

2018 -- H 8122

LC005505

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO LICENSES GENERALLY

Introduced By: Representatives Abney, Marshall, and Ruggiero

Date Introduced: April 26, 2018

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-5-18 of the General Laws in Chapter 3-5 entitled "Licenses  
2 Generally" is hereby amended to read as follows:

3 **3-5-18. Signature on licenses – Posting and exhibition.**

4 (a) All retail licenses issued under chapter 7 of this title shall bear the signature ~~written by~~  
5 ~~hand,~~ or electronic signature, of the clerk of the licensing board, body, or officials issuing them,  
6 and shall not be printed, stamped, typewritten, engraved, photographed or cut from one  
7 instrument and attached to another and shall be displayed by the licensee, on the premises and  
8 shall be exhibited on demand to any deputy sheriff, to any city or town sergeant, constable,  
9 officer or member of the city or town police or to any member of the department of state police or  
10 agent of the department.

11 (b) All retail licenses shall be displayed within the premises but need not be posted. The  
12 license shall be exhibited to any deputy sheriff of the county, to any city or town sergeant,  
13 constable, officer or member of the city or town police or to any member of the department of  
14 state police or agent of the department who request proof that the establishment is duly licensed.

15 SECTION 2. Section 3-6-13 of the General Laws in Chapter 3-6 entitled "Manufacturing  
16 and Wholesale Licenses" is hereby repealed.

17 ~~**3-6-13. License bonds to state.**~~

18 ~~As conditions precedent to the issuance by the department of any manufacturer's license,~~  
19 ~~rectifier's license, wholesaler's Class A license, wholesaler's Class B license, and wholesaler's~~

1 ~~Class C license under the provisions of this chapter, the person applying for a license shall give~~  
2 ~~bond to the general treasurer of the state in a penal sum in the amount that the department of~~  
3 ~~business regulation requests with at least two (2) resident sureties satisfactory to the department~~  
4 ~~of business regulation, or a surety company authorized to do business in this state as surety,~~  
5 ~~which bond shall be on condition that the licensee will not violate, or suffer to be violated, on any~~  
6 ~~licensed premises under his or her control any of the provisions of this chapter or of chapter 5 of~~  
7 ~~this title or of chapters 10, 34, or 45 of title 11 or §§ 11-2-1, 11-9-13, 11-9-15, 11-11-5, 11-18-2~~  
8 ~~11-18-4, 11-20-1, 11-20-2, 11-23-4, 11-31-1 or 11-37-2 11-37-4 and on condition that the~~  
9 ~~licensee will pay all costs and damages incurred by any violation of any of those chapters or~~  
10 ~~sections and shall also pay to the division of taxation the license fee required by this chapter.~~

11 SECTION 3. Sections 3-6-1, 3-6-1.2, 3-6-3, 3-6-9, 3-6-10, 3-6-11, 3-6-12 of the General  
12 Laws in Chapter 3-6 entitled “Manufacturing and Wholesale Licenses” are hereby amended to  
13 read as follows:

14 **3-6-1. Manufacturer's license.**

15 (a) A manufacturer's license authorizes the holder to establish and operate a brewery,  
16 distillery, or winery at the place described in the license for the manufacture of beverages within  
17 this state. The license does not authorize more than one of the activities of operator of a brewery  
18 or distillery or winery and a separate license shall be required for each plant.

19 (b) The license also authorizes the sale at wholesale, at the licensed place by the  
20 manufacturer of the product of the licensed plant, to another license holder and the transportation  
21 and delivery from the place of sale to a licensed place or to a common carrier for that delivery.  
22 The license does authorize the sale of beverages for consumption on premises where sold;  
23 provided that the manufacturer does not sell an amount in excess of thirty-six ounces (36 oz.) of  
24 malt beverage or four and one-half ounces (4.5 oz.) of distilled spirits per visitor, per day, or a  
25 combination not greater than three (3) drinks where a drink is defined as twelve ounces (12 oz.)  
26 of beer or one and one-half ounces (1.5 oz.) of spirits, for consumption on the premises. The  
27 license also authorizes the sale of beverages produced on the premises in an amount not in excess  
28 of two hundred eighty-eight ounces (288 oz.) of malt beverages, or seven hundred fifty milliliters  
29 (750 ml) of distilled spirits per visitor, per day, to be sold in containers that may hold no more  
30 than seventy-two ounces (72 oz.) each. These beverages may be sold to the consumers for off-  
31 premises consumption, and shall be sold pursuant to the laws governing retail Class A  
32 establishments. The containers for the sale of beverages for off-premises consumption shall be  
33 sealed. The license does not authorize the sale of beverages in this state for delivery outside this  
34 state in violation of the law of the place of delivery. The license holder may provide to visitors, in

