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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

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A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION -- HEALTH AND
SAFETY

Introduced By: Senators Blais, and Gibbs

Date Introduced: February 17, 2005

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Preamble. --

2 WHEREAS, The provisions of chapters 21-15 entitled "Pickled Fish," 21-16 entitled
3 "Kosher Foods," 21-21 entitled "Olive Oil," 21-22 entitled "Vinegar," 21-24 entitled "Flour and
4 Bread," 21-25 entitled "Corn and Corn Meal," 21-26 entitled "Soda and Cream of Tartar," and
5 sections 23-1-5.7 involving well water purification and section 31-44-1.8 involving the survey of
6 parks all involved areas for which the department of health has responsibility and which areas
7 have been addressed through other statutes and sections; and

8 WHEREAS, In section 23-1-5.7, Well Water Purification Licensing, the public health has
9 no licensed persons in this classification; and

10 WHEREAS, In section 31-44-1.8, the public health function is not specific; and

11 WHEREAS, The department of health has recommended to the general assembly that the
12 aforementioned oversight is not necessary to assure the protection of the public health; now,
13 therefore be it

14 RESOLVED, that the General Assembly finds that the specific oversight of the
15 aforementioned areas of the Rhode Island general laws are unnecessary and such statutes should
16 be repealed in the interests of avoiding unnecessary duplication of effort and expense.

17 SECTION 2. Chapter 21-15 of the General Laws entitled "Pickled Fish" is hereby
18 repealed in its entirety.

1 CHAPTER 21-15

2 Pickled Fish

3 ~~**21-15-1. Duties of packers.**--- In every city or town in which pickled fish are packed for~~
4 ~~sale or exportation from the state, the packers of every city or town shall see that the fish have~~
5 ~~been properly pickled and that they are properly repackaged in casks, in good shipping order,~~
6 ~~with good salt sufficient in each cask to preserve the fish from damage in transportation to any~~
7 ~~foreign port.~~

8 ~~**21-15-2. Packer's bond.**--- Every packer shall give bond to the city or town treasurer of~~
9 ~~the city or town in which the packer shall be appointed, in the sum of one thousand dollars~~
10 ~~(\$1,000), with sufficient surety or sureties to the satisfaction of the city or town treasurer, for the~~
11 ~~faithful performance of the duties of his or her office.~~

12 ~~**21-15-3. One kind of fish in cask.**--- Pickled fish, whether codfish, mackerel, menhaden,~~
13 ~~herrings, or other fish, shall be sorted and one kind only be put into the same cask.~~

14 ~~**21-15-4. Construction, size, and packing of casks.**--- Every cask shall be well seasoned~~
15 ~~and bound with twelve (12) hoops. Casks for menhaden and herrings shall be of the capacity to~~
16 ~~hold twenty-eight gallons (28 gals.), and those for other fish of the capacity, if a barrel, to hold~~
17 ~~two hundred pounds (200 lbs.), and if a half barrel, one hundred pounds (100 lbs.) weight of fish.~~
18 ~~Each cask shall be full and the fish shall be sound and well cured.~~

19 ~~**21-15-5. Inspection and branding of casks.**--- Every cask before being packed or~~
20 ~~repacked for exportation shall first be searched, examined, and approved by a packer; and shall,~~
21 ~~when packed or repacked for exportation, be branded legibly on one head with the kind of fish it~~
22 ~~contains and the weight of the fish or the capacity of the cask with the first letter of the first name~~
23 ~~and the whole of the surname of the packer, the name of the town, and the words Rhode Island, in~~
24 ~~letters not less than three-fourths of an inch (3/4") long, to denote that the cask is merchantable~~
25 ~~and in good order for exportation.~~

26 ~~**21-15-6. Branding of codfish casks as to quality.**--- Every cask of pickled codfish~~
27 ~~offered for sale or for exportation from the state shall also be branded "No. 1," or "No. 2," or "No.~~
28 ~~3," to denote the quality of the fish.~~

