-7 Renewal fee $280.00 | $170 |
| 56-98 | Optometrists 5-35.1-7 Late fee $90.00 | $70 |
| 56-99 | Optometrists 5-35.1-7 Reactivation of license fee $65.00 | $50 |
| 56-100 | Optometrists 5-35.1-19 (b) Violations of section $650.00 | $500 |

| | GCD Note Proposed Fee | Current Fee |
|---|---|---|
| 56-101 | Optometrists 5-35.1-20 Violations of chapter $260.00 | $200 |
| 57-102 | Opticians 5-35.2-3 Application fee $30.00 | $90 |
| 57-103 | Physicians 5-37-2 Application fee $1,090.00 | $570 |
| 57-104 | Physicians 5-37-2 Re-examination fee $1,090.00 | $570 |
| 57-105 | Physicians 5-37-10 (b) Late renewal fee $170.00 | $130 |
| 57-106 | Physicians 5-37-16 Limited registration fee $65.00 | $40 |
| 57-107 | Physicians 5-37-16.1 Ltd reg: academic faculty $600.00 | $130 |
| 57-108 | Physicians 5-37-16.1 Ltd reg: academic | $460 |
| 57-109 | Faculty renewal $170.00 | $130 |
| 57-110 | Acupuncture 5-37.2-10 Application fee $310.00 | $170 |
| 57-111 | Social workers 5-39.1-9 Application fee $70.00 | $170 |
| 57-112 | Social workers 5-39.1-9 Renewal fee $70.00 | $170 |
| 57-113 | Physical therapists 5-40-8 Application fee $155.00 | $170 |
| 57-114 | Physical therapists 5-40-8.1 Application: physical therapy | |
| 57-115 | assistants $ 50.00 | $70 |
| 57-116 | Physical therapists 5-40-10 (a) Renewal fee: | |
| 57-117 | Physical therapists $155.00 | $90 |
| 57-118 | Physical therapists 5-40-10 (a) Renewal fee: Physical therapy | |
| 57-119 | assistants $ 50.00 | $70 |
| 57-120 | Physical therapists 5-40-10 [c] Late renewals $ 50.00 | $40 |
| 57-121 | Occupational therapists 5-40.1-12 (2) Renewal fee $140.00 | $90 |
| 57-122 | Occupational therapists 5-40.1-12 (5) Late renewal fee $50.00 | $40 |
| 57-123 | Occupational therapists 5-40.1-12 (b) Reactivation fee $140.00 | $90+40 |
| 57-124 | Occupational therapists 5-40.1-13 Application fee $140.00 | $90 |
| 57-125 | Psychologists 5-44-12 Application fee $230.00 | $250 |
| 57-126 | Psychologists 5-44-13 Temporary permit $120.00 | $90 |
| 57-127 | Psychologists 5-44-15[c] Renewal fee $230.00 | $340 |
| 57-128 | Psychologists 5-44-15 (e) Late renewal fee $50.00 | $40 |
| 57-129 | Nursing home administrators 5-45-10 Renewal fee $160.00 | $200 |
| 57-130 | Speech pathologist/audiologists 5-48-1 (14) Speech lang support personnel: | |
| 57-131 | late filing $ 90.00 | $70 |
| 57-132 | Speech pathologist/audiologists 5-48-9 (a) Application fee: Audiologist $ 65.00 | $90 |
| 57-133 | Speech pathologist/audiologists 5-48-9 (a) Application fee: | |
| 57-134 | speech Pathologist $145.00 | |
| 57-135 | Speech pathologist/audiologists 5-48-9 (a) Renewal fee: Audiologist $65.00 | |
| 58-136 | Speech pathologist/audiologists 5-48-9 (a) Renewal fee: Speech | |
| 58-137 | Pathologist $145.00 | |
| 58-138 | Speech pathologist/audiologists 5-48-9 (a) Provisional license: renewal fee $65.00 | $50 |
| 58-139 | Speech pathologist/audiologists 5-48-9 (b) Late renewal fee $50.00 | |
| 58-140 | Speech pathologist/audiologists 5-48-9 (d)(1) Reinstatement fee $65.00 | $90 |
| 58-141 | Speech pathologist/audiologists 5-48-9 (e) Audiology/speech lang support | |
| 58-142 | personnel: late filing $65.00 | $50 |
| 58-143 | Hearing aid dealers/fitters 5-49-6 (a) License endorsement | |
| 58-144 | Examination fee $ 25.00 | $25 |
| 58-145 | Hearing aid dealers/fitters 5-49-8 (b) Temporary permit fee $ 35.00 | $25 |
| 58-146 | Hearing aid dealers/fitters 5-49-8 (d) Temporary permit renewal fee $35.00 | |
| 58-147 | Hearing aid dealers/fitters 5-49-11 (1) License fee $ 25.00 | $31.25 |
| 58-148 | Hearing aid dealers/fitters 5-49-11 (b) License renewal fee $25.00 | |
| 58-149 | Hearing aid dealers/fitters 5-49-11 [c] License renewal late fee $25.00 | $25 |
| 58-150 | Physician assistants 5-54-9 (4) Application fee $110.00 | $90 |
| 58-151 | Physician assistants 5-54-11 (b) Renewal fee $110.00 | $170 |
| 58-152 | Orthotics/prosthetic practice 5-59.1-5 Application fee $120.00 | $330 |

| | GCD Note Proposed Fee | Current Fee |
|---|---|---|
| 58-153 | Orthotics/prosthetic practice 5-59.1-12 Renewal fee $120.00 | $170 |
| 58-157 | Mental health counselors/ 5-63.2-16 Application fee: marriage/ | |
| 58-158 | Marriage and family therapists Family therapist $130.00 | $460 |
| 58-159 | Mental health counselors/ 5-63.2-16 Application fee: mental | |
| 58-160 | Marriage and family therapists Health counselors $70.00 | |
| 58-161 | Mental health counselors/ 5-63.2-16 Reexamination fee: | |
| 58-162 | Marriage and family therapists Marriage/family therapist $130.00 | |
| 58-163 | Mental health counselors/ 5-63.2-16 Reexamination fee: | |
| 58-164 | Marriage and family therapists Mental health counselors $ 70.00 | |
| 58-165 | Mental health counselors/ 5-63.2-17(a) Renewal fee: marriage/ | $330 |
| 58-166 | marriage and Family therapists Family therapist $130.00 | |
| 58-167 | Mental health counselors/5-63.2-17(a) Renewal fee: | |
| 58-168 | Marriage and family therapist Mental health counselor $70.00 | |
| 58-169 | Mental health counselors/ 5-63.2-17(b) Late renewal fee | $70 |
| 59-170 | Marriage and family therapist $90.00 | |
| 59-171 | Dieticians/nutritionists 5-64-6 (b) Application fee $75.00 | $90 |
| 59-172 | Dieticians/nutritionists 5-64-8 Renewal fee $ 75.00 | $170 |
| 59-173 | Dieticians/nutritionists 5-64-8 Reinstatement fee $ 75.00 | |
| 59-174 | Radiologic technologists 5-68.1-10 Application fee maximum $190.00 | $170 |
| 59-175 | Licensed chemical 5-69-9 Application fee $75.00 | $50 |
| 59-176 | Dependency professionals | |
| 59-177 | Licensed chemical 5-69-9 Renewal fee $75.00 | |
| 59-178 | Dependency professionals | |
| 59-179 | Deaf interpreters 5-71-8 (3) License fee maximum $ 15.00 | $50 |
| 61-257 | Emergency medical technicians 23-4.1-10[c] Annual fee: ambulance | |
| 61-258 | Service maximum $540.00 | $490 |
| 61-259 | Emergency medical technicians 23-4.1-10[c] Annual fee: vehicle license | |
| 61-260 | maximum $275.00 | $250 |
| 61-261 | Emergency medical technicians 23-4.1-10[c] Annual fee: EMT license | |
| 61-262 | maximum $ 40.00 | $90 |
| 61-263 | Emergency medical technicians 23-4.1-10 (2) Exam fee maximum: | |
| 61-264 | EMT $ 40.00 | $170 |
| 61-265 | Emergency medical technicians 23-4.1-10 (2) Vehicle inspection | |
| 61-266 | Maximum $190.00 | |
| 61-267 | Clinical laboratories 23-16.2-4 (a) Clinical laboratory license | |
| 61-268 | per specialty $650.00 | $650 |
| 61-269 | Clinical laboratories 23-16.2-4 (a) Laboratory station license $650.00 | |
| 61-270 | Clinical laboratories 23-16.2-4 (b) Permit fee $ 70.00 | $170 |
| 61-271 | Health care facilities 23-17-38 Hospital: base fee annual $16,900.00 | $16,900 |
| 62-272 | Health care facilities 23-17-38 Hospital: annual per bed fee $120.00 | $120 |
| 62-273 | Health care facilities 23-17-38 ESRD: annual fee $3,900.00 | $3,900 |
| 62-274 | Health care facilities 23-17-38 Home nursing care/home | |
| 62-275 | Care providers $650.00 | $650 |
| 62-276 | Health care facilities 23-17-38 OACF: annual fee $650.00 | $650 |
| 62-277 | Assisted living residences 23-17.4-31 Annual facility fee: base $330.00 | $330 |
| 62-278 | Assisted living residences 23-17.4-31 Annual facility per bed $ 70.00 | $70 |
| 62-279 | Nursing assistant registration 23-17.9-3 Application: competency | |
| 62-280 | evaluation training | |
| 62-281 | program maximum $325.00 | $410 |
| 62-282 | Nursing assistant registration 23-17.9-5 Application fee $ 35.00 | $40 |
| 62-283 | Nursing assistant registration 23-17.9-5 Exam fee: skills proficiency $170.00 | $130 |
| 62-284 | Nursing assistant registration 23-17.9-6 Registration fee $ 35.00 | $40 |

| | GCD Note Proposed Fee | Current Fee |
|---|---|---|
| 62-285 | Nursing assistant registration 23-17.9-7 Renewal fee $ 35.00 | $40 |
| 62-286 | Sanitarians 23-19.3-5 (a) Registration fee $ 25.00 | |
| 62-287 | Sanitarians 23-19.3-5 (b) Registration renewal $ 25.00 | |
| 62-288 | Massage therapy 23-20.8-3 (e) Massage therapist appl fee $ 65.00 | $50 |
| 62-289 | Massage therapy 23-20.8-3 (e) Massage therapist renewal | $50 |
| 62-290 | fee $ 65.00 | |
| 62-304 | Respiratory care practitioners 23-39-11 Application fee $ 60.00 | $170 |
| 62-305 | Respiratory care practitioners 23-39-11 Renewal fee $ 60.00[add] | $130 |
| 63-306 | SECTION 50. This article shall take effect upon passage. | |

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Table no position on **H 7323 Article 9 Health Fees**

**Article 14 Relating To Restricted Receipt Accounts** - Section 2 creating a restricted receipt account "Non-governmental funding for early childhood education fund".