1 conjunction with a tour and/or tasting, samples, clearly marked as samples, not to exceed three  
2 hundred seventy-five milliliters (375 ml) per visitor for distilled spirits and seventy-two ounces  
3 (72 oz.) per visitor for malt beverages at the licensed plant by the manufacturer of the product of  
4 the licensed plant to visitors for off-premises consumption. The license does not authorize  
5 providing samples to a visitor of any alcoholic beverages for off-premises consumption that are  
6 not manufactured at the licensed plant.

7 (c) The annual fee for the license is three thousand dollars (\$3,000) for a distillery  
8 producing more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) for  
9 a distillery producing less than or equal to fifty thousand (50,000) gallons per year; five hundred  
10 dollars (\$500) for a brewery; and one thousand five hundred dollars (\$1,500) for a winery  
11 producing more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) per  
12 year for a winery producing less than fifty thousand (50,000) gallons per year. All those fees are  
13 prorated to the year ending December 1 in every calendar year and shall be paid ~~to the division of~~  
14 ~~taxation and be turned over~~ to the general treasurer for the use of the state.

15 **3-6-1.2. Brewpub manufacturer's license.**

16 (a) A brewpub manufacturer's license shall authorize the holder to establish and operate a  
17 brewpub within this state. The brewpub manufacturer's license shall authorize the retail sale of  
18 the beverages manufactured on the location for consumption on the premises. The license shall  
19 not authorize the retail sale of beverages from any location other than the location set forth in the  
20 license. A brewpub may sell at retail alcoholic beverages produced on the premises by the half-  
21 gallon bottle known as a "growler" to consumers for off the premises consumption to be sold  
22 pursuant to the laws governing retail Class A establishments.

23 (b) The license shall also authorize the sale at wholesale at the licensed place by the  
24 manufacturer of the product of his or her licensed plant as well as beverages produced for the  
25 brewpub and sold under the brewpub's name to a holder of a wholesaler's license and the  
26 transportation and delivery from the place of sale to the licensed wholesaler or to a common  
27 carrier for that delivery.

28 (c) The brewpub manufacturer's license further authorizes the sale of beverages  
29 manufactured on the premises to any person holding a valid wholesaler's and importer's license  
30 under § 3-6-9 or 3-6-11.

31 (d) The annual fee for the license is one thousand dollars (\$1,000) for a brewpub  
32 producing more than fifty thousand (50,000) gallons per year and five hundred dollars (\$500) per  
33 year for a brewpub producing less than fifty thousand (50,000) gallons per year. The annual fee is  
34 prorated to the year ending December 1 in every calendar year and paid ~~to the division of taxation~~

1 ~~and turned over~~ to the general treasurer for the use of the state.

2 **3-6-3. Rectifier's license.**

3 The department is authorized to issue rectifiers' licenses in accordance with the  
4 provisions of §§ 3-6-4 – 3-6-8. The fee provided shall be prorated to the year ending December 1  
5 in every calendar year and be paid ~~to the division of taxation and turned over~~ to the general  
6 treasurer for the use of the state.

7 **3-6-9. Wholesaler's license – Class A.**

8 A wholesaler's license, Class A, authorizes the holder to keep for sale and to sell malt  
9 beverages and wines at wholesale at the place described to holders of licenses under this title  
10 within this state and to holders of wholesale licenses in other states and the transportation and  
11 delivery from the place of sale to those license holders or to a common carrier for that delivery.  
12 Sales by a wholesaler in this state to a holder of a wholesale license in another state shall be only  
13 to a wholesaler who is a distributor of the same brand of malt beverages or wines subject to  
14 permission by the department. The license shall not authorize the sale of malt beverages or wines  
15 for consumption on the premises where sold nor their sale for their delivery outside this state in  
16 violation of the law of the place of delivery. The annual fee for the license is two thousand dollars  
17 (\$2,000) prorated to the year ending December 1 in every calendar year, and shall be paid ~~to the~~  
18 ~~division of taxation and turned over~~ to the general treasurer for the use of the state. Whenever any  
19 malt beverages or wines are sold outside the state pursuant to this section, refunds or credits of  
20 import fees previously paid on those malt beverages or wines shall be made to holders of  
21 wholesaler's licenses under this title in accordance with regulations promulgated by the division  
22 of taxation.