29 ~~**21-15-7. Grading of mackerel --- Bloaters.**--- There shall be five (5) qualities of~~
30 ~~mackerel. Mackerel of the best quality, not mutilated, measuring not less than fourteen inches~~
31 ~~(14") from the extremity of the head to the notch or fork of the tail, free from rust, taint, or~~
32 ~~damage, and that shall count not more than one hundred fifty (150) fish to the barrel, shall be~~
33 ~~branded on the barrel or covering containing them "Bloaters."~~

34 ~~**21-15-8. Number one mackerel.**--- Mackerel of the best quality, not mutilated, being not~~

1 ~~less than thirteen inches (13"), measured as provided in section 21-15-7, free from rust, taint, or~~
2 ~~damage, that shall count not more than two hundred (200) fish to the barrel, shall be branded~~
3 ~~"Number one."~~

4 ~~**21-15-9. Number two mackerel.** --- Mackerel being not less than eleven inches (11"),~~
5 ~~measured as provided in section 21-15-7, free from rust, taint, or damage, and that shall count not~~
6 ~~more than three hundred fifty (350) fish to the barrel, shall be branded "Number two."~~

7 ~~**21-15-10. Number three mackerel.** --- Mackerel of the next inferior quality, free from~~
8 ~~taint or damage, not less than ten inches (10"), measured as provided in section 21-15-7, that shall~~
9 ~~not count more than five hundred (500) fish to the barrel, shall be branded "Number three."~~

10 ~~**21-15-11. Number four mackerel.** --- All other mackerel, free from taint or damage,~~
11 ~~shall be branded "Number four."~~

12 ~~**21-15-12. Stamping as to quality of mackerel.** --- No person or persons shall sell or~~
13 ~~offer for sale any mackerel without having stamped, upon the barrel or covering containing the~~
14 ~~barrel, in a plain and legible manner the quality of the fish as classified in sections 21-15-7—21-~~
15 ~~15-11.~~

16 ~~**21-15-13. Sales and shipments by fishermen unaffected.** --- Nothing in this chapter~~
17 ~~shall be construed as to prevent any fishermen or owners of fish, coming to this state from their~~
18 ~~fishing trips, from selling or reshipping their fish to any other of the United States without being~~
19 ~~packed into barrels or half barrels.~~

20 ~~**21-15-14. Sale or export of pickled fish not approved and branded.** --- Every person~~
21 ~~who shall offer for sale in or attempt to export from the state any pickled fish which have not~~
22 ~~been approved by a sworn packer, or in casks which are not branded as required in this chapter,~~
23 ~~shall be fined fifty dollars (\$50.00) for each offense.~~

24 ~~**21-15-15. Transfer of fish from branded casks -- Misbranding.** --- Every person who~~
25 ~~shall shift any fish from any cask after the cask has been branded by the packer, and shall offer to~~
26 ~~sell or export the fish from this state, or shall brand any cask into which the fish shall be shifted,~~
27 ~~or shall brand any cask with the branding iron of a packer or with any iron made in imitation of it,~~
28 ~~shall be fined not less than thirty dollars (\$30.00) nor more than one hundred sixty dollars (\$160)~~
29 ~~for each offense.~~

30 ~~**21-15-16. Fraud or neglect by packers.** --- Every packer who shall be guilty of any fraud~~
31 ~~or neglect in packing any fish contrary to this chapter, or shall brand any cask not thoroughly~~
32 ~~examined according to the provisions of this chapter, shall be fined fifty dollars (\$50.00) for each~~
33 ~~offense.~~

34 ~~**21-15-17. Packers' fees.** --- The packers of fish shall be paid for opening, assorting,~~

1 ~~inspecting, weighing, pickling, packing, or repacking, heading up, nailing, and giving a~~
2 ~~certificate, if pickled codfish or mackerel, twenty cents (\$0.20) for every barrel and fifteen cents~~
3 ~~(\$0.15) for every half barrel by the owner of the fish; provided, that for all pickled codfish or~~
4 ~~mackerel which have been inspected in one of the United States and which shall not in the~~
5 ~~judgment of the packer require repacking, the owner shall only pay to the packer twenty cents~~
6 ~~(\$0.20) for unheading, inspecting, reheading, branding, nailing, and giving a certificate of the~~
7 ~~work, and for all other, except codfish and mackerel, the owner of the fish shall pay the packer~~
8 ~~twenty five cents (\$0.25) for every cask.~~