SECTION 2. Chapter 16-48 of the General Laws entitled "Education Services to Very Young Children" is hereby amended by adding thereto the following section:

[add]**16-48-9. Non-governmental funding for early childhood education. --** There is hereby established in the department of elementary and secondary education early childhood education program a restricted receipt account referred to as "Early Childhood Grant Program Account." The department of elementary and secondary education shall deposit into this account any funds received from non-governmental sources for the purpose of funding early childhood education programs. All such sums deposited shall be exempt from the indirect cost recovery provisions of section 35-4-27.[add]

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MOTION: To find beneficial **H 7323 Article 14 Relating To Restricted Receipt Accounts - Section 2** Non-governmental funding for early childhood education fund RH/AP passed, SB & KH Nay; PP, HD, & RC Abstained

**Article 24 Relating To Taxation And Revenues**
SECTION 1. 23-17-38.1. Hospitals - Licensing fee. - continues the (5.43%) upon the net patient services revenue of every hospital.

SECTION 1. Section 23-17-38.1 of the General Laws in Chapter 23-17 entitled "Licensing of Health Care Facilities" is hereby amended to read as follows:

**23-17-38.1. Hospitals – Licensing fee. --** [delete]~~(a) There is imposed a hospital licensing fee at the rate of five and four hundred sixty-five thousandths percent (5.465%) upon the net patient services revenue of every hospital for the hospital's first fiscal year ending on or after January 1, 2009. This licensing fee shall be administered and collected by the tax administrator, division of taxation within the department of administration, and all the administration, collection and other provisions of chapters 50 and 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 18, 2011 and payments shall be made by electronic transfer of monies to the general treasurer and deposited to the general fund in accordance with § 44-50-11 [repealed]. Every hospital shall, on or before June 20, 2011, make a return to the tax administrator containing the correct computation of net patient services revenue for the hospital fiscal year ending September 30, 2009, and the licensing fee due upon that amount. All returns shall be signed by the hospital's authorized representative, subject to the pains and penalties of perjury.~~[delete]

~~(b)~~(a) There is [delete]~~also~~[delete] imposed a hospital licensing fee at the rate of five and forty-three hundredths percent (5.43%) upon the net patient services revenue of every hospital for the hospital's first fiscal year ending on or after January 1, 2010. This licensing fee shall be administered and collected by the tax administrator, division of taxation within the department of administration, and all the administration, collection and other provisions of chapters 50 and 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before

1-25 July 16, 2012 and payments shall be made by electronic transfer of monies to the general
1-26 treasurer and deposited to the general fund in accordance with section 44-50-11 [repealed]. Every
1-27 hospital shall, on or before June 18, 2012, make a return to the tax administrator containing the
1-28 correct computation of net patient services revenue for the hospital fiscal year ending September
1-29 30, 2010, and the licensing fee due upon that amount. All returns shall be signed by the hospital's
1-30 authorized representative, subject to the pains and penalties of perjury.
2-1 add(b) There is also imposed a hospital licensing fee at the rate of five and forty-three
2-2 hundredths percent (5.43%) upon the net patient services revenue of every hospital for the
2-3 hospital's first fiscal year ending on or after January 1, 2010. This licensing fee shall be
2-4 administered and collected by the tax administrator, division of taxation within the department of
2-5 revenue, and all the administration, collection and other provisions of 51 of title 44 shall apply.
2-6 Every hospital shall pay the licensing fee to the tax administrator on or before July 15, 2013 and
2-7 payments shall be made by electronic transfer of monies to the general treasurer and deposited to
2-8 the general fund. Every hospital shall, on or before June 17, 2013, make a return to the tax
2-9 administrator containing the correct computation of net patient services revenue for the hospital
2-10 fiscal year ending September 30, 2010, and the licensing fee due upon that amount. All returns
2-11 shall be signed by the hospital's authorized representative, subject to the pains and penalties of
2-12 perjury.add
2-13 (c) For purposes of this section the following words and phrases have the following
2-14 meanings:
2-15 (1) "Hospital" means a person or governmental unit duly licensed in accordance with this
2-16 chapter to establish, maintain, and operate a hospital, except a hospital whose primary service and
2-17 primary bed inventory are psychiatric.
2-18 (2) "Gross patient services revenue" means the gross revenue related to patient care
2-19 services.
2-20 (3) "Net patient services revenue" means the charges related to patient care services less
2-21 (i) charges attributable to charity care, (ii) bad debt expenses, and (iii) contractual allowances.
2-22 (d) The tax administrator shall make and promulgate any rules, regulations, and
2-23 procedures not inconsistent with state law and fiscal procedures that he or she deems necessary
2-24 for the proper administration of this section and to carry out the provisions, policy and purposes
2-25 of this section.
2-26 (e) The licensing fee imposed by this section shall apply to hospitals as defined herein
2-27 which are duly licensed on July 1, 2011, and shall be in addition to the inspection fee imposed by
2-28 § 23-17-38 and to any licensing fees previously imposed in accordance with § 23-17-38.1.

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To take no position on **H 7323 Article 24 Relating To Taxation And Revenues** - Section 1 23-17-38.1. Hospitals - Licensing fee.

SECTION 8. 44-20-12. Tax imposed on cigarettes sold. - increases the tax from one hundred seventy-three (173) to one hundred seventy five (175) and
44-20-13.2. Tax imposed on smokeless tobacco, cigars, and pipe tobacco products. - increases the tax from fifty cents ($.50) to one dollar ($1.00) for each cigar.

37-12 SECTION 8. Sections 44-20-1, 44-20-2, 44-20-3, 44-20-4.1, 44-20-12, 44-20-13, 44-20-
37-13 13.2, 44-20-33, 44-20-39 and 44-20-45 of the General Laws in Chapter 44-20 entitled "Cigarette
37-14 Tax" are hereby amended to read as follows:
40-16 **44-20-12. Tax imposed on cigarettes sold. --** A tax is imposed on all cigarettes sold or
40-17 held for sale in the state. The payment of the tax to be evidenced by stamps, which may be
40-18 affixed only by licensed distributors to the packages containing such cigarettes. Any cigarettes on
40-19 which the proper amount of tax provided for in this chapter has been paid, payment being
40-20 evidenced by the stamp, is not subject to a further tax under this chapter. The tax is at the rate of
40-21 ~~one hundred seventy-three (173)~~delete add one hundred seventy five (175)add mills for each cigarette.
40-22 **44-20-13. Tax imposed on unstamped cigarettes. --** A tax is imposed at the rate of delete~~one~~
40-23 ~~hundred seventy-three (173)~~ delete add one hundred seventy five (175)add mills for each cigarette upon the
40-24 storage or use within this state of any cigarettes not stamped in accordance with the provisions of
40-25 this chapter in the possession of any consumer within this state.

**44-20-13.2. Tax imposed on smokeless tobacco, cigars, and pipe tobacco products. --** (a) A tax is imposed on all smokeless tobacco, cigars, and pipe tobacco products sold or held for sale in the state by any person, the payment of the tax to be accomplished according to a mechanism established by the administrator, division of taxation, department of administration. Any tobacco product on which the proper amount of tax provided for in this chapter has been paid, payment being evidenced by a stamp, is not subject to a further tax under this chapter. The tax imposed by this section shall be as follows:

(1) At the rate of eighty percent (80%) of the wholesale cost of cigars, pipe tobacco products and smokeless tobacco other than snuff.

(2) Notwithstanding the eighty percent (80%) rate in subsection (a) above, in the case of cigars, the tax shall not exceed delete ~~fifty cents ($.50)~~ delete add one dollar ($1.00) delete for each cigar.

(3) At the rate of one dollar ($1.00) per ounce of snuff, and a proportionate tax at the like rate on all fractional parts of an ounce thereof. Such tax shall be computed based on the net weight as listed by the manufacturer, provided, however, that any product listed by the manufacturer as having a net weight of less than 1.2 ounces shall be taxed as if the product has a net weight of 1.2 ounces.

add (b) Any dealer having in his or her possession any tobacco, cigars, and pipe tobacco products with respect to the storage or use of which a tax is imposed by this section shall, within five (5) days after coming into possession of the tobacco, cigars, and pipe tobacco in this state, file a return with the tax administrator in a form prescribed by the tax administrator. The return shall be accompanied by a payment of the amount of the tax shown on the form to be due. Records required under this section shall be preserved on the premises described in the relevant license in such a manner as to ensure permanency and accessibility for inspection at reasonable hours by authorized personnel of the administrator. add

(c) The proceeds collected are paid into the general fund.

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MOTION: To find beneficial H 7323 Article 24 Relating To Taxation And Revenues - Section 8 44-20-12. Tax imposed on cigarettes sold WI/RC passed, KH Nay, Abstained PP

SECTION 13. 44-44-2. Taxation of Beverage Containers, Hard-to-Dispose Material and Litter Control Participation - Definitions" replaces the definition of a “beverage” from “means carbonated soft drinks, soda water, mineral water, bottled water, and beer and other malt beverages.” to “all non alcoholic drinks for human consumption, except milk but including beer and other malt beverages”.

SECTION 13. Section 44-44-2 of the General Laws in Chapter 44-44 entitled "Taxation of Beverage Containers, Hard-to-Dispose Material and Litter Control Participation" is hereby amended to read as follows:

**44-44-2. Definitions. --** As used in this chapter:

(1) "Beverage" delete ~~means carbonated soft drinks, soda water, mineral water, bottled water, and~~ delete add all non alcoholic drinks for human consumption, except milk but including add beer and other malt beverages.