23 **3-6-10. Wholesaler's license – Class B.**

24 (a) A wholesaler's license, Class B, authorizes the holder to keep for sale and to sell malt  
25 and vinous beverages and distilled spirits at wholesale, at the place described in the license, to  
26 holders of licenses under this title within this state and to holders of wholesale licenses in other  
27 states and authorizes the transportation and delivery from the place of sale to those license  
28 holders or to a common carrier for that delivery. Sales by a wholesaler in this state to a holder of  
29 a wholesale license in another state shall be only to a wholesaler who is a distributor of the same  
30 brand of malt beverages, vinous beverages, and distilled spirits subject to permission by the state  
31 liquor control administrator. The license shall not authorize the sale of beverages for consumption  
32 on the premises where sold nor the sale of beverages for delivery outside this state in violation of  
33 the law of the place of delivery.

34 (b) The annual fee for the license is four thousand dollars (\$4,000) prorated to the year

1 ending December 1 in every calendar year, and shall be paid ~~to the division of taxation and turned~~  
2 ~~over~~ to the general treasurer for the use of the state whenever any malt beverages, vinous  
3 beverages, and distilled spirits are sold outside the state pursuant to this section. Refunds or  
4 credits of import fees previously paid on malt beverages, vinous beverages and distilled spirits  
5 shall be made to holders of wholesaler's licenses under this title in accordance with regulations  
6 promulgated by the division of taxation.

7 **3-6-11. Wholesaler's Class C license.**

8 A wholesaler's Class C license authorizes the holder to manufacture, transport, import,  
9 export, deliver, and sell alcohol for mechanical, manufacturing, medicinal, or chemical purposes  
10 only, or to any registered pharmacist, licensed pharmacy, drug store, or apothecary shop, or to  
11 any registered physician or dentist, or to any hospital or educational or scientific institution, for  
12 use other than beverage purposes. The annual fee for the license is two hundred dollars (\$200)  
13 and shall be paid ~~to the division of taxation and turned over~~ to the general treasurer for the use of  
14 the state.

15 **3-6-12. Agents' licenses.**

16 Any person who represents a distillery, winery, or brewery is deemed and taken to be  
17 acting as an agent for and on behalf of that distillery, winery, or brewery, and is required to have  
18 received from the department a license to act as an agent. The annual fee for that license is fifty  
19 dollars (\$50.00) paid to the ~~division of taxation~~ general treasurer. The department may, after  
20 notice, suspend or revoke any license for cause.

21 SECTION 4. Section 3-7-15 of the General Laws in Chapter 3-7 entitled "Retail  
22 Licenses" is hereby amended to read as follows:

23 **3-7-15. Class G license.**

24 (a) A Class G retailer's license shall be issued only to any dining car company, sleeping  
25 car company, parlor car company, and railroad company operating in this state, or any company  
26 operating passenger carrying marine vessels in this state, or any airline operating in this state, and  
27 authorizes the holder of the license to keep for sale and to sell in its dining cars, sleeping cars,  
28 buffet cars, club cars, lounge cars and any other cars used for the transportation or  
29 accommodation of passengers, and in or on any passenger-carrying marine vessel, and in any  
30 airplane, beverages for consumption therein or thereon, but only when actually en route.

31 (b) In addition, the holder of the Class G license for a passenger-carrying marine vessel  
32 may serve alcoholic beverages at retail aboard the vessel during the period thirty (30) minutes  
33 prior to the scheduled departure and until departure, provided that the local licensing board  
34 annually consents.

1 (c) Each company or airline to which the license is issued shall pay to the department an  
2 annual fee of two hundred fifty dollars (\$250) for the license, ~~and one dollar (\$1.00) for each~~  
3 ~~duplicate of the license, which fees are~~ paid into the state treasury.

4 (d) The license expires one year from its date and is good throughout the state as a state  
5 license, and only one license is required for all cars or airplanes, but a license issued to any  
6 company or person operating passenger-carrying marine vessels in this state shall authorize the  
7 sale of beverages only in the passenger-carrying marine vessel designated and no further license  
8 shall be required or tax levied by any city or town for the privilege of selling beverages for  
9 consumption in those cars or on those vessels or in those airplanes. Each licensed dining car  
10 company, sleeping car company, and railroad car company shall keep a duplicate of the license  
11 posted in each car where beverages are sold. The department shall issue duplicates of the license  
12 from time to time upon the request of any licensed company ~~upon the payment of the fee of one~~  
13 ~~dollar (\$1.00).~~

14 SECTION 5. Sections 5-10-16 and 5-10-33 of General Laws in Chapter 5-10 entitled  
15 “Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians” are hereby repealed.

