AN ACT

MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2023

Introduced By: Representative Marvin L. Abney

Date Introduced: January 20, 2022

Referred To: House Finance

(Governor)

It is enacted by the General Assembly as follows:

1. ARTICLE 1 RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2023
2. ARTICLE 2 RELATING TO STATE FUNDS
3. ARTICLE 3 RELATING TO GOVERNMENT REFORM AND REORGANIZATION
4. ARTICLE 4 RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS
5. ARTICLE 5 RELATING TO CAPITAL DEVELOPMENT PROGRAM
6. ARTICLE 6 RELATING TO TAXATION
7. ARTICLE 7 RELATING TO ENERGY AND THE ENVIRONMENT
8. ARTICLE 8 RELATING TO SMALL BUSINESS
9. ARTICLE 9 RELATING TO ECONOMIC DEVELOPMENT
10. ARTICLE 10 RELATING TO EDUCATION
11. ARTICLE 11 RELATING TO ADULT USE MARIJUANA
12. ARTICLE 12 RELATING TO MEDICAL ASSISTANCE
13. ARTICLE 13 RELATING TO HUMAN SERVICES
14. ARTICLE 14 RELATING TO LEASE AGREEMENTS FOR LEASED OFFICE AND OPERATING SPACE
15. ARTICLE 15 RELATING TO EFFECTIVE DATE
ARTICLE 1
RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2023

SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained in this act, the following general revenue amounts are hereby appropriated out of any money in the treasury not otherwise appropriated to be expended during the fiscal year ending June 30, 2023. The amounts identified for federal funds and restricted receipts shall be made available pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the purposes and functions hereinafter mentioned, the state controller is hereby authorized and directed to draw his or her orders upon the general treasurer for the payment of such sums or such portions thereof as may be required from time to time upon receipt by him or her of properly authenticated vouchers.

Administration

Central Management

General Revenues 4,896,389

Provided that $2,000,000 shall be allocated to support a state workforce compensation and classification study, of which all unexpended or unencumbered balances, at the end of the fiscal year, shall be reappropriated to the ensuing fiscal year and made immediately available for the same purposes.

Federal Funds 108,998,500

Federal Funds - State Fiscal Recovery Fund

Nonprofit Assistance 10,000,000

Ongoing COVID-19 Response 75,000,000

ERP Implementation Support 2,200,000

Total – Central Management 201,094,889

Legal Services

General Revenues 2,374,193

Accounts and Control

General Revenues 5,211,103

Federal Funds - Capital Projects Fund

CPF Administration 2,807,250

Restricted Receipts – OPEB Board Administration 137,905

Restricted Receipts – Grants Management Administration 5,579,639

Total – Accounts and Control 13,735,897

Office of Management and Budget

General Revenues 8,354,324
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1</td>
<td>Federal Funds</td>
<td>101,250</td>
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<td>Restricted Receipts</td>
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<td>Other Funds</td>
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<td>Total – Office of Management and Budget</td>
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<td>Purchasing</td>
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<td>General Revenues</td>
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<td>Restricted Receipts</td>
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<td>Total – Purchasing</td>
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<td>Personnel Appeal Board</td>
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<td>Information Technology</td>
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<td>16</td>
<td>Restricted Receipts</td>
<td>40,449,160</td>
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<td>17</td>
<td>Provided that of the total available in the Information Technology Investment Fund as of July 1, 2022, $22.4 million shall be made available for the development and implementation of an electronic medical records system for the state hospitals and $19.4 million shall be made available for the replacement and modernization of the legacy department of labor and training mainframe system.</td>
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<td>18</td>
<td>Total – Information Technology</td>
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<td>Library and Information Services</td>
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<td>Restricted Receipts</td>
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<td>Total – Library and Information Services</td>
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<td>Planning</td>
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<td>26</td>
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<td>3,050</td>
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<td>Air Quality Modeling</td>
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<td>Federal Highway – PL Systems Planning</td>
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<td>State Transportation Planning Match</td>
<td>592,033</td>
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<td>1</td>
<td>FTA – Metro Planning Grant</td>
<td>1,340,126</td>
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<td>Total – Planning</td>
<td>6,613,080</td>
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<td>3</td>
<td><strong>General</strong></td>
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<td>4</td>
<td>General Revenues</td>
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<td>5</td>
<td>Miscellaneous Grants/Payments</td>
<td>130,000</td>
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<td>Provided that this amount be allocated to City Year for the Whole School Whole Child Program, which provides individualized support to at-risk students.</td>
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<td>8</td>
<td>Torts – Courts/Awards</td>
<td>675,000</td>
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<td>9</td>
<td>Resource Sharing and State Library Aid</td>
<td>9,562,072</td>
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<td>10</td>
<td>Library Construction Aid</td>
<td>1,859,673</td>
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<td>11</td>
<td><strong>Federal Funds- State Fiscal Recovery Fund</strong></td>
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<td>12</td>
<td>Aid to the Convention Center</td>
<td>17,700,000</td>
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<td>13</td>
<td><strong>Federal Funds- Capital Projects Fund</strong></td>
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<td>14</td>
<td>Municipal and Higher Ed Matching Grant Program</td>
<td>23,360,095</td>
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<td>RIC Student Services Center</td>
<td>5,000,000</td>
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<td>16</td>
<td><strong>Restricted Receipts</strong></td>
<td>700,000</td>
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<td>17</td>
<td><strong>Other Funds</strong></td>
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<tr>
<td>18</td>
<td>Rhode Island Capital Plan Funds</td>
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<tr>
<td>19</td>
<td>Security Measures State Buildings</td>
<td>500,000</td>
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<td>20</td>
<td>Energy Efficiency Improvements</td>
<td>1,250,000</td>
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<td>21</td>
<td>Cranston Street Armory</td>
<td>750,000</td>
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<td>22</td>
<td>State House Renovations</td>
<td>1,928,000</td>
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<td>23</td>
<td>Zambarano Buildings and Campus</td>
<td>6,070,000</td>
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<td>24</td>
<td>Replacement of Fueling Tanks</td>
<td>680,000</td>
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<td>Environmental Compliance</td>
<td>400,000</td>
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<td>26</td>
<td>Big River Management Area</td>
<td>427,000</td>
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<td>27</td>
<td>Shepard Building Upgrades</td>
<td>1,500,000</td>
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<td>28</td>
<td>RI Convention Center Authority</td>
<td>1,700,000</td>
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<td>29</td>
<td>Accessibility – Facility Renovations</td>
<td>1,000,000</td>
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<td>30</td>
<td>DoIT Enterprise Operations Center</td>
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<td>31</td>
<td>BHDDH MH &amp; Community Facilities – Asset Protection</td>
<td>750,000</td>
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<td>32</td>
<td>BHDDH DD &amp; Community Homes – Fire Code</td>
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<td>33</td>
<td>BHDDH DD Regional Facilities – Asset Protection</td>
<td>1,700,000</td>
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<td>34</td>
<td>BHDDH Substance Abuse Asset Protection</td>
<td>500,000</td>
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1. BHDDH Group Homes 1,250,000
2. Statewide Facility Master Plan 1,700,000
3. Cannon Building 1,150,000
4. Old State House 100,000
5. State Office Building 100,000
6. State Office Reorganization & Relocation 250,000
7. William Powers Building 2,700,000
8. Pastore Center Non-Hospital Buildings Asset Protection 6,250,000
9. Washington County Government Center 500,000
10. Chapin Health Laboratory 500,000
11. 560 Jefferson Blvd Asset Protection 150,000
12. Arrigan Center 825,000
13. Dunkin Donuts Center 1,100,000
14. Pastore Center Building Demolition 1,000,000
15. Veterans Auditorium 765,000
16. Pastore Center Hospital Buildings Asset Protection 500,000
17. Pastore Campus Infrastructure 11,050,000
18. Community Facilities Asset Protection 450,000
19. Zambarano LTAC Hospital 1,177,542
20. Total – General 112,284,382

21. **Debt Service Payments**
22. General Revenues 153,991,095

Out of the general revenue appropriations for debt service, the General Treasurer is authorized to make payments for the I-195 Redevelopment District Commission loan up to the maximum debt service due in accordance with the loan agreement.

26. **Other Funds**
27. Transportation Debt Service 40,548,738
28. Investment Receipts – Bond Funds 100,000
29. Total - Debt Service Payments 194,639,833

30. **Energy Resources**
31. Federal Funds 981,791
32. Federal Funds- State Fiscal Recovery Fund
33. Electric Heat Pump Grant Program 4,900,500
34. Restricted Receipts 20,179,659
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<td>Auto-Enrollment Program</td>
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<td>Eligibility Extension Compliance</td>
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<td>Total – Rhode Island Health Benefits Exchange</td>
<td>30,687,820</td>
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<td>10</td>
<td>Office of Diversity, Equity &amp; Opportunity</td>
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<td>12</td>
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<td>Total – Office of Diversity, Equity &amp; Opportunity</td>
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<td>Capital Asset Management and Maintenance</td>
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<td>Statewide Personnel and Operations</td>
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<td>Grand Total – Administration</td>
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<td>19</td>
<td>Business Regulation</td>
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<td>23</td>
<td>Federal Funds- State Fiscal Recovery Fund</td>
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<td>24</td>
<td>Blockchain Digital Identity</td>
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<td>Total - Central Management</td>
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<td>63,000</td>
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<td>Total – Banking Regulation</td>
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<td>Total – Securities Regulation</td>
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<td><strong>Total – Insurance Regulation</strong></td>
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<td><strong>Office of the Health Insurance Commissioner</strong></td>
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<td>Federal Funds</td>
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<td>Federal Funds- State Fiscal Recovery Fund</td>
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<td><strong>Health Spending Accountability and Transparency Program</strong></td>
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<td>9</td>
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<td><strong>Total – Office of the Health Insurance Commissioner</strong></td>
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<td><strong>Board of Accountancy</strong></td>
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<td>13</td>
<td><strong>Commercial Licensing and Gaming and Athletics Licensing</strong></td>
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<td>General Revenues</td>
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<td>Restricted Receipts</td>
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<td>16</td>
<td><strong>Total – Commercial Licensing and Gaming and Athletics Licensing</strong></td>
<td><strong>2,082,482</strong></td>
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<td>17</td>
<td><strong>Building, Design and Fire Professionals</strong></td>
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<td>General Revenues</td>
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<td>21</td>
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<td>22</td>
<td>Quonset Development Corporation</td>
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<td>23</td>
<td>Rhode Island Capital Plan Funds</td>
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<td>24</td>
<td>Fire Academy</td>
<td>150,000</td>
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<td>25</td>
<td><strong>Total – Building, Design and Fire Professionals</strong></td>
<td><strong>12,985,181</strong></td>
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<td><strong>Office of Cannabis Regulation</strong></td>
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<td>5,623,590</td>
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<td><strong>Grand Total – Business Regulation</strong></td>
<td><strong>38,501,342</strong></td>
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<td><strong>Executive Office of Commerce</strong></td>
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<td>Central Management</td>
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<td><strong>Housing and Community Development</strong></td>
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<td>34</td>
<td>Federal Funds</td>
<td>16,849,699</td>
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</table>
Federal Funds - State Fiscal Recovery Fund

1 Development of Affordable Housing 20,000,000
2 Homelessness Assistance Program 7,000,000
3 Site Acquisition 3,000,000
4 Down Payment Assistance 15,000,000
5 Workforce Housing 12,000,000
6 Affordable Housing Predevelopment Program 2,500,000
7 Home Repair and Community Revitalization 15,000,000
8 Statewide Housing Plan 2,000,000
9 Homelessness Infrastructure 5,000,000
10 Restricted Receipts 7,664,150
11 Total – Housing and Community Development 107,656,282

Quasi-Public Appropriations

13 Rhode Island Commerce Corporation 7,947,778
14 Airport Impact Aid 1,010,036
15 Sixty percent (60%) of the first $1,000,000 appropriated for airport impact aid shall be distributed to each airport serving more than 1,000,000 passengers based upon its percentage of the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent (40%) of the first $1,000,000 shall be distributed based on the share of landings during calendar year 2022 at North Central Airport, Newport-Middletown Airport, Block Island Airport, Quonset Airport, T.F. Green Airport and Westerly Airport, respectively. The Rhode Island Commerce Corporation shall make an impact payment to the towns or cities in which the airport is located based on this calculation. Each community upon which any part of the above airports is located shall receive at least $25,000.
16 STAC Research Alliance 900,000
17 Innovative Matching Grants/Internships 1,000,000
18 I-195 Redevelopment District Commission 961,000
19 Polaris Manufacturing Grant 350,000
20 East Providence Waterfront Commission 50,000
21 Urban Ventures 140,000
22 Chafee Center at Bryant 476,200
23 Quonset Development Corporation 1,200,000
24 Federal Funds - State Fiscal Recovery Fund
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<th>Description</th>
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<td>Port of Davisville</td>
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<td>2</td>
<td>Other Funds</td>
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<td>3</td>
<td>Rhode Island Capital Plan Funds</td>
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</tr>
<tr>
<td>4</td>
<td>I-195 Redevelopment District Commission</td>
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<tr>
<td>5</td>
<td>Quonset Point Davisville Pier</td>
<td>3,100,000</td>
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<td>Total – Quasi–Public Appropriations</td>
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<td>7</td>
<td>Economic Development Initiatives Fund</td>
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1. **Central Management**
   - **General Revenues**: $1,065,747
   - **Restricted Receipts**: $379,215
   - **Total – Central Management**: $1,444,962

2. **Workforce Development Services**
   - **General Revenues**: $903,105
   - **Federal Funds**: $19,464,609
   - **Other Funds**: $8,026
   - **Total – Workforce Development Services**: $20,375,740

3. **Workforce Regulation and Safety**
   - **General Revenues**: $4,240,619
   - **Income Support**
     - **General Revenues**: $3,644,977
     - **Federal Funds**: $57,711,996
   - **Federal Funds- State Fiscal Recovery Fund**
     - **Unemployment Insurance Trust Fund Contribution**: $30,000,000
   - **Restricted Receipts**: $2,076,599
   - **Other Funds**
     - **Temporary Disability Insurance Fund**: $215,049,696
     - **Employment Security Fund**: $177,075,000
   - **Total – Income Support**: $485,558,268

4. **Injured Workers Services**
   - **Restricted Receipts**: $11,403,127

5. **Labor Relations Board**
   - **General Revenues**: $452,822

6. **Governor’s Workforce Board**
   - **General Revenues**: $6,050,000

7. **Provided that $600,000 of these funds shall be used for enhanced training for direct care and support services staff to improve resident quality of care and address the changing health care needs of nursing facility residents due to higher acuity and increased cognitive impairments pursuant to Rhode Island General Laws, Section 23-17.5-36.**

8. **Federal Funds- State Fiscal Recovery Fund**
   - **Enhanced Real Jobs**: $10,000,000
   - **Restricted Receipts**: $18,443,377
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<td>and $1.0 million is for hospitals providing Neonatal Intensive Care Unit</td>
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<td>Other Services</td>
<td>726,255,819</td>
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<td>6</td>
<td>Pharmacy</td>
<td>(432,570)</td>
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<td>Rhody Health</td>
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<td>8</td>
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<td>9</td>
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<td>11</td>
<td>Grand Total – Office of Health and Human Services</td>
<td>3,285,316,761</td>
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**Children, Youth, and Families**

<table>
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<tr>
<th></th>
<th>Description</th>
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<td>12</td>
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<tr>
<td>13</td>
<td>General Revenues</td>
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</table>

The director of the department of children, youth and families shall provide to the speaker of the house and president of the senate at least every sixty (60) days beginning September 1, 2021, a report on its progress implementing the accreditation plan filed in accordance with Rhode Island General Law, Section 42-72-5.3 and any projected changes needed to effectuate that plan. The report shall, at minimum, provide data regarding recruitment and retention efforts including attaining and maintaining a diverse workforce, documentation of newly filled and vacated positions, and progress towards reducing worker caseloads.

<table>
<thead>
<tr>
<th></th>
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<td>Foster Home Lead Abatement &amp; Fire Safety</td>
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<td>17</td>
<td>Other Funds</td>
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<td>18</td>
<td>Rhode Island Capital Plan Funds</td>
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<tr>
<td>19</td>
<td>DCYF Headquarters</td>
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<td>20</td>
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**Children's Behavioral Health Services**

<table>
<thead>
<tr>
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<tr>
<td>22</td>
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<td>Federal Funds- State Fiscal Recovery Fund</td>
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<td>Psychiatric Residential Treatment Facility</td>
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<td>Total – Children's Behavioral Health Services</td>
<td>23,376,604</td>
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<tr>
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<tr>
<td>2</td>
<td><strong>Juvenile Correctional Services</strong></td>
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<td>3</td>
<td>General Revenues</td>
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<td>7</td>
<td>Rhode Island Capital Plan Funds</td>
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<tr>
<td>8</td>
<td>Training School Asset Protection</td>
<td>250,000</td>
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<td>9</td>
<td>Total – Juvenile Correctional Services</td>
<td>23,082,546</td>
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<td><strong>Child Welfare</strong></td>
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<td>11</td>
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<td>Grand Total – Children, Youth, and Families</td>
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<td>23</td>
<td>Provided that the disbursement of any indirect</td>
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<td>24</td>
<td>cost recoveries on federal grants budgeted</td>
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<tr>
<td>25</td>
<td>in this line item that are derived from grants</td>
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<tr>
<td>26</td>
<td>authorized under The Coronavirus Preparedness</td>
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</tr>
<tr>
<td>27</td>
<td>and Response Supplemental Appropriations Act</td>
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<tr>
<td>28</td>
<td>(P.L. 116-123); The Families First Coronavirus</td>
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</tr>
<tr>
<td>29</td>
<td>Response Act (P.L. 116-127); The Coronavirus</td>
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<td>30</td>
<td>Aid, Relief, and Economic Security Act (P.L.</td>
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<tr>
<td>31</td>
<td>116-136); The Paycheck Protection Program and</td>
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<tr>
<td>32</td>
<td>Health Care Enhancement Act (P.L. 116-139); the</td>
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<td>33</td>
<td>Consolidated Appropriations Act, 2021 (P.L.</td>
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<tr>
<td>34</td>
<td>116-260); and the American Rescue Plan Act of</td>
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<tr>
<td></td>
<td>2021 (P.L. 117-2), are hereby subject to the</td>
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<tr>
<td></td>
<td>review and prior approval of the Director of</td>
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<tr>
<td></td>
<td>Management and Budget. No obligation or</td>
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<tr>
<td></td>
<td>expenditure of these funds shall take place</td>
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<tr>
<td></td>
<td>without such approval.</td>
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<td>31</td>
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<td><strong>Community Health and Equity</strong></td>
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<td>General Revenues</td>
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<tr>
<td>13</td>
<td>Health Laboratories &amp; Medical Examiner Equipment</td>
<td>400,000</td>
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<td>14</td>
<td>Total – Health Laboratories and Medical Examiner</td>
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<td>18</td>
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<td>19</td>
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<td>17,358,962</td>
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<td>25</td>
<td>Preparedness, Response, Infectious Disease &amp; Emergency Services</td>
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<td>General Revenues</td>
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<td>28</td>
<td>Total – Preparedness, Response, Infectious Disease &amp; Emergency Services</td>
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<td>COVID-19</td>
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<td>32</td>
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<td>33</td>
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<td></td>
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<tr>
<td>34</td>
<td>General Revenues</td>
<td>5,436,208</td>
</tr>
</tbody>
</table>
Of this amount, $400,000 is to support the Domestic Violence Prevention Fund to provide
direct services through the Coalition Against Domestic Violence, $350,000 to support Project
Reach activities provided by the RI Alliance of Boys and Girls Clubs, $267,000 is for outreach and
supportive services through Day One, $450,000 is for food collection and distribution through the
Rhode Island Community Food Bank, $500,000 for services provided to the homeless at Crossroads
Rhode Island, $600,000 for the Community Action Fund, $250,000 is for the Institute for the Study
and Practice of Nonviolence’s Reduction Strategy, $50,000 is to support services provided to the
immigrant and refugee population through Higher Ground International, and $50,000 is for services
provided to refugees through the Refugee Dream Center.

Federal Funds 5,425,851
Restricted Receipts 300,000
Total – Central Management 11,162,059

Child Support Enforcement

General Revenues 3,678,142
Federal Funds 8,773,784
Restricted Receipts 3,575,448
Total – Child Support Enforcement 16,027,374

Individual and Family Support

General Revenues 39,250,009
Federal Funds 119,508,574
Federal Funds- State Fiscal Recovery Fund

Child Care Support 21,283,000
Eligibility Extension Compliance 36,182
RI Bridges Mobile Access and Childcare Tracking 2,400,000
Restricted Receipts 250,255
Other Funds

Rhode Island Capital Plan Funds
Blind Vending Facilities 165,000
Total – Individual and Family Support 182,893,020

Office of Veterans Services

General Revenues 30,304,208

Of this amount, $200,000 is to provide support services through Veterans’ organizations.
Federal Funds 13,320,230

Federal Funds- State Fiscal Recovery Fund
<table>
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<tr>
<th></th>
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<th>Amount</th>
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<tr>
<td>1</td>
<td>Emergency Staffing RIVH</td>
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<td>3</td>
<td>Other Funds</td>
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<tr>
<td>4</td>
<td>Rhode Island Capital Plan Funds</td>
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</tr>
<tr>
<td>5</td>
<td>Veterans Home Asset Protection</td>
<td>300,000</td>
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<td>6</td>
<td>Veterans Memorial Cemetery Asset Protection</td>
<td>200,000</td>
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<td>7</td>
<td>Total – Office of Veterans Services</td>
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<td>Health Care Eligibility</td>
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<td>Total – Health Care Eligibility</td>
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<td>Rhode Island Works</td>
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<td>Of this appropriation, $90,000 shall be used for hardship contingency payments.</td>
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<td>21</td>
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<td>23</td>
<td>Total – Other Programs</td>
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<td>Office of Healthy Aging</td>
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<tr>
<td>25</td>
<td>General Revenues</td>
<td>12,781,431</td>
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<tr>
<td>26</td>
<td>Of this amount, $325,000 is to provide elder services, including respite, through the Diocese of Providence, $40,000 is for ombudsman services provided by the Alliance for Long Term Care in accordance with Rhode Island General Laws, Chapter 42-66.7, $85,000 is for security for housing for the elderly in accordance with Rhode Island General Law, Section 42-66.1-3, and $1,000,000 is for Senior Services Support and $580,000 is for elderly nutrition, of which $530,000 is for Meals on Wheels.</td>
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<td>27</td>
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<td>Restricted Receipts</td>
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<td>29</td>
<td>Other Funds</td>
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<tr>
<td></td>
<td>Description</td>
<td>Amount</td>
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<td>1</td>
<td>Intermodal Surface Transportation Fund</td>
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<td>Total – Office of Healthy Aging</td>
<td>38,336,525</td>
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<td>3</td>
<td>Grand Total – Human Services</td>
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<td>4</td>
<td><strong>Behavioral Healthcare, Developmental Disabilities, and Hospitals</strong></td>
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<td>5</td>
<td><strong>Central Management</strong></td>
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<td>6</td>
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<td>Federal Funds</td>
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<td>10</td>
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<td>Federal Funds</td>
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<tr>
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<td>Restricted Receipts</td>
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<td>Total – Hospital and Community System Support</td>
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<td>14</td>
<td><strong>Services for the Developmentally Disabled</strong></td>
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<td>15</td>
<td>General Revenues</td>
<td>184,095,099</td>
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<tr>
<td>16</td>
<td>Provided that of this general revenue funding, $16,060,471 shall be expended on certain community-based department of behavioral healthcare, developmental disabilities and hospitals (BHDDH) developmental disability private provider and self-directed consumer direct care service worker raises and associated payroll cost as authorized by BHDDH. Any increases for direct support staff and residential or other community-based setting must first receive the approval of BHDDH. Provided further that of this general revenue funding, $4,748,600 shall be expended on a Transformation Fund to be used for integrated day activities and supported employment services for individuals with intellectual and developmental disabilities, of which $2,000,000 shall be expended specifically on those who self-direct for creation of regional service advisement models and pool of substitute staff. An additional $458,100 shall be expended on technology acquisition for individuals within the developmental disabilities system. For these two designations of general revenue funding, all unexpended or unencumbered balances at the end of the fiscal year shall be reappropriated to the ensuing fiscal year and made immediately available for the same purpose.</td>
<td></td>
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<tr>
<td>17</td>
<td>Federal Funds</td>
<td>206,170,858</td>
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<td>18</td>
<td>Provided that of this federal funding, $18,998,405 shall be expended on certain community-based department of behavioral healthcare, developmental disabilities and hospitals (BHDDH) developmental disability private provider and self-directed consumer direct care service worker raises and associated payroll cost as authorized by BHDDH. Any increases for direct</td>
<td></td>
</tr>
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</table>
support staff and residential or other community-based setting must first receive the approval of BHDDH.

Provided further that of this federal funding, $3,251,400 shall be expended on a Transformation Fund to be used for integrated day activities and supported employment services for individuals with intellectual and developmental disabilities. An additional $541,900 shall be expended on technology acquisition for individuals within the developmental disabilities system. For these two designations of federal funding, all unexpended or unencumbered balances at the end of the fiscal year shall be reappropriated to the ensuing fiscal year and made immediately available for the same purpose.

<table>
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<th>Description</th>
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<td>General Revenues</td>
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<td>Federal Funds</td>
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<td>Federal Funds- State Fiscal Recovery Fund</td>
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<td>Crisis Intervention Trainings</td>
<td>550,000</td>
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<tr>
<td>Restricted Receipts</td>
<td>2,538,789</td>
</tr>
<tr>
<td>Total – Behavioral Healthcare Services</td>
<td>51,760,782</td>
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<tr>
<td>Hospital and Community Rehabilitative Services</td>
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<tr>
<td>General Revenues</td>
<td>80,422,430</td>
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<tr>
<td>Federal Funds</td>
<td>31,993,975</td>
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<tr>
<td>Federal Funds- State Fiscal Recovery Fund</td>
<td></td>
</tr>
<tr>
<td>Emergency Staffing ESH</td>
<td>194,557</td>
</tr>
<tr>
<td>Emergency Staffing ESH Zambrano</td>
<td>167,775</td>
</tr>
<tr>
<td>Restricted Receipts</td>
<td>25,000</td>
</tr>
<tr>
<td>Other Funds</td>
<td></td>
</tr>
<tr>
<td>Rhode Island Capital Plan Funds</td>
<td></td>
</tr>
<tr>
<td>Hospital Equipment</td>
<td>300,000</td>
</tr>
<tr>
<td>Total - Hospital and Community Rehabilitative Services</td>
<td>113,103,737</td>
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<tr>
<td>State of RI Psychiatric Hospital</td>
<td></td>
</tr>
<tr>
<td>General Revenue</td>
<td>30,504,895</td>
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</tbody>
</table>
1 Federal Funds - State Fiscal Recovery Fund
2 Emergency Staffing ESH Psychiatric Hospital 92,168
3 Total - State of RI Psychiatric Hospital 30,597,063
4 Grand Total – Behavioral Healthcare,
5 Developmental Disabilities, and Hospitals 596,462,607
6 Office of the Child Advocate
7 General Revenues 1,152,930
8 Federal Funds 7,538
9 Grand Total – Office of the Child Advocate 1,160,468
10 Commission on the Deaf and Hard of Hearing
11 General Revenues 716,876
12 Restricted Receipts 100,000
13 Grand Total – Comm. On Deaf and Hard-of-Hearing 816,876
14 Governor’s Commission on Disabilities
15 General Revenues
16 General Revenues 655,746
17 Livable Home Modification Grant Program 485,743
18 Provided that this will be used for home modification and accessibility enhancements to
19 construct, retrofit, and/or renovate residences to allow individuals to remain in community settings.
20 This will be in consultation with the Executive Office of Health and Human Services. All
21 unexpended or unencumbered balances, at the end of the fiscal year, shall be reappropriated to the
22 ensuing fiscal year, and made immediately available for the same purpose.
23 Federal Funds 378,658
24 Restricted Receipts 84,235
25 Grand Total – Governor’s Commission on Disabilities 1,604,382
26 Office of the Mental Health Advocate
27 General Revenues 738,882
28 Federal Funds - State Fiscal Recovery Fund
29 Mental Health Court Pilot Program 234,447
30 Grand Total – Office of the Mental Health Advocate 973,329
31 Elementary and Secondary Education
32 Administration of the Comprehensive Education Strategy
33 General Revenues 26,082,442
Provided that $90,000 be allocated to support the hospital school at Hasbro Children’s Hospital pursuant to Rhode Island General Law, Section 16-7-20 and that $395,000 be allocated to support child opportunity zones through agreements with the Department of Elementary and Secondary Education to strengthen education, health and social services for students and their families as a strategy to accelerate student achievement.

Federal Funds 279,812,082

Provided that $684,000 from the Department’s administrative share of Individuals with Disabilities Education Act funds be allocated to the Paul V. Sherlock Center on Disabilities to support the Rhode Island Vision Education and Services Program.

Federal Funds- State Fiscal Recovery Fund

Municipal Learning Centers 5,000,000

Restricted Receipts

Restricted Receipts 2,271,670

HRIC Adult Education Grants 3,500,000

Total – Admin. of the Comprehensive Ed. Strategy 316,666,194

Davies Career and Technical School

General Revenues 15,414,314

Federal Funds 1,872,920

Restricted Receipts 4,525,049

Other Funds

Rhode Island Capital Plan Funds

Davies School HVAC 150,000

Davies School Asset Protection 500,000

Davies School Healthcare Classroom Renovations 4,500,000

Total – Davies Career and Technical School 26,962,283

RI School for the Deaf

General Revenues 7,940,337

Federal Funds 420,053

Restricted Receipts 605,166

Other Funds

School for the Deaf Transformation Grants 59,000

Rhode Island Capital Plan Funds

School for the Deaf Asset Protection 100,000

Total – RI School for the Deaf 9,124,556
<table>
<thead>
<tr>
<th>1</th>
<th>Metropolitan Career and Technical School</th>
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</thead>
<tbody>
<tr>
<td>2</td>
<td>General Revenues</td>
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<td>3</td>
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<td>4</td>
<td>Other Funds</td>
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<tr>
<td>5</td>
<td>Rhode Island Capital Plan Funds</td>
</tr>
<tr>
<td>6</td>
<td>MET School Asset Protection</td>
</tr>
<tr>
<td>7</td>
<td>Total – Metropolitan Career and Technical School</td>
</tr>
<tr>
<td>8</td>
<td>Education Aid</td>
</tr>
<tr>
<td>9</td>
<td>General Revenues</td>
</tr>
<tr>
<td>10</td>
<td>Provided that the criteria for the allocation of early childhood funds shall prioritize prekindergarten seats and classrooms for four-year-olds whose family income is at or below one hundred eighty-five percent (185%) of federal poverty guidelines and who reside in communities with higher concentrations of low performing schools.</td>
</tr>
<tr>
<td>11</td>
<td>Provided further that $48,325,314 shall be allocated to ensure that the total amount of funds received by any local education agency pursuant to Section 16-7.2-3(a) of the Rhode Island General Laws during fiscal year 2023 shall in no event be less than the total received during fiscal year 2022, and any adjustment to the amount of such funds received during fiscal year 2023 necessary to enable a local education agency to receive at least the total received during fiscal year 2022 shall be drawn from a designated account established for that purpose.</td>
</tr>
<tr>
<td>12</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>13</td>
<td>Restricted Receipts</td>
</tr>
<tr>
<td>14</td>
<td>Other Funds</td>
</tr>
<tr>
<td>15</td>
<td>Permanent School Fund</td>
</tr>
<tr>
<td>16</td>
<td>Total – Education Aid</td>
</tr>
<tr>
<td>17</td>
<td>Central Falls School District</td>
</tr>
<tr>
<td>18</td>
<td>General Revenues</td>
</tr>
<tr>
<td>19</td>
<td>Provided that $1,348,583 shall be allocated to ensure that the total amount of funds received by any local education agency pursuant to Section 16-7.2-3(a) of the Rhode Island General Laws during fiscal year 2023 shall in no event be less than the total received during fiscal year 2022, and any adjustment to the amount of such funds received during fiscal year 2023 necessary to enable a local education agency to receive at least the total received during fiscal year 2022 shall be drawn from a designated account established for that purpose.</td>
</tr>
<tr>
<td>20</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>21</td>
<td>Total – Central Falls School District</td>
</tr>
<tr>
<td></td>
<td>School Construction Aid</td>
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<tr>
<td>---</td>
<td>-------------------------</td>
</tr>
<tr>
<td></td>
<td>General Revenues</td>
</tr>
<tr>
<td>3</td>
<td>School Housing Aid</td>
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<td></td>
<td>Teachers’ Retirement</td>
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<tr>
<td>5</td>
<td>General Revenues</td>
</tr>
<tr>
<td>6</td>
<td>Grand Total – Elementary and Secondary Education</td>
</tr>
<tr>
<td></td>
<td>Public Higher Education</td>
</tr>
<tr>
<td>7</td>
<td>Office of Postsecondary Commissioner</td>
</tr>
<tr>
<td>9</td>
<td>General Revenues</td>
</tr>
<tr>
<td></td>
<td>Provided that $355,000 shall be allocated to the Rhode Island College Crusade pursuant to the Rhode Island General Law, Section 16-70-5 and that $75,000 shall be allocated to Best Buddies Rhode Island to support its programs for children with developmental and intellectual disabilities. It is also provided that $7,670,543 shall be allocated to the Rhode Island Promise Scholarship program and $147,000 shall be used to support Rhode Island’s membership in the New England Board of Higher Education.</td>
</tr>
<tr>
<td></td>
<td>Federal Funds</td>
</tr>
<tr>
<td>17</td>
<td>Federal Funds</td>
</tr>
<tr>
<td>18</td>
<td>Guaranty Agency Administration</td>
</tr>
<tr>
<td>19</td>
<td>Guaranty Agency Operating Fund - Scholarships &amp; Grants</td>
</tr>
<tr>
<td>20</td>
<td>Federal Funds- State Fiscal Recovery Fund</td>
</tr>
<tr>
<td>21</td>
<td>Higher Education Academies</td>
</tr>
<tr>
<td>22</td>
<td>Restricted Receipts</td>
</tr>
<tr>
<td>23</td>
<td>Other Funds</td>
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<tr>
<td>24</td>
<td>Tuition Savings Program – Dual Enrollment</td>
</tr>
<tr>
<td>25</td>
<td>Tuition Savings Program - Scholarships and Grants</td>
</tr>
<tr>
<td>26</td>
<td>Nursing Education Center – Operating</td>
</tr>
<tr>
<td>27</td>
<td>Total – Office of Postsecondary Commissioner</td>
</tr>
<tr>
<td></td>
<td>University of Rhode Island</td>
</tr>
<tr>
<td>29</td>
<td>General Revenues</td>
</tr>
<tr>
<td>30</td>
<td>General Revenues</td>
</tr>
<tr>
<td></td>
<td>Provided that in order to leverage federal funding and support economic development, $700,000 shall be allocated to the Small Business Development Center and that $50,000 shall be allocated to Special Olympics Rhode Island to support its mission of providing athletic opportunities for individuals with intellectual and developmental disabilities.</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Debt Service</td>
</tr>
<tr>
<td>2</td>
<td>RI State Forensics Laboratory</td>
</tr>
<tr>
<td>3</td>
<td>Other Funds</td>
</tr>
<tr>
<td>4</td>
<td>University and College Funds</td>
</tr>
<tr>
<td>5</td>
<td>Debt – Dining Services</td>
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<tr>
<td>6</td>
<td>Debt – Education and General</td>
</tr>
<tr>
<td>7</td>
<td>Debt – Health Services</td>
</tr>
<tr>
<td>8</td>
<td>Debt – Housing Loan Funds</td>
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<tr>
<td>9</td>
<td>Debt – Memorial Union</td>
</tr>
<tr>
<td>10</td>
<td>Debt – Ryan Center</td>
</tr>
<tr>
<td>11</td>
<td>Debt – Parking Authority</td>
</tr>
<tr>
<td>12</td>
<td>URI Restricted Debt Service - Energy Conservation</td>
</tr>
<tr>
<td>13</td>
<td>URI Debt Service - Energy Conservation</td>
</tr>
<tr>
<td>14</td>
<td>Rhode Island Capital Plan Funds</td>
</tr>
<tr>
<td>15</td>
<td>Asset Protection</td>
</tr>
<tr>
<td>16</td>
<td>Mechanical, Electric, and Plumbing Improvements</td>
</tr>
<tr>
<td>17</td>
<td>Fire Protection Academic Buildings</td>
</tr>
<tr>
<td>18</td>
<td>Total – University of Rhode Island</td>
</tr>
</tbody>
</table>

Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2023 relating to the University of Rhode Island are hereby reappropriated to fiscal year 2024.

**Rhode Island College**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>General Revenues</td>
<td>61,236,320</td>
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<tr>
<td>23</td>
<td>Debt Service</td>
<td>6,002,565</td>
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**Other Funds**

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>27</td>
<td>University and College Funds</td>
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<td>28</td>
<td>Debt – Education and General</td>
<td>879,474</td>
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<td>29</td>
<td>Debt – Housing</td>
<td>371,105</td>
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<td>30</td>
<td>Debt – Student Center and Dining</td>
<td>155,000</td>
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<td>31</td>
<td>Debt – Student Union</td>
<td>208,800</td>
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<td>32</td>
<td>Debt – G.O. Debt Service</td>
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<td>33</td>
<td>Debt – Energy Conservation</td>
<td>699,575</td>
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<tr>
<td>34</td>
<td>Rhode Island Capital Plan Funds</td>
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<tr>
<td></td>
<td>Asset Protection</td>
<td>5,518,000</td>
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<tr>
<td>---</td>
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<tr>
<td>2</td>
<td>Infrastructure Modernization</td>
<td>4,900,000</td>
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<td>3</td>
<td>Total – Rhode Island College</td>
<td>190,196,194</td>
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<tr>
<td></td>
<td>Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2023 relating to Rhode Island College are hereby reappropriated to fiscal year 2024.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community College of Rhode Island</td>
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<tr>
<td></td>
<td>Rhode Island Capital Plan Funds</td>
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<tr>
<td></td>
<td>Asset Protection</td>
<td>3,246,000</td>
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<tr>
<td></td>
<td>Knight Campus Renewal</td>
<td>1,390,000</td>
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<td></td>
<td>Data, Cabling, and Power Infrastructure</td>
<td>3,300,000</td>
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<td></td>
<td>Flanagan Campus Renovations</td>
<td>2,000,000</td>
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<tr>
<td></td>
<td>CCRI Renovation and Modernization Phase I</td>
<td>5,000,000</td>
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<tr>
<td></td>
<td>Total – Community College of RI</td>
<td>195,711,569</td>
</tr>
<tr>
<td></td>
<td>Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2023 relating to the Community College of Rhode Island are hereby reappropriated to fiscal year 2024.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Grand Total – Public Higher Education</td>
<td>1,309,209,443</td>
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<td>26</td>
<td>RI State Council on the Arts</td>
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<tr>
<td></td>
<td>Operating Support</td>
<td>969,088</td>
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<tr>
<td></td>
<td>Grants</td>
<td>1,165,000</td>
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<td></td>
<td>Provided that $375,000 be provided to support the operational costs of WaterFire Providence art installations.</td>
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<tr>
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<td>Federal Funds</td>
<td>1,324,677</td>
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<td>15,000</td>
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<td>Other Funds</td>
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</tr>
<tr>
<td></td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------</td>
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<tr>
<td>1</td>
<td>Art for Public Facilities</td>
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<td>Grand Total – RI State Council on the Arts</td>
<td>4,058,765</td>
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<tr>
<td>3</td>
<td><strong>RI Atomic Energy Commission</strong></td>
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<td>4</td>
<td>General Revenues</td>
<td>1,146,763</td>
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<td>Restricted Receipts</td>
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<td>7</td>
<td>URI Sponsored Research</td>
<td>314,597</td>
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<td>8</td>
<td>Rhode Island Capital Plan Funds</td>
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<tr>
<td>9</td>
<td>Asset Protection</td>
<td>50,000</td>
</tr>
<tr>
<td>10</td>
<td>Grand Total – RI Atomic Energy Commission</td>
<td>1,536,396</td>
</tr>
<tr>
<td>11</td>
<td><strong>RI Historical Preservation and Heritage Commission</strong></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>General Revenues</td>
<td>1,572,452</td>
</tr>
<tr>
<td>13</td>
<td>Provided that $30,000 support the operational costs of the Fort Adams Trust’s restoration activities.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Federal Funds</td>
<td>759,283</td>
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<tr>
<td>15</td>
<td>Restricted Receipts</td>
<td>424,100</td>
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<td>16</td>
<td>Other Funds</td>
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</tr>
<tr>
<td>17</td>
<td>RIDOT Project Review</td>
<td>156,901</td>
</tr>
<tr>
<td>18</td>
<td>Grand Total – RI Historical Preservation and Heritage Comm.</td>
<td>2,912,736</td>
</tr>
<tr>
<td>19</td>
<td><strong>Attorney General</strong></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td><em>Criminal</em></td>
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<td>21</td>
<td>General Revenues</td>
<td>19,214,381</td>
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<tr>
<td>22</td>
<td>Federal Funds</td>
<td>2,884,123</td>
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<tr>
<td>23</td>
<td>Federal Funds- State Fiscal Recovery Fund</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Mental Health Court Pilot Program</td>
<td>204,005</td>
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<td>25</td>
<td>Restricted Receipts</td>
<td>603,772</td>
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<tr>
<td>26</td>
<td>Total – Criminal</td>
<td>22,906,281</td>
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<tr>
<td>27</td>
<td><strong>Civil</strong></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>General Revenues</td>
<td>6,558,199</td>
</tr>
<tr>
<td>29</td>
<td>Restricted Receipts</td>
<td>1,431,698</td>
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<tr>
<td>30</td>
<td>Total – Civil</td>
<td>7,989,897</td>
</tr>
<tr>
<td>31</td>
<td><strong>Bureau of Criminal Identification</strong></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>General Revenues</td>
<td>2,015,572</td>
</tr>
<tr>
<td>33</td>
<td>Restricted Receipts</td>
<td>1,187,466</td>
</tr>
</tbody>
</table>
1   Total – Bureau of Criminal Identification   3,203,038
2   General
3   General Revenues   4,513,811
4   Other Funds
5   Rhode Island Capital Plan Funds
6   Building Renovations and Repairs   1,890,000
7   Total – General   6,403,811
8   Grand Total – Attorney General   40,503,027
9   Corrections
10  Central Management
11   General Revenues   18,618,789
12   Federal Funds- State Fiscal Recovery Fund
13   Wi-Fi and Tech at the ACI   3,100,000
14   Radio System   2,700,000
15   Total- Central Management   24,418,789
16   Parole Board
17   General Revenues   1,438,337
18   Custody and Security
19   General Revenues   132,098,071
20   Federal Funds   1,149,582
21   Total – Custody and Security   133,247,653
22   Institutional Support
23   General Revenues   23,108,898
24   Other Funds
25   Rhode Island Capital Plan Funds
26   Asset Protection   5,125,000
27   Correctional Facilities – Renovations   250,000
28   Total – Institutional Support   28,483,898
29   Institutional Based Rehab/Population Management
30   General Revenues   11,773,097
31   Provided that $1,050,000 be allocated to Crossroads Rhode Island for sex offender discharge planning.
32   Federal Funds   625,118
33   Restricted Receipts   64,600
<table>
<thead>
<tr>
<th></th>
<th>Total – Institutional Based Rehab/Population Mgt.</th>
<th>12,462,815</th>
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<tbody>
<tr>
<td>1</td>
<td><strong>Healthcare Services</strong></td>
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</tr>
<tr>
<td>2</td>
<td>General Revenues</td>
<td>27,484,248</td>
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<td>3</td>
<td>Restricted Receipts</td>
<td>2,868,614</td>
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<td>4</td>
<td><strong>Total – Healthcare Services</strong></td>
<td>30,352,862</td>
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<tr>
<td>5</td>
<td><strong>Community Corrections</strong></td>
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<td>6</td>
<td>General Revenues</td>
<td>19,872,087</td>
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<td>7</td>
<td>Federal Funds</td>
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<td>Restricted Receipts</td>
<td>11,107</td>
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<tr>
<td>9</td>
<td><strong>Total – Community Corrections</strong></td>
<td>20,252,611</td>
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<td>10</td>
<td><strong>Grand Total – Corrections</strong></td>
<td>250,656,965</td>
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<td><strong>Judiciary</strong></td>
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<td>12</td>
<td><strong>Supreme Court</strong></td>
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<tr>
<td>13</td>
<td>General Revenues</td>
<td>32,238,688</td>
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<tr>
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<td><strong>Provided however, that no more than $1,302,057 in combined total shall be offset to the</strong></td>
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<td>15</td>
<td>Public Defender’s Office, the Attorney General’s Office, the Department of Corrections, the</td>
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<tr>
<td>16</td>
<td>Department of Children, Youth, and Families, and the Department of Public Safety for square-</td>
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<td>17</td>
<td>footage occupancy costs in public courthouses and further provided that $230,000 be allocated to</td>
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<tr>
<td>18</td>
<td>the Rhode Island Coalition Against Domestic Violence for the domestic abuse court advocacy</td>
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<tr>
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<td>project pursuant to Rhode Island General Law, Section 12-29-7 and that $90,000 be allocated to</td>
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<td>20</td>
<td>Rhode Island Legal Services, Inc. to provide housing and eviction defense to indigent individuals.</td>
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<td>21</td>
<td><strong>Defense of Indigents</strong></td>
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**Grand Total – Judiciary**: 140,314,039
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### Public Safety

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<td>Provided that notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or unencumbered balances as of June 30, 2023, of the general revenue contribution designated for the Statewide Body-worn Camera Program are hereby reappropriated to fiscal year 2024.</td>
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<td>7</td>
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### E-911 Emergency Telephone System

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### Security Services

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### Municipal Police Training Academy

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<td>Total – Municipal Police Training Academy</td>
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### State Police

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### Other Funds

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<td>Airport Corporation Assistance</td>
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<td>Portsmouth Barracks</td>
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<tr>
<td>1</td>
<td>Southern Barracks</td>
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<td>Training Academy Upgrades</td>
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<td>22</td>
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<td>Of this general revenue amount, $50,000 is appropriated to the Conservation Districts.</td>
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**Environmental Protection**

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**Coastal Resources Management Council**

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**Transportation**

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</tr>
<tr>
<td>34</td>
<td>Total – Infrastructure Maintenance</td>
</tr>
</tbody>
</table>
SECTION 2. Each line appearing in Section 1 of this Article shall constitute an appropriation.

SECTION 3. Upon the transfer of any function of a department or agency to another department or agency, the Governor is hereby authorized by means of executive order to transfer or reallocate, in whole or in part, the appropriations and the full-time equivalent limits affected thereby; provided, however, in accordance with Rhode Island General Law, Section 42-6-5, when the duties or administrative functions of government are designated by law to be performed within a particular department or agency, no transfer of duties or functions and no re-allocation, in whole or part, or appropriations and full-time equivalent positions to any other department or agency shall be authorized.

SECTION 4. From the appropriation for contingency shall be paid such sums as may be required at the discretion of the Governor to fund expenditures for which appropriations may not exist. Such contingency funds may also be used for expenditures in the several departments and agencies where appropriations are insufficient, or where such requirements are due to unforeseen conditions or are non-recurring items of an unusual nature. Said appropriations may also be used for the payment of bills incurred due to emergencies or to any offense against public peace and property, in accordance with the provisions of Titles 11 and 45 of the General Laws of 1956, as amended. All expenditures and transfers from this account shall be approved by the Governor.

SECTION 5. The general assembly authorizes the state controller to establish the internal service accounts shown below, and no other, to finance and account for the operations of state agencies that provide services to other agencies, institutions and other governmental units on a cost reimbursed basis. The purpose of these accounts is to ensure that certain activities are managed in a businesslike manner, promote efficient use of services by making agencies pay the full costs associated with providing the services, and allocate the costs of central administrative services across all fund types, so that federal and other non-general fund programs share in the costs of general government support. The controller is authorized to reimburse these accounts for the cost
of work or services performed for any other department or agency subject to the following expenditure limitations:

<table>
<thead>
<tr>
<th>Account</th>
<th>Expenditure Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Assessed Fringe Benefit Internal Service Fund</td>
<td>37,370,321</td>
</tr>
<tr>
<td>Administration Central Utilities Internal Service Fund</td>
<td>27,355,205</td>
</tr>
<tr>
<td>State Central Mail Internal Service Fund</td>
<td>7,303,550</td>
</tr>
<tr>
<td>State Telecommunications Internal Service Fund</td>
<td>3,513,931</td>
</tr>
<tr>
<td>State Automotive Fleet Internal Service Fund</td>
<td>12,869,107</td>
</tr>
<tr>
<td>Surplus Property Internal Service Fund</td>
<td>3,000</td>
</tr>
<tr>
<td>Health Insurance Internal Service Fund</td>
<td>272,697,174</td>
</tr>
<tr>
<td>Other Post-Employment Benefits Fund</td>
<td>63,858,483</td>
</tr>
<tr>
<td>Capitol Police Internal Service Fund</td>
<td>1,380,836</td>
</tr>
<tr>
<td>Corrections Central Distribution Center Internal Service Fund</td>
<td>7,524,912</td>
</tr>
<tr>
<td>Correctional Industries Internal Service Fund</td>
<td>8,472,206</td>
</tr>
<tr>
<td>Secretary of State Record Center Internal Service Fund</td>
<td>1,143,730</td>
</tr>
<tr>
<td>Human Resources Internal Service Fund</td>
<td>15,991,654</td>
</tr>
<tr>
<td>DCAMM Facilities Internal Service Fund</td>
<td>47,011,910</td>
</tr>
<tr>
<td>Information Technology Internal Service Fund</td>
<td>50,789,409</td>
</tr>
</tbody>
</table>

SECTION 6. Legislative Intent - The General Assembly may provide a written "statement of legislative intent" signed by the chairperson of the House Finance Committee and by the chairperson of the Senate Finance Committee to show the intended purpose of the appropriations contained in Section 1 of this Article. The statement of legislative intent shall be kept on file in the House Finance Committee and in the Senate Finance Committee.

At least twenty (20) days prior to the issuance of a grant or the release of funds, which grant or funds are listed on the legislative letter of intent, all department, agency and corporation directors, shall notify in writing the chairperson of the House Finance Committee and the chairperson of the Senate Finance Committee of the approximate date when the funds are to be released or granted.

SECTION 7. Appropriation of Temporary Disability Insurance Funds -- There is hereby appropriated pursuant to sections 28-39-5 and 28-39-8 of the Rhode Island General Laws all funds required to be disbursed for the benefit payments from the Temporary Disability Insurance Fund and Temporary Disability Insurance Reserve Fund for the fiscal year ending June 30, 2023.

SECTION 9. Appropriation of Lottery Division Funds -- There is hereby appropriated to the Lottery Division any funds required to be disbursed by the Lottery Division for the purposes of paying commissions or transfers to the prize fund for the fiscal year ending June 30, 2023.

SECTION 10. Appropriation of CollegeBoundSaver Funds -- There is hereby appropriated to the Office of the General Treasurer designated funds received under the CollegeBoundSaver program for transfer to the Division of Higher Education Assistance within the Office of the Postsecondary Commissioner to support student financial aid for the fiscal year ending June 30, 2023.

SECTION 11. Departments and agencies listed below may not exceed the number of full-time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions do not include limited period positions or, seasonal or intermittent positions whose scheduled period of employment does not exceed twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and twenty-five (925) hours, excluding overtime, in a one-year period. Nor do they include individuals engaged in training, the completion of which is a prerequisite of employment. Provided, however, that the Governor or designee, Speaker of the House of Representatives or designee, and the President of the Senate or designee may authorize an adjustment to any limitation. Prior to the authorization, the State Budget Officer shall make a detailed written recommendation to the Governor, the Speaker of the House, and the President of the Senate. A copy of the recommendation and authorization to adjust shall be transmitted to the chairman of the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor, and the Senate Fiscal Advisor.

State employees whose funding is from non-state general revenue funds that are time limited shall receive limited term appointment with the term limited to the availability of non-state general revenue funding source.

FY 2023 FTE POSITION AUTHORIZATION

<table>
<thead>
<tr>
<th>Departments and Agencies</th>
<th>Full-Time Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>660.7</td>
</tr>
<tr>
<td>Provided that no more than 429.5 of the total authorization would be limited to positions that support internal service fund programs.</td>
<td></td>
</tr>
<tr>
<td>Business Regulation</td>
<td>176.0</td>
</tr>
<tr>
<td>Executive Office of Commerce</td>
<td>21.0</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Labor and Training</td>
</tr>
<tr>
<td>2</td>
<td>Revenue</td>
</tr>
<tr>
<td>3</td>
<td>Legislature</td>
</tr>
<tr>
<td>4</td>
<td>Office of the Lieutenant Governor</td>
</tr>
<tr>
<td>5</td>
<td>Office of the Secretary of State</td>
</tr>
<tr>
<td>6</td>
<td>Office of the General Treasurer</td>
</tr>
<tr>
<td>7</td>
<td>Board of Elections</td>
</tr>
<tr>
<td>8</td>
<td>Rhode Island Ethics Commission</td>
</tr>
<tr>
<td>9</td>
<td>Office of the Governor</td>
</tr>
<tr>
<td>10</td>
<td>Commission for Human Rights</td>
</tr>
<tr>
<td>11</td>
<td>Public Utilities Commission</td>
</tr>
<tr>
<td>12</td>
<td>Office of Health and Human Services</td>
</tr>
<tr>
<td>13</td>
<td>Children, Youth, and Families</td>
</tr>
<tr>
<td>14</td>
<td>Health</td>
</tr>
<tr>
<td>15</td>
<td>Human Services</td>
</tr>
<tr>
<td>16</td>
<td>Office of Veterans Services</td>
</tr>
<tr>
<td>17</td>
<td>Office of Healthy Aging</td>
</tr>
<tr>
<td>18</td>
<td>Behavioral Healthcare, Developmental Disabilities, and Hospitals</td>
</tr>
<tr>
<td>19</td>
<td>Office of the Child Advocate</td>
</tr>
<tr>
<td>20</td>
<td>Commission on the Deaf and Hard of Hearing</td>
</tr>
<tr>
<td>21</td>
<td>Governor’s Commission on Disabilities</td>
</tr>
<tr>
<td>22</td>
<td>Office of the Mental Health Advocate</td>
</tr>
<tr>
<td>23</td>
<td>Elementary and Secondary Education</td>
</tr>
<tr>
<td>24</td>
<td>School for the Deaf</td>
</tr>
<tr>
<td>25</td>
<td>Davies Career and Technical School</td>
</tr>
<tr>
<td>26</td>
<td>Office of Postsecondary Commissioner</td>
</tr>
<tr>
<td>27</td>
<td>Provided that 1.0 of the total authorization would be available only for</td>
</tr>
<tr>
<td></td>
<td>positions that are supported by third-party funds, 11.0 would be available</td>
</tr>
<tr>
<td></td>
<td>only for positions at the State’s Higher Education Centers located in</td>
</tr>
<tr>
<td></td>
<td>Woonsocket and Westerly, and 10.0 would be available only for positions at</td>
</tr>
<tr>
<td></td>
<td>the Nursing Education Center.</td>
</tr>
<tr>
<td>28</td>
<td>University of Rhode Island</td>
</tr>
<tr>
<td>29</td>
<td>Provided that 357.8 of the total authorization would be available only for</td>
</tr>
<tr>
<td></td>
<td>positions that are supported by third-party funds.</td>
</tr>
<tr>
<td>30</td>
<td>Rhode Island College</td>
</tr>
</tbody>
</table>
Provided that 76.0 of the total authorization would be available only for positions that are supported by third-party funds.

Provided that 89.0 of the total authorization would be available only for positions supported by third-party funds.

Community College of Rhode Island 849.1

Rhode Island State Council on the Arts 9.6

RI Atomic Energy Commission 8.6

Historical Preservation and Heritage Commission 15.6

Office of the Attorney General 249.1

Corrections 1,427.0

Judicial 733.3

Military Staff 93.0

Emergency Management Agency 33.0

Public Safety 635.2

Office of the Public Defender 99.0

Environmental Management 410.0

Coastal Resources Management Council 31.0

Transportation 755.0

Total 15,416.5

No agency or department may employ contracted employee services where contract employees would work under state employee supervisors without determination of need by the Director of Administration acting upon positive recommendations by the Budget Officer and the Personnel Administrator and 15 days after a public hearing.

Nor may any agency or department contract for services replacing work done by state employees at that time without determination of need by the Director of Administration acting upon the positive recommendations of the State Budget Officer and the Personnel Administrator and 30 days after a public hearing.

SECTION 12. The amounts reflected in this Article include the appropriation of Rhode Island Capital Plan funds for fiscal year 2023 and supersede appropriations provided for FY 2023 within Section 12 of Article 1 of Chapter 162 of the P.L. of 2021.

The following amounts are hereby appropriated out of any money in the State’s Rhode Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending June 30, 2024, June 30, 2025, June 30, 2026, and June 30, 2027. These amounts supersede appropriations provided within Section 12 of Article 1 of Chapter 162 of the P.L. of 2021.
For the purposes and functions hereinafter mentioned, the State Controller is hereby authorized and directed to draw his or her orders upon the General Treasurer for the payment of such sums and such portions thereof as may be required by him or her upon receipt of properly authenticated vouchers.

<table>
<thead>
<tr>
<th>Project</th>
<th>FY Ending 2024</th>
<th>FY Ending 2025</th>
<th>FY Ending 2026</th>
<th>FY Ending 2027</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOA – 560 Jefferson Boulevard</td>
<td>150,000</td>
<td>1,550,000</td>
<td>1,050,000</td>
<td>50,000</td>
</tr>
<tr>
<td>DOA – Accessibility</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td>DOA – Arrigan Center</td>
<td>125,000</td>
<td>75,000</td>
<td>200,000</td>
<td>200,000</td>
</tr>
<tr>
<td>DOA – Big River Management Area</td>
<td>130,000</td>
<td>250,000</td>
<td>250,000</td>
<td>130,000</td>
</tr>
<tr>
<td>DOA – Cannon Building</td>
<td>3,725,000</td>
<td>4,125,000</td>
<td>4,025,000</td>
<td>0</td>
</tr>
<tr>
<td>DOA – Chapin Health Laboratory</td>
<td>425,000</td>
<td>350,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>DOA – Communities Facilities</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
<td>50,000</td>
</tr>
<tr>
<td>DOA – Convention Center</td>
<td>1,575,000</td>
<td>800,000</td>
<td>2,500,000</td>
<td>2,500,000</td>
</tr>
<tr>
<td>DOA – Cranston Street Armory</td>
<td>2,250,000</td>
<td>3,250,000</td>
<td>1,600,000</td>
<td>100,000</td>
</tr>
<tr>
<td>DOA – Zambarano Buildings and Campus</td>
<td>1,515,000</td>
<td>1,040,000</td>
<td>1,300,000</td>
<td>1,275,000</td>
</tr>
<tr>
<td>DOA – Developmental Disability</td>
<td>1,700,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,200,000</td>
</tr>
<tr>
<td>DOA – DoIT Enterprise</td>
<td>2,050,000</td>
<td>1,150,000</td>
<td>1,050,000</td>
<td>300,000</td>
</tr>
<tr>
<td>DOA – Dunkin Donuts Center</td>
<td>1,450,000</td>
<td>2,100,000</td>
<td>2,300,000</td>
<td>2,300,000</td>
</tr>
<tr>
<td>DOA – Energy Efficiency</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td>DOA – Environmental Compliance</td>
<td>200,000</td>
<td>200,000</td>
<td>200,000</td>
<td>200,000</td>
</tr>
<tr>
<td>DOA – Group Homes Asset Protection</td>
<td>1,250,000</td>
<td>1,250,000</td>
<td>1,250,000</td>
<td>1,250,000</td>
</tr>
<tr>
<td>DOA – Group Homes - Fire Code</td>
<td>325,000</td>
<td>325,000</td>
<td>325,000</td>
<td>325,000</td>
</tr>
<tr>
<td>DOA – Mental Health Community</td>
<td>800,000</td>
<td>850,000</td>
<td>900,000</td>
<td>950,000</td>
</tr>
<tr>
<td>DOA – Old State House</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
</tr>
<tr>
<td>DOA – Pastore Campus Infrastructure</td>
<td>33,200,000</td>
<td>38,900,000</td>
<td>32,600,000</td>
<td>5,050,000</td>
</tr>
<tr>
<td>DOA – Statewide Facility</td>
<td>2,200,000</td>
<td>200,000</td>
<td>200,000</td>
<td>200,000</td>
</tr>
<tr>
<td>DOA – Pastore Building</td>
<td>13,250,000</td>
<td>1,250,000</td>
<td>1,250,000</td>
<td>1,250,000</td>
</tr>
<tr>
<td></td>
<td>Item Description</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------</td>
<td>-----------</td>
<td>-----------</td>
<td>-----------</td>
</tr>
<tr>
<td>1</td>
<td>Demolition</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>DOA – Pastore Center</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Hospital Buildings</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
</tr>
<tr>
<td>4</td>
<td>DOA – Pastore Center</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Non-Hospital Buildings</td>
<td>5,500,000</td>
<td>4,500,000</td>
<td>4,000,000</td>
</tr>
<tr>
<td>6</td>
<td>DOA – Pastore Electric Utilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Asset Protection</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>8</td>
<td>DOA – Pastore Power Plant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Rehabilitation</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>10</td>
<td>DOA – Pastore Water Utility System</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Asset Protection</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>12</td>
<td>DOA – Replacement of Fueling Tanks</td>
<td>430,000</td>
<td>330,000</td>
<td>100,000</td>
</tr>
<tr>
<td>13</td>
<td>DOA – Shepard Building</td>
<td>1,500,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>14</td>
<td>DOA – State Building Security Measures</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
</tr>
<tr>
<td>15</td>
<td>DOA – State House Renovations</td>
<td>3,079,000</td>
<td>16,629,000</td>
<td>15,379,000</td>
</tr>
<tr>
<td>16</td>
<td>DOA – State Office Building</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
</tr>
<tr>
<td>17</td>
<td>DOA – State Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Reorganization &amp; Relocation</td>
<td>250,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>19</td>
<td>DOA – Substance Abuse Group</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Homes Asset Protection</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
</tr>
<tr>
<td>21</td>
<td>DOA – Veterans Auditorium</td>
<td>100,000</td>
<td>75,000</td>
<td>100,000</td>
</tr>
<tr>
<td>22</td>
<td>DOA – Washington County</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Government Center</td>
<td>650,000</td>
<td>800,000</td>
<td>350,000</td>
</tr>
<tr>
<td>24</td>
<td>DOA – William Powers Building</td>
<td>2,750,000</td>
<td>2,400,000</td>
<td>2,200,000</td>
</tr>
<tr>
<td>25</td>
<td>DOA – Zambarano Long Term</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Acute Care Hospital</td>
<td>6,569,677</td>
<td>26,185,740</td>
<td>26,067,041</td>
</tr>
<tr>
<td>27</td>
<td>EOC – I-195 Commission</td>
<td>805,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>28</td>
<td>DCYF – Training School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Asset Protection</td>
<td>250,000</td>
<td>250,000</td>
<td>250,000</td>
</tr>
<tr>
<td>30</td>
<td>DOH – Health Laboratories and Medical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Examiner Equipment</td>
<td>400,000</td>
<td>400,000</td>
<td>400,000</td>
</tr>
<tr>
<td>32</td>
<td>BHDDH – DD Residential Support</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
</tr>
<tr>
<td>33</td>
<td>BHDDH – Hospital Equipment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Asset Protection</td>
<td>300,000</td>
<td>300,000</td>
<td>300,000</td>
</tr>
<tr>
<td></td>
<td>Project Description</td>
<td>2021</td>
<td>2022</td>
<td>2023</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------</td>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>1</td>
<td>DHS – Blind Vending Facilities</td>
<td>165,000</td>
<td>165,000</td>
<td>165,000</td>
</tr>
<tr>
<td>2</td>
<td>DHS – Veterans Cemetery Asset Protection</td>
<td>750,000</td>
<td>250,000</td>
<td>300,000</td>
</tr>
<tr>
<td>3</td>
<td>DHS – Veterans’ Home Asset Protection</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
</tr>
<tr>
<td>4</td>
<td>ELSEC – Davies School Asset Protection</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
</tr>
<tr>
<td>5</td>
<td>ELSEC – MET School Asset Protection</td>
<td>2,000,000</td>
<td>2,000,000</td>
<td>250,000</td>
</tr>
<tr>
<td>6</td>
<td>ELSEC – School for the Deaf</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Asset Protection</td>
<td>450,000</td>
<td>550,000</td>
<td>350,000</td>
</tr>
<tr>
<td>8</td>
<td>URI – Mechanical, Electric, and Plumbing</td>
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<td>27</td>
<td>and Visitor's Center</td>
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LC004149 - Page 44 of 319
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SECTION 13. Reappropriation of Funding for Rhode Island Capital Plan Fund Projects. – Any unexpended and unencumbered funds from Rhode Island Capital Plan Fund project appropriations shall be reappropriated in the ensuing fiscal year and made available for the same purpose. However, any such reappropriations are subject to final approval by the General Assembly as part of the supplemental appropriations act. Any unexpended funds of less than five hundred dollars ($500) shall be reappropriated at the discretion of the State Budget Officer.

SECTION 14. For the Fiscal Year ending June 30, 2023, the Rhode Island Housing and Mortgage Finance Corporation shall provide from its resources such sums as appropriate in support of the Neighborhood Opportunities Program. The Corporation shall provide a report detailing the amount of funding provided to this program, as well as information on the number of units of housing provided as a result to the Director of Administration, the Chair of the Housing Resources Commission, the Chair of the House Finance Committee, the Chair of the Senate Finance Committee and the State Budget Officer.

SECTION 15. Appropriation of Economic Activity Taxes in accordance with the city of Pawtucket downtown redevelopment statute -- There is hereby appropriated for the fiscal year ending June 30, 2023, all State Economic Activity Taxes to be collected pursuant to § 45-33.4-4 of the Rhode Island General Laws, as amended (including, but not limited to, the amount of tax revenues certified by the Commerce Corporation in accordance with § 45-33.4-1(13) of the Rhode Island General Laws), for the purposes of paying debt service on bonds, funding debt service reserves, paying costs of infrastructure improvements in and around the ballpark district, arts district, and the growth center district, funding future debt service on bonds, and funding a redevelopment revolving fund established in accordance with § 45-33-1 of the Rhode Island General Laws.
SECTION 16. The appropriations from federal funds contained in Section 1 shall not be construed to mean any federal funds or assistance appropriated, authorized, allocated or apportioned to the State of Rhode Island from the State Fiscal Recovery Fund and Capital Projects Fund enacted pursuant to the American Rescue Plan Act of 2021, P.L. 117-2 for fiscal year 2023 except for those instances specifically designated.

The following amounts are hereby appropriated out of any money available in the State Fiscal Recovery Fund and Capital Projects Fund for the fiscal years ending June 30, 2024, June 30, 2025, June 30, 2026, and June 30, 2027.

For the purposes and functions hereinafter mentioned, the State Controller is hereby authorized and directed to draw his or her orders upon the General Treasurer for payment of such sums and such portions thereof as may be required by him or her upon receipt of properly authenticated vouchers.

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<th>Project</th>
<th>FY Ending 06/30/2024</th>
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<th>FY Ending 06/30/2026</th>
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LC004149 - Page 46 of 319
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The State Fiscal Recovery Fund and Capital Projects Fund appropriations herein shall be made in support of the following projects:

- **Federal Funds - State Fiscal Recovery Fund**
- **Department of Administration (DOA)**
DOA – Aid to the Convention Center. These funds shall support a program to finance facility improvements and provide operating support to the Rhode Island convention center authority.

DOA – Electric Heat Pump Grant Program. These funds shall support a grant program within the office of energy resources to assist homeowners and small-to-mid-size business owners with the purchase and installation of high-efficiency electric heat pumps, with an emphasis on families in environmental justice communities, minority-owned businesses, and community organizations who otherwise cannot afford this technology.

DOA – Ongoing COVID-19 Response. These funds shall be allocated to continue COVID-19 mitigation activities and to address the public health impacts of the pandemic in Rhode Island, to be administered by the director of administration, in consultation with the director of health and the secretary of health and human services.

DOA – Nonprofit Assistance. This program shall support nonprofit organizations to address needs that have been exacerbated by COVID-19, including housing and food insecurity, and behavioral health issues, among others.

DOA – Auto-Enrollment Program. These funds shall support a program for automatically enrolling qualified individuals transitioned off Medicaid coverage at the end of the COVID-19 public health emergency into qualified health plans to avoid gaps in coverage, administered by HealthSource RI.

DOA – Eligibility Extension Compliance. These funds shall be allocated to support maintaining RIBridges eligibility functionalities within HealthSource RI during the extension of the public health emergency.

DOA – ERP Implementation Support. These funds shall be allocated to the department of administration to support the implementation of the enterprise resource planning system, such as operating expenses, software and personnel.

Department of Business Regulation (DBR)

DBR – Blockchain Digital Identity. These funds shall support a program for the development of blockchain technology to improve information technology security and streamline professional licensing credentialing for the State.

DBR – Health Spending Accountability and Transparency Program. These funds shall support a program allowing the office of the health insurance commissioner to track and curb health care spending growth rates.

Department of Labor and Training (DLT)
DLT – Unemployment Insurance Trust Fund Contribution. The director of labor and training shall allocate these appropriations to the employment security fund if he or she determines the allocation would be beneficial for the purpose of determining the experience rate for each eligible employer for calendar year 2023. If the director of labor and training determines the allocation to the employment security fund is not beneficial for eligible employers in the next calendar year, he or she shall allocate these monies to the DLT – Enhanced Real Jobs project referenced in this section.

DLT – Enhanced Real Jobs. These funds shall support the Real Jobs Rhode Island program in the development of job partnerships, connecting industry employers adversely impacted by the pandemic to individuals enrolled in workforce training programs.

**Department of Revenue (DOR)**

DOR – Tax Modernization. These funds shall enhance department of revenue division of taxation business process improvements and taxpayer services.

**Executive Office of Commerce (EOC)**

EOC – Small Business and Technical Assistance. These funds shall support a program to invest additional financial and technical assistance resources to support small businesses which have been disproportionately impacted by the pandemic. The program will include direct payments to businesses to address the negative impacts of the pandemic, technical assistance for long-term business capacity building, capital improvements for public health upgrades and outdoor programming, and administration expenses.

EOC – Assistance to Impacted Industries. These funds shall be allocated to a program to provide support to the tourism, hospitality, events and other industries disproportionately impacted by the pandemic. The program will include direct payments to businesses to address the negative economic impacts of the pandemic, outdoor and public space capital improvements and event programming, tourism marketing in coordination with state tourism regions and the airport corporation, and costs to implement these initiatives.

EOC – Statewide Broadband Planning and Mapping. These funds shall be allocated to develop a statewide broadband strategic plan, to support related staffing, and to conduct mapping in support of future state broadband investment.

EOC – Minority Business Accelerator. These funds shall support a program to invest additional resources to enhance the growth of minority owned businesses. The initiative will support a range of assistance and programming, including for example, financial and technical assistance, entrepreneurship training, space for programming and co-working, and assistance accessing low-interest loans.
EOC – Blue Economy Investments. These funds shall support a program to invest in the state’s blue economy industries, including, but not limited to, such areas of focus as ports and shipping, defense, marine trades, ocean-related technology, ocean-based renewables, aquaculture and fisheries, and tourism and recreation.

EOC – Bioscience Investments. These funds shall support a program to invest in the state’s life science industries. The investments will include, but are not limited to, such areas of focus as the build-out of shared wet lab space for startup and early-stage businesses, a competitive life sciences site acquisition and facility investments program, and supports for small businesses seeking to connect with and expand within the sector.