(2) "Beverage container" means any sealable bottle, can, jar, or carton which contains a beverage.

(3) "Beverage retailer" means any person who engages in the sale of a beverage container to a consumer within the state of Rhode Island, including any operator of a vending machine.

(4) "Beverage wholesaler" means any person who engages in the sale of beverage containers to beverage retailers in this state, including any brewer, manufacturer, or bottler who engages in those sales.

(5) "Case" means:

(i) Forty-eight (48) beverage containers sold or offered for sale within this state when each beverage container has a liquid capacity of seven (7) fluid ounces or less;

(ii) Twenty-four (24) beverage containers sold or offered for sale within this state when each beverage container has a liquid capacity in excess of seven (7) fluid ounces but less than or

equal to sixteen and nine tenths (16.9) fluid ounces;

(iii) Twelve (12) beverage containers sold or offered for sale within this state when each beverage container has a liquid capacity in excess of sixteen and nine tenths (16.9) fluid ounces but less than thirty-three and nine tenths (33.9) fluid ounces; and

(iv) Six (6) beverage containers sold or offered for sale within this state when each beverage container has a liquid capacity of thirty-three and nine tenths (33.9) fluid ounces or more.

(6) A permit issued in accordance with § 44-44-3.1(1) is called a Class A permit.

(7) A permit issued in accordance with § 44-44-3.1(2) is called a Class B permit.

(8) A permit issued in accordance with § 44-44-3.1(3) is called a Class C permit.

(9) A permit issued in accordance with § 44-44-3.1(4) is called a Class D permit.

(10) A permit issued in accordance with § 44-44-3.1(5) is called a Class E permit.

(11) "Consumer" means any person who purchases a beverage in a beverage container for use or consumption with no intent to resell that filled beverage container.

(12) "Gross receipts" means those receipts reported for each location to the tax administrator included in the measure of tax imposed under chapter 18 of this title, as amended. For those persons having multiple locations' receipts reported to the tax administrator the "gross receipts" to be aggregated shall be determined by each individual sales tax permit number. The term gross receipts shall be computed without deduction for retail sales of items in activities other than those which this state is prohibited from taxing under the constitution of the United States.

(13) "Hard-to-dispose material" is as defined in § 37-15.1-3.

(14) "Hard-to-dispose material retailer" means any person who engages in the retail sale of hard-to-dispose material (as defined in § 37-15.1-3) in this state.

(15) "Hard-to-dispose material wholesaler" means any person, wherever located, who engages in the sale of hard-to-dispose material (as defined in § 37-15.1-3) to customers for sale in this state (including manufacturers, refiners, and distributors and retailers), and to other persons as defined above.

(16) "New vehicle" means any mode of transportation for which a certificate of title is required pursuant to title 31 and for which a certificate of title has not been previously issued in this state or any other state or country.

(17) "Organic solvent" is as defined in § 37-15.1-3.

(18) "Person" means any natural person, corporation, partnership, joint venture, association, proprietorship, firm, or other business entity.

(19) "Prior calendar year" means the period beginning with January 1 and ending with December 31 immediately preceding the permit application due date.

(20) "Qualifying activities" means selling or offering for retail sale food or beverages for immediate consumption and/or packaged for sale on a take out or to go basis regardless of whether or not the items are subsequently actually eaten on or off the vendor's premises.

(21) "Vending machine" means a self-contained automatic device that dispenses for sale foods, beverages, or confection products.

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MOTION: To take no position on **H 7323 Article 24 Relating To Taxation And Revenues** - Section 13. 44-44-2 Taxation of Beverage Containers, Hard-to-Dispose Material and Litter Control Participation - Definitions

**New Transportation Related Bills**

The RI Division of Motor Vehicles has asked the Commission if it has positions on this bill:
12 H 7200 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES AND PRIVILEGES by Rep. Costa
This act would clarify the use of parking placards by persons or agencies serving persons with disabilities. The act amends RIGL 31-28-7.1 to allow visiting nurse associations or agencies employing nurses and therapists who are visiting individuals with disabilities to use a disability parking placard. It also amends the text so it reads that a valid holder of a placard shall be exempt from any parking fees or fines.

This act would take effect upon passage.

SECTION 1. Section 31-28-7.1 of the General Laws in Chapter 31-28 entitled "Parking Facilities and Privileges" is hereby amended to read as follows:

**31-28-7.1. Motor vehicle placards for group care facilities, government agencies, nonprofit organizations, or companies serving people with disabilities. --** (a) Upon application to the division of motor vehicles, any group care facility, government agency, non-profit organizations, or company that provides services to persons with disabilities add, including without limitation visiting nurse associations or agencies employing nurses and therapists, add shall be issued one or more portable motor vehicle placards as described in section 31-28-7(a) and (b).

(b) The applicant shall provide to the division of motor vehicles proof that the applicant is a bona fide group care facility, government agency, non-profit organization or company providing services to persons with disabilities as defined in section 31-28-7(h).

(c) The division of motor vehicles shall not issue more than ten (10) placards to any one facility. The number of placards to be issued shall be determined by the division of motor vehicles based upon the number of persons served by the facility and the frequency with which the staff of the facility must transport the clients or patients of the facility.

(d) The placards shall be used only by agents or employees of the facility and only when transporting add or visiting add persons with disabilities who are clients or patients of the facility. The placard is to be hung from the rear view mirror so as to be seen through the front and rear windshield of the motor vehicle add, and when so displayed shall exempt the driver from any parking fees or fines of whatever sort or description add.

(e) A person other than an agent or employee of the facility to which the placard was issued, or an agent or employee of the facility not engaged in transporting or visiting clients or patients of the facility, who uses the parking privilege placards for his or her own purposes, shall be fined one hundred and twenty-five dollars ($125) for each violation. A facility that allows the unauthorized use of the placards may be subject to revocation of the use of the placard by the division of motor vehicles.

SECTION 2. This act shall take effect upon passage.

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Potential MOTION: To find harmful **12 H 7200 An Act Relating To Motor And Other Vehicles -- Parking Facilities And Privileges** AP/RH passed, PP abstained

12 H 7415 AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- PARKING FACILITIES PRIVILEGES by Rep. Malik

This act would allow the Division of Motor Vehicles to create a 21-day temporary parking permit for a person with a disability who is waiting to receive a license plate or placard. The DMV could appoint a physicians, physician assistants, nurse practitioners and registered nurse to issue such permits.

This act shall take effect upon passage.

SECTION 1. Section 31-28-7 of the General Laws in Chapter 31-28 entitled "Parking Facilities and Privileges" is hereby amended to read as follows:

**31-28-7. Motor vehicle plates for persons with disabilities -- Entitlement -- Designated parking spaces -- Violations. --** (a) Persons, as defined in subsection (h) of this section, upon application and proof of permanent or long-term disability to the division of motor vehicles, shall be issued one motor vehicle disability parking privilege placard or in the case of a motorcycle, one motor vehicle sticker, of blue which shall be imprinted with the white international symbol of access, certificate number, the words "Rhode Island Disability Parking Permit" and shall bear the expiration date upon its face. A placard or motorcycle sticker issued to a person whose disability is temporary shall be substantially similar to that issued to a person with a permanent or long term disability. The temporary placard, however, shall be a red placard with a white international symbol of access, certificate number, the words "Rhode Island Disability Parking Permit" and shall bear the expiration dates upon its face. Persons issued a placard or motorcycle sticker pursuant to this section shall be entitled to the immunities of sections 31-28-4

and 31-28-6. The placard shall conform to the Uniform Parking System for Disabled Drivers standard issued by the United States Department of Transportation. If an application for a placard or motorcycle sticker is denied, the division of motor vehicles shall promptly notify the applicant in writing, stating the specific reason(s) for the denial, and advising the applicant of the procedures for requesting a hearing to appeal the denial. Prior to the appeal hearing, the applicant shall be provided with any and all documents relied upon by the division in denying the application. If an application contains a physician certification that the applicant is sufficiently disabled to require a placard or motorcycle sticker, and the division has not provided specific reasons in its denial letter to the applicant, the hearing officer shall summarily order that a placard or motorcycle sticker be provided to the applicant. At all other hearings of application denials where a physician certification has been provided, the division shall bear the burden of proof that the individual is not entitled to a placard or motorcycle sticker pursuant to this chapter.

(b) A placard issued pursuant to this section shall be portable and used only when the person is being transported. The placard is to be hung from the rear view mirror so as to be seen through the front or rear windshield of the motor vehicle. A placard may be issued to a person with a disability who does not own a motor vehicle, to be used only when he or she is being transported. A motorcycle sticker issued pursuant to this section shall not be portable and shall be affixed to the rear plate of the motorcycle.

(c) (1) The certificate of entitlement to the placard or motorcycle sticker shall be renewed every three (3) years for individuals with a long-term disability, as defined in subsection (d) of this section, and the renewal application shall require a physician's certification that the condition has not changed since the previous approval, and three (3) years for individuals with a permanent disability as defined in subsection (h) of this section, in accordance with a schedule prepared by the division of motor vehicles that uses the last name of an individual to determine the month of renewal. If an application or subsequent renewal is accompanied by a physician's certification that the applicant's condition is a chronic, permanent impairment and that application is approved, then any subsequent renewal shall be authorized upon receipt of a notarized affidavit from the applicant or applicant's, guardian or legal representative or a certificate from the applicant's physician that his or her condition has not changed since the previous approval.

(2) The certificate of entitlement to the placard or motorcycle sticker shall be covered with plastic or similar material. The applicant shall, upon timely renewal, receive a sticker bearing the expiration date of the certificate of entitlement to be affixed across the expiration date of the disability parking privilege placard or in the case of a motorcycle the applicant shall receive a new motorcycle sticker. The division of motor vehicles shall establish rules and regulations allowing for the renewal of the certificates of entitlement by mail.