16 ~~**5-10-16. Application of zoning laws.**~~

17 ~~The practice of barbering, manicuring and/or hairdressing, and cosmetic therapy shall be~~  
18 ~~considered a business under the zoning laws of the several cities and towns, and licenses are~~  
19 ~~issued only in compliance with the zoning laws of the city or town in which the shop, place of~~  
20 ~~business, or establishment is located.~~

21 ~~**5-10-33. Payment of fees.**~~

22 ~~All fees that are required to be paid under the provisions of this chapter shall be paid to~~  
23 ~~the department of health and deposited as general revenues.~~

24 SECTION 6. Section 5-25-10 of the General Laws in Chapter 5-25 entitled “Veterinary  
25 Practice” is hereby amended to read as follows:

26 **5-25-10. Qualifications for licensure.**

27 Any applicant for licensure shall submit to the department written evidence on forms  
28 furnished by the department ~~verified by oath~~ that the applicant meets all of the following  
29 requirements:

30 (1) Is a graduate of a school or college of veterinary medicine recognized and accredited  
31 by the American Veterinary Medical Association and by the department or certification by the  
32 Educational Council for Foreign Veterinary Graduates;

33 (2) Pays an application fee as set forth in § 23-1-54 at the time of submitting the  
34 application, which, in no case is returned to the applicant;

- 1 (3) Is of good moral character, evidenced in the manner prescribed by the department;  
2 and  
3 (4) Complies with any other qualifications that the department prescribes by regulation;  
4 and  
5 (5) Comply with the continuing education requirements adopted by the department.

6 SECTION 7. Section 5-30-6 of the General Laws in Chapter 5-30 entitled “Chiropractic  
7 Physicians” is hereby amended to read as follows:

8 **5-30-6. Qualifications and examinations of applicants.**

9 Every person desiring to begin the practice of chiropractic medicine, except as provided  
10 in this chapter, shall present satisfactory evidence to the division of professional regulation of the  
11 department of health, ~~verified by oath,~~ that he or she is more than twenty-three (23) years of age,  
12 of good moral character, and that before he or she commenced the study of chiropractic medicine  
13 had satisfactorily completed credit courses equal to four (4) years of pre-professional study  
14 acceptable by an accredited academic college and obtained a bachelor of science or bachelor of  
15 arts degree and subsequently graduated from a school or college of chiropractic medicine  
16 approved by the division of professional regulation of the department of health, and has  
17 completed a residential course of at least four (4) years, each year consisting of at least nine (9)  
18 months study. Any qualified applicant shall take an examination before the state board of  
19 chiropractic examiners to determine his or her qualifications to practice chiropractic medicine.  
20 Every applicant for an examination shall pay a fee as set forth in § 23-1-54 for the examination to  
21 the division of professional regulation. Every candidate who passes the examination shall be  
22 recommended by the division of professional regulation of the department of health to the  
23 director of the department of health to receive a certificate of qualification to practice chiropractic  
24 medicine.

25 SECTION 8. Section 5-34-10 of the General Laws in Chapter 5-34 entitled “Nurses” is  
26 hereby amended to read as follows:

27 **5-34-10. Qualifications of professional nurse applicants.**

28 An applicant for licensure to practice as a professional nurse shall submit to the board  
29 written evidence on forms furnished by the division of professional regulation, ~~verified by oath,~~  
30 that the applicant:

- 31 (1) Has completed at least an approved high school course of study or the equivalent  
32 supported by diploma or certificate of the course of study as determined by the rules and  
33 regulations of the state board of education;  
34 (2) Has successfully completed the prescribed curriculum in an approved basic

1 professional nursing education program and holds a diploma from the program; and

2 (3) Is of good moral character.

3 SECTION 9. Section 5-35.1-3 of the General Laws in Chapter 5-35.1 entitled  
4 “Optometrists” is hereby amended to read as follows:

5 **5-35.1-3. Application for examination and license.**

6 Every person desiring to be licensed to practice optometry as provided in this chapter  
7 shall file with the department, in the form prescribed by the department, an application, ~~verified~~  
8 ~~by oath~~, presenting the facts which entitle the applicant to a license to practice optometry under  
9 this chapter. No one shall be permitted to practice optometry in this state without a valid license.