EOC – Small Business Access to Capital. These funds shall support a program to assist small businesses with COVID-related impacts as well as such expenses as real estate costs, short- and long-term working capital, refinancing debt, and the purchase of furniture, fixtures, and supplies. This program will also seek to leverage other private and public resources, such as the SBA 7(a) loan program, to maximize its reach and effectiveness.

EOC – Main Streets Revitalization. These funds shall support a program providing investments in main street improvements such as signage, lighting, façade and sidewalk improvements in municipal commercial districts. These funds may also provide technical assistance to municipalities and non-profit partners in developing and executing main street improvement projects.

EOC – South Quay Marine Terminal. These funds shall support the development of an integrated and centralized hub of intermodal shipping designed to support the offshore wind industry in East Providence. The program will include elements such as design activities and the development of the waterfront portion of the terminal into a marine-industrial facility.

Rhode Island Housing (RIH)

RIH – Development of Affordable Housing. These funds shall expand a program at the Rhode Island housing and mortgage finance corporation to provide additional investments in the development of affordable housing units.

RIH – Site Acquisition. These funds shall be allocated to the Rhode Island housing and mortgage finance corporation toward the acquisition of properties for redevelopment as affordable and supportive housing.

RIH – Down Payment Assistance. Administered by the Rhode Island housing and mortgage finance corporation, these funds shall be allocated to a program to provide $17,500 in down payment assistance to eligible first-time home buyers to promote homeownership.
RIH – Workforce Housing. These funds shall support a program to increase the housing supply for families earning up to 120 percent of area median income.

RIH – Affordable Housing Predevelopment Program. These funds shall support predevelopment work, for proposed affordable housing developments to build a pipeline of new projects and build the capacity of affordable housing developers in the state to expand affordable housing production.

RIH – Home Repair and Community Revitalization. These funds shall expand a program administered by the Rhode Island housing and mortgage finance corporation to finance the acquisition and redevelopment of blighted properties to increase the number of commercial and community spaces in disproportionately impacted communities and or to increase the development of affordable housing. The program will also support critical home repairs within the same communities.

Office of Housing and Community Development (OHCD)

OHCD – Predevelopment and Capacity Building. These funds shall support a program to increase contract staffing capacity to administer proposed affordable housing projects. These funds will support research and data analysis, stakeholder engagement, and the expansion of services for people experiencing homelessness.

OHCD – Homelessness Assistance Program. These funds shall support a program to expand housing navigation, behavioral health, and stabilization services to address pandemic-related homelessness. The program will support both operating subsidies for extremely low-income housing units and services for people transitioning from homelessness to housing, including individuals transitioning out of the adult correctional institutions

OHCD – Homelessness Infrastructure. These funds shall be used to support a program to respond to pandemic-related homelessness, including but not limited to, acquisition or construction of temporary or permanent shelter-based and/or housing-based solutions, wrap-around services and administrative costs of implementation.

OHCD – Statewide Housing Plan. These funds shall be allocated to the development of a statewide comprehensive housing plan to assess current and future housing needs, consider barriers to home ownership and affordability, and identify services needed for increased investments toward disproportionately impacted individuals and communities. These funds will also be used to support municipal planning efforts to identify and cultivate viable sites and housing projects.

Quonset Development Corporation (QDC)

QDC – Port of Davisville. These funds shall be allocated to expand a program developing port infrastructure and services at the Port of Davisville in Quonset. This will increase investments
to job opportunities, marine transportation and improvements to projects in the offshore wind
industry.

Executive Office of Health and Human Services (EOHHS)

EOHHS – Pediatric Recovery. These funds shall support a program to provide relief to
pediatric providers in response to the decline in visitation and enrollment caused by the public
health emergency and incentivize providers to increase developmental and psychosocial behavioral
screenings.

EOHHS – Early Intervention Recovery. These funds shall support a program to provide
relief to early intervention providers in response to a decline in enrollment for early intervention,
family home visiting and screening programs. This program will also provide performance bonuses
for providers who hit certain targets, such as recovering referral numbers and achieving reduced
staff turnover.

EOHHS – Eligibility Extension Compliance. These funds shall be allocated to support
maintaining RIBridges eligibility functionalities during the extension of the federal public health
emergency.

EOHHS – Certified Community Behavioral Clinics. These funds shall be allocated to a
program to support certified community behavioral health clinics to bolster behavioral health
supports, medical screening and monitoring, and social services to particularly vulnerable
populations in response to a rise in mental health needs during the public health emergency.

EOHHS – 9-8-8 Hotline. These funds shall be allocated for the creation of a 9-8-8 hotline
to maintain compliance with the National Suicide Hotline Designation Act of 2020 and the Federal
Communications Commission-adopted rules to assure that all citizens receive a consistent level of
9-8-8 and crisis behavioral health services.

Department of Children, Youth and Families (DCYF)

DCYF – Provider Workforce Stabilization. These funds shall be allocated to support
workforce stabilization supplemental wage payments and sign-on bonuses to eligible direct care
and supporting care staff of contracted service providers.

DCYF – Psychiatric Treatment Facility. These funds shall be allocated to establish a
Psychiatric Residential Treatment Facility to provide intensive residential treatment options for
adolescent girls and young women who face severe and complex behavioral health challenges.

DCYF – Foster Home Lead Abatement & Fire Safety. These funds shall be allocated to
provide financial assistance to foster families for lead remediation and fire suppression upgrades.

Department of Human Services (DHS)
DHS – Child Care Support. To address the adverse impact the pandemic has had on the child care sector, the funds allocated to this program will provide retention bonuses for direct care staff at child care centers and licensed family providers in response to pandemic-related staffing shortages and start up and technical assistance grants for family child care providers. The director of the department of human services and the director of the department of children, youth and families may waive any fees otherwise assessed upon child care provider applicants who have been awarded the family child care provider incentive grant. The allocation to this program will also support quality improvements, the creation of a workforce registry and additional funds for educational opportunities for direct care staff.

DHS – RIBridges Mobile and Child Care Tracking. These funds shall be allocated to the department of human services to expand functionality of the HealthyRhode mobile application to allow for beneficiaries to digitally submit applications, recertifications and reports to reduce the need for in-person services, prevent the loss of needed benefits and improve efficiencies.

DHS – Eligibility Extension Compliance. These funds shall be allocated to support maintaining RIBridges eligibility functionalities during the extension of the public health emergency.

DHS – Emergency Staffing RIVH. These funds shall support a program to address urgent staffing needs in state health care facilities, including the Veterans Home.

Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH)

BHDDH – Crisis Intervention Trainings. To respond to the increased volume of mental-health related calls reported by police departments, these funds shall be allocated to the crisis intervention training program to provide an eight-hour training every three years for law enforcement as well as continuing education opportunities.

BHDDH - Emergency Staffing ESH Zambarano. These funds shall support a program to address urgent staffing needs in state health care facilities, including the Zambarano unit.

BHDDH – Emergency Staffing State Psychiatric Hospital. These funds shall support a program to address urgent staffing needs in the state psychiatric hospital.

BHDDH – Emergency Staffing ESH. These funds shall support a program to address urgent staffing needs in state health care facilities, including Eleanor Slater Hospital.

Office of the Mental Health Advocate

MHA – Mental Health Court Pilot Program. This program shall support a pilot program to provide increased services for defendants with mental illness and divert entry into the criminal justice system.

Rhode Island Department of Education (RIDE)
RIDE – Municipal Learning Centers. These funds shall be allocated to a program to partner with municipalities to support the creation of centers to provide educational programming. Programs will be available year-round for free or a fee-for-service rate structure, with an emphasis on out-of-school time and vacations.

Office of the Postsecondary Commissioner (OPC)

OPC – Higher Education Academies. These funds shall be allocated to the office of the postsecondary commissioner to provide supports, such as targeted coaching and wraparound supports, for those age 16 and older to continue their education. The program will establish academies to focus on outreach to rising seniors and recent graduates in disproportionately impacted communities, ensuring a seamless transition to postsecondary education or workforce training, and college readiness coursework and support to enroll in summer courses.

Office of the Attorney General

Attorney General – Mental Health Court Pilot Program. This program shall support a pilot program to provide increased services for defendants with mental illness and divert entry into the criminal justice system.

Department of Corrections (DOC)

DOC – Wi-Fi and Tech at the Adult Correctional Institutions. These funds shall support the purchase and installation of capital infrastructure of Wi-Fi systems at the adult correctional institutions. This will enable increased access to educational opportunities for incarcerated individuals.

DOC – Radio Systems. These funds shall support the purchase and installation of an updated radio and communication system at the adult correctional institutions.

Judicial Branch (Judiciary)

Judiciary – Mental Health Court Pilot Program. This program shall support a pilot program to provide increased services for defendants with mental illness and divert entry into the criminal justice system.

Department of Public Safety (DPS)

DPS – Support for Survivors of Domestic Violence. These funds shall be allocated to invest in the nonprofit community to provide additional housing, clinical and mental health services to victims of domestic violence and sexual assault. This includes increased investments for therapy and counseling, housing assistance, job training, relocation aid and case management.

Department of Environmental Management (DEM)
DEM – Galilee Port Rehabilitation. These funds shall support a program providing
additional investments to port infrastructure improvements at the Port of Galilee, increasing
services for commercial fishing and related businesses.

DEM – Permit and Licensing IT. These funds shall support a program to provide
information technology improvements for online permit and licensing systems for fish and wildlife,
commercial fishing and boating registrations.

Rhode Island Public Transit Authority (RIPTA)

RIPTA – Pawtucket/Central Falls Bus Hub Passenger Facility. These funds shall support
the development of a facility outfitted with restrooms, customer service windows and covered
waiting areas at the Pawtucket-Central Falls Commuter Rail Station.

Federal Funds - Capital Projects Fund

Department of Administration (DOA)

DOA – CPF Administration. These funds shall be allocated to the department of
administration to oversee the implementation of the Capital Projects Fund award from the
American Rescue Plan Act.

DOA – Municipal and Higher Ed Matching Grant Program. These funds shall be allocated
to a matching fund program for cities and towns that renovate or build a community wellness center
that meets the work, education and health monitoring requirements identified by the U.S.
Department of the Treasury.

DOA – RIC Student Services Center. These funds shall support the development of a
centralized hub at Rhode Island College, where students can complete essential tasks.

Executive Office of Commerce (EOC)

EOC – Broadband. These funds shall be allocated to the executive office of commerce to
invest in last-mile projects to provide high-speed, reliable internet to all Rhode Islanders. The
secretary of commerce, in partnership with the director of business regulation, will run a series of
requests for proposals for broadband infrastructure projects, providing funds to municipalities,
public housing authorities, business cooperatives and local internet service providers for last-mile
projects targeted at those unserved and underserved by the current infrastructure. This investment
will unlock a minimum of $100 million in federal funds for broadband investment through the
Infrastructure Investment and Jobs Act.

SECTION 17. Reappropriation of Funding for State Fiscal Recovery Fund and Capital
Projects Fund. Notwithstanding any provision of general law, any unexpended and unencumbered
federal funds from the State Fiscal Recovery Fund and Capital Projects Fund shall be
reappropriated in the ensuing fiscal year and made available for the same purposes.
SECTION 18. State Fiscal Recovery Fund and Capital Projects Fund Compliance and Reporting. The pandemic recovery office shall be established within the department of administration to oversee all programs financed by the State Fiscal Recovery Fund or Capital Projects Fund to ensure compliance with the rules, regulations, and other guidance issued by the U.S. Department of the Treasury in accordance with the provisions of Section 9901, Subsections 602 and 604 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2. The pandemic recovery office shall be responsible for submission of all reports required by the U.S. Department of the Treasury for the State Fiscal Recovery Fund and Capital Projects Fund.

In consultation with the pandemic recovery office, the budget officer shall establish an allotment system such that distributions of State Fiscal Recovery Fund and Capital Projects Fund shall be made contingent upon recipients' compliance with all state and federal rules, regulations, and guidance.

SECTION 19. This article shall take effect as of July 1, 2022, except as otherwise provided herein.
ARTICLE 2

RELATING TO STATE FUNDS

SECTION 1. Chapter 23-17.14 of the General Laws entitled “The Hospital Conversions Act” is hereby amended by adding thereto the following section:

23-17.14-36. Hospital conversion monitoring account

There is hereby established within the department of health, a restricted receipt account entitled “Hospital Conversion Monitoring.” This account shall be used for the sole purpose to fund monitoring activities associated with hospital conversions pursuant to § 23-17.14-28(d) (1), (2), (3), and (4). Funds held in non-state escrow, whether currently existing or prospective, through agreement between the department of health and the conversion acquiror may be deposited into the restricted receipt account and disbursed, as necessary, to conduct the monitoring activities associated with § 23-17.14-28(d) (1), (2), (3), and (4).

SECTION 2. Section 35-4-27 of the General Laws in Chapter 35-4 entitled “State Funds” is hereby amended to read as follows:

35-4-27. Indirect cost recoveries on restricted receipt accounts.

Indirect cost recoveries of ten percent (10%) of cash receipts shall be transferred from all restricted receipt accounts, to be recorded as general revenues in the general fund. However, there shall be no transfer from cash receipts with restrictions received exclusively: (1) From contributions from nonprofit charitable organizations; (2) From the assessment of indirect cost-recovery rates on federal grant funds; or (3) Through transfers from state agencies to the department of administration for the payment of debt service. These indirect cost recoveries shall be applied to all accounts, unless prohibited by federal law or regulation, court order, or court settlement. The following restricted receipt accounts shall not be subject to the provisions of this section:

Executive Office of Health and Human Services
Organ Transplant Fund
HIV Care Grant Drug Rebates
Health System Transformation Project
Adult Use Marijuana Program Licensing
Rhode Island Statewide Opioid Abatement Account
HCBS Support- ARPA
HCBS Admin Support- ARPA
Department of Human Services
Veterans’ home — Restricted account
Veterans’ home — Resident benefits
1 Pharmaceutical Rebates Account
2 Demand Side Management Grants
3 Veteran's Cemetery Memorial Fund
4 Donations — New Veterans' Home Construction
5 Department of Health
6 Pandemic medications and equipment account
7 Miscellaneous Donations/Grants from Non-Profits
8 State Loan Repayment Match
9 Healthcare Information Technology
10 Adult Use Marijuana Program
11 Department of Behavioral Healthcare, Developmental Disabilities and Hospitals
12 Eleanor Slater non-Medicaid third-party payor account
13 Hospital Medicare Part D Receipts
14 RICLAS Group Home Operations
15 Adult Use Marijuana Program
16 Commission on the Deaf and Hard of Hearing
17 Emergency and public communication access account
18 Department of Environmental Management
19 National heritage revolving fund
20 Environmental response fund II
21 Underground storage tanks registration fees
22 De Coppet Estate Fund
23 Rhode Island Historical Preservation and Heritage Commission
24 Historic preservation revolving loan fund
25 Historic Preservation loan fund — Interest revenue
26 Department of Public Safety
27 E-911 Uniform Emergency Telephone System
28 Forfeited property — Retained
29 Forfeitures — Federal
30 Forfeited property — Gambling
31 Donation — Polygraph and Law Enforcement Training
32 Rhode Island State Firefighter's League Training Account
33 Fire Academy Training Fees Account
34 Adult Use Marijuana Program
Attorney General

Forfeiture of property

Federal forfeitures

Attorney General multi-state account

Forfeited property — Gambling

Automatic Expungement

Department of Administration

OER Reconciliation Funding

Health Insurance Market Integrity Fund

RI Health Benefits Exchange

Information Technology Investment Fund

Restore and replacement — Insurance coverage

Convention Center Authority rental payments

Investment Receipts — TANS

OPEB System Restricted Receipt Account

Car Rental Tax/Surcharge-Warwick Share

Grants Management Administration

Executive Office of Commerce

Housing Resources Commission Restricted Account

Housing Production Fund

Department of Revenue

DMV Modernization Project

Jobs Tax Credit Redemption Fund

Adult Use Marijuana Program

Legislature

Audit of federal assisted programs

Department of Children, Youth and Families

Children's Trust Accounts — SSI

Military Staff

RI Military Family Relief Fund

RI National Guard Counterdrug Program

Treasury

Admin. Expenses — State Retirement System

Retirement — Treasury Investment Options
SECTION 3. 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, or wireless telephone, 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 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, to recover the costs of providing the services outlined in subsection (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). 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) 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. In addition, eighty thousand dollars ($80,000) one hundred thousand dollars
($100,000) shall annually be remitted to the Rhode Island commission on the deaf and hard of
hearing for an emergency and public communication access program, pursuant to § 23-1.8-4. 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 4. Section 42-7.2-10 of the General Laws in Chapter 42-7.2 entitled “Office of
Health and Human Services” is hereby amended to read as follows:

42-7.2-10. Appropriations and disbursements.

(a) The general assembly shall annually appropriate such sums as it may deem necessary
for the purpose of carrying out the provisions of this chapter. The state controller is hereby
authorized and directed to draw his or her orders upon the general treasurer for the payment of such
sum or sums, or so much thereof as may from time to time be required, upon receipt by him or her
of proper vouchers approved by the secretary of the executive office of health and human services,
or his or her designee.

(b) For the purpose of recording federal financial participation associated with qualifying
healthcare workforce development activities at the state's public institutions of higher education,
and pursuant to the Rhode Island designated state health programs (DSHP), as approved by the
Centers for Medicare & Medicaid Services (CMC) October 20, 2016, in the 11-W-00242/l
amendment to Rhode Island's section 1115 Demonstration Waiver, there is hereby established a
restricted-receipt account entitled “Health System Transformation Project” in the general fund of
the state and included in the budget of the office of health and human services.

(c) There are hereby created within the general fund of the state and housed within the
budget of the office of health and human services two restricted receipt accounts, respectively
entitled “HCBS Support- ARPA” and HCBS Admin Support- ARPA”. Amounts deposited into
these accounts are the enhanced federal match received on eligible home and community-based
services between April 1, 2021 and March 31, 2022, allowable under Section 9817 of the American
Rescue Plan Act of 2021, P.L., 117-2. Funds deposited into the “HCBS Support- ARPA” account
will used to finance the state share of newly eligible medicaid expenditures by the executive office
of health and human services and its sister agencies, including the department of children, youth,
and families, the department of health, and the department of behavioral healthcare, developmental
disabilities, and hospitals. Funds deposited into the “HCBS Admin Support-ARPA” account will
used to finance the state share of allowable administrative expenditures attendant to the
implementation of these newly eligible medicaid expenditures. The accounts created under this
subsection shall be exempt from the indirect cost recovery provisions of Section 35-4-27 of the
Rhode Island general laws.

(d) There is hereby created within the general fund of the state and housed within the budget
of the office of health and human services a restricted receipt account entitled “Rhode Island
Statewide Opioid Abatement Account” for the purpose of receiving and expending monies from
settlement agreements with opioid manufacturers, pharmaceutical distributors, pharmacies, or their
affiliates, as well as monies resulting from bankruptcy proceedings of the same entities. The
executive office of health and human services shall deposit any revenues from such sources that
are designated for opioid abatement purposes into the restricted receipt account. Funds from this
account shall only be used for forward-looking opioid abatement efforts as defined and limited
by any settlement agreements, state-city and town agreements, or court orders pertaining to the use
of such funds. By January 1 of each calendar year, the secretary of health and human services shall
report to the governor, the speaker of the house of representatives, the president of the senate, and
the attorney general on the expenditures that were funded using monies from the Rhode Island
statewide opioid abatement account and the amount of funds spent. The account created under this
subsection shall be exempt from the indirect cost recovery provisions of Section 35-4-27 of the
Rhode Island General Laws.

SECTION 5. Section 4 of this Article shall take effect as of July 1, 2021. Sections 1, 2,
and 3 of this Article shall take effect as of July 1, 2022.
ARTICLE 3

RELATING TO GOVERNMENT REFORM AND RE-ORGANIZATION

SECTION 1. Section 3-7-14.2 of the General Laws in Chapter 3-7 entitled "Retail Licenses" is hereby amended to read as follows:

3-7-14.2, Class P licenses -- Caterers.

(a) A caterer licensed by the department of health and the division of taxation shall be eligible to apply for a Class P license from the department of business regulation. The department of business regulation is authorized to issue all caterers' licenses. The license will be valid throughout this state as a state license and no further license will be required or tax imposed by any city or town upon this alcoholic beverage privilege. Each caterer to which the license is issued shall pay to the department of business regulation an annual fee of five hundred dollars ($500) for the license, and one dollar ($1.00) for each duplicate of the license, which fees are paid into the state treasury. The department is authorized to promulgate rules and regulations for the implementation of this license. In promulgating said rules, the department shall include, but is not limited to, the following standards:

(1) Proper identification will be required for individuals who look thirty (30) years old or younger and who are ordering alcoholic beverages;

(2) Only valid ID's as defined by these titles are acceptable;

(3) An individual may not be served more than two (2) drinks at a time;

(4) Licensee's, their agents, or employees will not serve visibly intoxicated individuals;

(5) Licensee's may only serve alcoholic beverages for no more than a five (5) hour period per event;

(6) Only a licensee, or its employees, may serve alcoholic beverages at the event;

(7) The licensee will deliver and remove alcoholic beverages to the event; and

(8) No shots or triple alcoholic drinks will be served.

(b) Any bartender employed by the licensee shall be certified by a nationally recognized alcohol beverage server training program.

(c) The licensee shall purchase at retail all alcoholic beverages from a licensed Class A alcohol retail establishment located in the state, provided, however, any licensee who also holds a Class T license, issued pursuant to the provisions of § 3-7-7, shall be allowed to purchase alcoholic beverages at wholesale. Any person violating this section shall be fined five hundred dollars ($500) for this violation and shall be subject to license revocation. The provisions of this section shall be enforced in accordance with this title.
(d) Violation of subsection (a) of this section is punishable upon conviction by a fine of not more than five hundred dollars ($500). Fines imposed under this section shall be paid to the department of business regulation.

SECTION 2. Chapter 5-2 of the General Laws entitled "Bowling Alleys, Billiard Tables, and Shooting Galleries" is hereby amended by adding thereto the following section:


As used in this chapter, the term "billiard table" means and shall include billiard tables, pool tables, and pocket billiard tables.

SECTION 3. Sections 5-2-1, 5-2-2, 5-2-3 and 5-2-9 of the General Laws in Chapter 5-2 entitled "Bowling Alleys, Billiard Tables, and Shooting Galleries" are hereby amended to read as follows:

5-2-1. City and town regulation and taxation of bowling alleys and billiard tables. City and town regulation and taxation of bowling alleys and establishments with three (3) or more billiard tables.

The town and city councils of the several towns and cities may tax, regulate, and, if they find it expedient, prohibit and suppress, bowling alleys and establishments with billiard tables in their respective cities and towns, conforming to law.

§ 5-2-2. Refusal of bowling alley, box ball alley, or billiard table keeper to comply with order of the city or town council.

The keeper of any bowling alley, box ball alley, or establishment with billiard tables who refuses or neglects to comply with an order or decree relating to it, which any city or town council is authorized to make, shall be fined fifty dollars ($50.00).

§ 5-2-3. Keeper of bowling alley, box ball alley, or billiard table defined.

The owner or occupant of the premises on which any bowling alley, box ball alley, or three billiard tables are situated is deemed the keeper of that bowling alley, box ball alley, or billiard tables, within the meaning of the provisions of this chapter.

5-2-9. Sunday operation of bowling alleys and billiard tables.

(a) Town or city councils or licensing authorities in any city or town may permit licensees operating bowling alleys, or persons paying a tax for the operation of a bowling alley, to operate rooms or places where bowling, or playing of billiards, or pocket billiards at establishments with three (3) or more billiard tables for a fee or charge may be engaged in by patrons of those rooms or places on the first day of the week, subject to any restrictions and regulations that the city or town council or licensing authority designates; provided, that the operation of bowling alleys or rooms or places where bowling, playing of billiards, or pocket billiards at establishments with three (3) or
more billiard tables for a fee or charge is permitted on the first day of the week only between the
hours of one o'clock (1:00) p.m. and twelve o'clock (12:00) midnight; and provided, that no bowling
alley or rooms or places where bowling, playing of billiards, or pocket billiards for a fee or charge
is operated on the first day of the week within two hundred feet (200') of a place of public worship
used for public worship.

(b) The operation of any bowling alley, room, or place between any hour on the last day of
the week and one o'clock (1:00) a.m. on the first day of the week is not a violation of this section.

SECTION 4. Chapter 5-12 of the General Laws entitled "Hide and Leather Inspection"
is hereby repealed.

5-12-1. Town and city inspectors.

There may be annually elected by the town councils of the several towns and by the
city councils of Providence and Newport an officer to be denominated "inspector of hides and
leather," who shall be sworn to the faithful discharge of his or her duties.

5-12-2. Inspection and stamping of hides and leather.

City and town inspectors of hides and leather shall examine and inspect all hides and
leather that they may be called upon to inspect, within their towns or cities, and stamp upon the
inspected hides or leather their quality, as rated in the hides and leather trade, together with the
name of the inspector and date of inspection.

5-12-3. Inspection fees.

The fee of the inspector shall be at the rate of one dollar ($1.00) per hour for each
hour actually employed, paid by the person employing him or her; provided, that not more than five
($5) hours shall be paid for by one employer for the same day.

5-12-4. Misconduct by inspectors.

Every inspector appointed under the provisions of this chapter who willfully stamps
any hides or leather as of a grade above or below that at which it is properly ratable, shall forfeit
and pay a penalty of one hundred dollars ($100) and is liable to an action at law for damages to
any person injured from the action.

SECTION 5. Section 5-71-8 of the General Laws in Chapter 5-71 entitled "Licensure of
Interpreters for the Deaf" is hereby amended to read as follows:

5-71-8. Qualifications of applicants for licenses.

(a) To be eligible for licensure by the board as an interpreter for the deaf or transliterator,
the applicant must submit written evidence on forms furnished by the department, verified by oath,
that the applicant meets all of the following requirements:

(1) Is of good moral character;
(2) Meets the screened requirements as defined in regulations promulgated by the department or meets the certification requirements set forth by RID or its successor agency approved by the department in consultation with the board;

(3) Pays the department a license fee as set forth in § 23-1-54;

(4) Adheres to the National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID) code of professional conduct; and

(5) Provides verification of a background check with the bureau of criminal investigation in the office of attorney general at the time of the initial application for license.

(b) To be eligible for licensure by the board as an educational interpreter for the deaf, the applicant must meet all of the requirements as described in subsection (a) and must further present proof of successful completion of the educational interpreter performance assessment (EIPA), written and performance tests, or a similar test as approved by the board, at a performance level established by the board.

(c) An individual whose license, certification, permit, or equivalent form of permission issued within another state has been revoked, suspended, or currently placed on probation shall not be eligible for consideration for licensure unless they have first disclosed to the department about such disciplinary actions.

SECTION 6. Sections 9-5-10.1, 9-5-10.5 and 9-5-10.6 of the General Laws in Chapter 9-5 entitled "Writs, Summons and Process" are hereby amended to read as follows:


(a) (1) A person at least twenty-one (21) years of age who complies with the statute and the requirements set forth in any regulations promulgated by the department of business regulation may file an application with the department requesting that the applicant be certified as a constable. Once issued by the department, the certification shall be effective for a period of two (2) years or until the approval is withdrawn by the department. A certified constable shall be entitled to serve or execute writs and process in such capacity for any court of the state, anywhere in the state, subject to any terms and limitations as set forth by the court, and in such number as determined by the chief judge of the district court.

(2) A person to be certified as a constable shall provide documentation and evidence satisfactory to the department of business regulations that the person possesses the specified minimum qualifications to include:

(i) Sixty (60) hours of earned credit from an accredited college, university, or institution; or

(ii) Four (4) years of honorable military service; or
(iii) Twenty (20) years of honorable service with a local, state, or federal law enforcement agency; and

(iv) United State citizenship; and

(v) Possession of a valid motor vehicle operator's license; and

(vi) Successful completion of unlawful drug use screening; and

(vii) Successful completion of psychological testing approved by the department of business regulation.

(b) Certification process.

(1) Application.

(i) Any person seeking certification pursuant to this section shall complete an application and submit it to the department of business regulation in the form designated by the department for such applications.

(ii) The application shall include information determined by the department to be relevant to licensure and shall include a national criminal background check.

(2) Referral to certified constables' board. Once the applicant has provided a completed application, the department shall refer the applicant to the certified constables' board by providing a copy of the application to the board and to the chief judge of the district court.

(3) Training.

(i) Following review of the application, the board shall determine whether the applicant should be recommended for training by the board to be conducted by a volunteer training constable. If the board determines that training is appropriate, the applicant shall be assigned to a training constable who shall be a constable in good standing for a minimum of ten (10) years and who is approved by the chief judge of the district court to train prospective constables.

(ii) Training shall consist of a minimum of ninety (90) hours to be completed no sooner than ninety (90) days from the date of the referral by the board. The department may waive the training requirement of this section for an applicant who has graduated from a certified police or law enforcement academy and who has a minimum of twenty (20) years of honorable service as a police or law enforcement officer.

(iii) Within thirty (30) days from the conclusion of training, a written report shall be submitted by the training constable to the board with a copy to the department that reflects the dates and times of training and comments on the aptitude of the trainee.

(iv) If the board concludes that training is not appropriate or if the report of the training constable concludes that the applicant does not have the aptitude to perform the duties of a constable, the board shall so inform the department which shall deny the application on that basis.
(4) Oral and written tests.

(i) Upon the successful completion of the training period and recommendation from the training constable, within ninety (90) days, the applicant shall complete an oral examination on the legal and practical aspects of certified constables' duties that shall be created and administered by the board.

(ii) Upon the successful completion of the oral examination, within sixty (60) days the applicant must complete a written test created by the board and approved by the chief judge of the district court department that measures the applicant's knowledge of state law and court procedure.

(iii) If the board concludes that the applicant has not successfully passed either the oral or written test, the board shall so inform the department which shall deny the application on that basis.

(5) Final review. The department shall review the application, training record, test scores, and such other information or documentation as required and shall determine whether the applicant shall be approved for certification and the person authorized to serve process in the state.

(c) Any person certified as a constable on the effective date of this act shall continue to be certified without complying with the certification requirements prescribed by this act.

9-5-10.5. Suspension, revocation or review of certification of certified constables.

(a) Upon the receipt of a written complaint, request of the board, request of a judge of any court, or upon its own initiative, the department shall ascertain the facts and, if warranted, hold a hearing for the reprimand, suspension, or revocation of a certification. The director, or his or her designee, has the power to refuse a certification for cause or to suspend or revoke a certification or place an applicant on probation for any of the following reasons:

(1) The certification was obtained by false representation or by fraudulent act or conduct;

(2) Failure to report to the department any of the following within thirty (30) days of the occurrence:

(i) Any criminal prosecution taken in any jurisdiction. The constable shall provide the initial complaint filed and any other relevant legal documents;

(ii) Any change of name, address or other contact information;

(iii) Any administrative action taken against the constable in any jurisdiction by any government agency within or outside of this state. The report shall include a copy of all relevant legal documents.

(3) Failure to respond to the department within ten (10) days to any written inquiry from the department;

(4) Where a certified constable, in performing or attempting to perform any of the acts mentioned in this section, is found to have committed any of the following:
(i) Inappropriate conduct that fails to promote public confidence, including failure to maintain impartiality, equity, and fairness in the conduct of his or her duties;

(ii) Neglect, misfeasance, or malfeasance of his or her duties;

(iii) Failure to adhere to court policies, rules, procedures, or regulations;

(iv) Failure to maintain the highest standards of personal integrity, honesty, and truthfulness, including misrepresentation, bad faith, dishonesty, incompetence, or an arrest or conviction of a crime.

(5) A copy of the determination of the director of department of business regulation, or his or her designee, shall be forwarded to the chief judge of the district court within ten (10) business days.

(b) Nothing herein shall be construed to prohibit the chief of any court from suspending the certification of a constable to serve process within his or her respective court pending the outcome of an investigation consistent with the provisions of chapter 35 of title 42.

(c) The department is authorized to levy an administrative penalty not exceeding one thousand dollars ($1,000) for each violation for failure to comply with the provisions of this chapter or with any rule or regulation promulgated by the department.

9-5-10.6. Certified constables’ board.

(a) There shall be created a certified constables’ board that shall review each applicant and recommend him or her for training, conduct the oral examination of each applicant, and that shall serve as a resource to the chief judge and the department in the consideration of the practical aspects of constable practice. The board shall consist of five (5) members appointed by the governor; two (2) who shall be constables in good standing who have served for at least ten (10) years, one of whom shall be appointed recommended by the Rhode Island Constables, Inc. and one appointed recommended by the Rhode Island Constables Association; and three (3) attorneys who shall be licensed to practice law by the supreme court in good standing who shall be appointed by the chief judge of the district court. Members of the constables’ board shall serve for terms of five (5) years until a successor is appointed and qualified.

(b) A representative of the board may attend hearings in order to furnish advice to the department. The board may also consult with the department of business regulation from time to time on matters relating to constable certification.

SECTION 7. Chapter 28.10 of the General Laws entitled “Opioid Stewardship Act” is hereby amended by adding thereto the following section:

The employee responsible for performing fiscal functions associated with the management of the opioid stewardship fund within the department of health shall be transferred to the executive office.


Unless the context otherwise requires, the following terms shall be construed in this chapter to have the following meanings:

(1) “Department” means the Rhode Island department of health.
(2) “Director” means the director of the Rhode Island department of health.
(3) (1) “Distribute” means distribute as defined in § 21-28-1.02.
(4) (2) “Distributor” means distributor as defined in § 21-28-1.02.
(5) (3) “Executive Office” means the executive office of health and human services.
(4) (4) “Manufacture” means manufacture as defined in § 21-28-1.02.
(5) (5) “Manufacturer” means manufacturer as defined in § 21-28-1.02.
(6) (6) “Market share” means the total opioid stewardship fund amount measured as a percentage of each manufacturer's, distributor's, and wholesaler's gross, in-state opioid sales in dollars from the previous calendar year as reported to the U.S. Drug Enforcement Administration (DEA) on its Automation of Reports and Consolidated Orders System (ARCOS) report.
(7) “Secretary” means the secretary of the executive office of health and human services.
(8) “Wholesaler” means wholesaler as defined in § 21-28-1.02.

21-28.10-2. Opioid registration fee imposed on manufacturers, distributors, and wholesalers.

All manufacturers, distributors, and wholesalers licensed or registered under this title or chapter 19.1 of title 5 (hereinafter referred to as "licensees"), that manufacture or distribute opioids shall be required to pay an opioid registration fee. On an annual basis, the director secretary shall certify the amount of all revenues collected from opioid registration fees and any penalties imposed, to the general treasurer. The amount of revenues so certified shall be deposited annually into the opioid stewardship fund restricted receipt account established pursuant to § 21-28.10-10.

21-28.10-3. Determination of market share and registration fee.
(1) The total opioid stewardship fund amount shall be five million dollars ($5,000,000) annually, subject to downward adjustments pursuant to § 21-28.10-7.

(2) Each manufacturer's, distributor's, and wholesaler's annual opioid registration fee shall be based on that licensee's in-state market share.

(3) The following sales will not be included when determining a manufacturer's, distributor's, or wholesaler's market share:

(i) The gross, in-state opioid sales attributed to the sale of buprenorphine or methadone;

(ii) The gross, in-state opioid sales sold or distributed directly to opioid treatment programs, data-waived practitioners, or hospice providers licensed pursuant to chapter 17 of title 23;

(iii) Any sales from those opioids manufactured in Rhode Island, but whose final point of delivery or sale is outside of Rhode Island;

(iv) Any sales of anesthesia or epidurals as defined in regulation by the department; and

(v) Any in-state intracompany transfers of opioids between any division, affiliate, subsidiary, parent, or other entity under complete and common ownership and control.

(4) The department executive office shall provide to the licensee, in writing, on or before October 15, 2019 annually, the licensee's market share for the 2018 previous calendar year. Thereafter, the department executive office shall notify the licensee, in writing, on or before October 15 of each year, of its market share for the prior calendar year based on the opioids sold or distributed for the prior calendar year.


(a) Each manufacturer, distributor, and wholesaler licensed to manufacture or distribute opioids in the state of Rhode Island shall provide to the director secretary a report detailing all opioids sold or distributed by that manufacturer or distributor in the state of Rhode Island. Such report shall include:

(1) The manufacturer's, distributor's, or wholesaler's name, address, phone number, DEA registration number, and controlled substance license number issued by the department;

(2) The name, address, and DEA registration number of the entity to whom the opioid was sold or distributed;

(3) The date of the sale or distribution of the opioids;

(4) The gross receipt total, in dollars, of all opioids sold or distributed;

(5) The name and National Drug Code of the opioids sold or distributed;

(6) The number of containers and the strength and metric quantity of controlled substance in each container of the opioids sold or distributed; and
(7) Any other elements as deemed necessary or advisable by the director secretary.

(b) Initial and future reports. This information shall be reported annually to the department executive office via ARCOS or in such other form as defined or approved by the director secretary; provided, however, that the initial report provided pursuant to subsection (a) shall consist of all opioids sold or distributed in the state of Rhode Island for the 2018 calendar year, and shall be submitted by September 1, 2019. Subsequent annual reports shall be submitted by April 15 of each year based on the actual opioid sales and distributions of the prior calendar year.


The licensee shall make payments annually to the department executive office with the first payment of its market share due on December 31, 2019; provided, that the amount due on December 31, 2019, shall be for the full amount of the payment for the 2018 calendar year, with subsequent payments to be due and owing on the last day of every year thereafter.


In any year for which the director secretary determines that a licensee failed to report information required by this chapter, those licensees complying with this chapter shall receive a reduced assessment of their market share in the following year equal to the amount in excess of any overpayment in the prior payment period.


(a) A licensee shall be afforded an opportunity to submit information to the department secretary documenting or evidencing that the market share provided to the licensee (or amounts paid thereunder), pursuant to § 21-28.10-3(4), is in error or otherwise not warranted. The department executive office may consider and examine such additional information that it determines to be reasonably related to resolving the calculation of a licensee's market share, which may require the licensee to provide additional materials to the department executive office. If the department executive office determines thereafter that all or a portion of such market share, as determined by the director secretary pursuant to § 21-28.10-3(4), is not warranted, the department executive office may:

1. Adjust the market share;
2. Adjust the assessment of the market share in the following year equal to the amount in excess of any overpayment in the prior payment period; or
3. Refund amounts paid in error.

(b) Any person aggrieved by a decision of the department executive office relating to the calculation of market share may appeal that decision to the superior court, which shall have power
to review such decision, and the process by which such decision was made, as prescribed in chapter 35 of title 42.

(c) A licensee shall also have the ability to appeal its assessed opioid registration fee if the assessed fee amount exceeds the amount of profit the licensee obtains through sales in the state of products described in § 21-28.10-3. The department executive office may, exercising discretion as it deems appropriate, waive or decrease fees as assessed pursuant to § 21-28.10-3 if a licensee can demonstrate that the correctly assessed payment will pose undue hardship to the licensee's continued activities in state. The department executive office shall be allowed to request, and the licensee shall furnish to the department, any information or supporting documentation validating the licensee's request for waiver or reduction under this subsection. Fees waived under this section shall not be reapportioned to other licensees which have payments due under this chapter.


By January of each calendar year, the department of health, the department of behavioral healthcare, developmental disabilities and hospitals (BHDDH), the executive office of health and human services (EOHHS), the department of children, youth and families (DCYF), the Rhode Island department of education (RIDE), the Rhode Island office of veterans services, the department of corrections (DOC), the department of labor and training (DLT), and any other department or agency receiving opioid stewardship funds shall report annually to the governor, the speaker of the house, and the senate president which programs in their respective departments were funded using monies from the opioid stewardship fund and the total amount of funds spent on each program.


(a) The department executive office may assess a civil penalty in an amount not to exceed one thousand dollars ($1,000) per day against any licensee that fails to comply with this chapter.

(b) (1) In addition to any other civil penalty provided by law, where a licensee has failed to pay its market share in accordance with § 21-28.10-5, the department executive office may also assess a penalty of no less than ten percent (10%) and no greater than three hundred percent (300%) of the market share due from such licensee.

(2) In addition to any other criminal penalty provided by law, where a licensee has failed to pay its market share in accordance with § 21-28.10-5, the department executive office may also assess a penalty of no less than ten percent (10%) and no greater than fifty percent (50%) of the market share due from such licensee.

(a) There is hereby established, in the custody of the department, executive office, a restricted-receipt account to be known as the "opioid stewardship fund."

(b) Monies in the opioid stewardship fund shall be kept separate and shall not be commingled with any other monies in the custody of the department, executive office.

(c) The opioid stewardship fund shall consist of monies appropriated for the purpose of such account; monies transferred to such account pursuant to law; contributions consisting of promises or grants of any money or property of any kind or value, or any other thing of value, including grants or other financial assistance from any agency of government; and monies required by the provisions of this chapter or any other law to be paid into or credited to this account.

(d) Monies of the opioid stewardship fund shall be available to provide opioid treatment, recovery, prevention, education services, and other related programs, subject to appropriation by the general assembly.

(e) The budget officer is hereby authorized to create restricted receipt accounts entitled "opioid stewardship fund allocation" in any department or agency of state government wherein monies from the opioid stewardship fund are appropriated by the general assembly for the programmatic purposes set forth in subsection (d) of this section.


The monies, when allocated, shall be paid out of the opioid stewardship fund and subject to the approval of the director, secretary and the approvals of the directors of the departments of health and behavioral healthcare, developmental disabilities and hospitals (BHDDH), pursuant to the provisions of this chapter.


The director, secretary may prescribe rules and regulations, not inconsistent with law, to carry into effect the provisions of this chapter 28.10 of title 21, which rules and regulations, when reasonably designed to carry out the intent and purpose of this chapter, are prima facie evidence of its proper interpretation. Such rules and regulations may be amended, suspended, or revoked, from time to time and in whole or in part, by the director, secretary. The director, secretary may prescribe, and may furnish, any forms necessary or advisable for the administration of this chapter.

SECTION 9. Section 23-24.12-3 of the General Laws in Chapter 23-24.12 entitled "Proper Management of Unused Paint" is hereby amended to read as follows:


(a) On or before March 1, 2014, each producer shall join the representative organization and such representative organization shall submit a plan for the establishment of a paint stewardship program to the department for approval. The program shall minimize the public sector involvement
in the management of post-consumer paint by reducing the generation of post-consumer paint,
noting agreements to collect, transport, reuse, recycle, and/or burn for energy recovery at an
appropriately licensed facility post-consumer paint using environmentally sound management
practices.

(b) The program shall also provide for convenient and available state-wide collection of
post-consumer paint that, at a minimum, provides for collection rates and convenience greater than
the collection programs available to consumers prior to such paint stewardship program; propose a
paint stewardship assessment; include a funding mechanism that requires each producer who
participates in the representative organization to remit to the representative organization payment
of the paint stewardship assessment for each container of architectural paint sold within the state;
include an education and outreach program to help ensure the success of the program; and, work
with the department and Rhode Island commerce corporation to identify ways in which the state
can motivate local infrastructure investment, business development and job creation related to the
collection, transportation and processing of post-consumer paint.

(c) The plan submitted to the department pursuant to this section shall:

(1) Identify each producer participating in the paint stewardship program and the brands
of architectural paint sold in this state covered by the program;

(2) Identify how the representative organization will provide convenient, statewide
accessibility to the program;

(3) Set forth the process by which an independent auditor will be selected and identify
the criteria used by the representative organization in selecting independent auditor;

(4) Identify, in detail, the educational and outreach program that will be implemented to
inform consumers and retailers of the program and how to participate;

(5) Identify the methods and procedures under which the paint stewardship program will
be coordinated with the Rhode Island resource recovery corporation;

(6) Identify, in detail, the operational plans for interacting with retailers on the proper
handling and management of post-consumer paint;

(7) Include the proposed, audited paint assessment as identified in this section;

(8) Include the targeted annual collection rate;

(9) Include a description of the intended treatment, storage, transportation and disposal
options and methods for the collected post-consumer paint; and

(10) Be accompanied by a fee in the amount of two thousand five hundred dollars
($2,500) to be deposited into the environmental response fund to cover the review of said plan by
the department.
(d) Not later than sixty (60) days after submission of a plan pursuant to this section, the department shall make a determination whether to:

(1) Approve the plan as submitted;

(2) Approve the plan with conditions; or

(3) Deny the plan.

(2) If the department chooses to deny the plan, the department shall inform the representative organization, in writing, of the reasons for the denial. The representative organization shall then submit a revised plan for review by the department that takes into consideration the reasons for the initial denial.

(e) Not later than three (3) months after the date the plan is approved, the representative organization shall implement the paint stewardship program.

(f) On or before March 1, 2014, the representative organization shall propose a uniform paint stewardship assessment for all architectural paint sold in this state. Such proposed paint stewardship assessment shall be reviewed by an independent auditor to assure that such assessment is consistent with the budget of the paint stewardship program described in this section and such independent auditor shall recommend an amount for such paint stewardship assessment to the department. The department shall be responsible for the approval of such paint stewardship assessment based upon the independent auditor's recommendation. If the paint stewardship assessment previously approved by the department pursuant to this section is proposed to be changed, the representative organization shall submit the new, adjusted uniform paint stewardship assessment to an independent auditor for review. After such review has been completed, the representative organization shall submit the results of said auditor's review and a proposal to amend the paint stewardship assessment to the department for review. The department shall review and approve, in writing, the adjusted paint stewardship assessment before the new assessment can be implemented. Any proposed changes to the paint stewardship assessment shall be submitted to the department no later than sixty (60) days prior to the date the representative organization anticipates the adjusted assessment to take effect.

(g) On and after the date of implementation of the paint stewardship program pursuant to this section, the paint stewardship assessment shall be added to the cost of all architectural paint sold to retailers and distributors in this state by each producer. On and after such implementation date, each retailer or distributor, as applicable, shall add the amount of such paint stewardship assessment to the purchase price of all architectural paint sold in this state.
(h) Any retailer may participate, on a voluntary basis, as a paint collection point pursuant to such paint stewardship program and in accordance with any applicable provision of law or regulation.

(i) Each producer and the representative organization shall be immune from liability for any claim of a violation of antitrust law or unfair trade practice if such conduct is a violation of antitrust law, to the extent such producer or representative organization is exercising authority pursuant to the provisions of this section.

(j) Not later than the implementation date of the paint stewardship program, the department shall list the names of participating producers the brands of architectural paint covered by such paint stewardship program and the cost of the approved paint stewardship assessment on its website.

(k) (1) On and after the implementation date of the paint stewardship program, no producer, distributor or retailer shall sell or offer for sale architectural paint to any person in this state if the producer of such architectural paint is not a member of the representative organization.

(2) No retailer or distributor shall be found to be in violation of the provisions of this section if, on the date the architectural paint was ordered from the producer or its agent, the producer or the subject brand of architectural paint was listed on the department's website in accordance with the provisions of this section.

(l) Producers or the representative organization shall provide retailers with educational materials regarding the paint stewardship assessment and paint stewardship program to be distributed at the point of sale to the consumer. Such materials shall include, but not be limited to, information regarding available end-of-life management options for architectural paint offered through the paint stewardship program and information that notifies consumers that a charge for the operation of such paint stewardship program is included in the purchase price of all architectural paint sold in this state.

(m) On or before October 15, 2015, and annually thereafter, the representative organization shall submit a report to the director of the department of environmental management that details the paint stewardship program. Said report shall include a copy of the independent audit detailed in subdivision (4) below. Such annual report shall include, but not be limited to:

(1) A detailed description of the methods used to collect, transport and process post-consumer paint in this state;

(2) The overall volume of post-consumer paint collected in this state;

(3) The volume and type of post-consumer paint collected in this state by method of disposition, including reuse, recycling and other methods of processing or disposal;
(4) The total cost of implementing the program, as determined by an independent financial audit, as performed by an independent auditor;

(5) An evaluation of the adequacy of the program's funding mechanism;

(6) Samples of all educational materials provided to consumers of architectural paint and participating retailers; and

(7) A detailed list of efforts undertaken and an evaluation of the methods used to disseminate such materials including recommendations, if any, for how the educational component of the program can be improved.

(n) The representative organization shall update the plan, as needed, when there are changes proposed to the current program. A new plan or amendment will be required to be submitted to the department for approval when:

(1) There is a change to the amount of the assessment; or

(2) There is an addition to the products covered under the program; or

(3) There is a revision of the product stewardship organization's goals: or

(4) Every four (4) years, if requested, in writing, by the department the representative organization shall notify the department annually, in writing, if there are no changes proposed to the program and the representative organization intends to continue implementation of the program as previously approved by the department.

(o) The representative organization may maintain a reserve fund to protect against volatility in the collection of the paint stewardship assessment and funded using the paint stewardship assessment provided that the reserve fund shall not exceed an amount equal to 50 percent of the total cost to administer the paint stewardship program during the previous program year. Any proposal to establish or otherwise maintain a reserve fund shall be included in the plan submitted to the department pursuant to § 23-24.12-3 and shall be subject to the approval of the department. If, at the time this section takes effect, the reserve fund exceeds 50 percent, the representative organization shall utilize the excess reserves on interim program activities, as approved by the department, within two years of the effective date of this section. Thereafter, the representative organization shall not propose a paint stewardship assessment that will cause the reserve fund to exceed the level specified in this subsection.

(p) Any program funds to be used for program administrative expenses by the representative organization shall be subject to approval by the department.


(a) No person shall sell, offer for sale or include in a sale any item of secondhand bedding or any item of bedding of any type manufactured in whole or in part from secondhand material, including their component parts or wiping rags, unless such material has been sterilized, disinfected and cleaned, by a method approved by the department of business regulation; provided, further, that any product used for sterilization or disinfection of secondhand bedding must be registered as consumer and health benefit products and labeled for use on bedding and upholstered furniture by the EPA in accordance with § 23-25-6 of this title. The department of business regulation shall promulgate rules and regulations consistent with the provisions of this chapter.

(b) No person shall use in the manufacture, repair and renovation of bedding of any type any material which has been used by a person with an infectious or contagious disease, or which is filthy, oily or harbors loathsome insects or pathogenic bacteria.

(c) No person shall sell, or offer for sale or include in a sale any material or bedding which under the provisions of this chapter or regulations requires treatment unless there is securely attached in accordance with regulations, a yellow tag not less than twelve square inches in size, made of substantial cloth or a material of equal quality. Upon the tag there shall be plainly printed, in black ink, in the English language, a statement showing:

(1) That the item or material has been treated by a method approved by the department of business regulation, and the method of treatment applied.

(2) The lot number and the tag number of the item treated.

(3) The license registration number of the person applying treatment.

(4) The name and address of the person for whom treated.

(d) The tag required by this section shall be in addition to any other tag required pursuant to the provisions of this chapter. Holders of licenses registrations to apply sterilization, disinfection or disinfestation treatment shall be required to keep an accurate record of all materials which have been subjected to treatment, including the source of material, date of treatment, and the name and address of the receiver of each. Such records shall be available for inspection at any time by authorized representatives of the department.

(e) Violations of this section shall be punishable by a fine not to exceed five hundred dollars ($500).


No person shall have in his or her possession or shall make, use, or sell any counterfeit or colorable imitation of the inspection stamp or permit registration required by this chapter. Each counterfeited or imitated stamp or permit registration made, used, sold, offered for sale,
delivered, or consigned for sale contrary to the provisions of this chapter shall constitute a separate
offense.


Any sterilization process, before being used in connection with this chapter, must receive the approval of the director. Every person, firm, or corporation desiring to operate the sterilization process shall first obtain a numbered permit registration from the director and shall not operate the process unless the permit registration is kept conspicuously posted in the establishment. Fee for original permit registration shall be eighty-four dollars ($84.00). Application for the permit registration shall be accompanied by specifications in duplicate, in such form as the director shall require. Each permit registration shall expire one year from date of issue. Fee for annual renewal of a sterilizing permit registration shall be one-half (1/2) the original fee.


Every article of bedding made for sale, sold, or offered for sale shall have attached thereto a tag which shall state the name of the material used, that the material used is new, or second-hand and, when required to be sterilized, that the material has been sterilized, and the number of the sterilizing permit registration. The tag shall also contain the name and address of the maker or the vendor and the registry number of the maker. All tags attached to new articles shall be legibly stamped or marked by the retail vendor with the date of delivery to the customer.

23-26-15. Contents of tag on shipments of filling material.

Any shipment or delivery, however contained, of material used for filling articles of bedding shall have firmly and conspicuously attached thereto a tag which shall state the name of the maker, preparer or vendor, and the address of the maker, preparer, or vendor, the name of the contents and whether the contents are new or second-hand, and, if sterilized, the number of the sterilizing permit registration.

23-26-25. Rules, regulations, and findings -- Suspension or revocation of permits.

Rules, regulations, and findings -- Suspension or revocation of registrations.

(a) The director is hereby authorized and empowered to make general rules and regulations and specific rulings, demands, and findings for the enforcement of this chapter, in addition hereto and not inconsistent herewith. The director may suspend or revoke any permit or registration for violation of any provision of this chapter, or any rule, regulation, ruling, or demand made pursuant to the authority granted by this chapter. (b) The director of the department of health shall investigate and enforce the provisions of § 23-26-3.1, and promulgate rules and regulations deemed necessary to enforce it.

Any person aggrieved by the action of the director in denying an application for a permit or for registration, or in revoking or suspending any permit or registration, or by any order or decision of the director, shall have the right to appeal to the supreme court and the procedure in case of the appeal shall be the same as that provided in § 42-35-15.


Any person who:

(1) Makes, remakes, renovates, sterilizes, prepares, sells, or offers for sale, exchange, or lease any article of bedding as defined by § 23-26-1, not properly tagged as required by this chapter; or

(2) Uses in the making, remaking, renovating, or preparing of the article of bedding or in preparing cotton or other material therefor that has been used as a mattress, pillow, or bedding in any public or private hospital, or that has been used by or about any person having an infectious or contagious disease, and that after such use has not been sterilized and approved for use, by the director of business regulation; or

(3) Counterfeits or imitates any stamp or permit registration issued under this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500) or by imprisonment for not more than six (6) months or both.

(4) Any person or entity who or that violates the provisions of § 23-26-3.1 shall be civilly fined not to exceed five thousand dollars ($5,000) for the first violation and up to ten thousand dollars ($10,000) for each subsequent violation.

23-26-30. License required -- Application -- Issuance and term of license

Registration required -- Application -- Issuance and term of registration.

No person shall be engaged: (1) as a manufacturer of articles of bedding for sale at wholesale; (2) as a manufacturer of articles of bedding for sale at retail; (3) as a supply dealer; (4) as a repairer-renovator; or (5) as a retailer of second-hand articles of bedding, unless he or she has obtained the appropriate numbered license registration therefor from the director, who is hereby empowered to issue the license registration. Application for the license registration shall be made on forms provided by the director and shall contain such information as the director may deem material and necessary. Based on the information furnished in the application and on any investigation deemed necessary by the director, the applicant's classification shall be determined. Each license registration issued by the director pursuant to this section shall be conspicuously posted in the establishment of the person to whom issued. The director may withhold the issuance of a license registration to any person who shall make any false statement in the
application for a license registration under this chapter. The director shall promulgate rules and regulations mandating the term of license registration for each category of license registration issued pursuant to this chapter; however, no license registration shall remain in force for a period in excess of three (3) years. The fee for the initial issuance or renewal of a license registration shall be determined by multiplying the per annum fee by the number of years in the term of the license registration. The entire fee shall be paid in full for the total number of years of license registration prior to the issuance of the license registration.


(a) The per annum fees imposed for license registrations issued pursuant to § 23-26-30 shall be as follows:

(1) Every applicant classified as a manufacturer of articles of bedding for sale at wholesale or retail or as a supply dealer shall pay, prior to the issuance of a general license registration, a per annum fee of two hundred ten dollars ($210) and the licensee registrant may be engaged in any or all of the following:

(i) Manufacture of articles of bedding for sale at wholesale;
(ii) Manufacture of articles of bedding for sale at retail;
(iii) Supply dealer;
(iv) Repairer-renovator.

(2) Every applicant classified as a repairer-renovator or retailer of second-hand articles of bedding shall pay, prior to the issuance of a limited license registration, a per annum fee of sixty dollars ($60.00), and the licensee registrant may be engaged in any or all of the following:

(i) Repairer-renovator;
(ii) Retailer of second-hand articles of bedding; provided, however, that if a licensee registrant is reclassified from one category to another which calls for a higher license registration fee, he or she shall pay a pro rata share of the higher license registration fee for the unexpired period and shall be issued a new license registration to expire on the expiration date of the original license registration.

(b) If, through error, a licensee registrant has been improperly classified as of the date of issue of his or her current license registration, the proper fee for the entire period shall be payable. Any overpayment shall be refunded to the licensee registrant. No refunds shall be allowed to any licensee registrant who has discontinued business, or whose license registration has been revoked or suspended or who has been reclassified to a category calling for a greater or lesser license registration fee, except as provided herein. The fee shall be paid to the director of
business regulation. For reissuing a revoked or expired license the fee shall be the same as for an original license registration.

(c) All payments for registration fees, sterilization process, permits, fines and penalties, and other money received under this chapter shall constitute inspection fees for the purpose of enforcing this chapter.

SECTION 11. Sections 23-90-4, 23-90-5 and 23-90-6 of the General Laws in Chapter 23-90 entitled “Responsible Recycling, Reuse and Disposal of Mattresses” are hereby amended to read as follows:


(a) On or before July 1, 2015, each producer shall join the council and such council shall submit a plan, for the corporation director’s approval, to establish a statewide mattress stewardship program, as described in this section. Any retailer may be a member of such council. Such mattress stewardship program shall, to the extent it is technologically feasible and economically practical:

(1) Minimize public sector involvement in the management of discarded mattresses;

(2) Provide for the convenient and accessible statewide collection of discarded mattresses from any person in the state with a discarded mattress that was discarded in the state, including from participating covered entities that accumulated and segregated a minimum of fifty (50) discarded mattresses for collection at one time, or a minimum of thirty (30) discarded mattresses for collection at one time in the case of participating municipal transfer stations;

(3) Provide for council-financed recycling and disposal of discarded mattresses;

(4) Provide suitable storage containers at permitted municipal transfer stations, municipal government property or other solid waste management facilities for segregated, discarded mattresses, or make other mutually agreeable storage and transportation agreements at no cost to such municipality provided the municipal transfer station, municipal government property or other solid waste management facilities make space available for such purpose and imposes no fee for placement of such storage container on its premises;

(5) Include a uniform mattress stewardship fee, with approval of the corporation, that is sufficient to cover the costs of operating and administering the program; and

(6) Establish a financial incentive that provides for the payment of a monetary sum, established by the council, to promote the recovery of mattresses.

(b) The council shall be a nonprofit organization with a fee structure that covers, but does not exceed, the costs of developing the plan and operating and administering the program in accordance with the requirements of this chapter, and maintaining a financial reserve sufficient to operate the program over a multi-year period of time in a fiscally prudent and responsible manner.
The council shall maintain all records relating to the program for a period of not less than three (3) years.

(c) Pursuant to the program, recycling shall be preferred over any other disposal method to the extent that recycling is technologically feasible and economically practical.

(d) The council shall enter into an agreement with the corporation to reimburse for reasonable costs directly related to administering the program but not to exceed the cost of two (2) full time equivalent employees.


(a) On or before July 1, 2015, the mattress stewardship council shall submit a mattress stewardship plan for the establishment of a mattress stewardship program to the corporation director for approval.

(b) The plan submitted pursuant to subsection (a) of this section shall, to the extent it is technologically feasible and economically practical:

(1) Identify each producer's participation in the program;

(2) Describe the fee structure for the program and propose a uniform stewardship fee that is sufficient to cover the costs of operating and administering the program;

(3) Establish performance goals for the first two (2) years of the program;

(4) Identify proposed recycling facilities to be used by the program, such facilities shall not require a solid waste management facilities license;

(5) Detail how the program will promote the recycling of discarded mattresses;

(6) Include a description of the public education program;

(7) Describe fee-disclosure language that retailers will be required to prominently display that will inform consumers of the amount and purpose of the fee; and

(8) Identify the methods and procedures to facilitate implementation of the mattress stewardship program in coordination with the corporation director and municipalities.

(c) Not later than ninety (90) days after submission of the plan pursuant to this section, the corporation shall make a determination whether to:

(1) Approve the plan as submitted; or

(2) Deny the plan.

(d) The corporation director shall approve the plan for the establishment of the mattress stewardship program, provided such plan reasonably meets the requirements of this section. Prior to making such determination, the corporation director shall post the plan for at least thirty (30) days, in accordance with the "Administrative Procedures Act" as set forth in chapter 35 of title 42 on the corporation's website and solicit public comments on the plan to be posted on the website.
(e) In the event that the corporation director denies the plan, the corporation director shall provide a notice of determination to the council, within sixty (60) days, detailing the reasons for the disapproval. The council shall revise and resubmit the plan to the corporation director not later than forty-five (45) days after receipt of notice of the corporation director’s denial notice. Not later than forty-five (45) days after receipt of the revised plan, the corporation director shall review and approve or deny the revised plan. The council may resubmit a revised plan to the corporation director for approval on not more than two (2) occasions. If the council fails to submit a plan that is acceptable to the corporation director, because it does not meet the criteria pursuant to subdivisions (b)(1-8), the corporation director shall have the ability to modify the submitted plan and approve it. Not later than one hundred twenty (120) days after the approval of a plan pursuant to this section, the council shall implement the mattress stewardship program.

(f) It is the responsibility of the council to:

(1) Notify the corporation director whenever there is a proposed substantial change to the program. If the corporation director takes no action on a proposed substantial change within ninety (90) days after notification of the proposed change, the proposed change shall be deemed approved. For the purposes of this subdivision, "substantial change" shall include, but not be limited to:

(i) A change in the processing facilities to be used for discarded mattresses collected pursuant to the program; or

(ii) A material change to the system for collecting mattresses.

(2) Not later than October 1, 2017, the council shall submit to the corporation director for review, updated performance goals that are based on the experience of the program during the first two (2) years of the program.

(g) The council shall notify the corporation director of any other changes to the program on an ongoing basis, whenever they occur, without resubmission of the plan to the corporation director for approval. Such changes shall include, but not be limited to, a change in the composition, officers, or contact information of the council.

(h) On or before July 1, 2015, and every two (2) years thereafter, the council shall propose a uniform fee for all mattresses sold in this state. The council may propose a change to the uniform fee more frequently than once every two (2) years if the council determines such change is needed to avoid funding shortfalls or excesses. Any proposed fee shall be reviewed by an independent auditor to ensure that such assessment does not exceed the costs of the mattress stewardship program described in subsection (b) of this section and to maintain financial reserves sufficient to operate the program over a multi-year period in a fiscally prudent and responsible manner. Not later than sixty (60) days after the council proposes a mattress stewardship fee, the auditor shall
render an opinion provide an evaluation of the proposed fee to the corporation director as to whether the proposed mattress stewardship fee is reasonable to achieve the goals set forth in this section. Copies of all documents related to the auditor’s evaluation, along with the financial information provided by the council, shall be filed with the corporation and considered public documents pursuant to chapter 2 of title 38 (“Access to Public Records”). If the auditor corporation director concludes that the mattress stewardship fee is reasonable, then the proposed fee shall go into effect not less than ninety (90) days after the auditor corporation director notifies the corporation director council that the fee is reasonable. If the auditor corporation director concludes that the mattress stewardship fee is not reasonable, the auditor corporation director shall provide the council with written notice explaining the auditor corporation director’s opinion. Not later than fourteen (14) days after the council’s receipt of the auditor corporation director’s opinion, the council may either propose a new mattress stewardship fee, or provide written comments on the auditor corporation director’s opinion. If the auditor concludes that the fee is not reasonable, the corporation director shall decide, based on the auditor’s opinion and any comments provided by the council, whether to approve the proposed mattress stewardship fee. Such auditor shall be selected by the council. The cost of any work performed by such auditor pursuant to the provisions of this subsection and subsection (i) of this section shall be funded by the council.

(i)(1) On and after the implementation of the mattress stewardship program, each retailer shall add the amount of the fee established pursuant to subsection (b) of this section and described in subsection (h) of this section to the purchase price of all mattresses sold in this state. The fee shall be remitted by the retailer to the council. The council may, subject to the corporation director’s approval, establish an alternative, practicable means of collecting or remitting such fee.

(2) On and after the implementation date of the mattress stewardship program, no producer, distributor or retailer shall sell or offer for sale a mattress to any person in the state if the producer is not a member of the council.

(3) No retailer or distributor shall be found to be in violation of the provisions of this section, if, on the date the mattress was ordered from the producer or its agent, the producer of said mattress was listed on the corporation's website in accordance with the provisions of this chapter.

(j) Not later than October 1, 2016, and annually thereafter, the council shall submit an annual report to the corporation director. The corporation director shall post such annual report on the corporation's website. Such report shall include, but not be limited to:

(1) The weight of mattresses collected pursuant to the program from:

   (i) Municipal and/or transfer stations;

   (ii) Retailers; and
(iii) All other covered entities;
(2) The weight of mattresses diverted for recycling;
(3) Identification of the mattress recycling facilities to which mattresses were delivered for recycling;
(4) The weight of discarded mattresses recycled, as indicated by the weight of each of the commodities sold to secondary markets;
(5) The weight of mattresses, or parts thereof, sent for disposal at each of the following:
   (i) Rhode Island resource recovery corporation; and
   (ii) Any other facilities;
(6) Samples of public education materials and methods used to support the program;
(7) A description of efforts undertaken and evaluation of the methods used to disseminate such materials;
(8) Updated performance goals and an evaluation of the effectiveness of the methods and processes used to achieve performance goals of the program; and
(9) Recommendations for any changes to the program.

(k) Two (2) years after the implementation of the program and upon the request of the corporation director, but not more frequently than once a year, the council shall cause an audit of the program to be conducted by the auditor described in subsection (h) of this section. Such audit shall review the accuracy of the council's data concerning the program and provide any other information requested by the corporation director. Such audit shall be paid for by the council. The council shall maintain all records relating to the program for not less than three (3) years.

(l) No covered entity that participates in the program shall charge for receipt of mattresses generated in the state. Covered entities may charge a fee for providing the service of collecting mattresses and may restrict the acceptance of mattresses by number, source or physical condition.

(m) Covered entities that, upon the date of this act's passage, have an existing program for recycling discarded mattresses may continue to operate such program without coordination of the council, so long as the entities are able to demonstrate, in writing, to the corporation director that the facilities to which discarded mattresses are delivered are engaged in the business of recycling said mattresses and the corporation director approves the written affirmation that the facility engages in mattress recycling of mattresses received by the covered entity. A copy of the written affirmation and the corporation's approval shall be provided to the council by the corporation director in a timely manner.

(a) The corporation shall review for approval the mattress stewardship plan of the council.
(b) The corporation shall maintain on its website information on collection opportunities for mattresses, including collection site locations. The information must be made available in a printable format for retailers and consumers.

(c) Not later than the implementation date of the mattress stewardship program, the corporation shall list the names of participating producers covered by the program and the cost of the approved mattress stewardship fee on its website.

(d) The corporation shall approve the mattress stewardship fee to be applied by the council to mattresses pursuant to this chapter § 23-90-5(h).

(e) Pursuant to § 23-90-11, the corporation shall report biennially to the general assembly on the operation of the statewide system for collection, transportation and recycling of mattresses.

SECTION 12. Section 36-4-16.4 of the General Laws in Chapter 36-4 entitled "Merit System" is hereby amended to read as follows:

36-4-16.4. Salaries of directors.

(a) In the month of March of each year, the department of administration shall conduct a public hearing to determine salaries to be paid to directors of all state executive departments for the following year, at which hearing all persons shall have the opportunity to provide testimony, orally and in writing. In determining these salaries, the department of administration will take into consideration the duties and responsibilities of the aforementioned officers, as well as such related factors as salaries paid executive positions in other states and levels of government, and in comparable positions anywhere that require similar skills, experience, or training. Consideration shall also be given to the amounts of salary adjustments made for other state employees during the period that pay for directors was set last.

(b) Each salary determined by the department of administration will be in a flat amount, exclusive of such other monetary provisions as longevity, educational incentive awards, or other fringe additives accorded other state employees under provisions of law, and for which directors are eligible and entitled.

(c) In no event will the department of administration lower the salaries of existing directors during their term of office.

(d) Upon determination by the department of administration, the proposed salaries of directors will be referred to the general assembly by the last day in April of that year to go into effect thirty (30) days hence, unless rejected by formal action of the house and the senate acting concurrently within that time.

(e) Notwithstanding the provisions of this section, for 2015 only, the time period for the department of administration to conduct the public hearing shall be extended to July and the
proposed salaries shall be referred to the general assembly by August 30. The salaries may take effect before next year, but all other provisions of this section shall apply.

(f) Notwithstanding the provisions of this section or any law to the contrary, for 2017 only, the salaries of the director of the department of transportation, the secretary of health and human services, and the director of administration shall be determined by the governor.

(g) Notwithstanding the provisions of this section or any law to the contrary, for 2021 and 2022 only, the salary of the director of the department of children, youth and families shall be determined by the governor.

SECTION 13. Chapter 41-5.2 of the General Laws entitled "Mixed Martial Arts" is hereby amended by adding thereto the following section:

41-5.2-30. Fees of officials.

The fees of the referee and other licensed officials, as established by this chapter, shall be fixed by the division of gaming and athletics licensing, and shall be paid by the licensed organization prior to the exhibition.

SECTION 14. Section 41-5.2-2 of the General Laws in Chapter 41-5.2 entitled "Mixed Martial Arts" is hereby amended to read as follows:

41-5.2-2. License required for mixed-martial-arts exhibitions License required for mixed-martial-arts exhibitions -- Amateur exhibitions exempt.

Except as provided in subsection (b) of this section, no license is required for a prize or a purse, at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, shall take place or be conducted in this state unless licensed by the division of gaming and athletics licensing in accordance with this chapter.

(b) The provisions of this section shall not apply to any mixed-martial-arts match or exhibition in which the contestants are amateurs and that is conducted under the supervision and control of:

(1) Any educational institution recognized by the council on postsecondary education and the council on elementary and secondary education of this state; or

(2) Any religious or charitable organization or society engaged in the training of youth and recognized as such by the division of gaming and athletics licensing in this state.

(c) For the purposes of this section, an "amateur" means a person who engages in mixed-arts matches or exhibitions for which no cash prizes are awarded to the participants, and for which the prize competed for, if any, shall not exceed in value the sum of twenty-five dollars ($25.00).
ARTICLE 4

RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS

SECTION 1. This Article shall serve as joint resolution required pursuant to Rhode Island Laws § 35-18-1, et seq.

SECTION 2. University of Rhode Island – Facilities Service Sector Upgrade.

WHEREAS, the University of Rhode Island Board of Trustees and the University of Rhode Island are proposing a project which involves the design and construction to enhance and reorganize the facilities within the service sector for more efficient and effective operations;

WHEREAS, the University has engaged qualified architectural and engineering firms to perform master planning for this purpose;

WHEREAS, in the last few decades, the University has made significant improvements to the campus infrastructure and building inventory that house academic functions, student activities, and athletic events for the University’s faculty and students;

WHEREAS, it is in the best interest of the State, University, and the students and faculty to have these improvements maintained and repaired;

WHEREAS, the University’s facilities group has the responsibility for maintenance and repair of these 5.8 million square feet, comprising approximately 25% of the State’s real estate portfolio;

WHEREAS, the buildings housing the facilities group were built in the 1950s through 1970s, have passed the end of their 40-year useful life, and are in need of substantial capital renewal or replacement;

WHEREAS, such improvements to the facilities group’s buildings are necessary to allow for the ongoing support of the campus; and

WHEREAS, the total project cost associated with completion of this phase of the project and proposed financing method is thirteen million dollars ($13,000,000), including cost of issuance, debt service payments would be supported by revenues derived from the University’s unrestricted general revenues, and total debt service on the bonds is not expected to exceed one million one hundred fifty thousand dollars ($1,150,000) annually and twenty-three million dollars ($23,000,000) in the aggregate based on an average interest rate of five (6%) percent; now, therefore be it

RESOLVED, that this General Assembly hereby approves financing in an amount not to exceed thirteen million dollars ($13,000,000) for the facilities service sector upgrade project at the University of Rhode Island; and be it further
RESOLVED, that, this Joint Resolution shall take effect upon passage by this General Assembly.