(3) Whenever the division of motor vehicles proposes to suspend, revoke or fail to renew the certificate of entitlement for noncompliance with the requirements of this section or for violation of subsection (h) of this section, the individual shall first be entitled to a hearing before the division of motor vehicles to contest the proposed action. At the hearing, the division of motor vehicles shall bear the burden of proof that the individual is not entitled to the placard or motorcycle sticker pursuant to this chapter. There shall be no renewal fee charged for the placards or motorcycle sticker. **The division of motor vehicles shall be authorized to issue a temporary disability parking privilege placard or motorcycle sticker immediately upon receipt of an application for individuals with a temporary impairment,** as defined in subsection (h) of this section. A temporary placard or motorcycle sticker shall be valid for sixty (60) days from the date of issuance. Temporary placards or motorcycle stickers may be renewed for a period of one year or less, as determined by the medical advisory board upon application if the disability persists. The division of motor vehicles shall subsequently review the applications in accordance with the procedures currently in effect as to applications from persons whose disability is long term. Any issuance which, after subsequent review, shall be found to be inappropriate shall be revoked and notice of the revocation shall be sent to the applicant.

(d) A person, other than a person with a disability, who for his or her own purposes uses the parking privilege placard, shall be fined five hundred dollars ($500) for each violation. A person issued a special placard who uses the placard after expiration, or who shall allow unauthorized use of the disability parking placard or sticker, may be subject to immediate

revocation of the use of the placard by the division of motor vehicles, and subject to a fine of five hundred dollars ($500).

(e) Disability parking spaces shall be designated and identified by the posting of signs above ground level incorporating the international symbol of access of white on blue, and the words "Handicapped Parking", "Disability Parking," "Disabled Parking," or "Reserved Parking" at each space, at both ends of a row or series of adjacent disability parking spaces, or at the entrance to a parking lot restricted to only disability parking.

(f) A person, other than a person issued a special placard or motorcycle sticker pursuant to this section, who parks a vehicle in a parking space designated for persons with disabilities, shall be fined: (1) one hundred dollars ($100) for a first violation, (2) one hundred seventy-five dollars ($175) for a second violation, and (3) three hundred twenty-five dollars ($325) for a third or subsequent violation. The vehicle may be subject to towing at the owner's expense. Provided further, that it shall not be unlawful for a person to park a vehicle in a space designated for person with disabilities if that person is transporting a person who has been issued a special placard and is properly displaying the placard on the vehicle.

(g) Enforcement of the parking provisions of this section shall be enforced by the local or state authorities on public or private property when the location of the parking spaces is within the purview of the State Building Code, chapter 27.3 of title 23.

(h) Definitions. - For the purpose of this section:

(1) "Disabled" or "disability" means a permanent or long-term impairment which prevents or impedes walking, which shall include but not be limited to: (i) an impairment which prevents walking and requires use of a wheelchair; (ii) an impairment which involuntarily causes difficulty or insecurity in walking or climbing stairs with or without the need to use braces, crutches, canes or artificial support; (iii) an impairment caused by amputation, arthritis, blindness (including legally blind), or orthopedic condition; (iv) an impairment in respiratory, circulatory, or neurological health which limits the person's walking capability; or (v) disabled veteran, pursuant to section 31-6-8 after certification of eligibility from the Veterans' Administration or other satisfactory documentation of eligibility is presented. Persons with disabilities may be capable of working or may be presently working.

(2) "Long-term disability" means an impairment which is potentially reversible or may improve with appropriate medical treatment. At the time of application and or renewal, the impairment should not be expected to improve prior to the expiration of the certification, to a point where the individual does not meet the provisions of subdivision (1) of this subsection.

(3) "Permanent disability" means an impairment which is non-reversible.

(4) "Temporary impairment" means an impairment which is expected to improve to a point where the individual does not meet the provisions of subdivision (1) of this subsection, within two (2) years of the application.

(i) The department of revenue shall inform each licensed driver of the certificate procedures and parking restrictions of this section and sections 31-28-4 and 31-28-6, and a facsimile of the portable placards and motorcycle stickers issued under this section shall be sent to the enforcing authority of each state, and each enforcing authority shall be informed of the parking restrictions of this section and sections 31-28-4 and 31-28-6. Recipients of disability parking privilege placards shall also receive instructions on their use and the penalties for misuse, when the placard is initially issued.

(j) Any person who makes, manufactures, offers for sale or knowingly uses a counterfeit parking privilege placard shall be fined up to five hundred dollars ($500) and/or forty (40) hours of community restitution.

add(k) The department of motor vehicles shall create a twenty-one (21) day parking permit for a person with a disability to be used while a person is waiting to receive a disability registration plate or placard and may appoint a licensed physician, physician assistant, nurse practitioner or registered nurse as an agent authorized solely to issue such a permit.add

SECTION 2. This act shall take effect upon passage.

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## To take no position on 12 H 7415 An Act Relating To Motor And Other Vehicles -- Parking Facilities Privileges

12 H 7352 & 12 S 2131 ACTS RELATING TO HIGHWAYS by Rep. Martin & Sen, DiPalma

These acts would require the department of transportation to use complete street design principles to accommodate the mobility needs of all users and would require the department of transportation to publish a report showing how the agency has complied with the requirements. It also would require the DOT to consult with public transit operators, representatives from disability rights groups, aging groups, pedestrian and cyclist advocates, in addition to state agencies, towns/cities, planning organizations and developers, during the project development process.

This act would take effect upon passage.

SECTION 1. Title 24 of the General Laws entitled "HIGHWAYS" is hereby amended by adding thereto the following chapter:

add **CHAPTER 16**

**SAFE ACCESS TO PUBLIC ROADS**

**24-16-1. Legislative findings. –** It is hereby found and declared as follows:

(1) To achieve a cleaner, greener transportation system the transportation plans of Rhode Island should consider the needs of all users of our roadways including pedestrians, bicyclists, public transportation riders, motorists and citizens of all ages and abilities, including children, the elderly and the disabled. By encouraging good planning, more citizens will achieve the health benefits associated with active forms of transportation while traffic congestion and automobile related air pollution will be reduced. Therefore, it shall be the policy of the state to consider people of all ages and abilities and all appropriate forms of transportation when planning roadway projects.

(2) For all state and local transportation projects that are eligible for both federal and state funding and are subject to department of transportation oversight, Rhode Island must provide for the consideration of safe travel by all users of the road network, including motorists, pedestrians, bicyclists, and public transportation users, regardless of age or ability, through the use of complete street design features for safe travel in the planning, design, and construction of new or reconstructed facilities, but not including, resurfacing, or other maintenance – level projects.

**24-16-2. Complete street design. –** (a) When the state of Rhode Island constructs or modifies roads and highways, the relevant department must consider complete street design features that facilitate safe travel by all users that expands upon currently accepted state and federal design requirements to accommodate all users, including current and projected users, particularly pedestrians, bicyclists and individuals of all ages and mobility capabilities. These features of complete street design shall include, but not be limited to, sidewalks, paved shoulders suitable for use by bicyclists, lane striping, bicycle lanes, share the road signage, “road diets,” roundabouts, crosswalks, pedestrian control signalization, bus pull outs, curb cuts, raised crosswalks and ramps and traffic calming measures.

(b) Exceptions to subsection (a) of this section shall be permissible only after the agency with jurisdiction over the project, fully demonstrates with supporting documentation which shall be available to the public, that one of the following exists:

(1) Use by bicyclists and pedestrians is prohibited by law, such as within interstate highway corridors; or

(2) The cost would be disproportionate to the need as determined by factors including, but not limited to, the following: (i) Land use context; (ii) Current and projected traffic volumes including non-motorized traffic; and (iii) population density; or

(3) Demonstrated lack of need as determined by factors, including, but not limited to: (i) Land use; (ii) Current and projected traffic volumes including non-motorized traffic; and (iii) population density.

**24-16-3. Reports. –** (a) No later than two (2) years after the effective date of this chapter, the department of transportation shall publish a report showing how the department of

transportation has complied with this section of highway law and changed their procedures to institutionalize complete streets design features into planning, project scoping, design and implementation of highway and road projects. The report shall include, but not be limited to, a discussion of the review of and revisions to various guidance documents regarding lane width, design speed, average daily traffic thresholds, level of service and roadway classification. The report shall also show any best practices that the transportation agency utilized in complying with section 24-16-2 of the highway law.

(b) In establishing such best practices, consideration shall be given to the procedures for identifying the needs of the mix of users, including primary and secondary users and the identification of barriers, and summary of the documentation required by subsection 24-16-2(b) of the highway law regarding why the transportation agency could not comply with subsection (a).

**24-16-4. Department of transportation consultation. –** (a) In the project development process the department of transportation shall consult with transportation, land-use and environmental officials, including representatives from:

(1) Cities and towns;

(2) Metropolitan planning organizations;

(3) Public transit operators;

(4) Relevant state agencies; and

(5) Other relevant stakeholders, including, but not limited to, representatives from disability rights groups, aging groups, bicycle and pedestrian advocates, and developers. add

SECTION 2. This act shall take effect upon passage.

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MOTION: To find beneficial if amending, to specifically include the Governor's Commission on Disabilities in section 24-16-4, **12 H 7352 & 12 S 2131 Acts Relating To Highways AP/KH passed unanimously**

H 7420 JOINT RESOLUTION RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2012 by Rep. Gordon

The Joint Resolution would appropriate $1,500,000 for the purpose of restoring any reduction made in said act to the budget of Rhode Island public transit authority (RIPTA).

RESOLVED, Notwithstanding the provisions of chapter 151 of the public laws of 2011, to the contrary, there is hereby appropriated from the general fund of the state, out of any money in the treasury not otherwise appropriated for the fiscal year, the sum of $1,500,000 for the purpose of restoring any reduction made in said act to the budget of Rhode Island public transit authority (RIPTA), and the state controller is hereby authorized and directed to draw his orders upon the general treasurer for the payment of said sum, or so much thereof as may be from time to time required, upon receipt by him of properly authenticated vouchers.

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MOTION: To find beneficial **12 H 7420 Joint Resolution Relating To Making Appropriations For The Support Of The State For The Fiscal Year Ending June 30, 2012 RH/KH passed WI abstained**

**New Health Insurance Bill**

12 H 7327 AN ACT RELATING TO INSURANCE-ACCIDENT AND SICKNESS INSURANCE POLICIES by Rep. Corvese

This act would prohibit any insurance contract, policy, plan or other entity that provides prescription drug coverage from requiring the insured to use any alternate brand name or over-the-counter drug, before allowing them to use a brand name prescription as written by a prescriber. They may however, require the use of a therapeutically equivalent drug, unless the prescriber indicates "brand name necessary" on the prescription form, or gives oral directions of that effect to the dispensing pharmacist.

SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness Insurance Policies" is hereby amended by adding thereto the following section:

add**27-18-71. Coverage for prescription drugs. –** (a) Every individual or group health insurance contract, or every individual or group hospital or medical expense insurance policy, plan, or group policy issued for delivery, or renewed in this state on or after the passage of this act that provides coverage for prescription drugs shall not require an insured to use, prior to using a brand name prescription drug prescribed by a licensed prescriber, any alternative brand name prescription drug or over-the-counter drugs.

(b) Health insurance contracts, plans or policies to which this section applies may require an insured to use, prior to using a brand name prescription drug prescribed by a licensed prescriber, a therapeutically equivalent generic drug, unless, pursuant to sections 5-19.1-19, 5-37-18.1 and 21-31-15(b), the prescriber indicates "brand name necessary" on the prescription form, or if the prescriber gives oral directions to that effect to the dispensing pharmacist.add

SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service Corporations" is hereby amended by adding thereto the following section:

add**27-19-62. Coverage for prescription drugs. –** (a) Every individual or group health insurance contract, or every individual or group hospital or medical expense insurance policy, plan, or group policy issued for delivery, or renewed in this state on or after the passage of this act that provides coverage for prescription drugs shall not require an insured to use, prior to using a brand name prescription drug prescribed by a licensed prescriber, any alternative brand name prescription drug or over-the-counter drugs.

(b) Health insurance contracts, plans or policies to which this section applies may require an insured to use, prior to using a brand name prescription drug prescribed by a licensed prescriber, a therapeutically equivalent generic drug, unless, pursuant to sections 5-19.1-19, 5-37-18.1 and 21-31-15(b), the prescriber indicates "brand name necessary" on the prescription form, or if the prescriber gives oral directions to that effect to the dispensing pharmacist.add

SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service Corporations" is hereby amended by adding thereto the following section:

add**27-20-57. Coverage for prescription drugs. --** (a) Every individual or group health insurance contract, or every individual or group hospital or medical expense insurance policy, plan, or group policy issued for delivery, or renewed in this state on or after the passage of this act that provides coverage for prescription drugs shall not require an insured to use, prior to using a brand name prescription drug prescribed by a licensed prescriber, any alternative brand name prescription drug or over-the-counter drugs.

(b) Health insurance contracts, plans or policies to which this section applies may require an insured to use, prior to using a brand name prescription drug prescribed by a licensed prescriber, a therapeutically equivalent generic drug, unless, pursuant to sections 5-19.1-19, 5-37-18.1 and 21-31-15(b), the prescriber indicates "brand name necessary" on the prescription form, or if the prescriber gives oral directions to that effect to the dispensing pharmacist.add

SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance Organizations" is hereby amended by adding thereto the following section:

add**27-41-75. Coverage for prescription drugs. --** (a) Every individual or group health insurance contract, or every individual or group hospital or medical expense insurance policy, plan, or group policy issued for delivery, or renewed in this state on or after the passage of this act that provides coverage for prescription drugs shall not require an insured to use, prior to using a brand name prescription drug prescribed by a licensed prescriber, any alternative brand name prescription drug or over-the-counter drugs.

(b) Health insurance contracts, plans or policies to which this section applies may require an insured to use, prior to using a brand name prescription drug prescribed by a licensed prescriber, a therapeutically equivalent generic drug, unless, pursuant to sections 5-19.1-19, 5-37-18.1 and 21-31-15(b), the prescriber indicates "brand name necessary" on the prescription form, or if the prescriber gives oral directions to that effect to the dispensing pharmacist.add

SECTION 5. This act shall take effect upon passage.

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MOTION: To find beneficial **H 7327 An Act Relating To Insurance-Accident And Sickness Insurance Policies AP/KH passed unanimously**

**New Civil Rights Bills**

12 H 7445, S 2321, & S 2327 ACTS RELATING TO HUMAN SERVICES - EQUAL RIGHTS OF BLIND AND DEAF PERSONS TO PUBLIC FACILITIES by Rep. Handy, Sen. Gallo & Sen, Walaska

These acts would require a place of public accommodation upon request, to keep closed-captioning activated on a television used in public areas during regular hours, if the television is capable of such display.

These acts would take effect upon passage.

1-1 SECTION 1. Section 40-9.1-1.1 of the General Laws in Chapter 40-9.1 entitled "Equal
1-2 Rights of Blind and Deaf Persons to Public Facilities" is hereby amended to read as follows:
1-3 **40-9.1-1.1. Definitions. --** (a) "Guide dog" means a dog that has been or is being
1-4 specially trained to aid a particular blind or visually impaired person.
1-5 (b) "Hearing dog" means a dog that has been or is being specially trained to aid a
1-6 particular deaf or hard-of-hearing person.
1-7 (c) "Housing accommodations" means any real property or portion thereof that is used or
1-8 occupied, or intended, arranged or designed to be used or occupied, as the home, residence or
1-9 sleeping place of one or more human beings, but does not include any single-family residence the
1-10 occupants of which rent, lease or furnish for compensation to more than one room therein.
1-11 (d) "Personal assistance animal" means a dog that has been or is being trained as a guide
1-12 dog, hearing dog or service dog.
1-13 (e) "Service dog" means a dog that has been or is being specially trained to aid a
1-14 particular disabled person with a disability other than sight or hearing.
1-15 (f) "Disabled" means a disability as defined in section 42-87-1.
1-16 add (g) "Closed-captioning" means a transcript or dialog of the audio portion of a television
1-17 program that is displayed on a television receiver screen when the user activates the feature.
1-18 (h) "Public area" means a part of a place of public accommodation that is open to the
1-19 general public.
2-1 (i) "Regular hours" means the hours of any day in which a place of public
2-2 accommodation is open to members of the general public. add
2-3 SECTION 2. Chapter 40-9.1 of the General Laws entitled "Equal Rights of Blind and
2-4 Deaf Persons to Public Facilities" is hereby amended by adding thereto the following section:
2-5 add **40-9.1-6. Closed-captioning activation required. –** (a) On request, a place of public
2-6 accommodation shall keep closed-captioning activated on any closed-captioning television
2-7 receiver that is in use during regular hours in any public area.
2-8 (b) This section does not require a place of public accommodation to make closed-
2-9 captioning available in a public area at the place of public accommodation if:
2-10 (1) No television receiver of any kind is available in the public area; or
2-11 (2) The only public television receiver available in the public area is not a closed-
2-12 captioning television receiver. add
2-13 SECTION 3. This act shall take effect upon passage.

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MOTION: To find beneficial **H 7445, S 2321, & S 2327 An Act Relating To Human Services - Equal Rights Of Blind And Deaf Persons To Public Facilities** WI/SB passed Abstained SB, RI, AP, LW

H 7446 AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC UTILITIES COMMISSION by Rep. Naughton

The act would establish the emergency communication and public telecommunication access

fund to create an emergency communication program for the deaf and hard-of-hearing.

SECTION 1. Section 39-1-42 of the General Laws in Chapter 39-1 entitled "Public Utilities Commission" is hereby amended to read as follows:

**39-1-42. Access to telephone information services for persons with disabilities. --** (a) The public utilities commission shall establish, administer and promote an information accessibility service that includes:

(1) A statewide telephone relay service and, through the competitive bidding process, contract for the administration and operation of such a relay system for utilization of the telecommunications network by deaf, hard of hearing and speech impaired persons;

(2) The adaptive telephone equipment loan program capable of servicing the needs of persons who are deaf, hard of hearing, severely speech impaired, or those with neuromuscular impairments for use with a single party telephone line, to any subscriber who is certified as deaf, hard of hearing, severely speech impaired, or with neuromuscular impairments by a licensed physician, audiologist, speech pathologist, or a qualified state agency, pursuant to chapter 23 of this title; and

(3) A telephone access to the text of newspaper programs to residents who are blind, deaf or blind, visually impaired, or reading impaired with a single party telephone line.

(b) The commission shall establish, by rule or regulation, an appropriate funding mechanism to recover the costs of providing this service from each residence and business telephone access line or trunk in the state, including PBX trunks and centrex equivalent trunks and each service line or trunk, and upon each user interface number or extension number or similarly identifiable line, trunk, or path to or from a digital network. Notwithstanding the foregoing, there shall not be any additional funding mechanism used to charge each residence and business telephone access line or truck in the state, including PBX trunks and centrex equivalent trunks and each service line or trunk, or upon each user interface number or extension number or similarly identifiable line, trunk or path to or from a digital network, to recover the costs of providing the services outlined in subsections (a)(1), (2) or (3) above.

(c) The commission, with the assistance of the state commission on the deaf and hard of hearing, shall also develop the appropriate rules, regulations and service standards necessary to implement the provisions of subsection (a)(1) of this section. At a minimum, however, the commission shall require, under the terms of the contract, that the relay service provider:

(1) Offer its relay services seven (7) days a week, twenty-four (24) hours a day, including holidays;

(2) Hire only qualified salaried operators with deaf language skills; and

(3) Maintain the confidentiality of all communications.

(d) [Deleted by P.L. 2004, ch. 504, section 3.]

(e) The commission shall collect from the telecommunications service providers the amounts of the surcharge collected from their subscribers and remit to the department of human services an additional ten thousand dollars ($10,000) annually commencing in fiscal year 2005 for the adaptive telephone equipment loan program, ~~and~~ forty thousand dollars ($40,000) to the department of human services for the establishment of a new telephone access to the text of newspaper programs [add], and eighty thousand dollars ($80,000) to the Rhode Island Commission on the Deaf and Hard-of-Hearing annually for emergency communication, and public telecommunication access accommodations within the state, pursuant to section 23-1.8-4[add]. The surcharge referenced hereunder shall be generated from existing funding mechanisms and shall not be generated as a result of any new funding mechanisms charged to each residence and business telephone access line or trunk in the state, including PBX trunks and centrex equivalent trunks and each service line or trunk, or upon each user interface number or extension number or similarly identifiable line, trunk or path to or from a digital network.