9 SECTION 3. Chapter 21-16 of the General Laws entitled "Kosher Foods" is hereby
10 repealed in its entirety.

11 ~~CHAPTER 21-16~~

12 ~~Kosher Foods~~

13 ~~**21-16-1. Violations or deception as to religious dietary laws by dealers in meats.** ---A~~
14 ~~person, firm, or corporation shall be guilty of a misdemeanor:~~

15 ~~(1) Who shall knowingly sell or expose for sale any meat or meat preparation, either raw~~
16 ~~or prepared for human consumption, and falsely represent it to be kosher or as having been~~
17 ~~prepared under the supervision of a rabbi or as a product or products sanctioned by the traditional~~
18 ~~or orthodox Hebrew religious requirements and dietary laws;~~

19 ~~(2) Who shall falsely represent any food product or the contents of any package or~~
20 ~~container to be constituted and prepared, by having or permitting to be inscribed on it the word~~
21 ~~"kosher" in any language;~~

22 ~~(3) Who shall sell or expose for sale in the same place of business both kosher and non-~~
23 ~~kosher meat or meat preparation, either raw or prepared for human consumption, who fails to~~
24 ~~indicate on the window signs and all display advertising, in block letters at least four inches (4")~~
25 ~~in height, "kosher and non-kosher meat sold here";~~

26 ~~(4) Who shall expose for sale in any show window or place of business both kosher and~~
27 ~~non-kosher meat or meat preparation, either raw or prepared for human consumption, who fails to~~
28 ~~display over each kind of meat or meat preparation so exposed a sign in block letters at least four~~
29 ~~inches (4") in height reading "kosher meat" or "non-kosher meat," as the case may be;~~

30 ~~(5) Who shall, while dealing or purporting to deal in kosher meat or meat preparations,~~
31 ~~prepare or handle or sell, or cause to be prepared or handled or sold, any food product which,~~
32 ~~when prepared or handled or sold together with kosher meat or meat preparation, constitutes a~~
33 ~~violation of the traditional or orthodox Hebrew religious requirements and dietary laws, and by~~
34 ~~which renders the kosher meat or meat preparation non-kosher;~~

1 ~~-(6) Who shall in the preparation, handling, or sale of kosher meat or meat preparation~~
2 ~~fail to comply strictly with the religious requirements and dietary laws necessary to constitute the~~
3 ~~meat or meat preparation genuinely kosher;~~

4 ~~-(7) Who shall, without complying with Hebrew religious or dietary laws, issue or~~
5 ~~maintain any sign or advertisement in any language purporting to represent that he or she sells or~~
6 ~~deals in kosher meat or meat preparations; or~~

7 ~~-(8) Who shall display on his or her window, door, or in his or her place of business,~~
8 ~~words or letters in the Hebrew language, or any sign, emblem, insignia, symbol, or mark in~~
9 ~~simulation of Hebrew words or letters, the display of which might reasonably be calculated to~~
10 ~~deceive or lead a person to believe that a representation, express or implied, is being made that~~
11 ~~the meat or meat preparation exposed for sale is kosher and in conformity with the traditional or~~
12 ~~orthodox Hebrew religious requirements.~~

13 **21-16-2. Violations and deception by restaurants.** ~~--- A person, firm, or corporation~~
14 ~~who shall knowingly sell or expose for sale in any restaurant or other place where food products~~
15 ~~are sold for consumption on the premises any article of food or food preparation falsely~~
16 ~~represented as kosher or as having been prepared in accordance with the orthodox or traditional~~
17 ~~Hebrew religious requirements, either by direct statements, orally or in writing, or by display of~~
18 ~~the word "kosher" in English or Hebrew letters, or by the display of any sign or mark in~~
19 ~~simulation of that word, or by the display of any insignia, six pointed star, or any mark which~~
20 ~~might reasonably be calculated to deceive or lead a reasonable person to believe that a~~
21 ~~representation is being made that the food sold is kosher or prepared in accordance with the~~
22 ~~traditional or orthodox Hebrew religious requirements, or who shall sell or expose for sale in a~~
23 ~~restaurant or other place both kosher and non-kosher food or food preparation, or who shall~~
24 ~~prepare, handle, combine, or serve kosher foods in a manner not sanctioned by the traditional or~~
25 ~~orthodox Hebrew religious requirements, who fails to display on his window signs and all display~~
26 ~~advertising in block letters at least four inches (4") in height "kosher and non-kosher food served~~
27 ~~here" shall be guilty of a misdemeanor.~~