SECTION 3. University of Rhode Island – Utility Infrastructure Upgrade Phase II.

WHEREAS, the University of Rhode Island Board of Trustees and the University of Rhode Island are proposing a project which involves the engineering and construction of upgrades and component replacements to five municipal-level Kingston Campus utility systems;

WHEREAS, the University has engaged qualified engineering firms to examine its major infrastructure systems;

WHEREAS, based on the condition and capabilities of these systems, the studies have concluded that replacement of components and reconfiguration was advisable for each of these extensive systems to ensure necessary steam, water, sanitary, and electrical support for the University’s campuses for the next 20-40 years;

WHEREAS, the University has also developed the required Storm Water Management Plan for the Kingston Campus, which provides guidelines that are being incorporated into new building projects under development and are driving stand-alone storm water infrastructure projects as well;

WHEREAS, the University has successfully completed many extremely important individual utility infrastructure projects in its continuing progression of work to upgrade and replace infrastructure systems but now needs additional investments beyond annual capital resources;

WHEREAS, this project is the second phase in a phased implementation plan to upgrade and improve the reliability of infrastructure on the University of Rhode Island’s campuses; and

WHEREAS, the total project cost associated with completion of this phase of the project and proposed financing method is fifteen million four hundred fifty thousand dollars ($15,450,000), including cost of issuance, debt service payments would be supported by revenues derived from the University’s unrestricted general revenues, and total debt service on the bonds is not expected to exceed one million three hundred fifty thousand dollars ($1,350,000) annually and twenty-seven million dollars ($27,000,000) in the aggregate based on an average interest rate of five (6%) percent; now, therefore be it

RESOLVED, that this General Assembly hereby approves financing in an amount not to exceed fifteen million four hundred fifty thousand dollars ($15,450,000) for the Utility Infrastructure Upgrade Phase II project at the University of Rhode Island; and be it further

RESOLVED, that this Joint Resolution shall take effect upon passage by this General Assembly.
**ARTICLE 5**

**RELATING TO CAPITAL DEVELOPMENT PROGRAM**

SECTION 1. Proposition to be submitted to the people.

At the general election to be held on the Tuesday next after the first Monday in November 2022, there shall be submitted to the people (“People”) of the State of Rhode Island (“State”), for their approval or rejection, the following proposition:

“Shall the action of the general assembly, by an act passed at the January 2022 session, authorizing the issuance of bonds, refunding bonds, and temporary notes of the State of Rhode Island for the capital projects and in the amount with respect to each such project listed below be approved, and the issuance of bonds, refunding bonds, and temporary notes authorized in accordance with the provisions of said act?”

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Higher Education Facilities</td>
<td>$62,000,000</td>
</tr>
<tr>
<td>Approval of this question will allow the State of Rhode Island to issue general obligation bonds, refunding bonds, and/or temporary notes in an amount not to exceed sixty-two million dollars ($62,000,000) for capital improvements to higher education facilities, to be allocated as follows:</td>
<td></td>
</tr>
<tr>
<td>(a) University of Rhode Island Narragansett Bay Campus</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>Provides fifty million dollars ($50,000,000) to fund repairs and construct new facilities on the University of Rhode Island’s Narragansett Bay Campus in support of the educational and research needs for the marine disciplines.</td>
<td></td>
</tr>
<tr>
<td>(b) Community College of Rhode Island Renovation and Modernization $12,000,000</td>
<td></td>
</tr>
<tr>
<td>Provides twelve million dollars ($12,000,000) to fund restoration and enhancement of academic and student support spaces and other infrastructure on the four campuses of the Community College of Rhode Island (CCRI). Funds will go towards modernizing and renovating facilities, addressing repairs, improving safety and energy efficiency, and replacing outdated technology and equipment used for teaching and learning.</td>
<td></td>
</tr>
<tr>
<td>(2) Rhode Island School Buildings $250,000,000</td>
<td></td>
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| Approval of this question will allow the state of Rhode Island to issue general obligation bonds, refunding bonds, and/or temporary notes in an amount not to exceed two-hundred-fifty million dollars ($250,000,000). Of this total, two-hundred million dollars ($200,000,000) would provide direct funding for school construction projects, such as the construction of new school facilities and the rehabilitation of existing school facilities. Fifty million ($50,000,000) would fund the school building authority capital fund enabling projects that address high priority school
building needs including upgraded lighting, heating, and ventilation systems to help create facility
equity between Rhode Island students.

(3) Green Bond Economy Bonds $38,000,000

Approval of this question will allow the State of Rhode Island to issue general obligation
bonds, refunding bonds, and/or temporary notes in an amount not to exceed thirty-eight million
dollars ($38,000,000) for environmental and recreational purposes, to be allocated as follows:

(a) Municipal Resiliency $16,000,000

Provides sixteen million dollars ($16,000,000) for up to seventy-five percent (75%)
matching grants to municipalities for restoring and/or improving resiliency of infrastructure,
vulnerable coastal habitats, and restoring rivers and stream floodplains. These funds are expected
to leverage significant matching funds to support local programs to improve community resiliency
and public safety in the face of increased flooding, major storm events, and environmental
degradation.

(b) Small Business Energy Loan Program $5,000,000

Provides five million dollars ($5,000,000) for grants for small businesses to remove
impediments to clean energy project implementation and would provide zero interest and below
market rate loans for clean energy projects.

(c) Narragansett Bay and Watershed Restoration $3,000,000

Provides three million dollars ($3,000,000) for activities to restore and protect the water
quality and enhance the economic viability and environmental sustainability of Narragansett Bay
and the state’s watersheds. Eligible activities include nonpoint source pollution abatement,
including stormwater management; nutrient loading abatement; commercial, industrial and
agricultural pollution abatement; and riparian buffer and watershed ecosystem restoration.

(d) Forest Restoration $3,000,000

Provides three million dollars ($3,000,000) to maintain forest and wildlife habitat and
infrastructure on state properties, including state management areas.

(e) Brownfields Remediation and Economic Development $4,000,000

Provides four million dollars ($4,000,000) for up to eighty percent (80%) matching grants
to public, private, and/or non-profit entities for brownfield remediation projects.

(f) State Land Acquisition Program $3,000,000

Provides three million dollars ($3,000,000) for the State to acquire fee simple interest or
conservation easements to open space, farmland, watershed, and recreation lands.

(g) Local Land Acquisition Matching Grant Program $2,000,000
Provides two million dollars ($2,000,000) for up to fifty percent (50%) matching grants to municipalities, local land trusts and nonprofit organizations to acquire fee-simple interest, development rights, or conservation easements on open space and urban parklands.

(h) Local Recreation Development Matching Grant Program $2,000,000

Provides two million dollars ($2,000,000) for up to eighty percent (80%) matching grants to municipalities to acquire, develop, or rehabilitate local public recreational facilities in Rhode Island.

SECTION 2. Ballot labels and applicability of general election laws.

The Secretary of State shall prepare and deliver to the State Board of Elections ballot labels for each of the projects provided for in Section 1 hereof with the designations "approve" or "reject" provided next to the description of each such project to enable voters to approve or reject each such proposition. The general election laws, so far as consistent herewith, shall apply to this proposition.

SECTION 3. Approval of projects by people.

If a majority of the People voting on the proposition in Section 1 hereof shall vote to approve any project stated therein, said project shall be deemed to be approved by the People. The authority to issue bonds, refunding bonds and/or temporary notes of the State shall be limited to the aggregate amount for all such projects as set forth in the proposition, which has been approved by the People.

SECTION 4. Bonds for capital development program.

The General Treasurer is hereby authorized and empowered, with the approval of the Governor, and in accordance with the provisions of this Act to issue capital development bonds in serial form, in the name of and on behalf of the State of Rhode Island, in amounts as may be specified by the Governor in an aggregate principal amount not to exceed the total amount for all projects approved by the People and designated as "capital development loan of 2022 bonds."

Provided, however, that the aggregate principal amount of such capital development bonds and of any temporary notes outstanding at any one time issued in anticipation thereof pursuant to Section 7 hereof shall not exceed the total amount for all such projects approved by the People. All provisions in this Act relating to "bonds" shall also be deemed to apply to "refunding bonds."

Capital development bonds issued under this Act shall be in denominations of one thousand dollars ($1,000) each, or multiples thereof, and shall be payable in any coin or currency of the United States which at the time of payment shall be legal tender for public and private debts. These capital development bonds shall bear such date or dates, mature at specified time or times, but not mature beyond the end of the twentieth (20th) State fiscal year following the fiscal year in which they are issued; bear interest payable semi-annually at a specified rate or different or varying rates:
be payable at designated time or times at specified place or places; be subject to express terms of
redemption or recall, with or without premium; be in a form, with or without interest coupons
attached; carry such registration, conversion, reconversion, transfer, debt retirement, acceleration
and other provisions as may be fixed by the General Treasurer, with the approval by the Governor,
upon each issue of such capital development bonds at the time of each issue. Whenever the
Governor shall approve the issuance of such capital development bonds, the Governor’s approval
shall be certified to the Secretary of State; the bonds shall be signed by the General Treasurer and
countersigned by Secretary of State and shall bear the seal of the State. The signature approval of
the Governor shall be endorsed on each bond.

SECTION 5. Refunding bonds for 2022 capital development program.

The General Treasurer is hereby authorized and empowered, with the approval of the
Governor, and in accordance with the provisions of this Act, to issue bonds to refund the 2022
capital development program bonds, in the name of and on behalf of the state, in amounts as may
be specified by the Governor in an aggregate principal amount not to exceed the total amount
approved by the People, to be designated as "capital development program loan of 2022 refunding
bonds" (hereinafter "Refunding Bonds").

The General Treasurer with the approval of the Governor shall fix the terms and form of
any Refunding Bonds issued under this Act in the same manner as the capital development bonds
issued under this Act, except that the Refunding Bonds may not mature more than twenty (20) years
from the date of original issue of the capital development bonds being refunded.

The proceeds of the Refunding Bonds, exclusive of any premium and accrual interest and
net the underwriters’ cost, and cost of bond issuance, shall, upon their receipt, be paid by the
General Treasurer immediately to the paying agent for the capital development bonds which are to
be called and prepaid. The paying agent shall hold the Refunding Bond proceeds in trust until they
are applied to prepay the capital development bonds. While such proceeds are held in trust, the
proceeds may be invested for the benefit of the State in obligations of the United States of America
or the State of Rhode Island.

If the General Treasurer shall deposit with the paying agent for the capital development
bonds the proceeds of the Refunding Bonds, or proceeds from other sources, amounts that, when
invested in obligations of the United States or the State of Rhode Island, are sufficient to pay all
principal, interest, and premium, if any, on the capital development bonds until these bonds are
called for prepayment, then such capital development bonds shall not be considered debts of the
State of Rhode Island for any purpose starting from the date of deposit of such moneys with the
paying agent. The Refunding Bonds shall continue to be a debt of the State until paid.
The term "bond" shall include "note," and the term "refunding bonds" shall include "refunding notes" when used in this Act.

SECTION 6. Proceeds of capital development program.

The General Treasurer is directed to deposit the proceeds from the sale of capital development bonds issued under this Act, exclusive of premiums and accrued interest and net the underwriters’ cost, and cost of bond issuance, in one or more of the depositories in which the funds of the State may be lawfully kept in special accounts (hereinafter cumulatively referred to as "such capital development bond fund") appropriately designated for each of the projects set forth in Section 1 hereof which shall have been approved by the People to be used for the purpose of paying the cost of all such projects so approved.

All monies in the capital development bond fund shall be expended for the purposes specified in the proposition provided for in Section 1 hereof under the direction and supervision of the Director of Administration (hereinafter referred to as "Director"). The Director or his or her designee shall be vested with all power and authority necessary or incidental to the purposes of this Act, including but not limited to, the following authority: (a) to acquire land or other real property or any interest, estate or right therein as may be necessary or advantageous to accomplish the purposes of this Act; (b) to direct payment for the preparation of any reports, plans and specifications, and relocation expenses and other costs such as for furnishing, equipment designing, inspecting and engineering, required in connection with the implementation of any projects set forth in Section 1 hereof; (c) to direct payment for the costs of construction, rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other improvements to land in connection with the implementation of any projects set forth in Section 1 hereof; and (d) to direct payment for the cost of equipment, supplies, devices, materials and labor for repair, renovation or conversion of systems and structures as necessary for the 2022 capital development program bonds or notes hereunder from the proceeds thereof. No funds shall be expended in excess of the amount of the capital development bond fund designated for each project authorized in Section 1 hereof. With respect to the bonds and temporary notes described in Section 1, the proceeds shall be used for the following purposes:

Question 1, relating to bonds in the amount of sixty-two million dollars ($62,000,000) to provide funding for higher education facilities to be allocated as follows:

(a) University of Rhode Island Narragansett Bay Campus $50,000,000

Provides fifty million dollars ($50,000,000) to fund repairs and construct new facilities on the University of Rhode Island’s Narragansett Bay Campus in support of the educational and research needs for the marine disciplines.
(b) Community College of Rhode Island Renovation and Modernization $12,000,000

Provides twelve million dollars ($12,000,000) to fund restoration and enhancement of academic and student support spaces and other infrastructure on the four campuses of the Community College of Rhode Island (CCRI). Funds will go towards modernizing and renovating facilities, addressing repairs, improving safety and energy efficiency, and replacing outdated technology and equipment used for teaching and learning.

Question 2, relating to bonds in the amount of two hundred-fifty million dollars ($250,000,000) to provide funding for the construction, renovation, and rehabilitation of the state’s public schools pursuant to § 45-38.2-4 (f).

Question 3, relating to bonds in the amount of thirty-eight million dollars ($38,000,000) for environmental and recreational purposes, to be allocated as follows:

(a) Municipal Resiliency $16,000,000

Provides sixteen million dollars ($16,000,000) for up to seventy-five percent (75%) matching grants to municipalities for restoring and/or improving resiliency of infrastructure, vulnerable coastal habitats, and restoring rivers and stream floodplains. These funds are expected to leverage significant matching funds to support local programs to improve community resiliency and public safety in the face of increased flooding, major storm events, and environmental degradation.

(d) Small Business Energy Loan Program $5,000,000

Provides five million dollars ($5,000,000) for grants for small businesses to remove impediments to clean energy project implementation and would provide zero interest and below market rate loans for clean energy projects.

(e) Narragansett Bay and Watershed Restoration $3,000,000

Provides three million dollars ($3,000,000) for activities to restore and protect the water quality and enhance the economic viability and environmental sustainability of Narragansett Bay and the state’s watersheds. Eligible activities include nonpoint source pollution abatement, including stormwater management; nutrient loading abatement; commercial, industrial and agricultural pollution abatement; and riparian buffer and watershed ecosystem restoration.

(f) Forest Restoration $3,000,000

Provides three million dollars ($3,000,000) to maintain forest and wildlife habitat and infrastructure on state properties, including state management areas.

(e) Brownfields Remediation and Economic Development $4,000,000

Provides four million dollars ($4,000,000) for up to eighty percent (80%) matching grants to public, private, and/or non-profit entities for brownfield remediation projects.
(f) State Land Acquisition Program

Provides three million dollars ($3,000,000) for the State to acquire fee simple interest or conservation easements to open space, farmland, watershed, and recreation lands.

(g) Local Land Acquisition Matching Grant Program

Provides two million dollars ($2,000,000) for up to fifty percent (50%) matching grants to municipalities, local land trusts and nonprofit organizations to acquire fee-simple interest, development rights, or conservation easements on open space and urban parklands.

(h) Local Recreation Development Matching Grant Program

Provides two million dollars ($2,000,000) for up to eighty percent (80%) matching grants to municipalities to acquire, develop, or rehabilitate local public recreational facilities in Rhode Island.

SECTION 7. Sale of bonds and notes.

Any bonds or notes issued under the authority of this Act shall be sold at not less than the principal amount thereof, in such mode and on such terms and conditions as the General Treasurer, with the approval of the Governor, shall deem to be in the best interests of the State.

Any premiums and accrued interest, net of the cost of bond issuance and underwriter’s discount, which may be received on the sale of the capital development bonds or notes shall become part of the Rhode Island Capital Plan Fund of the State, unless directed by federal law or regulation to be used for some other purpose.

In the event that the amount received from the sale of the capital development bonds or notes exceeds the amount necessary for the purposes stated in Section 6 hereof, the surplus may be used to the extent possible to retire the bonds as the same may become due, to redeem them in accordance with the terms thereof or otherwise to purchase them as the General Treasurer, with the approval of the Governor, shall deem to be in the best interests of the state.

Any bonds or notes issued under the provisions of this Act and coupons on any capital development bonds, if properly executed by the manual or electronic signatures of officers of the State in office on the date of execution, shall be valid and binding according to their tenor, notwithstanding that before the delivery thereof and payment therefor, any or all such officers shall for any reason have ceased to hold office.

SECTION 8. Bonds and notes to be tax exempt and general obligations of the State.

All bonds and notes issued under the authority of this Act shall be exempt from taxation in the State and shall be general obligations of the State, and the full faith and credit of the State is hereby pledged for the due payment of the principal and interest on each of such bonds and notes as the same shall become due.
SECTION 9. Investment of moneys in fund.

All moneys in the capital development fund not immediately required for payment pursuant to the provisions of this act may be invested by the investment commission, as established by Chapter 10 of Title 35, entitled “State Investment Commission,” pursuant to the provisions of such chapter; provided, however, that the securities in which the capital development fund is invested shall remain a part of the capital development fund until exchanged for other securities; and provided further, that the income from investments of the capital development fund shall become a part of the general fund of the State and shall be applied to the payment of debt service charges of the State, unless directed by federal law or regulation to be used for some other purpose, or to the extent necessary, to rebate to the United States treasury any income from investments (including gains from the disposition of investments) of proceeds of bonds or notes to the extent deemed necessary to exempt (in whole or in part) the interest paid on such bonds or notes from federal income taxation.

SECTION 10. Appropriation.

To the extent the debt service on these bonds is not otherwise provided, a sum sufficient to pay the interest and principal due each year on bonds and notes hereunder is hereby annually appropriated out of any money in the treasury not otherwise appropriated.

SECTION 11. Advances from general fund.

The General Treasurer is authorized, with the approval of the Director and the Governor, in anticipation of the issue of notes or bonds under the authority of this Act, to advance to the capital development bond fund for the purposes specified in Section 6 hereof, any funds of the State not specifically held for any particular purpose; provided, however, that all advances made to the capital development bond fund shall be returned to the general fund from the capital development bond fund forthwith upon the receipt by the capital development fund of proceeds resulting from the issue of notes or bonds to the extent of such advances.

SECTION 12. Federal assistance and private funds.

In carrying out this act, the Director, or his or her designee, is authorized on behalf of the State, with the approval of the Governor, to apply for and accept any federal assistance which may become available for the purpose of this Act, whether in the form of loan or grant or otherwise, to accept the provision of any federal legislation therefor, to enter into, act and carry out contracts in connection therewith, to act as agent for the federal government in connection therewith, or to designate a subordinate so to act. Where federal assistance is made available, the project shall be carried out in accordance with applicable federal law, the rules and regulations thereunder and the contract or contracts providing for federal assistance, notwithstanding any contrary provisions of
State law. Subject to the foregoing, any federal funds received for the purposes of this Act shall be
deposited in the capital development bond fund and expended as a part thereof. The Director or
his or her designee may also utilize any private funds that may be made available for the purposes
of this Act.

SECTION 13. Effective Date.
Sections 1, 2, 3, 11, 12 and this Section 13 of this article shall take effect upon passage.
The remaining sections of this article shall take effect when and if the State Board of Elections shall
certify to the Secretary of State that a majority of the qualified electors voting on the proposition
contained in Section 1 hereof have indicated their approval of all or any projects thereunder.
ARTICLE 6

RELATING TO TAXATION

SECTION 1. Section 44-30-12 of the General Laws in Chapter 44-30 entitled "Personal Income Tax" is hereby amended to read as follows:

44-30-12 Rhode Island income of a resident individual.

(a) General. The Rhode Island income of a resident individual means his or her adjusted gross income for federal income tax purposes, with the modifications specified in this section.

(b) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state, or its political subdivisions, other than Rhode Island or its political subdivisions;

(2) Interest or dividend income on obligations or securities of any authority, commission, or instrumentality of the United States, but not of Rhode Island or its political subdivisions, to the extent exempted by the laws of the United States from federal income tax but not from state income taxes;

(3) The modification described in § 44-30-25(g);

(4) (i) The amount defined below of a nonqualified withdrawal made from an account in the tuition savings program pursuant to § 16-57-6. For purposes of this section, a nonqualified withdrawal is:

(A) A transfer or rollover to a qualified tuition program under Section 529 of the Internal Revenue Code, 26 U.S.C. § 529, other than to the tuition savings program referred to in § 16-57-6.1; and

(B) A withdrawal or distribution that is:

(I) Not applied on a timely basis to pay "qualified higher education expenses" as defined in § 16-57-3(12) of the beneficiary of the account from which the withdrawal is made;

(II) Not made for a reason referred to in § 16-57-6.1(e); or

(III) Not made in other circumstances for which an exclusion from tax made applicable by Section 529 of the Internal Revenue Code, 26 U.S.C. § 529, pertains if the transfer, rollover, withdrawal, or distribution is made within two (2) taxable years following the taxable year for which a contributions modification pursuant to subsection (c)(4) of this section is taken based on contributions to any tuition savings program account by the person who is the participant of the account at the time of the contribution, whether or not the person is the participant of the account at the time of the transfer, rollover, withdrawal or distribution;
(ii) In the event of a nonqualified withdrawal under subsection (b)(4)(i)(A) or (b)(4)(i)(B) of this section, there shall be added to the federal adjusted gross income of that person for the taxable year of the withdrawal an amount equal to the lesser of:

(A) The amount equal to the nonqualified withdrawal reduced by the sum of any administrative fee or penalty imposed under the tuition savings program in connection with the nonqualified withdrawal plus the earnings portion thereof, if any, includible in computing the person's federal adjusted gross income for the taxable year; and

(B) The amount of the person's contribution modification pursuant to subsection (c)(4) of this section for the person's taxable year of the withdrawal and the two (2) prior taxable years less the amount of any nonqualified withdrawal for the two (2) prior taxable years included in computing the person's Rhode Island income by application of this subsection for those years. Any amount added to federal adjusted gross income pursuant to this subdivision shall constitute Rhode Island income for residents, nonresidents and part-year residents;

(5) The modification described in § 44-30-25.1(d)(3)(i);

(6) The amount equal to any unemployment compensation received but not included in federal adjusted gross income;

(7) The amount equal to the deduction allowed for sales tax paid for a purchase of a qualified motor vehicle as defined by the Internal Revenue Code § 164(a)(6); and

(8) For any taxable year beginning on or after January 1, 2020, the amount of any Paycheck Protection Program loan forgiven for federal income tax purposes as authorized by the Coronavirus Aid, Relief, and Economic Security Act and/or the Consolidated Appropriations Act, 2021 and/or any other subsequent federal stimulus relief packages enacted by law, to the extent that the amount of the loan forgiven exceeds $250,000, including an individual's distributive share of the amount of a pass-through entity's loan forgiveness in excess of $250,000.

(c) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Any interest income on obligations of the United States and its possessions to the extent includible in gross income for federal income tax purposes, and any interest or dividend income on obligations, or securities of any authority, commission, or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States; provided, that the amount to be subtracted shall in any case be reduced by any interest on indebtedness incurred or continued to purchase or carry obligations or securities the income of which is exempt from Rhode Island personal income tax, to
the extent the interest has been deducted in determining federal adjusted gross income or taxable
income;

(2) A modification described in § 44-30-25(f) or § 44-30-1.1(c)(1);

(3) The amount of any withdrawal or distribution from the "tuition savings program"
referred to in § 16-57-6.1 that is included in federal adjusted gross income, other than a withdrawal
or distribution or portion of a withdrawal or distribution that is a nonqualified withdrawal;

(4) Contributions made to an account under the tuition savings program, including the
"contributions carryover" pursuant to subsection (c)(4)(iv) of this section, if any, subject to the
following limitations, restrictions and qualifications:

(i) The aggregate subtraction pursuant to this subdivision for any taxable year of the
taxpayer shall not exceed five hundred dollars ($500) or one thousand dollars ($1,000) if a joint
return;

(ii) The following shall not be considered contributions:

(A) Contributions made by any person to an account who is not a participant of the account
at the time the contribution is made;

(B) Transfers or rollovers to an account from any other tuition savings program account or
from any other "qualified tuition program" under section 529 of the Internal Revenue Code, 26
U.S.C. § 529; or

(C) A change of the beneficiary of the account;

(iii) The subtraction pursuant to this subdivision shall not reduce the taxpayer's federal
adjusted gross income to less than zero (0);

(iv) The contributions carryover to a taxable year for purpose of this subdivision is the
excess, if any, of the total amount of contributions actually made by the taxpayer to the tuition
savings program for all preceding taxable years for which this subsection is effective over the sum
of:

(A) The total of the subtractions under this subdivision allowable to the taxpayer for all
such preceding taxable years; and

(B) That part of any remaining contribution carryover at the end of the taxable year which
exceeds the amount of any nonqualified withdrawals during the year and the prior two (2) taxable
years not included in the addition provided for in this subdivision for those years. Any such part
shall be disregarded in computing the contributions carryover for any subsequent taxable year;

(v) For any taxable year for which a contributions carryover is applicable, the taxpayer
shall include a computation of the carryover with the taxpayer's Rhode Island personal income tax
return for that year, and if for any taxable year on which the carryover is based the taxpayer filed a
joint Rhode Island personal income tax return but filed a return on a basis other than jointly for a subsequent taxable year, the computation shall reflect how the carryover is being allocated between the prior joint filers;

(5) The modification described in § 44-30-25.1(d)(1);

(6) Amounts deemed taxable income to the taxpayer due to payment or provision of insurance benefits to a dependent, including a domestic partner pursuant to chapter 12 of title 36 or other coverage plan;

(7) Modification for organ transplantation.

(i) An individual may subtract up to ten thousand dollars ($10,000) from federal adjusted gross income if he or she, while living, donates one or more of his or her human organs to another human being for human organ transplantation, except that for purposes of this subsection, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung, or bone marrow. A subtract modification that is claimed hereunder may be claimed in the taxable year in which the human organ transplantation occurs.

(ii) An individual may claim that subtract modification hereunder only once, and the subtract modification may be claimed for only the following unreimbursed expenses that are incurred by the claimant and related to the claimant's organ donation:

(A) Travel expenses.
(B) Lodging expenses.
(C) Lost wages.

(iii) The subtract modification hereunder may not be claimed by a part-time resident or a nonresident of this state;

(8) Modification for taxable Social Security income.

(i) For tax years beginning on or after January 1, 2016:

(A) For a person who has attained the age used for calculating full or unreduced social security retirement benefits who files a return as an unmarried individual, head of household, or married filing separate whose federal adjusted gross income for the taxable year is less than eighty thousand dollars ($80,000); or

(B) A married individual filing jointly or individual filing qualifying widow(er) who has attained the age used for calculating full or unreduced social security retirement benefits whose joint federal adjusted gross income for the taxable year is less than one hundred thousand dollars ($100,000), an amount equal to the social security benefits includible in federal adjusted gross income.

LC004149 - Page 105 of 319
(ii) Adjustment for inflation. The dollar amount contained in subsections (c)(8)(i)(A) and (c)(8)(i)(B) of this section shall be increased annually by an amount equal to:

(A) Such dollar amount contained in subsections (c)(8)(i)(A) and (c)(8)(i)(B) of this section adjusted for inflation using a base tax year of 2000, multiplied by;

(B) The cost-of-living adjustment with a base year of 2000.

(iii) For the purposes of this section the cost-of-living adjustment for any calendar year is the percentage (if any) by which the consumer price index for the preceding calendar year exceeds the consumer price index for the base year. The consumer price index for any calendar year is the average of the consumer price index as of the close of the twelve-month (12) period ending on August 31, of such calendar year.

(iv) For the purpose of this section the term “consumer price index” means the last consumer price index for all urban consumers published by the department of labor. For the purpose of this section the revision of the consumer price index which is most consistent with the consumer price index for calendar year 1986 shall be used.

(v) If any increase determined under this section is not a multiple of fifty dollars ($50.00), such increase shall be rounded to the next lower multiple of fifty dollars ($50.00). In the case of a married individual filing separate return, if any increase determined under this section is not a multiple of twenty-five dollars ($25.00), such increase shall be rounded to the next lower multiple of twenty-five dollars ($25.00);

(9) Modification for up to fifteen thousand dollars ($15,000) of taxable retirement income from certain pension plans or annuities.

(i) For tax years beginning on or after January 1, 2017, a modification shall be allowed for up to fifteen thousand dollars ($15,000) of taxable pension and/or annuity income that is included in federal adjusted gross income for the taxable year:

(A) For a person who has attained the age used for calculating full or unreduced social security retirement benefits who files a return as an unmarried individual, head of household, or married filing separate whose federal adjusted gross income for such taxable year is less than the amount used for the modification contained in subsection (c)(8)(i)(A) of this section an amount not to exceed $15,000 of taxable pension and/or annuity income includible in federal adjusted gross income; or

(B) For a married individual filing jointly or individual filing qualifying widow(er) who has attained the age used for calculating full or unreduced social security retirement benefits whose joint federal adjusted gross income for such taxable year is less than the amount used for the
modification contained in subsection (c)(8)(i)(B) of this section an amount not to exceed $15,000
of taxable pension and/or annuity income includible in federal adjusted gross income.

(ii) Adjustment for inflation. The dollar amount contained by reference in subsections
(c)(9)(i)(A) and (c)(9)(i)(B) of this section shall be increased annually for tax years beginning on
or after January 1, 2018, by an amount equal to:

(A) Such dollar amount contained by reference in subsections (c)(9)(i)(A) and (c)(9)(i)(B)
of this section adjusted for inflation using a base tax year of 2000, multiplied by;

(B) The cost-of-living adjustment with a base year of 2000.

(iii) For the purposes of this section, the cost-of-living adjustment for any calendar year is
the percentage (if any) by which the consumer price index for the preceding calendar year exceeds
the consumer price index for the base year. The consumer price index for any calendar year is the
average of the consumer price index as of the close of the twelve-month (12) period ending on
August 31, of such calendar year.

(iv) For the purpose of this section, the term "consumer price index" means the last
consumer price index for all urban consumers published by the department of labor. For the purpose
of this section, the revision of the consumer price index which is most consistent with the consumer
price index for calendar year 1986 shall be used.

(v) If any increase determined under this section is not a multiple of fifty dollars ($50.00),
such increase shall be rounded to the next lower multiple of fifty dollars ($50.00). In the case of a
married individual filing a separate return, if any increase determined under this section is not a
multiple of twenty-five dollars ($25.00), such increase shall be rounded to the next lower multiple
of twenty-five dollars ($25.00); and

(10) Modification for Rhode Island investment in opportunity zones. For purposes of a
taxpayer's state tax liability, in the case of any investment in a Rhode Island opportunity zone by
the taxpayer for at least seven (7) years, a modification to income shall be allowed for the
incremental difference between the benefit allowed under 26 U.S.C. § 1400Z-2(b)(2)(B)(iv) and
the federal benefit allowed under 26 U.S.C. § 1400Z-2(c); and

(11) Modification for military service pensions.

(i) For purposes of a taxpayer’s state tax liability, a modification to income shall be allowed
as follows:

(A) For the tax year beginning on January 1, 2023, a taxpayer may subtract from federal
adjusted gross income up to twenty percent (20%) of the taxpayer’s military service pension
benefits included in federal adjusted gross income;
(B) For the tax year beginning on January 1, 2024, a taxpayer may subtract from federal
adjusted gross income up to forty percent (40%) of the taxpayer’s military service pension benefits
included in federal adjusted gross income;

(C) For the tax year beginning on January 1, 2025, a taxpayer may subtract from federal
adjusted gross income up to sixty percent (60%) of the taxpayer’s military service pension benefits
included in federal adjusted gross income;

(D) For the tax year beginning on January 1, 2026, a taxpayer may subtract from federal
adjusted gross income up to eighty percent (80%) of the taxpayer’s military service pension benefits
included in federal adjusted gross income;

(E) For tax years beginning on or after January 1, 2027, a taxpayer may subtract from
federal adjusted gross income up to one hundred percent (100%) of the taxpayer’s military service
pension benefits included in federal adjusted gross income.

(ii) As used in this subsection, the term “military service” shall have the same meaning as
set forth in 20 CFR Section 212.2.

(iii) At no time shall the modification allowed under this subsection alone or in conjunction
with subsection (c)(9) exceed the amount of the military service pension received in the tax year
for which the modification is claimed.

(d) Modification for Rhode Island fiduciary adjustment. There shall be added to, or
subtracted from, federal adjusted gross income (as the case may be) the taxpayer's share, as
beneficiary of an estate or trust, of the Rhode Island fiduciary adjustment determined under § 44-
30-17.

(e) Partners. The amounts of modifications required to be made under this section by a
partner, which relate to items of income or deduction of a partnership, shall be determined under §
44-30-15.

SECTION 2. This article shall take effect upon passage.
ARTICLE 7

RELATING TO ENERGY AND THE ENVIRONMENT

SECTION 1. Section 39-2-1.2 of the General Laws in Chapter 39-2 entitled “Duties of Utilities and Carriers” is hereby amended to read as follows:


(a) In addition to costs prohibited in § 39-1-27.4(b), no public utility distributing or providing heat, electricity, or water to or for the public shall include as part of its base rate any expenses for advertising, either direct or indirect, that promotes the use of its product or service, or is designed to promote the public image of the industry. No public utility may furnish support of any kind, direct or indirect, to any subsidiary, group, association, or individual for advertising and include the expense as part of its base rate. Nothing contained in this section shall be deemed as prohibiting the inclusion in the base rate of expenses incurred for advertising, informational or educational in nature, that is designed to promote public safety conservation of the public utility's product or service. The public utilities commission shall promulgate such rules and regulations as are necessary to require public disclosure of all advertising expenses of any kind, direct or indirect, and to otherwise effectuate the provisions of this section.

(b) Effective as of January 1, 2008, and for a period of twenty (20) years thereafter, each electric distribution company shall include a charge per kilowatt-hour delivered to fund demand-side management programs. The 0.3 mills per kilowatt-hour delivered to fund renewable energy programs shall remain in effect until December 31, 2028. The electric distribution company shall establish and, after July 1, 2007, maintain, two (2) separate accounts, one for demand-side management programs (the "demand-side account"), which shall be funded by the electric demand-side charge and administered and implemented by the distribution company, subject to the regulatory reviewing authority of the commission, and one for renewable energy programs, which shall be administered by the Rhode Island commerce corporation pursuant to § 42-64-13.2 and shall be held and disbursed by the distribution company as directed by the Rhode Island commerce corporation for the purposes of developing, promoting, and supporting renewable energy programs.

During the time periods established in this subsection, the commission may, in its discretion, after notice and public hearing, increase the sums for demand-side management and renewable resources. In addition, the commission shall, after notice and public hearing, determine the appropriate charge for these programs. The office of energy resources, and/or the administrator of the renewable energy programs, may seek to secure for the state an equitable and reasonable portion of renewable energy credits or certificates created by private projects funded through those...
programs. As used in this section, "renewable energy resources" shall mean: (1) Power generation
technologies, as defined in § 39-26-5, "eligible renewable energy resources," including off-grid and
on-grid generating technologies located in Rhode Island, as a priority; (2) Research and
development activities in Rhode Island pertaining to eligible renewable energy resources and to
other renewable energy technologies for electrical generation; or (3) Projects and activities directly
related to implementing eligible renewable energy resources projects in Rhode Island.
Technologies for converting solar energy for space heating or generating domestic hot water may
also be funded through the renewable energy programs. Fuel cells may be considered an energy
efficiency technology to be included in demand-side management programs. Special rates for low-
income customers in effect as of August 7, 1996, shall be continued, and the costs of all of these
discounts shall be included in the distribution rates charged to all other customers. Nothing in this
section shall be construed as prohibiting an electric distribution company from offering any special
rates or programs for low-income customers which are not in effect as of August 7, 1996, subject
to the approval by the commission.

(1) The renewable energy investment programs shall be administered pursuant to rules
established by the Rhode Island commerce corporation. Said rules shall provide transparent criteria
to rank qualified renewable energy projects, giving consideration to:

(i) The feasibility of project completion;
(ii) The anticipated amount of renewable energy the project will produce;
(iii) The potential of the project to mitigate energy costs over the life of the project; and
(iv) The estimated cost per kilowatt-hour (KWh) of the energy produced from the project.

(c) [Deleted by P.L. 2012, ch. 241, art. 4, § 14.]

(d) The chief executive officer of the commerce corporation is authorized and may enter
into a contract with a contractor for the cost-effective administration of the renewable energy
programs funded by this section. A competitive bid and contract award for administration of the
renewable energy programs may occur every three (3) years and shall include, as a condition, that
after July 1, 2008, the account for the renewable energy programs shall be maintained and
administered by the commerce corporation as provided for in subsection (b) of this section.

(e) Effective January 1, 2007, and for a period of twenty-one (21) years thereafter, each
gas distribution company shall include, with the approval of the commission, a charge per deca
therm delivered to fund demand-side management programs (the "gas demand-side charge"),
including, but not limited to, programs for cost-effective energy efficiency, energy conservation,
combined heat and power systems, and weatherization services for low-income households.
(f) Each gas company shall establish a separate account for demand-side management programs (the "gas demand-side account") that shall be funded by the gas demand-side charge and administered and implemented by the distribution company, subject to the regulatory reviewing authority of the commission. The commission may establish administrative mechanisms and procedures that are similar to those for electric demand-side management programs administered under the jurisdiction of the commission and that are designed to achieve cost-effectiveness and high, life-time savings of efficiency measures supported by the program.

(g) The commission may, if reasonable and feasible, except from this demand-side management charge:

(1) Gas used for distribution generation; and

(2) Gas used for the manufacturing processes, where the customer has established a self-directed program to invest in and achieve best-effective energy efficiency in accordance with a plan approved by the commission and subject to periodic review and approval by the commission, which plan shall require annual reporting of the amount invested and the return on investments in terms of gas savings.

(h) The commission may provide for the coordinated and/or integrated administration of electric and gas demand-side management programs in order to enhance the effectiveness of the programs. Such coordinated and/or integrated administration may after March 1, 2009, upon the recommendation of the office of energy resources, be through one or more third-party entities designated by the commission pursuant to a competitive selection process.

(i) Effective January 1, 2007, the commission shall allocate, from demand-side management gas and electric funds authorized pursuant to this section, an amount not to exceed three percent (3%) of such funds on an annual basis for the retention of expert consultants, and reasonable administration costs of the energy efficiency and resources management council associated with planning, management, and evaluation of energy efficiency programs, renewable energy programs, system reliability least-cost procurement, and with regulatory proceedings, contested cases, and other actions pertaining to the purposes, powers, and duties of the council, which allocation may by mutual agreement, be used in coordination with the office of energy resources to support such activities.

(j) Effective January 1, 2016, the commission shall annually allocate from the administrative funding amount allocated in subsection (i) from the demand-side management program as described in subsection (i) as follows: forty percent (40%) for the purposes identified in subsection (i) and sixty percent (60%) annually to the office of energy resources for activities associated with planning, management, and evaluation of energy-efficiency programs, renewable
energy programs, system reliability, least-cost procurement, and with regulatory proceedings, contested cases, and other actions pertaining to the purposes, powers, and duties of the office of energy resources. The office of energy resources and the energy efficiency resource management council shall have exclusive authority to direct the use of these funds.

(k) On April 15, of each year, the office and the council shall submit to the governor, the president of the senate, and the speaker of the house of representatives, separate financial and performance reports regarding the demand-side management programs, including the specific level of funds that were contributed by the residential, municipal, and commercial and industrial sectors to the overall programs; the businesses, vendors, and institutions that received funding from demand-side management gas and electric funds used for the purposes in this section; and the businesses, vendors, and institutions that received the administrative funds for the purposes in subsections (i) and (j). These reports shall be posted electronically on the websites of the office of energy resources and the energy efficiency and resources management council.

(l) On or after August 1, 2015, at the request of the Rhode Island infrastructure bank, each electric distribution company, except for the Pascoag Utility District and Block Island Power Company, shall remit two percent (2%) of the amount of the 2014 electric demand-side charge collections to the Rhode Island infrastructure bank.

(m) On or after August 1, 2015, at the request of the Rhode Island infrastructure bank, each gas distribution company shall remit two percent (2%) of the amount of the 2014 gas demand-side charge collections to the Rhode Island infrastructure bank.

(n) Effective January 1, 2022, the commission shall allocate, from demand-side management gas and electric funds authorized pursuant to this section, five million dollars ($5,000,000) of such funds on an annual basis to the Rhode Island infrastructure bank. Gas and electric demand-side funds transferred to the Rhode Island infrastructure bank pursuant to this section shall be eligible to be used in any energy efficiency, renewable energy, clean transportation, clean heating, energy storage, or demand-side management project financing program administered by the Rhode Island infrastructure bank notwithstanding any other restrictions on the use of such collections set forth in this chapter. The infrastructure bank shall report annually to the commission within ninety (90) days of the end of each calendar year how collections transferred under this section were utilized.

(o) Effective January 1, 2023, the commission shall allocate from demand-side management gas and electric funds authorized pursuant to this section, six million dollars ($6,000,000) of such funds on an annual basis to the Rhode Island office of energy resources, on behalf of the executive climate change coordinating council, for climate change-related initiatives.
The executive climate change coordinating council shall have exclusive authority to direct the use of these funds. The office of energy resources may act on behalf of the executive climate change coordinating council to disburse these funds.

(i) The gas and electric demand-side funds allocated pursuant to 39-2-1.2(o) shall be used for any energy efficiency, renewable energy, clean transportation, clean heating, energy storage, demand-side management, or other programs and investments that support the reduction of greenhouse gases consistent with the 2021 Act on Climate. Funds may also be used for the purpose of providing the financial means for the council to purchase materials and to employ on a contract or other basis expert consultant services, expert witnesses, and/or other support services necessary to advance the requirements of the act on climate.

(ii) The Rhode Island executive climate change council shall report annually to the governor and general assembly within one hundred and twenty (120) days of the end of each calendar year how the funds were used to achieve the statutory objectives of the 2021 act on climate.

(iii) The office of energy resources is authorized and may enter into contracts with third-party entities for the administration and/or implementation of climate change initiatives funded by this section.

(iv) There is hereby established a restricted receipt account in the general fund of the state and housed in the budget of the department of administration entitled “executive climate change coordinating council projects.” The express purpose of this account is to record receipts and expenditures of the program herein described and established within this subsection.

(p) Effective January 1, 2023, the electric and gas distribution company shall not be eligible for performance based or other incentives related to the administration and implementation of energy efficiency programs approved pursuant to this chapter.

(q) The Rhode Island office of energy resources, in coordination with the energy efficiency resource management council, shall issue a request for proposals for the cost effective administration and implementation of statewide energy efficiency programs funded by this section no later than March 31, 2023. The Rhode Island office of energy resources, in coordination with the energy efficiency resource management council, shall evaluate proposals and determine whether energy efficiency administration and implementation by the electric and gas distribution company or a third-party is in the best interest of Rhode Island energy consumers. After January 1, 2025, the office of energy resources may, periodically, and at its discretion, issue additional requests for proposals for the administration and implementation of statewide energy efficiency programs funded through this chapter.
(i) Nothing in this chapter shall prohibit the electric and/or gas distribution company from submitting a proposal to administer and implement the state energy efficiency programs.

(ii) If the office of energy resources, in coordination with the energy efficiency resource management council, determines that the use of a third-party administrator is in the best interest of Rhode Island energy consumers, it shall file its recommendation with the public utilities commission, which shall docket and rule on the matter pursuant to its general statutory authority. If the commission determines that the recommended third-party administrator is in the interest of Rhode Island utility customers, it shall provide for the full cost recovery of any subsequent contracts entered into by the office and the third-party administrator from electric and gas distribution customers.

(iii) If the office does not recommend advancement of a third-party administrator, the electric and gas distribution utility shall continue to administer statewide energy efficiency programs.

SECTION 2. Title 42 of the General Laws entitled “State Affairs and Government” is hereby amended by adding thereto the following chapter:

CHAPTER 162

ELECTRIC VEHICLE CHARGING INFRASTRUCTURE PROGRAM

42-162-1. Legislative findings.

The general assembly finds and declares that:

(1) The 2021 act on climate establishes mandatory, economy-wide greenhouse gas emissions reduction targets; and

(2) To meet these goals, Rhode Island must accelerate its adoption of more sustainable transportation solutions, including electric vehicles; and

(3) The widespread adoption of electric vehicles will necessitate investment in and deployment of electric vehicle charging infrastructure; and

(4) Electric vehicle charging infrastructure must be made accessible to all Rhode Island citizens and businesses, and deployed in an equitable manner; and

(5) The installation of electric vehicle charging infrastructure – and other clean energy investments – will support statewide economic development and job growth in the clean energy sector.


As used in this chapter, the following terms, unless the context requires a different interpretation, shall have the following meanings:

(1) "Department" means the department of transportation.
(2) “Electric Vehicle Charging Infrastructure” means equipment that supplies electricity to charge electric vehicles, including charging stations and balance of plant.

(3) “Electric Vehicle Charging Infrastructure Funds” means but is not limited to, federal funds allocated for electric vehicle charging infrastructure from the federal infrastructure investment and jobs act and any funds allocated as state match to federal funds.

(4) “Federal Funds” means monies allocated for electric vehicle charging infrastructure from the infrastructure investment and jobs act.

(5) "Office" means the office of energy resources.

42-162-3. Implementation of the electric vehicle charging infrastructure investment program.

(a) There is hereby established an electric vehicle charging infrastructure investment program. The department and office shall, in consultation with the department of environmental management, establish the electric vehicle charging infrastructure investment program to be administered by the office in consultation with the department.

(b) The department and office, in consultation with the department of environmental management, shall propose draft program and investment criteria on the electric vehicle charging infrastructure investment program and accept public comment for thirty (30) days. The draft shall specify the incentive levels, eligibility criteria, and program rules for electric vehicle charging infrastructure incentives. The program and investment criteria shall be finalized by the office and department after the public comment period closes and include responses to submitted public comments.

(c) The department and office shall provide a website for the electric vehicle charging infrastructure investment program to support public accessibility.


The department and office shall provide a report to the governor and general assembly by December 31, 2023, on the results of the electric vehicle charging infrastructure investment program. The department and office shall provide an annual report to the governor and general assembly until the federal funds have been completely utilized.

SECTION 3. Section 46-23-20.1 of the General Laws in Chapter 46-23 entitled “Coastal Resources Management Council” is hereby amended to read as follows:


(a) The governor, with the advice and consent of the senate, shall appoint two (2) hearing officers who shall be attorneys-at-law, who, prior to their appointment, shall have practiced law for a period of not less than five (5) years for a term of five (5) years; provided, however, that the initial
appointments shall be as follows: one hearing officer shall be appointed for a term of three (3) years
and one hearing officer shall be appointed for a term of five (5) years. The appointees shall be
addressed as hearing officers.

(b) The governor shall designate one of the hearing officers as chief hearing officer. The
hearing officers shall hear proceedings as provided by this section, and the council, with the
assistance of the chief hearing officer, may promulgate such rules and regulations as shall be
necessary or desirable to effect the purposes of this section.

(c) A hearing officer shall be devoted full time to these administrative duties, and shall not
otherwise practice law while holding office nor be a partner nor an associate of any person in the
practice of law. May be appointed to serve on a part-time basis. No hearing officer shall participate
in any case in which he or she is an interested party.

(d) Compensation for hearing officers shall be determined by the unclassified pay board.

(e) Whenever the chairperson of the coastal resources management council or, in the
absence of the chairperson, the commissioner of coastal resources makes a finding that the hearing
officers are otherwise engaged and unable to hear a matter in a timely fashion, he or she may
appoint a subcommittee which will act as hearing officers in any contested case coming before the
council. The subcommittee shall consist of at least one member; provided, however, that in all
contested cases an additional member shall be a resident of the coastal community affected. The
city or town council of each coastal community shall, at the beginning of its term of office, appoint
a resident of that city or town to serve as an alternate member of the aforesaid subcommittee should
there be no existing member of the coastal resources management council from that city or town
available to serve on the subcommittee. Any member of the subcommittee actively engaged in
hearing a case shall continue to hear the case, even though his or her term may have expired, until
the case is concluded and a vote taken thereon. Hearings before subcommittees shall be subject to
all rules of practice and procedure as govern hearings before hearing officers.

SECTION 4. This article shall take effect upon passage.
ARTICLE 8

RELATING TO SMALL BUSINESS

SECTION 1. Section 3-6-1.2 of the General Laws in Chapter 3-6 entitled “Manufacturing and Wholesale Licenses” is hereby amended as follows:

3-6-1.2, Brewpub manufacturer’s license.

(a) A brewpub manufacturer’s license shall authorize the holder to establish and operate a brewpub within this state. The brewpub manufacturer’s license shall authorize the retail sale of the beverages manufactured on the location for consumption on the premises. The license shall not authorize the retail sale of beverages from any location other than the location set forth in the license. A brewpub may sell at retail alcoholic beverages produced on the premises by the half-gallon bottle known as a “growler” to consumers for off the premises consumption to be sold pursuant to the laws governing retail Class A establishments. The license also authorizes the sale of beverages produced on the premises in an amount not in excess of forty-eight (48) twelve-ounce (12 oz.) bottles or cans or forty-eight (48) sixteen-ounce (16 oz.) bottles or cans of malt beverages, or one thousand five hundred milliliters (1500 ml), of distilled spirits per visitor, per day, to be sold in containers that may hold no more than seventy-two ounces (72 oz.) each. These beverages may be sold to the consumers for off-premises consumption, and shall be sold pursuant to the laws governing retail Class A establishments.

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

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

(d) The annual fee for the license is one thousand dollars ($1,000) for a brewpub producing more than fifty thousand gallons (50,000 gal.) per year and five hundred dollars ($500) per year for a brewpub producing less than fifty thousand gallons (50,000 gal.) per year. The annual fee is prorated to the year ending December 1 in every calendar year and paid to the general treasurer for the use of the state.

(e) [Expires March 1, 2022.] A holder of a brewpub manufacturer’s license will be permitted to sell, with take-out food orders, up to two (2) seven hundred fifty millimeter (750 ml) bottles of wine or the equivalent volume of wine in smaller factory sealed containers, or seventy-
two ounces (72 oz.) of mixed wine-based drinks or single-serving wine in containers sealed in such
way as to prevent re-opening without obvious evidence that the seal was removed or broken, one
hundred forty-four ounces (144 oz.) of beer or mixed beverages in original factory sealed
containers, and one hundred forty-four ounces (144 oz.) of draft beer or seventy-two ounces (72
oz.) of mixed beverages containing not more than nine ounces (9 oz.) of distilled spirits in growlers,
bottles, or other containers sealed in such a way as to prevent re-opening without obvious evidence
that the seal was removed or broken, provided such sales shall be made in accordance with § 1.4.10
of the department of business regulation (DBR) liquor control administration regulations, 230-
RICR-30-10-1, and any other DBR regulations.

(1) [Expires March 1, 2022]. Delivery of alcoholic beverages with food from a brewpub
licensee is prohibited.

SECTION 2. Section 3-7-7 of the General Laws in Chapter 3-7 entitled “Retail Licenses”
is hereby amended as follows:

3-7-7. Class B license.

(a)(1) A retailer's Class B license is issued only to a licensed bona fide tavern keeper or
victualer whose tavern or victualing house may be open for business and regularly patronized at
least from nine o'clock (9:00) a.m. to seven o'clock (7:00) p.m. provided no beverage is sold or
served after one o'clock (1:00) a.m., nor before six o'clock (6:00) a.m. Local licensing boards may
fix an earlier closing time within their jurisdiction, at their discretion. The East Greenwich town
council may, in its discretion, issue full and limited Class B licenses which may not be transferred,
but which shall revert to the town of East Greenwich if not renewed by the holder. The Cumberland
town council may, in its discretion, issue full and limited Class B licenses which may not be
transferred to another person or entity, or to another location, but which shall revert to the town of
Cumberland if not renewed by the holder.

The Pawtucket city council may, in its discretion, issue full and limited Class B licenses
which may not be transferred to another person or entity, or to another location, but which shall
revert to the city of Pawtucket if not renewed by the holder. This legislation shall not affect any
Class B license holders whose licenses were issued by the Pawtucket city council with the right to
transfer.

(2) The license authorizes the holder to keep for sale and sell beverages including beer in
cans, at retail at the place described and to deliver them for consumption on the premises or place
where sold, but only at tables or a lunch bar where food is served. It also authorizes the charging
of a cover, minimum, or door charge. The amount of the cover, or minimum, or door charge is
posted at the entrance of the establishments in a prominent place.
(i) [Expires March 1, 2022]. A holder of a Class B license will be permitted to sell, with take-out food orders, up to two (2) seven hundred fifty millimeter (750 ml) bottles of wine or the equivalent volume of wine in smaller factory sealed containers, or seventy-two ounces (72 oz.) of mixed wine-based drinks or single-serving wine in containers sealed in such a way as to prevent re-opening without obvious evidence that the seal was removed or broken, one hundred forty-four ounces (144 oz.) of beer or mixed beverages in original factory sealed containers, and one hundred forty-four ounces (144 oz.) of draft beer or seventy-two ounces (72 oz.) of mixed beverages containing not more than nine ounces (9 oz.) of distilled spirits in growlers, bottles, or other containers sealed in such a way as to prevent re-opening without obvious evidence that the seal was removed or broken, provided such sales shall be made in accordance with § 1.4.10 of the department of business regulation (DBR) liquor control administration regulations, 230-RICR-30-10-1, and any other DBR regulations.

(ii) [Expires March 1, 2022]. Delivery of alcoholic beverages with food from a Class B licensee is prohibited.

(3) Holders of licenses are not permitted to hold dances within the licensed premises unless proper permits have been properly obtained from the local licensing authorities.

(4) Any holder of a Class B license may, upon the approval of the local licensing board and for the additional payment of two hundred dollars ($200) to five hundred dollars ($500), open for business at twelve o'clock (12:00) p.m. and on Fridays and Saturdays and the night before legal state holidays may close at two o'clock (2:00) a.m. All requests for a two o'clock (2:00) a.m. license shall be advertised by the local licensing board in a newspaper having a circulation in the county where the establishment applying for the license is located.

(5) A holder of a retailer's Class B license is allowed to erect signs advertising his or her business and products sold on the premises, including neon signs, and is allowed to light those signs during all lawful business hours, including Sundays and holidays.

(6) Notwithstanding the provisions of subsection (a) and/or § 3-7-16.4, a holder of a retail class B and/or class ED license may apply to the municipality in which the licensee is located for a permit to conduct a so-called "Lock-In Event", under the following conditions:

(i) A "Lock-In Event" is defined as an event where a specified group of individuals are permitted to remain in a licensed premises after closing hours including, but not limited to, the hours of 1:00 a.m. to 6:00 a.m.

(ii) A Lock-In Event must have the approval of the municipal licensing authority pursuant to a permit issued for each such event, subject to such conditions as may attach to the permit. The fee for the permit shall be not less than fifty dollars ($50.00) nor more than one hundred dollars.
($100). The granting or denial of a Lock-In Event permit shall be in the sole discretion of the municipal licensing authority and there shall be no appeal from the denial of such a permit.

(iii) During the entire period of any Lock-In Event, all alcoholic beverages must be secured in place or removed from the public portion of the premises and secured to the satisfaction of the municipality issuing the Lock-In Event permit.

(iv) During the Lock-In Event, the establishment shall be exclusively occupied by the Lock-In Event participants and no other patrons shall be admitted to the premises who are not participants. It shall be a condition of the permit that participants shall not be admitted more than thirty (30) minutes after the permitted start time of the Lock-In Event, except in the event of unforeseen travel delays, nor permitted to re-enter the event if they leave the licensed premises.

(v) As part of the Lock-In Event, food shall be served.

(vi) The municipal licensing authority may, in its sole discretion, require the presence of a police detail, for some or all of the event, and the number of officers required, if any, shall be determined by the municipality as part of the process of issuing the Lock-In Event permit. The licensee shall be solely responsible for the cost of any such required police detail.

(b) The annual license fee for a tavern keeper shall be four hundred dollars ($400) to two thousand dollars ($2,000), and for a victualer the license fee shall be four hundred dollars ($400) to two thousand dollars ($2,000). In towns with a population of less than two thousand five hundred (2,500) inhabitants, as determined by the last census taken under the authority of the United States or the state, the fee for each retailer's Class B license shall be determined by the town council, but shall in no case be less than three hundred dollars ($300) annually. If the applicant requests it in his or her application, any retailer's Class B license may be issued limiting the sale of beverages on the licensed premises to malt and vinous beverages containing not more than twenty percent (20%) alcohol by volume, and the fee for that limited Class B license shall be two hundred dollars ($200) to one thousand five hundred dollars ($1,500) annually. The fee for any Class B license shall in each case be prorated to the year ending December 1 in every calendar year.

(1) Upon the approval and designation of a district or districts within its city or town by the local licensing board, the local licensing board may issue to any holder of a Class B license or a Class ED license, an extended hours permit to extend closing hours on Thursdays, Fridays and Saturdays, the night before a legal state holiday or such other days as determined by the local board, for one hour past such license holder's legal closing time as established by the license holder's license or licenses including, but not limited to, those issued pursuant to subsection (a)(4) of this section. The extended hours permit shall not permit the sale of alcohol during the extended one-hour period and shall prohibit the admittance of new patrons in the establishment during the
extended one-hour period. The designation of such district(s) shall be for a duration of not less than six (6) months. Prior to designating any such district, the local licensing authority shall hold a hearing on the proposed designation. The proposed designation shall include the boundaries of the proposed district, the applicable days for the extended hours, and the duration of the designation and the conditions imposed. The proposed designation shall be advertised at least once per week for three (3) weeks prior to the hearing in a newspaper in general circulation in the city or town. The city or town will establish an application process for an extended hours permit for such license holder and may adopt rules and regulations to administer the permit.

SECTION 3. Section 21-27-1 of the Rhode Island General Laws in Chapter 21-27 entitled “Sanitation in Food Establishments” is hereby amended to read as follows:

21-27-1. Definitions.

Unless otherwise specifically provided in this chapter, the following definitions apply to this chapter:

(1) “Approved” means approved by the director.

(2) “Commissary” means a central processing establishment where food is prepared for sale or service off the premises or by mobile vendor an operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as food preparation, food storage, vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins.

(3) “Cottage food manufacture” means the production in accordance with the requirements of § 21-27-6.2 of allowable foods for retail sale directly to the consumer in a residential kitchen or a rented commercial kitchen licensed by the department.

(4) “Cultural heritage education facility” means a facility for up to ten (10) individuals who, for a fee, participate in the preparation and consumption of food, limited to an owner-occupied site documented to be at least one hundred and fifty (150) years old and whose drinking water shall be obtained from an approved source which meets all of the requirements of chapter 46-13.

(5) “Department” means the department of health.

(6) “Director” means the director of health or the director’s duly appointed agents.

(7) “Farmers market” means a market where two (2) or more farmers are selling produce exclusively grown on their own farms on a retail basis to consumers. Excluded from this term is any market where farmers or others are selling produce at wholesale and/or any market in which any individual is selling produce not grown on his or her own farm.

(8) “Farm home food manufacture” means the production in accordance with the requirements of § 21-27-6.1 of food for retail sale in a residential kitchen on a farm which produces
agricultural products for human consumption and the operator of which is eligible for exemption from the sales and use tax in accordance with § 44-18-30(32).

(2) “Food” means: (i) articles used for food or drink for people or other animals, (ii) chewing gum, and (iii) articles used for components of any food or drink article.

(8) “Food business” means and includes any establishment or place, whether fixed or mobile, where food or ice is held, processed, manufactured, packaged, prepared, displayed, served, transported, or sold.

(9) “Food service establishment” means any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern; bar, cocktail lounge, night club, roadside stand, industrial feeding establishment, cultural heritage education facility, private, public or nonprofit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(10) “Mobile food service unit” means a unit that prepares and/or sells food products for direct consumption.

(11) “Operator” in relation to food vending machines means any person who by contract, agreement, lease, rental, or ownership sells food from vending machines.

(12) “Person” means any individual, firm, co-partnership, association, or private or municipal corporation.

(13) “Processor” means one who combines, handles, manufactures or prepares, packages, and stores food products.

(14) “Operator” in relation to food vending machines means any person who by contract, agreement, lease, rental, or ownership sells food from vending machines.

(15) “Retail” means when eighty percent (80%) or more of sales are made directly to consumers.

(16) “Retail peddler” means a food business which sells meat, seafood, and dairy products directly to the consumer, house to house or in a neighborhood.

(17) “Roadside farmstand” means a stand or location adjacent to a farm where produce grown only on that farm is sold at the time of harvest.

(18) “Vending machine site or location” means the room, enclosure, space, or area where one or more vending machines are installed and/or operated.
"Warehouse" means a place for the storage of dried, fresh, or frozen food or food products, not including those areas associated within or directly part of a food service establishment or retail market.

"Wholesale" means when eighty percent (80%) or more of the business is for resale purposes.

"Cultural heritage education facility" means a facility for up to ten (10) individuals who, for a fee, participate in the preparation and consumption of food, limited to an owner-occupied site documented to be at least one hundred fifty (150) years old and whose drinking water shall be obtained from an approved source which meets all of the requirements of chapter 46-13.

SECTION 4. Chapter 21-27 of the Rhode Island General Laws entitled “Sanitation in Food Establishments” is hereby amended by adding thereto the following section:

21-27-6.2. Cottage food manufacture.

Notwithstanding the other provisions of this chapter, the department of health shall register cottage food manufacture and the sale of the products of cottage food manufacture direct to consumers whether by pickup or delivery within the state, provided that the requirements of this section are met.

(1) The cottage food products shall be produced in a kitchen that is on the premises of a home and meets the standards for kitchens as provided for in minimum housing standards, adopted pursuant to chapter 24.2 of title 45 and the Housing Maintenance and Occupancy Code, adopted pursuant to chapter 24.3 of title 45, and in addition the kitchen shall:
   (i) Be equipped at minimum with either a two (2) compartment sink or a dishwasher that reaches one hundred fifty (150) degrees Fahrenheit after the final rinse and drying cycle and a one compartment sink;
   (ii) Have sufficient area or facilities, such as portable dish tubs and drain boards, for the proper handling of soiled utensils prior to washing and of cleaned utensils after washing so as not to interfere with safe food handling; equipment, utensils, and tableware shall be air dried;
   (iii) Have drain boards and food preparation surfaces that shall be of a nonabsorbent, corrosion resistant material such as stainless steel, formica or other chip resistant, nonpitted surface;
   (iv) Have self-closing doors for bathrooms that open directly into the kitchen;
   (v) If the home is on private water supply, the water supply must be tested once per year;
   (vi) Notwithstanding this subsection, the cottage food products may also be produced in a commercial kitchen licensed by the department and is leased or rented by the cottage food registrant provided that a record be maintained as to the dates the commercial kitchen was used and that
ingredients used in the production of cottage foods are transported according to applicable food
safety standards and regulations promulgated by the department.

(2) The cottage food products are prepared and produced ready for sale under the following
conditions:

(i) Pets are kept out of food preparation and food storage areas at all times;
(ii) Cooking facilities shall not be used for domestic food purposes while cottage food
products are being prepared;
(iii) Garbage is placed and stored in impervious covered receptacles before it is removed
from the kitchen, which removal shall be at least once each day that the kitchen is used for cottage
food manufacture;
(iv) Any laundry facilities which may be in the kitchen shall not be used during cottage
food manufacture;
(v) Recipe(s) for each cottage food product with all the ingredients and quantities listed,
and processing times and procedures, are maintained in the kitchen for review and inspection;
(vi) An affixed label that contains:
(A) Name, address, and telephone number;
(B) The ingredients of the cottage food product, in descending order of predominance by
weight or volume;
(C) Allergen information, as specified by federal and state labeling requirements, such as
milk, eggs, tree nuts, peanuts, wheat, and soybeans; and
(D) The following statement printed in at least ten-point type in a clear and conspicuous
manner that provides contrast to the background label: “Made by a Cottage Food Business
Registrant that is not Subject to Routine Government Food Safety Inspection,” unless products
have been prepared in a commercial kitchen licensed by the department.

(3) Cottage food manufacture shall be limited to the production of baked goods that do not
require refrigeration or time/temperature control for safety, including but not limited to:
(i) Double crust pies;
(ii) Yeast breads;
(iii) Biscuits, brownies, cookies, muffins; and
(iv) Cakes that do not require refrigeration or temperature-controlled environment; and
(v) Other baked goods as defined by the department.

(4) Each cottage food manufacturer shall be registered with the department of health and
shall require a notarized affidavit of compliance, in any form that the department may require, from
the applicant that the requirements of this section have been met and the operation of the kitchen
shall be in conformity with the requirements of this section. Prior to the initial registration, each cottage food manufacturer is required to successfully complete a Food Safety Instructor Training Course approved by the department pursuant to § 21-27-11.3. A certificate of registration shall be issued by the department upon the payment of a fee as set forth in § 23-1-54 and the submission of an affidavit of compliance. The certificate of registration shall be valid for one year after the date of issuance; provided, however, that the certificate may be revoked by the director at any time for noncompliance with the requirements of the section. The certificate of registration, with a copy of the affidavit of compliance, shall be kept in the kitchen where the cottage food manufacture takes place. The director of health shall have the authority to develop and issue a standard form for the affidavit of compliance to be used by persons applying for a certificate of registration; the form shall impose no requirements or certifications beyond those set forth in this section and § 21-27-1(6). No certificates of registration shall be issued by the department prior to November 1, 2022.

(5) No such operation shall engage in consignment or wholesale sales. The following additional locational sales by any such cottage food operation shall be prohibited: (1) Grocery stores; (2) restaurants; (3) long-term care facilities; (4) group homes; (5) day care facilities; and (6) schools. Advertising and sales by Internet, mail and phone are permissible, provided the cottage food licensee or their designee shall deliver, in person, to the customer within the state.

(6) Total annual gross sales for a cottage food operation shall not exceed twenty-five thousand dollars ($25,000) per calendar year. If annual gross sales exceed the maximum annual gross sales amount allowed, the cottage food registrant shall either obtain food processor license or cease operations. The director of health may request documentation to verify the annual gross sales figure of any cottage food operation.

(7) Sales on all cottage foods are subject to applicable sales tax pursuant to § 44-18-7.

(8) The director of health or designee may inspect a cottage food operation at any time to ensure compliance with the provisions of this section. Nothing in this section shall be construed to prohibit the director of health or designee of the director from investigating the registered area of a cottage food operation in response to a foodborne illness outbreak, consumer complaint or other public health emergency.

SECTION 5. Section 23-1-54 of the Rhode Island General Laws in Chapter 23-1 entitled “Health and Safety” is hereby amended to read as follows:

23-1-54. Fees payable to the department of health.