10 SECTION 10. Section 5-37.2-12.1 of the General Laws in Chapter 5-37.2 entitled “The  
11 Healing Art of Acupuncture and Oriental Medicine” is hereby amended to read as follows:

12 **5-37.2-12.1. Examination requirements and issuance of license.**

13 (a) No person shall be licensed as a doctor of acupuncture and Oriental medicine unless  
14 he or she has passed the examination by the ~~National Commission of Certification of~~  
15 ~~Acupuncture and Oriental Medicine.~~ [National Certification Commission for Acupuncture and](#)  
16 [Oriental Medicine or successor entity.](#)

17 (b) Before any applicant is eligible for licensure, he or she shall furnish satisfactory proof  
18 that he or she:

19 (1) Is a United States citizen or legal alien;

20 (2) Has demonstrated proficiency in the English language;

21 (3) Is at least twenty one (21) years of age;

22 (4) Is of good moral character;

23 (5) Has completed an accredited program of at least thirty-six (36) months and not less  
24 than twenty-five hundred (2,500) hours of training and has received a certificate or diploma from  
25 an institute approved by the Accreditation Commission for Schools and Colleges of Acupuncture  
26 and Oriental Medicine, according to the provisions of this chapter; provided, that this subdivision  
27 does not apply to anyone licensed to practice under chapter 37 of this title who is qualified to take  
28 and pass the test by the National Commission for the Certification of Acupuncture and Oriental  
29 Medicine;

30 (6) Has completed a clinical internship training that is designated as appropriate by the  
31 National Commission for the Certification of Acupuncture and Oriental Medicine; and

32 (7) Has three (3) letters of reference from reputable individuals other than relatives and at  
33 least two (2) of which are from licensed or registered doctors of acupuncture and Oriental  
34 medicine.



1 SECTION 11. Sections 5-40-6 and 5-40-6.1 of the General Laws in Chapter 5-40 entitled  
2 “Physical Therapists” are hereby amended to read as follows:

3 **5-40-6. Qualification of physical therapists.**

4 Any applicant for licensure shall submit to the board written evidence on forms furnished  
5 by the department of health, ~~verified by oath~~, that the applicant meets all of the following  
6 requirements:

7 (1) Is at least eighteen (18) years of age;

8 (2) Is of good moral character;

9 (3) Has graduated from an education program in physical therapy accredited by the  
10 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting  
11 agency as approved by the department in consultation with the board, in the year of the  
12 applicant's graduation; and

13 (4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of  
14 State

15 Boards of Physical Therapy (FSBPT) or other physical therapy certification examination  
16 as approved by the department in consultation with the board to determine the applicant's fitness  
17 to engage in the practice of physical therapy.

18 **5-40-6.1. Qualifications of physical therapist assistants.**

19 Any applicant for licensure shall submit to the board written evidence on forms furnished  
20 by the department of health, ~~verified by oath~~, that the applicant meets all of the following  
21 requirements:

22 (1) Is at least eighteen (18) years of age;

23 (2) Is of good moral character;

24 (3) Has graduated from an educational program in physical therapy accredited by the  
25 Commission on Accreditation of Physical Therapy Education (CAPTE) or other accrediting  
26 agency as approved by the department in consultation with the board, in the year of said  
27 applicant's graduation; and

28 (4) Has passed the National Physical Therapy Examination (NPTE) of the Federation of  
29 State Boards of Physical Therapy (FSBPT) or other physical therapy assistant certification  
30 examination as approved by the department in consultation with the board to determine the  
31 applicant's fitness to engage in the practice of physical therapy.

32 SECTION 12. Section 5-40.1-8 of the General Laws in Chapter 5-40.1 entitled  
33 “Occupational Therapy” is hereby amended to read as follows:

34 **5-40.1-8. Requirements for licensure.**

1 (a) Any applicant seeking licensure as an occupational therapist or occupational therapy  
2 assistant in this state must:

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

4 (2) Be of good moral character;

5 (3) Have successfully completed the academic requirements of an education program in  
6 occupational therapy accredited by the American Occupational Therapy Association's  
7 Accreditation Council for Occupational Therapy Education or other therapy accrediting agency  
8 that may be approved by the board;

9 (4) Have successfully completed a period of supervised fieldwork experience arranged by  
10 the recognized educational institution where he or she met the academic requirements:

11 (i) For an occupational therapist, a minimum of twenty-four (24) weeks of supervised  
12 fieldwork experience shall be required;

13 (ii) For an occupational therapy assistant, a minimum of twelve (12) weeks shall be  
14 required;

15 (5) Have successfully passed the National Certification Examination for Occupational  
16 Therapists, Registered, or National Certification Examination for Occupational Therapy  
17 Assistants, of the National Board for Certification in Occupational Therapy (NBCOT) or other  
18 occupational therapy certification examination as approved by the board.