28 **21-16-3. False labeling as to fitness for Passover.** ~~--- A person, firm, or corporation who~~
29 ~~shall stamp or label or cause to be stamped or labeled any can, jar, package, or other container of~~
30 ~~food or food preparation, falsely representing these to be kosher for Passover use or as having~~
31 ~~been prepared for Passover use under the supervision or sanction of any accredited rabbi of the~~
32 ~~traditional or orthodox Hebrew religion, by having or permitting to be inscribed on them the~~
33 ~~words "kosher for Passover" in any language or any sign or mark in simulation of those words in~~
34 ~~any language or any mark which might reasonably be calculated to deceive or lead a reasonable~~

1 person to believe that the contents are represented as kosher for Passover use or as prepared under
2 the supervision or sanction of an accredited rabbi of the traditional or orthodox Hebrew religion,
3 and a person, firm, or corporation who shall knowingly sell or expose for sale any falsely stamped
4 or labeled can, jar, package, or other container shall be guilty of a misdemeanor.

5 ~~**21-16-4. Penalties -- Prosecution of violations.**~~ -- A person, firm, or corporation
6 convicted of violating any of the provisions of this chapter shall, for the first offense, be punished
7 by a fine in the sum of not less than ten dollars (\$10.00) and not more than three hundred dollars
8 (\$300) and for the second and each subsequent offense by a fine of not less than twenty five
9 dollars (\$25.00) nor more than five hundred dollars (\$500), or by imprisonment not exceeding
10 one year, or by other fine and imprisonment, in the discretion of the court. It shall be the duty of
11 every board of health and the health department of any city or town and the department of health
12 of the state whenever cognizant of any violation of this chapter to prosecute any person, firm, or
13 corporation which it has reason to believe has violated any of the provisions of this chapter, and
14 after deducting the costs of trial and conviction, to retain for the use of the board or department
15 the balance of the fine or fines recovered.

16 SECTION 4. Chapter 21-21 of the General Laws entitled "Olive Oil" is hereby repealed
17 in its entirety.

18 CHAPTER 21-21

19 Olive Oil

20 ~~**21-21-1. "Olive oil" defined.**~~ -- "Olive oil," means the pale yellowish or yellowish green
21 nondrying oil expressed from ripe olives and used or sold or offered for sale as a salad oil, in
22 cooking, or as a lubricant or in illumination.

23 ~~**21-21-2. Sale of mixtures as pure olive oil prohibited.**~~ -- Olive oil, when it has been
24 mixed or packed with cotton seed oil or other substance, shall not be sold or offered for sale
25 under the name of "Pure olive oil."

26 ~~**21-21-3. Penalties for misrepresentation -- Confiscation -- Evidence -- Action on**~~
27 ~~**contract.**~~ -- Every person, firm, or corporation who as principal or by servant or agent shall have
28 in his or her or its possession or who shall pack, label, and distribute to be sold or shall offer for
29 sale any can, jar, package, or other container which is stamped or labeled or which is caused to be
30 stamped or labeled as containing pure olive oil, which stamp or label falsely represents the olive
31 oil to be pure when it has been mixed or packed with cotton seed oil or other substance, shall be
32 guilty of a misdemeanor and for the first and second offense shall be punished by a fine of not
33 exceeding two hundred dollars (\$200), and for the third and each subsequent offense shall be
34 punished by a fine of two hundred dollars (\$200) or by imprisonment for thirty (30) days or by

1 ~~both fine and imprisonment, and the olive oil shall be confiscated and shall become the property~~
2 ~~of the state for final distribution; and on trial of the offense proof of the possession, packing,~~
3 ~~labeling, or distributing to be sold or offering for sale, shall be evidence of knowledge of the~~
4 ~~character of the article possessed, packed, labeled, and distributed for sale or offered for sale and~~
5 ~~of knowledge that it was not pure olive oil as required by section 21-21-2. No action shall be~~
6 ~~maintained in any court of this state to recover on any contract for packing, labeling, and~~
7 ~~distributing for sale of olive oil so misrepresented as being pure olive oil as required by this~~
8 ~~chapter.~~