SECTION 2. Chapter 23-1.8 of the General Laws entitled "Commission on the Deaf and Hard-of-Hearing" is hereby amended by adding thereto the following section:

[add]**23-1.8-4. Emergency communication and public telecommunication access fund. --** (a) There is established the emergency communication and public telecommunication access fund ("ECPTA fund"), which shall be utilized to create emergency communication and

public telecommunication access accommodations for deaf and hard-of-hearing people, pursuant to subsection 39-1-42(e).

(b) The fund shall help to enhance the emergency communication system to alert deaf and hard-of-hearing people to any type of emergencies in the state. The commission shall be required to collaborate with the department of public safety for procedures and enhancements of the emergency communication system as well as other agencies if needed to achieve emergency communication.

(c) The fund shall purchase and install public telecommunication access equipment and products at public sites for the deaf and hard-of-hearing citizens.

(d) The commission is authorized to establish, administer and promote its emergency communication and public communication access program.

(e) The commission is authorized to make purchases specifically for the (ECPTA) program and empowered to receive donations and grants from sources including, but not limited to, the federal government, governmental and private foundations, and corporate and individual donors; these donations and grants to be deposited in the (ECPTA fund).[add]

SECTION 3. This act shall take effect upon passage.

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MOTION: To find beneficial if amended, to include cellular phones, **H 7446 An Act Relating To Public Utilities And Carriers - Public Utilities Commission** RC/AP passed unanimously

12 S 2338 AN ACT RELATING TO PROPERTY -- RHODE ISLAND FAIR HOUSING PRACTICES ACT

This act would protect persons who are recipients of government assistance against discrimination under the Rhode Island Fair Housing Practices Act.

This act would take effect upon passage.

SECTION 1. Chapter 34-37 of the General Laws entitled "Rhode Island Fair Housing Practices Act" is hereby amended by adding thereto the following sections:

[add]**34-37-2.5. Right to equal housing opportunities -- Government assistance recipient status. –** Whenever in this chapter there shall appear the words "marital status" there shall be inserted immediately thereafter the words "government assistance recipient status."

**34-37-2.6. Discrimination based on government assistance recipient status -- Exemption. –** Nothing in this title shall prohibit an owner of a housing accommodation from refusing to rent to a person based on his or her government assistance recipient status if the housing accommodation is three (3) units or less, one of which is occupied by the owner.[add]

SECTION 2. Sections 34-37-1, 34-37-2, 34-37-3, 34-37-4, 34-37-4.3, 34-37-5.2, 34-37-5.3 and 34-37-5.4 of the General Laws in Chapter 34-37 entitled "Rhode Island Fair Housing Practices Act" are hereby amended to read as follows:

**34-37-1. Finding and declaration of policy. --** (a) In the State of Rhode Island and Providence Plantations, hereinafter referred to as the state, many people are denied equal opportunity in obtaining housing accommodations and are forced to live in circumscribed areas because of discriminatory housing practices based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, [add]government assistance recipient status,[add] country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. These practices tend unjustly to condemn large groups of inhabitants to dwell in segregated districts or under depressed living conditions in crowded, unsanitary, substandard, and unhealthful accommodations. These conditions breed intergroup tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard; endanger the public health; jeopardize the public safety, general welfare and good order of the entire state; and impose substantial burdens on the public revenues for the abatement and relief of conditions so created. These discriminatory and segregative housing practices are inimical to and subvert the basic principles upon which the

colony of Rhode Island and Providence Plantations was founded and upon which the state and the United States were later established. Discrimination and segregation in housing tend to result in segregation in our public schools and other public facilities, which is contrary to the policy of the state and the constitution of the United States. Further, discrimination and segregation in housing adversely affect urban renewal programs and the growth, progress, and prosperity of the state. In order to aid in the correction of these evils, it is necessary to safeguard the right of all individuals to equal opportunity in obtaining housing accommodations free of discrimination.

(b) It is hereby declared to be the policy of the state to assure to all individuals regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, [add]government assistance recipient status,[add] country of ancestral origin, or disability, age, familial status, or those tenants or applicants, or members of a household, who are, or have been, or are threatened with being, the victims of domestic abuse, or those tenants or applicants who have obtained, or sought, or are seeking, relief from any court in the form of a restraining order for protection from domestic abuse, equal opportunity to live in decent, safe, sanitary, and healthful accommodations anywhere within the state in order that the peace, health, safety, and general welfare of all the inhabitants of the state may be protected and insured.

(c) The practice of discrimination in rental housing based on the potential or actual tenancy of a person with a minor child, or on the basis that a tenant or applicant, or a member of the household, is or has been or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse is declared to be against public policy.

(d) This chapter shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health, and peace of the people of the state.

(e) Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with section 34-18-24(7).

**34-37-2. Right to equal housing opportunities -- Civil rights. --** The right of all individuals in the state to equal housing opportunities and regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, [add]government assistance recipient[add] status, [add] country of ancestral origin, disability, age, familial status, or regardless of the fact that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, is hereby recognized as, and declared to be, a civil right. Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with section 34-18-24(7).

**34-37-3. Definitions. --** When used in this chapter:

(1) "Age" means anyone over the age of eighteen (18).

(2) "Commission" means the Rhode Island commission for human rights created by section 28-5-8.

(3) "Disability" means a disability as defined in section 42-87-1. Provided further that the term "disability" does not include current, illegal use of or addiction to a controlled substance, as defined in 21 U.S.C. section 802.

(4) "Discriminate" includes segregate, separate, or otherwise differentiate between or among individuals because of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, [add]government assistance recipient status,[add] country of ancestral origin, disability, age, or familial status or because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, [add]government assistance recipient status,[add] country of ancestral origin, disability, age or familial status of any person with whom they are or may wish to be associated.

(5) The term "domestic abuse" for the purposes of this chapter shall have the same meaning as that set forth in section 15-15-1, and include all forms of domestic violence as set forth in section 12-29-2, except that the domestic abuse need not involve a minor or parties with minor children.

(6) "Familial status" means one or more individuals who have not attained the age of eighteen (18) years being domiciled with:

(A) A parent or another person having legal custody of the individual or individuals; or

(B) The designee of the parent or other person having the custody, with the written permission of the parent or other person provided that if the individual is not a relative or legal dependent of the designee, that the individual shall have been domiciled with the designee for at least six (6) months.

(ii) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(7) The terms, as used regarding persons with disabilities, "auxiliary aids and services," "reasonable accommodation," and "reasonable modifications" have the same meaning as those terms are defined in section 42-87-1.1.

(8) The term "gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self image, gender-related appearance, or gender-related expression; whether or not that gender identity, gender-related self image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

(9) "Housing accommodation" includes any building or structure or portion of any building or structure, or any parcel of land, developed or undeveloped, which is occupied or is intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or residence of one or more persons.

(10) "Otherwise qualified" includes any person with a disability who with respect to the rental of property, personally or with assistance arranged by the person with a disability, is capable of performing all the responsibilities of a tenant as contained in section 34-18-24.

(11) "Owner" includes any person having the right to sell, rent, lease, or manage a housing accommodation.

(12) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers, legal representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons as defined in chapter 20.5 of title 5.

(13) "Senior citizen" means a person sixty-two (62) years of age or older.

(14) The term "sexual orientation" means having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the criminal laws of this state nor impose any duty on a religious organization. This definition does not confer legislative approval of said status, but is intended to assure the basic human rights of persons to hold and convey property and to give and obtain credit, regardless of such status.

(15) The term "victim" means a family or household member and all other persons contained within the definition of those terms as defined in section 12-29-2.

add(16) The term “government assistance recipient status” means being the recipient of federal, state or local public assistance, including medical assistance, or the recipient of federal, state or local housing subsidies, including section 8, and other rental assistance or rental supplements, or who is subject to the requirements of any public assistance, rental assistance or housing subsidy program.add

**34-37-4. Unlawful housing practices. --** (a) No owner having the right to sell, rent, lease, or manage a housing accommodation as defined in section 34-37-3(11), or an agent of any of these shall, directly or indirectly, make or cause to be made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, addgovernment assistance recipient status,add country of ancestral origin or disability, age, familial status nor make any written or oral inquiry concerning whether a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, occupant, or tenant of the housing accommodation; or shall, directly or indirectly, refuse to sell, rent, lease, let, or otherwise deny to or withhold from any individual the housing accommodation because of the race, color, religion, sex, sexual orientation, gender identity or