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

23 (1) ~~Three (3) affidavits from responsible persons attesting to the applicant's good moral~~  
24 ~~character;~~ Is of good moral character, evidenced in the manner prescribed by the department.

25 (2) For U.S. citizens: a certified copy of birth record or naturalization papers;

26 (3) For non-U.S. citizens: documented evidence of alien status, such as immigration  
27 papers or resident alien card or any other verifying papers acceptable to the administrator;

28 (4) Documented evidence and supporting transcripts of qualifying credentials as  
29 prescribed in this section;

30 ~~(5) One unmounted passport photograph of the applicant (head and shoulder view)~~  
31 ~~approximately 2x3 inches in size;~~

32 ~~(6)~~ (5) A statement from the board of occupational therapy in each state in which the  
33 applicant has held or holds licensure, or is otherwise subject to state regulation, to be submitted to  
34 the board of this state attesting to the licensure status of the applicant during the time period the

1 applicant held licensure in that state; and

2 ~~(7)~~ (6) The results of the written national examination of the National Board for  
3 Certification in Occupational Therapy (NBCOT).

4 (c)(1) Applicants seeking licensure as occupational therapists or occupational therapy  
5 assistants are required to pass the national written examination of the National Board for  
6 Certification in Occupational Therapy (NBCOT) approved by the board to test the applicant's  
7 fitness to engage in the practice of occupational therapy pursuant to the provisions of this chapter.

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

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

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

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

24 SECTION 13. Section 5-44-9 of the General Laws in Chapter 5-44 entitled  
25 "Psychologists" is hereby amended to read as follows:

26 **5-44-9. Qualifications of psychologists.**

27 An applicant for licensure shall submit to the board written evidence acceptable to the  
28 department, ~~verified under oath~~, that the applicant:

29 (1) Is of good moral character;

30 (2) Has received a doctorate degree in psychology from a college or university whose  
31 program of study for that degree at that time meets or exceeds the stated requirements for  
32 approval by the American Psychological Association, or its equivalent in terms of excellence of  
33 education and training, or a doctorate degree in an allied field whose education and training  
34 requirements are substantially similar to current American Psychological Association standards of

1 accreditation for the granting of a doctorate in psychology;

2 (3) Has had the requisite supervised experience as deemed acceptable to the board as  
3 delineated in the rules and regulations;

4 (4) Has passed an examination conducted by the board to determine his or her  
5 qualification for licensure as a psychologist, or is applying under the provisions of § 5-44-11;

6 SECTION 14. Sections 5-63.2-9 and 5-63.2-10 of the General Laws in Chapter 5-63.2  
7 entitled “Mental Health Counselors and Marriage and Family Therapists” is hereby amended to  
8 read as follows:

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

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

12 (1) Is of good character; and

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

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

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

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

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

33 (7) Has passed to the satisfaction of the board an examination conducted by it to  
34 determine the applicant's qualification for licensure as a clinical mental health counselor or is

1 applying for licensure under the provisions of § 5-63.2-15.

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

5 **5-63.2-10. Qualifications of licensed – Marriage and family therapists.**

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

8 (1) Is of good character; and

9 (2) Has completed a graduate degree program specializing in marital and family therapy  
10 from a college or university accredited by the New England Association of Schools and Colleges,  
11 or an equivalent regional accreditation agency; and

12 (3) Has completed sixty (60) semester hours or ninety (90) quarter hours within their  
13 graduate degree program specializing in marital and family therapy; and

14 (4) Has completed a minimum of twelve (12) semester hours or eighteen (18) quarter  
15 hours of supervised practicum and a one calendar year of supervised internship consisting of  
16 twenty (20) hours per week or its equivalent with emphasis in marriage and family therapy  
17 supervised by the department within the college or university granting the requisite degree or by  
18 an accredited postgraduate clinical training program, approved by the commission on  
19 accreditation for marriage and family therapy education recognized by the United States  
20 department of education or education and/or experience which is deemed equivalent by the board;  
21 and

22 (5) Has had a minimum of two (2) years of relevant postgraduate experience, including at  
23 least two thousand (2,000) hours of direct client contact offering clinical or counseling or therapy  
24 services with emphasis in marriage and family therapy subsequent to being awarded a master's  
25 degree or doctorate; and

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

29 (7) Has passed to the satisfaction of the board an examination conducted by it to  
30 determine the applicant's qualifications for licensure as a marriage and family therapist or is  
31 applying for licensure under the provisions of § 5-63.2-15.