Fees payable to the department shall be as follows:

<table>
<thead>
<tr>
<th>PROFESSION</th>
<th>RIGL Section</th>
<th>Description of Fee</th>
<th>FEE</th>
</tr>
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<tbody>
<tr>
<td>Barbers/hairdressers</td>
<td>5-10-10(a)</td>
<td>Renewal application</td>
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<td>Minimum late renewal fee</td>
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<td>5-25-11</td>
<td>Examination fee</td>
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<td>5-25-12[c]</td>
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<td>Renewal fee: maximum</td>
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<tr>
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<td>Violations of section</td>
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</tr>
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<td>Application fee</td>
</tr>
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<td>Re-examination fee</td>
</tr>
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<td>22</td>
<td>Acupuncture</td>
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<td>Social workers</td>
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<td>Renewal fee</td>
</tr>
<tr>
<td>26</td>
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<td>Application fee</td>
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</tr>
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<td>14</td>
<td>Speech pathologist/audiologists</td>
<td>5-48-9(d)(1)</td>
<td>Reinstatement fee: audiologist</td>
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<td>5-48-9(d)(1)</td>
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<td>17</td>
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<td></td>
<td>personnel: late filing</td>
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<td>18</td>
<td>Hearing aid dealers/fitters</td>
<td>5-49-6(a)</td>
<td>License endorsement Examination fee</td>
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<td>5-49-6(b)</td>
<td>Temporary permit fee</td>
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<td>5-49-6(d)</td>
<td>Temporary permit renewal fee</td>
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<td>21</td>
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<td>5-49-11(a)(1)</td>
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<td>22</td>
<td>Hearing aid dealers/fitters</td>
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<td>License renewal fee</td>
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<td>Hearing aid dealers/fitters</td>
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<td>License renewal late fee</td>
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<td>Physician assistants</td>
<td>5-54-9(4)</td>
<td>Application fee</td>
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<td>5-54-11(b)</td>
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<td>Orthotics/prosthetic practice</td>
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<td>Athletic trainers</td>
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<td>Application fee</td>
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<td>5-60-11</td>
<td>Late renewal fee</td>
</tr>
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<td>31</td>
<td>Mental health counselors</td>
<td></td>
<td></td>
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<tr>
<td>32</td>
<td>Marriage and family therapists</td>
<td>5-63.2-16</td>
<td>Application fee: Marriage</td>
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<tr>
<td>33</td>
<td></td>
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<td>Family therapist</td>
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<td>Code</td>
<td>Fee Description</td>
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<tr>
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<td>Marriage and family therapists</td>
<td>5-63.2-16</td>
<td>Application fee: Mental health counselors</td>
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<td></td>
<td></td>
</tr>
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<td>3</td>
<td>Marriage and family therapists</td>
<td>5-63.2-16</td>
<td>Reexamination fee: Marriage/family therapist</td>
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<td>4</td>
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<td>Marriage and family therapists</td>
<td>5-63.2-16</td>
<td>Reexamination fee: Mental health counselors</td>
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<td></td>
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</tr>
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<td>7</td>
<td>Marriage and family therapists</td>
<td>5-63.2-17(a)</td>
<td>Renewal fee: Marriage Family therapist</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Marriage and family therapists</td>
<td>5-63.2-17(a)</td>
<td>Renewal fee: Mental health counselors</td>
</tr>
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</tr>
<tr>
<td>11</td>
<td>Marriage and family therapists</td>
<td>5-63.2-17(b)</td>
<td>Late Renewal fee: Marriage Family therapist</td>
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<tr>
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<td>Dieticians/nutritionists</td>
<td>5-64-6(b)</td>
<td>Application fee</td>
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<td>13</td>
<td>Dieticians/nutritionists</td>
<td>5-64-7</td>
<td>Graduate status:</td>
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<td></td>
<td></td>
<td>Application fee</td>
</tr>
<tr>
<td>15</td>
<td>Dieticians/nutritionists</td>
<td>5-64-8</td>
<td>Renewal fee</td>
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<td>Dieticians/nutritionists</td>
<td>5-64-8</td>
<td>Reinstatement fee</td>
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<td>17</td>
<td>Radiologic technologists</td>
<td>5-68.1-10</td>
<td>Application fee maximum</td>
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<tr>
<td>18</td>
<td>Licensed chemical</td>
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<td>Renewal fee</td>
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<td>Application fee</td>
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<td>Renewal fee</td>
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<td>Deaf interpreters</td>
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<td>Industry/Service</td>
<td>Permit/Registration Fee</td>
<td>Amount</td>
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<td>Milk producers</td>
<td>21-2-7(g)(1) In-state milk processor</td>
<td>$160.00</td>
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<td>21-2-7(g)(2) Out-of-state milk processor</td>
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<td>21-2-7(g)(3) Milk distributors</td>
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<td>Frozen desserts</td>
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<td>21-9-3(2) Out-of-state wholesale</td>
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<td>21-9-3(3) Retail frozen dessert processors</td>
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<td>Meats</td>
<td>21-11-4 Wholesale</td>
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<td>9</td>
<td>Shellfish packing houses</td>
<td>21-14-2 License fee: Shipper/reshipper</td>
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<td>Shellfish packing houses</td>
<td>21-14-2 License fee: Shucker packer/repacker</td>
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<td>Non-alcoholic bottled beverages, drinks &amp; juices</td>
<td>21-23-2 Bottler permit</td>
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<td>Non-alcoholic bottled beverages, drinks &amp; juices</td>
<td>21-23-2 Bottle apple cider fee</td>
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<td>Farm home food manufacturers</td>
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<td>Cottage Food Manufacturers</td>
<td>21-27-6.2(4) Registration fee</td>
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<td>21-27-10(e)(1) Food processors wholesale</td>
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<td>21-27-10(e)(3) Food service establishments</td>
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<td>21-27-10(e)(3) Industrial caterer or food vending</td>
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<td>21-27-10(e)(3) Cultural heritage educational Faculty</td>
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<td>28</td>
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<td>21-27-10(e)(5) Retail Market 1-2 cash registers</td>
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<td>21-27-10(e)(6)</td>
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<td>3</td>
<td>Food businesses</td>
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<td>Food warehouses</td>
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<td>4</td>
<td>Food businesses</td>
<td>21-27-11.2</td>
<td>Certified food safety mgr</td>
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<td>5</td>
<td>License verification fee</td>
<td>23-1-16.1</td>
<td>All license types</td>
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<td>6</td>
<td>Tattoo and body piercing</td>
<td>23-1-39</td>
<td>Annual registration fee:Person</td>
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<td>7</td>
<td>Tattoo and body piercing</td>
<td>23-1-39</td>
<td>Annual registration fee:Establishment</td>
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<td>8</td>
<td>Vital records</td>
<td>23-3-25(a)(1)</td>
<td>Certificate of birth, fetal death, death, marriage, birth, or certification that such record cannot be found</td>
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<td>9</td>
<td>Vital records</td>
<td>23-3-25(a)(1)</td>
<td>Each duplicate of certificate of birth, fetal death, death, marriage, birth, or certification that such record cannot be found</td>
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<td>Vital records</td>
<td>23-3-25(a)(2)</td>
<td>Search, if within 3 months of original search and if receipt of original search presented</td>
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<td>Vital records</td>
<td>23-3-25(a)(3)</td>
<td>Expedited service</td>
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<td>Vital records</td>
<td>23-3-25(a)(4)</td>
<td>Adoptions, legitimations, or Paternity determinations</td>
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<td>23-3-25(a)(5)</td>
<td>Authorized corrections, Alterations, and additions</td>
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<td>Vital records</td>
<td>23-3-25(a)(6)</td>
<td>Filing of delayed record and Examination of documentary Proof</td>
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<td>Vital records</td>
<td>23-3-25(a)(6)</td>
<td>Issuance of certified copy of a delayed record</td>
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<td>16</td>
<td>Medical Examiner</td>
<td>23-4-13</td>
<td>Autopsy reports</td>
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<td>17</td>
<td>Medical Examiner</td>
<td>23-4-13</td>
<td>Cremation certificates and statistics</td>
</tr>
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<td>18</td>
<td>Medical Examiner</td>
<td>23-4-13</td>
<td>Testimony in civil suits: Minimum/day</td>
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<td>19</td>
<td>Medical Examiner</td>
<td>23-4-13</td>
<td>Testimony in civil suits: Maximum/day</td>
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1 Emergency medical technicians 23-4.1-10[c] Annual fee: ambulance 
2 Emergency medical technicians 23-4.1-10[c] Annual fee: vehicle 
3 Emergency medical technicians 23-4.1-10[c] license maximum $275.00 
4 Emergency medical technicians 23-4.1-10[c] Triennial fee: EMT 
5 Emergency medical technicians 23-4.1-10(c)(2) Exam fee maximum: 
6 Emergency medical technicians 23-4.1-10(c)(2) Vehicle inspection Maximum 
7 Clinical laboratories 23-16.2-4(a) Clinical laboratory 
8 Clinical laboratories 23-16.2-4(a) Laboratory station 
9 Clinical laboratories 23-16.2-4(b) Permit fee 
10 Health care facilities 23-17-38 Hospital: base fee annual $16,900.00 
11 Health care facilities 23-17-38 Hospital: annual per bed fee $120.00 
12 Health care facilities 23-17-38 ESRD: annual fee $3,900.00 
13 Health care facilities 23-17-38 Home nursing-care/ home- care providers $650.00 
14 Health care facilities 23-17-38 OACF: annual fee $650.00 
15 Assisted living residences/ administrators 23-17.4-15.2(d) License application fee: 
16 Assisted living residences/ administrators 23-17.4-15.2(d) License renewal fee: $220.00 
17 Assisted living residences 
18 Assisted living residences 
19 Nursing assistant registration 23-17.9-3 Application: competency 
20 Nursing assistant registration 23-17.9-5 Application fee $35.00 
21 Nursing assistant
registration 23-17.9-5 Exam fee: skills proficiency $170.00
Nursing assistant
registration 23-17.9-6 Registration fee $35.00
Nursing assistant
registration 23-17.9-7 Renewal fee $35.00
Sanitarians 23-19.3-5(a) Registration fee $25.00
Sanitarians 23-19.3-5(b) Registration renewal $25.00
Massage therapy 23-20.8-3(e) Massage therapist appl fee $65.00
Massage therapy 23-20.8-3(e) Massage therapist renewal fee $65.00
Recreational facilities 23-21-2 Application fee $160.00
Swimming pools 23-22-6 Application license: first pool $250.00
Swimming pools 23-22-6 Additional pool fee at same location $75.00
Swimming pools 23-22-6 Seasonal application license: first pool $150.00
Swimming pools 23-22-6 Seasonal additional pool fee at same location $75.00
Swimming pools 23-22-6 Year-round license for non-profit $25.00
Swimming pools 23-22-10 Duplicate license $2.00
Swimming pools 23-22-12 Penalty for violations $50.00
Respiratory care practitioners 23-39-11 Application fee $60.00
Respiratory care practitioners 23-39-11 Renewal fee $60.00

SECTION 6. Sections 42-64.33-2, 42-64.33-3, 42-64.33-4, 42-64.33-5, 42-64.33-9, and 42-64.33-10 of the General Laws in Chapter 42-64.33 entitled “The Rhode Island Small Business Development Fund” are hereby amended to read as follows:

42-64.33-2. Definitions.

(a) As used in this chapter:

(1) "Affiliate" means an entity that directly, or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with another entity. For the purposes of this chapter, an entity is "controlled by" another entity if the controlling entity holds, directly or indirectly, the majority voting or ownership interest in the controlled entity or has control over the day-to-day operations of the controlled entity by contract or by law.

(2) "Applicable percentage" means zero percent (0%) for the first three (3) credit allowance dates, and up to twenty-one and one-half percent (21.5%) for the fourth, fifth, and sixth credit allowance dates.
(3) “Capital investment” means any equity or debt investment in a small business development fund by a small business fund investor that:

(i) Is acquired after July 5, 2019, at its original issuance solely in exchange for cash;

(ii) Has one hundred percent (100%) of its cash purchase price used by the small business development fund to make qualified investments in eligible businesses located in this state within three (3) years of the initial credit allowance date; and

(iii) Is designated by the small business development fund as a capital investment under this chapter and is certified by the corporation pursuant to § 42-64.33-4. This term shall include any capital investment that does not meet the provisions of § 42-64.33-4(a) if the investment was a capital investment in the hands of a prior holder.

(4) “Corporation” means the Rhode Island commerce corporation.

(5) “Credit allowance date” means the date on which a capital investment is made and each of the five (5) anniversary dates of the date thereafter.

(6) "Eligible business" means a business that, at the time of the initial qualified investment in the company:

(i) Has less than two hundred fifty (250) employees;

(ii) Has not more than fifteen million dollars ($15,000,000) in net income from the preceding tax year;

(iii) Has its principal business operations in this state; and

(iv) Is engaged in industries related to clean energy, biomedical innovation, life sciences, information technology, software, cyber physical systems, cybersecurity, data analytics, defense, shipbuilding, maritime, composites, advanced business services, design, food, manufacturing, transportation, distribution, logistics, arts, education, hospitality, tourism, or, if not engaged in the industries, the corporation makes a determination that the investment will be beneficial to the economic growth of the state.

(7) "Eligible distribution" means, as approved by the corporation in relation to an application:

(i) A distribution of cash to one or more equity owners of a small business fund investor to fully or partially offset a projected increase in the owner's federal or state tax liability, including any penalties and interest, related to the owner's ownership, management, or operation of the small business fund investor;

(ii) A distribution of cash as payment of interest and principal on the debt of the small business fund investor or small business development fund; or
(iii) A distribution of cash related to the reasonable costs and expenses of forming, syndicating, managing, and operating the small business fund investor or the small business development fund, or a return of equity or debt to affiliates of a small business fund investor or small business development fund. The distributions may include reasonable and necessary fees paid for professional services, including legal and accounting services, related to the formation and operation of the small business development fund.

(8) “Jobs created” means a newly created position of employment that was not previously located in the state at the time of the qualified investment in the eligible business and requiring a minimum of thirty-five (35) hours worked each week, measured each year by subtracting the number of full-time, thirty-five hours-per-week (35) employment positions at the time of the initial qualified investment in the eligible business from the monthly average of full-time, thirty-five hours-per-week (35) employment positions for the applicable year. The number shall not be less than zero.

(9) “Jobs retained” means a position requiring a minimum of thirty-five (35) hours worked each week that existed prior to the initial qualified investment. Retained jobs shall be counted each year based on the monthly average of full-time, thirty-five hours-per-week (35) employment positions for the applicable year. The number shall not exceed the initial amount of retained jobs reported and shall be reduced each year if employment at the eligible business concern drops below that number.

(10) “Minority business enterprise” means an eligible business which is certified by the Rhode Island office of diversity, equity and opportunity as being a minority or women business enterprise.

(11) “Principal business operations” means the location where at least sixty percent (60%) of a business’s employees work or where employees who are paid at least sixty percent (60%) percent of the business’s payroll work. A business that has agreed to relocate employees using the proceeds of a qualified investment to establish its principal business operations in a new location shall be deemed to have its principal business operations in the new location if it satisfies these requirements no later than one hundred eighty (180) days after receiving a qualified investment.

(12) “Purchase price” means the amount paid to the small business development fund that issues a capital investment that shall not exceed the amount of capital investment authority certified pursuant to § 42-64.33-4.

(13) “Qualified investment” means any investment in an eligible business or any loan to an eligible business with a stated maturity date of at least one year after the date of issuance, excluding revolving lines of credit and senior secured debt unless the eligible business has a credit refusal.
letter or similar correspondence from a depository institution or a referral letter or similar correspondence from a depository institution referring the business to a small business development fund; provided that, with respect to any one eligible business, the maximum amount of investments made in the business by one or more small business development funds, on a collective basis with all of the businesses' affiliates, with the proceeds of capital investments shall be twenty percent (20%) of the small business development fund's capital investment authority, exclusive of investments made with repaid or redeemed investments or interest or profits realized thereon. An eligible business, on a collective basis with all of the businesses' affiliates, is prohibited from receiving more than four million dollars ($4,000,000) in investments from one or more small business development funds with the proceeds of capital investments.

(14) "Small business development fund" means an entity certified by the corporation under § 42-64.33-4.

(15) "Small business fund investor" means an entity that makes a capital investment in a small business development fund.

(16) "State" means the state of Rhode Island.

(17) "State tax liability" means any liability incurred by any entity under chapters 11, 13, 14, 17 and 30, of title 44.

42-64.33-3. Tax credit established.

(a) Upon making a capital investment in a small business development fund, a small business fund investor earns a vested right to a credit against the entity's state tax liability that may be utilized on each credit allowance date of the capital investment in an amount equal to the applicable percentage for the credit allowance date multiplied by the purchase price paid to the small business development fund for the capital investment. The amount of the credit claimed by any entity shall not exceed the amount of the entity's state tax liability for the tax year for which the credit is claimed beyond the entity’s state minimum tax. Any amount of credit that an entity is prohibited from claiming in a taxable year as a result of this section may be carried forward for a period of seven (7) years. It is the intent of this chapter that an entity claiming a credit under this section is not required to pay any additional tax that may arise as a result of claiming the credit.

(b) No credit claimed under this section shall be refundable or saleable on the open market. Credits earned by or allocated to a partnership, limited liability company, or S corporation may be allocated to the partners, members, or shareholders of the entity for their direct use for state tax liability as defined in this chapter in accordance with the provisions of any agreement among the partners, members, or shareholders, and a small business development fund must notify the corporation of the names of the entities that are eligible to utilize credits pursuant to an allocation.
of credits or a change in allocation of credits or due to a transfer of a capital investment upon the allocation, change, or transfer. The allocation shall be not considered a sale for purposes of this section. Credits may be assigned, transferred, conveyed or sold by an owner or holder of such credits.

(c) The corporation shall provide copies of issued certificates to the division of taxation; such certificates shall include information deemed necessary by the division of taxation for tax administration.

42-64.33-4. Application, approval and allocations.

(a) The corporation shall publicly solicit applicants and approve applications through a selection process. A small business development fund that seeks to have an equity or debt investment certified as a capital investment and eligible for credits under this chapter shall apply to the corporation. The corporation shall begin accepting applications within ninety (90) days of July 5, 2019, in response to a public solicitation. The small business development fund application shall include the following:

(1) The amount of capital investment requested;

(2)(A) A copy of the applicant's or an affiliate of the applicant's license as a rural business investment company under 7 U.S.C. § 2009cc, or as a small business investment company under 15 U.S.C. § 681, and a certificate executed by an executive officer of the applicant attesting that the license remains in effect and has not been revoked; or (B) evidence satisfactory to the corporation that the applicant is a mission-oriented community financial institution such as a community development financial institution, minority depository institution, certified development company, microloan intermediary, or an organization with demonstrated experience of making capital investments in small businesses.

(3) Evidence that, as of the date the application is submitted, the applicant or affiliates of the applicant have invested at least one hundred million dollars ($100,000,000) in nonpublic companies;

(4) An estimate of the number of jobs that will be created or retained in this state as a result of the applicant's qualified investments;

(45) A business plan that includes a strategy for reaching out to and investing in minority business enterprises and a revenue impact assessment projecting state and local tax revenue to be generated by the applicant's proposed qualified investment prepared by a nationally recognized, third-party, independent economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant's business plan over the ten (10) years following the date the application is submitted to the corporation; and
(6) A nonrefundable application fee of five thousand dollars ($5,000), which fee shall be set by regulation; and

(6) Such other criteria as the corporation deems appropriate.

(b) Within thirty (30) days after receipt of a completed application, the corporation shall grant or deny the application in full or in part. After the close of a public solicitation period, the corporation shall make a determination based upon the criteria set forth in the application or any supplementary materials or information requested by the corporation as to which of the qualified applicants, if any, shall receive an award of tax credits. The corporation shall deny the application if:

1. The applicant does not satisfy all of the criteria described in subsection (a) of this section;

2. The revenue impact assessment submitted with the application does not demonstrate that the applicant's business plan will result in a positive economic impact on this state over a ten-year (10) period that exceeds the cumulative amount of tax credits that would be issued to the applicant if the application were approved; or

3. The corporation has already approved the maximum amount of capital investment authority under subsection (g) of this section.

(c) If the corporation denies any part of the application, it shall inform the applicant of the grounds for the denial. If the applicant provides any additional information required by the corporation or otherwise completes its application within fifteen (15) days of the notice of denial, the application shall be considered completed as of the original date of submission. If the applicant fails to provide the information or fails to complete its application within the fifteen day (15) period, the application remains denied and must be resubmitted in full with a new submission date.

(d) If the application is deemed to be complete and the applicant deemed to meet all of the requirements of subsections (a) and (b) approved, the corporation shall certify the proposed equity or debt investment as a capital investment that is eligible for credits under this chapter, subject to the limitations contained in subsection (g) of this section. The corporation shall provide written notice of the certification to the small business development fund.

(e) The corporation shall certify capital investments in the order that the applications were received by the corporation. Applications received on the same day shall be deemed to have been received simultaneously.

(f) For applications that are complete and received on the same day, the corporation shall certify applications in proportionate percentages based upon the ratio of the amount of capital investments requested in an application to the total amount of capital investments requested in all applications.
The corporation shall certify no more than sixty-five million dollars ($65,000,000) in capital investments pursuant to this section; provided that not more than twenty million dollars ($20,000,000) may be allocated to any individual small business development fund certified under this section.

Within sixty (60) days of the applicant receiving notice of certification, the small business development fund shall issue the capital investment to and receive cash in the amount of the certified amount from a small business fund investor. At least forty-five percent (45%) of the small business fund investor’s capital investment shall be composed of capital raised by the small business fund investor from sources, including directors, members, employees, officers, and affiliates of the small business fund investor, other than the amount of capital invested by the allocatee claiming the tax credits in exchange for the allocation of tax credits; provided that at least ten percent (10%) of the capital investment shall be derived from the small business investment fund’s managers. The small business development fund shall provide the corporation with evidence of the receipt of the cash investment within sixty-five (65) days of the applicant receiving notice of certification. If the small business development fund does not receive the cash investment and issue the capital investment within the time period following receipt of the certification notice, the certification shall lapse and the small business development fund shall not issue the capital investment without reapplying to the corporation for certification. Lapsed certifications revert to the authority and shall be reissued pro rata to applicants whose capital investment allocations were reduced pursuant to this chapter and then in accordance with the application process.

42-64.33-5. Tax credit recapture and exit.

(a) The corporation, working in coordination with the division of taxation, may recapture, from any the entity claims a credit on a tax return that receives a tax credit certificate as a result of certification or the partners, members, or shareholders of the entity to whom a tax credit is allocated, the credit allowed under this chapter if:

(1) The small business development fund does not invest one hundred (100%) percent of its capital investment authority in qualified investments in this state within three (3) years of the first credit allowance date;

(2) The small business development fund, after satisfying subsection (a)(1) of this section, fails to maintain qualified investments equal to one hundred (100%) percent of its capital investment authority until the sixth anniversary of the initial credit allowance date. For the purposes of this subsection, a qualified investment is considered maintained even if the qualified investment was sold or repaid so long as the small business development fund reinvests an amount equal to the capital returned or recovered by the small business development fund from the original investment,
exclusive of any profits realized, in other qualified investments in this state within twelve (12) months of the receipt of the capital. Amounts received periodically by a small business development fund shall be treated as continually invested in qualified investments if the amounts are reinvested in one or more qualified investments by the end of the following calendar year. A small business development fund shall not be required to reinvest capital returned from qualified investments after the fifth anniversary of the initial credit allowance date, and the qualified investments shall be considered held continuously by the small business development fund through the sixth anniversary of the initial credit allowance date;

(3) The small business development fund, before exiting the program in accordance with subsection (ef) of this section, makes a distribution or payment that results in the small business development fund having less than one hundred percent (100%) of its capital investment authority invested in qualified investments in this state or available for investment in qualified investments and held in cash and other marketable securities;

(4) The small business development fund, before exiting the program in accordance with subsection (ef) of this section, fails to make qualified investments in minority business enterprises that when added together equal at least ten percent (10%) of the small business development fund’s capital investment authority; or

(5) The small business development fund violates subsection (d(e)) of this section.

(b) Recaptured credits and the related capital investment authority revert to the corporation and shall be reissued pro rata to applicants whose capital investment allocations were reduced pursuant to § 42 64.33-4(f) and then in accordance with the application process.

(c) Enforcement of each of the recapture provisions of subsection (a) of this section shall be subject to a six-month (6) cure period. No recapture shall occur until the small business development fund has been given notice of noncompliance and afforded six (6) months from the date of the notice to cure the noncompliance.

(d) In the event that tax credits, or a portion of tax credits, have been transferred or assigned in an arms-length transaction, for value, and without notice of violation, fraud, or misrepresentation, the corporation will pursue its recapture rights and remedies against the applicant for the tax credits and/or the recipient of the certification who shall be liable to repay to the corporation the face value of all tax credits assigned or transferred and all fees paid by the applicant shall be deemed forfeited. No redress shall be sought against assignees or transferees of such tax credits provided the tax credits were acquired by way of an arms-length transaction, for value, and without notice of violation, fraud, or misrepresentation.
No eligible business that receives a qualified investment under this chapter, or any affiliates of the eligible business, may directly or indirectly:

(1) Own or have the right to acquire an ownership interest in a small business development fund or member or affiliate of a small business development fund, including, but not limited to, a holder of a capital investment issued by the small business development fund; or

(2) Loan to or invest in a small business development fund or member or affiliate of a small business development fund, including, but not limited to, a holder of a capital investment issued by a small business development fund, where the proceeds of the loan or investment are directly or indirectly used to fund or refinance the purchase of a capital investment under this chapter.

On or after the sixth anniversary of the initial credit allowance date, a small business development fund may apply to the corporation to exit the program and no longer be subject to regulation under this chapter. The corporation shall respond to the exit application within thirty (30) days of receipt. In evaluating the exit application, the fact that no credits have been recaptured and that the small business development fund has not received a notice of recapture that has not been cured pursuant to subsection (c) of this section shall be sufficient evidence to prove that the small business development fund is eligible for exit. The corporation shall not unreasonably deny an exit application submitted under this subsection. If the exit application is denied, the notice shall include the reasons for the determination.

If the number of jobs created or retained by the eligible businesses that received qualified investments from the small business development fund, calculated pursuant to reports filed by the small business development fund pursuant to § 42-64.33-7, is:

(1) Less than sixty percent (60%) of the amount projected in the approved small business development fund's business plan filed as part of its application for certification under § 42-64.33-4, then the state shall receive thirty percent (30%) of any distribution or payment to an equity or debt holder in an approved small business development fund made after its exit from the program in excess of eligible distributions; or

(2) Greater than sixty percent (60%) but less than one hundred percent (100%) of the amount projected in the approved small business development fund's business plan filed as part of its application for certification under § 42-64.33-4, then the state shall receive fifteen percent (15%) of any distribution or payment to an equity or debt holder in an approved small business development fund made after its exit from the program in excess of eligible distributions.

At the time a small business development fund applies to the corporation to exit the program, it shall calculate the aggregate internal rate of return of its qualified investments. If the small business development fund's aggregate internal rate of return on its qualified investments at
exit exceeds ten percent (10%), then, after eligible distributions, the state shall receive ten percent
(10%) of any distribution or payment in excess of the aggregate ten percent (10%) internal rate of
return to an equity or debtholder in an approved small business development fund.

The corporation shall not revoke a tax credit certificate after the small business
development fund's exit from the program.

42-64.33-9. Rules and regulations.
The corporation and division of taxation may issue reasonable rules and regulations, consistent
with this chapter, as are necessary to carry out the intent and purpose and implementation of the
responsibilities under this chapter.

The corporation and division of taxation may issue reasonable rules and regulations, consistent
with this chapter, as are necessary to carry out the intent and purpose and implementation of the
responsibilities under this chapter.

42-64.33-10. Program integrity.
Program integrity being of paramount importance, the corporation shall establish
procedures to ensure ongoing compliance with the terms and conditions of the program established
herein, including procedures to safeguard the expenditure of public funds and to ensure that the
funds further the objectives of the program.

SECTION 7. Section 44-1-7 of the General Laws in Chapter 44-1 entitled "State Tax
Officials" is hereby amended to read as follows:

44-1-7. Interest on delinquent payments.
(a) Whenever the full amount of any state tax or any portion or deficiency, as finally
determined by the tax administrator, has not been paid on the date when it is due and payable,
whether the time has been extended or not, there shall be added as part of the tax or portion or
deficiency interest at the rate as determined in accordance with subsection (b) of this section,
notwithstanding any general or specific statute to the contrary.

(b) Each January 1 the tax administrator shall compute the rate of interest to be in effect
for that calendar year by adding two percent (2%) to the prime rate, which was in effect on October
of the preceding year, except:

(1) Before January 1, 2023, in no event shall the rate of interest exceed twenty-one percent (21%) per annum nor be less than eighteen percent (18%) per annum;

(2) On and after January 1, 2023, in no event shall the rate of interest exceed twenty-one percent (21%) per annum nor be less than twelve percent (12%) per annum except:

(A) for trust fund taxes as established by §§ 44-19-35 and 44-30-76, in no event shall the rate of interest exceed twenty-one percent (21%) per annum nor be less than eighteen percent (18%) per annum.

(c) "Prime rate" as used in subsection (b) of this section means the predominant prime rate quoted by commercial banks to large businesses as determined by the board of governors of the Federal Reserve System.

(d) Notwithstanding any provisions of the general laws to the contrary, the tax administrator shall waive interest and penalty on the taxable portion of each Paycheck Protection Program loan taxeed pursuant to §§ 44-11-11(a)(1)(iv), 44-14-11, and 44-30-12(b)(8) and forgiven during tax year 2020 provided that the tax on that portion is paid in full on or before March 31, 2022. The tax administrator shall make available suitable forms with instructions for making tax payments on the taxable portion of such forgiven Paycheck Protection Program loans.

SECTION 8. Chapter 44-1 of the General Laws entitled "State Tax Officials" is hereby amended by adding thereto the following section:

44-1-41. Taxpayer Steward.

(a) There is hereby created within the division of taxation of the department of revenue, a taxpayer steward to:

(1) Coordinate the resolution of taxpayer complaints and problems, if so requested by a taxpayer or the taxpayer’s duly authorized representative;

(2) Provide recommendations to the division of taxation for informational publications and recommended taxpayer and division education programs needed to reduce or eliminate errors or improve voluntary taxpayer compliance;

(3) Provide recommendations to the division of taxation for simplification or other improvements needed in tax laws, regulations, forms, systems, and procedures to promote better understanding and voluntary compliance by taxpayers.

(b) By October 1, 2023, and each year thereafter, the taxpayer steward shall prepare and submit a report to the tax administrator and the director of the department of revenue summarizing the activities of the steward during the immediately preceding fiscal year, describing any recommendations made pursuant to subsections (2) and (3) of this section, including the progress...
in implementing such recommendations, and providing such other information as the division
dejms appropriate relating to the rights of taxpayers of this state.

SECTION 9. Section 44-3-3 of the General Laws in Chapter 44-3 entitled “Property
Subject to Taxation” is hereby amended to read as follows:

44-3-3. Property exempt. [Effective January 1, 2022.]

(a) The following property is exempt from taxation:

(1) Property belonging to the state, except as provided in § 44-4-4.1;

(2) Lands ceded or belonging to the United States;

(3) Bonds and other securities issued and exempted from taxation by the government of
the United States or of this state;

(4) Real estate, used exclusively for military purposes, owned by chartered or incorporated
organizations approved by the adjutant general and composed of members of the national guard,
the naval militia, or the independent, chartered-military organizations;

(5) Buildings for free public schools, buildings for religious worship, and the land upon
which they stand and immediately surrounding them, to an extent not exceeding five (5) acres so
far as the buildings and land are occupied and used exclusively for religious or educational
purposes;

(6) Dwellings houses and the land on which they stand, not exceeding one acre in size, or
the minimum lot size for zone in which the dwelling house is located, whichever is the greater,
owned by, or held in trust for, any religious organization and actually used by its officiating clergy;
provided, further, that in the town of Charlestown, where the property previously described in this
paragraph is exempt in total, along with dwelling houses and the land on which they stand in
Charlestown, not exceeding one acre in size, or the minimum lot size for zone in which the dwelling
house is located, whichever is the greater, owned by, or held in trust for, any religious organization
and actually used by its officiating clergy, or used as a convent, nunnery, or retreat center by its
religious order;

(7) Intangible personal property owned by, or held in trust for, any religious or charitable
organization, if the principal or income is used or appropriated for religious or charitable purposes;

(8) Buildings and personal estate owned by any corporation used for a school, academy, or
seminary of learning, and of any incorporated public charitable institution, and the land upon which
the buildings stand and immediately surrounding them to an extent not exceeding one acre, so far
as they are used exclusively for educational purposes, but no property or estate whatever is hereafter
exempt from taxation in any case where any part of its income or profits, or of the business carried
on there, is divided among its owners or stockholders; provided, however, that unless any private
nonprofit corporation organized as a college or university located in the town of Smithfield reaches

a memorandum of agreement with the town of Smithfield, the town of Smithfield shall bill the
actual costs for police, fire, and rescue services supplied, unless otherwise reimbursed, to said

corporation commencing March 1, 2014;

(9) Estates, persons, and families of the president and professors for the time being of
Brown University for not more than ten thousand dollars ($10,000) for each officer, the officer's
estate, person, and family included, but only to the extent that any person had claimed and utilized
the exemption prior to, and for a period ending, either on or after December 31, 1996;

(10) Property especially exempt by charter unless the exemption has been waived in whole
or in part;

(11) Lots of land exclusively for burial grounds;

(12) Property, real and personal, held for, or by, an incorporated library, society, or any
free public library, or any free public library society, so far as the property is held exclusively for
library purposes, or for the aid or support of the aged poor, or poor friendless children, or the poor
generally, or for a nonprofit hospital for the sick or disabled;

(13) Real or personal estate belonging to, or held in trust for, the benefit of incorporated
organizations of veterans of any war in which the United States has been engaged, the parent body
of which has been incorporated by act of Congress, to the extent of four hundred thousand dollars
($400,000) if actually used and occupied by the association; provided, that the city council of the
city of Cranston may by ordinance exempt the real or personal estate as previously described in
this subdivision located within the city of Cranston to the extent of five hundred thousand dollars
($500,000);

(14) Property, real and personal, held for, or by, the fraternal corporation, association, or
body created to build and maintain a building or buildings for its meetings or the meetings of the
general assembly of its members, or subordinate bodies of the fraternity, and for the
accommodation of other fraternal bodies or associations, the entire net income of which real and
personal property is exclusively applied or to be used to build, furnish, and maintain an asylum or
asylums, a home or homes, a school or schools, for the free education or relief of the members of
the fraternity, or the relief, support, and care of worthy and indigent members of the fraternity, their
wives, widows, or orphans, and any fund given or held for the purpose of public education,
almshouses, and the land and buildings used in connection therewith;

(15) Real estate and personal property of any incorporated volunteer fire engine company
or incorporated volunteer ambulance or rescue corps in active service;
(16) The estate of any person who, in the judgment of the assessors, is unable from infirmity
or poverty to pay the tax; provided, that in the towns of Burrillville and West Greenwich, the tax
shall constitute a lien for five (5) years on the property where the owner is entitled to the exemption.
At the expiration of five (5) years, the lien shall be abated in full. Provided, if the property is sold
or conveyed, or if debt secured by the property is refinanced during the five-year (5) period, the
lien immediately becomes due and payable; any person claiming the exemption aggrieved by an
adverse decision of an assessor shall appeal the decision to the local board of tax review and
thereafter according to the provisions of § 44-5-26;

(17) Household furniture and family stores of a housekeeper in the whole, including
clothing, bedding, and other white goods, books, and all other tangible personal property items that
are common to the normal household;

(18) Improvements made to any real property to provide a shelter and fallout protection
from nuclear radiation, to the amount of one thousand five hundred dollars ($1,500); provided, that
the improvements meet applicable standards for shelter construction established, from time to time,
by the Rhode Island emergency management agency. The improvements are deemed to comply
with the provisions of any building code or ordinance with respect to the materials or the methods
of construction used and any shelter or its establishment is deemed to comply with the provisions
of any zoning code or ordinance;

(19) Aircraft for which the fee required by § 1-4-6 has been paid to the tax administrator;

(20) Manufacturer's inventory.

(i) For the purposes of §§ 44-4-10, 44-5-3, 44-5-20, and 44-5-38, a person is deemed to be
a manufacturer within a city or town within this state if that person uses any premises, room, or
place in it primarily for the purpose of transforming raw materials into a finished product for trade
through any or all of the following operations: adapting, altering, finishing, making, and
ornamenting; provided, that public utilities; non-regulated power producers commencing
commercial operation by selling electricity at retail or taking title to generating facilities on or after
July 1, 1997; building and construction contractors; warehousing operations, including distribution
bases or outlets of out-of-state manufacturers; and fabricating processes incidental to warehousing
or distribution of raw materials, such as alteration of stock for the convenience of a customer; are
excluded from this definition;

(ii) For the purposes of this section and §§ 44-4-10 and 44-5-38, the term "manufacturer's
inventory," or any similar term, means and includes the manufacturer's raw materials, the
manufacturer's work in process, and finished products manufactured by the manufacturer in this
state, and not sold, leased, or traded by the manufacturer or its title or right to possession divested;
provided, that the term does not include any finished products held by the manufacturer in any retail
store or other similar selling place operated by the manufacturer whether or not the retail
establishment is located in the same building in which the manufacturer operates the manufacturing
plant;

(iii) For the purpose of § 44-11-2, a "manufacturer" is a person whose principal business
in this state consists of transforming raw materials into a finished product for trade through any or
all of the operations described in paragraph (i) of this subdivision. A person will be deemed to be
principally engaged if the gross receipts that person derived from the manufacturing operations in
this state during the calendar year or fiscal year mentioned in § 44-11-1 amounted to more than
fifty percent (50%) of the total gross receipts that person derived from all the business activities in
which that person engaged in this state during the taxable year. For the purpose of computing the
percentage, gross receipts derived by a manufacturer from the sale, lease, or rental of finished
products manufactured by the manufacturer in this state, even though the manufacturer's store or
other selling place may be at a different location from the location of the manufacturer's
manufacturing plant in this state, are deemed to have been derived from manufacturing;

(iv) Within the meaning of the preceding paragraphs of this subdivision, the term
"manufacturer" also includes persons who are principally engaged in any of the general activities
coded and listed as establishments engaged in manufacturing in the Standard Industrial
Classification Manual prepared by the Technical Committee on Industrial Classification, Office of
Statistical Standards, Executive Office of the President, United States Bureau of the Budget, as
revised from time to time, but eliminating as manufacturers those persons, who, because of their
limited type of manufacturing activities, are classified in the manual as falling within the trade
rather than an industrial classification of manufacturers. Among those thus eliminated, and
accordingly also excluded as manufacturers within the meaning of this paragraph, are persons
primarily engaged in selling, to the general public, products produced on the premises from which
they are sold, such as neighborhood bakeries, candy stores, ice cream parlors, shade shops, and
custom tailors, except, that a person who manufactures bakery products for sale primarily for home
delivery, or through one or more non-baking retail outlets, and whether or not retail outlets are
operated by the person, is a manufacturer within the meaning of this paragraph;

(v) The term "Person" means and includes, as appropriate, a person, partnership, or
corporation; and

(vi) The department of revenue shall provide to the local assessors any assistance that is
necessary in determining the proper application of the definitions in this subdivision;
(21) Real and tangible personal property acquired to provide a treatment facility used primarily to control the pollution or contamination of the waters or the air of the state, as defined in chapter 12 of title 46 and chapter 25 of title 23, respectively, the facility having been constructed, reconstructed, erected, installed, or acquired in furtherance of federal or state requirements or standards for the control of water or air pollution or contamination, and certified as approved in an order entered by the director of environmental management. The property is exempt as long as it is operated properly in compliance with the order of approval of the director of environmental management; provided, that any grant of the exemption by the director of environmental management in excess of ten (10) years is approved by the city or town in which the property is situated. This provision applies only to water and air pollution control properties and facilities installed for the treatment of waste waters and air contaminants resulting from industrial processing; furthermore, it applies only to water or air pollution control properties and facilities placed in operation for the first time after April 13, 1970;

(22) Manufacturing machinery and equipment acquired or used by a manufacturer after December 31, 1974. Manufacturing machinery and equipment is defined as:

(i) Machinery and equipment used exclusively in the actual manufacture or conversion of raw materials or goods in the process of manufacture by a manufacturer, as defined in subdivision (20), and machinery, fixtures, and equipment used exclusively by a manufacturer for research and development or for quality assurance of its manufactured products;

(ii) Machinery and equipment that is partially used in the actual manufacture or conversion of raw materials or goods in process of manufacture by a manufacturer, as defined in subdivision (20), and machinery, fixtures, and equipment used by a manufacturer for research and development or for quality assurance of its manufactured products, to the extent to which the machinery and equipment is used for the manufacturing processes, research and development, or quality assurance.

In the instances where machinery and equipment is used in both manufacturing and/or research and development and/or quality assurance activities and non-manufacturing activities, the assessment on machinery and equipment is prorated by applying the percentage of usage of the equipment for the manufacturing, research and development, and quality-assurance activity to the value of the machinery and equipment for purposes of taxation, and the portion of the value used for manufacturing, research and development, and quality assurance is exempt from taxation. The burden of demonstrating this percentage usage of machinery and equipment for manufacturing and for research and development and/or quality assurance of its manufactured products rests with the manufacturer; and
(iii) Machinery and equipment described in §§ 44-18-30(7) and 44-18-30(22) that was purchased after July 1, 1997; provided that the city or town council of the city or town in which the machinery and equipment is located adopts an ordinance exempting the machinery and equipment from taxation. For purposes of this subsection, city councils and town councils of any municipality may, by ordinance, wholly or partially exempt from taxation the machinery and equipment discussed in this subsection for the period of time established in the ordinance and may, by ordinance, establish the procedures for taxpayers to avail themselves of the benefit of any exemption permitted under this section; provided, that the ordinance does not apply to any machinery or equipment of a business, subsidiary, or any affiliated business that locates or relocates from a city or town in this state to another city or town in the state;

(23) Precious metal bullion, meaning any elementary metal that has been put through a process of melting or refining, and that is in a state or condition that its value depends upon its content and not its form. The term does not include fabricated precious metal that has been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses;

(24) Hydroelectric power-generation equipment, which includes, but is not limited to, turbines, generators, switchgear, controls, monitoring equipment, circuit breakers, transformers, protective relaying, bus bars, cables, connections, trash racks, headgates, and conduits. The hydroelectric power-generation equipment must have been purchased after July 1, 1979, and acquired or used by a person or corporation who or that owns or leases a dam and utilizes the equipment to generate hydroelectric power;

(25) Subject to authorization by formal action of the council of any city or town, any real or personal property owned by, held in trust for, or leased to an organization incorporated under chapter 6 of title 7, as amended, or an organization meeting the definition of "charitable trust" set out in § 18-9-4, as amended, or an organization incorporated under the not-for-profits statutes of another state or the District of Columbia, the purpose of which is the conserving of open space, as that term is defined in chapter 36 of title 45, as amended, provided the property is used exclusively for the purposes of the organization;

(26) Tangible personal property, the primary function of which is the recycling, reuse, or recovery of materials (other than precious metals, as defined in § 44-18-30(24)(ii) and (iii)), from, or the treatment of "hazardous wastes," as defined in § 23-19.1-4, where the "hazardous wastes" are generated primarily by the same taxpayer and where the personal property is located at, in, or adjacent to a generating facility of the taxpayer. The taxpayer may, but need not, procure an order from the director of the department of environmental management certifying that the tangible
personal property has this function, which order effects a conclusive presumption that the tangible
personal property qualifies for the exemption under this subdivision. If any information relating to
secret processes or methods of manufacture, production, or treatment is disclosed to the department
of environmental management only to procure an order, and is a "trade secret" as defined in § 28-
21-10(b), it shall not be open to public inspection or publicly disclosed unless disclosure is
otherwise required under chapter 21 of title 28 or chapter 24.4 of title 23;

(27) Motorboats as defined in § 46-22-2 for which the annual fee required in § 46-22-4 has
been paid;

(28) Real and personal property of the Providence Performing Arts Center, a non-business
corporation as of December 31, 1986;

(29) Tangible personal property owned by, and used exclusively for the purposes of, any
religious organization located in the city of Cranston;

(30) Real and personal property of the Travelers Aid Society of Rhode Island, a nonprofit
corporation, the Union Mall Real Estate Corporation, and any limited partnership or limited liability
company that is formed in connection with, or to facilitate the acquisition of, the Providence YMCA
Building;

(31) Real and personal property of Meeting Street Center or MSC Realty, Inc., both not-
for-profit Rhode Island corporations, and any other corporation, limited partnership, or limited
liability company that is formed in connection with, or to facilitate the acquisition of, the properties
designated as the Meeting Street National Center of Excellence on Eddy Street in Providence,
Rhode Island;

(32) The buildings, personal property, and land upon which the buildings stand, located on
Pomham Island, East Providence, currently identified as Assessor's Map 211, Block 01, Parcel
001.00, that consists of approximately twenty-one thousand three hundred (21,300) square feet and
is located approximately eight hundred sixty feet (860′), more or less, from the shore, and limited
exclusively to these said buildings, personal estate and land, provided that said property is owned
by a qualified 501(c)(3) organization, such as the American Lighthouse Foundation, and is used
exclusively for a lighthouse;

(33) The Stadium Theatre Performing Arts Centre building located in Monument Square,
Woonsocket, Rhode Island, so long as said Stadium Theatre Performing Arts Center is owned by
the Stadium Theatre Foundation, a Rhode Island nonprofit corporation;

(34) Real and tangible personal property of St. Mary Academy — Bay View, located in
East Providence, Rhode Island;
(35) Real and personal property of East Bay Community Action Program and its predecessor, Self Help, Inc; provided, that the organization is qualified as a tax-exempt corporation under § 501(c)(3) of the United States Internal Revenue Code;

(36) Real and personal property located within the city of East Providence of the Columbus Club of East Providence, a Rhode Island charitable nonprofit corporation;

(37) Real and personal property located within the city of East Providence of the Columbus Club of Barrington, a Rhode Island charitable nonprofit corporation;

(38) Real and personal property located within the city of East Providence of Lodge 2337 BPO Elks, a Rhode Island nonprofit corporation;

(39) Real and personal property located within the city of East Providence of the St. Andrews Lodge No. 39, a Rhode Island charitable nonprofit corporation;

(40) Real and personal property located within the city of East Providence of the Trustees of Methodist Health and Welfare service a/k/a United Methodist Elder Care, a Rhode Island nonprofit corporation;

(41) Real and personal property located on the first floor of 90 Leonard Avenue within the city of East Providence of the Zion Gospel Temple, Inc., a religious nonprofit corporation;

(42) Real and personal property located within the city of East Providence of the Cape Verdean Museum Exhibit, a Rhode Island nonprofit corporation;

(43) The real and personal property owned by a qualified 501(c)(3) organization that is affiliated and in good standing with a national, congressionally chartered organization and thereby adheres to that organization's standards and provides activities designed for recreational, educational, and character building purposes for children from ages six (6) years to seventeen (17) years;

(44) Real and personal property of the Rhode Island Philharmonic Orchestra and Music School; provided, that the organization is qualified as a tax-exempt corporation under § 501(c)(3) of the United States Internal Revenue Code;

(45) The real and personal property located within the town of West Warwick at 211 Cowesett Avenue, Plat 29-Lot 25, which consists of approximately twenty-eight thousand seven hundred fifty (28,750) square feet and is owned by the Station Fire Memorial Foundation of East Greenwich, a Rhode Island nonprofit corporation;

(46) Real and personal property of the Comprehensive Community Action Program, a qualified tax-exempt corporation under § 501(c)(3) of the United States Internal Revenue Code;

(47) Real and personal property located at 52 Plain Street, within the city of Pawtucket of the Pawtucket Youth Soccer Association, a Rhode Island nonprofit corporation;
(48) Renewable energy resources, as defined in § 39-26-5, used in residential systems and associated equipment used therewith in service after December 31, 2015;

(49) Renewable energy resources, as defined in § 39-26-5, if employed by a manufacturer, as defined in subsection (a) of this section, shall be exempt from taxation in accordance with subsection (a) of this section;

(50) Real and personal property located at 415 Tower Hill Road within the town of North Kingstown, of South County Community Action, Inc., a qualified tax-exempt corporation under § 501(c)(3) of the United States Internal Revenue Code;

(51) As an effort to promote business growth, tangible business or personal property, in whole or in part, within the town of Charlestown's community limits, subject to authorization by formal action of the town council of the town of Charlestown;

(52) All real and personal property located at 1300 Frenchtown Road, within the town of East Greenwich, identified as assessor's map 027, plat 019, lot 071, and known as the New England Wireless and Steam Museum, Inc., a qualified tax-exempt corporation under § 501(c)(3) of the United States Internal Revenue Code;

(53) Real and tangible personal property of Mount Saint Charles Academy located within the city of Woonsocket, specifically identified as the following assessor's plats and lots: Logee Street, plat 23, lot 62, Logee Street, plat 24, lots 304 and 305; Welles Street, plat 23, lot 310; Monroe Street, plat 23, lot 312; and Roberge Avenue, plat 24, lot 47;

(54) Real and tangible personal property of Steere House, a Rhode Island nonprofit corporation, located in Providence, Rhode Island;

(55) Real and personal property located within the town of West Warwick of Tides Family Services, Inc., a Rhode Island nonprofit corporation;

(56) Real and personal property of Tides Family Services, Inc., a Rhode Island nonprofit corporation, located in the city of Pawtucket at 242 Dexter Street, plat 44, lot 444;

(57) Real and personal property located within the town of Middletown of Lucy's Hearth, a Rhode Island nonprofit corporation;

(58) Real and tangible personal property of Habitat for Humanity of Rhode Island—Greater Providence, Inc., a Rhode Island nonprofit corporation, located in Providence, Rhode Island;

(59) Real and personal property of the Artic Playhouse, a Rhode Island nonprofit corporation, located in the town of West Warwick at 1249 Main Street;
(60) Real and personal property located at 321 Main Street, within the town of South Kingstown, of the Contemporary Theatre Company, a qualified, tax-exempt corporation under § 501(c)(3) of the United States Internal Revenue Code;

(61) Real and personal property of The Samaritans, Inc., a Rhode Island nonprofit § 501(c)(3) corporation located at 67 Park Place, Pawtucket, Rhode Island, to the extent the city council of Pawtucket may from time to time determine;

(62) Real and personal property of North Kingstown, Exeter Animal Protection League, Inc., dba "Pet Refuge," 500 Stony Lane, a Rhode Island nonprofit corporation, located in North Kingstown, Rhode Island;

(63) Real and personal property located within the city of East Providence of Foster Forward (formerly the Rhode Island Foster Parents Association), a Rhode Island charitable nonprofit corporation;

(64) Real and personal property located at 54 Kelly Avenue within the town of East Providence, of the Associated Radio Amateurs of Southern New England, a Rhode Island nonprofit corporation;

(65) Real and tangible personal property of Providence Country Day School, a Rhode Island nonprofit corporation, located in East Providence, Rhode Island and further identified as plat 406, block 6, lot 6, and plat 506, block 1, lot 8;

(66) As an effort to promote business growth, tangible business or personal property, in whole or in part, within the town of Bristol's community limits, subject to authorization by formal action of the town council of the town of Bristol;

(67) Real and tangible personal property of the Heritage Harbor Foundation, a Rhode Island nonprofit corporation, located at 1445 Wampanoag Trail, Suites 103 and 201, within the city of East Providence;

(68) Real property of Ocean State Community Wellness, Inc., a qualified tax-exempt corporation under § 501(c)(3) of the United States Internal Revenue Code, located in North Kingstown, Rhode Island, with a physical address of 7450 Post Road, and further identified as plat 108, lot 83;

(69) Real and tangible personal property of St. John Baptist De La Salle Institute, d/b/a La Salle Academy, a Rhode Island domestic nonprofit corporation, located in Providence, Rhode Island denominated at the time this subsection was adopted as Plat 83 Lot 276 by the tax assessor for the city of Providence comprising approximately 26.08 acres of land along with all buildings and improvements that have been or may be made;
(70) Real and tangible personal property of The Providence Community Health Centers, Inc., a Rhode Island domestic nonprofit corporation, located in Providence, Rhode Island; and

(71) In the city of Central Falls and the city of Pawtucket, real property and tangible personal property located on or in the premise acquired or leased by a railroad entity and for the purpose of providing boarding and disembarking of railroad passengers and the supporting passenger railroad operations and services. For the purpose of this section, a railroad entity shall be any incorporated entity that has been duly authorized by the Rhode Island public utilities commission to provide passenger railroad services.

(b) Except as provided below, when a city or town taxes a for-profit hospital facility, the value of its real property shall be the value determined by the most recent full revaluation or statistical property update performed by the city or town; provided, however, in the year a nonprofit hospital facility converts to or otherwise becomes a for-profit hospital facility, or a for-profit hospital facility is initially established, the value of the real property and personal property of the for-profit hospital facility shall be determined by a valuation performed by the assessor for the purpose of determining an initial assessed value of real and personal property, not previously taxed by the city or town, as of the most recent date of assessment pursuant to § 44-5-1, subject to a right of appeal by the for-profit hospital facility which shall be made to the city or town tax assessor with a direct appeal from an adverse decision to the Rhode Island superior court business calendar. A "for-profit hospital facility" includes all real and personal property affiliated with any hospital as identified in an application filed pursuant to chapter 17 or 17.14 of title 23. Notwithstanding the above, a city or town may enter into a stabilization agreement with a for-profit hospital facility under § 44-3-9 or other laws specific to the particular city or town relating to stabilization agreements. In a year in which a nonprofit hospital facility converts to, or otherwise becomes, a for-profit hospital facility, or a for-profit hospital facility is otherwise established, in that year only the amount levied by the city or town and/or the amount payable under the stabilization agreement for that year related to the for-profit hospital facility shall not be counted towards determining the maximum tax levy permitted under § 44-5-2.

(c) Notwithstanding any other provision of law to the contrary, in an effort to provide relief for businesses, including small businesses, and to promote economic development, a city, town, or fire district may establish an exemption for tangible personal property within its geographic limits by formal action of the appropriate governing body within the city, town, or fire district, which exemptions shall be uniformly applied and in compliance with local tax classification requirements. Exemptions established pursuant to this subsection shall conform to the requirements of § 44-5-12.2.
SECTION 10. Chapter 44-5 of the General Laws entitled “Levy and Assessment of Local Taxes” is hereby amended by adding thereto the following sections:

**44-5-11.16. Division of Municipal Finance Classification Exemption Authority**

Notwithstanding any other provision of law to the contrary, the Division of Municipal Finance (Division) within the Department of Revenue shall have the authority to grant a one-year exemption to any city or town authorized to have a property tax classification structure under this chapter, where in the absence of such an exemption, the city or town would not be in compliance with its applicable tax classification structure. Any city or town seeking such an exemption shall provide the Division with any documentation that the Division deems necessary to grant an exemption. Such exemption, if approved by the Division, shall be limited to one year. The city or town, if granted such an exemption, shall be required to either have applicable state legislation approved amending the specific section of law for which the exemption was sought or adjust its class tax rates so that the city or town is in compliance for its next fiscal year.

**44-5-12.2. Tangible personal property exemption-Tax rate cap.**

Notwithstanding any other provision of law to the contrary, the tax rate for the class of property that includes tangible personal property for any city, town, or fire district that also establishes a tangible personal property assessment exemption, pursuant to subsections (a)(51), (a)(66), or (c) of § 44-3-3, § 44-3-47, § 44-3-65, or any other provision of law that enables a city, town, or fire district to establish a tangible personal property assessment exemption, shall be capped at the tax rate in effect for the assessment date immediately preceding the assessment date on which the exemption takes effect or the assessment date immediately following the effective date of this section, whichever is later.

SECTION 11. Section 44-11-2 of the General Laws in Chapter 44-11 entitled “Business Corporation Tax” is hereby amended to read as follows:

**44-11-2 Imposition of Tax.**

(a) Each corporation shall annually pay to the state a tax equal to nine percent (9%) of net income, as defined in § 44-11-11, qualified in § 44-11-12, and apportioned to this state as provided in §§ 44-11-13 — 44-11-15, for the taxable year. For tax years beginning on or after January 1, 2015, each corporation shall annually pay to the state a tax equal to seven percent (7.0%) of net income, as defined in § 44-11-13 — 44-11-15, for the taxable year.

(b) A corporation shall pay the amount of any tax as computed in accordance with subsection (a) after deducting from “net income,” as used in this section, fifty percent (50%) of the excess of capital gains over capital losses realized during the taxable year, if for the taxable year:

(1) The corporation is engaged in buying, selling, dealing in, or holding securities on its
own behalf and not as a broker, underwriter, or distributor;

(2) Its gross receipts derived from these activities during the taxable year amounted to at least ninety percent (90%) of its total gross receipts derived from all of its activities during the year. "Gross receipts" means all receipts, whether in the form of money, credits, or other valuable consideration, received during the taxable year in connection with the conduct of the taxpayer's activities.

(c) A corporation shall not pay the amount of the tax computed on the basis of its net income under subsection (a), but shall annually pay to the state a tax equal to ten cents ($0.10) for each one hundred dollars ($100) of gross income for the taxable year or a tax of one hundred dollars ($100), whichever tax shall be the greater, if for the taxable year the corporation is either a "personal holding company" registered under the federal Investment Company Act of 1940, 15 U.S.C. § 80a-1 et seq., "regulated investment company," or a "real estate investment trust" as defined in the federal income tax law applicable to the taxable year. "Gross income" means gross income as defined in the federal income tax law applicable to the taxable year, plus:

(1) Any interest not included in the federal gross income; minus

(2) Interest on obligations of the United States or its possessions, and other interest exempt from taxation by this state; and minus

(3) Fifty percent (50%) of the excess of capital gains over capital losses realized during the taxable year.

(d) (1) A small business corporation having an election in effect under subchapter S, 26 U.S.C. § 1361 et seq., shall not be subject to the Rhode Island income tax on corporations, except that the corporation shall be subject to the provisions of subsection (a), to the extent of the income that is subjected to federal tax under subchapter S. Effective for tax years beginning on or after January 1, 2015, a small business corporation having an election in effect under subchapter S, 26 U.S.C. § 1361 et seq., shall be subject to the minimum tax under § 44-11-2(e).

(2) The shareholders of the corporation who are residents of Rhode Island shall include in their income their proportionate share of the corporation's federal taxable income.

(3) [Deleted by P.L. 2004, ch. 595, art. 29, § 1.]

(4) [Deleted by P.L. 2004, ch. 595, art. 29, § 1.]

(e) Minimum tax. The tax imposed upon any corporation under this section, including a small business corporation having an election in effect under subchapter S, 26 U.S.C. § 1361 et seq., shall not be less than four hundred fifty dollars ($450). For tax years beginning on or after January 1, 2017, the tax imposed shall not be less than four hundred dollars ($400). For tax years beginning on or after January 1, 2023, the tax imposed shall not be less than three hundred seventy-five dollars ($375).
five dollars ($375.00).

SECTION 12. Section 44-18-30 of the General Laws in Chapter 44-18 entitled “Sales and
Use Taxes — Liability and Computation” is hereby amended to read as follows:


There are exempted from the taxes imposed by this chapter the following gross receipts:

(1) Sales and uses beyond constitutional power of state. From the sale and from the storage,
use, or other consumption in this state of tangible personal property the gross receipts from the sale
of which, or the storage, use, or other consumption of which, this state is prohibited from taxing
under the Constitution of the United States or under the constitution of this state.

(2) Newspapers.

(i) From the sale and from the storage, use, or other consumption in this state of any
newspaper.

(ii) "Newspaper" means an unbound publication printed on newsprint that contains news,
editorial comment, opinions, features, advertising matter, and other matters of public interest.

(iii) "Newspaper" does not include a magazine, handbill, circular, flyer, sales catalog, or
similar item unless the item is printed for, and distributed as, a part of a newspaper.

(3) School meals. From the sale and from the storage, use, or other consumption in this
state of meals served by public, private, or parochial schools, school districts, colleges, universities,
student organizations, and parent-teacher associations to the students or teachers of a school,
college, or university whether the meals are served by the educational institutions or by a food
service or management entity under contract to the educational institutions.

(4) Containers.

(i) From the sale and from the storage, use, or other consumption in this state of:

(A) Non-returnable containers, including boxes, paper bags, and wrapping materials that
are biodegradable and all bags and wrapping materials utilized in the medical and healing arts,
when sold without the contents to persons who place the contents in the container and sell the
contents with the container.

(B) Containers when sold with the contents if the sale price of the contents is not required
to be included in the measure of the taxes imposed by this chapter.

(C) Returnable containers when sold with the contents in connection with a retail sale of
the contents or when resold for refilling.

(D) Keg and barrel containers, whether returnable or not, when sold to alcoholic beverage
producers who place the alcoholic beverages in the containers.

(ii) As used in this subdivision, the term "returnable containers" means containers of a kind
customarily returned by the buyer of the contents for reuse. All other containers are “non-returnable containers.”

(5) (i) Charitable, educational, and religious organizations. From the sale to, as in defined in this section, and from the storage, use, and other consumption in this state, or any other state of the United States of America, of tangible personal property by hospitals not operated for a profit; “educational institutions” as defined in subdivision (18) not operated for a profit; churches, orphanages, and other institutions or organizations operated exclusively for religious or charitable purposes; interest-free loan associations not operated for profit; nonprofit, organized sporting leagues and associations and bands for boys and girls under the age of nineteen (19) years; the following vocational student organizations that are state chapters of national vocational student organizations: Distributive Education Clubs of America (DECA); Future Business Leaders of America, Phi Beta Lambda (FBLA/PBL); Future Farmers of America (FFA); Future Homemakers of America/Home Economics Related Occupations (FHA/HERD); Vocational Industrial Clubs of America (VICA); organized nonprofit golden age and senior citizens clubs for men and women; and parent-teacher associations; and from the sale, storage, use, and other consumption in this state, of and by the Industrial Foundation of Burrillville, a Rhode Island domestic nonprofit corporation.

(ii) In the case of contracts entered into with the federal government, its agencies, or instrumentalities, this state, or any other state of the United States of America, its agencies, any city, town, district, or other political subdivision of the states; hospitals not operated for profit; educational institutions not operated for profit; churches, orphanages, and other institutions or organizations operated exclusively for religious or charitable purposes, the contractor may purchase such materials and supplies (materials and/or supplies are defined as those that are essential to the project) that are to be utilized in the construction of the projects being performed under the contracts without payment of the tax.

(iii) The contractor shall not charge any sales or use tax to any exempt agency, institution, or organization but shall in that instance provide his or her suppliers with certificates in the form as determined by the division of taxation showing the reason for exemption and the contractor's records must substantiate the claim for exemption by showing the disposition of all property so purchased. If any property is then used for a nonexempt purpose, the contractor must pay the tax on the property used.

(6) Gasoline. From the sale and from the storage, use, or other consumption in this state of: (i) Gasoline and other products taxed under chapter 36 of title 31 and (ii) Fuels used for the propulsion of airplanes.

(7) Purchase for manufacturing purposes.
(i) From the sale and from the storage, use, or other consumption in this state of computer software, tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration, and water, when the property or service is purchased for the purpose of being manufactured into a finished product for resale and becomes an ingredient, component, or integral part of the manufactured, compounded, processed, assembled, or prepared product, or if the property or service is consumed in the process of manufacturing for resale computer software, tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration, or water.

(ii) "Consumed" means destroyed, used up, or worn out to the degree or extent that the property cannot be repaired, reconditioned, or rendered fit for further manufacturing use.

(iii) "Consumed" includes mere obsolescence.

(iv) "Manufacturing" means and includes: manufacturing, compounding, processing, assembling, preparing, or producing.

(v) "Process of manufacturing" means and includes all production operations performed in the producing or processing room, shop, or plant, insofar as the operations are a part of and connected with the manufacturing for resale of tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration, or water and all production operations performed insofar as the operations are a part of and connected with the manufacturing for resale of computer software.

(vi) "Process of manufacturing" does not mean or include administration operations such as general office operations, accounting, collection, or sales promotion, nor does it mean or include distribution operations that occur subsequent to production operations, such as handling, storing, selling, and transporting the manufactured products, even though the administration and distribution operations are performed by, or in connection with, a manufacturing business.

(8) State and political subdivisions. From the sale to, and from the storage, use, or other consumption by, this state, any city, town, district, or other political subdivision of this state. Every redevelopment agency created pursuant to chapter 31 of title 45 is deemed to be a subdivision of the municipality where it is located.

(9) Food and food ingredients. From the sale and storage, use, or other consumption in this state of food and food ingredients as defined in § 44-18-7.1(l).

For the purposes of this exemption "food and food ingredients" shall not include candy, soft drinks, dietary supplements, alcoholic beverages, tobacco, food sold through vending machines, or prepared food, as those terms are defined in § 44-18-7.1, unless the prepared food is:

(i) Sold by a seller whose primary NAICS classification is manufacturing in sector 311, except sub-sector 3118 (bakeries);

(ii) Sold in an unheated state by weight or volume as a single item;
(iii) Bakery items, including: bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas; and is not sold with utensils provided by the seller, including: plates, knives, forks, spoons, glasses, cups, napkins, or straws.

(10) Medicines, drugs, and durable medical equipment. From the sale and from the storage, use, or other consumption in this state, of:

(i) "Drugs" as defined in § 44-18-7.1(h)(i), sold on prescriptions, medical oxygen, and insulin whether or not sold on prescription. For purposes of this exemption drugs shall not include over-the-counter drugs and grooming and hygiene products as defined in § 44-18-7.1(h)(iii).

(ii) Durable medical equipment as defined in § 44-18-7.1(k) for home use only, including, but not limited to: syringe infusers, ambulatory drug delivery pumps, hospital beds, convalescent chairs, and chair lifts. Supplies used in connection with syringe infusers and ambulatory drug delivery pumps that are sold on prescription to individuals to be used by them to dispense or administer prescription drugs, and related ancillary dressings and supplies used to dispense or administer prescription drugs, shall also be exempt from tax.

(11) Prosthetic devices and mobility enhancing equipment. From the sale and from the storage, use, or other consumption in this state, of prosthetic devices as defined in § 44-18-7.1(t), sold on prescription, including, but not limited to: artificial limbs, dentures, spectacles, eyeglasses, and artificial eyes; artificial hearing devices and hearing aids, whether or not sold on prescription; and mobility enhancing equipment as defined in § 44-18-7.1(p), including wheelchairs, crutches, and canes.

(12) Coffins, caskets, urns, shrouds and burial garments. From the sale and from the storage, use, or other consumption in this state of coffins, caskets, urns, shrouds, and other burial garments that are ordinarily sold by a funeral director as part of the business of funeral directing.

(13) Motor vehicles sold to nonresidents.

(i) From the sale, subsequent to June 30, 1958, of a motor vehicle to a bona fide nonresident of this state who does not register the motor vehicle in this state, whether the sale or delivery of the motor vehicle is made in this state or at the place of residence of the nonresident. A motor vehicle sold to a bona fide nonresident whose state of residence does not allow a like exemption to its nonresidents is not exempt from the tax imposed under § 44-18-20. In that event, the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate that would be imposed in his or her state of residence not to exceed the rate that would have been imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed motor vehicle dealer shall add and collect the tax required under this subdivision and remit the tax to the tax administrator under the provisions of chapters 18 and 19 of this title. When a Rhode Island licensed, motor vehicle dealer
is required to add and collect the sales and use tax on the sale of a motor vehicle to a bona fide nonresident as provided in this section, the dealer in computing the tax takes into consideration the law of the state of the nonresident as it relates to the trade-in of motor vehicles.

(ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may require any licensed motor vehicle dealer to keep records of sales to bona fide nonresidents as the tax administrator deems reasonably necessary to substantiate the exemption provided in this subdivision, including the affidavit of a licensed motor vehicle dealer that the purchaser of the motor vehicle was the holder of, and had in his or her possession a valid out-of-state motor vehicle registration or a valid out-of-state driver's license.

(iii) Any nonresident who registers a motor vehicle in this state within ninety (90) days of the date of its sale to him or her is deemed to have purchased the motor vehicle for use, storage, or other consumption in this state, and is subject to, and liable for, the use tax imposed under the provisions of § 44-18-20.

(14) Sales in public buildings by blind people. From the sale and from the storage, use, or other consumption in all public buildings in this state of all products or wares by any person licensed under § 40-9-11.1.

(15) Air and water pollution control facilities. From the sale, storage, use, or other consumption in this state of tangible personal property or supplies acquired for incorporation into or used and consumed in the operation of a facility, the primary purpose of which is to aid in the control of the pollution or contamination of the waters or air of the state, as defined in chapter 12 of title 46 and chapter 23 of title 23, respectively, and that has been certified as approved for that purpose by the director of environmental management. The director of environmental management may certify to a portion of the tangible personal property or supplies acquired for incorporation into those facilities or used and consumed in the operation of those facilities to the extent that that portion has as its primary purpose the control of the pollution or contamination of the waters or air of this state. As used in this subdivision, "facility" means any land, facility, device, building, machinery, or equipment.

(16) Camps. From the rental charged for living quarters, or sleeping, or housekeeping accommodations at camps or retreat houses operated by religious, charitable, educational, or other organizations and associations mentioned in subsection (5), or by privately owned and operated summer camps for children.

(17) Certain institutions. From the rental charged for living or sleeping quarters in an institution licensed by the state for the hospitalization, custodial, or nursing care of human beings.

(18) Educational institutions. From the rental charged by any educational institution for
living quarters, or sleeping, or housekeeping accommodations or other rooms or accommodations to any student or teacher necessitated by attendance at an educational institution. "Educational institution" as used in this section means an institution of learning not operated for profit that is empowered to confer diplomas, educational, literary, or academic degrees; that has a regular faculty, curriculum, and organized body of pupils or students in attendance throughout the usual school year; that keeps and furnishes to students and others records required and accepted for entrance to schools of secondary, collegiate, or graduate rank; and no part of the net earnings of which inures to the benefit of any individual.

(19) Motor vehicle and adaptive equipment for persons with disabilities.
   (i) From the sale of: (A) Special adaptations; (B) The component parts of the special adaptations; or (C) A specially adapted motor vehicle; provided that the owner furnishes to the tax administrator an affidavit of a licensed physician to the effect that the specially adapted motor vehicle is necessary to transport a family member with a disability or where the vehicle has been specially adapted to meet the specific needs of the person with a disability. This exemption applies to not more than one motor vehicle owned and registered for personal, noncommercial use.
   (ii) For the purpose of this subsection the term "special adaptations" includes, but is not limited to: wheelchair lifts, wheelchair carriers, wheelchair ramps, wheelchair securements, hand controls, steering devices, extensions, relocations, and crossovers of operator controls, power-assisted controls, raised tops or dropped floors, raised entry doors, or alternative signaling devices to auditory signals.
   (iii) From the sale of: (a) Special adaptations, (b) The component parts of the special adaptations, for a "wheelchair accessible taxicab" as defined in § 39-14-1, and/or a "wheelchair accessible public motor vehicle" as defined in § 39-14.1-1.
   (iv) For the purpose of this subdivision the exemption for a "specially adapted motor vehicle" means a use tax credit not to exceed the amount of use tax that would otherwise be due on the motor vehicle, exclusive of any adaptations. The use tax credit is equal to the cost of the special adaptations, including installation.

(20) Heating fuels. From the sale and from the storage, use, or other consumption in this state of every type of heating fuel.

(21) Electricity and gas. From the sale and from the storage, use, or other consumption in this state of electricity and gas.

(22) Manufacturing machinery and equipment.
   (i) From the sale and from the storage, use, or other consumption in this state of tools, dies, molds, machinery, equipment (including replacement parts), and related items to the extent used in
an industrial plant in connection with the actual manufacture, conversion, or processing of tangible personal property, or to the extent used in connection with the actual manufacture, conversion, or processing of computer software as that term is utilized in industry numbers 7371, 7372, and 7373 in the standard industrial classification manual prepared by the Technical Committee on Industrial Classification, Office of Statistical Standards, Executive Office of the President, United States Bureau of the Budget, as revised from time to time, to be sold, or that machinery and equipment used in the furnishing of power to an industrial manufacturing plant. For the purposes of this subdivision, “industrial plant” means a factory at a fixed location primarily engaged in the manufacture, conversion, or processing of tangible personal property to be sold in the regular course of business;

(ii) Machinery and equipment and related items are not deemed to be used in connection with the actual manufacture, conversion, or processing of tangible personal property, or in connection with the actual manufacture, conversion, or processing of computer software as that term is utilized in industry numbers 7371, 7372, and 7373 in the standard industrial classification manual prepared by the Technical Committee on Industrial Classification, Office of Statistical Standards, Executive Office of the President, United States Bureau of the Budget, as revised from time to time, to be sold to the extent the property is used in administration or distribution operations;

(iii) Machinery and equipment and related items used in connection with the actual manufacture, conversion, or processing of any computer software or any tangible personal property that is not to be sold and that would be exempt under subdivision (7) or this subdivision if purchased from a vendor or machinery and equipment and related items used during any manufacturing, converting, or processing function is exempt under this subdivision even if that operation, function, or purpose is not an integral or essential part of a continuous production flow or manufacturing process;

(iv) Where a portion of a group of portable or mobile machinery is used in connection with the actual manufacture, conversion, or processing of computer software or tangible personal property to be sold, as previously defined, that portion, if otherwise qualifying, is exempt under this subdivision even though the machinery in that group is used interchangeably and not otherwise identifiable as to use.

(23) Trade-in value of motor vehicles. From the sale and from the storage, use, or other consumption in this state of so much of the purchase price paid for a new or used automobile as is allocated for a trade-in allowance on the automobile of the buyer given in trade to the seller, or of the proceeds applicable only to the automobile as are received from the manufacturer of automobiles for the repurchase of the automobile whether the repurchase was voluntary or not.
towards the purchase of a new or used automobile by the buyer. For the purpose of this subdivision, the word "automobile" means a private passenger automobile not used for hire and does not refer to any other type of motor vehicle.

(24) Precious metal bullion.

(i) From the sale and from the storage, use, or other consumption in this state of precious metal bullion, substantially equivalent to a transaction in securities or commodities.

(ii) For purposes of this subdivision, "precious metal bullion" means any elementary precious metal that has been put through a process of smelting or refining, including, but not limited to: gold, silver, platinum, rhodium, and chromium, and that is in a state or condition that its value depends upon its content and not upon its form.

(iii) The term does not include fabricated precious metal that has been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses.

(25) Commercial vessels. From sales made to a commercial ship, barge, or other vessel of fifty (50) tons burden or over, primarily engaged in interstate or foreign commerce, and from the repair, alteration, or conversion of the vessels, and from the sale of property purchased for the use of the vessels including provisions, supplies, and material for the maintenance and/or repair of the vessels.

(26) Commercial fishing vessels. From the sale and from the storage, use, or other consumption in this state of vessels and other watercraft that are in excess of five (5) net tons and that are used exclusively for "commercial fishing," as defined in this subdivision, and from the repair, alteration, or conversion of those vessels and other watercraft, and from the sale of property purchased for the use of those vessels and other watercraft including provisions, supplies, and material for the maintenance and/or repair of the vessels and other watercraft and the boats, nets, cables, tackle, and other fishing equipment appurtenant to or used in connection with the commercial fishing of the vessels and other watercraft. "Commercial fishing" means taking or attempting to take any fish, shellfish, crustacea, or bait species with the intent of disposing of it for profit or by sale, barter, trade, or in commercial channels. The term does not include subsistence fishing, i.e., the taking for personal use and not for sale or barter; or sport fishing; but shall include vessels and other watercraft with a Rhode Island party and charter boat license issued by the department of environmental management pursuant to § 20-2-27.1 that meet the following criteria:

(i) The operator must have a current United States Coast Guard (U.S.C.G.) license to carry passengers for hire; (ii) U.S.C.G. vessel documentation in the coast wide fishery trade; (iii) U.S.C.G. vessel documentation as to proof of Rhode Island home port status or a Rhode Island boat registration to prove Rhode Island home port status; and (iv) The vessel must be used as a
commercial passenger carrying fishing vessel to carry passengers for fishing. The vessel must be
able to demonstrate that at least fifty percent (50%) of its annual gross income derives from charters
or provides documentation of a minimum of one hundred (100) charter trips annually; and (v) The
vessel must have a valid Rhode Island party and charter boat license. The tax administrator shall
implement the provisions of this subdivision by promulgating rules and regulations relating thereto.