5-51 expression, marital status, [add]government assistance recipient status,[add] country of ancestral origin,
5-52 disability, age, or familial status of the individual or the race, color, religion, sex, sexual
5-53 orientation, gender identity or expression, marital status, [add]government assistance recipient status,[add]
5-54 country of ancestral origin or disability, age, or familial status of any person with whom the
5-55 individual is or may wish to be associated; or shall, or on the basis that a tenant or applicant, or a
5-56 member of the household, is or has been, or is threatened with being, the victim of domestic
5-57 abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court
5-58 in the form of a restraining order for protection from domestic abuse. Nor shall an owner having
5-59 the right to sell, rent, lease, or manage a housing accommodation as defined in section 34-37-
5-60 3(11), or an agent of any of these, directly or indirectly, issue any advertisement relating to the
5-61 sale, rental, or lease of the housing accommodation which indicates any preference, limitation,
5-62 specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender
5-63 identity or expression, marital status, [add]government assistance recipient status,[add] country of ancestral
5-64 origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the
5-65 household, is or has been, or is threatened with being, the victim of domestic abuse, or that the
5-66 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
5-67 restraining order for protection from domestic abuse, or shall, directly or indirectly, discriminate
5-68 against any individual because of his or her race, color, religion, sex, sexual orientation, gender
6-1 identity or expression, marital status, [add]government assistance recipient status,[add] country of ancestral
6-2 origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the
6-3 household, is or has been, or is threatened with being, the victim of domestic abuse, or that the
6-4 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
6-5 restraining order for protection from domestic abuse, in the terms, conditions, or privileges of the
6-6 sale, rental, or lease of any housing accommodation or in the furnishing of facilities or services in
6-7 connection with it. Nothing in this subsection shall be construed to prohibit any oral or written
6-8 inquiry as to whether the prospective purchaser or tenant is over the age of eighteen (18).
6-9 (b) No person to whom application is made for a loan or other form of financial
6-10 assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing
6-11 accommodation, whether secured or unsecured shall directly or indirectly make or cause to be
6-12 made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation,
6-13 gender identity or expression, marital status, [add]government assistance recipient status,[add] country of
6-14 ancestral origin, disability, age, familial status, or any express written or oral inquiry into whether
6-15 a tenant or applicant, or a member of the household, is or has been, or is threatened with being,
6-16 the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is
6-17 seeking, relief from any court in the form of a restraining order for protection from domestic
6-18 abuse, of any individual seeking the financial assistance, or of existing or prospective occupants
6-19 or tenants of the housing accommodation; nor shall any person to whom the application is made
6-20 in the manner provided, directly or indirectly, discriminate in the terms, conditions, or privileges
6-21 relating to the obtaining or use of any financial assistance against any applicant because of the
6-22 race, color, religion, sex, sexual orientation, gender identity or expression, marital status,
6-23 [add]government assistance recipient status,[add] country of ancestral origin, disability, age, familial status,
6-24 or on the basis that a tenant or applicant, or a member of the household, is or has been, or is
6-25 threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained,
6-26 or sought, or is seeking, relief from any court in the form of a restraining order for protection
6-27 from domestic abuse, of the applicant or of the existing or prospective occupants or tenants.
6-28 Nothing in this subsection shall be construed to prohibit any written or oral inquiry as to whether
6-29 the applicant is over the age of eighteen (18).
6-30 (c) Nothing in this section contained shall be construed in any manner to prohibit or limit
6-31 the exercise of the privilege of every person and the agent of any person having the right to sell,
6-32 rent, lease, or manage a housing accommodation to establish standards and preferences and set
6-33 terms, conditions, limitations, or specifications in the selling, renting, leasing, or letting thereof or
6-34 in the furnishing of facilities or services in connection therewith which do not discriminate on the
7-1 basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital
7-2 status, [add]government assistance recipient status,[add] country of ancestral origin, disability, age, familial
7-3 status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or

is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, lessee, tenant, or occupant thereof or on the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, [add]government assistance recipient status,[add] country of ancestral origin, disability, age, or familial status of any person with whom the prospective purchaser, lessee, tenant, or occupant is or may wish to be associated. Nothing contained in this section shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for or offering financial assistance in the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations to set standards and preferences, terms, conditions, limitations, or specifications for the granting of loans or financial assistance which do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, [add]government assistance recipient status,[add] country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse, of the applicant for the loan or financial assistance or of any existing or prospective owner, lessee, tenant, or occupant of the housing accommodation.

(d) An owner may not refuse to allow a person with a disability to make, at his or her expense, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that, in the case of a rental, the owner may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. Where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of the restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in the account shall accrue to the benefit of the tenant. The restoration deposition shall be exempt from section 34-18-19(a) but will be subject to section 34-18-19(b) -- (f).

(e) (1) An owner may not refuse to make reasonable accommodations in rules, policies, practices, or services, when those accommodations may be necessary to afford an occupant with a disability equal opportunity to use and enjoy a dwelling.

(2) Every person with a disability who has a guide dog or other personal assistive animal, or who obtains a guide dog or other personal assistive animal, shall be entitled to full and equal access to all housing accommodations provided for in this section, and shall not be required to pay extra compensation for the guide dog or other personal assistive animal, but shall be liable for any damage done to the premises by a guide dog or other personal assistive animal. For the purposes of this subsection a "personal assistive animal" is an animal specifically trained by a certified animal training program to assist a person with a disability to perform independent living tasks.

(f) Any housing accommodation of four (4) units or more constructed for first occupancy after March 13, 1991 shall be designed and constructed in such a manner that:

(1) The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities;

(2) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs;

(3) All premises within the dwellings contain the following features of adaptive design:

(i) Accessible route into and through the dwelling;

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) Reinforcements in bathroom walls to allow later installation of grab bars; and

(iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. To the extent that any state or local building codes, statutes or ordinances are

8-25 inconsistent with this section, they are hereby repealed. The state building code standards
8-26 committee is hereby directed to adopt rules and regulations consistent with this section as soon as
8-27 possible, but no later than September 30, 1990.
8-28 (g) Compliance with the appropriate requirements of the State Building Code 14
8-29 "accessibility for individuals with disabilities for residential use groups" suffices to satisfy the
8-30 requirements of subsection (f).
8-31 (h) As used in subsection (f), the term "housing accommodation of four (4) units or
8-32 more" means:
8-33 (1) Buildings consisting of four (4) or more units if those buildings have one or more
8-34 elevators; and
9-1 (2) Ground floor units in other buildings consisting of four (4) or more units;
9-2 (i) Nothing in subsection (f) shall be construed to limit any law, statute, or regulation
9-3 which requires a greater degree of accessibility to persons with disabilities.
9-4 (j) Nothing in this section requires that a dwelling be made available to an individual
9-5 whose tenancy would constitute a direct threat to the health or safety of other individuals or
9-6 whose tenancy would result in substantial physical damage to the property of others.
9-7 (k) Nothing contained in this chapter shall be construed to prohibit an owner, lessee,
9-8 sublessee, or assignee from advertising or selecting a person of the same or opposite gender to
9-9 rent, lease, or share the housing unit which the owner, lessee, sublessee, or assignee will occupy
9-10 with the person selected.
9-11 (l) No person shall aid, abet, incite, compel, or coerce the doing of any act declared by
9-12 this section to be an unlawful housing practice, or obstruct or prevent any person from complying
9-13 with the provisions of this chapter or any order issued thereunder, or attempt directly or indirectly
9-14 to commit any act declared by this section to be an unlawful housing practice.
9-15 (m) No owner, person defined in section 34-37-3(12), person to whom application is
9-16 made for a loan or other form of financial assistance for the acquisition, construction,
9-17 rehabilitation, repair, or maintenance of any housing accommodation, whether secured or
9-18 unsecured, no financial organization governed by the provisions of title 19 or any other credit
9-19 granting commercial institution, or respondent under this chapter or any agent of these shall
9-20 discriminate in any manner against any individual because he or she has opposed any practice
9-21 forbidden by this chapter, or because he or she has made a charge, testified, or assisted in any
9-22 manner in any investigation, proceeding, or hearing under this chapter.
9-23 (n) Nothing in this section shall prevent a landlord from proceeding with eviction action
9-24 against a tenant who fails to comply with section 34-18-24(7)(n).
9-25 **34-37-4.3. Discrimination in granting credit or loans prohibited. --** No financial
9-26 organization governed by the provisions of title 19 or any other credit granting commercial
9-27 institution may discriminate in the granting or extension of any form of loan or credit, or the
9-28 privilege or capacity to obtain any form of loan or credit, on the basis of the applicant's sex,
9-29 marital status, add government assistance recipient status, add race or color, religion or country of
9-30 ancestral origin, disability or age or familial status, sexual orientation, or gender identity or
9-31 expression, and the form of loan and credit shall not be limited to those concerned with housing
9-32 accommodations, and the commission shall prevent any violation hereof in the same manner as it
9-33 is to prevent unlawful housing practices under the provisions of this chapter.
10-34 **34-37-5.2. Discrimination in brokerage services. --** It shall be unlawful to deny any
10-35 person who meets licensing and other non-discriminatory requirements which are also applied to
10-36 other applicants and members access to or membership or participation in any real estate listing
10-37 service, real estate brokers' organization, or other service, organization, or facility relating to the
10-38 business of selling, leasing, or renting a housing accommodation, or to discriminate against him
10-39 or her in the terms or conditions of the access, membership, or participation, on account of race,
10-40 color, religion, sex, sexual orientation, gender identity or expression, marital status, add government
10-41 assistance recipient status, add country of ancestral origin, disability, age, or familial status.
10-42 **34-37-5.3. Fostering of segregated housing prohibited. --** It shall be an unlawful
10-43 discriminatory housing practice to for profit induce or attempt to induce any person to sell or rent
10-44 any dwelling by representations regarding the entry or prospective entry into the neighborhood of
10-45 a person or persons of a particular race, color, religion, marital status, add government assistance

10-46 recipient status,[add] country of ancestral origin, sex, sexual orientation, gender identity or expression,
10-47 age, disability, or familial status.
10-48 **34-37-5.4. Discrimination in residential real estate related transactions. --** (a) It shall
10-49 be unlawful for any person or other entity whose business includes engaging in residential real
10-50 estate related transactions to discriminate against any person in making available a transaction, or
10-51 in the terms and conditions of the transaction, because of race, color, religion, marital status,
10-52 [add]government assistance recipient status,[add] country of ancestral origin, sex, sexual orientation, gender
10-53 identity or expression, age, disability, or familial status.
10-54 (b) As used in this section, the term "residential real estate related transaction" means
10-55 any of the following:
10-56 (1) The making or purchasing of loans or providing other financial assistance:
10-57 (i) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
10-58 (ii) Secured by residential real estate.
10-59 (2) The selling, brokering, or appraising of residential real property.
10-60 (c) Nothing in this chapter prohibits a person engaged in the business of furnishing
10-61 appraisals of real property to take into consideration factors other than race, color, religion,
10-62 marital status, country of ancestral origin, sex, sexual orientation, gender identity or expression,
10-63 age, disability, or familial status.
10-64 SECTION 3. This act shall take effect upon passage.

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MOTION: To find beneficial **12 S 2338 An Act Relating To Property -- Rhode Island Fair Housing Practices Act** RC/KH passed unanimously

H 7173 & S 2052 ACTS RELATING TO PROPERTY - RHODE ISLAND FAIR HOUSING PRACTICES ACT By Rep. Blazejewski & Sen. Tassoni

This act would create a Homeless Bill of rights in order to provide all residents with an equal opportunity to live in decent, safe and sanitary accommodations regardless of housing status.

This act would take effect upon passage.