9 ~~**21-21-4. Prosecution of violations.** -- It shall be the duty of the department of health to~~
10 ~~prosecute any person, firm, or corporation violating any of the provisions of this chapter.~~

11 ~~**21-21-5. Access to premises -- Taking and analysis of specimens.** -- The director of~~
12 ~~health or the director's officer or agent may enter any place where olive oil is packed, labeled,~~
13 ~~distributed, or offered for sale for the purpose of examining into any suspected violation of~~
14 ~~sections 21-21-2 and 21-21-3; and whenever the director has reason to believe that any olive oil is~~
15 ~~being packed, labeled, distributed, or offered for sale in violation of sections 21-21-2 and 21-21-~~
16 ~~3, he or she shall take specimens of the oil and cause the specimens to be analyzed or~~
17 ~~satisfactorily tested, the result of which he or she shall record and preserve as evidence, and a~~
18 ~~certificate of the result, sworn to by the analyzer, shall be admissible in evidence in all~~
19 ~~prosecutions under this chapter. Every person refusing the director or other officer or agent~~
20 ~~responsible entry for the purpose of examination, or refusing to allow him or her to take~~
21 ~~specimens, shall, upon conviction, be fined a sum not exceeding fifty dollars (\$50.00).~~

22 ~~**21-21-6. Sale of mixed oils so labeled.** -- Nothing contained in this chapter shall prevent~~
23 ~~the sale of olive oil, which has been mixed with cotton seed oil or other substance when the can,~~
24 ~~jar, package, or container in which the mixed olive oil is so stamped or labeled.~~

25 SECTION 5. Chapter 21-22 of the General Laws entitled "Vinegar" is hereby repealed in
26 its entirety.

27 CHAPTER 21-22

28 Vinegar

29 ~~**21-22-1. False representation as cider vinegar.** -- No person shall by himself or herself,~~
30 ~~his or her servant or agent, or as the servant or agent of any other person, sell, exchange, or have~~
31 ~~in his or her custody or possession, with intent to sell or exchange, or expose or offer for sale or~~
32 ~~exchange, any adulterated vinegar, or label, brand, or sell as cider vinegar any vinegar not made~~
33 ~~exclusively from apple cider.~~

34 ~~**21-22-2. Artificial coloring prohibited -- Acetic acid and vinegar solid requirements.**~~

~~1 -- All vinegars shall be without artificial coloring matter, and shall contain not less than four
2 grams (4 gs.) of acetic acid in one hundred grams (100 gs.) of the vinegar. Cider vinegar shall
3 contain in addition to four grams (4 gs.) of acetic acid not less than one and six tenths grams (1.6
4 gs.) of cider vinegar solids in one hundred grams (100 gs.) of the vinegar. If any vinegar contains
5 any artificial coloring matter, or less than the amount of acidity required by this section, or, in the
6 case of a cider vinegar, if it contains less than the amount of acidity or cider vinegar solids
7 required by this section, it shall be deemed to be an adulteration within the meaning of this
8 chapter.~~

~~9 **21-22-3. Metallic salts -- Mineral acids.** -- All vinegars shall be without any metallic
10 salts of arsenic, lead, copper, tin, or zinc, or any sulphuric, hydrochloric, nitric, or other mineral
11 acid injurious to health; and if any vinegar contains any metallic salts of arsenic, lead, copper, tin,
12 or zinc, or any sulphuric, hydrochloric, nitric, or other mineral acid injurious to health, it shall be
13 deemed to be adulterated within the meaning of this chapter.~~

~~14 **21-22-4. Complaints for violations.** -- It shall be the duty of the director of health to
15 make complaint for all violations of this chapter, and the director shall not be required to give
16 surety for costs.~~