(27) Clothing and footwear. From the sales of articles of clothing, including footwear,
intended to be worn or carried on or about the human body for sales prior to October 1, 2012.
Effective October 1, 2012, the exemption will apply to the sales of articles of clothing, including
footwear, intended to be worn or carried on or about the human body up to two hundred and fifty
dollars ($250) of the sales price per item. For the purposes of this section, “clothing or footwear”
does not include clothing accessories or equipment or special clothing or footwear primarily
designed for athletic activity or protective use as these terms are defined in section 44-18-7.1(f). In
recognition of the work being performed by the streamlined sales and use tax governing board,
upon passage of any federal law that authorizes states to require remote sellers to collect and remit
sales and use taxes, this unlimited exemption will apply as it did prior to October 1, 2012. The
unlimited exemption on sales of clothing and footwear shall take effect on the date that the state
requires remote sellers to collect and remit sales and use taxes.

(28) Water for residential use. From the sale and from the storage, use, or other
consumption in this state of water furnished for domestic use by occupants of residential premises.

(29) Bibles. [Unconstitutional; see Ahlburn v. Clark, 728 A.2d 449 (R.I. 1999); see Notes
to Decisions.] From the sale and from the storage, use, or other consumption in the state of any
canonized scriptures of any tax-exempt nonprofit religious organization including, but not limited
to, the Old Testament and the New Testament versions.

(30) Boats.

(i) From the sale of a boat or vessel to a bona fide nonresident of this state who does not
register the boat or vessel in this state or document the boat or vessel with the United States
government at a home port within the state, whether the sale or delivery of the boat or vessel is
made in this state or elsewhere; provided, that the nonresident transports the boat within thirty (30)
days after delivery by the seller outside the state for use thereafter solely outside the state.

(ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may
require the seller of the boat or vessel to keep records of the sales to bona fide nonresidents as the
tax administrator deems reasonably necessary to substantiate the exemption provided in this
subdivision, including the affidavit of the seller that the buyer represented himself or herself to be
a bona fide nonresident of this state and of the buyer that he or she is a nonresident of this state.
(31) Youth activities equipment. From the sale, storage, use, or other consumption in this
state of items for not more than twenty dollars ($20.00) each by nonprofit Rhode Island
eleemosynary organizations, for the purposes of youth activities that the organization is formed to
sponsor and support; and by accredited elementary and secondary schools for the purposes of the
schools or of organized activities of the enrolled students.

(32) Farm equipment. From the sale and from the storage or use of machinery and
equipment used directly for commercial farming and agricultural production; including, but not
limited to: tractors, ploughs, harrows, spreaders, seeders, milking machines, silage conveyors,
balers, bulk milk storage tanks, trucks with farm plates, mowers, combines, irrigation equipment,
greenhouses and greenhouse coverings, graders and packaging machines, tools and supplies and
other farming equipment, including replacement parts appurtenant to or used in connection with
commercial farming and tools and supplies used in the repair and maintenance of farming
equipment. “Commercial farming” means the keeping or boarding of five (5) or more horses or the
production within this state of agricultural products, including, but not limited to, field or orchard
crops, livestock, dairy, and poultry, or their products, where the keeping, boarding, or production
provides at least two thousand five hundred dollars ($2,500) in annual gross sales to the operator,
whether an individual, a group, a partnership, or a corporation for exemptions issued prior to July
1, 2002. For exemptions issued or renewed after July 1, 2002, there shall be two (2) levels. Level I
shall be based on proof of annual, gross sales from commercial farming of at least twenty-five
hundred dollars ($2,500) and shall be valid for purchases subject to the exemption provided in this
subdivision except for motor vehicles with an excise tax value of five thousand dollars ($5,000) or
greater. Level II shall be based on proof of annual gross sales from commercial farming of at least
ten thousand dollars ($10,000) or greater and shall be valid for purchases subject to the exemption
provided in this subdivision including motor vehicles with an excise tax value of five thousand
dollars ($5,000) or greater. For the initial issuance of the exemptions, proof of the requisite amount
of annual gross sales from commercial farming shall be required for the prior year; for any renewal
of an exemption granted in accordance with this subdivision at either level I or level II, proof of
gross annual sales from commercial farming at the requisite amount shall be required for each of the
prior two (2) years. Certificates of exemption issued or renewed after July 1, 2002, shall clearly
indicate the level of the exemption and be valid for four (4) years after the date of issue. This
exemption applies even if the same equipment is used for ancillary uses, or is temporarily used for
a non-farming or a non-agricultural purpose, but shall not apply to motor vehicles acquired after
July 1, 2002, unless the vehicle is a farm vehicle as defined pursuant to § 31-1-8 and is eligible for
registration displaying farm plates as provided for in § 31-3-31.
(33) Compressed air. From the sale and from the storage, use, or other consumption in the state of compressed air.

(34) Flags. From the sale and from the storage, consumption, or other use in this state of United States, Rhode Island or POW-MIA flags.

(35) Motor vehicle and adaptive equipment to certain veterans. From the sale of a motor vehicle and adaptive equipment to and for the use of a veteran with a service-connected loss of or the loss of use of a leg, foot, hand, or arm, or any veteran who is a double amputee, whether service connected or not. The motor vehicle must be purchased by and especially equipped for use by the qualifying veteran. Certificate of exemption or refunds of taxes paid is granted under rules or regulations that the tax administrator may prescribe.

(36) Textbooks. From the sale and from the storage, use, or other consumption in this state of textbooks by an “educational institution,” as defined in subsection (18) of this section, and any educational institution within the purview of § 16-63-9(4), and used textbooks by any purveyor.

(37) Tangible personal property and supplies used in on-site hazardous waste recycling, reuse, or treatment. From the sale, storage, use, or other consumption in this state of tangible personal property or supplies used or consumed in the operation of equipment, the exclusive function of which is the recycling, reuse, or recovery of materials (other than precious metals, as defined in subdivision (24)(ii) of this section) from the treatment of “hazardous wastes,” as defined in § 23-19.1-4, where the “hazardous wastes” are generated in Rhode Island solely by the same taxpayer and where the personal property is located at, in, or adjacent to a generating facility of the taxpayer in Rhode Island. The taxpayer shall procure an order from the director of the department of environmental management certifying that the equipment and/or supplies as used or consumed, qualify for the exemption under this subdivision. If any information relating to secret processes or methods of manufacture, production, or treatment is disclosed to the department of environmental management only to procure an order, and is a “trade secret” as defined in § 28-21-10(b), it is not open to public inspection or publicly disclosed unless disclosure is required under chapter 21 of title 28 or chapter 24.4 of title 23.

(38) Promotional and product literature of boat manufacturers. From the sale and from the storage, use, or other consumption of promotional and product literature of boat manufacturers shipped to points outside of Rhode Island that either: (i) Accompany the product that is sold; (ii) Are shipped in bulk to out-of-state dealers for use in the sale of the product; or (iii) Are mailed to customers at no charge.

(39) Food items paid for by food stamps. From the sale and from the storage, use, or other consumption in this state of eligible food items payment for which is properly made to the retailer.
in the form of U.S. government food stamps issued in accordance with the Food Stamp Act of 1977,  
(40) Transportation charges. From the sale or hiring of motor carriers as defined in § 39-12-2(12) to haul goods, when the contract or hiring cost is charged by a motor freight tariff filed with the Rhode Island public utilities commission on the number of miles driven or by the number of hours spent on the job.  
(41) Trade-in value of boats. From the sale and from the storage, use, or other consumption in this state of so much of the purchase price paid for a new or used boat as is allocated for a trade-in allowance on the boat of the buyer given in trade to the seller or of the proceeds applicable only to the boat as are received from an insurance claim as a result of a stolen or damaged boat, towards the purchase of a new or used boat by the buyer.  
(42) Equipment used for research and development. From the sale and from the storage, use, or other consumption of equipment to the extent used for research and development purposes by a qualifying firm. For the purposes of this subsection, "qualifying firm" means a business for which the use of research and development equipment is an integral part of its operation and "equipment" means scientific equipment, computers, software, and related items.  
(43) Coins. From the sale and from the other consumption in this state of coins having numismatic or investment value.  
(44) Farm structure construction materials. Lumber, hardware, and other materials used in the new construction of farm structures, including production facilities such as, but not limited to: farrowing sheds, free stall and stanchion barns, milking parlors, silos, poultry barns, laying houses, fruit and vegetable storages, rooting cellars, propagation rooms, greenhouses, packing rooms, machinery storage, seasonal farm worker housing, certified farm markets, bunker and trench silos, feed storage sheds, and any other structures used in connection with commercial farming.  
(45) Telecommunications carrier access service. Carrier access service or telecommunications service when purchased by a telecommunications company from another telecommunications company to facilitate the provision of telecommunications service.  
(46) Boats or vessels brought into the state exclusively for winter storage, maintenance, repair, or sale. Notwithstanding the provisions of §§ 44-18-10, 44-18-11 and 44-18-20, the tax imposed by § 44-18-20 is not applicable for the period commencing on the first day of October in any year up to and including the 30th day of April next succeeding with respect to the use of any boat or vessel within this state exclusively for purposes of: (i) Delivery of the vessel to a facility in this state for storage, including dry storage and storage in water by means of apparatus preventing ice damage to the hull, maintenance, or repair; (ii) The actual process of storage, maintenance, or
repair of the boat or vessel; or (iii) Storage for the purpose of selling the boat or vessel.

(47) Jewelry display product. From the sale and from the storage, use, or other consumption in this state of tangible personal property used to display any jewelry product; provided that title to the jewelry display product is transferred by the jewelry manufacturer or seller and that the jewelry display product is shipped out of state for use solely outside the state and is not returned to the jewelry manufacturer or seller.

(48) Boats or vessels generally. Notwithstanding the provisions of this chapter, the tax imposed by §§ 44-18-20 and 44-18-18 shall not apply with respect to the sale and to the storage, use, or other consumption in this state of any new or used boat. The exemption provided for in this subdivision does not apply after October 1, 1993, unless prior to October 1, 1993, the federal ten percent (10%) surcharge on luxury boats is repealed.

(49) Banks and regulated investment companies interstate toll-free calls. Notwithstanding the provisions of this chapter, the tax imposed by this chapter does not apply to the furnishing of interstate and international, toll-free terminating telecommunication service that is used directly and exclusively by or for the benefit of an eligible company as defined in this subdivision; provided that an eligible company employs on average during the calendar year no less than five hundred "full-time equivalent employees" as that term is defined in § 42-64.5-2. For purposes of this section, an "eligible company" means a "regulated investment company" as that term is defined in the Internal Revenue Code of 1986, 26 U.S.C. § 851, or a corporation to the extent the service is provided, directly or indirectly, to or on behalf of a regulated investment company, an employee benefit plan, a retirement plan or a pension plan, or a state-chartered bank.

(50) Mobile and manufactured homes generally. From the sale and from the storage, use, or other consumption in this state of mobile and/or manufactured homes as defined and subject to taxation pursuant to the provisions of chapter 44 of title 31.

(51) Manufacturing business reconstruction materials.

(i) From the sale and from the storage, use, or other consumption in this state of lumber, hardware, and other building materials used in the reconstruction of a manufacturing business facility that suffers a disaster, as defined in this subdivision, in this state. "Disaster" means any occurrence, natural or otherwise, that results in the destruction of sixty percent (60%) or more of an operating manufacturing business facility within this state. "Disaster" does not include any damage resulting from the willful act of the owner of the manufacturing business facility.

(ii) Manufacturing business facility includes, but is not limited to, the structures housing the production and administrative facilities.

(iii) In the event a manufacturer has more than one manufacturing site in this state, the sixty
percent (60%) provision applies to the damages suffered at that one site.

(iv) To the extent that the costs of the reconstruction materials are reimbursed by insurance, this exemption does not apply.

(52) Tangible personal property and supplies used in the processing or preparation of floral products and floral arrangements. From the sale, storage, use, or other consumption in this state of tangible personal property or supplies purchased by florists, garden centers, or other like producers or vendors of flowers, plants, floral products, and natural and artificial floral arrangements that are ultimately sold with flowers, plants, floral products, and natural and artificial floral arrangements or are otherwise used in the decoration, fabrication, creation, processing, or preparation of flowers, plants, floral products, or natural and artificial floral arrangements, including descriptive labels, stickers, and cards affixed to the flower, plant, floral product, or arrangement, artificial flowers, spray materials, floral paint and tint, plant shine, flower food, insecticide, and fertilizers.

(53) Horse food products. From the sale and from the storage, use, or other consumption in this state of horse food products purchased by a person engaged in the business of the boarding of horses.

(54) Non-motorized recreational vehicles sold to nonresidents.

(i) From the sale, subsequent to June 30, 2003, of a non-motorized recreational vehicle to a bona fide nonresident of this state who does not register the non-motorized recreational vehicle in this state, whether the sale or delivery of the non-motorized recreational vehicle is made in this state or at the place of residence of the nonresident; provided that a non-motorized recreational vehicle sold to a bona fide nonresident whose state of residence does not allow a like exemption to its nonresidents is not exempt from the tax imposed under § 44-18-20; provided, further, that in that event the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate that would be imposed in his or her state of residence not to exceed the rate that would have been imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed, non-motorized recreational vehicle dealer shall add and collect the tax required under this subdivision and remit the tax to the tax administrator under the provisions of chapters 18 and 19 of this title. Provided, that when a Rhode Island licensed, non-motorized recreational vehicle dealer is required to add and collect the sales and use tax on the sale of a non-motorized recreational vehicle to a bona fide nonresident as provided in this section, the dealer in computing the tax takes into consideration the law of the state of the nonresident as it relates to the trade-in of motor vehicles.

(ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may require any licensed, non-motorized recreational vehicle dealer to keep records of sales to bona fide nonresidents as the tax administrator deems reasonably necessary to substantiate the exemption
provided in this subdivision, including the affidavit of a licensed, non-motorized recreational
vehicle dealer that the purchaser of the non-motorized recreational vehicle was the holder of, and
had in his or her possession a valid out-of-state non-motorized recreational vehicle registration or
a valid out-of-state driver's license.

(iii) Any nonresident who registers a non-motorized recreational vehicle in this state within
ninety (90) days of the date of its sale to him or her is deemed to have purchased the non-motorized
recreational vehicle for use, storage, or other consumption in this state, and is subject to, and liable
for, the use tax imposed under the provisions of § 44-18-20.

(iv) "Non-motorized recreational vehicle" means any portable dwelling designed and
constructed to be used as a temporary dwelling for travel, camping, recreational, and vacation use
that is eligible to be registered for highway use, including, but not limited to, "pick-up coaches" or
"pick-up campers," "travel trailers," and "tent trailers" as those terms are defined in chapter 1 of
title 31.

(55) Sprinkler and fire alarm systems in existing buildings. From the sale in this state of
sprinkler and fire alarm systems; emergency lighting and alarm systems; and the materials
necessary and attendant to the installation of those systems that are required in buildings and
occupancies existing therein in July 2003 in order to comply with any additional requirements for
such buildings arising directly from the enactment of the Comprehensive Fire Safety Act of 2003
and that are not required by any other provision of law or ordinance or regulation adopted pursuant
to that act. The exemption provided in this subdivision shall expire on December 31, 2008.

(56) Aircraft. Notwithstanding the provisions of this chapter, the tax imposed by §§ 44-
18-18 and 44-18-20 shall not apply with respect to the sale and to the storage, use, or other
consumption in this state of any new or used aircraft or aircraft parts.

(57) Renewable energy products. Notwithstanding any other provisions of Rhode Island
general laws, the following products shall also be exempt from sales tax: solar photovoltaic
modules or panels, or any module or panel that generates electricity from light; solar thermal
collectors, including, but not limited to, those manufactured with flat glass plates, extruded plastic,
sheet metal, and/or evacuated tubes; geothermal heat pumps, including both water-to-water and
water-to-air type pumps; wind turbines; towers used to mount wind turbines if specified by or sold
by a wind turbine manufacturer; DC to AC inverters that interconnect with utility power lines; and
manufactured mounting racks and ballast pans for solar collector, module, or panel installation. Not
to include materials that could be fabricated into such racks; monitoring and control equipment, if
specified or supplied by a manufacturer of solar thermal, solar photovoltaic, geothermal, or wind
energy systems or if required by law or regulation for such systems but not to include pumps, fans
or plumbing or electrical fixtures unless shipped from the manufacturer affixed to, or an integral part of, another item specified on this list; and solar storage tanks that are part of a solar domestic hot water system or a solar space heating system. If the tank comes with an external heat exchanger it shall also be tax exempt, but a standard hot water tank is not exempt from state sales tax.

(58) Returned property. The amount charged for property returned by customers upon rescission of the contract of sale when the entire amount exclusive of handling charges paid for the property is refunded in either cash or credit, and where the property is returned within one hundred twenty (120) days from the date of delivery.

(59) Dietary supplements. From the sale and from the storage, use, or other consumption of dietary supplements as defined in § 44-18-7.1(i)(v), sold on prescriptions.

(60) Blood. From the sale and from the storage, use, or other consumption of human blood.

(61) Agricultural products for human consumption. From the sale and from the storage, use, or other consumption of livestock and poultry of the kinds of products that ordinarily constitute food for human consumption and of livestock of the kind the products of which ordinarily constitute fibers for human use.

(62) Diesel emission control technology. From the sale and use of diesel retrofit technology that is required by § 31-47.3-4.

(63) Feed for certain animals used in commercial farming. From the sale of feed for animals as described in subsection (61) of this section.

(64) Alcoholic beverages. From the sale and storage, use, or other consumption in this state by a Class A licensee of alcoholic beverages, as defined in § 44-18-7.1, excluding beer and malt beverages; provided, further, notwithstanding § 6-13-1 or any other general or public law to the contrary, alcoholic beverages, as defined in § 44-18-7.1, shall not be subject to minimum markup.

(65) Seeds and plants used to grow food and food ingredients. From the sale, storage, use, or other consumption in this state of seeds and plants used to grow food and food ingredients as defined in § 44-18-7.1(i)(i). “Seeds and plants used to grow food and food ingredients” shall not include marijuana seeds or plants.

(66) Feminine hygiene products. From the sale and from the storage, use, or other consumption of tampons, panty liners, menstrual cups, sanitary napkins, and other similar products the principal use of which is feminine hygiene in connection with the menstrual cycle.

(67) Trade-in value of motorcycles. From the sale and from the storage, use, or other consumption in this state of so much of the purchase price paid for a new or used motorcycle as is allocated for a trade-in allowance on the motorcycle of the buyer given in trade to the seller, or of
the proceeds applicable only to the motorcycle as are received from the manufacturer of
motorcycles for the repurchase of the motorcycle whether the repurchase was voluntary or not
towards the purchase of a new or used motorcycle by the buyer. For the purpose of this subdivision,
the word "motorcycle" means a motorcycle not used for hire and does not refer to any other type
of motor vehicle.

SECTION 13. Section 45-13-14 of the General Laws in Chapter 45-13 entitled “State Aid”
is hereby amended to read as follows:

45-13-14. Adjustments to tax levy, assessed value, and full value when computing
state aid.

(a) Whenever the director of revenue computes the relative wealth of municipalities for the
purpose of distributing state aid in accordance with title 16 and the provisions of § 45-13-12, he or
she shall base it on the full value of all property except:

(1) That exempted from taxation by acts of the general assembly and reimbursed under §
45-13-5.1 of the general laws, which shall have its value calculated as if the payment in lieu of tax
revenues received pursuant to § 45-13-5.1, has resulted from a tax levy;

(2) That whose tax levy or assessed value is based on a tax treaty agreement authorized by
a special public law or by reason of agreements between a municipality and the economic
development corporation in accordance with § 42-64-20 prior to May 15, 2005, which shall not
have its value included;

(3) That whose tax levy or assessed value is based on tax treaty agreements or tax
stabilization agreements in force prior to May 15, 2005, which shall not have its value included;

(4) That which is subject to a payment in lieu of tax agreement in force prior to May 15,
2005;

(5) Any other property exempt from taxation under state law; or

(6) Any property subject to chapter 27 of title 44, taxation of Farm, Forest, and Open Space
Land; or

(7) Any property exempt from taxation, in whole or in part, under the provisions of
subsections (a)(51), (a)(66), or (c) of § 44-3-3, § 44-3-47, § 44-3-65, or any other provision of law
that enables a city, town, or fire district to establish a tangible personal property exemption, which
shall have its value calculated as the full value of the property minus the exemption amount.

(b) The tax levy of each municipality and fire district shall be adjusted for any real estate
and personal property exempt from taxation by act of the general assembly by the amount of
payment in lieu of property tax revenue anticipated to be received pursuant to § 45-13-5.1 relating
to property tax from certain exempt private and state properties, and for any property subject to any
payment in lieu of tax agreements, any tax treaty agreements or tax stabilization agreements in
force after May 15, 2005, by the amount of the payment in lieu of taxes pursuant to such
agreements.

(c) Fire district tax levies within a city or town shall be included as part of the total levy
attributable to that city or town.

(d) The changes as required by subsections (a) through (c) of this section shall be
incorporated into the computation of entitlements effective for distribution in fiscal year 2007-2008
and thereafter.

SECTION 14. This article shall take effect upon passage except for Sections 3, 4, and 5,
which shall be effective November 1, 2022.
ARTICLE 9

RELATING TO ECONOMIC DEVELOPMENT

It is enacted by the General Assembly as follows:

SECTION 1. Section 42-64.19-3 in Chapter 42-64.19 entitled “Executive Office of Commerce” is hereby amended to read as follows:

42-64.19-3. Executive Office of Commerce.

(a) There is hereby established within the executive branch of state government an executive office of commerce effective February 1, 2015, to serve as the principal agency of the executive branch of state government for managing the promotion of commerce and the economy within the state and shall have the following powers and duties in accordance with the following schedule:

(1) On or about February 1, 2015, to operate functions from the department of business regulation;

(2) On or about April 1, 2015, to operate various divisions and functions from the department of administration;

(3) On or before September 1, 2015, to provide to the Senate and the House of Representatives a comprehensive study and review of the roles, functions, and programs of the department of administration and the department of labor and training to devise recommendations and a business plan for the integration of these entities with the office of the secretary of commerce. The governor may include such recommendations in the Fiscal Year 2017 budget proposal; and

(4) On or before July 1, 2021, to provide for the hiring of a deputy secretary of commerce and housing who shall report directly to the secretary of commerce. The deputy secretary of commerce and housing shall:

(i) Prior to hiring, have completed and earned a minimum of a master's graduate degree in the field of urban planning, economics, or a related field of study or possess a juris doctor law degree. Preference shall be provided to candidates having earned an advanced degree consisting of an L.L.M. law degree or Ph.D in urban planning or economics. Qualified candidates must have documented five (5) years' full-time experience employed in the administration of housing policy and/or development;

(ii) Be responsible for overseeing all housing initiatives in the state of Rhode Island and developing a housing plan, including, but not limited to, the development of affordable housing opportunities to assist in building strong community efforts and revitalizing neighborhoods;

(iii) Coordinate with all agencies directly related to any housing initiatives including, but not limited to, the Rhode Island housing and mortgage finance corporation, coastal resources
management council (CRMC), and state departments including, but not limited to: the department of environmental management (DEM), the department of business regulation (DBR), the department of transportation (DOT) and statewide planning; and

(iv) Coordinate with the housing resources commission to formulate an integrated housing report to include findings and recommendations to the governor, speaker of the house, senate president, each chamber's finance committee, and any committee whose purview is reasonably related to, including, but not limited to, issues of housing, municipal government, and health on or before December 31, 2021, and annually thereafter which report shall include, but not be limited to, the following:

(A) The total number of housing units in the state with per community counts, including the number of Americans with Disabilities Act compliant special needs units;

(B) The occupancy and vacancy rate of the units referenced in subsection (a)(4)(iv)(A);

(C) The change in the number of units referenced in subsection (a)(4)(iv)(A), for each of the prior three (3) years in figures and as a percentage;

(D) The number of net new units in development and number of units completed since the prior report;

(E) For each municipality the number of single-family, two-family (2), and three-family (3) units, and multi-unit housing delineated sufficiently to provide the lay reader a useful description of current conditions, including a statewide sum of each unit type;

(F) The total number of units by income type;

(G) A projection of the number of status quo units;

(H) A projection of the number of units required to meet housing formation trends;

(I) A comparison of regional and other similarly situated state funding sources that support housing development including a percentage of private, federal, and public support;

(J) A reporting of unit types by number of bedrooms for rental properties including an accounting of all:

(I) Single-family units;

(II) Accessory dwelling units;

(III) Two-family (2) units;

(IV) Three-family (3) units;

(V) Multi-unit sufficiently delineated units;

(VI) Mixed use sufficiently delineated units; and

(VII) Occupancy and vacancy rates for the prior three (3) years;

(K) A reporting of unit types by ownership including an accounting of all:
(I) Single-family units;

(II) Accessory dwelling units;

(III) Two-family (2) units;

(IV) Three-family (3) units;

(V) Multi-unit sufficiently delineated units;

(VI) Mixed use sufficiently delineated units; and

(VII) Occupancy and vacancy rates for the prior three (3) years;

(L) A reporting of the number of applications submitted or filed for each community according to unit type and an accounting of action taken with respect to each application to include, approved, denied, appealed, approved upon appeal, and if approved, the justification for each approval;

(M) A reporting of permits for each community according to affordability level that were sought, approved, denied, appealed, approved upon appeal, and if approved, the justification for each approval;

(N) A reporting of affordability by municipality that shall include the following:

(I) The percent and number of units of extremely low-, very low-, low-, moderate-, fair-market rate, and above-market-rate units; including the average and median costs of those units;

(II) The percent and number of units of extremely low-, very low-, low-, and moderate-income housing units required to satisfy the ten percent (10%) requirement pursuant to chapter 24 of title 45; including the average and median costs of those units;

(III) The percent and number of units for the affordability levels above moderate-income housing, including a comparison to fair-market rent and fair-market homeownership; including the average and median costs of those units;

(IV) The percentage of cost burden by municipality with population equivalent;

(V) The percentage and number of home financing sources, including all private, federal, state, or other public support; and

(VI) The cost growth for each of the previous five (5) years by unit type at each affordability level, by unit type;

(O) A reporting of municipal healthy housing stock by unit type and number of bedrooms and providing an assessment of the state's existing housing stock and enumerating any risks to the public health from that housing stock, including, but not limited to: the presence of lead, mold, safe drinking water, disease vectors (insects and vermin), and other conditions that are an identifiable health detriment. Additionally, the report shall provide the percentage of the prevalence of health risks by age of the stock for each community by unit type and number of bedrooms; and
(P) A recommendation shall be included with the report required under this section that shall provide consideration to any and all populations, ethnicities, income levels, and other relevant demographic criteria determined by the deputy secretary, and with regard to any and all of the criteria enumerated elsewhere in the report separately or in combination, provide recommendations to resolve any issues that provide an impediment to the development of housing, including specific data and evidence in support of the recommendation. All data and methodologies used to present evidence are subject to review and approval of the chief of revenue analysis, and that approval shall include an attestation of approval by the chief to be included in the report.

(b) In this capacity, the office shall:

(1) Lead or assist state departments and coordinate business permitting processes in order to:

   (i) Improve the economy, efficiency, coordination, and quality of the business climate in the state;

   (ii) Design strategies and implement best practices that foster economic development and growth of the state's economy;

   (iii) Maximize and leverage funds from all available public and private sources, including federal financial participation, grants, and awards;

   (iv) Increase public confidence by conducting customer centric operations whereby commercial enterprise are supported and provided programs and services that will grow and nurture the Rhode Island economy; and

   (v) Be the state's lead agency for economic development.

(2) Provide oversight and coordination of all housing initiatives in the state of Rhode Island.

(3) Provide oversight and coordination of all broadband and digital equity initiatives in the state of Rhode Island, including, but not limited to, the following:

   (i) Creating a statewide broadband strategic plan which shall include goals and strategies related to internet access in the state. Such a plan shall include, but not be limited to considerations such as speed, latency, affordability, access, sustainability, and digital equity and which shall be submitted to the Governor, the speaker of the house of representatives, and the president of the senate on or before December 31, 2022 and shall be updated every five years thereafter;

   (ii) Coordinating with all agencies and quasi-agencies of the state relating to any broadband initiative, including, but not limited to the Rhode Island department of business regulation, Rhode Island division of information and technology, Rhode Island emergency management agency, Rhode Island infrastructure bank, the division of public utilities and carriers, the department of
education, the department of environmental management, RI housing, the office of library and
information services, the department of labor and training, the division of purchasing, and the office
of healthy aging;

(iii) Hiring a statewide broadband coordinator and supporting staff contingent on
availability of funds, whether through the Rhode Island commerce corporation, department of
business regulation, the executive office of commerce, or a combination, to carry out the duties
herein;

(iv) Convening at least quarterly a broadband advisory committee, which is hereby
established, and shall include no more than thirteen members. The members of the broadband
advisory committee shall be appointed by the governor, one of whom shall be appointed in
consultation with the speaker of the house and one of whom shall be appointed in consultation with
the president of the senate. The broadband advisory committee shall be subject to the provisions of
R.I. Gen. Laws § 42-46-1, et seq. and shall advise the executive office of commerce on broadband
implementation efforts undertaken by the agency including but not limited to the development of a
state strategic plan and broadband-related investment strategies. The broadband advisory
community will additionally invite telecommunications/IT experts and broadband stakeholders to
inform the committee.

(v) Creating grant and other programs to allow localities, community anchor institutions,
and public-private partnerships to invest in both middle-mile and last-mile broadband infrastructure
improvements. The executive office of commerce may appoint any state agency or quasi-state
agency to administer such program or programs. The executive office of commerce or any state
agency or quasi-state agency charged with administering such grant and other programs is
authorized to promulgate rules and regulations pursuant to § 42-35-3 of the State’s general laws
that set forth the programs’ goals, investment criteria, principles, and parameters. The executive
office of commerce or any state agency or quasi-state agency charged with administering such grant
and other programs is authorized to create funds to hold any federal or state appropriation for such
grant or other program. Such funds shall be established consistent with federal or state law that
makes the appropriation. Any such funds shall be exempt from attachment, levy, or any other
process at law or in equity.

(vi) Creating or otherwise administering programs, projects, initiatives, or mapping efforts
to further the investment in and development of broadband and digital equity in the State.

(c) The office shall include the office of regulatory reform and other administration
functions that promote, enhance, or regulate various service and functions in order to promote the
reform and improvement of the regulatory function of the state.
SECTION 2. Sections 42-64.20-5 and 42-64.20-10 of the General Laws in Chapter 42-64.20 entitled “Rebuild Rhode Island Tax Credit Act” are hereby amended to read as follows:

42-64.20-5. Tax credits.

(a) An applicant meeting the requirements of this chapter may be allowed a credit as set forth hereinafter against taxes imposed upon such person under applicable provisions of title 44 of the general laws for a qualified development project.

(b) To be eligible as a qualified development project entitled to tax credits, an applicant’s chief executive officer or equivalent officer shall demonstrate to the commerce corporation, at the time of application, that:

1. The applicant has committed a capital investment or owner equity of not less than twenty percent (20%) of the total project cost;

2. There is a project financing gap in which after taking into account all available private and public funding sources, the project is not likely to be accomplished by private enterprise without the tax credits described in this chapter; and

3. The project fulfills the state’s policy and planning objectives and priorities in that:
   (i) The applicant will, at the discretion of the commerce corporation, obtain a tax stabilization agreement from the municipality in which the real estate project is located on such terms as the commerce corporation deems acceptable;
   (ii) It (A) Is a commercial development consisting of at least 25,000 square feet occupied by at least one business employing at least 25 full-time employees after construction or such additional full-time employees as the commerce corporation may determine; (B) Is a multi-family residential development in a new, adaptive reuse, certified historic structure, or recognized historical structure consisting of at least 20,000 square feet and having at least 20 residential units in a hope community; or (C) Is a mixed-use development in a new, adaptive reuse, certified historic structure, or recognized historical structure consisting of at least 25,000 square feet occupied by at least one business, subject to further definition through rules and regulations promulgated by the commerce corporation; and
   (iii) Involves a total project cost of not less than $ 5,000,000, except for a qualified development project located in a hope community or redevelopment area designated under § 45-32-4 in which event the commerce corporation shall have the discretion to modify the minimum project cost requirement.

(c) The commerce corporation shall develop separate, streamlined application processes for the issuance of rebuild RI tax credits for each of the following:

   (1) Qualified development projects that involve certified historic structures;
(2) Qualified development projects that involve recognized historical structures;

(3) Qualified development projects that involve at least one manufacturer; and

(4) Qualified development projects that include affordable housing or workforce housing.

(d) Applications made for a historic structure or recognized historic structure tax credit under chapter 33.6 of title 44 shall be considered for tax credits under this chapter. The division of taxation, at the expense of the commerce corporation, shall provide communications from the commerce corporation to those who have applied for and are in the queue awaiting the offer of tax credits pursuant to chapter 33.6 of title 44 regarding their potential eligibility for the rebuild RI tax credit program.

(e) Applicants (1) Who have received the notice referenced in subsection (d) above and who may be eligible for a tax credit pursuant to chapter 33.6 of title 44, (2) Whose application involves a certified historic structure or recognized historical structure, or (3) Whose project is occupied by at least one manufacturer shall be exempt from the requirements of subsections (b)(3)(ii) and (b)(3)(iii). The following procedure shall apply to such applicants:

(i) The division of taxation shall remain responsible for determining the eligibility of an applicant for tax credits awarded under chapter 33.6 of title 44; and

(ii) The commerce corporation shall retain sole authority for determining the eligibility of an applicant for tax credits awarded under this chapter; and

(iii) The commerce corporation shall not award in excess of fifteen percent (15%) of the annual amount authorized in any fiscal year to applicants seeking tax credits pursuant to this subsection (e).

(f) Maximum project credit.

(1) For qualified development projects, the maximum tax credit allowed under this chapter shall be the lesser of (i) Thirty percent (30%) of the total project cost; or (ii) The amount needed to close a project financing gap (after taking into account all other private and public funding sources available to the project), as determined by the commerce corporation.

(2) The credit allowed pursuant to this chapter, inclusive of any sales and use tax exemptions allowed pursuant to this chapter, shall not exceed fifteen million dollars ($15,000,000) for any qualified development project under this chapter; except as provided in subsection (f)(3) of this section; provided however, any qualified development project that exceeds the project cap upon passage of this act shall be deemed not to exceed the cap, shall not be reduced, nor shall it be further increased. No building or qualified development project to be completed in phases or in multiple projects shall exceed the maximum project credit of fifteen million dollars ($15,000,000) for all phases or projects involved in the rehabilitation of the building. Provided, however, that for
purposes of this subsection and no more than once in a given fiscal year, the commerce corporation
may consider the development of land and buildings by a developer on the "I-195 land" as defined
in § 42-64.24-3(6) as a separate, qualified development project from a qualified development
project by a tenant or owner of a commercial condominium or similar legal interest including
leasehold improvement, fit out, and capital investment. Such qualified development project by a
tenant or owner of a commercial condominium or similar legal interest on the I-195 land may be
exempted from subsection (f)(1)(i) of this section.

(3) The credit allowed pursuant to this chapter, inclusive of any sales and use tax
exemptions allowed pursuant to this chapter, shall not exceed twenty-five million dollars
($25,000,000) for the project for which the I-195 redevelopment district was authorized to enter
into a purchase and sale agreement for parcels 42 and P4 on December 19, 2018, provided that
project is approved for credits pursuant to this chapter by the commerce corporation.

(g) Credits available under this chapter shall not exceed twenty percent (20%) of the project
cost, provided, however, that the applicant shall be eligible for additional tax credits of not more
than ten percent (10%) of the project cost, if the qualified development project meets any of the
following criteria or other additional criteria determined by the commerce corporation from time
to time in response to evolving economic or market conditions:

(1) The project includes adaptive reuse or development of a recognized historical structure;
(2) The project is undertaken by or for a targeted industry;
(3) The project is located in a transit-oriented development area;
(4) The project includes residential development of which at least twenty percent (20%) of
the residential units are designated as affordable housing or workforce housing;
(5) The project includes the adaptive reuse of property subject to the requirements of the
industrial property remediation and reuse act, § 23-19.14-1 et seq.; or
(6) The project includes commercial facilities constructed in accordance with the minimum
environmental and sustainability standards, as certified by the commerce corporation pursuant to
Leadership in Energy and Environmental Design or other equivalent standards.

(h) Maximum aggregate credits. The aggregate sum authorized pursuant to this chapter,
inclusive of any sales and use tax exemptions allowed pursuant to this chapter, shall not exceed
two hundred ten million dollars ($210,000,000), two hundred twenty five million dollars
($225,000,000), excluding any tax credits allowed pursuant to subsection (f)(3) of this section.

(i) Tax credits shall not be allowed under this chapter prior to the taxable year in which the
project is placed in service.
(j) The amount of a tax credit allowed under this chapter shall be allowable to the taxpayer in up to five, annual increments; no more than thirty percent (30%) and no less than fifteen percent (15%) of the total credits allowed to a taxpayer under this chapter may be allowable for any taxable year.

(k) If the portion of the tax credit allowed under this chapter exceeds the taxpayer's total tax liability for the year in which the relevant portion of the credit is allowed, the amount that exceeds the taxpayer's tax liability may be carried forward for credit against the taxes imposed for the succeeding four (4) years, or until the full credit is used, whichever occurs first. Credits allowed to a partnership, a limited-liability company taxed as a partnership, or multiple owners of property shall be passed through to the persons designated as partners, members, or owners respectively pro rata or pursuant to an executed agreement among persons designated as partners, members, or owners documenting an alternate distribution method without regard to their sharing of other tax or economic attributes of such entity.

(l) The commerce corporation, in consultation with the division of taxation, shall establish, by regulation, the process for the assignment, transfer, or conveyance of tax credits.

(m) For purposes of this chapter, any assignment or sales proceeds received by the taxpayer for its assignment or sale of the tax credits allowed pursuant to this section shall be exempt from taxation under title 44. If a tax credit is subsequently revoked or adjusted, the seller's tax calculation for the year of revocation or adjustment shall be increased by the total amount of the sales proceeds, without proration, as a modification under chapter 30 of title 44. In the event that the seller is not a natural person, the seller's tax calculation under chapter 11, 13, 14, or 17 of title 44, as applicable, for the year of revocation, or adjustment, shall be increased by including the total amount of the sales proceeds without proration.

(n) The tax credit allowed under this chapter may be used as a credit against corporate income taxes imposed under chapter 11, 13, 14, or 17, of title 44, or may be used as a credit against personal income taxes imposed under chapter 30 of title 44 for owners of pass-through entities such as a partnership, a limited-liability company taxed as a partnership, or multiple owners of property.

(o) In the case of a corporation, this credit is only allowed against the tax of a corporation included in a consolidated return that qualifies for the credit and not against the tax of other corporations that may join in the filing of a consolidated tax return.

(p) Upon request of a taxpayer and subject to annual appropriation, the state shall redeem this credit, in whole or in part, for ninety percent (90%) of the value of the tax credit. The division of taxation, in consultation with the commerce corporation, shall establish by regulation a redemption process for tax credits.
(q) Projects eligible to receive a tax credit under this chapter may, at the discretion of the
commerce corporation, be exempt from sales and use taxes imposed on the purchase of the
following classes of personal property only to the extent utilized directly and exclusively in the
project: (1) Furniture, fixtures, and equipment, except automobiles, trucks, or other motor vehicles;
or (2) Other materials, including construction materials and supplies, that are depreciable and have
a useful life of one year or more and are essential to the project.

(r) The commerce corporation shall promulgate rules and regulations for the administration
and certification of additional tax credit under subsection (e), including criteria for the eligibility,
evaluation, prioritization, and approval of projects that qualify for such additional tax credit.

(s) The commerce corporation shall not have any obligation to make any award or grant
any benefits under this chapter.

42-64.20-10. Sunset.

No credits shall be authorized to be reserved pursuant to this chapter after December 31, 2022.

SECTION 3. Section 42-64.21-9 of the General Laws in Chapter 42-64.21 entitled “Rhode
Island Tax Increment Financing” is hereby amended to read as follows:

42-64.21-9. Sunset.

The commerce corporation shall enter into no agreement under this chapter after December 31, 2022.

SECTION 4. Section 42-64.22-15 of the General Laws in Chapter 42-64.22 entitled “Tax
Stabilization Incentive” is hereby amended to read as follows:

42-64.22-15. Sunset.

The commerce corporation shall enter into no agreement under this chapter after December 31, 2022.

SECTION 5. Section 42-64.23-8 of the General Laws in Chapter 42-64.23 entitled “First
Wave Closing Fund Act” is hereby amended to read as follows:

42-64.23-8. Sunset.

No financing shall be authorized to be reserved pursuant to this chapter after December 31, 2022.

SECTION 6. Section 42-64.24-8 of the General Laws in Chapter 42-64.24 entitled “I-195
Redevelopment Project Fund Act” is hereby amended as follows:

42-64.24-8. Sunset.

No funding, credits, or incentives shall be authorized or authorized to be reserved pursuant
to this chapter after December 31, 2022.
SECTION 7. Section 42-64.25-14 of the General Laws in Chapter 42-64.25 entitled “Small Business Assistance Program Act” is hereby amended as follows:

42-64.25-14. Sunset.

No grants, funding, or incentives shall be authorized pursuant to this chapter after December 31, 2022.

SECTION 8. Sections 42-64.26-3, 42-64.26-4, 42-64.26-5, and 42-64.26-12 of the General Laws in Chapter 42-64.26 entitled “Stay Invested in RI Wavemaker Fellowship” are hereby amended to read as follows:

42-64.26-3. Definitions.

As used in this chapter:

(1) “Eligible graduate” means an individual who meets the eligibility requirements under this chapter.

(2) “Applicant” means an eligible graduate who applies for a tax credit for education loan repayment expenses under this chapter.

(3) “Award” means a tax credit awarded by the commerce corporation to an applicant as provided under this chapter.

(4) “Taxpayer” means an applicant who receives a tax credit under this chapter.

(5) “Commerce corporation” means the Rhode Island commerce corporation established pursuant to chapter 64 of title 42.

(6) “Eligible expenses” or “education loan repayment expenses” means annual higher education loan repayment expenses, including, without limitation, principal, interest and fees, as may be applicable, incurred by an eligible graduate and which the eligible graduate is obligated to repay for attendance at a postsecondary institution of higher learning.

(7) “Eligibility period” means a term of up to four (4) consecutive service periods beginning with the date that an eligible graduate receives initial notice of award under this chapter and expiring at the conclusion of the fourth service period after such date specified.

(8) “Eligibility requirements” means the following qualifications or criteria required for an applicant to claim an award under this chapter:

(i) That the applicant shall have graduated from an accredited two (2) year, four (4) year or graduate postsecondary institution of higher learning with an associate’s, bachelor’s, graduate, or post-graduate degree and at which the applicant incurred education loan repayment expenses;

(ii) That the applicant shall be a full-time employee with a Rhode Island-based employer located in this state throughout the eligibility period, whose employment is for work in one or more of the following covered fields: life, natural or environmental sciences; computer, information or
software technology; advanced mathematics or finance; engineering; industrial design or other
commercially related design field; or medicine or medical device technology.

(9) “Full-time employee” means a person who is employed by a business for consideration
for a minimum of at least thirty-five (35) hours per week, or who renders any other standard of
service generally accepted by custom or practice as full-time employment, or who is employed by
a professional employer organization pursuant to an employee leasing agreement between the
business and the professional employer organization for a minimum of thirty-five (35) hours per
week, or who renders any other standard of service generally accepted by custom or practice as
full-time employment, and whose wages are subject to withholding.

(10) “Healthcare applicant” means any applicant that meets the eligibility requirements and
works as a full-time employee as a high-demand healthcare practitioner, as defined in regulations
to be promulgated by the commerce corporation, in consultation with the executive office of health
and human services, pursuant to chapter 35 of this title.

(11) “Service period” means a twelve (12) month period beginning on the date that an
eligible graduate receives initial notice of award under this chapter.

(12) “Student loan” means a loan to an individual by a public authority or private lender
to assist the individual to pay for tuition, books, and living expenses in order to attend a
postsecondary institution of higher learning.

(13) “Rhode Island-based employer” means (i) an employer having a principal place of
business or at least fifty-one percent (51%) of its employees located in this state; or (ii) an employer
registered to conduct business in this state that reported Rhode Island tax liability in the previous
tax year.

(14) “STEM/design fund” refers to the “Stay Invested in RI Wavemaker Fellowship
Fund” established pursuant to § 42-64.26-4(a).

(15) “Healthcare fund” refers to the “Healthcare Stay Invested in RI Wavemaker
Fellowship Fund” established pursuant to § 42-64.26-4(b).

42-64.26-4. Establishment of fund — Purposes — Composition.

(a) There is hereby established the “Stay Invested in RI Wavemaker Fellowship Fund” (the
“fund”) to be administered by the commerce corporation as set forth in this chapter.

(b) There is hereby established the “Healthcare Stay Invested in RI Wavemaker Fellowship
Fund” to be administered by the commerce corporation as set forth in this chapter.

(b) The purpose of the fund—STEM/design fund and healthcare fund— is to expand
employment opportunities in the state and to retain talented individuals in the state by providing
tax credits in relation to education loan repayment expenses to applicants who meet the eligibility
requirements under this chapter.

(c) The fund STEM/design and healthcare fund shall consist of:

1. Money appropriated in the state budget to the fund;
2. Money made available to the fund through federal programs or private contributions;
3. Any other money made available to the fund.

(d) The fund stem/design fund shall be used to pay for the redemption of tax credits or
reimbursement to the state for tax credits applied against a taxpayer's tax liability of any non-
healthcare applicant that received an award. The healthcare fund shall be used to pay for the
redemption of tax credits or reimbursement to the state for tax credits applied against the tax
liability of any healthcare applicant that received an award on or after July 1, 2022. The fund shall
be exempt from attachment, levy or any other process at law or in equity. The director of the
department of revenue shall make a requisition to the commerce corporation for funding during
any fiscal year as may be necessary to pay for the redemption of tax credits presented for
redemption or to reimburse the state for tax credits applied against a taxpayer's tax liability. The
commerce corporation shall pay from the fund such amounts as requested by the director of the
department of revenue necessary for redemption or reimbursement in relation to tax credits granted
under this chapter.

42-64.26-5. Administration.

(a) Application. An eligible graduate claiming an award under this chapter shall submit to
the commerce corporation an application in the manner that the commerce corporation shall
prescribe.

(b) Upon receipt of a proper application from an applicant who meets all of the eligibility
requirements, the commerce corporation shall select applicants on a competitive basis to receive
credits for up to a maximum amount for each service period of one thousand dollars ($1,000) for
an associate’s degree holder, four thousand dollars ($4,000) for a bachelor’s degree holder, and six
thousand dollars ($6,000) for a graduate or post-graduate degree holder, but not to exceed the
education loan repayment expenses incurred by such taxpayer during each service period
completed, for up to four (4) consecutive service periods provided that the taxpayer continues to
meet the eligibility requirements throughout the eligibility period. The commerce corporation shall
delegate the selection of the applicants that are to receive awards to a fellowship committee to be
convened by the commerce corporation and promulgate the selection procedures the fellowship
committee will use, which procedures shall require that the committee’s consideration of
applications be conducted on a name-blind and employer-blind basis and that the applications and
other supporting documents received or reviewed by the fellowship committee shall be redacted of
the applicant’s name, street address, and other personally-identifying information as well as the
applicant’s employer’s name, street address, and other employer-identifying information. The
commerce corporation shall determine the composition of the fellowship committee and the
selection procedures it will use in consultation with the state’s chambers of commerce.
Notwithstanding the foregoing, the commerce corporation shall create and establish a committee
to evaluate any healthcare applicant for an award in the same manner as prescribed in this
paragraph. The executive office of health and human services (“EOHHS”) shall be represented on
the committee and provide consultation to the commerce corporation on selection procedures.
Notwithstanding EOHHS’s consultation and representation in the selection of healthcare
applicants, the commerce corporation shall administer all other aspects of a healthcare applicant’s
application, award, and certification.

(c) The credits awarded under this chapter shall not exceed one hundred percent (100%) of the education loan repayment expenses incurred by such taxpayer during each service period completed for up to four (4) consecutive service periods. Tax credits shall be issued annually to the taxpayer upon proof that (i) the taxpayer has actually incurred and paid such education loan repayment expenses; (ii) the taxpayer continues to meet the eligibility requirements throughout the service period; (iii) The award shall not exceed the original loan amount plus any capitalized interest less award previously claimed under this section; and (iv) that the taxpayer claiming an award is current on his or her student loan repayment obligations.

(d) The commerce corporation shall not commit to overall STEM/design awards in excess of the amount contained in the commerce-STEM/design fund or to overall healthcare awards in excess of the amount contained in the healthcare fund.

(e) The commerce corporation shall reserve seventy percent (70%) of the awards issued in a calendar year to applicants who are permanent residents of the state of Rhode Island or who attended an institution of higher education located in Rhode Island when they incurred the education loan expenses to be repaid.

(f) In administering award, the commerce corporation shall:

(1) Require suitable proof that an applicant meets the eligibility requirements for award under this chapter;

(2) Determine the contents of applications and other materials to be submitted in support of an application for award under this chapter; and
(3) Collect reports and other information during the eligibility period for each award to verify that a taxpayer continues to meet the eligibility requirements for an award.

42-64.26-12. Sunset.

No incentives or credits shall be authorized pursuant to this chapter after December 31, 2022 2023.

SECTION 9. Section 42-64.27-6 of the General Laws in Chapter 42-64.27 entitled “Main Street Rhode Island Streetscape Improvement Fund” is hereby amended as follows:

42-64.27-6. Sunset.

No incentives shall be authorized pursuant to this chapter after December 31, 2022 2023.

SECTION 10. Section 42-64.28-10 of the General Laws in Chapter 42-64.28 entitled “Innovation Initiative” is hereby amended as follows:

42-64.28-10. Sunset.

No vouchers, grants, or incentives shall be authorized pursuant to this chapter after December 31, 2022 2023.

SECTION 11. Section 42-64.29-8 of the General Laws in Chapter 42-64.29 entitled “Industry Cluster Grants” is hereby amended as follows:

42-64.29-8. Sunset.

No grants or incentives shall be authorized to be reserved pursuant to this chapter after June 30, 2021 December 31, 2023.

SECTION 12. Section 42-64.31-4 of the General Laws in Chapter 42-64.31 entitled “High School, College, and Employer Partnerships” is hereby amended as follows:

42-64.31-4. Sunset.

No grants shall be authorized pursuant to this chapter after December 31, 2022 2023.

SECTION 13. Section 42-64.32-6 of the General Laws in Chapter 42-64.32 entitled “Air Service Development Fund” is hereby amended as follows:

42-64.32-6. Sunset.

No grants, credits, or incentives shall be authorized or authorized to be reserved pursuant to this chapter after December 31, 2022 2023.

SECTION 14. Section 44-48.3-14 of the General Laws in Chapter 44-48.3 entitled “Rhode Island Qualified Jobs Incentive Act of 2015” is hereby amended as follows:


No credits shall be authorized to be reserved pursuant to this chapter after December 31, 2022 2023.

SECTION 15. This Article shall take effect upon passage.
ARTICLE 10

RELATING TO EDUCATION

SECTION 1. Section 16-7-20 of the General Laws in Chapter 16-7 entitled “Foundation Level School Support” is hereby amended to read as follows:

16-7-20. Determination of state’s share.

(a) For each community the state’s share shall be computed as follows: Let

\[ R = \text{state share ratio for the community.} \]
\[ v = \text{adjusted equalized weighted assessed valuation for the community, as defined in § 16-7-21(3).} \]
\[ V = \text{sum of the values of } v \text{ for all communities.} \]
\[ m = \text{average daily membership of pupils in the community as defined in § 16-7-22(3).} \]
\[ M = \text{total average daily membership of pupils in the state.} \]
\[ E = \text{approved reimbursable expenditures for the community for the reference year minus the excess costs of special education, tuitions, federal and state receipts, and other income.} \]

Then the state share entitlement for the community shall be \( RE \), where

\[ R = 1 - 0.5 \frac{vM}{Vm} \text{ through June 30, 2011, and } R = 1 - 0.475 \frac{vM}{Vm} \text{ beginning on July 1, 2011 and thereafter. Except that in no case shall } R \text{ be less than zero percent (0%).} \]

(b) Whenever any funds are appropriated for educational purposes, the funds shall be used for educational purposes only and all state funds appropriated for educational purposes must be used to supplement any and all money allocated by a city or town for educational purposes and in no event shall state funds be used to supplant, directly or indirectly, any money allocated by a city or town for educational purposes. The courts of this state shall enforce this section by writ of mandamus.

(c) Notwithstanding the calculations in subsection (a), the hospital school at the Hasbro Children’s Hospital shall be reimbursed one hundred percent (100%) of all expenditures approved by the council on elementary and secondary education in accordance with currently existing rules and regulations for administering state aid, and subject to annual appropriations by the general assembly including, but not limited to, expenditures for educational personnel, supplies, and materials in the prior fiscal year.

(d) In the event the computation of the state’s share for any local education agency as outlined in subsection (a) is determined to have been calculated incorrectly after the state budget for that fiscal year has been enacted, the commissioner of elementary and secondary education shall notify affected local education agencies, the senate president, and the speaker of the house within fifteen (15) days of the determination.
(e) Realignment of aid payments to the affected local education agencies pursuant to subsection (d) shall occur in the following fiscal year:

(1) If the determination shows aid is underpaid to the local education agency, any amounts owed shall be paid in equal monthly installments.

(2) If the determination shows aid was overpaid, the department of elementary and secondary education shall recapture some amount of the aid from the overpaid local education agency. The amount to be withheld shall be equal to the amount of the overpayment prorated to the number of full months remaining in the fiscal year when the notification required in subsection (d) was made.

(f) The above notwithstanding, in no event shall the total paid to a local education agency in the 2023 fiscal year pursuant subsection (a), above, be reduced as the result of the implementation of section (1), above.

SECTION 2. Section 45-38.2-4 of the General Laws in Chapter 38.2-4 entitled “School Building Authority Capital Fund” is hereby amended to read as follows:

45-38.2-4. Payment of state funds.

(a) Subject to the provisions of subsection (b), upon the written request of the corporation, the general treasurer shall pay to the corporation, from time to time, from the proceeds of any bonds or notes issued by the state for the purposes of this chapter or funds otherwise lawfully payable to the corporation for the purposes of this chapter, such amounts as shall have been appropriated or lawfully designated for the fund. All amounts so paid shall be credited to the fund in addition to any other amounts credited or expected to be credited to the fund.

(b) The corporation and the state may enter into, execute, and deliver one or more agreements setting forth or otherwise determining the terms, conditions, and procedures for, and the amount, time, and manner of payment of, all amounts available from the state to the corporation under this section.

(c) The corporation, per order of the school building authority capital fund, is authorized to grant a district or municipality its state share of an approved project cost, pursuant to §§ 16-7-39 and 16-77.1-5. Construction pay-as-you-go grants received from the school building authority capital fund shall not be considered a form of indebtedness subject to the provisions of § 16-7-44.

(d) (1) Notwithstanding the provisions of §§ 45-12-19 and 45-12-20, and notwithstanding city or town charter provisions to the contrary, prior to July 1, 2016, no voter approval shall be required for loans in any amount made to a city or town for the local education agency's share of total project costs.
(2) Notwithstanding the provisions of §§ 45-12-19 and 45-12-20, and notwithstanding city
or town charter provisions to the contrary, on or after July 1, 2016, up to five hundred thousand
dollars ($500,000) may be loaned to a city or town for the local education agency's share of total
project costs without the requirement of voter approval.

(e) (1) Funds from the two hundred fifty million ($250,000,000) in general obligation
bonds, if approved on the November 2018 ballot, shall first be used to support the state share of
foundational housing aid and shall be offered to local education agencies on a pay-as-you-go basis
and not as a reimbursement of debt service for previously completed projects.

(2) Funds to support approved projects in a given year on a pay-as-you-go basis shall be
offered proportionately to local education agencies based on the total state share of foundational
housing aid awarded to projects in that year.

(3) Any excess funds up may be transferred to the school building authority capital fund in
an amount not to exceed five percent (5%) of any amount of bonds issued in a given year.

(f) (1) Two hundred million ($200,000,000) in general obligation bonds, if approved on
the November 2022 ballot, shall be used to support approved projects as defined by § 16-7-36(2)
and shall be offered to local education agencies on a pay-as-you-go basis and not as a
reimbursement of debt service for previously completed projects.

(2) Fifty million ($50,000,000) in general obligation bonds, if approved on the November
2022 ballot, shall be transferred to the school building authority capital fund to help create facility
equity between Rhode Island students.

(3) Any excess funds up may be transferred to the school building authority capital fund in
an amount not to exceed five percent (5%) of any amount of bonds issued in a given year.

(g) Notwithstanding any provision to the contrary, the term of any bond, capital lease,
or other financing instrument shall not exceed the useful life of the project being financed.

(h) In accordance with §§ 45-10-5.1 and 45-10-6, the auditor general shall give
guidance to municipalities and school districts on the uniform financial reporting of construction
debt authorized and issued, and on funding received from the state within ninety (90) days of the
passage of this article.

SECTION 3. This Article shall take effect upon passage.
ARTICLE 11

RELATING TO ADULT USE MARIJUANA

SECTION 1. Section 2-26-5 of the General Laws in Chapter 2-26 entitled “Hemp Growth Act” is hereby amended to read as follows:

2-26-5. Authority over licensing and sales.

(a) The department shall prescribe rules and regulations for the licensing and regulation of hemp growers, handlers, licensed CBD distributors, and licensed CBD retailers and persons employed by the applicant not inconsistent with law, to carry into effect the provision of this chapter and shall be responsible for the enforcement of the licensing.

(b) All growers, handlers, licensed CBD distributors, and licensed CBD retailers must have a hemp license issued by the department. All production, distribution, and retail sale of hemp-derived consumable CBD products must be consistent with any applicable state or local food processing and safety regulations, and the applicant shall be responsible to ensure its compliance with the regulations and any applicable food safety licensing requirements, including, but not limited to, those promulgated by the department on health.

(c) The application for a hemp license shall include, but not be limited to, the following:

(1)(i) The name and address of the applicant who will supervise, manage, or direct the growing and handling of hemp and the names and addresses of any person or entity partnering or providing consulting services regarding the growing or handling of hemp; and

(ii) The name and address of the applicant who will supervise, manage, or direct the distribution or sale of hemp-derived consumable CBD products, and names and addresses of any person or entity partnering or providing consulting services regarding the distribution or sale of hemp-derived CBD products.

(2) A certificate of analysis that the seeds or plants obtained for cultivation are of a type and variety that do not exceed the maximum concentration of delta-9 THC, as set forth in § 2-26-3; any seeds that are obtained from a federal agency are presumed not to exceed the maximum concentration and do not require a certificate of analysis.

(3) (i) The location of the facility, including the Global Positioning System location, and other field reference information as may be required by the department with a tracking program and security layout to ensure that all hemp grown is tracked and monitored from seed to distribution outlets; and

(ii) The location of the facility and other information as may be required by the department as to where the distribution or sale of hemp-derived consumable CBD products will occur.
(4) An explanation of the seed to sale tracking, cultivation method, extraction method, and certificate of analysis or certificate of analysis for the standard hemp seeds or hemp product if required by the department.

(5) Verification, prior to planting any seed, that the plant to be grown is of a type and variety of hemp that will produce a delta-9 THC concentration of no more than three-tenths of one percent (0.3%) on a dry-weight basis.

(6) Documentation that the licensee and/or its agents have entered into a purchase agreement with a hemp handler, processor, distributor or retailer.

(7) All applicants:

(i) Shall apply to the state police, attorney general, or local law enforcement for a National Criminal Identification records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of a disqualifying conviction defined in subsections (c)(7)(iv) and (c)(7)(v), and in accordance with the rules promulgated by the department, the state police shall inform the applicant, in writing, of the nature of the conviction, and the state police shall notify the department, in writing, without disclosing the nature of the conviction, that a conviction has been found;

(ii) In those situations in which no conviction has been found, the state police shall inform the applicant and the department, in writing, of this fact;

(iii) All applicants shall be responsible for any expense associated with the criminal background check with fingerprints.

(iv) Any applicant who has been convicted of any felony offense under chapter 28 of title 21, or any person who has been convicted of murder; manslaughter; first-degree sexual assault; second-degree sexual assault; first-degree child molestation; second-degree child molestation; kidnapping; first-degree arson; second-degree arson; mayhem; robbery; burglary; breaking and entering; assault with a dangerous weapon; or any assault and battery punishable as a felony or assault with intent to commit any offense punishable as a felony, shall be disqualified from holding any license or permit under this chapter. The department shall notify any applicant, in writing, of a denial of a license pursuant to this subsection, provided that any disqualification or denial of license shall be subject to the provisions of § 28-5.1-14 of the general laws.

(v) For purposes of this section, "conviction" means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty, or plea of guilty, those instances where the defendant has entered a plea of nolo contendere and has received a jail sentence or a suspended jail sentence, or those instances wherein the defendant has entered into a deferred sentence agreement with the Rhode Island attorney general and the period of deferment has not been completed.
(8) Any other information as set forth in rules and regulations as required by the department.

(d) [Deleted by P.L. 2019, ch. 88, art. 15, §1].

(e) The department shall issue a hemp license to the grower or handler applicant if he, she, or it meets the requirements of this chapter, upon the applicant paying a licensure fee of two thousand five hundred dollars ($2,500). Said license shall be renewed every two (2) years upon payment of a two thousand five hundred dollar ($2,500) renewal fee. Any licensee convicted of any disqualifying offense described in subsection (c)(7)(iv) shall have his, her, or its license revoked. All license fees shall be directed to the department to help defray the cost of enforcement.

The department shall collect a nonrefundable application fee of two hundred fifty dollars ($250) for each application to obtain a license.

(f) Any grower or handler license applicant or license holder may also apply for and be issued a CBD distributor and/or CBD retailer license at no additional cost provided their grower or handler license is issued or renewed. CBD distributor and CBD retailer licenses shall be renewed each year at no additional fee provided the applicant also holds or renews a grower and/or handler license.

(g) For applicants who do not hold, renew, or receive a grower or handler license, CBD distributor and CBD retailer licenses shall have a licensure fee of five hundred dollars ($500). The licenses shall be renewed each year upon approval by the department and payment of a five hundred dollar ($500) renewal fee.

SECTION 2. Chapter 12-1.3 of the General Laws entitled “EXPUNGEMENT OF CRIMINAL RECORDS” is hereby amended by adding thereto the following section:

12-1.3-5. Automatic expungement of marijuana related convictions.

(a) Any person with a prior conviction for misdemeanor or felony possession of a marijuana-related offense that has been decriminalized subsequent to the date of conviction shall be entitled to have the criminal conviction automatically expunged, notwithstanding the provisions of chapter 1.3 of title 12. No prior criminal charge and/or conviction having been expunged pursuant to the provisions of this section may be used to impede a person from entering into the cannabis industry or any government assistance programs. There shall be no expungement fee assessed to the individual.

(b) Any person who has been incarcerated for misdemeanor or felony possession of marijuana shall have all court costs waived with respect to expungement of his or her criminal record under this section.
(c) Records shall be expunged pursuant to the procedures set forth in this chapter in accordance with the following timelines:

(i) Records created prior to the effective date of this section, but on or after January 1, 2014, shall be automatically expunged January 1, 2023;

(ii) Records created prior to January 1, 2014, but on or after January 1, 2001, shall be automatically expunged January 1, 2024;

(iii) Records created prior to January 1, 2001, shall be automatically expunged prior to January 1, 2026.

(d) Nothing in this section shall be construed to restrict or modify a person’s right to have their records expunged, except as otherwise may be provided in this chapter, or diminish or abrogate any rights or remedies otherwise available to the individual;

(e) The Rhode Island attorney general, in consultation with the Rhode Island state police and the municipal police departments of the state, is hereby authorized to promulgate any and all rules and regulations necessary to carry out the provisions of this section.

SECTION 3. Section 21-28.5-2 of the General Laws in Chapter 21-28.5 entitled “Sale of Drug Paraphernalia” is hereby amended to read as follows:


It is unlawful for any person to deliver, sell, possess with intent to deliver, or sell, or manufacture with intent to deliver, or sell drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or introduce into the human body a controlled substance in violation of chapter 28 of this title. A violation of this section shall be punishable by a fine not exceeding five thousand dollars ($5,000) or imprisonment not exceeding two (2) years, or both.

Notwithstanding any other provision of the general laws, the sale, manufacture, or delivery of drug paraphernalia to a person acting in accordance with chapters 28.6, 28.11, or 28.12 of this title shall not be considered a violation of this chapter.

SECTION 4. Chapter 21-28.6 of the General Laws entitled “The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act” is hereby amended by adding thereto the following section:

21-28.6-16.1 Procurement and transfer of marijuana.

(a) A compassion center or licensed medical marijuana cultivator that obtains a corresponding hybrid license pursuant to chapter 28.12 of title 21 may procure marijuana and marijuana products from or transfer medical marijuana for processing and product manufacturing
to a marijuana establishment that is licensed under chapter 28.12 provided such procurement, processing, manufacturing and transfer is conducted in accordance and compliance with chapters 28.6, 28.11 and 28.12 of title 21 and regulations promulgated by the office of cannabis regulation including regulations regarding product testing, labeling, packaging and other requirements designed to ensure health, safety and patient access and all applicable provisions of title 44.

(b) Notwithstanding any other provision of the general laws, a licensed compassion center that also holds a license as a hybrid marijuana retailer pursuant to chapter 28.12 of title 21 and the regulations promulgated hereunder shall be exempt from the requirements of chapter 28.6 of title 21 requiring registration as a not-for-profit corporation under chapter 6 of title 7 of the general laws, provided the compassion center maintains operation and licensure as a hybrid marijuana retailer in good standing with the department of business regulation. The department of business regulation may promulgate regulations or issue guidance to facilitate the transition from a not-for-profit corporation to a for profit corporation or other entity including but not limited to the requirement that the compassion center must update and/or resubmit licensing and application documents which reflect this transfer.

SECTION 5. Sections 21-28.6-3, 21-28.6-5, and 21-28.6-6 of the General Laws in Chapter 21-28.6 entitled “The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act” are hereby amended to read as follows:

**21-28.6-3 Definitions.**

For the purposes of this chapter:

(1) “Authorized purchaser” means a natural person who is at least twenty-one (21) years old and who is registered with the department of health for the purposes of assisting a qualifying patient in purchasing marijuana from a compassion center. An authorized purchaser may assist no more than one patient, and is prohibited from consuming marijuana obtained for the use of the qualifying patient. An authorized purchaser shall be registered with the department of health and shall possesses a valid registry identification card.

(2) “Cannabis” means all parts of the plant of the genus marijuana, also known as marijuana sativa L, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin regardless of cannabinoid content or cannabinoid potency including “marijuana”, and “industrial hemp” or “industrial hemp products” which satisfy the requirements of chapter 26 of title 2.

(3) “Cannabis testing laboratory” means a third-party analytical testing laboratory licensed by the department of health, in coordination with the department of business regulation, to collect and test samples of cannabis.
(4) "Cardholder" means a person who has been registered or licensed with the department of health or the department of business regulation pursuant to this chapter and possesses a valid registry identification card or license.

(5) "Commercial unit" means a building, or other space within a commercial or industrial building, for use by one business or person and is rented or owned by that business or person.

(6)(i) "Compassion center" means a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, and licensed under § 21-28.6-12, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses medical marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver, cardholder or authorized purchaser.

(ii) "Compassion center cardholder" means a principal officer, board member, employee, volunteer, or agent of a compassion center who has registered with the department of business regulation and has been issued and possesses a valid, registry identification card.

(7) "Debilitating medical condition" means:

(i) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, Hepatitis C, post-traumatic stress disorder, or the treatment of these conditions;

(ii) A chronic or debilitating disease or medical condition, or its treatment, that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating, chronic pain; severe nausea; seizures, including but not limited to, those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to, those characteristic of multiple sclerosis or Crohn's disease; or agitation of Alzheimer's Disease; or

(iii) Any other medical condition or its treatment approved by the department of health, as provided for in § 21-28.6-5.

(8) "Department of business regulation" means the Rhode Island department of business regulation or its successor agency.

(9) "Department of health" means the Rhode Island department of health or its successor agency.

(10) "Department of public safety" means the Rhode Island department of public safety or its successor agency.

(11) "Dried marijuana" means the dried leaves and flowers of the marijuana plant as defined by regulations promulgated by the department of business regulation.

(12) "Dwelling unit" means the room, or group of rooms, within a residential dwelling used or intended for use by one family or household, or by no more than three (3) unrelated individuals,
with facilities for living, sleeping, sanitation, cooking, and eating.

(13) "Equivalent amount" means the portion of usable marijuana, be it in extracted, edible, concentrated, or any other form, found to be equal to a portion of dried marijuana, as defined by regulations promulgated by the department of business regulation.

(14) "Immature marijuana plant" means a marijuana plant, rooted or unrooted, with no observable flower or buds.

(15) "Licensed medical marijuana cultivator" means a person or entity, as identified in § 43-3-6, who has been licensed by the department of business regulation to cultivate medical marijuana pursuant to § 21-28.6-16.

(16) "Marijuana" has the meaning given that term in § 21-28-1.02.

(17) "Marijuana establishment licensee" means any person or entity licensed by the department of business regulation under this chapter or chapter 28.12 of title 21 whose license permits it to engage in or conduct activities in connection with the medical marijuana program or adult use marijuana industry. "Marijuana establishment licensees" shall include but not be limited to, compassion centers, medical marijuana cultivators, and cannabis testing laboratories, adult use marijuana retailers, hybrid marijuana cultivators, and the holder of any other license issued by the department of business regulation under chapters 28.6 or 28.12 of title 21 of the general laws and/or as specified and defined in regulations promulgated by the department of business regulation.

(18) "Mature marijuana plant" means a marijuana plant that has flowers or buds that are readily observable by an unaided visual examination.

(19) "Medical marijuana emporium" means any establishment, facility or club, whether operated for-profit or nonprofit, or any commercial unit, at which the sale, distribution, transfer or use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among registered patients, registered caregivers, authorized purchaser cardholders or any other person. This shall not include a compassion center regulated and licensed by the department of business regulation pursuant to the terms of this chapter.

(20) "Medical marijuana" means marijuana and marijuana products that satisfy the requirements of this chapter and have been given the designation of "medical marijuana" due to dose, potency, form. Medical marijuana products are only available for use by patient cardholders, and may only be sold to or possessed by patient cardholders, or their registered caregiver, or authorized purchaser in accordance with this chapter. Medical marijuana may not be sold to, possessed by, manufactured by, or used except as permitted as under this chapter.

(21) "Medical marijuana plant tag set" or "plant tag" means any tag, identifier, registration, certificate, or inventory tracking system authorized or issued by the department or which the
department requires be used for the lawful possession and cultivation of medical marijuana plants in accordance with this chapter.

(22) "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer, or transportation of medical marijuana or paraphernalia relating to the consumption of marijuana to alleviate a patient cardholder's debilitating medical condition or symptoms associated with the medical condition in accordance with the provisions of this chapter.

(23) "Practitioner" means a person who is licensed with authority to prescribe drugs pursuant to chapters 34, 37, and 54 of title 5 who may provide a qualifying patient with a written certification in accordance with regulations promulgated by the department of health.

(24) "Primary caregiver" means a natural person who is at least twenty-one (21) years old who is registered under this chapter in order to, and who may assist one (1) qualifying patient, but no more than five (5) qualifying patients, with their medical use of marijuana, provided that a qualified patient may also serve as his or her own primary caregiver subject to the registration and requirements set forth in § 21-28.6-4.