32 (b) A candidate shall be qualified for licensure as a marriage and family therapist upon  
33 the affirmative vote of at least four (4) members of the board, two (2) of whom must be marriage  
34 and family therapists on the board.

1 SECTION 15. Section 5-86-9 of the General Laws in Chapter 5-86 entitled “Licensing of  
2 Applied Behavior Analysts” is hereby amended to read as follows:

3 **5-86-9. Qualifications and examinations for licensing.**

4 (a) An applicant for licensure as a licensed applied behavior analyst shall submit to the  
5 board written evidence on forms furnished by the department ~~verified under oath (i.e. notarized)~~  
6 that said applicant:

7 (1) Be of good moral character;

8 (2) Has obtained a graduate degree in applied behavior analysis or a related field, as  
9 approved by the board, from a college or university accredited by the New England association of  
10 schools and colleges, or an equivalent regional accrediting agency, and which has the approval by  
11 a national or regional certifying authority, including but not limited to the applied behavior  
12 analyst licensing board;

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

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

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

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

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

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

2 (b) An applicant for licensure as a licensed applied behavior assistant analyst shall submit  
3 to the board written evidence on forms furnished by the department ~~verified under oath (i.e.,~~  
4 ~~notarized)~~ that said applicant:

5 (1) Be of good moral character;

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

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

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

24 not more than twenty-five (25) hours per week, for a minimum of three (3) weeks per  
25 month.

26 (5) Is supervised by a licensed applied behavior analyst in a manner consistent with the  
27 board's requirements for supervision of licensed applied behavior assistant analysts;

28 (6) Has passed the examination administered by an appropriate nationally recognized  
29 accrediting organization as approved by department of health licensing for this function;

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

33 (8) Conduct his or her professional activities in accordance with accepted standards for  
34 responsible professional conduct, as required by the Rhode Island applied behavior analyst

1 licensure board; and

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

3 (c) applicant shall be judged to hold the equivalent requirement of a licensure as an  
4 applied behavior analyst upon submission to the board, written evidence on forms furnished by  
5 the department ~~verified under oath (i.e., notarized)~~, if the following equivalency requirements are  
6 met to the satisfaction of the licensing board:

7 (1) Has received a doctoral degree in psychology from a college or university accredited  
8 by the New England association of schools and colleges, or an equivalent regional accrediting  
9 agency, and which has the approval by a national or regional certifying authority;

10 (2) Be individually licensed by the department of health as a psychologist subject to  
11 chapter 5-44;

12 (3) Be of good moral character;

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

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

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

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

24 SECTION 16. Section 23-20.8-5 of the General Laws in Chapter 23-20.8 entitled  
25 “Licensing of Massage Therapists” is hereby amended to read as follows:

26 **23-20.8-5. Application for license – Issuance or denial of license – Minimum**  
27 **qualifications.**

28 (a) Every person desiring to begin the practice of massage therapy, except exempt  
29 persons as provided in this chapter, shall present satisfactory evidence to the division of  
30 professional regulation of the department of health, ~~verified by oath~~, that he or she is:

31 (1) Over eighteen (18) years of age; (2) Of good moral character (via background check  
32 in accordance with § 23-20.8-3); (3) Has successfully completed an educational program, meeting  
33 minimum requirements established by the board, including at least five hundred (500) hours of  
34 in-class, hands-on and supervised coursework and clinical work; and



1 (4) Has successfully completed an examination approved by the board. Any examination  
2 approved by the board must meet generally recognized standards including development through  
3 the use of a job-task analysis and must meet appropriate psychometric standards.

4 (b) The department may grant a license to any applicant satisfying the requirements of  
5 subdivisions 23-20.8-5(a)(1) and (2), has completed all appropriate forms, paid all appropriate  
6 fees and has met substantially equivalent standards in obtaining a valid license, permit, certificate  
7 or registration issued by any other state or territory of the United States or by a foreign country.

8 (c) The department shall, within sixty (60) days from the time any application for a  
9 license is received, grant the applications and issue a license to practice massage for a year from  
10 that date if the department is satisfied that the applicant complies with the rules and regulations  
11 promulgated in accordance with this chapter. An applicant, whose criminal records check reveals  
12 a conviction for any sexual offense, including, but not limited to, those offenses defined in  
13 chapters 34 and 37 of title 11, shall be denied a license under this chapter.