~~17 **21-22-5. Access to premises -- Taking and analysis of specimens.** -- Every duly
18 authorized agent of the department of health may enter any place where vinegar is stored or kept
19 for sale, and examine all carriages used in the conveyance of vinegar; and whenever the agent has
20 reason to believe any vinegar found by him or her is adulterated, the agent shall take specimens of
21 it and cause the vinegar to be analyzed or satisfactorily tested, the result of which the agent shall
22 record and preserve as evidence, and a certificate of the result, sworn to by the analyzer, shall be
23 admissible in evidence in all prosecutions under this chapter.~~

~~24 **21-22-6. Penalties for violations.** -- Any person violating the provisions of this chapter
25 shall be subject to the penalties prescribed in chapters 1, 17, 23, and 30 of this title for like
26 offenses.~~

27 SECTION 6. Chapter 21-24 of the General Laws entitled "Flour and Bread" is hereby
28 repealed in its entirety.

29 CHAPTER 21-24

30 Flour and Bread

31 **21-24-1. Definitions.** -- (a) "Department" means the department of health.

32 (b) "Director" means the director of health.

33 (c) "Person" means an individual, a corporation, a partnership, an association, a joint
34 stock company, a trust, or any group of persons whether incorporated or not, engaged in the

1 ~~commercial manufacture or sale of flour, white bread, or rolls.~~

2 ~~**21-24-2. Regulations.** --- All bakery products, cereal flours, and related products~~
3 ~~regulations and any amendments to them adopted by the federal government pursuant to the~~
4 ~~Food, Drug, and Cosmetic Act, CFR 21, Parts 136, entitled "Bakery Products," and 137, entitled~~
5 ~~"Cereal Flours and Related Products," are the regulations in this state. The department may by~~
6 ~~regulation provide for modification or deviation from these regulations where the interest of~~
7 ~~Rhode Island consumers may warrant, whether or not the modifications or deviations are in~~
8 ~~accordance with the regulations adopted pursuant to the Federal Food, Drug, and Cosmetic Act,~~
9 ~~21 U.S.C. section 301 et seq.; provided, the amendments do not interfere with interstate~~
10 ~~commerce. A federal regulation automatically adopted pursuant to this chapter takes effect in this~~
11 ~~state on the date it becomes effective as a federal regulation. The director shall publish a notice of~~
12 ~~the adoption in a newspaper having general circulation throughout the state. A person who may~~
13 ~~be adversely affected by a regulation may, within thirty (30) days after a federal regulation is~~
14 ~~automatically adopted, file with the director, in writing, objections and a request for a hearing.~~
15 ~~The timely filing of substantial objections to a federal regulation automatically adopted stays the~~
16 ~~effect of the regulation. If no substantial objections are received and no hearing is requested~~
17 ~~within thirty (30) days after publication of a notice of the adoption of a federal regulation, it shall~~
18 ~~be effective as of the date it was adopted by the federal government. If timely substantial~~
19 ~~objections are made to a federal regulation within thirty (30) days after it is automatically~~
20 ~~adopted, the director, after notice, shall conduct a public hearing in accordance with the~~
21 ~~provisions of chapter 35 of title 42. The director of health is authorized to adopt any regulations~~
22 ~~for bakery products, cereal flours, and related products that he or she deems necessary in~~
23 ~~accordance with authority granted under this chapter, chapter 31 of this title, chapter 27 of this~~
24 ~~title, and section 23-1-18(5).~~

25 ~~**21-24-3. Corn and corn meal.** --- Nothing in this chapter or the regulations adopted or in~~
26 ~~effect pursuant to this chapter shall supersede the provisions of chapter 25 of this title as it relates~~
27 ~~to "Rhode Island corn" and corn meal made from Rhode Island corn.~~

28 ~~**21-24-4. Enforcement of provisions.** --- Enforcement of this chapter shall be in~~
29 ~~accordance with the provisions of sections 23-1-20—23-1-24.~~

30 ~~**21-24-5. Investigative powers.** --- For the purpose of enforcement of this chapter and the~~
31 ~~regulations in effect or adopted pursuant to this chapter, the director, or the officers or employees~~
32 ~~under his or her supervision as he or she may designate, is authorized to take samples for analysis~~
33 ~~and to conduct examinations and investigations, and to enter at reasonable times any factory, mill,~~
34 ~~bakery, warehouse, shop, or establishment where cereal flours, bread, rolls, or related products~~