(25) "Qualifying patient" means a person who has been certified by a practitioner as having a debilitating medical condition and is a resident of Rhode Island.

(26) "Registry identification card" means a document issued by the department of health or the department of business regulation, as applicable, that identifies a person as a registered qualifying patient, a registered primary caregiver, or authorized purchaser, or a document issued by the department of business regulation or department of health that identifies a person as a registered principal officer, board member, employee, volunteer, or agent of a compassion center, licensed medical marijuana cultivator, cannabis testing lab, or any other medical marijuana licensee.

(27) "Unusable marijuana" means marijuana seeds, stalks, and unusable roots and shall not count towards any weight-based possession limits established in this chapter.

(28) "Usable marijuana" means the leaves and flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

(29) "Wet marijuana" means the harvested leaves and flowers of the marijuana plant before they have reached a dry state, as defined by regulations promulgated by the department of health and department of business regulation.

(30) "Written certification" means a statement signed by a practitioner, stating that, in the practitioner's professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient. A written certification shall be made only in the course of a bona fide, practitioner-patient relationship after the practitioner has completed a
full assessment of the qualifying patient's medical history. The written certification shall specify
the qualifying patient's debilitating medical condition or conditions which may include the
qualifying patient's medical records.

21-28.6-5 Departments of health and business regulation to issue regulations.

(a) Not later than ninety (90) days after the effective date of this chapter, the department of
health shall promulgate regulations governing the manner in which it shall consider petitions from
the public to add debilitating medical conditions to those included in this chapter. In considering
such petitions, the department of health shall include public notice of, and an opportunity to
comment in a public hearing, upon such petitions. The department of health shall, after hearing,
approve or deny such petitions within one hundred eighty (180) days of submission. The approval
or denial of such a petition shall be considered a final department of health action, subject to judicial
review. Jurisdiction and venue for judicial review are vested in the superior court. The denial of a
petition shall not disqualify qualifying patients with that condition, if they have a debilitating
medical condition as defined in § 21-28.6-3(57). The denial of a petition shall not prevent a person
with the denied condition from raising an affirmative defense.

(b) Not later than ninety (90) days after the effective date of this chapter, the department
of health shall promulgate regulations governing the manner in which it shall consider applications
for, and renewals of, registry identification cards for qualifying patients and authorized purchasers.
The department of health's regulations shall establish application and renewal fees that generate
revenues sufficient to offset all expenses of implementing and administering this chapter. The
department of health may vary the application and renewal fees along a sliding scale that accounts
for a qualifying patient's or caregiver's income. The department of health may accept donations
from private sources in order to reduce the application and renewal fees.

(c) Not later than October 1, 2019, the department of business regulation shall promulgate
regulations not inconsistent with law, to carry into effect the provisions of this section, governing
the manner in which it shall consider applications for, and renewals of, registry identification cards
for primary caregivers. The department of business regulation's regulations shall establish
application and renewal fees. The department of business regulation may vary the application and
renewal fees along a sliding scale that accounts for a qualifying patient's or caregiver's income. The
department of business regulation may accept donations from private sources in order to reduce the
application and renewal fees.

21-28.6-6 Administration of departments of health and business regulation
regulations.
(a) The department of health shall issue registry identification cards to qualifying patients who submit the following, in accordance with the department's regulations. Applications shall include but not be limited to:

1. Written certification as defined in § 21-28.6-3;
2. Application fee, as applicable;
3. Name, address, and date of birth of the qualifying patient; provided, however, that if the patient is homeless, no address is required;
4. Name, address, and telephone number of the qualifying patient's practitioner;
5. Whether the patient elects to grow medical marijuana plants for himself or herself; and
6. Name, address, and date of birth of one primary caregiver of the qualifying patient and any authorized purchaser for the qualifying patient, if any primary caregiver or authorized purchaser is chosen by the patient or allowed in accordance with regulations promulgated by the departments of health or business regulation.

(b) The department of health shall not issue a registry identification card to a qualifying patient under the age of eighteen (18) unless:

1. The qualifying patient's practitioner has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient and to a parent, guardian, or person having legal custody of the qualifying patient; and
2. A parent, guardian, or person having legal custody consents in writing to:
   (i) Allow the qualifying patient's medical use of marijuana;
   (ii) Serve as the qualifying patient's primary caregiver or authorized purchaser; and
   (iii) Control the acquisition of the marijuana, the dosage, and the frequency of the medical use of marijuana by the qualifying patient.

(c) The department of health shall renew registry identification cards to qualifying patients in accordance with regulations promulgated by the department of health and subject to payment of any applicable renewal fee.

(d) The department of health shall not issue a registry identification card to a qualifying patient seeking treatment for post-traumatic stress disorder (PTSD) under the age of eighteen (18).

(e) The department of health shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within thirty-five (35) days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the department determines that the information provided was falsified, or that the renewing applicant has violated this chapter under their previous registration. Rejection of an application or renewal is
considered a final department action, subject to judicial review. Jurisdiction and venue for judicial
review are vested in the superior court.

(f) If the qualifying patient's practitioner notifies the department of health in a written
statement that the qualifying patient is eligible for hospice care or chemotherapy, the department
of health and department of business regulation, as applicable, shall give priority to these
applications when verifying the information in accordance with subsection (e) and issue a registry
identification card to these qualifying patients, primary caregivers and authorized purchasers within
seventy-two (72) hours of receipt of the completed application. The departments shall not charge a
registration fee to the patient, caregivers or authorized purchasers named in the application. The
department of health may identify through regulation a list of other conditions qualifying a patient
for expedited application processing.

(g) Following the promulgation of regulations pursuant to § 21-28.6-5(c), the department
of business regulation may issue or renew a registry identification card to the qualifying patient
cardholder's primary caregiver, if any, who is named in the qualifying patient's approved
application. The department of business regulation shall verify the information contained in
applications and renewal forms submitted pursuant to this chapter prior to issuing any registry
identification card. The department of business regulation may deny an application or renewal if
the applicant or appointing patient did not provide the information required pursuant to this section,
or if the department determines that the information provided was falsified, or if the applicant or
appointing patient has violated this chapter under their previous registration or has otherwise failed
to satisfy the application or renewal requirements.

(1) A primary caregiver applicant or an authorized purchaser applicant shall apply to the
bureau of criminal identification of the department of attorney general, department of public safety
division of state police, or local police department for a national criminal records check that shall
include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any
disqualifying information as defined in subsection (g)(5), and in accordance with the rules
promulgated by the director, the bureau of criminal identification of the department of attorney
general, department of public safety division of state police, or the local police department shall
inform the applicant, in writing, of the nature of the disqualifying information; and, without
disclosing the nature of the disqualifying information, shall notify the department of business
regulation or department of health, as applicable, in writing, that disqualifying information has been
discovered.

(2) In those situations in which no disqualifying information has been found, the bureau of
criminal identification of the department of attorney general, department of public safety division
of state police, or the local police shall inform the applicant and the department of business
regulation or department of health, as applicable, in writing, of this fact.

(3) The department of health or department of business regulation, as applicable, shall
maintain on file evidence that a criminal records check has been initiated on all applicants seeking
a primary caregiver registry identification card or an authorized purchaser registry identification
card and the results of the checks. The primary caregiver cardholder shall not be required to apply
for a national criminal records check for each patient he or she is connected to through the
department's registration process, provided that he or she has applied for a national criminal records
check within the previous two (2) years in accordance with this chapter. The department of health
and department of business regulation, as applicable, shall not require a primary caregiver
cardholder or an authorized purchaser cardholder to apply for a national criminal records check
more than once every two (2) years.

(4) Notwithstanding any other provision of this chapter, the department of business
regulation or department of health may revoke or refuse to issue any class or type of registry
identification card or license if it determines that failing to do so would conflict with any federal
law or guidance pertaining to regulatory, enforcement and other systems that states, businesses, or
other institutions may implement to mitigate the potential for federal intervention or enforcement.
This provision shall not be construed to prohibit the overall implementation and administration of
this chapter on account of the federal classification of marijuana as a schedule I substance or any
other federal prohibitions or restrictions.

(5) Information produced by a national criminal records check pertaining to a conviction
for any felony offense under chapter 28 of this title 21 (“Rhode Island Controlled Substances Act”);
murder; manslaughter; rape; first-degree sexual assault; second-degree sexual assault; first-degree
child molestation; second-degree child molestation; kidnapping; first-degree arson; second-degree
arson; mayhem; robbery; burglary; breaking and entering; assault with a dangerous weapon; assault
or battery involving grave bodily injury; and/or assault with intent to commit any offense
punishable as a felony or a similar offense from any other jurisdiction shall result in a letter to the
applicant and the department of health or department of business regulation, as applicable,
disqualifying the applicant. If disqualifying information has been found, the department of health
or department of business regulation, as applicable, may use its discretion to issue a primary
caregiver registry identification card or an authorized purchaser registry identification card if the
applicant's connected patient is an immediate family member and the card is restricted to that
patient only. Any disqualification or denial of registration hereunder shall be subject to the
provisions of § 28-5.1-14 of the general laws.
(6) The primary caregiver or authorized purchaser applicant shall be responsible for any expense associated with the national criminal records check.

(7) For purposes of this section, "conviction" means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of nolo contendere and has received a sentence of probation and those instances where a defendant has entered into a deferred sentence agreement with the attorney general.

(8) The office of cannabis regulation may adopt rules and regulations based on federal guidance provided those rules and regulations are designed to comply with federal guidance and mitigate federal enforcement against the registrations and licenses issued under this chapter.

(h)(1) On or before December 31, 2016, the department of health shall issue registry identification cards within five (5) business days of approving an application or renewal that shall expire two (2) years after the date of issuance.

(2) Effective January 1, 2017, and thereafter, the department of health or the department of business regulation, as applicable, shall issue registry identification cards within five (5) business days of approving an application or renewal that shall expire one year after the date of issuance.

(3) Registry identification cards shall contain:

(i) The date of issuance and expiration date of the registry identification card;

(ii) A random registry identification number;

(iii) A photograph; and

(iv) Any additional information as required by regulation or the department of health or business regulation as applicable.

(i) Persons issued registry identification cards by the department of health or department of business regulation shall be subject to the following:

(1) A qualifying patient cardholder shall notify the department of health of any change in his or her name, address, primary caregiver, or authorized purchaser; or if he or she ceases to have his or her debilitating medical condition, within ten (10) days of such change.

(2) A qualifying patient cardholder who fails to notify the department of health of any of these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars ($150). If the patient cardholder has ceased to suffer from a debilitating medical condition, the card shall be deemed null and void and the person shall be liable for any other penalties that may apply to the person's nonmedical use of marijuana.

(3) A primary caregiver cardholder or authorized purchaser shall notify the issuing department of any change in his or her name or address within ten (10) days of such change.
primary caregiver cardholder or authorized purchaser who fails to notify the issuing department of any of these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars ($150).

(4) When a qualifying patient cardholder or primary caregiver cardholder notifies the department of health or department of business regulation, as applicable, of any changes listed in this subsection, the department of health or department of business regulation, as applicable, shall issue the qualifying patient cardholder and each primary caregiver cardholder a new registry identification card within ten (10) days of receiving the updated information and a ten-dollar ($10.00) fee.

(5) When a qualifying patient cardholder changes his or her primary caregiver or authorized purchaser, the department of health or department of business regulation, as applicable shall notify the primary caregiver cardholder or authorized purchaser within ten (10) days. The primary caregiver cardholder's protections as provided in this chapter as to that patient shall expire ten (10) days after notification by the issuing department. If the primary caregiver cardholder or authorized purchaser is connected to no other qualifying patient cardholders in the program, he or she must return his or her registry identification card to the issuing department.

(6) If a cardholder or authorized purchaser loses his or her registry identification card, he or she shall notify the department that issued the card and submit a ten-dollar ($10.00) fee within ten (10) days of losing the card. Within five (5) days, the department of health or department of business regulation shall issue a new registry identification card with new random identification number.

(7) Effective January 1, 2019, if a patient cardholder chooses to alter his or her registration with regard to the growing of medical marijuana for himself or herself, he or she shall notify the department prior to the purchase of medical marijuana tags or the growing of medical marijuana plants.

(8) If a cardholder or authorized purchaser willfully violates any provision of this chapter as determined by the department of health or the department of business regulation, his or her registry identification card may be revoked.

(j) Possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or property of the person to inspection by any governmental agency.

(k)(1) Applications and supporting information submitted by qualifying patients, including information regarding their primary caregivers, authorized purchaser, and practitioners, are
confidential and protected in accordance with the federal Health Insurance Portability and Accountability Act of 1996, as amended, and shall be exempt from the provisions of chapter 2 of title 38 et seq. (Rhode Island access to public records act) and not subject to disclosure, except to authorized employees of the departments of health and business regulation as necessary to perform official duties of the departments, and pursuant to subsection (l) and (m).

(2) The application for qualifying patient's registry identification card shall include a question asking whether the patient would like the department of health to notify him or her of any clinical studies about marijuana's risk or efficacy. The department of health shall inform those patients who answer in the affirmative of any such studies it is notified of, that will be conducted in Rhode Island. The department of health may also notify those patients of medical studies conducted outside of Rhode Island.

(3) The department of health and the department of business regulation, as applicable, shall maintain a confidential list of the persons to whom the department of health or department of business regulation has issued authorized patient, primary caregiver, and authorized purchaser registry identification cards. Individual names and other identifying information on the list shall be confidential, exempt from the provisions of Rhode Island access to public records, chapter 2 of title 38, and not subject to disclosure, except to authorized employees of the departments of health and business regulation as necessary to perform official duties of the departments and of this section.

(l) Notwithstanding subsections (k) and (m), the departments of health and business regulation, as applicable, shall verify to law enforcement personnel whether a registry identification card is valid and may provide additional information to confirm whether a cardholder is compliant with the provisions of this chapter and the regulations promulgated hereunder. The department of business regulation shall verify to law enforcement personnel whether a registry identification card is valid and may confirm whether the cardholder is compliant with the provisions of this chapter and the regulations promulgated hereunder. This verification may occur through the use of a shared database, provided that any medical records or confidential information in this database related to a cardholder’s specific medical condition is protected in accordance with subsection (k)(1).

(m) It shall be a crime, punishable by up to one hundred eighty (180) days in jail and a one thousand dollar ($1,000) fine, for any person, including an employee or official of the departments of health, business regulation, public safety, or another state agency or local government, to breach the confidentiality of information obtained pursuant to this chapter. Notwithstanding this provision, the department of health and department of business regulation employees may notify law enforcement about falsified or fraudulent information submitted to the department or violations of
this chapter. Nothing in this act shall be construed as to prohibit law enforcement, public safety,
fire, or building officials from investigating violations of, or enforcing state law.

(n) On or before the fifteenth day of the month following the end of each quarter of the
fiscal year, the department of health and the department of business regulation shall report to the
governor, the speaker of the House of Representatives, and the president of the senate on
applications for the use of marijuana for symptom relief. The report shall provide:

(1) The number of applications for registration as a qualifying patient, primary caregiver,
or authorized purchaser that have been made to the department of health and the department of
business regulation during the preceding quarter, the number of qualifying patients, primary
caregivers, and authorized purchasers approved, the nature of the debilitating medical conditions
of the qualifying patients, the number of registrations revoked, and the number and specializations,
if any, of practitioners providing written certification for qualifying patients.

(o) On or before September 30 of each year, the department of health and the department
of business regulation, as applicable, shall report to the governor, the speaker of the House of
Representatives, and the president of the senate on the use of marijuana for symptom relief. The
report shall provide:

(1) The total number of applications for registration as a qualifying patient, primary
caregiver, or authorized purchaser that have been made to the department of health and the
department of business regulation, the number of qualifying patients, primary caregivers, and
authorized purchasers approved, the nature of the debilitating medical conditions of the qualifying
patients, the number of registrations revoked, and the number and specializations, if any, of
practitioners providing written certification for qualifying patients;

(2) The number of active qualifying patient, primary caregiver, and authorized purchaser
registrations as of June 30 of the preceding fiscal year;

(3) An evaluation of the costs permitting the use of marijuana for symptom relief, including
any costs to law enforcement agencies and costs of any litigation;

(4) Statistics regarding the number of marijuana-related prosecutions against registered
patients and caregivers, and an analysis of the facts underlying those prosecutions;

(5) Statistics regarding the number of prosecutions against physicians for violations of this
chapter; and

(6) Whether the United States Food and Drug Administration has altered its position
regarding the use of marijuana for medical purposes or has approved alternative delivery systems
for marijuana.
After June 30, 2018, the department of business regulation shall report to the speaker of the house, senate president, the respective fiscal committee chairpersons, and fiscal advisors within 60 days of the close of the prior fiscal year. The report shall provide:

1. The number of applications for registry identification cards to compassion center staff, the number approved, denied and the number of registry identification cards revoked, and the number of replacement cards issued;

2. The number of applications for compassion centers and licensed cultivators;

3. The number of marijuana plant tag sets ordered, delivered, and currently held within the state;

4. The total revenue collections of any monies related to its regulator activities for the prior fiscal year, by the relevant category of collection, including enumerating specifically the total amount of revenues foregone or fees paid at reduced rates pursuant to this chapter.

SECTION 6. Title 21 of the General Laws entitled “FOOD AND DRUGS” is hereby amended by adding thereto the following Chapters:

CHAPTER 28.11

ADULT USE OF MARIJUANA ACT

21-28.11-1. Short title. This chapter shall be known and may be cited as the "Adult Use of Marijuana Act."

21-28.11-2. Legislative Findings. The general assembly finds and declares that:

1. Prohibiting the possession, cultivation, and sale of cannabis to adults has proven to be an ineffective policy for the State of Rhode Island. In the absence of a legal, tightly regulated market, an illicit cannabis industry has thrived, undermining the public health, safety and welfare of Rhode Islanders.

2. Regional and national shifts in cannabis policy have increased access to legal cannabis and marijuana products for Rhode Islanders in other states, the sale of which benefits the residents of the providing state while providing no funds to the State of Rhode Island to address the public health, safety and welfare externalities that come with increased access to cannabis, including marijuana.

3. It is in the best interests of the State of Rhode Island to implement a new regulatory framework and tax structure for the commercial production and sale of cannabis and cannabis products, all aspects of which shall be tightly regulated and controlled by the provisions of this act and the office of cannabis regulation, the revenue from which is to be used to tightly
regulate cannabis and cannabis products and to study and mitigate the risks and deleterious impacts that cannabis and marijuana use may have on the citizens and State of Rhode Island.


For purposes of this chapter:

(1) “Adult use marijuana cultivator” means an entity that holds a license to cultivate marijuana pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation and includes a hybrid marijuana cultivator.

(2) “Adult use marijuana retailer” means an entity that holds a license to sell marijuana at retail pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation and includes a hybrid marijuana retailer.

(3) “Cannabis” means all parts of the plant of the genus marijuana, also known as marijuana sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin regardless of cannabinoid content or cannabinoid potency including “marijuana”, and “industrial hemp” or “industrial hemp products” which satisfy the requirements of chapter 2-26 of the general laws and the regulations promulgated thereunder.

(4) “Cannabis plant” means a cannabis plant, rooted or unrooted, with no observable flower or buds.

(5) “Department” or “department of business regulation” means the office of cannabis regulation within the department of business regulation or its successor agency.

(6) “Dwelling unit” means a room or group of rooms within a residential dwelling used or intended for use by one family or household, or by no more than three (3) unrelated individuals, with facilities for living, sleeping, sanitation, cooking, and eating.

(7) “Equivalent amount” means the portion of usable marijuana, be it in extracted, edible, concentrated, or any other form, found to be equal to a portion of dried, marijuana, as defined by regulations promulgated by the office of cannabis regulation.

(8) “Hybrid marijuana cultivator” means an entity that holds a medical marijuana cultivator license pursuant to chapter 28.6 of title 21 that also holds a license to cultivate marijuana pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation.

(9) “Hybrid marijuana retailer” means an entity that holds a medical marijuana compassion center license pursuant to chapter 28.6 of title 21 that also holds a license to sell marijuana at retail pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation.
(10) "Industrial Hemp" means the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent (0.3%) on a dry-weight basis of any part of the plant cannabis, or per volume or weight of cannabis product or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of the moisture content, which satisfy the requirements of chapter 2-26 of the general laws and the regulations promulgated thereunder.

(11) "Industrial Hemp products" means all products made from industrial hemp plants, including, but not limited to, concentrated oil, cloth, cordage, fiber, food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified for cultivation which satisfy the requirements of chapter 2-26 of the general laws and the regulations promulgated thereunder.

(12) "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is incapable of germination. Marijuana shall not include “industrial hemp” or “industrial hemp products” which satisfy the requirements of chapter 26 of title 2 of the general laws and the regulations promulgated thereunder.

(13) "Marijuana establishment" and “marijuana establishment licensee” means any person or entity licensed by the office of cannabis regulation under chapter 28.12 or chapter 28.6 of title 21 whose license permits it to engage in or conduct activities in connection with the adult use marijuana industry or medical marijuana program and includes but is not limited to a licensed adult use marijuana retailer, marijuana testing facility, hybrid marijuana retailer, adult use marijuana cultivator, hybrid marijuana cultivator, compassion center, medical marijuana cultivator, or any other license issued by the office of cannabis regulation under chapter 28.12 or chapter 28.6 of title 21 and/or as specified and defined in regulations promulgated by the office of cannabis regulation.

(14) "Marijuana paraphernalia" means equipment, products, and materials which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, or inhaling marijuana, or otherwise introducing marijuana into the human body.

(15) "Marijuana products" means any form of marijuana, including concentrated marijuana.
and products that are comprised of marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, extracts, infusions, edible products, ointments, and tinctures, as further defined in regulations promulgated by the office of cannabis regulation.

(16) "Marijuana testing facility" and “cannabis testing laboratory” means a third-party analytical testing laboratory licensed by the departments of health and office of cannabis regulation to collect and test samples of cannabis pursuant to regulations promulgated by the departments.

(17) “Office of cannabis regulation” means the office of cannabis regulation within the department of business regulation.

(18) "Public place" means any street, alley, park, sidewalk, public building other than individual dwellings, or any place of business or assembly open to or frequented by the public, and any other place to which the public has access.

(19) "Smoke" or “smoking” means heating to at least the point of combustion, causing plant material to burn, inhaling, exhaling, burning, or carrying any lighted or heated cigarette, pipe, weed, plant, other marijuana product in any manner or in any form intended for inhalation in any manner or form and includes but is not limited to the use of electronic cigarettes, electronic pipes, electronic marijuana delivery system products, or other similar products that rely on vaporization or aerosolization.

(20) “State prosecution” means prosecution initiated or maintained by the state of Rhode Island or an agency or political subdivision of the state of Rhode Island.

(21) “Vaporize” or “vape” means heating below the point of combustion and resulting in a vapor or mist.

21-28.11-4. Exempt activities.

Effective from and after April 1, 2023, except as otherwise provided in this chapter:

(1) A person who is twenty-one (21) years of age or older is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state prosecution for solely engaging in the following acts:

(i) Actually or constructively using, obtaining, purchasing, transporting, or possessing one ounce (1 oz.) or less of marijuana plant material, or an equivalent amount of marijuana product as determined by regulations promulgated by the office of cannabis regulation, provided that a person who is twenty-one (21) years of age or older may only purchase one ounce (1 oz.) of marijuana plant material, or an equivalent amount of marijuana product as determined by regulations promulgated by the office of cannabis regulation per day;

(ii) Possessing in the person’s primary residence in secured and locked storage five ounces (5 oz) or less of marijuana plant material or an equivalent amount of marijuana product as determined by regulations promulgated by the office of cannabis regulation, or possessing in any dwelling unit used...
as the a primary residence by two or more persons who are each twenty-one (21) years of age or older in secured and locked storage ten ounces (10 oz.) or less of marijuana plant material or an equivalent amount of marijuana product as determined by regulations promulgated by the office of cannabis regulation;

(iii) Controlling any premises or vehicle where persons who are twenty-one (21) years of age or older possess, process, or store amounts of marijuana plant material and marijuana products that are legal under state law under subsections (1)(i) and (1)(ii) of this section, provided that any and all marijuana plant material and/or marijuana products in a vehicle are sealed, unused, and in their original unopened packaging;

(iv) Giving away, without consideration, the amounts of marijuana and marijuana products that are legal under state law under subsection (1)(i) of this section, if the recipient is a person who is twenty-one (21) years of age or older, provided the gift or transfer of marijuana is not advertised or promoted to the public and the gift or transfer of marijuana is not in conjunction with the sale or transfer of any money, consideration or value, or another item or any other services in an effort to evade laws governing the sale of marijuana;

(v) Aiding and abetting another person who is twenty-one (21) years of age or older in the actions allowed under this chapter; and

(vi) Any combination of the acts described within subsections (1)(i) through (1)(v) of this section, inclusive.

(2) Except as provided in this chapter and chapter 28.12 of title 21, an adult use marijuana retailer, hybrid marijuana retailer or any person who is twenty-one (21) years of age or older and acting in their capacity as an owner, principal officer, partner, board member, employee, or agent of a licensed retailer is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state prosecution for solely engaging in the following acts:

(i) Actually or constructively transporting or possessing marijuana or marijuana products that were purchased from a hybrid marijuana cultivator, another adult use marijuana retailer, or any other marijuana establishment in accordance with regulations promulgated by the office of cannabis regulation;

(ii) Manufacturing, possessing, producing, obtaining, or purchasing marijuana paraphernalia;

(iii) Selling, delivering, or transferring marijuana or marijuana products to another retailer in accordance with regulations promulgated by the office of cannabis regulation;

(iv) Selling, transferring, or delivering, no more than, one ounce (1 oz.) of marijuana, or an equivalent amount of marijuana product per day, or marijuana paraphernalia to any person who is
twenty-one (21) years of age or older, in accordance with regulations promulgated by the office of

(3) Except as provided in this chapter and chapter 28.12 of title 21, an adult use marijuana

cultivator, hybrid marijuana cultivator or any person who is twenty-one (21) years of age or older

and acting in their capacity as an owner, principal officer, partner, board member, employee, or agent

of a licensed cultivator is exempt from arrest, civil or criminal penalty, seizure or forfeiture of assets,

discipline by any state or local licensing board, and state prosecution for solely engaging in the

following acts:

(i) Cultivating, packing, processing, transporting, or manufacturing marijuana, but not

marijuana products, in accordance with regulations promulgated by the office of cannabis

regulation;

(ii) Transporting or possessing marijuana that was produced by the hybrid marijuana cultivator

or another marijuana establishment, in accordance with regulations promulgated by the office of

cannabis regulation;

(iii) Selling, delivering, or transferring marijuana to an adult use marijuana retailer, hybrid

marijuana retailer, another hybrid marijuana cultivator, or any other marijuana establishment, in

accordance with regulations promulgated by the office of cannabis regulation;

(iv) Purchasing marijuana from another hybrid marijuana cultivator;

(v) Delivering or transferring marijuana to a marijuana testing facility;

(vi) Controlling any premises or vehicle where marijuana is possessed, manufactured, sold, or

deposited, in accordance with regulations promulgated by the office of cannabis regulation; and

(vii) Any combination of the acts described within subsections (3)(i) through (3)(vi) of this

section, inclusive.

(4) Except as provided in this chapter and chapter 28.12 of title 21, a cannabis testing facility

or any person who is twenty-one (21) years of age or older and acting in their capacity as an owner,

principal officer, owner, partner, board member, employee, or agent of a licensed cannabis testing
facility shall not be subject to state prosecution; search, except by the department of business regulation
or department of health pursuant to § 21-28.12-8; seizure; or penalty in any manner or be denied any
right or privilege, including, but not limited to, civil penalty or disciplinary action by a court or business
licensing board or entity solely engaging in for the following acts:

(i) Acquiring, transporting, storing, or possessing marijuana or marijuana products, in
accordance with regulations promulgated by the office of cannabis regulation;

(ii) Returning marijuana and marijuana products to marijuana cultivation facilities, marijuana
retailers, other marijuana establishment licensees and industrial hemp license holders, in accordance
with regulations promulgated by the office of cannabis regulation;

(iii) Receiving compensation for analytical testing, including but not limited to testing for
contaminants and potency; and

(iv) Any combination of the acts described within subsections (4)(i) through (4)(iii) of this
section, inclusive.

(5) The acts listed in subsections (1) through (4) of this section, when undertaken in
compliance with the provisions of this chapter and regulations promulgated hereunder, are lawful
under Rhode Island law.

(6) Except as provided in this chapter and chapter 28.12 of title 21, a marijuana establishment
licensee or any person who is twenty-one (21) years of age or older and acting in their capacity as an
owner, principal officer, partner, board member, employee, or agent of licensed a marijuana
establishment created by the office of cannabis regulation is exempt from arrest, civil or criminal
penalty, seizure or forfeiture of assets, discipline by any state or local licensing board, and state
prosecution solely for possessing, transferring, dispensing, or delivering marijuana in accordance
with the corresponding marijuana establishment license regulations promulgated by the office of
cannabis regulation, or otherwise engaging in activities permitted under the specific marijuana
establishment license it holds as issued by the office of cannabis regulation and the regulations
promulgated by the office of cannabis regulation.

(7) Except for the exemptions set forth in subsection (1) of this section which shall be
effective from and after April 1, 2023, the exemptions set forth in subsections (2), (3), (4), (5) and
(6) of this section shall be effective as to a marijuana establishment licensee from and after the date
of issuance of a license by the office of cannabis regulation.

21-28.11-5. Authorized activities; paraphernalia.

(a) Any person who is twenty-one (21) years of age or older is authorized to manufacture,
produce, use, obtain, purchase, transport, or possess, actually or constructively, marijuana
paraphernalia in accordance with all applicable laws.
(b) Any person who is twenty-one (21) years of age or older is authorized to distribute or sell marijuana paraphernalia to marijuana establishments or persons who are twenty-one (21) years of age or older in accordance with all applicable laws.

**21-28.11-6. Unlawful activities; penalties.**

(a) Except as expressly provided in this chapter and chapters 2-26, 28.6 and 21-28.12, no person or entity shall cultivate, grow, manufacture, process, or otherwise produce cannabis, cannabis plants or cannabis products.

(b) Any person who cultivates, grows, manufactures, processes, or otherwise produces cannabis, cannabis plants or cannabis products in violation of this chapter and chapters 2-26, 21-28.6, 21-28.12, and/or the regulations promulgated hereunder shall be subject to imposition of an administrative penalty and order by the office of cannabis regulation as follows:

(i) for a violation of this section involving one (1) to five (5) cannabis plants, an administrative penalty of $2,000 per plant and an order requiring forfeiture and/or destruction of said plants;

(ii) for a violation of this section involving six (6) to ten (10) cannabis plants, an administrative penalty of $3,000 per plant and an order requiring forfeiture and/or destruction of said plants;

(iii) for a violation of this section involving eleven (11) to twenty (20) cannabis plants, an administrative penalty of $4,000 per plant and an order requiring forfeiture and/or destruction of said plants;

(iv) for a violation of this section involving more than twenty (20) cannabis plants, an administrative penalty of $5,000 per plant and an order requiring forfeiture and/or destruction of said plants;

(v) for any violation of this section involving more than twenty (20) cannabis plants, such person and, in the case of an entity such entity’s principal officers and other key persons, shall also be guilty of a felony, and upon conviction shall be punished by imprisonment and a fine as provided in chapter 21-28 of the general laws and the attorney general shall prosecute such criminal violation; and

(vi) for any violation of this section involving possession of marijuana material or marijuana products over the legal possession limits of this chapter, there shall be an administrative penalty of $2,000 per ounce of equivalent marijuana material over the legal possession limit and an order requiring forfeiture and/or destruction of said marijuana.

**21-28.11-7. Activities not exempt.**

The provisions of this chapter do not exempt any person from arrest, civil or criminal penalty.
seizure or forfeiture of assets, discipline by any state or local licensing board or authority, and state prosecution for, nor may they establish an affirmative defense based on this chapter to charges arising from, any of the following acts:

(1) Driving, operating, or being in actual physical control of a vehicle or a vessel under power or sail while impaired by marijuana or marijuana products;

(2) Possessing marijuana or marijuana products if the person is incarcerated;

(3) Possessing marijuana or marijuana products in any local detention facility, county jail, state prison, reformatory, or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(4) Manufacturing or processing of marijuana products with the use of prohibited solvents, in violation of § 21-28.11-13.


(a) No person shall smoke, vaporize or otherwise consume or use cannabis in a public place. A person who violates this section shall be subject to imposition of any applicable penalty or fine established pursuant to local ordinance by the municipality where the public consumption or use occurred.

(b) No person shall smoke or vaporize cannabis in, on or about the premises of any housing that is subject to regulation or otherwise within the purview of chapters 45-25, 45-26, 45-53 or 45-60 of the general laws and any regulations promulgated thereunder. A person who smokes or vaporizes cannabis in, on or about such housing premises shall be subject to imposition of any applicable penalty established pursuant to local ordinance, access prohibition or restriction, eviction or other action that may lawfully be taken by the owner and/or applicable authority with respect to said housing.

(c) No person shall smoke or vaporize cannabis in, on or about the premises of any multi-unit housing complex or building without the written permission of the owner of such property and/or any applicable governing body of the housing complex or building. A person who smokes or vaporizes cannabis in, on or about any multi-unit housing complex or building premises without such written permission shall be subject to imposition of any applicable penalty established pursuant to local ordinance, access prohibition or restriction, eviction or other action that may lawfully be taken by the owner and/or any applicable authority with respect to such multi-unit housing complex or building.

(d) No person or entity shall permit smoking, vaporizing or other consumption or use, sale, distribution or other transfer or any proposed sale, distribution or transfer, of cannabis or cannabis products in, on or about the premises of any place of business, establishment, or club, whether
public or private, and whether operated for-profit or nonprofit, or any commercial property or other
premises as further defined through regulations promulgated by the office of cannabis regulation,
unless a cannabis social use license or temporary cannabis social use permit has been issued by the
office of cannabis regulation with respect to such business, establishment, club or commercial
property premises in accordance with regulations promulgated by the office of cannabis regulation.
Any person or entity who violates this section shall be subject to imposition of administrative fine
and/or other penalty as prescribed by the office of cannabis regulation in such regulations.

(a) Nothing in this chapter shall be construed to require an employer to accommodate the
use or possession of marijuana, or being under the influence of marijuana, in any workplace.
(b) An employer shall be entitled to implement policies prohibiting the use or possession
of marijuana in the workplace and/or working under the influence of marijuana, provided such
policies are in writing and uniformly applied to all employees and an employee is given prior
written notice of such policies by the employer.
(c) The provisions of this chapter shall not permit any person to undertake any task under
the influence of marijuana when doing so would constitute negligence or professional malpractice,
jeopardize workplace safety, or to operate, navigate or be in actual physical control of any motor
vehicle or other transport vehicle, aircraft, motorboat, machinery or equipment, or firearms under
the influence of marijuana.
(d) Notwithstanding any other section of the general laws, upon specific request of a person
who is a qualifying medical marijuana patient cardholder under chapter 28.6 of title 21, the
department of health may verify the requesting cardholder’s status as a valid patient cardholder to
the qualifying patient cardholder’s employer, in order to ensure compliance with patient protections
of § 21-28.6-4(c).
(e) Notwithstanding any other section of the general laws, an employer may take
disciplinary action against an employee, including termination of employment, if the results of a
drug test administered in accordance with section § 28-6.5-1 of the general laws demonstrates that
the employee was under the influence of or impaired by marijuana while in the workplace or during
the performance of work. For purposes of this subsection (e), a drug test that yields a positive result
for cannabis metabolites shall not be construed as proof that an employee is under the influence of
or impaired by marijuana unless the test yields a positive result for active THC, delta-9-
tetrahydrocannabinol, delta-8-tetrahydrocannabinol, or any other active cannabinoid found in
marijuana which causes intoxication and/or impairment.

(a) Except as provided in this section, the provisions of this chapter do not require any person, corporation, or any other entity that occupies, owns, or controls a property to allow the consumption, or transfer of marijuana on or in that property.

(b) Except as provided in this section, in the case of the rental of a residential dwelling unit governed by chapter 18 of title 34, a landlord may not prohibit the consumption of cannabis by non-smoked or non-vaporized means, or the transfer without compensation of cannabis by the tenant as defined in § 34-18-11, provided the tenant is in compliance with the possession and transfer limits and other requirements set forth in § 21-28.11-4(1)(i)-(vi), and provided any such consumption or transfer by the tenant is done within the tenant’s dwelling unit and is not visible from outside of the individual residential dwelling unit. A landlord may prohibit the consumption, display, and transfer of cannabis by a roomer as defined in § 34-18-11 and by any other person who is not a tenant.

21-28.11-12. Unlawful distribution to minors; penalties.

(a) Except as expressly provided in chapter 28.6 of title 21 of the general laws, no person or entity shall sell, deliver or otherwise transfer to any person who is under twenty-one (21) years of age marijuana, marijuana plants or marijuana products.

(b) Any person or entity who sells, delivers or otherwise transfers marijuana, marijuana plants or marijuana products to any person who is under twenty-one (21) years of age violation of this chapter and chapter 28.12 of title 21 and/or the regulations promulgated hereunder shall be subject to imposition of an administrative penalty by the office of cannabis regulation in the amount of $10,000 per violation.

(c) As to any violation of this section, such person, and in the case of an entity such entity’s principal officers and other key persons, shall also be guilty of a felony, and upon conviction shall be punished by imprisonment and a fine as provided in chapter 28 of title 21 of the general laws and the attorney general shall prosecute such criminal violation.


(a) No person, other than a licensee who is authorized to process marijuana pursuant to a license under chapter 28.12 of title 21 and who is in compliance with this chapter, chapter 28.12 and accompanying regulations or an agent of such licensee acting in that capacity, may extract compounds from marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol (ethyl alcohol). No person may extract compounds from marijuana using ethanol in the presence or vicinity of open flame.

(b) A person who violates this section shall be subject to imposition of an administrative penalty by the office of cannabis regulation of up to five thousand dollars ($5,000) per violation.

(c) A person who violates this section shall also be guilty of a felony punishable by imprisonment.
and a fine in accordance with chapter 28 of title 21 of the general laws and the attorney general shall prosecute such criminal violation.


(a) No later than April 1, 2024, the department of business regulation shall, in collaboration with the department of health and the office of management and budget, conduct and deliver to the Governor, the Speaker of the House of Representatives, and the President of the Senate a study relating to the impact of the implementation of adult use cannabis in Rhode Island on the existing medical marijuana program (MMP) established pursuant to chapter 28.6 of title 21. This study shall examine and make recommendations relating to, without limitation, the following:

(b) The extent to which the introduction of adult use cannabis has diminished or eliminated the availability of certain medical marijuana products or product types;

(c) The extent to which patient cardholders in Rhode Island have experienced new or greater obstacles to obtaining medical marijuana, including on the basis of price, quantity, product type, or geographic location;

(d) The extent to which the number of caregiver registrations and/or the number of plant tag certificates issued by the office of cannabis regulation increases or decreases;

(e) The extent to which the introduction of the new adult use cannabis tax and license fee structure requires a realignment of the existing medical marijuana tax and license fee structure; and

(f) Any recommendations delivered to the Governor pursuant to this study shall be considered by the Governor, the department, and the office of management and budget in the development of the act proposing appropriations for the fiscal year beginning July 1, 2025.

CHAPTER 28.12
MARIJUANA REGULATION, CONTROL, AND TAXATION ACT


This chapter shall be known and may be cited as the "Marijuana Regulation, Control, and Taxation Act."


For purposes of this chapter:

(1) “Adult use marijuana cultivator” means an entity that holds a license to cultivate marijuana pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation and includes a hybrid marijuana cultivator;

(2) “Adult use marijuana retailer” means an entity that holds a license to sell marijuana at retail pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation and includes a hybrid marijuana retailer;
(3) “Cannabis” means all parts of the plant of the genus marijuana, also known as marijuana sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin regardless of cannabinoid content or cannabinoid potency including “marijuana”, and “industrial hemp” or “industrial hemp products” which satisfy the requirements of chapter 26 of title 2 of the general laws and the regulations promulgated thereunder.

(4) “Equivalent amount” means the portion of usable marijuana, be it in extracted, edible, concentrated, or any other form, found to be equal to a portion of dried marijuana, as defined by regulations promulgated by the office of cannabis regulation.

(5) “Hybrid marijuana cultivator” means an entity that holds a medical marijuana cultivator license pursuant to chapter 28.6 of title 21 that also holds a license to cultivate marijuana pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation.

(6) “Hybrid marijuana retailer” means an entity that holds a medical marijuana compassion center license pursuant to chapter 28.6 of title 21 that also holds a license to sell marijuana at retail pursuant to chapter 28.12 of title 21 and in accordance with regulations promulgated by the office of cannabis regulation.

(7) “Marijuana” means all parts of the plant cannabis sativa L., whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the plant which is incapable of germination. Marijuana shall not include “industrial hemp” or “industrial hemp products” which satisfy the requirements of chapter 2-26 of the general laws and the regulations promulgated thereunder.

(8) “Marijuana establishment” and “marijuana establishment licensee” means any person or entity licensed by the office of cannabis regulation under this chapter or chapter 21-28.6 whose license permits it to engage in or conduct activities in connection with the adult use marijuana industry or medical marijuana program and includes but is not limited to a licensed adult use marijuana retailer, marijuana testing facility, adult use marijuana cultivator, hybrid marijuana retailer, hybrid marijuana cultivator, compassion center, medical marijuana cultivator or any other license issued by the office of cannabis regulation under this chapter or chapter 28.6 of title 21 and/or as specified and defined in regulations promulgated by the office of cannabis regulation.
(9) "Marijuana paraphernalia" means equipment, products, and materials which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, or inhaling marijuana, or otherwise introducing marijuana into the human body.

(10) "Marijuana products" means any form of marijuana, including concentrated marijuana and products that are comprised of marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, extracts, infusions, edible products, ointments, and tinctures, as further defined in regulations promulgated by the office of cannabis regulation.

(11) "Marijuana testing facility" or "cannabis testing laboratory" means a third-party analytical testing laboratory licensed by the departments of health and office of cannabis regulation to collect and test samples of cannabis pursuant to regulations promulgated by the departments.

(12) "Smoke" or "smoking" means heating to at least the point of combustion, causing plant material to burn, inhaling, exhaling, burning, or carrying any lighted or heated cigarette, pipe, weed, plant, other marijuana product in any manner or in any form intended for inhalation in any manner or form and includes but is not limited to the use of electronic cigarettes, electronic pipes, electronic marijuana delivery system products, or other similar products that rely on vaporization or aerosolization.

(13) "State prosecution" means prosecution initiated or maintained by the state of Rhode Island or an agency or political subdivision of the state of Rhode Island.

(14) “Vaporize” or “vape” means heating below the point of combustion and resulting in a vapor or mist.


(a) The office of cannabis regulation within the department of business regulation shall oversee the regulation, licensing and control of cannabis, including marijuana, medical marijuana and industrial hemp, and such other matters within the jurisdiction of the department as determined by the director. The head of the office shall serve as the chief of the office of cannabis regulation. The chief shall be the executive and administrative head of the office and shall be responsible for administering and enforcing the laws and regulations relating to cannabis in the state of Rhode Island.

(b) Whenever in chapter 26 of title 2, and chapters 28.6, 28.11, and 28.12 of title 21 and chapter 49.1 of title 44 of the general laws the words “department of business regulation” shall appear, the words shall be deemed to mean the office of cannabis regulation within the department of business regulation. Whenever in chapter 26 of title 2, and chapters 28.6, 28.11, and 28.12 of title 21 and chapter 49.1 of title 44 of the general laws the words “office of cannabis regulation”
shall appear, the words shall be deemed to mean the office of cannabis regulation within the department of business regulation.

(c) The office of cannabis regulation shall coordinate the executive branch response to the regulation and control of cannabis including, but not limited to, strategic planning, coordination and approval of regulations, educational content, planning and implementation, community engagement, budget coordination, data collection and analysis functions, and any other duties deemed necessary and appropriate by the office of cannabis regulation to carry out the provisions of this chapter.

(d) In furtherance of coordinating the oversight of cannabis, including marijuana, medical marijuana and industrial hemp, across state agencies, the office of cannabis regulation shall:

1. Coordinate with the staff designated by the respective directors of each state agency regarding the agency’s promulgation and implementation of rules and regulations regarding adult use of marijuana, medical marijuana and industrial hemp with the objective of producing positive economic, public safety, and health outcomes for the state and its citizens;

2. Offer guidance to and communicate with municipal officials regarding the implementation and enforcement of this chapter and chapters 28.6 and 28.11;

3. Align all policy objectives and the promulgation of rules and regulations across state agencies to increase efficiency and eliminate unintended negative impacts on the state and its citizens;

4. Communicate with regulatory officials from other states that allow marijuana for adult use, medical marijuana use and industrial hemp production to learn from the experiences of those states;

5. Anticipate, prioritize, and respond to emerging issues with the regulation of marijuana;

6. Coordinate the collection of data on adult use of marijuana and medical marijuana use from state agencies and report to the governor and legislature no later than April 1, 2023, and every year thereafter. The report shall include, but is not limited to:

(i) The number and geographic distribution of all licensed marijuana establishments;

(ii) Data on the total amount of sales of marijuana and the total amount of revenue raised from taxes and fees levied on marijuana;

(iii) Projected estimate of the total marijuana revenue that will be raised in the proceeding year;

(iv) The distribution of funds to programs and agencies from revenue raised from fees and taxes levied on marijuana; and

(v) Any findings from the departments of health and public safety related to changes in marijuana use rates and the impact, if any, of marijuana use on public health and public safety.


(a) There is hereby created the Governor’s Cannabis Reinvestment Task Force, members
of which shall be appointed by and serve at the pleasure of the Governor. There shall be fifteen (15) members, with eight (8) members constituting a quorum. The members shall serve for an initial term of one (1) year and may be reappointed for an additional period of one (1) year. The members shall serve on the task force without compensation.

(b) The task force shall be co-chaired by the Director of the Department of Business Regulation or her or his designee and the Secretary of the Executive Office of Health and Human Services or her or his designee and shall also include the Directors of the Departments of Health, Labor and Training, Public Safety, and the President of the Rhode Island Commerce Corporation, or their designees.

c) The task force shall further consist of, but not be limited to, representatives of municipal government, faith-based organizations, Rhode Island-based community development corporations (CDCs), industry associations, small business owners, and at least two (2) members of the Rhode Island cannabis industry, including at least one (1) representative of a licensed compassion center and one (1) representative of a licensed cultivator. No later than July 1, 2023, the task force shall present recommendations to the office of cannabis regulation and the office of management and budget specifically relating to the long-term reinvestment of adult use cannabis revenues in existing or new programs or initiatives which shall include, but not be limited to; job training, small business access to capital, affordable housing, health equity, and neighborhood and community development. These recommendations shall contemplate an overall proportion of cannabis revenues to be reinvested in these targeted areas, and shall be made with a specific focus on racial equity, worker and family economic empowerment, the disproportionate impact of cannabis-related law enforcement policies and procedures, and structural barriers to participation in Rhode Island’s cannabis industry.

d) All meetings of the task force shall be open meetings and all records of the task force shall be public records. The office of cannabis regulation, the office of management and budget, and the executive office of health and human services shall provide administrative support to the task force as needed.


(a) The department of business regulations shall accept applications for adult use marijuana retailer licenses on an annual basis according to the following methodology:

(1) During the 12-month period beginning July 1, 2022, the department of business regulation shall establish and open a first application period, the duration of which shall be determined by the department, during which the department will accept applications for twenty-five (25) adult use marijuana retailer licenses:
(2) During the 12-month period beginning July 1, 2023, the department of business regulation shall establish and open a second application period, the duration of which shall be determined by the department, during which the department will accept applications for an additional twenty-five (25) adult use marijuana retailer licenses;

(3) During the 12-month period beginning July 1, 2024, the department of business regulation shall establish and open a third application period, the duration of which shall be determined by the department, during which the department will accept applications for an additional twenty-five (25) adult use marijuana retail licenses; such that by June 30, 2025 the department will have awarded or issued preliminary approval for no more than seventy-five (75) adult use retail licenses;

(b) Beginning July 1, 2025 and for the years that follow, the department may make additional retail adult use cannabis licenses available based on market factors including, but not limited to, the findings of a market demand study conducted pursuant to § 21-28.12-18, and taking into consideration the impact of said additional licenses on public health and safety.

(c) Excluding applications for hybrid marijuana retailer licenses as described in subsection (f), to the extent that the total number of qualifying applications for retail licenses received during any application period exceeds the number of licenses made available by the department pursuant to this section, the department shall award the licenses to qualifying applicants selected by way of a randomized lottery in accordance with rules and regulations promulgated by the department, provided no case shall the number of licenses awarded to qualifying minority business enterprises, as defined in chapter 14.1 of title 37 and regulations promulgated thereunder, be fewer than five (5) or twenty percent (20%) of the total number of licenses awarded on an annual basis, whichever is greater.

(d) By January 1, 2024, the department of business regulation shall conduct a disparity study examining the extent to which minority-owned businesses have been able to participate in the adult use cannabis market in Rhode Island, and may recommend revisions to the ratio set forth in subsection (c) as needed based on the findings of this study.

(e) The departments of administration and business regulation are hereby authorized to jointly promulgate additional rules and regulations as needed to clarify and implement the process of certification as a minority business enterprise for the purposes of this section.

(f) In addition to the adult use marijuana retailer licenses issued pursuant to subsection (a), any person or entity to whom the department of business regulation has issued a compassion center license or conditional compassion center application approval as of the date the department’s opening of the application period, and who is in good standing with the department pursuant to
chapter 28.6 of title 21 may apply for and shall be issued a hybrid marijuana retailer license during
the first application period, provided that any such applicant is in compliance with all applicable
regulations and demonstrates to the satisfaction of the department in accordance with regulations
promulgated hereunder that the applicant’s proposed adult use licensure will have no adverse effect
on the medical marijuana program market and patient need. The department may deny an
application that fails to make this demonstration and/or may impose restrictions and conditions to
licensure as it deems appropriate to ensure no adverse effect on the medical marijuana program
market and patient needs. A hybrid marijuana retailer licensee must maintain its compassion center
license in good standing as a condition to licensure for its hybrid marijuana retailer license.

(g) An adult use marijuana retailer licensed under this section may acquire marijuana and
marijuana products from licensed hybrid marijuana cultivators and other licensed marijuana
establishments in accordance with regulations promulgated by department of business regulation,
and possess, deliver, transfer, transport, supply and sell at retail marijuana, marijuana products and
marijuana paraphernalia to persons who are twenty-one (21) years of age or older in accordance
with the provisions of chapters 28.11 and 28.12 of title 21 and the regulations promulgated by the
department of business regulation. A licensed adult use marijuana retailer shall not be a primary
caregiver cardholder and shall not hold a cooperative cultivation license. A licensed adult use
marijuana retailer shall not hold an adult use marijuana cultivator license and shall not grow or
cultivate marijuana except to the extent the adult use marijuana retailer is licensed as a hybrid
marijuana retailer issued to a compassion center that has been approved for cultivation of marijuana
pursuant to such compassion center license. The department of business regulation may restrict the
number, types, and classes of adult use marijuana licenses an applicant may be issued through
regulations promulgated by the department.

(h) The department of business regulation may promulgate regulations governing the
manner in which it shall consider applications for the licensing of adult use marijuana retailers and
registration of all of its owners, officers, directors, managers, members, partners, employees, and
agents, including but not limited to regulations governing:

(1) The form and content of licensing and renewal applications, including, without
limitation, required submission materials upon which the department shall determine suitability of
an applicant;

(2) Minimum oversight requirements for licensed adult use marijuana retailers;

(3) Minimum record-keeping requirements for adult use marijuana retailers;

(4) Minimum insurance requirements for adult use marijuana retailers;

(5) Minimum security requirements for adult use marijuana retailers;
(6) Procedures for suspending, revoking, or terminating the license of adult use marijuana retailers that violate any provisions of this chapter or the regulations promulgated hereunder; and

(7) Applicable application and license fees.

(i) The license issued by the department of business regulation to an adult use marijuana retailer and the registration issued to each of its owners, officers, directors, managers, members, partners, employees and agents shall expire one (1) year after it was issued and the licensee may apply for renewal with the department in accordance with its regulations pertaining to licensed adult use marijuana retailers.

(j) The department of business regulation may promulgate regulations that govern how much marijuana a licensed adult use marijuana retailer may possess. All marijuana acquired, possessed and sold by a licensed adult use marijuana retailer must be catalogued in a seed to sale inventory tracking system in accordance with regulations promulgated by the department of business regulation.

(k) Adult use marijuana retailers shall only sell marijuana, marijuana products and marijuana paraphernalia at retail to persons twenty-one (21) years of age or older in accordance with chapters 28.11 and 28.12 of title 21 and the regulations promulgated by the department of business regulation thereunder. Adult use marijuana retailers shall not sell any other products except as otherwise permitted in regulations promulgated by the department of business regulation.

The department may suspend and/or revoke the adult use marijuana retailer's license and the registration of any owner, officer, director, manager, member, partner, employee, or agent of such adult use marijuana retailer and/or impose an administrative penalty in accordance with such regulations promulgated by the department for any violation of chapters 28.11 or 28.12 of title 21 or the regulations promulgated thereunder. In addition, any violation of chapters 28.11 or 28.12 of title 21 or the regulations promulgated pursuant to this subsection and subsection (h) shall cause a licensed adult use marijuana retailer to lose the protections described in § 21-28.11-4(2) and may subject the licensed adult use marijuana retailer and its owners, officers, directors, managers, members, partners, employees, and agents to arrest and prosecution under Chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

(l) Adult use marijuana retailers shall be subject to any regulations promulgated by the department of health or department of business regulation that specify how marijuana must be tested for items, including, but not limited to, potency, cannabinoid profile, and contaminants;

(m) Adult use marijuana retailers shall be subject to any product labeling requirements promulgated by the department of business regulation and the department of health;

(n) Adult use marijuana retailers shall only be licensed to possess and sell marijuana,
marijuana products and marijuana paraphernalia at the location(s) set forth in its adult use marijuana retailer license and registered with the department of business regulation and the department of public safety. The department of business regulation may promulgate regulations governing the department’s approval of locations where adult use marijuana retailers are allowed to operate. Adult use marijuana retailers must abide by all local ordinances, including zoning ordinances.

(o) Adult use marijuana retailers shall be subject to inspection and audit by the department of business regulation or the department of public health for the purposes of enforcing regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

(p) An adult use marijuana retailer applicant, unless they are an employee with no equity, ownership, financial interest, or managing control, shall apply to the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or local police department for a national criminal records check that shall include fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any disqualifying information as defined in subdivision (p)(2), and in accordance with the rules promulgated by the director of the department of business regulation, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, shall notify the department of business regulation, in writing, that disqualifying information has been discovered.

(1) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the department of attorney general, department of public safety division of state police, or the local police department shall inform the applicant and the department of business regulation, in writing, of this fact.

(2) Information produced by a national criminal records check pertaining to a conviction for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a sentence of probation shall result in a letter to the applicant and the department of business regulation disqualifying the applicant.

(3) The adult use marijuana retailer applicant shall be responsible for any expense associated with the national criminal records check.

(q) Persons issued adult use marijuana retailer licenses or registration cards shall be subject to the following:

(1) A licensed adult use marijuana retailer cardholder shall notify and request approval
from the department of business regulation of any change in his or her name or address within ten
(10) days of such change. An adult use marijuana retailer cardholder who fails to notify the
department of business regulation of any of these changes is responsible for a civil infraction,
punishable by a fine of no more than one hundred fifty dollars ($150).

(2) When a licensed adult use marijuana retailer cardholder notifies the department of
business regulation of any changes listed in this subsection, the department of business regulation
shall issue the adult use marijuana retailer cardholder a new license or registry identification card
after the department approves the changes and receives from the licensee payment of a fee specified
in regulation.

(3) If a licensed adult use marijuana retailer cardholder loses his or her registry
identification card, he or she shall notify the department of business regulation and submit a fee
specified in regulation within ten (10) days of losing the registry identification card. The department
of business regulation shall issue a new registry identification card with a new random
identification number.

(4) A licensed adult use marijuana retailer cardholder shall notify the department of
business regulation of any disqualifying criminal convictions as defined in subsection (p)(2). The
department of business regulation may choose to suspend and/or revoke his or her card after such
notification.

(5) If a licensed adult use marijuana retailer or adult use marijuana retailer cardholder
violates any provision of this chapter or regulations promulgated hereunder as determined by the
department of business regulation, his or her card or the issued license may be suspended and/or
revoked.

(r) No person or entity shall engage in activities described in this § 21-28.12-5 without an
adult use marijuana retailer license issued by the department of business regulation in accordance
with chapters 28.11 and 28.12 of title 21 and regulations promulgated thereunder by the department
of business regulation.


(a) On or after July 1, 2022, the department of business regulation shall establish and open
an application period during which it will accept applications for adult use marijuana cultivator
licenses. The duration of the application period, the number and class of adult use marijuana
licenses and the method of selection shall be determined in accordance with regulations
promulgated by the department of business regulation taking into consideration market demand
and the impact of said additional licenses on public health and safety.

(b) A medical marijuana cultivator licensed and in good standing with the department of
business regulation as of the opening of the application period may apply for and shall be issued a
hybrid marijuana cultivator license under this section, provided that a medical marijuana cultivator
licensee who applies for a hybrid marijuana cultivator license will be required to demonstrate to
the satisfaction of the department of business regulation in accordance with regulations
promulgated hereunder that the applicant’s proposed adult use licensure will have no adverse effect
on the medical marijuana program market and patient need. The department of business regulation
may deny an application that fails to make this demonstration and/or may impose restrictions and
conditions to licensure as it deems appropriate to ensure no adverse effect on the medical marijuana
program market and patient needs. A licensed hybrid marijuana cultivator must maintain its
medical marijuana cultivator license in good standing as a condition to licensure for its hybrid
marijuana cultivator license.

(c) An adult use marijuana cultivator licensed pursuant to this section shall be authorized
to acquire, possess, cultivate, package, process, manufacture and transfer marijuana and marijuana
products, in accordance with chapters 28.11 and 28.12 of title 21 and regulations promulgated by
the department of business regulation, and may sell, deliver, or transfer marijuana and marijuana
products to adult use marijuana retailers, a cannabis testing laboratory, or another marijuana
establishment licensee in accordance with regulations promulgated by the department of business
regulation. A licensed cultivator shall not be a primary caregiver cardholder and shall not hold a
cooperative cultivation license. A licensed adult use marijuana cultivator shall not sell, deliver, or
transfer marijuana or marijuana products to a compassion center licensed under chapter 28.6 of title
21 except to the extent that the adult use marijuana cultivator is licensed as a hybrid cultivator
issued to a medical marijuana cultivator licensed and in good standing with the department of
business regulation and in accordance with the applicable regulations. A licensed adult use
marijuana cultivator shall not sell marijuana or marijuana products at retail or otherwise to the
general public. The department of business regulation may restrict the number, types, and classes
of adult use marijuana establishment licenses an applicant may be issued through regulations
promulgated by the department.

(d) The department of business regulation may promulgate regulations governing the
manner in which it shall consider applications for the licensing of adult use marijuana cultivators,
including but not limited to regulations governing:

(1) The form and content of licensing and renewal applications;
(2) Minimum oversight requirements for licensed adult use marijuana cultivators;
(3) Minimum record-keeping requirements for adult use marijuana cultivators;
(4) Minimum insurance requirements for adult use marijuana cultivators;
(5) Minimum security requirements for adult use marijuana cultivators;

(6) Procedures for suspending, revoking, or terminating the license of adult use marijuana
cultivators that violate any provisions of this chapter or the regulations promulgated hereunder and

(7) Applicable application and license fees.

(e) An adult use marijuana cultivator license issued by the department of business
regulation shall expire one (1) years after it was issued and the licensed hybrid marijuana cultivator
may apply for renewal with the department in accordance with its regulations pertaining to licensed
adult use marijuana cultivators.

(f) The department of business regulation may promulgate regulations that govern how
much marijuana a licensed adult use marijuana cultivator may cultivate and possess. All marijuana
possessed by a licensed adult use marijuana cultivator must be catalogued in a seed to sale inventory
tracking system in accordance with regulations promulgated by the department of business
regulation.

(g) Adult use marijuana cultivators shall only sell marijuana and marijuana products to
adult use marijuana retailers or another licensed marijuana establishment licensee in accordance
with regulations promulgated by the department of business regulation. The department may
suspend and/or revoke the adult use marijuana cultivator’s license and the registration of any owner,
officer, director, manager, member, partner, employee, or agent of such adult use marijuana
cultivator and/or impose an administrative penalty in accordance with such regulations
promulgated by the department for any violation of this section or the regulations. In addition, any
violation of this section or the regulations promulgated pursuant to this subsection and subsection
(f) shall cause a licensed adult use marijuana cultivator to lose the protections described in § 21-28.11-
4(3) and may subject the licensed adult use marijuana cultivator and its owners, officers,
directors, managers, members, partners, employees, or agents to arrest and prosecution under
chapter 28 of title 21 (the Rhode Island Controlled Substances Act).

(h) Adult use marijuana cultivators shall be subject to any regulations promulgated by the
department of health or department of business regulation for marijuana testing, including, but not
limited to, potency, cannabinoid profile, and contaminants;

(i) Adult use marijuana cultivators shall be subject to any product packaging and labeling
requirements promulgated by the department of business regulation and the department of health;

(j) Adult use marijuana cultivators shall only be licensed to cultivate and process marijuana
at a single location, registered with the department of business regulation and the department of
public safety provided that a hybrid marijuana cultivator licensee whose hybrid license and medical
marijuana cultivator license under chapter 28.6 of title 21 is in good standing may cultivate and
process adult use marijuana at an additional location that is separate from its original licensed
premises if approved in accordance with regulations adopted by the department of business
regulation. Adult use marijuana cultivators must abide by all local ordinances, including zoning
ordinances.

(k) Adult use marijuana cultivators shall be subject to reasonable inspection by the
department of business regulation and the department of health for the purposes of enforcing
regulations promulgated pursuant to this chapter and all applicable Rhode Island general laws.

(l) An adult use marijuana cultivator applicant, unless they are an employee with no equity,
ownership, financial interest, or managing control, shall apply to the bureau of criminal
identification of the department of attorney general, department of public safety division of state
police, or local police department for a national criminal records check that shall include
fingerprints submitted to the Federal Bureau of Investigation. Upon the discovery of any
disqualifying information as defined in subdivision (l)(2), and in accordance with the rules
promulgated by the director of the department of business regulation, the bureau of criminal
identification of the department of attorney general, department of public safety division of state
police, or the local police department shall inform the applicant, in writing, of the nature of the
disqualifying information; and, without disclosing the nature of the disqualifying information, shall
notify the department of business regulation, in writing, that disqualifying information has been
discovered.

(1) Where no disqualifying information has been found, the bureau of criminal
identification of the department of attorney general, department of public safety division of state
police, or the local police department shall inform the applicant and the department of business
regulation, in writing, of this fact.

(2) Information produced by a national criminal records check pertaining to a conviction
for a felony drug offense or a plea of nolo contendere for a felony drug offense and received a
sentence of probation shall result in a letter to the applicant and the department of business
regulation disqualifying the applicant.

(3) An adult use marijuana cultivator applicant shall be responsible for any expense
associated with the national criminal records check.

(m) Persons issued adult use marijuana cultivator licenses or registration cards shall be
subject to the following:

(1) A licensed hybrid marijuana cultivator cardholder shall notify and request approval
from the department of business regulation of any change in his or her name or address within ten
(10) days of such change. An adult use marijuana cultivator cardholder who fails to notify the
department of business regulation of any of these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars ($150).

(2) When a licensed adult use marijuana cultivator cardholder notifies the department of business regulation of any changes listed in this subsection, the department of business regulation shall issue the adult use marijuana cultivator cardholder a new license or registry identification card after the department approves the changes and receives from the licensee payment of a fee specified in regulation.

(3) If a licensed adult use marijuana cultivator cardholder loses his or her registry identification card, he or she shall notify the department of business regulation and submit a fee specified in regulation within ten (10) days of losing the registry identification card. The department of business regulation shall issue a new registry identification card with a new random identification number.

(4) A licensed adult use marijuana cultivator cardholder shall notify the department of business regulation of any disqualifying criminal convictions as defined in subdivision (l)(2). The department of business regulation may choose to suspend and/or revoke his or her card after such notification.

(5) If a licensed adult use marijuana cultivator or hybrid marijuana cultivator cardholder violates any provision of this chapter or regulations promulgated hereunder as determined by the department of business regulation, his or her card or the issued license may be suspended and/or revoked.

(n) No person or entity shall engage in activities described in this § 21-28.12-6 without an adult use marijuana cultivator license issued by the department of business regulation.


(a) The office of cannabis regulation shall have the authority to promulgate regulations to establish and implement additional types and classes of commercial marijuana establishment licenses, including but not limited to, craft cultivators, marijuana processors and licenses for businesses to engage in marijuana, destruction, delivery, disposal, research and development, transportation, social use licenses, or any other commercial activity needed to support licensed hybrid marijuana cultivators, licensed adult use marijuana retailers, and licensed cannabis testing facilities, provided no such license created by the department shall allow for the retail sale of marijuana.

(b) The office of cannabis regulation shall promulgate regulations governing the manner in which it shall accept applications and issue licenses for such additional types and classes of marijuana establishment licenses, in accordance with this section provided that any regulations
establishing a new license type shall include a mechanism to issue not less than 50% of such license type to minority business enterprises (MBEs), as defined in chapter 14.1 of title 37 and regulations promulgated thereunder, during the first application period, provided that this ratio shall be subject to annual review and revision according to rules and regulations promulgated by the department pursuant to this section and the disparity study conducted pursuant to § 21-28.12-5(d).

(c) The office of cannabis regulation shall promulgate regulations governing the manner in which it shall consider applications for the licensing and renewal of each type of additional marijuana establishment license necessary and proper to enforce the provisions of and carry out the duties assigned to it under this chapter and chapter 28.11, including but not limited to regulations governing:

(1) The form and content of licensing and renewal applications;

(2) Application and licensing fees for marijuana establishment licensees;

(3) Procedures for the approval or denial of a license, and procedures for suspension or revocation of the license of any marijuana establishment licensee that violates the provisions of this chapter, chapter 28.11 or the regulations promulgated thereunder in accordance with the provisions of chapter 35 of title 42 of the general laws;

(4) Minimum oversight requirements for marijuana establishment licensees;

(5) The allowable size, scope and permitted activities of marijuana establishment licensees and facilities and the number and type of licenses that a marijuana establishment licensee may be issued;

(6) Minimum record-keeping requirements for marijuana establishment licensees;

(7) Minimum security requirements for additional adult use marijuana establishment licensees; and

(8) Compliance with municipal zoning restrictions, if any, which comply with § 21-28.12-12 of this chapter.

(d) The department of health, in coordination with the office of cannabis regulation, shall have authority to promulgate regulations to create and implement all licenses involving cannabis reference testing requirements including approval, laboratory proficiency programs and proficiency sample providers, quality assurance sample providers, round robin testing and regulations establishing quality control and test standardization, and create and implement additional types and classes of licensed cannabis testing facilities in accordance with regulations promulgated hereunder.

(e) The department of health or the office of cannabis regulation, as applicable, shall issue each principal officer, board member, agent, volunteer, and employee of a marijuana establishment
license a registry identification card or renewal card after receipt of the person’s name, address, date of birth; a fee in an amount established by the department of health or the office of cannabis regulation; and, when the applicant holds an ownership, equity, controlling, or managing stake in the marijuana establishment license as defined in regulations promulgated by the office of cannabis regulation, notification to the department of health or the office of cannabis regulation by the department of public safety division of state police, attorney general’s office, or local law enforcement that the registry identification card applicant has not been convicted of a felony drug offense or has not entered a plea of nolo contendere for a felony drug offense and received a sentence of probation. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, employee, or other designation required by the departments of marijuana establishment license and shall contain the following:

(i) The name, address, and date of birth of card applicant;

(ii) The legal name of the marijuana establishment licensee to which the applicant is affiliated;

(iii) A random identification number that is unique to the cardholder;

(iv) The date of issuance and expiration date of the registry identification card;

(v) A photograph, if the department of health or the office of cannabis regulation decides to require one; and

(vi) Any other information or card classification that the office of cannabis regulation or department of health requires.

(f) Except as provided in subsection (e), neither the department of health nor the office of cannabis regulation shall issue a registry identification card to any card applicant who holds an ownership, equity, controlling, or managing stake in the marijuana establishment license as defined in regulations promulgated by the office of cannabis regulation, who has been convicted of a felony drug offense or has entered a plea of nolo contendere for a felony drug offense and received a sentence of probation or who the department has otherwise deemed unsuitable. If a registry identification card is denied, the applicant will be notified in writing of the purpose for denying the registry identification card.

(g) (i) All registry identification card applicants who hold an ownership, equity, controlling, or managing stake in the marijuana establishment license as defined in regulations promulgated by the office of cannabis regulation shall apply to the department of public safety division of state police, the attorney general’s office, or local law enforcement for a national criminal identification records check that shall include fingerprints submitted to the federal bureau of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo contendere for a felony drug offense or has not entered a plea of nolo contendere for a felony drug offense and received a sentence of probation. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, employee, or other designation required by the departments of marijuana establishment license and shall contain the following:

(i) The name, address, and date of birth of card applicant;

(ii) The legal name of the marijuana establishment licensee to which the applicant is affiliated;

(iii) A random identification number that is unique to the cardholder;

(iv) The date of issuance and expiration date of the registry identification card;

(v) A photograph, if the department of health or the office of cannabis regulation decides to require one; and

(vi) Any other information or card classification that the office of cannabis regulation or department of health requires.

(f) Except as provided in subsection (e), neither the department of health nor the office of cannabis regulation shall issue a registry identification card to any card applicant who holds an ownership, equity, controlling, or managing stake in the marijuana establishment license as defined in regulations promulgated by the office of cannabis regulation, who has been convicted of a felony drug offense or has entered a plea of nolo contendere for a felony drug offense and received a sentence of probation or who the department has otherwise deemed unsuitable. If a registry identification card is denied, the applicant will be notified in writing of the purpose for denying the registry identification card.

(g) (i) All registry identification card applicants who hold an ownership, equity, controlling, or managing stake in the marijuana establishment license as defined in regulations promulgated by the office of cannabis regulation shall apply to the department of public safety division of state police, the attorney general’s office, or local law enforcement for a national criminal identification records check that shall include fingerprints submitted to the federal bureau of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo contendere for a felony drug offense or has not entered a plea of nolo contendere for a felony drug offense and received a sentence of probation. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, employee, or other designation required by the departments of marijuana establishment license and shall contain the following:

(i) The name, address, and date of birth of card applicant;

(ii) The legal name of the marijuana establishment licensee to which the applicant is affiliated;

(iii) A random identification number that is unique to the cardholder;

(iv) The date of issuance and expiration date of the registry identification card;

(v) A photograph, if the department of health or the office of cannabis regulation decides to require one; and

(vi) Any other information or card classification that the office of cannabis regulation or department of health requires.

(f) Except as provided in subsection (e), neither the department of health nor the office of cannabis regulation shall issue a registry identification card to any card applicant who holds an ownership, equity, controlling, or managing stake in the marijuana establishment license as defined in regulations promulgated by the office of cannabis regulation, who has been convicted of a felony drug offense or has entered a plea of nolo contendere for a felony drug offense and received a sentence of probation or who the department has otherwise deemed unsuitable. If a registry identification card is denied, the applicant will be notified in writing of the purpose for denying the registry identification card.