1-1 SECTION 1. Title 34 of the General Laws entitled "Property" is hereby amended by
1-2 adding thereto the following chapter:
1-3 [add]**CHAPTER 37.1**
1-4 **HOMELESS BILL OF RIGHTS**
1-5 **34-37.1-1. Short title. –** This chapter shall be known and may be cited as the "Homeless
1-6 Bill of Rights."
1-7 **34-37.1-2. Legislative intent. –** (1) Article 1, Section 2 of the Rhode Island State
1-8 Constitution states in part, that "All free governments are instituted for the protection, safety, and
1-9 happiness of the people. All laws, therefore, should be made for the good of the whole; and the
1-10 burdens of the state ought to be fairly distributed among its citizens. No person shall be deprived
1-11 of life, liberty or property without due process of law, nor shall any person be denied equal
1-12 protection of the laws."
1-13 (2) Concordant with this fundamental belief, no person should suffer unnecessarily from
1-14 cold or hunger, or be deprived of housing or the basic rights incident to such shelter from the
1-15 elements. At the present time, many persons have been rendered homeless as a result of economic
1-16 hardship, a severe shortage of safe, affordable housing, and a shrinking social safety net. It is the
1-17 intent of this chapter to ameliorate the adverse effects visited upon individuals and our
1-18 communities when the state's residents lack a home.
1-19 **34-37.1-3. Bill of Rights. –**No person's rights, privileges, or access to public services
1-20 may be denied or abridged solely because he or she is homeless. Such a person shall be granted
2-1 the same rights and privileges as any other citizen of this state and the following enumeration of
2-2 rights is not to be construed as exhaustive. A person experiencing homelessness:
2-3 (1) Has as much right to use public spaces in all cities and towns as his or her fellow
2-4 citizens of the state. This includes, but is not limited to, access to public sidewalks, public parks,
2-5 public transportation and public buildings;

(2) Has the right to equal treatment by all police departments, without differential treatment being given on the basis of housing status (as such term is defined in chapter 34-37);

(3) Has the right not to face discrimination while seeking employment due to his or her lack of permanent mailing address, or his or her mailing address being that of a shelter or social service provider;

(4) Has the right to fair, decent and affordable housing in the community of his or her choosing, and access to safe and proximate shelter until such housing can be attained;

(5) Has the right to quality emergency physical and mental health care free from discrimination based on his or her housing status;

(6) Has the right to vote in any and all local, state, and federal elections without discrimination due to his or her housing status;

(7) Has the right to legal counsel equal to that extended to any other citizen of the state;

(8) Has the right to confidentiality of records. Homeless shelters and service providers shall obtain a voluntary written release from a client experiencing homelessness prior to disclosing any personal information not in aggregate form. This includes release of records to law enforcement authorities without appropriate legal documentation; and

(9) Has the right to receive public benefits and services offered to any other citizen of this state in accordance with the established eligibility guidelines for those services.[add]

SECTION 2. Sections 34-37-1 and 34-37-3 of the General Laws in Chapter 34-37 entitled "Rhode Island Fair Housing Practices Act" are hereby amended to read as follows:

**34-37-1. Finding and declaration of policy. --** (a) In the State of Rhode Island and Providence Plantations, hereinafter referred to as the state, many people are denied equal opportunity in obtaining housing accommodations and are forced to live in circumscribed areas because of discriminatory housing practices based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. These practices tend unjustly to condemn large groups of inhabitants to dwell in segregated districts or under depressed living conditions in crowded, unsanitary, substandard, and unhealthful accommodations. These conditions breed intergroup tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard; endanger the public health; jeopardize the public safety, general welfare and good order of the entire state; and impose substantial burdens on the public revenues for the abatement and relief of conditions so created. These discriminatory and segregative housing practices are inimical to and subvert the basic principles upon which the colony of Rhode Island and Providence Plantations was founded and upon which the state and the United States were later established. Discrimination and segregation in housing tend to result in segregation in our public schools and other public facilities, which is contrary to the policy of the state and the constitution of the United States. Further, discrimination and segregation in housing adversely affect urban renewal programs and the growth, progress, and prosperity of the state. In order to aid in the correction of these evils, it is necessary to safeguard the right of all individuals to equal opportunity in obtaining housing accommodations free of discrimination.

(b) It is hereby declared to be the policy of the state to assure to all individuals regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, or disability, age, familial status, [add]housing status,[add] or those tenants or applicants, or members of a household, who are, or have been, or are threatened with being, the victims of domestic abuse, or those tenants or applicants who have obtained, or sought, or are seeking, relief from any court in the form of a restraining order for protection from domestic abuse, equal opportunity to live in decent, safe, sanitary, and healthful accommodations anywhere within the state in order that the peace, health, safety, and general welfare of all the inhabitants of the state may be protected and insured.

(c) The practice of discrimination in rental housing based on the potential or actual tenancy of a person with a minor child, or on the basis that a tenant or applicant, or a member of the household, is or has been or is threatened with being, the victim of domestic abuse, or that the

3-27 tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a
3-28 restraining order for protection from domestic abuse is declared to be against public policy.
3-29 (d) This chapter shall be deemed an exercise of the police power of the state for the
3-30 protection of the public welfare, prosperity, health, and peace of the people of the state.
3-31 (e) Nothing in this section shall prevent a landlord from proceeding with eviction action
3-32 against a tenant who fails to comply with section 34-18-24(7).
3-33 **34-37-3. Definitions. --** When used in this chapter:
4-34 (1) "Age" means anyone over the age of eighteen (18).
4-35 (2) "Commission" means the Rhode Island commission for human rights created by
4-36 section 28-5-8.
4-37 (3) "Disability" means a disability as defined in section 42-87-1.
4-38 Provided further that the term "disability" does not include current, illegal use of or
4-39 addiction to a controlled substance, as defined in 21 U.S.C. section 802.
4-40 (4) "Discriminate" includes segregate, separate, or otherwise differentiate between or
4-41 among individuals because of race, color, religion, sex, sexual orientation, gender identity or
4-42 expression, marital status, country of ancestral origin, disability, age, [add]housing status,[add] or familial
4-43 status or because of the race, color, religion, sex, sexual orientation, gender identity or expression,
4-44 marital status, country of ancestral origin, disability, age[add], housing status, [add] or familial status of any
4-45 person with whom they are or may wish to be associated.
4-46 (5) The term "domestic abuse" for the purposes of this chapter shall have the same
4-47 meaning as that set forth in section 15-15-1, and include all forms of domestic violence as set
4-48 forth in section 12-29-2, except that the domestic abuse need not involve a minor or parties with
4-49 minor children.
4-50 (6) (i) "Familial status" means one or more individuals who have not attained the age of
4-51 eighteen (18) years being domiciled with:
4-52 (A) A parent or another person having legal custody of the individual or individuals; or
4-53 (B) The designee of the parent or other person having the custody, with the written
4-54 permission of the parent or other person provided that if the individual is not a relative or legal
4-55 dependent of the designee, that the individual shall have been domiciled with the designee for at
4-56 least six (6) months.
4-57 (ii) The protections afforded against discrimination on the basis of familial status shall
4-58 apply to any person who is pregnant or is in the process of securing legal custody of any
4-59 individual who has not attained the age of eighteen (18) years.
4-60 (7) The terms, as used regarding persons with disabilities, "auxiliary aids and services,"
4-61 "reasonable accommodation," and "reasonable modifications" have the same meaning as those
4-62 terms are defined in section 42-87-1.1.
4-63 (8) The term "gender identity or expression" includes a person's actual or perceived
4-64 gender, as well as a person's gender identity, gender-related self image, gender-related
4-65 appearance, or gender-related expression; whether or not that gender identity, gender-related self
4-66 image, gender-related appearance, or gender-related expression is different from that traditionally
4-67 associated with the person's sex at birth.
5-68 (9) "Housing accommodation" includes any building or structure or portion of any
5-69 building or structure, or any parcel of land, developed or undeveloped, which is occupied or is
5-70 intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or
5-71 residence of one or more persons.
5-72 (10) "Otherwise qualified" includes any person with a disability who with respect to the
5-73 rental of property, personally or with assistance arranged by the person with a disability, is
5-74 capable of performing all the responsibilities of a tenant as contained in section 34-18-24.
5-75 (11) "Owner" includes any person having the right to sell, rent, lease, or manage a
5-76 housing accommodation.
5-77 (12) "Person" includes one or more individuals, partnerships, associations, organizations,
5-78 corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers,
5-79 legal representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons
5-80 as defined in chapter 20.5 of title 5.
5-81 (13) "Senior citizen" means a person sixty-two (62) years of age or older.

5-82 (14) The term "sexual orientation" means having or being perceived as having an
5-83 orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to
5-84 describe the status of persons and does not render lawful any conduct prohibited by the criminal
5-85 laws of this state nor impose any duty on a religious organization. This definition does not confer
5-86 legislative approval of said status, but is intended to assure the basic human rights of persons to
5-87 hold and convey property and to give and obtain credit, regardless of such status.
5-88 (15) The term "victim" means a family or household member and all other persons
5-89 contained within the definition of those terms as defined in section 12-29-2.
5-90 add(16) The term "housing status" means:
5-91 (i) The type of housing in which an individual resides; or
5-92 (ii) The status of having or not having a fixed or regular residence, including the status of
5-93 living on the streets, in a homeless shelter or in a temporary residence.add
5-94 SECTION 3. This act shall take effect upon passage.

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| voting check off graphic | MOTION: To find beneficial **H 7173 & S 2052 ACTS Relating To Property -- Rhode Island Fair Housing Practices Act** JD/KH passed abstained SB |

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|---|---|---|---|
| Announcer graphic | **Announcements** | **Linda Ward** | **4:20** |

| | | | |
|---|---|---|---|
| calendar graphic | **Agenda and Scheduling the Next Meeting** | **Linda Ward** | 4:25 |
| | Items to be placed on the next meeting's agenda:<br>1. Status of Legislative Package<br>2. AG's BCI bill | | |
| | Next meeting will be on: Monday March 12th from 3 - 4:30 PM. | | |

| | | | |
|---|---|---|---|
| alarm clock graphic | **Adjournment** | **Linda Ward** | **4:30** |

| | |
|---|---|
| voting check off graphic | MOTION: To adjourn at 4:50 PM JD/WI passed |