1 ~~are manufactured, processed, packed, sold, or held, or any vehicle being used for their~~
2 ~~transportation, and to inspect the place or vehicle and any flours, bakery products, or related~~
3 ~~products in the place or vehicle, and all pertinent equipment, materials, containers, and labeling.~~

4 ~~**21-24-6. Penalties for violations.** -- Any person who violates any of the provisions of~~
5 ~~this chapter or the orders, rules, or regulations promulgated by the director under authority of this~~
6 ~~chapter shall be subject to the provisions of chapter 1 of title 23 pertaining to violation of laws~~
7 ~~administered by the director of health or rules or regulations adopted pursuant to the director's~~
8 ~~authority.~~

9 ~~**21-24-7. Appropriations and disbursements.** -- The general assembly shall annually~~
10 ~~appropriate any sums that it may deem necessary to carry out the provisions of this chapter and~~
11 ~~the state controller is authorized and directed to draw his or her orders upon the general treasurer~~
12 ~~for the payment of the sum, or so much of it as may be required, upon receipt by him or her of~~
13 ~~proper vouchers approved by the director of health.~~

14 ~~**21-24-8. Severability.** -- If any provision of this chapter or of any rule or regulation~~
15 ~~made pursuant to this chapter or the application of it to any person or circumstances is held~~
16 ~~invalid by a court of competent jurisdiction, the remainder of the chapter, rule, or regulation, and~~
17 ~~the application of the provision to other persons or circumstances shall not be affected by that~~
18 ~~invalidity. The invalidity of any section or sections or parts of any section or sections of this~~
19 ~~chapter shall not affect the validity of the remainder of the chapter.~~

20 SECTION 7. Chapter 21-25 of the General Laws entitled "Corn and Corn Meal" is
21 hereby repealed in its entirety.

22 CHAPTER 21-25

23 Corn and Corn Meal

24 ~~**21-25-1. "Rhode Island corn" defined.** -- Within the meaning of this chapter "Rhode~~
25 ~~Island corn" means corn of a light amber color, hard and sound of kernel, generally known as~~
26 ~~Rhode Island white cap corn and grown in the soil of Rhode Island within the state of Rhode~~
27 ~~Island.~~

28 ~~**21-25-2. Labeling of containers of corn.** -- The words "Rhode Island" shall not be~~
29 ~~stamped, marked, printed, branded, or used on any package, bag, bottle, can, box, tub, firkin, or~~
30 ~~container of any kind in which any corn may be stored or from or in which corn may be sold or~~
31 ~~offered or exposed for sale unless the corn shall be Rhode Island corn within the meaning of this~~
32 ~~chapter.~~

33 ~~**21-25-3. Labeling of corn meal.** -- The words "Rhode Island" shall not be stamped,~~
34 ~~marked, printed, branded, or used on any package, bag, bottle, can, box, tub, firkin, or container~~

1 ~~of any kind in which any corn meal may be stored or from or in which corn meal may be sold or~~
2 ~~offered or exposed for sale unless the corn meal has been ground or manufactured in Rhode~~
3 ~~Island from Rhode Island corn within the meaning of this chapter.~~

4 ~~**21-25-4. Penalty for misbranding.** -- Every person, firm, or corporation, as principal, or~~
5 ~~by a servant, or agent, who shall sell or offer to sell or expose for sale or have in their possession~~
6 ~~with intent to sell, contrary to the provisions of this chapter, any package, bag, bottle, can, box,~~
7 ~~tub, firkin, or container of any kind which has been stamped, marked, printed, branded, and is to~~
8 ~~be used for the sale, offering, or exposing for sale of any Rhode Island corn meal when the corn~~
9 ~~meal contained in it has not been ground or manufactured in Rhode Island from Rhode Island~~
10 ~~corn as required by this chapter, shall for each offense be fined one hundred dollars (\$100), one-~~
11 ~~half (1/2) of the fine to the use of the complainant and one half (1/2) of the fine to the use of the~~
12 ~~state; and on trial for the offense, proof of the sale or offering to sell or of the exposing for sale of~~
13 ~~the article or substance shall be evidence of knowledge of the character of the article or substance~~
14 ~~so sold or offered or exposed for sale and of knowledge that it was not stamped, marked, printed,~~
15 ~~branded, or used in accordance with the requirements of this chapter.~~