(g) (i) All registry identification card applicants who hold an ownership, equity, controlling, or managing stake in the marijuana establishment license as defined in regulations promulgated by the office of cannabis regulation shall apply to the department of public safety division of state police, the attorney general’s office, or local law enforcement for a national criminal identification records check that shall include fingerprints submitted to the federal bureau of investigation. Upon the discovery of a felony drug offense conviction or a plea of nolo contendere for a felony drug offense or has not entered a plea of nolo contendere for a felony drug offense and received a sentence of probation. Each card shall specify that the cardholder is a principal officer, board member, agent, volunteer, employee, or other designation required by the departments of marijuana establishment license and shall contain the following:

(i) The name, address, and date of birth of card applicant;

(ii) The legal name of the marijuana establishment licensee to which the applicant is affiliated;

(iii) A random identification number that is unique to the cardholder;

(iv) The date of issuance and expiration date of the registry identification card;

(v) A photograph, if the department of health or the office of cannabis regulation decides to require one; and

(vi) Any other information or card classification that the office of cannabis regulation or department of health requires.
offense with a sentence of probation, and in accordance with the rules promulgated by the department of health and the office of cannabis regulation, the department of public safety division of state police, the attorney general’s office, or local law enforcement shall inform the applicant, in writing, of the nature of the felony and the department of public safety division of state police shall notify the department of health or the office of cannabis regulation, in writing, without disclosing the nature of the felony, that a felony drug offense conviction or a plea of nolo contendere for a felony drug offense with probation has been found.

(ii) In those situations in which no felony drug offense conviction or plea of nolo contendere for a felony drug offense with probation has been found, the department of public safety division of state police, the attorney general’s office, or local law enforcement shall inform the applicant and the department of health or the office of cannabis regulation, in writing, of this fact.

(iii) All registry identification card applicants shall be responsible for any expense associated with the criminal background check with fingerprints.

(h) A registry identification card of a principal officer, board member, agent, volunteer, or employee, or any other designation required by the office of cannabis regulation shall expire one year after its issuance, or upon the termination of the principal officer, board member, agent, volunteer or employee’s relationship with the marijuana establishment licensee, or upon the termination or revocation of the affiliated marijuana establishment’s license, whichever occurs first.

(i) A registration identification card holder shall notify and request approval from the office of cannabis regulation or department of health of any change in his or her name or address within ten (10) days of such change. A cardholder who fails to notify the office of cannabis regulation or health of any of these changes is responsible for a civil infraction, punishable by a fine of no more than one hundred fifty dollars ($150).

(j) When a cardholder notifies the department of health or the office of cannabis regulation of any changes listed in this subsection, the department shall issue the cardholder a new registry identification after receiving the updated information and a ten dollar ($10.00) fee.

(k) If a cardholder loses his or her registry identification card, he or she shall notify the department of health or the office of cannabis regulation and submit a ten dollar ($10.00) fee within ten (10) days of losing the card and the department shall issue a new card.

(l) Registry identification cardholders shall notify the office of cannabis regulation or health of any disqualifying criminal convictions as defined in subdivision (g)(i). The applicable department may choose to suspend and/or revoke his or her registry identification card after such notification.
(m) If a registry identification cardholder violates any provision of this chapter or regulations promulgated hereunder as determined by the departments of health and office of cannabis regulation, his or her registry identification card may be suspended and/or revoked.

(n) The office of cannabis regulation may limit or prohibit a medical marijuana establishment’s operation under an adult use marijuana establishment license if the office of cannabis regulation determines that failure to do so would threaten medical marijuana patients' access to marijuana products needed to treat qualifying conditions.

(o) Licensees may hold a medical marijuana establishment license and an adult use marijuana establishment license in accordance with regulations promulgated by the office of cannabis regulation.

A marijuana establishment may not operate, and a prospective marijuana establishment may not apply for a license, if any of the following are true:

(1) The person or entity is applying for a license to operate as a marijuana establishment and the establishment would operate in a location that is within one thousand (1,000) feet of the property line of a preexisting public or private school; or

(2) The establishment would be located at a site where the use is not permitted by applicable zoning classification or by special use permit or other zoning approval, or if the proposed location would otherwise violate a municipality’s zoning ordinance; or

(3) The establishment would be located in a municipality in which the kind of marijuana establishment being proposed is not permitted pursuant to a referendum approved in accordance with § 21-28.12-12. For purpose of illustration but not limitation, an adult use marijuana retailer may not operate in a municipality in which residents have approved by a simple majority referendum a ban on marijuana retailers.

(4) If any marijuana establishment licensee including an adult use marijuana retailer applicant is deemed unsuitable or denied a license or any of its owners, officers, directors, managers, members, partners or agents is denied a registry identification card by the office of cannabis regulation.

No person or entity shall engage in any activities in which a licensed marijuana establishment licensee may engage pursuant to chapters 28.6, 28.11 or 28.12 of title 21 and the regulations promulgated thereunder, without the license that is required in order to engage in such activities issued by the office of cannabis regulation and compliance with all provisions of such chapters 28.6, 28.11 and 28.12 of title 21 and the regulations promulgated thereunder.
(a)(1) Notwithstanding any other provision of this chapter, if the director of the department of business regulation or his or her designee has cause to believe that a violation of any provision of chapters 21-28.6, 21-28.11 or 28.12 or any regulations promulgated thereunder has occurred by a licensee that is under the department’s jurisdiction pursuant to chapters 21-28.6, 21-28.11 or 28.12, or that any person or entity is conducting any activities requiring licensure or registration by the office of cannabis regulation under chapters 21-28.6, 21-28.11 or 28.12 or the regulations promulgated thereunder without such licensure or registration, the director or his or her designee may, in accordance with the requirements of the administrative procedures act, chapter 35 of title 42:

(i) With the exception of patients and authorized purchasers, revoke or suspend a license or registration;

(ii) Levy an administrative penalty in an amount established pursuant to regulations promulgated by the office of cannabis regulation;

(iii) Order the violator to cease and desist such actions;

(iv) Require a licensee or registrant or person or entity conducting any activities requiring licensure or registration under chapters 21-28.6, 21-28.11 or 28.12 to take such actions as are necessary to comply with such chapter and the regulations promulgated thereunder; or

(v) Any combination of the above penalties.

(2) If the director of the department of business regulation finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in his or her order, summary suspension of license or registration and/or cease and desist may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

(b) If a person exceeds the possession limits set forth in chapters 21-28.6, 21-28.11 or 21-28.12, or is in violation of any other section of chapters 21-28.6, 21-28.11 or 28.12 or the regulations promulgated thereunder, he or she may also be subject to arrest and prosecution under chapter 28 of title 21 of the general laws.

(c) All marijuana establishment licensees are subject to inspection by the office of cannabis regulation including but not limited to, the licensed premises, all marijuana and marijuana products located on the licensed premises, personnel files, training materials, security footage, all business records and business documents including but not limited to purchase orders, transactions, sales, and any other financial records or financial statements whether located on the licensed premises or not.
(d) All marijuana products that are held within the borders of this state in violation of the
provisions of chapters 28.6, 28.11 or 28.12 of title 21 or the regulations promulgated thereunder
are declared to be contraband goods and may be seized by the office of cannabis regulation, the tax
administrator or his or her agents, or employees, or by any sheriff, or his or her deputy, or any
police or other law enforcement officer when requested by the tax administrator or office of
cannabis regulation to do so, without a warrant. All contraband goods seized by the state under this
chapter may be destroyed.

(e) Notwithstanding any other provision of law, the office of cannabis regulation may make
available to law enforcement and public safety personnel, any information that the department’s
director or his or her designee may consider proper contained in licensing records, inspection
reports and other reports and records maintained by the office of cannabis regulation, as necessary
or appropriate for purposes of ensuring compliance with state laws and regulations. Nothing in this
act shall be construed to prohibit law enforcement, public safety, fire, or building officials from
investigating violations of, or enforcing state law.


(a) The department of business regulation may adopt all rules and regulations necessary and
convenient to carry out and administer the provisions in this chapter and chapter 28.11 including
operational requirements applicable to licensees and regulations as are necessary and proper to
enforce the provisions of and carry out the duties assigned to it under this chapter and chapter 28.11,
including but not limited to regulations governing:

(1) Record-keeping requirements for marijuana establishment licensees;

(2) Security requirements for marijuana establishment licensees including but not limited
to the use of:

(i) An alarm system, with a backup power source, that alerts security personnel and local
law enforcement officials of any unauthorized breach;

(ii) Perpetual video surveillance system, with a backup power source, that records video
surveillance must be stored for at least two (2) months and be accessible to the office of cannabis
regulation via remote access and to law enforcement officials upon request;

(iii) Protocols that ensure the secure transport, delivery, and storage of cannabis and

(iv) Additional security measures to protect against diversion or theft of cannabis from

cannabis cultivation facilities that cultivate cannabis outdoors; and

(v) any additional requirements deemed necessary by the office of cannabis regulation;
(3) Requirements for inventory tracking and the use of seed to sale monitoring system(s) approved by the state which tracks all cannabis from its origin up to and including the point of sale;

(4) Permitted forms of advertising and advertising content,

(5) Permitted forms of marijuana products including, but not limited to, regulations which:
   (i) prohibit any form of marijuana product which is in the shape or form of an animal, human, vehicle, or other shape or form which may be attractive to children;
   (ii) prohibit any marijuana “additives” which could be added, mixed, sprayed on, or applied to an existing food product without a person’s knowledge; and
   (iii) include any other requirements deemed necessary by the office of cannabis regulation;

(6) Limits for marijuana product serving sizes, doses, and potency including but not limited to regulations which:
   (i) limit all servings of edible forms of marijuana to no more than five milligrams (5 mg)
       of THC per serving;
   (ii) limit the total maximum amount of THC per edible product package to one hundred milligrams (100 mg) of THC;
       (iii) limit the THC potency of any product;
   (iv) may establish product or package limits based on the total milligrams of THC; and
   (v) include any additional requirements or limitations deemed necessary by the office of cannabis regulation in consultation with the department of health.

(7) Product restrictions including but not limited to regulations which:
   (i) establish a review process for the office of cannabis regulation to approve or deny forms of marijuana products which may require marijuana establishment licensees to submit a proposal, which includes photographs of the proposed product properly packaged and labeled and any other materials deemed necessary by the office of cannabis regulation, to the office of cannabis regulation for each line of cannabis products;
   (ii) place additional restrictions on marijuana products to safeguard public health and safety, as determined by the office of cannabis regulation in consultation with the executive branch state agencies;
   (iii) require all servings of edible products to be marked, imprinted, molded, or otherwise display a symbol chosen by the department to alert consumers that the product contains marijuana;
   (iv) standards to prohibit cannabis products that pose public health risks, that are easily confused with existing non-cannabis products, or that are especially attractive to youth; and
   (v) any other requirements deemed suitable by the department.
(8) Limits and restrictions for marijuana transactions and sales including but not limited to regulations which:

(i) establish processes and procedures to ensure all transactions and sales are properly tracked through the use of a seed to sale inventory tracking and monitoring system;

(ii) establish rules and procedures for customer age verification;

(iii) establish rules and procedures to ensure retailers to no dispense, and customers to not purchase amounts of marijuana in excess of the one ounce (1 oz) marijuana or equivalent amount per transaction and/or per day;

(iv) establish rules and procedures to ensure no marijuana is dispensed to anyone under the age of twenty-one (21); and

(v) include any additional requirements deemed necessary by the office of cannabis regulation.

(9) The testing and safety of marijuana and marijuana products including but not limited to regulations promulgated by the office of cannabis regulation or department of health, as applicable which:

(i) license and regulate the operation of cannabis testing facilities, including requirements for equipment, training, and qualifications for personnel;

(ii) set forth procedures that require random sample testing to ensure quality control, including, but not limited to, ensuring that cannabis and cannabis products are accurately labeled for tetrahydrocannabinol (THC) content and any other product profile;

(iii) testing for residual solvents or toxins; harmful chemicals; dangerous molds or mildew; filth; and harmful microbials such as E. coli or salmonella and pesticides, and any other compounds, elements, or contaminants;

(iv) require all cannabis and cannabis products must undergo random sample testing at a licensed cannabis testing facility or other laboratory equipped to test cannabis and cannabis products that has been approved by the office of cannabis regulation;

(v) require any products which fail testing be quarantined and/or recalled and destroyed in accordance with regulations;

(vi) allow for the establishment of other quality assurance mechanisms which may include but not be limited to the designation or creation of a reference laboratory, creation of a secret shopper program, round robin testing, or any other mechanism to ensure the accuracy of product testing and labeling;

(vii) require marijuana establishment licensees and marijuana products to comply with any applicable food safety requirements determined by the office of cannabis regulation and/or the department of health;
(viii) include any additional requirements deemed necessary by the office of cannabis regulation and the department of health; and

(ix) allow the office of cannabis regulation, in coordination with the department of health, at their discretion, to temporarily remove, or phase in, any requirement for laboratory testing if it finds that there is not sufficient laboratory capacity for the market.

(10) Online sales;

(11) Transport and delivery;

(12) Marijuana and marijuana product packaging and labeling including but not limited to requirements that packaging be:

(i) opaque;

(ii) constructed to be significantly difficult for children under five (5) years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995) or another approval standard or process approved by the office of cannabis regulation;

(iii) designed in a way that is not deemed as especially appealing to children; and

(iv) any other regulations required by the office of cannabis regulation.

(13) Regulations for the quarantine and/or destruction of unauthorized materials;

(14) Industry and licensee production limitations;

(15) Procedures for the approval or denial of a license, and procedures for suspension or revocation of the license of any marijuana establishment licensee that violates the provisions of this chapter, chapter 28.11 or the regulations promulgated thereunder in accordance with the provisions of chapter 35 of title 42 of the general laws;

(16) Compliance with municipal zoning restrictions, if any, which comply with § 21-28.12 of this chapter;

(17) Standards and restrictions for marijuana manufacturing and processing which shall include but not be limited to requirements that marijuana processors:

(i) comply with all applicable building and fire codes;

(ii) receive approval from the state fire marshal’s office for all forms of manufacturing that use a heat source or flammable solvent;

(iii) require any marijuana processor that manufactures edibles of marijuana infused food products to comply with all applicable requirements and regulations issued by the department of health’s office of food safety; and

(iv) comply with any other requirements deemed suitable by the office of cannabis regulation.

(18) Standards for employee and workplace safety and sanitation;
(19) Standards for employee training including but not limited to:

(i) requirements that all employees of cannabis establishments must participate in a comprehensive training on standard operating procedures, security protocols, health and sanitation standards, workplace safety, and the provisions of this chapter prior to working at the establishment. Employees must be retrained on an annual basis or if state officials discover a cannabis establishment in violation of any rule, regulation, or guideline in the course of regular inspections or audits; and

(ii) any other requirements deemed appropriate by the office of cannabis regulation; and

(20) Mandatory labeling that must be affixed to all packages containing cannabis or cannabis products including but not limited to requirements that the label display:

(i) the name of the establishment that cultivated the cannabis or produced the cannabis product;

(ii) the tetrahydrocannabinol (THC) content of the product;

(iii) a "produced on" date;

(iv) warnings that state: "Consumption of cannabis impairs your ability to drive a car or operate machinery" and "Keep away from children" and, unless federal law has changed to accommodate cannabis possession, "Possession of cannabis is illegal under federal law and in many states outside of Rhode Island";

(v) a symbol that reflects these products are not safe for children which contains poison control contact information; and

(vi) any other information required by the office of cannabis regulation.

(21) Standards for the use of pesticides;

(22) General operating requirements, minimum oversight, and any other activities, functions, or aspects of a marijuana establishment licensee in furtherance of creating a stable, regulated cannabis industry and mitigating its impact on public health and safety; and

(23) Rules and regulations based on federal law provided those rules and regulations are designed to comply with federal guidance and mitigate federal enforcement against the marijuana establishments and adult use state stores authorized, licensed and operated pursuant to this chapter.


(a) Municipalities shall:

(i) Have the authority to enact local zoning and use ordinances not in conflict with this chapter or with rules and regulations adopted by the office of cannabis regulation regulating the time, place, and manner of marijuana establishments' operations, provided that no local authority may prohibit any type
of marijuana establishment operations altogether, either expressly or through the enactment of
ordinances or regulations which make any type of marijuana establishments' operation impracticable.

(b) Zoning ordinances enacted by a local authority shall not require a marijuana establishment
licensee or marijuana establishment applicant to enter into a community host agreement or pay any
consideration to the municipality other than reasonable zoning and permitting fees as determined by the
office of cannabis regulation. The office of cannabis regulation is the sole licensing authority for
marijuana establishment licensees. A municipality shall not enact any local zoning ordinances or
permitting requirements that establishes a de facto local license or licensing process unless explicitly
enabled by this chapter or ensuing regulations promulgated by the office of cannabis regulation.

(c) Notwithstanding subsection (a) of this section:

(i) Municipalities may enact local zoning and use ordinances which prohibit specific classes of
marijuana establishment licenses, or all classes of marijuana establishment licenses from being issued
within their jurisdiction and which may remain in effect until November 8, 2022. A local zoning and use
ordinance which prohibits specific classes of marijuana establishment licenses, or all classes of marijuana
establishment licenses from being issued within a city or town’s jurisdiction may only remain in effect past
November 8, 2021, if the residents of the municipality have approved, by a simple majority of the electors
voting, a referendum to ban adult use marijuana cultivator facilities, adult use state stores, adult use
marijuana processors or cannabis testing facilities, provided such referendum must be conducted on or
before November 8, 2022, and any ordinances related thereto must be adopted before April 1, 2023;

(ii) Municipalities must put forth a separate referendum question to ban each class of
marijuana establishment. A single question to ban all classes of marijuana establishments shall not be
permitted; and

(iii) Municipalities which ban the licensure of marijuana establishments located within their
jurisdiction pursuant to subsection (c)(i), and/or adopt local zoning and other ordinances, in accordance
with this section, may hold future referenda to prohibit previously allowed licenses, or allow previously
prohibited licenses, provided those subsequent referenda are held on the first Tuesday after the first
Monday in the month of November.

(d) Notwithstanding subsections (a), (b) or (c) of this section, a municipality may not
prohibit a medical marijuana establishment licensee from continuing to operate under a marijuana
establishment license issued by the office of cannabis regulation or previously issued by the
department of business regulation if that marijuana establishment licensee was approved or licensed
prior to the passage of this chapter.
(e) Notwithstanding any other provision of this chapter, no municipality or local authority shall restrict the transport or delivery of marijuana through their jurisdiction, or to local residents, provided all transport and/or delivery is in accordance with this chapter.

(f) Municipalities may impose civil and criminal penalties for the violation of ordinances enacted pursuant to and in accordance with this section.

(g) Notwithstanding subsection (b) of this section, a city or town may receive a municipal impact fee from a newly licensed and operating marijuana establishment located within their jurisdiction provided:

(i) the municipal impact fee must offset or reimburse actual costs and expenses incurred by the city or town during the first three (3) months that the licensee is licensed and/or operational;

(ii) the municipal impact fee must offset or reimburse reasonable and appropriate expenses incurred by the municipality, which are directly attributed to, or are a direct result of, the licensed operations of the marijuana establishment which may include but not be limited to, increased traffic or police details needed to address new traffic patterns, increased parking needs, or pedestrian foot traffic by consumers;

(iii) the municipality is responsible for estimating or calculating projected impact fees and must follow the same methodology if providing a fee estimate or projection for multiple marijuana establishment locations or applicants;

(iv) marijuana establishment licensees or applicants may not offer competing impact fees or pay a fee that is more than the actual and reasonable costs and expenses incurred by the municipality;

and

(v) the office of cannabis regulation may suspend, revoke or refuse to issue a license to an applicant or for a proposed establishment within a municipality if the municipality and/or marijuana establishment local impact fee violates the requirements of this section.


The office of cannabis regulation shall promulgate regulations regarding secure transportation of marijuana for eligible adult use marijuana retailers delivering products to purchasers in accordance with this chapter and shipments of marijuana or marijuana products between marijuana establishment licensees.


A marijuana establishment shall not allow any person who is under twenty-one (21) years of age to be present inside any room where marijuana or marijuana products are stored, produced, or sold by the marijuana establishment unless the person who is under twenty-one (21) years of age is:

(1) A government employee performing their official duties; or
(2) If the marijuana establishment is a hybrid marijuana retailer that also holds a compassion
center license pursuant § 21-28.6-12 for the same licensed premises and the individual under twenty-
one (21) years of age is a qualifying patient registered under chapter 28.6 of title 21 and the retail
establishment complies with applicable regulations promulgated by the department of business
regulation.


It is the public policy of the state that contracts related to the operation of a marijuana
establishment or a licensee under chapter 26 of title 2 or chapters 28.6 and 28.12 of title 21 in
accordance with Rhode Island law shall be enforceable. It is the public policy of the state that no
contract entered into by a licensed marijuana establishment or other licensee under chapter 26 of title
2 or chapters 28.6 and 28.12 of title 21 of the general laws or its employees or agents as permitted
pursuant to a valid license issued by the office of cannabis regulation, or by those who allow property
to be used by an establishment, its employees, or its agents as permitted pursuant to a valid license, shall
be unenforceable solely on the basis that cultivating, obtaining, manufacturing, distributing, dispensing,
transporting, selling, possessing, testing or using marijuana or hemp is prohibited by federal law.


(a) There is created with the general fund a restricted receipt accounts collectively known
as the “marijuana trust fund”, otherwise known as the “adult use marijuana licensing” or “adult use
marijuana program licensing” accounts. Taxes collected pursuant to chapter 49.1 of title 44,
including sales and use tax attributable to marijuana products, and fees collected pursuant to chapter
28.12 of title 21 shall be deposited into this account. The state share of trust fund revenue will be
used to fund programs and activities related to program administration; revenue collection and
enforcement; substance use disorder prevention for adults and youth; education and public
awareness campaigns; treatment and recovery support services; public health monitoring, research,
data collection, and surveillance; law enforcement training and technology improvements including
grants to local law enforcement; and such other related uses that may be deemed necessary by the
office of management and budget. The restricted receipt account will be housed within the budgets
of the departments of attorney general, behavioral healthcare, developmental disabilities, and
hospitals; business regulation; health; judiciary; revenue and public safety, and the executive office
of health and human services. All amounts deposited into the marijuana trust fund shall be exempt
from the indirect cost recovery provisions of § 35-4-27. The allocation of the marijuana trust fund
shall be:

(1) Twenty-five percent (25%) of trust fund revenue to the departments of business
regulation, health, revenue and public safety, and the executive office of health and human services,
except that in fiscal year 2022 the office of management and budget may allocate up to an additional
five million three hundred thousand dollars ($5,300,000) from trust fund revenues to these
agencies:

(2) Fifteen percent (15%) of trust fund revenue to cities and towns; and

(3) Sixty percent (60%) of trust fund revenue to the general fund.

(b) All revenue allocated to cities and towns under subsection (a)(2) shall be distributed at
least quarterly by the division of taxation and department of business regulation, credited and paid
by the state treasurer to the city or town based on the following allocation:

(1) One-quarter based in an equal distribution to each city or town in the state;

(2) One-quarter based on the share of total licensed marijuana cultivators, licensed
marijuana processors, and licensed marijuana retailers found in each city or town at the end of the
quarter that corresponds to the distribution, with licensed marijuana retailers assigned a weight
twice that of the other license types; and

(3) One-half based on the volume of sales of adult use marijuana products that occurred in
each city or town in the quarter of the distribution.

(c) The division of taxation and the department of business regulation shall jointly
promulgate regulations to effectuate the distribution under subsection (a)(2).


The department of business regulation shall transfer all revenue collected pursuant to this
chapter, including penalties or forfeitures, interest, costs of suit and fines, to the marijuana trust
fund established by § 21-28.12-16.


(a) No later than January 1, 2025, the department of business regulation shall conduct a
market demand study to determine the effect of the phased implementation of adult use marijuana
retail licenses on the Rhode Island market. This study shall include, but not be limited to, an analysis
of price changes, product availability, geographic dispersion, and downstream effects on
cultivators, manufacturers, and other market participants licensed under chapter 28.12 of title 21.

(b) The study may further contemplate, based on this analysis, a recommendation for an
overall cap on retail licenses in Rhode Island. The study shall be made public by the department
and delivered to the Governor, the Speaker of the House of Representatives, and the President of
the Senate.


If any provision of this chapter or its application thereof to any person or circumstance is
held invalid, such invalidity shall not affect other provisions or applications of this chapter, which
can be given effect without the invalid provision or application, and to this end the provisions of
this chapter are declared to be severable.

31-27 entitled “Motor Vehicles Offenses” are hereby amended to read as follows:

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

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

(b)(1) Any person charged under subsection (a), whose blood alcohol concentration is eight
one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis of a
blood, breath, or urine sample, shall be guilty of violating subsection (a). This provision shall not
preclude a conviction based on other admissible evidence, including the testimony of a drug
recognition expert or evaluator, certified pursuant to training approved by the Rhode Island
Department of Transportation Office on Highway Safety. Proof of guilt under this section may also
be based on evidence that the person charged was under the influence of intoxicating liquor, drugs,
toluene, or any controlled substance defined in chapter 28 of title 21, or any combination of these,
to a degree that rendered the person incapable of safely operating a vehicle. The fact that any person
charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not
constitute a defense against any charge of violating this section.

(2) [Deleted by P.L. 2021, ch. 170, § 1 and P.L. 2021, ch. 171, § 1.]

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

(1) The defendant has consented to the taking of the test upon which the analysis is made.
Evidence that the defendant had refused to submit to the test shall not be admissible unless the
defendant elects to testify.

(2) A true copy of the report of the test result was hand delivered at the location of the test
or mailed within seventy-two (72) hours of the taking of the test to the person submitting to a breath
test,
(3) Any person submitting to a chemical test of blood, urine, saliva or other body fluids shall have a true copy of the report of the test result mailed to him or her within thirty (30) days following the taking of the test.

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

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

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

(d)(1)(i) Every person found to have violated subsection (b)(1) shall be sentenced as follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood presence of any scheduled controlled substance as defined in chapter 28 of title 21, shall be subject to a fine of not less than one hundred dollars ($100), nor more than three hundred dollars ($300); shall be required to perform ten (10) to sixty (60) hours of public community restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge and/or shall be required to attend a special course on driving while intoxicated or under the influence of a controlled substance; provided, however, that the court may permit a servicemember or veteran to complete any court-approved counseling program administered or approved by the Veterans’ Administration, and his or her driver’s license shall be suspended for thirty (30) days up to one hundred eighty (180) days. The sentencing judge or magistrate may prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-2.8.

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

(iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen
hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any
controlled substance as defined in subsection (b)(1), shall be subject to a fine of five hundred dollars
($500) and shall be required to perform twenty (20) to sixty (60) hours of public community
restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit
of the adult correctional institutions in the discretion of the sentencing judge. The person's driving
license shall be suspended for a period of three (3) months to eighteen (18) months. The sentencing
judge shall require attendance at a special course on driving while intoxicated or under the influence
of a controlled substance and/or alcohol or drug treatment for the individual; provided, however,
that the court may permit a servicemember or veteran to complete any court-approved counseling
program administered or approved by the Veterans' Administration. The sentencing judge or
magistrate shall prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9)
or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood and
urine testing as provided in § 31-27-2.8.

(2)(i) Every person convicted of a second violation within a five-year (5) period with a
blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than
fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or
who has a blood presence of any controlled substance as defined in chapter 28 of title 21, and every
person convicted of a second violation within a five-year (5) period, regardless of whether the prior
violation and subsequent conviction was a violation and subsequent conviction under this statute
or under the driving under the influence of liquor or drugs statute of any other state, shall be subject
to a mandatory fine of four hundred dollars ($400). The person's driving license shall be suspended
for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten
(10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult
correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight
(48) hours of imprisonment shall be served consecutively. The sentencing judge shall require
alcohol or drug treatment for the individual; provided, however, that the court may permit a
servicemember or veteran to complete any court-approved counseling program administered or
approved by the Veterans’ Administration and shall prohibit that person from operating a motor
vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition
interlock system and/or blood and urine testing as provided in § 31-27-2.8.

(ii) Every person convicted of a second violation within a five-year (5) period whose blood
alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as shown by
a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug,
toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to mandatory
imprisonment of not less than six (6) months, nor more than one year; a mandatory fine of not less
than one thousand dollars ($1,000); and a mandatory license suspension for a period of two (2)
years from the date of completion of the sentence imposed under this subsection. The sentencing
judge shall require alcohol or drug treatment for the individual; provided, however, that the court
may permit a servicemember or veteran to complete any court approved counseling program
administered or approved by the Veterans' Administration. The sentencing judge or magistrate shall
prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this
section, that is not equipped with an ignition interlock system and/or blood and urine testing as
provided in § 31-27-2.8.

(3)(i) Every person convicted of a third or subsequent violation within a five-year (5)
period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above,
but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is
unknown or who has a blood presence of any scheduled controlled substance as defined in chapter
28 of title 21, regardless of whether any prior violation and subsequent conviction was a violation
and subsequent conviction under this statute or under the driving under the influence of liquor or
drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory fine of
four hundred ($400) dollars. The person's driving license shall be suspended for a period of two (2)
years to three (3) years, and the individual shall be sentenced to not less than one year and not more
than three (3) years in jail. The sentence may be served in any unit of the adult correctional
institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours
of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug
treatment for the individual; provided, however, that the court may permit a servicemember or
veteran to complete any court-approved counseling program administered or approved by the
Veterans' Administration, and shall prohibit that person from operating a motor vehicle, pursuant
to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system
and/or blood and urine testing as provided in § 31-27-2.8.

(ii) Every person convicted of a third or subsequent violation within a ten-year (10) period
whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as
shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of
a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to
mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory
fine of not less than one thousand dollars ($1,000), nor more than five thousand dollars ($5,000);
and a mandatory license suspension for a period of three (3) years from the date of completion of
the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug
treatment for the individual. The sentencing judge or magistrate shall prohibit that person from
operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not
equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-
2.8.

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

(4) Whoever drives or otherwise operates any vehicle in the state while under the influence
of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of
title 21, or any combination of these, when his or her license to operate is suspended, revoked, or
cancelled for operating under the influence of a narcotic drug or intoxicating liquor, shall be guilty
of a felony punishable by imprisonment for not more than three (3) years and by a fine of not more
than three thousand dollars ($3,000). The court shall require alcohol and/or drug treatment for the
individual; provided, the penalties provided for in this subsection (d)(4) shall not apply to an
individual who has surrendered his or her license and served the court-ordered period of suspension,
but who, for any reason, has not had his or her license reinstated after the period of suspension,
revocation, or suspension has expired; provided, further, the individual shall be subject to the
provisions of subsection (d)(2)(i), (d)(2)(ii), (d)(3)(i), (d)(3)(ii), or (d)(3)(iii) regarding subsequent
offenses, and any other applicable provision of this section.

(5)(i) For purposes of determining the period of license suspension, a prior violation shall
constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1.

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

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

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

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

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

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

(9) Notwithstanding any other sentencing and disposition provisions contained in this
chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was
operating a vehicle in the state while under the influence of drugs, toluene, or any controlled
substance as evidenced by the presence of controlled substances on or about the person or vehicle,
or other reliable indicia or articulable conditions thereof, but not intoxicating liquor based on a
preliminary breath test, results from a breathalyzer that indicates no blood alcohol concentration,
or both, the judge or magistrate may exercise his or her discretion and eliminate the requirement of
an ignition interlock system; provided, that blood and/or urine testing is mandated as a condition
to operating a motor vehicle as provided in § 31-27-2.8.

(10) Notwithstanding any other sentencing and disposition provisions contained in this
chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was
operating a vehicle in the state while under the influence of drugs, toluene, or any controlled
substance as evidenced by the presence of controlled substances on or about the person or vehicle,
or other reliable indicia or articulable conditions thereof and intoxicating liquor based on a
preliminary breath test, results from a breathalyzer that indicates blood alcohol concentration, or
both, the judge or magistrate may require an ignition interlock system in addition to blood and/or
urine testing as a condition to operating a motor vehicle as provided in § 31-27-2.8.
(e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters (100 cc) of blood.

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

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

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

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

(h) Jurisdiction for misdemeanor violations of this section shall be with the district court for persons eighteen (18) years of age or older and to the family court for persons under the age of eighteen (18) years. The courts shall have full authority to impose any sentence authorized and to order the suspension of any license for violations of this section. Trials in superior court are not required to be scheduled within thirty (30) days of the arraignment date.
(i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on driving while intoxicated or under the influence of a controlled substance, public community restitution, or jail provided for under this section can be suspended.

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

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

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

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

31-27-2.1. Refusal to submit to chemical test.

(a) Any person who operates a motor vehicle within this state shall be deemed to have given his or her consent to chemical tests of his or her breath, blood, saliva and/or urine for the purpose of determining the chemical content of his or her body fluids or breath. No more than two complete tests, one for the presence of intoxicating liquor and one for the presence of toluene or any controlled substance, as defined in § 21-28-1.02, shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these. The director of the department of health is empowered to make and file, with the secretary of state, regulations that prescribe the techniques and methods of chemical analysis of the person's body fluids or breath and the qualifications and certification of individuals authorized to administer the testing and analysis.
(b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the person may file an affidavit with the division of motor vehicles stating the reasons why he or she cannot be required to take blood tests and a notation to this effect shall be made on his or her license. If that person is asked to submit to chemical tests as provided under this chapter, the person shall only be required to submit to chemical tests of his or her breath, saliva or urine. When a person is requested to submit to blood tests, only a physician or registered nurse, or a medical technician certified under regulations promulgated by the director of the department of health, may withdraw blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to the taking of breath, saliva or urine specimens. The person tested shall be permitted to have a physician of his or her own choosing, and at his or her own expense, administer chemical tests of his or her breath, saliva and/or urine in addition to the tests administered at the direction of a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given.

(1) At the initial traffic tribunal appearance, the magistrate shall review the incident, action, and/or arrest reports submitted by the law enforcement officer to determine if there exists reasonable grounds to believe that the person had been driving a motor vehicle while under the influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination thereof. The magistrate shall also determine if the person had been informed of the penalties incurred as a result of failing to submit to a chemical test as provided in this section and that the person had been informed of the implied consent notice contained in subsection (c)(10) of this section. For the purpose of this subsection only, "driving a motor vehicle while under the influence of any controlled substance as defined in chapter 28 of title 21" shall be indicated by the presence or aroma of a controlled substance on or about the person or vehicle of the individual refusing the chemical test or other reliable indicia or articulable conditions that the person was impaired due to their intake of a controlled substance.

(2) If the magistrate determines that subsection (b)(1) of this section has been satisfied they shall promptly order that the person's operator's license or privilege to operate a motor vehicle in this state be immediately suspended. Said suspension shall be subject to the hardship provisions enumerated in § 31-27-2.8.

(c) A traffic tribunal judge or magistrate, or a district court judge or magistrate, pursuant to the terms of subsection (d) of this section, shall order as follows:

(1) Impose, for the first violation, a fine in the amount of two hundred dollars ($200) to five hundred dollars ($500) and shall order the person to perform ten (10) to sixty (60) hours of public community restitution. The person's driving license in this state shall be suspended for a
period of six (6) months to one year. The traffic tribunal judge or magistrate shall require attendance
at a special course on driving while intoxicated or under the influence of a controlled substance
and/or alcohol or drug treatment for the individual. The traffic tribunal judge or magistrate may
prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock
system and/or blood or urine testing as provided in § 31-27-2.8.

(2) Every person convicted of a second violation within a five-year (5) period, except with
respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor; shall be
imprisoned for not more than six (6) months; shall pay a fine in the amount of six hundred dollars
($600) to one thousand dollars ($1,000); perform sixty (60) to one hundred (100) hours of public
community restitution; and the person's driving license in this state shall be suspended for a period
of one year to two (2) years. The judge or magistrate shall require alcohol and/or drug treatment
for the individual. The sentencing judge or magistrate shall prohibit that person from operating a
motor vehicle that is not equipped with an ignition interlock system and/or blood or urine testing
as provided in § 31-27-2.8.

(3) Every person convicted for a third or subsequent violation within a five-year (5) period,
except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor;
and shall be imprisoned for not more than one year; fined eight hundred dollars ($800) to one
thousand dollars ($1,000); shall perform not less than one hundred (100) hours of public community
restitution; and the person's operator's license in this state shall be suspended for a period of two
(2) years to five (5) years. The sentencing judge or magistrate shall prohibit that person from
operating a motor vehicle that is not equipped with an ignition interlock system and/or blood or
urine testing as provided in § 31-27-2.8. The judge or magistrate shall require alcohol or drug
treatment for the individual. Provided, that prior to the reinstatement of a license to a person charged
with a third or subsequent violation within a three-year (3) period, a hearing shall be held before a
judge or magistrate. At the hearing, the judge or magistrate shall review the person's driving record,
his or her employment history, family background, and any other pertinent factors that would
indicate that the person has demonstrated behavior that warrants the reinstatement of his or her
license.

(4) For a second violation within a five-year (5) period with respect to a case of a refusal
to submit to a blood test, a fine in the amount of six hundred dollars ($600) to one thousand dollars
($1,000); the person shall perform sixty (60) to one hundred (100) hours of public community
restitution; and the person's driving license in this state shall be suspended for a period of two (2)
years. The judicial officer shall require alcohol and/or drug treatment for the individual. The
sentencing judicial officer shall prohibit that person from operating a motor vehicle that is not
equipped with an ignition interlock system as provided in § 31-27-2.8. Such a violation with respect
to refusal to submit to a chemical blood test shall be a civil offense.

(5) For a third or subsequent violation within a five-year (5) period with respect to a case
of a refusal to submit to a blood test, a fine in the amount of eight hundred dollars ($800) to one
thousand dollars ($1,000); the person shall perform not less than one hundred (100) hours of public
community restitution; and the person's driving license in this state shall be suspended for a period
of two (2) to five (5) years. The sentencing judicial officer shall prohibit that person from operating
a motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.
The judicial officer shall require alcohol and/or drug treatment for the individual. Such a violation
with respect to refusal to submit to a chemical test of blood shall be a civil offense. Provided, that
prior to the reinstatement of a license to a person charged with a third or subsequent violation within
a three-year (3) period, a hearing shall be held before a judicial officer. At the hearing, the judicial
officer shall review the person's driving record, his or her employment history, family background,
and any other pertinent factors that would indicate that the person has demonstrated behavior that
warrants the reinstatement of their license.

(6) For purposes of determining the period of license suspension, a prior violation shall
constitute any charge brought and sustained under the provisions of this section or § 31-27-2.

(7) In addition to any other fines, a highway safety assessment of five hundred dollars
($500) shall be paid by any person found in violation of this section, the assessment to be deposited
into the general fund. The assessment provided for by this subsection shall be collected from a
violator before any other fines authorized by this section.

(8) In addition to any other fines and highway safety assessments, a two-hundred-dollar
($200) assessment shall be paid by any person found in violation of this section to support the
department of health's chemical testing programs outlined in §§ 31-27-2(f) and 31-27-2(g), that
shall be deposited as general revenues, not restricted receipts.

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

(10) Implied consent notice for persons eighteen (18) years of age or older: "Rhode Island
law requires you to submit to a chemical test of your blood, breath, or urine for the purpose of
determining the chemical content of your body fluids or breath. If you refuse this testing, certain
penalties can be imposed and include the following: for a first offense, your Rhode Island driver's
license or privilege to operate a motor vehicle in this state can be suspended for six (6) months to
one year or modified to permit operation in connection with an ignition interlock device for a period
specified by law; a fine from two hundred dollars ($200) to five hundred dollars ($500) can be imposed; and you can be ordered to perform ten (10) to sixty (60) hours of community service and attend a special course on driving while intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment. If you have had one or more previous offenses within the past five (5) years, your refusal to submit to a chemical test of breath or urine at this time can have criminal penalties, including incarceration up to six (6) months for a second offense and up to one year for a third or subsequent offense, and can carry increased license suspension or ignition interlock period, fines, and community service. All violators shall pay a five hundred dollar ($500) highway safety assessment fee, a two hundred dollar ($200) department of health chemical testing programs assessment fee, and a license reinstatement fee. Refusal to submit to a chemical test of blood shall not subject you to criminal penalties for the refusal itself, but if you have one or more previous offenses other civil penalties may increase. You have the right to be examined at your own expense by a physician selected by you. If you submit to a chemical test at this time, you have the right to have an additional chemical test performed at your own expense. You will be afforded a reasonable opportunity to exercise these rights. Access to a telephone will be made available for you to make those arrangements. You may now use a telephone."

Use of this implied consent notice shall serve as evidence that a person's consent to a chemical test is valid in a prosecution involving driving under the influence of liquor, controlled substances, and/or drugs.

(d) Upon suspending or refusing to issue a license or permit as provided in subsection (a), the traffic tribunal or district court shall immediately notify the person involved in writing, and upon his or her request, within fifteen (15) days, afford the person an opportunity for a hearing as early as practical upon receipt of a request in writing. Upon a hearing, the judge may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers. If the judge finds after the hearing that:

(1) The law enforcement officer making the sworn report had reasonable grounds to believe that the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or any combination of these;

(2) The person, while under arrest, refused to submit to the tests upon the request of a law enforcement officer;

(3) The person had been informed of his or her rights in accordance with § 31-27-3; and

(4) The person had been informed of the penalties incurred as a result of noncompliance with this section, the judge shall sustain the violation. The judge shall then impose the penalties set
forth in subsection (c) of this section. Action by the judge must be taken within seven (7) days after
the hearing or it shall be presumed that the judge has refused to issue his or her order of suspension.

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

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


(a) Notwithstanding any provision of § 31-27-2.1, if an individual refuses to consent to a
chemical test as provided in § 31-27-2.1, and a peace officer, as defined in § 12-7-21, has probable
cause to believe that the individual has violated one or more of the following sections: 31-27-1, 31-
27-1.1, 31-27-1.2, or 31-27-2.6 and that the individual was operating a motor vehicle under the
influence of any intoxicating liquor, toluene or any controlled substance as defined in chapter 21-
28, or any combination thereof, a chemical test may be administered without the consent of that
individual provided that the peace officer first obtains a search warrant authorizing administration
of the chemical test. The chemical test shall determine the amount of the alcohol or the presence of
a controlled substance in that person's blood, saliva or breath.

(b) The chemical test shall be administered in accordance with the methods approved by
the director of the department of health as provided for in subdivision 31-27-2(c)(4). The individual
shall be afforded the opportunity to have an additional chemical test as established in subdivision
31-27-2(c)(6).

(c) Notwithstanding any other law to the contrary, including, but not limited to, chapter 5-
37.3, any health care provider who, as authorized by the search warrant in subsection (a):
(i) Takes a blood, saliva or breath sample from an individual; or
(ii) Performs the chemical test; or
(iii) Provides information to a peace officer pursuant to subsection (a) above and who uses
reasonable care and accepted medical practices shall not be liable in any civil or criminal
proceeding arising from the taking of the sample, from the performance of the chemical test or from
the disclosure or release of the test results.

(d) The results of a chemical test performed pursuant to this section shall be admissible as
competent evidence in any civil or criminal prosecution provided that evidence is presented in
compliance with the conditions set forth in subdivisions 31-27-2(c)(3), 31-27-2(c)(4) and 31-27-2(c)(6).

(e) All chemical tests administered pursuant to this section shall be audio and video recorded by the law enforcement agency which applied for and was granted the search warrant authorizing the administration of the chemical test.

SECTION 8. Sections 44-49-1, 44-49-2, 44-49-4, 44-49-5, 44-49-7, 44-49-8, 44-49-9, 44-49-9.1, 44-49-10, 44-49-11, and 44-49-12 of the General Laws in Chapter 44-49 entitled “Taxation of Marijuana and Controlled Substances” are hereby amended to read as follows:

44-49-1. Short title.
This chapter shall be known as the "Marijuana and Controlled Substances Taxation Act".

(a) "Controlled substance" means any drug or substance, whether real or counterfeit, as defined in § 21-28-1.02(8), that is held, possessed, transported, transferred, sold, or offered to be sold in violation of Rhode Island laws. "Controlled substance" does not include marijuana.

(b) "Dealer" means a person who in violation of Rhode Island law manufactures, produces, ships, transports, or imports into Rhode Island or in any manner acquires or possesses more than forty-two and one half (42.5) grams of marijuana, or seven (7) or more grams of any controlled substance, or ten (10) or more dosage units of any controlled substance which is not sold by weight. A quantity of marijuana or a controlled substance is measured by the weight of the substance whether pure or impure or dilute, or by dosage units when the substance is not sold by weight, in the dealer's possession. A quantity of a controlled substance is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or fillers.

(c) "Marijuana" means any marijuana, whether real or counterfeit, as defined in § 21-28-1.02(30), that is held, possessed, transported, transferred, sold, or offered to be sold in violation of Rhode Island laws.

The tax administrator may adopt rules necessary to enforce this chapter. The tax administrator shall adopt a uniform system of providing, affixing, and displaying official stamps, official labels, or other official indicia for marijuana and controlled substances on which a tax is imposed.

44-49-5. Tax payment required for possession.
No dealer may possess any marijuana or controlled substance upon which a tax is imposed under this chapter unless the tax has been paid on the marijuana or a controlled substance as evidenced by a stamp or other official indicia.

Nothing in this chapter shall require persons lawfully in possession of marijuana or a controlled substance to pay the tax required under this chapter.


For the purpose of calculating this tax, a quantity of marijuana or a controlled substance is measured by the weight of the substance whether pure or impure or dilute, or by dosage units when the substance is not sold by weight, in the dealer's possession. A quantity of a controlled substance is dilute if it consists of a detectable quantity of pure controlled substance and any excipients or fillers.


A tax is imposed on marijuana and controlled substances as defined in § 44-49-2 at the following rates:

(1) On each gram of marijuana, or each portion of a gram, three dollars and fifty cents ($3.50); and

(2)(1) On each gram of controlled substance, or portion of a gram, two hundred dollars ($200); or

(2)(2) On each ten (10) dosage units of a controlled substance that is not sold by weight, or portion of the dosage units, four hundred dollars ($400).

44-49-9.1. Imposition of tax, interest and liens.

(a) Any law enforcement agency seizing marijuana and/or controlled substances as defined in § 44-49-2 in the quantities set forth in that section shall report to the division of taxation no later than the twenty-fifth (25th) of each month, the amount of all marijuana and controlled substances seized during the previous month and the name and address of each dealer from whom the marijuana and controlled substances were seized.

(b) The tax administrator shall assess the dealer for any tax due at the rate provided by § 44-49-9. The tax shall be payable within fifteen (15) days after its assessment and, if not paid when due, shall bear interest from the date of its assessment at the rate provided in § 44-1-7 until paid.

(c) The tax administrator may file a notice of tax lien upon the real property of the dealer located in this state immediately upon mailing a notice of assessment to the dealer at the address listed in the report of the law enforcement agency. The tax administrator may discharge the lien imposed upon the filing of a bond satisfactory to the tax administrator in an amount equal to the tax, interest and penalty imposed under this chapter.

(a) **Penalties.** Any dealer violating this chapter is subject to a penalty of one hundred percent (100%) of the tax in addition to the tax imposed by § 44-49-9. The penalty will be collected as part of the tax.

(b) **Criminal penalty; sale without affixed stamps.** In addition to the tax penalty imposed, a dealer distributing or possessing marijuana or controlled substances without affixing the appropriate stamps, labels, or other indicia is guilty of a crime and, upon conviction, may be sentenced to imprisonment for not more than five (5) years, or to payment of a fine of not more than ten thousand dollars ($10,000), or both.

(c) **Statute of limitations.** An indictment may be found and filed, or a complaint filed, upon any criminal offense specified in this section, in the proper court within six (6) years after the commission of this offense.

**44-49-11. Stamp price.**

Official stamps, labels, or other indicia to be affixed to all marijuana or controlled substances shall be purchased from the tax administrator. The purchaser shall pay one hundred percent (100%) of face value for each stamp, label, or other indicia at the time of the purchase.

**44-49-12. Payment due.**

(a) Stamps affixed. When a dealer purchases, acquires, transports, or imports into this state marijuana or controlled substances on which a tax is imposed by § 44-49-9, and if the indicia evidencing the payment of the tax have not already been affixed, the dealer shall have them permanently affixed on the marijuana or controlled substance immediately after receiving the substance. Each stamp or other official indicia may be used only once.

(b) Payable on possession. Taxes imposed upon marijuana or controlled substances by this chapter are due and payable immediately upon acquisition or possession in this state by a dealer.

SECTION 9. Title 44 of the General Laws entitled “Taxation” is hereby amended by adding thereto the following chapter:

**CHAPTER 49.1**

**THE CANNABIS TAXATION ACT**

**44-49.1-1. Short title.**

This chapter shall be known as the "Cannabis Taxation Act."

**44-49.1-2. Definitions.**

As used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

(1) “Adult use marijuana retailer” has the meaning given that term in § 21-28.11-3.

(2) “Cannabis” has the meaning given that term in § 21-28.11-3.
(3) “Department of business regulation” means the office of cannabis regulation with the department of business regulation or its successor agency.

(4) “Licensee” has the same meaning as “marijuana establishment licensee” in § 21-28.11-3.

(5) “Marijuana” has the meaning given that term in § 21-28.1-02.

(6) Marijuana cash use surcharge account means the restricted receipt account established in the department of revenue to collect penalties on tax payments related to marijuana that are paid in cash.

(7) “Marijuana cultivator” means a licensed medical marijuana cultivator as defined in § 21-28.6-3, an adult use marijuana cultivator as defined in § 21-28.11-3, or any other person licensed by the department of business regulation to cultivate marijuana in the state. A marijuana cultivator does not include a primary caregiver or qualifying patients, as defined in 21-28.6-3, who are growing marijuana pursuant to § 21-28.6-4 and in accordance with chapter 28.6 of title 21 and the regulations promulgated thereunder.

(8) “Marijuana flower” means the flower or bud from a marijuana plant.

(9) “Marijuana products” has the meaning given that term in § 21-28.11-3.

(10) “Marijuana trim” means any part of the marijuana plant other than marijuana flower.

(11) “Person” means any individual, including an employee or agent, firm, fiduciary, partnership, corporation, trust, or association, however formed.

(12) “Tax administrator” means the tax administrator within the division of taxation of the department of revenue as defined in § 44-1-1.

44-49.1-3. Adult use cultivator, retailer licenses required.

Each person engaging in the business of cultivating adult use marijuana or selling adult use marijuana products, shall secure a license from the department of business regulation before engaging in that business, or continuing to engage in it. A separate application and license is required for each place of business operated by the retailer. A licensee shall notify the department of business regulation and tax administrator simultaneously within thirty (30) days in the event that it changes its principal place of business. A separate license is required for each type of business if the applicant is engaged in more than one of the activities required to be licensed by this section.


(a) An excise tax is imposed on all marijuana cultivated by marijuana cultivators. The rate of taxation is as follows:

(1) Three dollars ($3.00) for every dried ounce of marijuana trim and a proportionate tax at the like rate on all fractional parts of an ounce thereof, and
(2) Ten dollars ($10.00) for every dried ounce of marijuana flower and a proportionate tax at the like rate on all fractional parts of an ounce thereof.

(b) Marijuana trim and marijuana flower that has not reached a dried state will be taxed using equivalent amounts as established by regulations promulgated by the department of taxation and the department of business regulation.

(c) The excise tax is assessed and levied upon the sale or transfer of marijuana by a marijuana cultivator to any party or upon the designation of the product for retail sale by the cultivator, whichever occurs earlier.

(d) The tax bears interest at the annual rate provided by § 44-1-7 from the twentieth (20th) day after the close of the month for which the amount, or any portion of it, should have been paid until the date of payment.

(e) This section is effective as of January 1, 2023.

44-49.1-5. Adult use marijuana retail excise tax.

(a) An excise tax is imposed on all marijuana sold by adult use marijuana retailers pursuant to chapter 28.12 of title 21 at a rate of ten percent (10%) of the gross sales of marijuana products. This excise tax is in addition to all other taxes imposed by title 44. The burden of proving the tax was collected is upon the person who makes the sale and the purchaser, unless the person who makes the sales takes from the purchaser a certificate to the effect that the purchase was for resale. The certificate shall contain any information and be in the form that the tax administrator may require.

(b) Any adult use marijuana retailer shall collect the taxes imposed by this section from any purchaser to whom the sale of marijuana products is made and shall remit to the state the tax levied by this section. The retail sale of marijuana products shall not be bundled with any other non-marijuana tangible personal property or taxable services set forth in R.I. Gen. Laws § 44-18-7.3.

(c) The adult use marijuana retailer shall add the tax imposed by this chapter to the sale price or charge, and when added the tax constitutes a part of the price or charge, is a debt from the consumer or user to the retailer, and is recoverable at law in the same manner as other debts; provided, that the amount of tax that the retailer collects from the consumer or user is as follows:

<table>
<thead>
<tr>
<th>Amount of Fair Market Value, as Tax</th>
<th>Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.01 to $.09 inclusive</td>
<td>No Tax</td>
</tr>
<tr>
<td>$.10 to $.19 inclusive</td>
<td>.01</td>
</tr>
<tr>
<td>$.20 to $.29 inclusive</td>
<td>.02</td>
</tr>
<tr>
<td>$.30 to $.39 inclusive</td>
<td>.03</td>
</tr>
</tbody>
</table>
.40 to .49 inclusive .04
.50 to .59 inclusive .05
.60 to .69 inclusive .06
.70 to .79 inclusive .07
.80 to .89 inclusive .08
.90 to .99 inclusive .09
.100 to .109 inclusive .10

and where the amount of the sale is more than one dollar and nine cents ($1.09) the amount of the tax is computed at the rate of ten percent (10%).

(d) It shall be deemed a violation of this section for an adult use marijuana retailer to fail to separately state the tax imposed in this section and instead include it in the sale price of marijuana products. The tax levied in this article shall be imposed is in addition to all other taxes imposed by the state, or any municipal corporation or political subdivision of any of the foregoing.

(e) The tax bears interest at the annual rate provided by § 44-1-7 from the twentieth (20th) day after the close of the month for which the amount, or any portion of it, should have been paid until the date of payment.

44-49.1-6. Returns.

(a) Every marijuana cultivator shall, on or before the twentieth (20th) day of the month following the sale or transfer of marijuana, make a return to the tax administrator for taxes due under § 44-49.1-4. Marijuana cultivators shall file their returns on a form as prescribed by the tax administrator.

(b) Every licensed adult use marijuana retailer shall, on or before the twentieth (20th) day of the month following the sale of marijuana products, make a return to the tax administrator for taxes due under § 44-49.1-5. Adult use marijuana retailers shall file their returns on a form as prescribed by the tax administrator.

(c) If for any reason an adult use marijuana retailer fails to collect the tax imposed § 44-49.1-5 from the purchaser, the purchaser shall file a return and pay the tax directly to the state, on or before the date required by subsection (b) of this section.

(d) There is created with the general fund a restricted receipt account to be known as the “marijuana cash use surcharge” account. Surcharge collected pursuant to subsection (e) shall be deposited into this account and be used to finance costs associated with processing and handling cash payments and other enforcement related to taxes mandated to be paid under this chapter. The restricted receipt account will be housed within the budget of the department of revenue. All
amounts deposited into the marijuana cash use surcharge account shall be exempt from the indirect
cost recovery provisions of § 35-4-27.

due under chapters 18 or 67 of this title, shall pay a ten percent (10%) penalty on the amount of
that payment to the division of taxation. Payment of a tax return with less than one thousand dollars
($1,000) in taxes due per month, on average, shall not be subject to the penalty.

Notwithstanding any other provision of law, the department of business regulation and
tax administrator may, on a periodic basis, prepare and publish for public distribution a list of
entities and their active licenses administered under this chapter. Each list may contain the license
type, name of the licensee, and the amount of tax paid under this chapter.

44-49.1-7. Sale of contraband products prohibited.

(a) No person shall sell, offer for sale, display for sale, or possess with intent to sell any
contraband marijuana, marijuana products,

(b) Any marijuana or marijuana products exchanged in which one of the two entities does
not have a license or exchanged between a non-licensed entity and a consumer shall be considered
contraband,

(c) Any marijuana or marijuana products for which applicable taxes have not been paid as
specified in title 44 shall be considered contraband.

(d) Failure to comply with the provisions of this chapter may result in the imposition of the
applicable civil penalties in Section 44-49.1-12 below; however, the possession of marijuana or
marijuana products as described in this chapter do not constitute contraband for purposes of
imposing a criminal penalty under chapter 28 of title 21.


(a) Each licensee shall maintain copies of invoices or equivalent documentation for, or
itemized for, each of its facilities for each involving the sale or transfer of marijuana or marijuana
products. All records and invoices required under this section must be safely preserved for three
years in a manner to insure permanency and accessibility for inspection by the administrator or
his or her authorized agents,

(b) 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. With the tax administrator's
permission, persons with multiple places of business may retain centralized records but shall
transmit duplicates of the invoices or the equivalent documentation to each place of business within
twenty-four (24) hours upon the request of the administrator or his or her designee.
(c) Any person who fails to submit the reports required in this chapter or by the tax administrator under this chapter, or who makes any incomplete, false, or fraudulent report, or who refuses to permit the tax administrator or his or her authorized agent to examine any books, records, papers, or stocks of marijuana or marijuana products as provided in this chapter, or who refuses to supply the tax administrator with any other information which the tax administrator requests for the reasonable and proper enforcement of the provisions of this chapter, shall be guilty of a misdemeanor punishable by imprisonment up to one (1) year, or a fine of not more than five thousand dollars ($5,000), or both, for the first offense, and for each subsequent offense, shall be fined not more than ten thousand dollars ($10,000), or be imprisoned not more than five (5) years, or both.

44.49.1-9. Inspections and investigations.

(a) The tax administrator or his or her duly authorized agent shall have authority to enter and inspect, without a warrant during normal business hours, and with a warrant during nonbusiness hours, the facilities and records of any licensee.

(b) In any case where the administrator or his or her duly authorized agent, or any police officer of this state, has knowledge or reasonable grounds to believe that any vehicle is transporting marijuana or marijuana products in violation of this chapter, the administrator, such agent, or such police officer, is authorized to stop such vehicle and to inspect the same for contraband marijuana or marijuana products.

(c) For the purpose of determining the correctness of any return, determining the amount of tax that should have been paid, determining whether or not the licensee should have made a return or paid taxes, or collecting any taxes under this chapter, the tax administrator may examine, or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making those determinations, whether the books, papers, records, or memoranda, are the property of or in the possession of the licensee or another person. The tax administrator may require the attendance of any person having knowledge or information that may be relevant, compel the production of books, papers, records, or memoranda by persons required to attend, take testimony on matters material to the determination, and administer oaths or affirmations. Upon demand of the tax administrator or any examiner or investigator, the court administrator of any court shall issue a subpoena for the attendance of a witness or the production of books, papers, records, and memoranda. The tax administrator may also issue subpoenas. Disobedience of subpoenas issued under this chapter is punishable by the superior court of the district in which the subpoena is issued, or, if the subpoena is issued by the tax administrator, by the superior court of the county in which the party served with the subpoena is located, in the same manner as contempt of superior court.
44-49.1-10. Suspension or revocation of license.

The tax administrator may instruct the department of business regulation to, and upon such instruction the department shall be authorized to suspend or revoke any license under this chapter for failure of the licensee to comply with any provision of this chapter or with any provision of any other law or ordinance relative to the sale or transfer of marijuana or marijuana products.


Any marijuana or marijuana products found in violation of this chapter shall be declared to be contraband goods and may be seized by the tax administrator, his or her agents, or employees, or by any deputy sheriff, or police officer when directed by the tax administrator to do so, without a warrant. For the purposes of seizing and destroying contraband marijuana, employees of the department of business regulation may act as agents of the tax administrator. The seizure and/or destruction of any marijuana or marijuana products under the provisions of this section does not relieve any person from a fine or other penalty for violation of this chapter. The department of business regulation, in conjunction with the tax administrator and the department of public safety, may promulgate rules and regulations for the destruction of contraband goods pursuant to this section.


(a) Failure to file tax returns or to pay tax. In the case of failure:

(1) To file. The tax return on or before the prescribed date, unless it is shown that the failure is due to reasonable cause and not due to willful neglect, an addition to tax shall be made equal to ten percent (10%) of the tax required to be reported. For this purpose, the amount of tax required to be reported shall be reduced by an amount of the tax paid on or before the date prescribed for payment and by the amount of any credit against the tax which may properly be claimed upon the return.

(2) To pay. The amount shown as tax on the return on or before the prescribed date for payment of the tax unless it is shown that the failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount shown as tax on the return ten percent (10%) of the amount of the tax.

(b) Negligence. If any part of a deficiency is due to negligence or intentional disregard of the Rhode Island General Laws or rules or regulations under this chapter (but without intent to defraud), five percent (5%) of that part of the deficiency shall be added to the tax.

(c) Fraud. If any part of a deficiency is due to fraud, fifty percent (50%) of that part of the deficiency shall be added to the tax. This amount shall be in lieu of any other additional amounts imposed by subsections (a) and (b) of this section.
(d) **Failure to collect and pay over tax.** Any person required to collect, truthfully account for, and pay over any tax under this title who willfully fails to collect the tax or truthfully account for and pay over the tax or willfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a civil penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(e) **Additions and penalties treated as tax.** The additions to the tax and civil penalties provided by this section shall be paid upon notice and demand and shall be assessed, collected, and paid in the same manner as taxes.

(f) **Bad checks.** If any check or money order in payment of any amount receivable under this title is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered the check, upon notice and demand by the tax administrator or his or her delegate, in the same manner as tax, an amount equal to one percent (1%) of the amount of the check, except that if the amount of the check is less than five hundred dollars ($500), the penalty under this section shall be five dollars ($5.00). This subsection shall not apply if the person tendered the check in good faith and with reasonable cause to believe that it would be duly paid.

(g) **Misuse of Trust Funds.** Any retailer and any officer, agent, servant, or employee of any corporate retailer responsible for either the collection or payment of the tax, who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter, shall upon conviction for each offense be fined not more than ten thousand dollars ($10,000), or be imprisoned for one year, or by both fine and imprisonment, both fine and imprisonment to be in addition to any other penalty provided by this chapter.

(h) **Whoever fails to pay any tax imposed by § 44-49.1-4 or § 44-49.1-5 at the time prescribed by law or regulations, shall, in addition to any other penalty provided in this chapter, be liable for a penalty of one thousand dollars ($1,000) or not more than five (5) times the tax due but unpaid, whichever is greater.

(i) **When determining the amount of a penalty sought or imposed under this section, evidence of mitigating or aggravating factors, including history, severity, and intent, shall be considered.**

**44-49.1-13. Claim for refund.**

Whenever the tax administrator determines that any person is entitled to a refund of any moneys paid by a person under the provisions of this chapter, or whenever a court of competent jurisdiction orders a refund of any moneys paid, the general treasurer shall, upon certification by the tax administrator and with the approval of the director of revenue, pay the refund from any
moneys in the treasury not appropriated without any further act or resolution making appropriation for the refund. No refund is allowed unless a claim is filed with the tax administrator within three (3) years from the fifteenth (15th) day after the close of the month for which the overpayment was made.


(a) Any person aggrieved by any action under this chapter of the tax administrator or his or her authorized agent for which a hearing is not elsewhere provided may apply to the tax administrator, in writing, within thirty (30) days of the action for a hearing, stating the reasons why the hearing should be granted and the manner of relief sought. The tax administrator shall notify the applicant of the time and place fixed for the hearing. After the hearing, the tax administrator may make the order in the premises as may appear to the tax administrator just and lawful and shall furnish a copy of the order to the applicant. The tax administrator may, by notice in writing, at any time, order a hearing on his or her own initiative and require the licensee or any other individual whom the tax administrator believes to be in possession of information concerning any growing, processing, distribution, sales, or transfer of cannabis products to appear before the tax administrator or his or her authorized agent with any specific books of account, papers, or other documents, for examination relative to the hearing.

(b) Appeals from administrative orders or decisions made pursuant to any provisions of this chapter shall be to the sixth division district court pursuant to chapter 8 of title 8. The taxpayer’s right to appeal under this section shall be expressly made conditional upon prepayment of all taxes, interest, and penalties, unless the taxpayer moves for and is granted an exemption from the prepayment requirement pursuant to § 8-8-26.


Notwithstanding any other provision of law, the tax administrator may make available to an officer or employee of the office of cannabis regulation of the Rhode Island department of business regulation, any information that the administrator may consider proper contained in tax reports or returns or any audit or the report of any investigation made with respect to them, filed pursuant to the tax laws of this state, to whom disclosure is necessary for the purpose of ensuring compliance with state law and regulations.

44-49.1-16. Transfer of revenue to the marijuana trust fund.

(a) The division of taxation shall transfer all collections from marijuana cultivator excise tax and the adult use marijuana retail excise tax, including penalties or forfeitures, interest, costs of suit and fines, to the marijuana trust fund established by § 21-28.12-16.
(b) The division of taxation shall transfer all collections remitted by adult use marijuana retailers pursuant to § 44-18-18 due to the net revenue of marijuana products. The tax administrator may base this transfer on an estimate of the net revenue of marijuana products derived from any other tax data collected under title 44 or data shared by the department of business regulation.

44-49.1-17. Rules and regulations.

The tax administrator is authorized to promulgate rules and regulations to carry out the provisions, policies, and purposes of this chapter. The provisions of this chapter shall be liberally construed to foster the enforcement of and compliance with all provisions herein related to taxation.


If any provision of this chapter or the application of this chapter to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 10. This Article shall take effect upon passage.
ARTICLE 12
RELATING TO MEDICAL ASSISTANCE

SECTION 1. Sections 12-1.6-1 and 12-1.6-2 of the General Laws in Chapter 12-1.6 entitled “National Criminal Records Check System” are hereby amended to read as follows:

12-1.6-1. Automated fingerprint identification system database.

The department of attorney general may establish and maintain an automated fingerprint identification system database that would allow the department to store and maintain all fingerprints submitted in accordance with the national criminal records check system. The automated fingerprint identification system database would provide for an automatic notification if, and when, a subsequent criminal arrest fingerprint card is submitted to the system that matches a set of fingerprints previously submitted in accordance with a national criminal records check. If the aforementioned arrest results in a conviction, the department shall immediately notify those individuals and entities with which that individual is associated and who are required to be notified of disqualifying information concerning national criminal records checks as provided in chapters 17, 17.4, 17.7.1 of title 23 or § 23-1-52 and 42-7.2 of title 42 or §§ 42-7.2-18.2 and 42-7.2-18.4.

The information in the database established under this section is confidential and not subject to disclosure under chapter 38-2.

12-1.6-2. Long-term healthcare workers, high-risk medicaid providers, and personal care attendants.

The department of attorney general shall maintain an electronic, web-based system to assist facilities, licensed under chapters 17, 17.4, 17.7.1 of title 23 or § 23-1-52, and the executive office of health and human services under §§ 42-7.2-18.1 and 42-7.2-18.3, required to check relevant registries and conduct national criminal records checks of routine contact patient employees, personal care attendants and high-risk providers. The department of attorney general shall provide for an automated notice, as authorized in § 12-1.6-1, to those facilities or the executive office of health and human services if a routine-contact patient employee, personal care attendant or high-risk provider is subsequently convicted of a disqualifying offense, as described in the relevant licensing statute or in §§ 42-7.2-18.2 and 42-7.2-18.4. The department of attorney general may charge a facility a one-time, set-up fee of up to one hundred dollars ($100) for access to the electronic web-based system under this section.

SECTION 2. Section 42-7.2-18 of Chapter 42-7.2 the General Laws entitled “Office of Health and Human Services” is hereby amended by adding thereto the following sections:

(a) As a condition of enrollment and/or continued participation as a Medicaid provider, applicants to become and/or remain a provider shall be required to undergo criminal records checks including a national criminal records check supported by fingerprints by the level of screening based on risk of fraud, waste or abuse as determined by the executive office of health and human services for that category of Medicaid provider.

(b) Establishment of Risk Categories – The executive office of health and human services in consultation with the department of attorney general, shall establish through regulation, risk categories for Medicaid providers and provider categories who pose an increased financial risk of fraud, waste or abuse to the Medicaid/CHIP program, in accordance with § 42 CFR §§ 455.434 and 455.450.

(c) High risk categories, as determined by the executive office health and human services may include:

1. Newly enrolled home health agencies that have not been medicare certified;
2. Newly enrolled durable medical equipment providers;
3. New or revalidating providers that have been categorized by the executive office of health and human services as high risk;
4. New or revalidating providers with payment suspension histories;
5. New or revalidating providers with office of inspector general exclusion histories;
6. New or revalidating providers with qualified overpayment histories; and,
7. New or revalidating providers applying for enrollment post debarment or moratorium (Federal or State-based)

(d) Upon the state Medicaid agency determination that a provider or an applicant to become a provider, or a person with a five percent (5%) or more direct or indirect ownership interest in the provider, meets the executive office of health and human services’ criteria for criminal records checks as a “high” risk to the Medicaid program, the executive office of health and human services shall require that each such provider or applicant to become a provider undergo a national criminal records check supported by fingerprints.

(e) The executive office of health and human services shall require such a “high risk” Medicaid provider or applicant to become a provider, or any person with a five percent (5%) or more direct or indirect ownership interest in the provider, to submit to a national criminal records check supported by fingerprints within thirty (30) days upon request from the Centers for Medicare and Medicaid or the executive office of health and human services.

(f) The Medicaid providers requiring the national criminal records check shall apply to the department of attorney general, bureau of criminal dentification (BCI) to be fingerprinted. The
fingerprints will subsequently be transmitted to the federal bureau of investigation for a national criminal records check. The results of the national criminal records check shall be made available to the applicant undergoing a record check and submitting fingerprints.

(g) Upon the discovery of any disqualifying information, as defined in § 42-7.2-18.2 and as in accordance with the regulations promulgated by the executive office of health and human services, the bureau of criminal identification of the department of the attorney general will inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, will notify the executive office of health and human services, in writing, that disqualifying information has been discovered.

(h) In those situations, in which no disqualifying information has been found, the bureau of criminal identification of the department of the attorney general shall inform the applicant and the executive office of health and human services, in writing, of this fact.

(i) The applicant shall be responsible for the cost of conducting the national criminal records check through the bureau of criminal identification of the department of attorney general.

42-7.2-18.2. Professional responsibility – Criminal records check disqualifying information for high-risk providers.

(a) Information produced by a national criminal records check pertaining to conviction, for the following crimes will result in a letter to the executive office of health and human services, disqualifying the applicant from being a medicaid provider: murder, voluntary manslaughter, involuntary manslaughter, first degree sexual assault, second degree sexual assault, third degree sexual assault, assault on persons sixty (60) years of age or older, assault with intent to commit specified felonies (murder, robbery, rape, burglary, or the abominable and detestable crime against nature) felony assault, patient abuse, neglect or mistreatment of patients, burglary, first degree arson, robbery, felony drug offenses, felony larceny, or felony banking law violations, felony obtaining money under false pretenses, felony embezzlement, abuse, neglect and/or exploitation of adults with severe impairments, exploitation of elders, or a crime under section 1128 (a) of the Social Security Act (42 U.S.C. 1320a-7(a)). An applicant against whom disqualifying information has been found, for purposes of appeal, may provide a copy of the national criminal records check to the executive office of health and human services, who shall make a judgment regarding the approval of or the continued status of that person as a provider.

(b) For purposes of this section, “conviction” means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of nolo contendere and has received a sentence of probation and those
instances where a defendant has entered into a deferred sentence agreement with the attorney general.

42-7.2-18.3, Professional responsibility – Criminal records check for personal care aides.

(a) Any person seeking employment to provide care to elderly or individuals with disabilities who is, or may be required to be, licensed, registered, trained or certified with the office of medicaid if that employment involves routine contact with elderly or individuals with disabilities without the presence of other employees, shall undergo a national criminal records check supported by fingerprints. The applicant will report to the office of attorney general, bureau of criminal identification to submit their fingerprints. The fingerprints will subsequently be submitted to the federal bureau of investigation (FBI) by the bureau of criminal identification of the office of attorney general. The national criminal records check shall be initiated prior to, or within one week of, employment.