14 (d) The fee for original application for licensure as a massage therapist and the fee for  
15 annual license renewal shall be determined by the board and shall not exceed one hundred dollars  
16 (\$100).

17 SECTION 17. Section 31-44-17 of the General Laws in Chapter 31-44 entitled “Mobile  
18 and Manufactured Homes” is hereby amended to read as follows:

19 **31-44-17. Filing of complaint with department – Notice – Rules of evidence not**  
20 **binding.**

21 (a) Any resident of a mobile and manufactured housing park or any owner of a mobile  
22 and manufactured housing park may petition the director by filing a complaint with the  
23 department of business regulation, ~~and paying a twenty five dollar (\$25.00) filing fee which shall~~  
24 ~~be used to defray the costs of the director. The filing fee may be waived by the director if he or~~  
25 ~~she or his or her agent determines that the fee will cause an unfair financial burden on the~~  
26 ~~petitioner.~~ After review of the claim and a decision by the director that the matter has merit and is  
27 not frivolous, the director shall schedule a hearing within sixty (60) days from receipt of the  
28 claim. If the director finds the claim to be without merit or to be frivolous, the director shall  
29 dismiss the complaint and explain in writing to the complainant his or her reasons for dismissing  
30 the complaint.

31 (b) The director or his or her agent shall serve notice, in writing, of the time and place of  
32 the hearing upon all appropriate parties at least twenty (20) days prior to the date of the hearing.  
33 Both parties to the complaint may be represented by counsel.

34 (c) The director or his or her agent shall not be bound by common law or statutory rules

1 of evidence but may admit all testimony having a reasonable probative value. Complaints filed  
2 shall be handled in accordance with the departments' rules of practice and the Administrative  
3 Procedures Act, chapter 35 of title 42. It may exclude evidence which, in the opinion of the  
4 director or his or her agent, is immaterial, irrelevant, or unduly repetitious.

5 SECTION 18. Section 39-12-7 of the General Laws in Chapter 39-12 entitled "Motor  
6 Carriers of Property" is hereby amended to read as follows:

7 **39-12-7. Issuance of certificate to common carrier.**

8 A certificate shall be issued by the administrator, after a hearing, to any qualified  
9 applicant therefor, authorizing the whole or any part of the operations covered by the application,  
10 if it is found that the applicant is fit, willing, and able properly to perform the service proposed  
11 and to conform to the provisions of this chapter and the requirements, orders, rules, and  
12 regulations of the administrator thereunder, ~~and that the proposed service, to the extent to be~~  
13 ~~authorized by the certificate, is or will be required by the present or future public convenience~~  
14 ~~and necessity;~~ otherwise the application shall be denied. Any certificate issued under this chapter  
15 shall specify the service to be rendered, ~~and the routes over which, the fixed termini, if any,~~  
16 ~~between which, if any, at which, and, in case of operations not over specified routes or between~~  
17 ~~fixed termini, the points and places within which, or between which the motor carrier is~~  
18 ~~authorized to operate; and there shall, at the time of the issuance and from time to time thereafter,~~  
19 ~~be attached to the exercise of the privileges granted by the certificate such reasonable terms,~~  
20 ~~conditions, and limitations as the public convenience and necessity may from time to time~~  
21 ~~require; provided, however, that no terms, conditions, or limitations shall restrict the right of the~~  
22 ~~carrier to add to his or her or its equipment and facilities, between which or within the territory~~  
23 ~~specified in the certificate as the development of the business and the demands of the business~~  
24 ~~shall require.~~ Certificates issued under this chapter shall be renewed before the close of business  
25 on December 31 of each calendar year. The renewal fee shall be one hundred dollars (\$100) and  
26 shall be submitted with the renewal form. All revenues received under this section shall be  
27 deposited as general revenues. No certificate shall be issued to a common carrier by motor  
28 vehicle or, when issued, shall remain in force authorizing the transportation of property over the  
29 publicly used highways of this state, unless the rates and charges upon which the property is  
30 transported by the carrier shall have been published in the tariff and filed with the administrator in  
31 accordance with this chapter.

32 SECTION 19. This act shall take effect upon passage.

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO LICENSES GENERALLY

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1           This act would simplify the process of doing business in Rhode Island by eliminating  
2 unnecessary licensing requirements of various business entities.

3           This act would take effect upon passage.

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LC005505  
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