16 ~~**21-25-5. Prosecution of violations.** -- It shall be the duty of the director of health to~~
17 ~~prosecute any person, firm, or corporation violating any of the provisions of this chapter, and the~~
18 ~~director when making a complaint shall not be required to give surety for the payment of costs.~~

19 SECTION 8. Chapter 21-26 of the General Laws entitled "Soda and Cream of Tartar" is
20 hereby repealed in its entirety.

21 ~~CHAPTER 21-26~~

22 ~~Soda and Cream of Tartar~~

23 ~~**21-26-1. Appointment of municipal inspectors.** -- The city and town councils of the~~
24 ~~several cities and towns may, appoint an inspector of saleratus, bicarbonate of soda, and cream of~~
25 ~~tartar for the cities and towns.~~

26 ~~**21-26-2. Testing and certification -- Fee.** -- Every inspector shall, whenever requested,~~
27 ~~test any of the articles which shall be presented to him or her for inspection, and shall give his or~~
28 ~~her certificate to any person applying for it, whether the article is impure or adulterated, and for~~
29 ~~every certificate the inspector shall be entitled to the sum of two dollars (\$2.00).~~

30 ~~**21-26-3. Analysis -- Fee.** -- Every inspector shall, whenever requested, make an analysis~~
31 ~~of an article which may be presented to him or her for that purpose, and shall give his or her~~
32 ~~certificate to any person who shall apply for it, of the result of the analysis, for which certificate~~
33 ~~he or she shall be entitled to the sum of ten dollars (\$10.00).~~

34 ~~**21-26-4. Sale of adulterated articles.** -- Every person who shall sell saleratus,~~

1 ~~bicarbonate of soda, or cream of tartar which has been adulterated and thereby rendered an~~
2 ~~impure article, shall be fined twenty dollars (\$20.00), together with the cost of testing and~~
3 ~~analyzing the impure article; one half (1/2) of the fine to the use of the city or town where the~~
4 ~~sale shall be made, and one half (1/2) of the fine, together with the cost of testing and analyzing~~
5 ~~the impure article, to the use of the person who shall sue for it.~~

6 SECTION 9. Section 23-1-5.7 of the General Laws in Chapter 23-1 entitled "Department
7 of Health" is hereby repealed.

8 ~~**23-1-5.7. Well water purification licensing.** -- (a) The director of the department of~~
9 ~~health shall promulgate rules and regulations for the licensing of well water purification~~
10 ~~companies. The rules shall include minimum qualifications for testing and analysis of wells and~~
11 ~~shall set forth comprehensive criteria for the distribution of chemicals used in the treatment of~~
12 ~~drinking water and potable well water. Upon promulgation of the rules, no person, firm,~~
13 ~~partnership, or other business association shall engage in the business of well water purification~~
14 ~~without first obtaining a license from the director of health. The director may revoke the license~~
15 ~~for just cause. The director may charge an appropriate license or registration fee to cover~~
16 ~~administrative costs.~~

17 ~~(b) The licensing provisions of this section shall not apply to state employees carrying~~
18 ~~out official business of the state. The regulations issued under this section shall not apply to the~~
19 ~~design, installation, and operation of recovery wells utilized to treat contaminated groundwater~~
20 ~~provided that this activity is authorized by the department of environmental management and that~~
21 ~~the wells are not used for drinking water purposes.~~

22 SECTION 10. Section 31-44-1.8 of the General Laws in Chapter 31-44 entitled "Mobile
23 and Manufactured Homes" is hereby repealed.

24 ~~**31-44-1.8. Survey of parks.** -- The department of health or its authorized representatives~~
25 ~~shall conduct a survey every three (3) years of mobile and manufactured home parks.~~

26 SECTION 11. This act shall take effect upon passage.

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

- 1 This act would repeal certain provisions of the general laws pertaining to health which
- 2 laws are deemed to be archaic and/or no longer considered necessary.
- 3 This act would take effect upon passage.

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