(b) The director of the office of medicaid may, by rule, identify those positions requiring criminal records checks. The identified employee, through the executive office of health and human services, shall apply to the bureau of criminal identification of the department of attorney general for a national criminal records check. Upon the discovery of any disqualifying information, as defined in § 42-7.2-18.4 and in accordance with the rule promulgated by the secretary of the executive office of health and human services, the bureau of criminal identification of the department of the attorney general will inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, will notify the executive office of health and human services executive office of health and human services in writing, that disqualifying information has been discovered.

(c) An applicant against whom disqualifying information has been found, for purposes of appeal, may provide a copy of the national criminal history check to the executive office of health and human services, who shall make a judgment regarding the approval of the applicant.

(d) In those situations, in which no disqualifying information has been found, the bureau of criminal identification of the department of the attorney general shall inform the applicant and the executive office health and human services, in writing, of this fact.

(e) The executive office of health and human services shall maintain on file evidence that criminal records checks have been initiated on all applicants subsequent to July 1, 2022.
(f) The applicant shall be responsible for the cost of conducting the national criminal records check through the bureau of criminal identification of the department of the attorney general.

42-7.2-18.4. Professional responsibility – Criminal records check disqualifying information for personal care aides.

(a) Information produced by a national criminal records check pertaining to conviction, for the following crimes will result in a letter to the applicant and the executive office of health and human services, disqualifying the applicant: murder, voluntary manslaughter, involuntary manslaughter, first degree sexual assault, second degree sexual assault, third degree sexual assault, assault on persons sixty (60) years of age or older, assault with intent to commit specified felonies (murder, robbery, rape, burglary, or the abominable and detestable crime against nature) felony assault, patient abuse, neglect or mistreatment of patients, burglary, first degree arson, robbery, felony drug offenses, felony larceny, or felony banking law violations, felony obtaining money under false pretenses, felony embezzlement, abuse, neglect and/or exploitation of adults with severe impairments, exploitation of elders, or a crime under section 1128(a) of the Social Security Act (42 U.S.C. 1320a-7(a)).

(b) For purposes of this section, “conviction” means, in addition to judgments of conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of nolo contendere and has received a sentence of probation and those instances where a defendant has entered into a deferred sentence agreement with the attorney general.

SECTION 3. 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. (a) There is imposed a hospital licensing fee at the rate of six percent (6%) upon the net patient services revenue of every hospital for the hospital's first fiscal year ending on or after January 1, 2018, except that the license fee for all hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven percent (37%). The discount for Washington County hospitals is subject to approval by the Secretary of the U.S. Department of Health and Human Services of a state plan amendment submitted by the executive office of health and human services for the purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This licensing fee shall be administered and collected by the tax administrator, division of taxation within the department of revenue, and all the administration, collection, and other provisions of Chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 13, 2020, and payments shall...
Every hospital shall, on or before June 15, 2020, make a return to the tax administrator containing the correct computation of net patient-services revenue for the hospital fiscal year ending September 30, 2018, 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.

(b) There is also imposed a hospital licensing fee for state fiscal year 2021 against each hospital in the state. The hospital licensing fee is equal to five percent (5.0%) of the net patient-services revenue of every hospital for the hospital's first fiscal year ending on or after January 1, 2019, except that the license fee for all hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven percent (37%). The discount for Washington County hospitals is subject to approval by the Secretary of the U.S. Department of Health and Human Services of a state plan amendment submitted by the executive office of health and human services for the purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This licensing fee shall be administered and collected by the tax administrator, division of taxation within the department of revenue, and all the administration, collection, and other provisions of Chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 13, 2021, and payments shall be made by electronic transfer of monies to the general treasurer and deposited to the general fund. Every hospital shall, on or before June 15, 2020, make a return to the tax administrator containing the correct computation of net patient-services revenue for the hospital fiscal year ending September 30, 2019, 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.

(c) There is also imposed a hospital licensing fee for state fiscal year 2022 against each hospital in the state. The hospital licensing fee is equal to five and seven hundred twenty-five thousandths percent (5.725%) of the net patient-services revenue of every hospital for the hospital's first fiscal year ending on or after January 1, 2020, except that the license fee for all hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven percent (37%). The discount for Washington County hospitals is subject to approval by the Secretary of the U.S. Department of Health and Human Services of a state plan amendment submitted by the executive office of health and human services for the purpose of pursuing a waiver of the uniformity requirement for the hospital license fee. This licensing fee shall be administered and collected by the tax administrator, division of taxation within the department of revenue, and all the administration, collection, and other provisions of Chapter 51 of title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 13, 2022, and payments shall
be made by electronic transfer of monies to the general treasurer and deposited to the general fund.

Every hospital shall, on or before June 15, 2022, make a return to the tax administrator containing
the correct computation of net patient-services revenue for the hospital fiscal year ending
September 30, 2020, 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.

(c) There is also imposed a hospital licensing fee for state fiscal year 2023 against each
hospital in the state. The hospital licensing fee is equal to five and seven hundred twenty-five
thousandths percent (5.725%) of the net patient-services revenue of every hospital for the hospital's
first fiscal year ending on or after January 1, 2020, except that the license fee for all hospitals
located in Washington County, Rhode Island shall be discounted by thirty-seven percent (37%).

The discount for Washington County hospitals is subject to approval by the Secretary of the U.S.
Department of Health and Human Services of a state plan amendment submitted by the executive
office of health and human services for the purpose of pursuing a waiver of the uniformity
requirement for the hospital license fee. This licensing fee shall be administered and collected by
the tax administrator, division of taxation within the department of revenue, and all the
administration, collection, and other provisions of Chapter 51 of title 44 shall apply. Every hospital
shall pay the licensing fee to the tax administrator on or before July 13, 2023, and payments shall
be made by electronic transfer of monies to the general treasurer and deposited to the general fund.

Every hospital shall, on or before June 15, 2023, make a return to the tax administrator containing
the correct computation of net patient-services revenue for the hospital fiscal year ending
September 30, 2020, 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.

(d) For purposes of this section the following words and phrases have the following
meanings:

(1) "Hospital" means the actual facilities and buildings in existence in Rhode Island,
licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on
that license, regardless of changes in licensure status pursuant to chapter 17.14 of title 23 (hospital
conversions) and § 23-17-6(b) (change in effective control), that provides short-term acute inpatient
and/or outpatient care to persons who require definitive diagnosis and treatment for injury, illness,
disabilities, or pregnancy. Notwithstanding the preceding language, the negotiated Medicaid
managed care payment rates for a court-approved purchaser that acquires a hospital through
receivership, special mastership, or other similar state insolvency proceedings (which court-
approved purchaser is issued a hospital license after January 1, 2013) shall be based upon the newly
negotiated rates between the court-approved purchaser and the health plan, and such rates shall be
effective as of the date that the court-approved purchaser and the health plan execute the initial agreement containing the newly negotiated rate. The rate-setting methodology for inpatient hospital payments and outpatient hospital payments set forth in §§ 40-8-13.4(b) and 40-8-13.4(b)(2), respectively, shall thereafter apply to negotiated increases for each annual twelve-month (12) period as of July 1 following the completion of the first full year of the court-approved purchaser's initial Medicaid managed care contract.

(2) "Gross patient-services revenue" means the gross revenue related to patient care services.

(3) "Net patient-services revenue" means the charges related to patient care services less
(i) Charges attributable to charity care; (ii) Bad debt expenses; and (iii) Contractual allowances.

(e) The tax administrator shall make and promulgate any rules, regulations, and procedures not inconsistent with state law and fiscal procedures that he or she deems necessary for the proper administration of this section and to carry out the provisions, policy, and purposes of this section.

(f) The licensing fee imposed by subsection (b)(a) shall apply to hospitals as defined herein that are duly licensed on July 1, 2020, and shall be in addition to the inspection fee imposed by § 23-17-38 and to any licensing fees previously imposed in accordance with this section.

(g) The licensing fee imposed by subsection (c) shall apply to hospitals as defined herein that are duly licensed on July 1, 2021, and shall be in addition to the inspection fee imposed by § 23-17-38 and to any licensing fees previously imposed in accordance with this section.

(e) The licensing fee imposed by subsection (c) shall apply to hospitals as defined herein that are duly licensed on July 1, 2022, and shall be in addition to the inspection fee imposed by § 23-17-38 and to any licensing fees previously imposed in accordance with this section.

SECTION 4. Sections 40-8-3-2 and 40-8-3-3 of the General Laws in Chapter 40-8.3 entitled “Uncompensated Care” are hereby amended to read as follows:

40-8-3-2. Definitions.

As used in this chapter:

(1) "Base year” means, for the purpose of calculating a disproportionate share payment for any fiscal year ending after September 30, 2020, the period from October 1, 2018, through September 30, 2019, and for any fiscal year ending after September 30, 2021, the period from October 1, 2019, through September 30, 2020.

(2) "Medicaid inpatient utilization rate for a hospital” means a fraction (expressed as a percentage), the numerator of which is the hospital's number of inpatient days during the base year attributable to patients who were eligible for medical assistance during the base year and the denominator of which is the total number of the hospital's inpatient days in the base year.
(3) "Participating hospital" means any nongovernment and nonpsychiatric hospital that:

(i) Was licensed as a hospital in accordance with chapter 17 of title 23 during the base year and shall mean the actual facilities and buildings in existence in Rhode Island, licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on that license, regardless of changes in licensure status pursuant to chapter 17.14 of title 23 (hospital conversions) and § 23-17-6(b) (change in effective control), that provides short-term, acute inpatient and/or outpatient care to persons who require definitive diagnosis and treatment for injury, illness, disabilities, or pregnancy. Notwithstanding the preceding language, the negotiated Medicaid managed care payment rates for a court-approved purchaser that acquires a hospital through receivership, special mastership, or other similar state insolvency proceedings (which court-approved purchaser is issued a hospital license after January 1, 2013), shall be based upon the newly negotiated rates between the court-approved purchaser and the health plan, and the rates shall be effective as of the date that the court-approved purchaser and the health plan execute the initial agreement containing the newly negotiated rate. The rate-setting methodology for inpatient hospital payments and outpatient hospital payments set forth in §§ 40-8-13.4(b)(1)(ii)(C) and 40-8-13.4(b)(2), respectively, shall thereafter apply to negotiated increases for each annual twelve-month (12) period as of July 1 following the completion of the first full year of the court-approved purchaser's initial Medicaid managed care contract;

(ii) Achieved a medical assistance inpatient utilization rate of at least one percent (1%) during the base year; and

(iii) Continues to be licensed as a hospital in accordance with chapter 17 of title 23 during the payment year.

(4) "Uncompensated-care costs" means, as to any hospital, the sum of: (i) The cost incurred by the hospital during the base year for inpatient or outpatient services attributable to charity care (free care and bad debts) for which the patient has no health insurance or other third-party coverage less payments, if any, received directly from such patients; and (ii) The cost incurred by the hospital during the base year for inpatient or outpatient services attributable to Medicaid beneficiaries less any Medicaid reimbursement received therefor; multiplied by the uncompensated-care index.

(5) "Uncompensated-care index" means the annual percentage increase for hospitals established pursuant to § 27-19-14 [repealed] for each year after the base year, up to and including the payment year; provided, however, that the uncompensated-care index for the payment year ending September 30, 2007, shall be deemed to be five and thirty-eight hundredths percent (5.38%), and that the uncompensated-care index for the payment year ending September 30, 2008, shall be deemed to be five and forty-seven hundredths percent (5.47%), and that the uncompensated-care...

40-8.3-3. Implementation.

(a) For federal fiscal year 2020, commencing on October 1, 2019, and ending September 30, 2020, the executive office of health and human services shall submit to the Secretary of the United States Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid DSH Plan to provide:

(1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of $142.4 million, shall be allocated by the executive office of health and human services to the Pool D component of the DSH Plan; and

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct proportion to the individual participating hospital's uncompensated-care costs for the base year, inflated by the uncompensated-care index to the total uncompensated-care costs for the base year inflated by the uncompensated-care index for all participating hospitals. The disproportionate share payments shall be made on or before July 13, 2020, and are expressly conditioned upon approval on or before July 6, 2020, by the Secretary of the United States Department of Health and Human Services, or his or her authorized representative, of all Medicaid state plan amendments necessary to secure for the state the benefit of federal financial participation in federal fiscal year 2020 for the disproportionate share payments.

(b) For federal fiscal year 2021, commencing on October 1, 2020, and ending September 30, 2021, the executive office of health and human services shall submit to the Secretary of the United States Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid DSH Plan to provide:

(1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of $142.5 million, shall be allocated by the executive office of health and human services to the Pool D component of the DSH Plan; and

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct proportion to the individual participating hospital's uncompensated-care costs for the base year, inflated by the uncompensated-care index to the total uncompensated-care costs for the base year inflated by the uncompensated-care index for all participating hospitals. The disproportionate share payments...
payments shall be made on or before July 12, 2021, and are expressly conditioned upon approval
on or before July 5, 2021, by the Secretary of the United States department of health and human
services, or his or her authorized representative, of all Medicaid state plan amendments necessary
to secure for the state the benefit of federal financial participation in federal fiscal year 2021 for
the disproportionate share payments.

For federal fiscal year 2022, commencing on October 1, 2021, and ending
September 30, 2022, the executive office of health and human services shall submit to the Secretary
of the United States Department of Health and Human Services a state plan amendment to the
Rhode Island Medicaid DSH Plan to provide:

(1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of
$143.8 million, shall be allocated by the executive office of health and human services to
the Pool D component of the DSH Plan; and

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct
proportion to the individual participating hospital's uncompensated-care costs for the base year,
inflated by the uncompensated-care index to the total uncompensated-care costs for the base year
inflated by the uncompensated-care index for all participating hospitals. The disproportionate share
payments shall be made on or before July 12, 2022, and are expressly conditioned upon approval
on or before July 5, 2022, by the Secretary of the United States Department of Health and Human
Services, or his or her authorized representative, of all Medicaid state plan amendments necessary
to secure for the state the benefit of federal financial participation in federal fiscal year 2022 for
the disproportionate share payments.

For federal fiscal year 2023, commencing on October 1, 2022, and ending September
30, 2023, the executive office of health and human services shall submit to the Secretary of the
United States Department of Health and Human Services a state plan amendment to the Rhode
Island Medicaid DSH Plan to provide:

(1) That the DSH Plan to all participating hospitals, not to exceed an aggregate limit of
$142.5 million, shall be allocated by the executive office of health and human services to the Pool
D component of the DSH Plan; and

(2) That the Pool D allotment shall be distributed among the participating hospitals in direct
proportion to the individual participating hospital's uncompensated-care costs for the base year,
inflated by the uncompensated-care index to the total uncompensated-care costs for the base year
inflated by the uncompensated-care index for all participating hospitals. The disproportionate share
payments shall be made on or before July 12, 2023, and are expressly conditioned upon approval
on or before July 5, 2023, by the Secretary of the United States Department of Health and Human
Services, or his or her authorized representative, of all Medicaid state plan amendments necessary
to secure for the state the benefit of federal financial participation in federal fiscal year 2023 for
the disproportionate share payments.
Services, or his or her authorized representative, of all Medicaid state plan amendments necessary
to secure for the state the benefit of federal financial participation in federal fiscal year 2023 for
the disproportionate share payments.

(d) No provision is made pursuant to this chapter for disproportionate-share hospital
payments to participating hospitals for uncompensated-care costs related to graduate medical
education programs.

(e) The executive office of health and human services is directed, on at least a monthly
basis, to collect patient-level uninsured information, including, but not limited to, demographics,
services rendered, and reason for uninsured status from all hospitals licensed in Rhode Island.

(f) [Deleted by P.L. 2019, ch. 88, art. 13, § 6.]

SECTION 5. Section 40-8.19 of the General Laws in Chapter 40-8 entitled “Medical
Assistance” is hereby amended to read as follows:

40-8-19. Rates of payment to nursing facilities.

(a) Rate reform.

(1) The rates to be paid by the state to nursing facilities licensed pursuant to chapter 17 of
title 23, and certified to participate in Title XIX of the Social Security Act for services rendered to
Medicaid-eligible residents, shall be reasonable and adequate to meet the costs that must be
incurred by efficiently and economically operated facilities in accordance with 42 U.S.C. §
1396a(a)(13). The executive office of health and human services (“executive office”) shall
promulgate or modify the principles of reimbursement for nursing facilities in effect as of July 1,
2011, to be consistent with the provisions of this section and Title XIX, 42 U.S.C. § 1396 et seq.,
of the Social Security Act.

(2) The executive office shall review the current methodology for providing Medicaid
payments to nursing facilities, including other long-term-care services providers, and is authorized
to modify the principles of reimbursement to replace the current cost-based methodology rates with
rates based on a price-based methodology to be paid to all facilities with recognition of the acuity
of patients and the relative Medicaid occupancy, and to include the following elements to be
developed by the executive office:

(i) A direct-care rate adjusted for resident acuity;

(ii) An indirect-care rate comprised of a base per diem for all facilities;

(iii) A rearray of costs for all facilities every three (3) years beginning October, 2015, that
may or may not result in automatic per diem revisions;

(iv) Application of a fair-rental value system;

(v) Application of a pass-through system; and
(vi) Adjustment of rates by the change in a recognized national nursing home inflation index to be applied on October 1 of each year, beginning October 1, 2012. This adjustment will not occur on October 1, 2013, October 1, 2014, or October 1, 2015, but will occur on April 1, 2015.

The adjustment of rates will also not occur on October 1, 2017, October 1, 2018, October 1, 2019, and October 1, 2022. Effective July 1, 2018, rates paid to nursing facilities from the rates approved by the Centers for Medicare and Medicaid Services and in effect on October 1, 2017, both fee-for-service and managed care, will be increased by one and one-half percent (1.5%) and further increased by one percent (1%) on October 1, 2018, and further increased by one percent (1%) on October 1, 2019. Effective October 1, 2022, rates paid to nursing facilities from the rates approved by the Centers for Medicare and Medicaid Services and in effect on October 1, 2021, both fee-for-service and managed care, will be increased by three percent (3%). In addition to the annual nursing home inflation index adjustment, there shall be a base rate staffing adjustment of one-half percent (0.5%) on October 1, 2021, one percent (1.0%) on October 1, 2022, and one half percent (0.5%) on October 1, 2023. The inflation index shall be applied without regard for the transition factors in subsections (b)(1) and (b)(2). For purposes of October 1, 2016, adjustment only, any rate increase that results from application of the inflation index to subsections (a)(2)(i) and (a)(2)(ii) shall be dedicated to increase compensation for direct-care workers in the following manner: Not less than 85% of this aggregate amount shall be expended to fund an increase in wages, benefits, or related employer costs of direct-care staff of nursing homes. For purposes of this section, direct-care staff shall include registered nurses (RNs), licensed practical nurses (LPNs), certified nursing assistants (CNAs), certified medical technicians, housekeeping staff, laundry staff, dietary staff, or other similar employees providing direct-care services; provided, however, that this definition of direct-care staff shall not include: (i) RNs and LPNs who are classified as "exempt employees" under the federal Fair Labor Standards Act (29 U.S.C. § 201 et seq.); or (ii) CNAs, certified medical technicians, RNs, or LPNs who are contracted, or subcontracted, through a third-party vendor or staffing agency. By July 31, 2017, nursing facilities shall submit to the secretary, or designee, a certification that they have complied with the provisions of this subsection (a)(2)(vi) with respect to the inflation index applied on October 1, 2016. Any facility that does not comply with terms of such certification shall be subjected to a clawback, paid by the nursing facility to the state, in the amount of increased reimbursement subject to this provision that was not expended in compliance with that certification.

(3) Commencing on October 1, 2021, eighty percent (80%) of any rate increase that results from application of the inflation index to subsections (a)(2)(i) and (a)(2)(ii) of this section shall be
dedicated to increase compensation for all eligible direct-care workers in the following manner on 
October 1, of each year.

(i) For purposes of this subsection, compensation increases shall include base salary or 
hourly wage increases, benefits, other compensation, and associated payroll tax increases for 
eligible direct-care workers. This application of the inflation index shall apply for Medicaid 
reimbursement in nursing facilities for both managed care and fee-for-service. For purposes of this 
subsection, direct-care staff shall include registered nurses (RNs), licensed practical nurses (LPNs), 
certified nursing assistants (CNAs), certified medication technicians, licensed physical therapists, 
licensed occupational therapists, licensed speech-language pathologists, mental health workers 
who are also certified nurse assistants, physical therapist assistants, housekeeping staff, laundry 
staff, dietary staff or other similar employees providing direct-care services; provided, however 
that this definition of direct-care staff shall not include:

(A) RNs and LPNs who are classified as "exempt employees" under the federal Fair Labor 
Standards Act (29 U.S.C. § 201 et seq.); or

(B) CNAs, certified medication technicians, RNs or LPNs who are contracted or 
subcontracted through a third-party vendor or staffing agency.

(4) (i) By July 31, 2021, and July 31 of each year thereafter, nursing facilities shall submit 
to the secretary or designee a certification that they have complied with the provisions of subsection 
(a)(3) of this section with respect to the inflation index applied on October 1. The executive office 
of health and human services (EOHHS) shall create the certification form nursing facilities must 
complete with information on how each individual eligible employee's compensation increased, 
including information regarding hourly wages prior to the increase and after the compensation 
increase, hours paid after the compensation increase, and associated increased payroll taxes. A 
collective bargaining agreement can be used in lieu of the certification form for represented 
employees. All data reported on the compliance form is subject to review and audit by EOHHS. 
The audits may include field or desk audits, and facilities may be required to provide additional 
supporting documents including, but not limited to, payroll records.

(ii) Any facility that does not comply with the terms of certification shall be subjected to a 
clawback and twenty-five percent (25%) penalty of the unspent or impermissibly spent funds, paid 
by the nursing facility to the state, in the amount of increased reimbursement subject to this 
provision that was not expended in compliance with that certification.

(iii) In any calendar year where no inflationary index is applied, eighty percent (80%) of 
the base rate staffing adjustment in that calendar year pursuant to subsection (a)(2)(vi) of this
section shall be dedicated to increase compensation for all eligible direct-care workers in the
manner referenced in subsections (a)(3)(i), (a)(3)(i)(A), and (a)(3)(i)(B) of this section.

(b) Transition to full implementation of rate reform. For no less than four (4) years after
the initial application of the price-based methodology described in subsection (a)(2) to payment
rates, the executive office of health and human services shall implement a transition plan to
moderate the impact of the rate reform on individual nursing facilities. The transition shall include
the following components:

(1) No nursing facility shall receive reimbursement for direct-care costs that is less than
the rate of reimbursement for direct-care costs received under the methodology in effect at the time
of passage of this act; for the year beginning October 1, 2017, the reimbursement for direct-care
costs under this provision will be phased out in twenty-five percent (25%) increments each year
until October 1, 2021, when the reimbursement will no longer be in effect; and

(2) No facility shall lose or gain more than five dollars ($5.00) in its total, per diem rate the
first year of the transition. An adjustment to the per diem loss or gain may be phased out by twenty-
five percent (25%) each year; except, however, for the years beginning October 1, 2015, there shall
be no adjustment to the per diem gain or loss, but the phase out shall resume thereafter; and

(3) The transition plan and/or period may be modified upon full implementation of facility
per diem rate increases for quality of care-related measures. Said modifications shall be submitted
in a report to the general assembly at least six (6) months prior to implementation.

(4) Notwithstanding any law to the contrary, for the twelve-month (12) period beginning
July 1, 2015, Medicaid payment rates for nursing facilities established pursuant to this section shall
not exceed ninety-eight percent (98%) of the rates in effect on April 1, 2015. Consistent with the
other provisions of this chapter, nothing in this provision shall require the executive office to restore
the rates to those in effect on April 1, 2015, at the end of this twelve-month (12) period.

SECTION 6. Section 40-8.9-4 of the General Laws in Chapter 40-8.9 entitled “Medical
Assistance — Long-Term Care Service and Finance Reform” is hereby amended to read as follows:


Beginning on July 1, 2007, but not including state fiscal year 2023, a unified long-term-care
budget shall combine in a single, line-item appropriation within the executive office of health and
human services (executive office), annual executive office Medicaid appropriations for nursing
facility and community-based, long-term-care services for elderly sixty-five (65) years and older
and younger persons at risk of nursing home admissions (including adult day care, home health,
PACE, and personal care in assisted-living settings). Beginning on July 1, 2007, but not including
state fiscal year 2023, the total system savings attributable to the value of the reduction in nursing
home days including hospice nursing home days paid for by Medicaid shall be allocated in the
budget enacted by the general assembly for the ensuing fiscal year for the express purpose of
promoting and strengthening community-based alternatives; provided, further, beginning July 1,
2009, but not including state fiscal year 2023, said savings shall be allocated within the budgets
of the executive office and, as appropriate, the department of human services, office of healthy
aging. The allocation shall include, but not be limited to, funds to support an ongoing, statewide
community education and outreach program to provide the public with information on home and
community services and the establishment of presumptive eligibility criteria for the purposes of
accessing home and community care. Notwithstanding the foregoing, for state fiscal year 2023,
enhanced federal medical assistance percentage funding provided through the American Rescue
Plan Act (ARPA) specifically for enhancement and expansion of home and community-based
(HCBS) services, may be used to satisfy the total system savings reallocation to strengthening
community-based alternatives and funding requirements of this section. The home- and
community-care service presumptive eligibility criteria shall be developed through rule or
regulation on or before September 30, 2007. The allocation may also be used to fund home and
community services provided by the office of healthy aging for persons eligible for Medicaid
long-term care, and the co-pay program administered pursuant to chapter 66.3 of title 42. Any
monies in the allocation that remain unexpended in a fiscal year shall be carried forward to the
next fiscal year for the express purpose of strengthening community-based alternatives.

The caseload estimating conference pursuant to § 35-17-1 shall determine the amount of
general revenues to be added to the current service estimate of community-based, long-term-care
services for elderly sixty-five (65) and older and younger persons at risk of nursing home
admissions for the ensuing budget year by multiplying the combined, cost per day of nursing home
and hospice nursing home days estimated at the caseload conference for that year by the reduction
in nursing home and hospice nursing home days from those in the second fiscal year prior to the
current fiscal year to those in the first fiscal year prior to the current fiscal year.

SECTION 7. Sections 42-12.3-3, 42-12.3-4 and 42-12.3-15 of the General Laws in Chapter
42-12.3 “Health Care for Children and Pregnant Women” are hereby amended to read as follows:
42-12.3-3. Medical assistance expansion for pregnant women/RIte Start.

(a) The director of the department of human services, secretary of the executive office of
health and human services is authorized to amend its Title XIX state plan pursuant to Title XIX of
the Social Security Act to provide Medicaid coverage and to amend its Title XXI state plan pursuant
to Title XXI of the Social Security Act to provide medical assistance coverage through expanded
family income disregards for pregnant women whose family income levels are between one
hundred eighty-five percent (185%) and two hundred fifty percent (250%) of the federal poverty level. The department is further authorized to promulgate any regulations necessary and in accord with Title XIX [42 U.S.C. § 1396 et seq.] and Title XXI [42 U.S.C. § 1397aa et seq.] of the Social Security Act necessary in order to implement said state plan amendment. The services provided shall be in accord with Title XIX [42 U.S.C. § 1396 et seq.] and Title XXI [42 U.S.C. § 1397aa et seq.] of the Social Security Act.

(b) The director of the department of human services secretary of health and human services is authorized and directed to establish a payor of last resort program to cover prenatal, delivery and postpartum care. The program shall cover the cost of maternity care for any woman who lacks health insurance coverage for maternity care and who is not eligible for medical assistance under Title XIX [42 U.S.C. § 1396 et seq.] and Title XXI [42 U.S.C. § 1397aa et seq.] of the Social Security Act including, but not limited to, a noncitizen pregnant woman lawfully admitted for permanent residence on or after August 22, 1996, without regard to the availability of federal financial participation, provided such pregnant woman satisfies all other eligibility requirements. The director secretary shall promulgate regulations to implement this program. Such regulations shall include specific eligibility criteria; the scope of services to be covered; procedures for administration and service delivery; referrals for non-covered services; outreach; and public education. Excluded services under this subsection will include, but not be limited to, induced abortion except in cases of rape or incest or to save the life of the pregnant individual.

(c) The department of human services secretary of health and human services may enter into cooperative agreements with the department of health and/or other state agencies to provide services to individuals eligible for services under subsections (a) and (b) above.

(d) The following services shall be provided through the program:

1. Ante-partum and postpartum care;
2. Delivery;
3. Cesarean section;
4. Newborn hospital care;
5. Inpatient transportation from one hospital to another when authorized by a medical provider; and
6. Prescription medications and laboratory tests.

(e) The department of human services secretary of health and human services shall provide enhanced services, as appropriate, to pregnant women as defined in subsections (a) and (b), as well as to other pregnant women eligible for medical assistance. These services shall include: care coordination, nutrition and social service counseling, high risk obstetrical care, childbirth and
parenting preparation programs, smoking cessation programs, outpatient counseling for drug-alcohol use, interpreter services, mental health services, and home visitation. The provision of enhanced services is subject to available appropriations. In the event that appropriations are not adequate for the provision of these services, the department executive office has the authority to limit the amount, scope and duration of these enhanced services.

(f) The department of human services executive office of health and human services shall provide for extended family planning services for up to twenty-four (24) months postpartum. These services shall be available to women who have been determined eligible for RIt Start or for medical assistance under Title XIX [42 U.S.C. § 1396 et seq.] or Title XXI [42 U.S.C. § 1397aa et seq.] of the Social Security Act.

(g) Effective October 1, 2022, individuals eligible for RIt Start pursuant to this section or for medical assistance under Title XIX or Title XXI of the Social Security Act while pregnant (including during a period of retroactive eligibility), are eligible for full Medicaid benefits through the last day of the month in which their twelve (12) month postpartum period ends. This benefit will be provided to eligible Rhode Island residents without regard to the availability of federal financial participation. The executive office of health and human services is directed to ensure that federal financial participation is used to the maximum extent allowable to provide coverage pursuant to this section, and that state-only funds will be used only if federal financial participation is not available.

42-12.3-4. "RIt track" program.

(a) There is hereby established a payor of last resort program for comprehensive health care for children until they reach nineteen (19) years of age, to be known as "RIt track." The department of human services executive office of health and human services is hereby authorized to amend its Title XIX state plan pursuant to Title XIX [42 U.S.C. § 1396 et seq.] and Title XXI [42 U.S.C. § 1397aa et seq.] of the Social Security Act as necessary to provide for expanded Medicaid coverage through expanded family income disregards for children, until they reach nineteen (19) years of age, whose family income levels are up to two hundred fifty percent (250%) of the federal poverty level. Provided, however, that healthcare coverage provided under this section shall also be provided without regard to the availability of federal financial participation in accordance to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq., to a noncitizen child who is a resident of Rhode Island lawfully residing in the United States, and who is otherwise eligible for such assistance. The department is further authorized to promulgate any regulations necessary, and in accord with Title XIX [42 U.S.C. § 1396 et seq.] and Title XXI [42 U.S.C. § 1397aa et seq.] of the Social Security Act as necessary in order to implement the state plan

LC004149 - Page 292 of 319
amendment. For those children who lack health insurance, and whose family incomes are in excess of two hundred fifty percent (250%) of the federal poverty level, the department of human services shall promulgate necessary regulations to implement the program. The department of human services is further directed to ascertain and promulgate the scope of services that will be available to those children whose family income exceeds the maximum family income specified in the approved Title XIX [42 U.S.C. § 1396 et seq.] and Title XXI [42 U.S.C. § 1397aa et seq.] state plan amendment.

(b) The executive office of health and human services is directed to ensure that federal financial participation is used to the maximum extent allowable to provide coverage pursuant to this section, and that state-only funds will be used only if federal financial participation is not available.

42-12.3-15. Expansion of Rlte track program.

(a) The Department of Human Services, executive office of health and human services is hereby authorized and directed to submit to the United States Department of Health and Human Services an amendment to the “Rlte Care” waiver project number 11-W-0004/1-01 to provide for expanded Medicaid coverage for children until they reach eight (8) years of age, whose family income levels are to two hundred fifty percent (250%) of the federal poverty level. Expansion of the Rlte track program from the age of six (6) until they reach eighteen (18) years of age in accordance with this chapter shall be subject to the approval of the amended waiver by the United States Department of Health and Human Services. Healthcare coverage under this section shall also be provided to a noncitizen child lawfully residing in the United States who is a resident of Rhode Island, and who is otherwise eligible for such assistance under Title XIX [42 U.S.C. § 1396 et seq.] or Title XXI [42 U.S.C. § 1397aa et seq.]

(b) The executive office of health and human services is directed to ensure that federal financial participation is used to the maximum extent allowable to provide coverage pursuant to this section, and that state-only funds will be used only if federal financial participation is not available.


WHEREAS, the General Assembly enacted Chapter 12.4 of Title 42 entitled “The Rhode Island Medicaid Reform Act of 2008”; and

WHEREAS, a legislative enactment is required pursuant to Rhode Island General Laws 42-12.4-1, et seq.; and

WHEREAS, Rhode Island General Laws section 42-7.2-5(3)(i) provides that the Secretary of the Executive Office of Health and Human Services (“Executive Office”) is responsible for the
review and coordination of any Medicaid section 1115 demonstration waiver requests and renewals as well as any initiatives and proposals requiring amendments to the Medicaid state plan or category II or III changes as described in the demonstration, “with potential to affect the scope, amount, or duration of publicly-funded health care services, provider payments or reimbursements, or access to or the availability of benefits and services provided by Rhode Island general and public laws”;

WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is fiscally sound and sustainable, the Secretary requests legislative approval of the following proposals to amend the demonstration; and

WHEREAS, implementation of adjustments may require amendments to the Rhode Island’s Medicaid state plan and/or section 1115 waiver under the terms and conditions of the demonstration. Further, adoption of new or amended rules, regulations and procedures may also be required:

(a) Section 1115 Demonstration Waiver – Extension Request. The Executive Office proposes to seek approval from the federal centers for Medicare and Medicaid services (“CMS”) to extend the Medicaid section 1115 demonstration waiver as authorized in Rhode Island General Laws § 42-12.4. In the Medicaid section 1115 demonstration waiver extension request due to CMS by December 31, 2022, in addition to maintaining existing Medicaid section 1115 demonstration waiver authorities, the Executive Office proposes to seek additional federal authorities including but not limited to promoting choice and community integration.

(b) Meals on Wheels. The Executive Office proposes an increase to existing fee-for-service and managed care rates to account for growing utilization and rising food and delivery costs. Additionally, the Executive Office of Health and Human Services will offer new Medicaid reimbursement for therapeutic and cultural meals that are specifically tailored to improve health through nutrition, provide post discharge support, and bolster complex care management for those with chronic health conditions. To ensure the continued adequacy of rates, effective July 1, 2022, and annually thereafter, the Executive Office proposes an annual rate increase based on the CPI-U for New England: Food at Home, March release (containing the February data).

(c) American Rescue Act. The Executive Office proposes to seek approval from CMS for any necessary amendments to the Rhode Island State Plan or the 1115 Demonstration Waiver to implement the spending plan approved by CMS under section 9817 of the American Rescue Plan Act of 2021.

(d) HealthSource RI automatic enrollment: The Executive Office shall work with HealthSource RI to establish a program for automatically enrolling qualified individuals who lose
Medicaid coverage at the end of the COVID-19 Public Health Emergency into Qualified Health Plans ("QHP"). HealthSource RI may use funds available through the American Rescue Plan Act to pay the first month’s premium for individuals who qualify for this program. HealthSource RI may promulgate regulations establishing the scope and parameters of this program.

(e) Increase Nursing Facility Rates. The Executive Office proposes to increase rates, both fee-for-service and managed care, paid to nursing facilities by three percent (3.0%) on October 1, 2022, in lieu of the adjustment of rates by the change in a recognized national home inflation index as defined in § 40-8-19 (2)(vi) and in addition to the one percent (1.0%) increase required for the minimum wage pass through as defined in § 40-8-19 (2)(vi).

(f) Extend Post-Partum Medicaid Coverage. The Executive Office proposes extending the continuous coverage of full benefit medical assistance from sixty (60) days to twelve (12) months postpartum to women who are (1) not eligible for Medicaid under another Medicaid eligibility category, or (2) do not have qualified immigrant status for Medicaid whose births are financed by Medicaid through coverage of the child and currently only receive state-only extended family planning benefits postpartum.

(g) Extending Medical Coverage to Children Previously Ineligible. The executive office of health and human services will maximize federal financial participation if and when available, though state-only funds will be used if federal financial participation is not available.

(h) Federal Financing Opportunities. The Executive Office proposes to review Medicaid requirements and opportunities under the U.S. Patient Protection and Affordable Care Act of 2010 (PPACA) and various other recently enacted federal laws and pursue any changes in the Rhode Island Medicaid program that promote service quality, access and cost-effectiveness that may warrant a Medicaid state plan amendment or amendment under the terms and conditions of Rhode Island’s section 1115 waiver, its successor, or any extension thereof. Any such actions by the Executive Office shall not have an adverse impact on beneficiaries or cause there to be an increase in expenditures beyond the amount appropriated for state fiscal year 2021.

Now, therefore, be it:

RESOLVED, that the General Assembly hereby approves the proposals stated above in the recitals; and be it further;

RESOLVED, that the Secretary of the Executive Office of Health and Human Services is authorized to pursue and implement any waiver amendments, state plan amendments, and/or changes to the applicable department’s rules, regulations and procedures approved herein and as authorized by 42-12.4; and be it further;

RESOLVED, that this Joint Resolution shall take effect upon passage.
SECTION 9. Sections 1 – 7 of this Article shall take effect as of July 1, 2022. Section 8 shall take effect upon passage.
ARTICLE 13

RELATING TO HUMAN SERVICES

SECTION 1. Sections 40-5.2-10 and 40-5.2-20 of the General Laws in Chapter 40-5.2 entitled “The Rhode Island Works Program” are hereby amended to read as follows:

40-5.2-10. Necessary requirements and conditions.

The following requirements and conditions shall be necessary to establish eligibility for the program.

(a) Citizenship, alienage, and residency requirements.

(1) A person shall be a resident of the State of Rhode Island.

(2) Effective October 1, 2008, a person shall be a United States citizen, or shall meet the alienage requirements established in § 402(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PRWORA, Pub. L. No. 104-193 and as that section may hereafter be amended [8 U.S.C. § 1612]; a person who is not a United States citizen and does not meet the alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in accordance with this chapter.

(b) The family/assistance unit must meet any other requirements established by the department of human services by rules and regulations adopted pursuant to the Administrative Procedures Act, as necessary to promote the purpose and goals of this chapter.

(c) Receipt of cash assistance is conditional upon compliance with all program requirements.

(d) All individuals domiciled in this state shall be exempt from the application of subdivision 115(d)(1)(A) of Pub. L. No. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any individual ineligible for certain state and federal assistance if that individual has been convicted under federal or state law of any offense that is classified as a felony by the law of the jurisdiction and that has as an element the possession, use, or distribution of a controlled substance as defined in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

(e) Individual employment plan as a condition of eligibility.

(1) Following receipt of an application, the department of human services shall assess the financial conditions of the family, including the non-parent caretaker relative who is applying for cash assistance for himself or herself as well as for the minor child(ren), in the context of an eligibility determination. If a parent or non-parent caretaker relative is unemployed or under-employed, the department shall conduct an initial assessment, taking into account:
(A) The physical capacity, skills, education, work experience, health, safety, family responsibilities, and place of residence of the individual; and

(B) The child care and supportive services required by the applicant to avail himself or herself of employment opportunities and/or work readiness programs.

(2) On the basis of this assessment, the department of human services and the department of labor and training, as appropriate, in consultation with the applicant, shall develop an individual employment plan for the family that requires the individual to participate in the intensive employment services. Intensive employment services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

(3) The director, or his or her designee, may assign a case manager to an applicant/participant, as appropriate.

(4) The department of labor and training and the department of human services in conjunction with the participant shall develop a revised individual employment plan that shall identify employment objectives, taking into consideration factors above, and shall include a strategy for immediate employment and for preparing for, finding, and retaining employment consistent, to the extent practicable, with the individual's career objectives.

(5) The individual employment plan must include the provision for the participant to engage in work requirements as outlined in § 40-5.2-12.

(6)(i) The participant shall attend and participate immediately in intensive assessment and employment services as the first step in the individual employment plan, unless temporarily exempt from this requirement in accordance with this chapter. Intensive assessment and employment services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

(ii) Parents under age twenty (20) without a high school diploma or general equivalency diploma (GED) shall be referred to special teen-parent programs that will provide intensive services designed to assist teen parents to complete high school education or GED, and to continue approved work plan activities in accord with Rhode Island works program requirements.

(7) The applicant shall become a participant in accordance with this chapter at the time the individual employment plan is signed and entered into.

(8) Applicants and participants of the Rhode Island works program shall agree to comply with the terms of the individual employment plan, and shall cooperate fully with the steps established in the individual employment plan, including the work requirements.

(9) The department of human services has the authority under the chapter to require attendance by the applicant/participant, either at the department of human services or at the department of labor and training, at appointments deemed necessary for the purpose of having the
applicant enter into and become eligible for assistance through the Rhode Island works program.

The appointments include, but are not limited to: the initial interview, orientation and assessment; job readiness; and job search. Attendance is required as a condition of eligibility for cash assistance in accordance with rules and regulations established by the department.

(10) As a condition of eligibility for assistance pursuant to this chapter, the applicant/participant shall be obligated to keep appointments; attend orientation meetings at the department of human services and/or the Rhode Island department of labor and training; participate in any initial assessments or appraisals; and comply with all the terms of the individual employment plan in accordance with department of human services rules and regulations.

(11) A participant, including a parent or non-parent caretaker relative included in the cash assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause as defined in this chapter or the department's rules and regulations.

(12) A participant who voluntarily quits or refuses a job without good cause, as defined in § 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall be sanctioned in accordance with rules and regulations promulgated by the department.

(f) Resources.

(1) The family or assistance unit's countable resources shall be less than the allowable resource limit established by the department in accordance with this chapter.

(2) No family or assistance unit shall be eligible for assistance payments if the combined value of its available resources (reduced by any obligations or debts with respect to such resources) exceeds one five thousand dollars ($1,000) ($5000).

(3) For purposes of this subsection, the following shall not be counted as resources of the family/assistance unit in the determination of eligibility for the works program:

(i) The home owned and occupied by a child, parent, relative, or other individual;

(ii) Real property owned by a husband and wife as tenants by the entirety, if the property is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in the property;

(iii) Real property that the family is making a good faith effort to dispose of, however, any cash assistance payable to the family for any such period shall be conditioned upon such disposal of the real property within six (6) months of the date of application and any payments of assistance for that period shall (at the time of disposal) be considered overpayments to the extent that they would not have occurred at the beginning of the period for which the payments were made. All overpayments are debts subject to recovery in accordance with the provisions of the chapter;
(iv) Income-producing property other than real estate including, but not limited to,
equipment such as farm tools, carpenter's tools, and vehicles used in the production of goods or
services that the department determines are necessary for the family to earn a living;

(v) One vehicle for each adult household member, but not to exceed two (2) vehicles per
household, and in addition, a vehicle used primarily for income-producing purposes such as, but
not limited to, a taxi, truck, or fishing boat; a vehicle used as a family's home; a vehicle that annually
produces income consistent with its fair market value, even if only used on a seasonal basis; a
vehicle necessary to transport a family member with a disability where the vehicle is specially
equipped to meet the specific needs of the person with a disability or if the vehicle is a special type
of vehicle that makes it possible to transport the person with a disability;

(vi) Household furnishings and appliances, clothing, personal effects, and keepsakes of
limited value;

(vii) Burial plots (one for each child, relative, and other individual in the assistance unit)
and funeral arrangements;

(viii) For the month of receipt and the following month, any refund of federal income taxes
made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating
to earned income tax credit), and any payment made to the family by an employer under § 3507 of
the Internal Revenue Code of 1986, 26 U.S.C. § 3507 [repealed] (relating to advance payment of
such earned income credit);

(ix) The resources of any family member receiving supplementary security income
assistance under the Social Security Act, 42 U.S.C. § 301 et seq.;

(x) Any veteran's disability pension benefits received as a result of any disability sustained
by the veteran while in the military service.

(g) Income.

(1) Except as otherwise provided for herein, in determining eligibility for and the amount
of cash assistance to which a family is entitled under this chapter, the income of a family includes
all of the money, goods, and services received or actually available to any member of the family.

(2) In determining the eligibility for and the amount of cash assistance to which a
family/assistance unit is entitled under this chapter, income in any month shall not include the first
one three hundred seventy dollars ($170) ($300) of gross earnings plus fifty percent (50%) of the
gross earnings of the family in excess of one three hundred seventy dollars ($170) ($300) earned
during the month.

(3) The income of a family shall not include:
(i) The first fifty dollars ($50.00) in child support received in any month from each noncustodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars ($50.00) per month multiplied by the number of months in which the support has been in arrears) that are paid in any month by a noncustodial parent of a child;

(ii) Earned income of any child;

(iii) Income received by a family member who is receiving Supplemental Security Income (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;

(iv) The value of assistance provided by state or federal government or private agencies to meet nutritional needs, including: value of USDA-donated foods; value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, and the special food service program for children under Title VII, nutrition program for the elderly, of the Older Americans Act of 1965 as amended, and the value of food stamps;

(v) Value of certain assistance provided to undergraduate students, including any grant or loan for an undergraduate student for educational purposes made or insured under any loan program administered by the United States Commissioner of Education (or the Rhode Island council on postsecondary education or the Rhode Island division of higher education assistance);

(vi) Foster care payments;

(vii) Home energy assistance funded by state or federal government or by a nonprofit organization;

(viii) Payments for supportive services or reimbursement of out-of-pocket expenses made to foster grandparents, senior health aides, or senior companions and to persons serving in SCORE and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 5000 et seq.;

(ix) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules and regulations;

(x) Certain payments to native Americans; payments distributed per capita to, or held in trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134, 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17, 1975;

(xi) Refund from the federal and state earned income tax credit;

(xii) The value of any state, local, or federal government rent or housing subsidy, provided that this exclusion shall not limit the reduction in benefits provided for in the payment standard section of this chapter;
(xiii) The earned income of any adult family member who gains employment while an active RI Works household member. This income is excluded for the first six (6) months of employment in which the income is earned, or until the household's total gross income exceeds one hundred eighty-five percent (185%) of the federal poverty level, unless the household reaches its forty-eight-month (48) time limit first;

(xiv) Any veteran's disability pension benefits received as a result of any disability sustained by the veteran while in the military service.

(4) The receipt of a lump sum of income shall affect participants for cash assistance in accordance with rules and regulations promulgated by the department.

(h) Time limit on the receipt of cash assistance.

(1) On or after January 1, 2020, no cash assistance shall be provided, pursuant to this chapter, to a family or assistance unit that includes an adult member who has received cash assistance for a total of forty-eight (48) months (whether or not consecutive), to include any time receiving any type of cash assistance in any other state or territory of the United States of America as defined herein. Provided further, in no circumstances other than provided for in subsection (h)(3) with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to a family or assistance unit that includes an adult member who has received cash assistance for a total of a lifetime limit of forty-eight (48) months.

(2) Cash benefits received by a minor dependent child shall not be counted toward their lifetime time limit for receiving benefits under this chapter should that minor child apply for cash benefits as an adult.

(3) Certain minor children not subject to time limit. This section regarding the lifetime time limit for the receipt of cash assistance, shall not apply only in the instances of a minor child(ren) living with a parent who receives SSI benefits and a minor child(ren) living with a responsible adult non-parent caretaker relative who is not in the cash assistance payment.

(4) Receipt of family cash assistance in any other state or territory of the United States of America shall be determined by the department of human services and shall include family cash assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds [Title IV-A of the federal Social Security Act, 42 U.S.C. § 601 et seq.] and/or family cash assistance provided under a program similar to the Rhode Island families work and opportunity program or the federal TANF program.

(5) (i) The department of human services shall mail a notice to each assistance unit when the assistance unit has six (6) months of cash assistance remaining and each month thereafter until the time limit has expired. The notice must be developed by the department of human services and
must contain information about the lifetime time limit, the number of months the participant has
remaining, the hardship extension policy, the availability of a post-employment-and-closure bonus;
and any other information pertinent to a family or an assistance unit nearing the forty-eight-month
(48) lifetime time limit.

(ii) For applicants who have less than six (6) months remaining in the forty-eight-month
(48) lifetime time limit because the family or assistance unit previously received cash assistance in
Rhode Island or in another state, the department shall notify the applicant of the number of months
remaining when the application is approved and begin the process required in subsection (h)(5)(i).

(6) If a cash assistance recipient family was closed pursuant to Rhode Island's Temporary
Assistance for Needy Families Program (federal TANF described in Title IV-A of the Federal
Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family
independence program, more specifically under § 40-5.1-9(2)(c) [repealed], due to sanction
because of failure to comply with the cash assistance program requirements; and that recipient
family received forty-eight (48) months of cash benefits in accordance with the family
independence program, then that recipient family is not able to receive further cash assistance for
his/her family, under this chapter, except under hardship exceptions.

(7) The months of state or federally funded cash assistance received by a recipient family
since May 1, 1997, under Rhode Island's Temporary Assistance for Needy Families Program
(federal TANF described in Title IV-A of the Federal Social Security Act, 42 U.S.C. § 601 et seq.),
formerly entitled the Rhode Island family independence program, shall be countable toward the
time-limited cash assistance described in this chapter.

(i) Time limit on the receipt of cash assistance.

(1) No cash assistance shall be provided, pursuant to this chapter, to a family assistance
unit in which an adult member has received cash assistance for a total of sixty (60) months (whether
or not consecutive) to include any time receiving any type of cash assistance in any other state or
territory of the United States as defined herein effective August 1, 2008. Provided further, that no
cash assistance shall be provided to a family in which an adult member has received assistance for
twenty-four (24) consecutive months unless the adult member has a rehabilitation employment plan
as provided in § 40-5.2-12(g)(5).

(2) Effective August 1, 2008, no cash assistance shall be provided pursuant to this chapter
to a family in which a child has received cash assistance for a total of sixty (60) months (whether
or not consecutive) if the parent is ineligible for assistance under this chapter pursuant to subsection
(a)(2) to include any time they received any type of cash assistance in any other state or territory
of the United States as defined herein.
(j) Hardship exceptions.

(1) The department may extend an assistance unit's or family's cash assistance beyond the time limit, by reason of hardship; provided, however, that the number of families to be exempted by the department with respect to their time limit under this subsection shall not exceed twenty percent (20%) of the average monthly number of families to which assistance is provided for under this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by federal law, any waiver granted under § 40-5.2-34, for domestic violence, shall not be counted in determining the twenty percent (20%) maximum under this section.

(2) Parents who receive extensions to the time limit due to hardship must have and comply with employment plans designed to remove or ameliorate the conditions that warranted the extension.

(k) Parents under eighteen (18) years of age.

(1) A family consisting of a parent who is under the age of eighteen (18), and who has never been married, and who has a child; or a family consisting of a woman under the age of eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if the family resides in the home of an adult parent, legal guardian, or other adult relative. The assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of the individual and child unless otherwise authorized by the department.

(2) This subsection shall not apply if the minor parent or pregnant minor has no parent, legal guardian, or other adult relative who is living and/or whose whereabouts are unknown; or the department determines that the physical or emotional health or safety of the minor parent, or his or her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same residence as his or her parent, legal guardian, or other adult relative (refusal of a parent, legal guardian, or other adult relative to allow the minor parent or his or her child, or a pregnant minor, to live in his or her home shall constitute a presumption that the health or safety would be so jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of any child to a minor parent or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental regulations, for waiving the subsection; and the individual resides in a supervised supportive-living arrangement to the extent available.

(3) For purposes of this section, "supervised supportive-living arrangement" means an arrangement that requires minor parents to enroll and make satisfactory progress in a program leading to a high school diploma or a general education development certificate, and requires minor parents to participate in the adolescent parenting program designated by the department, to the
extent the program is available; and provides rules and regulations that ensure regular adult supervision.

(l) Assignment and cooperation. As a condition of eligibility for cash and medical assistance under this chapter, each adult member, parent, or caretaker relative of the family/assistance unit must:

(1) Assign to the state any rights to support for children within the family from any person that the family member has at the time the assignment is executed or may have while receiving assistance under this chapter;

(2) Consent to and cooperate with the state in establishing the paternity and in establishing and/or enforcing child support and medical support orders for all children in the family or assistance unit in accordance with title 15 of the general laws, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.

(3) Absent good cause, as defined by the department of human services through the rulemaking process, for refusing to comply with the requirements of subsections (l)(1) and (l)(2), cash assistance to the family shall be reduced by twenty-five percent (25%) until the adult member of the family who has refused to comply with the requirements of this subsection consents to and cooperates with the state in accordance with the requirements of this subsection.

(4) As a condition of eligibility for cash and medical assistance under this chapter, each adult member, parent, or caretaker relative of the family/assistance unit must consent to and cooperate with the state in identifying and providing information to assist the state in pursuing any third party who may be liable to pay for care and services under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.

40-5.2-20. Childcare assistance — Families or assistance units eligible.

(a) The department shall provide appropriate child care to every participant who is eligible for cash assistance and who requires child care in order to meet the work requirements in accordance with this chapter.

(b) Low-income child care. The department shall provide child care to all other working families with incomes at or below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, these other families require child care in order to work at paid employment as defined in the department's rules and regulations. Beginning October 1, 2013, the department shall also provide child care to families with incomes below one hundred eighty percent (180%) of the federal poverty level if, and to the extent, these families require child care to participate on a short-term basis, as defined in the
department's rules and regulations, in training, apprenticeship, internship, on-the-job training, work experience, work immersion, or other job-readiness/job-attachment program sponsored or funded by the human resource investment council (governor's workforce board) or state agencies that are part of the coordinated program system pursuant to § 42-102-11. Effective from January 1, 2021, through June 30, 2022, the department shall also provide childcare assistance to families with incomes below one hundred eighty percent (180%) of the federal poverty level when such assistance is necessary for a member of these families to enroll or maintain enrollment in a Rhode Island public institution of higher education provided that eligibility to receive funding is capped when expenditures reach $200,000 for this provision. Effective July 1, 2022, the department shall also provide childcare assistance to families with incomes below two hundred percent (200%) of the federal poverty level when such assistance is necessary for a member of these families to enroll or maintain enrollment in a Rhode Island public institution of higher education.

(c) No family/assistance unit shall be eligible for childcare assistance under this chapter if the combined value of its liquid resources exceeds one million dollars ($1,000,000), which corresponds to the amount permitted by the federal government under the state plan and set forth in the administrative rulemaking process by the department. Liquid resources are defined as any interest(s) in property in the form of cash or other financial instruments or accounts that are readily convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit union, or other financial institution savings, checking, and money market accounts; certificates of deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments or accounts. These do not include educational savings accounts, plans, or programs; retirement accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse. The department is authorized to promulgate rules and regulations to determine the ownership and source of the funds in the joint account.

(d) As a condition of eligibility for childcare assistance under this chapter, the parent or caretaker relative of the family must consent to, and must cooperate with, the department in establishing paternity, and in establishing and/or enforcing child support and medical support orders for any children in the family receiving appropriate child care under this section in accordance with the applicable sections of title 15, as amended, unless the parent or caretaker relative is found to have good cause for refusing to comply with the requirements of this subsection.

(e) For purposes of this section, "appropriate child care" means child care, including infant, toddler, preschool, nursery school, and school-age, that is provided by a person or organization qualified, approved, and authorized to provide the care by the state agency or agencies designated to make the determinations in accordance with the provisions set forth herein.
(f) (1) Families with incomes below one hundred percent (100%) of the applicable federal poverty level guidelines shall be provided with free child care. Families with incomes greater than one hundred percent (100%) and less than one hundred eighty percent (180%) (200%) of the applicable federal poverty guideline shall be required to pay for some portion of the child care they receive, according to a sliding-fee scale adopted by the department in the department's rules, not to exceed seven percent (7%) of income as defined in subsection (h) of this section.

(2) Families who are receiving childcare assistance and who become ineligible for childcare assistance as a result of their incomes exceeding one hundred eighty percent (180%) two hundred percent (200%) of the applicable federal poverty guidelines shall continue to be eligible for childcare assistance until their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty guidelines. To be eligible, the families must continue to pay for some portion of the child care they receive, as indicated in a sliding-fee scale adopted in the department's rules, not to exceed seven percent (7%) of income as defined in subsection (h) of this section, and in accordance with all other eligibility standards.

(g) In determining the type of child care to be provided to a family, the department shall take into account the cost of available childcare options; the suitability of the type of care available for the child; and the parent's preference as to the type of child care.

(h) For purposes of this section, "income" for families receiving cash assistance under § 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and unearned income as determined by departmental regulations.

(i) The caseload estimating conference established by chapter 17 of title 35 shall forecast the expenditures for child care in accordance with the provisions of § 35-17-1.

(j) In determining eligibility for childcare assistance for children of members of reserve components called to active duty during a time of conflict, the department shall freeze the family composition and the family income of the reserve component member as it was in the month prior to the month of leaving for active duty. This shall continue until the individual is officially discharged from active duty.

SECTION 2. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled “Childcare-State Subsidies” is hereby amended to read as follows:

40-6.2-1.1. Rates established.

(a) Through June 30, 2015, subject to the payment limitations in subsection (c), the maximum reimbursement rates to be paid by the departments of human services and children, youth
and families for licensed childcare centers and licensed family childcare providers shall be based on the following schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average of the 75th percentile of the 2002 and the 2004 weekly market rates:

<table>
<thead>
<tr>
<th>PROVIDER TYPE</th>
<th>75th PERCENTILE MARKET RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>LICENSED CHILDCARE</td>
<td>INFANT: $182.00</td>
</tr>
<tr>
<td></td>
<td>PRESCHOOL: $150.00</td>
</tr>
<tr>
<td></td>
<td>SCHOOL-AGE: $135.00</td>
</tr>
<tr>
<td>LICENSED FAMILY CHILDCARE</td>
<td>INFANT: $150.00</td>
</tr>
<tr>
<td></td>
<td>PRESCHOOL: $150.00</td>
</tr>
<tr>
<td></td>
<td>SCHOOL-AGE: $135.00</td>
</tr>
</tbody>
</table>

Effective July 1, 2015, subject to the payment limitations in subsection (c), the maximum reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers and licensed family childcare providers shall be based on the above schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average of the 75th percentile of the 2002 and the 2004 weekly market rates. These rates shall be increased by ten dollars ($10.00) per week for infant/toddler care provided by licensed family childcare providers and license-exempt providers and then the rates for all providers for all age groups shall be increased by three percent (3%). For the fiscal year ending June 30, 2018, licensed childcare centers shall be reimbursed a maximum weekly rate of one hundred ninety-three dollars and sixty-four cents ($193.64) for infant/toddler care and one hundred sixty-one dollars and seventy-one cents ($161.71) for preschool-age children.

(b) Effective July 1, 2018, subject to the payment limitations in subsection (c), the maximum infant/toddler and preschool-age reimbursement rates to be paid by the departments of human services and children, youth and families for licensed childcare centers shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state's quality rating system outlined in § 42-12-23.1.
(1) For infant/toddler child care, tier one shall be reimbursed two and one-half percent (2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY 2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly amount, and tier five shall be reimbursed thirty-three percent (33%) above the FY 2018 weekly amount.

(2) For preschool reimbursement rates, tier one shall be reimbursed two and one-half (2.5%) percent above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY 2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018 weekly amount, and tier five shall be reimbursed twenty-one percent (21%) above the FY 2018 weekly amount.

(c) [Deleted by P.L. 2019, ch. 88, art. 13, § 4.]

(d) By June 30, 2004, and biennially through June 30, 2014, the department of labor and training shall conduct an independent survey or certify an independent survey of the then-current weekly market rates for child care in Rhode Island and shall forward the weekly market rate survey to the department of human services. The next survey shall be conducted by June 30, 2016, and triennially thereafter. The departments of human services and labor and training will jointly determine the survey criteria including, but not limited to, rate categories and sub-categories.

(e) In order to expand the accessibility and availability of quality child care, the department of human services is authorized to establish, by regulation, alternative or incentive rates of reimbursement for quality enhancements, innovative or specialized child care, and alternative methodologies of childcare delivery, including nontraditional delivery systems and collaborations.

(f) Effective January 1, 2007, all childcare providers have the option to be paid every two (2) weeks and have the option of automatic direct deposit and/or electronic funds transfer of reimbursement payments.

(g) Effective July 1, 2019, the maximum infant/toddler reimbursement rates to be paid by the departments of human services and children, youth and families for licensed family childcare providers shall be implemented in a tiered manner, reflective of the quality rating the provider has achieved within the state's quality rating system outlined in § 42-12-23.1. Tier one shall be reimbursed two percent (2%) above the prevailing base rate for step 1 and step 2 providers, three percent (3%) above prevailing base rate for step 3 providers, and four percent (4%) above the prevailing base rate for step 4 providers; tier two shall be reimbursed five percent (5%) above the prevailing base rate; tier three shall be reimbursed eleven percent (11%) above the prevailing base rate;
rate; tier four shall be reimbursed fourteen percent (14%) above the prevailing base rate; and tier
five shall be reimbursed twenty-three percent (23%) above the prevailing base rate.

(h) Through December 31, 2021, the maximum reimbursement rates paid by the
departments of human services, and children, youth and families to licensed childcare centers shall
be consistent with the enhanced emergency rates provided as of June 1, 2021, as follows:

<table>
<thead>
<tr>
<th>Tier 1</th>
<th>Tier 2</th>
<th>Tier 3</th>
<th>Tier 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infant/Toddler</td>
<td>$257.54</td>
<td>$257.54</td>
<td>$257.54</td>
</tr>
<tr>
<td>Preschool Age</td>
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</tr>
<tr>
<td>School Age</td>
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<td>$200.00</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

The maximum reimbursement rates paid by the departments of human services, and
children, youth and families to licensed family childcare providers shall be consistent with the
enhanced emergency rates provided as of June 1, 2021, as follows:

<table>
<thead>
<tr>
<th>Tier 1</th>
<th>Tier 2</th>
<th>Tier 3</th>
<th>Tier 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infant/Toddler</td>
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<td>$224.43</td>
<td>$224.43</td>
</tr>
<tr>
<td>Preschool Age</td>
<td>$171.45</td>
<td>$171.45</td>
<td>$171.45</td>
</tr>
<tr>
<td>School Age</td>
<td>$162.30</td>
<td>$162.30</td>
<td>$162.30</td>
</tr>
</tbody>
</table>

(i) Effective January 1, 2022, the maximum reimbursement rates to be paid by the
departments of human services and children, youth and families for licensed childcare centers shall
be implemented in a tiered manner, reflective of the quality rating the provider has achieved within
the state's quality rating system outlined in § 42-12-23.1. Maximum weekly rates shall be
reimbursed as follows:

| LICENSED  |
| CHILDCARE  |
| CENTERS  | Tier One | Tier Two | Tier Three | Tier Four | Tier |
| Five |
The maximum reimbursement rates for licensed family childcare providers paid by the
departments of human services, and children, youth and families is determined through collective
bargaining. The maximum reimbursement rates for infant/toddler and preschool age children paid
to licensed family childcare providers by both departments is implemented in a tiered manner that
reflects the quality rating the provider has achieved in accordance with § 42-12-23.1.

(j) Effective July 1, 2022, the maximum reimbursement rates to be paid by the departments
of human services and children, youth and families for licensed childcare centers shall be
implemented in a tiered manner, reflective of the quality rating the provider has achieved within
the state's quality rating system outlined in § 42-12-23.1. Maximum weekly rates shall be
reimbursed as follows:

<table>
<thead>
<tr>
<th>LICENSED CHILDCARE CENTERS Tier One</th>
<th>Tier Two</th>
<th>Tier Three</th>
<th>Tier Four</th>
<th>Tier Five</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infant/Toddler</td>
<td>$260</td>
<td>$265</td>
<td>$270</td>
<td>$289</td>
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<tr>
<td>Preschool</td>
<td>$217</td>
<td>$220</td>
<td>$225</td>
<td>$250</td>
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<tr>
<td>School-Age</td>
<td>$188</td>
<td>$196</td>
<td>$200</td>
<td>$205</td>
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</table>

The maximum reimbursement rates for licensed family childcare providers paid by the
departments of human services, and children, youth and families is determined through collective
bargaining. The maximum reimbursement rates for infant/toddler and preschool age children paid
to licensed family childcare providers by both departments is implemented in a tiered manner that
reflects the quality rating the provider has achieved in accordance with § 42-12-23.1.

SECTION 3. This Article shall take effect July 1, 2022.
ARTICLE 14

RELATING TO LEASE AGREEMENTS FOR LEASED OFFICE AND OPERATING SPACE

SECTION 1. This Article consists of a joint resolution that is submitted pursuant to § 37-6-2 authorizing various lease agreements for office space and operating space.

SECTION 2. Executive Office of Commerce

WHEREAS, the Executive Office of Commerce currently occupies approximately 2,983 square feet at 555 Valley Street (Building 58, Suite 203) in the City of Providence;

WHEREAS, the Executive Office of Commerce currently has a current lease agreement, in full force and effect, with Foundry ALCO Members, LLC for approximately 2,983 square feet of office space located at 555 Valley Street (Building 58, Suite 203);

WHEREAS, the existing lease expires on June 30, 2022, and the Executive Office of Commerce wishes to exercise its option to renew this lease for an additional five-year term;

WHEREAS, the State of Rhode Island, acting by and through the Executive Office of Commerce attests to the fact that there are no clauses in the lease agreement with Foundry ALCO Members, LLC that would interfere with the Executive Office of Commerce lease agreement or use of the facility;

WHEREAS, the leased premises provide a critical location for the offices of the Executive Office of Commerce from which the organization can fulfill the mission of the Executive Office of Commerce;

WHEREAS, the annual base rent in the agreement in the current fiscal year, ending June 30, 2022 is $71,234.04;

WHEREAS, the anticipated annual base rent of the agreement in each of the five (5) years of the renewal term will not exceed $76,576.60;

WHEREAS, the payment of the annual base rent will be made from funds available to the Executive Office of Commerce for the payments of rental and lease costs based on annual appropriations made by the General Assembly;

WHEREAS, the State Properties Committee now respectfully requests the approval of the Rhode Island House of Representatives and the Rhode Island Senate for the lease agreement between the Executive Office of Commerce and Foundry ALCO Members, LLC for leased space located at 555 Valley Street (Building 58, Suite 203), Providence; now therefore be it

RESOLVED, that this General Assembly of the State of Rhode Island hereby approves the lease agreement, for a term not to exceed five (5) years and an aggregate base rent not to exceed $382,883; and it be further
RESOLVED, that this Joint Resolution shall take effect upon passage by the General Assembly; and it be further
RESOLVED, that the Secretary of State is hereby authorized and directed to transmit duly certified copies of this resolution to the Governor, the Director of the Executive Office of Commerce, the Director of Administration, the State Budget Officer, and the Chair of the State Properties Committee.

SECTION 3. Department of Corrections
WHEREAS, the Rhode Island Department of Corrections has a current lease agreement, in full force and effect, with WRR Associates, LLC. for approximately 5,086 square feet of office space located at 49 Pavilion Avenue, Providence;
WHEREAS, the State of Rhode Island, acting by and through the Department of Corrections attests to the fact that there are no clauses in the lease agreement with the WRR Associates, LLC that would interfere with the Department of Corrections lease agreement or use of the facility;
WHEREAS, the existing lease expires on January 31, 2023, and the Department of Corrections wishes to advertise a Request for Proposals seeking approximately 5,000 square feet of office space and relocating to a new office location in Providence;
WHEREAS, the annual base rent in the current agreement in the current fiscal year, ending June 30, 2022 and continuing through January 31, 2023 is $108,690;
WHEREAS, the annual base rent of the agreement through January 31, 2023 will not exceed $108,690;
WHEREAS, it is anticipated that the annual base rent of the new lease agreement in each of the ten years of the term will not exceed $110,000;
WHEREAS, the payment of the annual base rent will be made from funds available to the Department of Corrections for the payments of rental and lease costs based on annual appropriations made by the General Assembly;
WHEREAS, the proposed new leased premises will provide a critical location for the offices of the Department of Corrections from which the Department can serve the needs of Providence and surrounding communities and otherwise fulfill the mission of the Department of Corrections;
WHEREAS, the State Properties Committee now respectfully requests the approval of the Rhode Island House of Representatives and the Rhode Island Senate for the lease agreement between the Department of Corrections and a landlord to be determined, for the office space located at a location to be determined in the City of Providence, Rhode Island; now therefore be it
RESOLVED, that this General Assembly of the State of Rhode Island hereby approves the lease agreement, for a term not to exceed ten (10) years and an aggregate base rent not to exceed $1,100,000; and it be further

RESOLVED, that this joint resolution shall take effect upon passage by the General Assembly; and it be further

RESOLVED, that the Secretary of State is hereby authorized and directed to transmit duly certified copies of this resolution to the Governor, the Director of the Department of Corrections, the Director of Administration, the State Budget Officer, and the Chair of the State Properties Committee.

SECTION 4. Department of Human Services

WHEREAS, the Department of Human Services is in the process of consolidating its office and customer facing space in the City of Providence;

WHEREAS, the State of Rhode Island, acting by and through the Department of Human Services, attests to the fact that there are no clauses in its various lease agreements that would interfere with the Department of Human Services lease agreements or use of any of the facilities;

WHEREAS, as part of its space consolidation plan, the Department of Human Services wishes to advertise a Request for Proposals seeking approximately 7,500 square feet of office/customer facing space in new leased premises located in the City of Providence;

WHEREAS, the proposed new leased premises will provide a critical customer facing location for the offices of the Department of Human Services from which the Department can serve the needs of Providence and surrounding communities and otherwise fulfill the mission of the Department of Human Services;

WHEREAS, it is anticipated that the annual base rent of the new lease agreement in each of the ten years of the term will not exceed $165,000;

WHEREAS, the payment of the annual base rent will be made from funds available to the Rhode Island Department of Human Services for the payments of rental and lease costs based on annual appropriations made by the General Assembly;

WHEREAS, the State Properties Committee now respectfully requests the approval of the House of Representatives and the Senate for the lease agreement between the Department of Human Services and a landlord to be determined, for office/customer service space at a location to be determined in the City of Providence; now therefore be it

RESOLVED, that this General Assembly approves the lease agreement, for a term not to exceed ten (10) years and an aggregate base rent not to exceed $1,650,000; and it be further
RESOLVED, that this Joint Resolution shall take effect upon passage by the General Assembly; and it be further

RESOLVED, that the Secretary of State is hereby authorized and directed to transmit duly certified copies of this resolution to the Governor, the Director of the Department of Human Services, the Director of Administration, the State Budget Officer, and the Chair of the State Properties Committee.

SECTION 5. University of Rhode Island – Communicative Disorders Program Lease Renewal

WHEREAS, the University of Rhode Island (“University”) has academic programs in physical therapy, communicative disorders, and kinesiology with teaching, research, and outreach that benefit Rhode Island adults and children with injuries and disabilities;

WHEREAS, the Independence Square Foundation (“Foundation”) is a non-profit corporation that develops and manages community center buildings, leasing space at affordable rates to not-for-profit operations, with a historical emphasis on operations supporting individuals with disabilities;

WHEREAS, the Foundation promotes and fosters collaborative relationships between its non-profit tenants in the interest of enhancing the range and quality of services offered to these special populations, recognized at the national level as a unique model to be emulated:

WHEREAS, in 1991, the University and the Board of Governors for Higher Education/Council on Postsecondary Education/University of Rhode Island Board of Trustees (“Board”), and the State Properties Committee (“Properties Committee”) approved a lease of land (“Ground Lease”), for ten years, with ten years renewable, for a parcel of land at 25 West Independence Way on the Kingston Campus of the University in Kingston, Rhode Island to the Foundation, enabling Independence Square to build a 40,000 square foot community center building for not-for-profit tenants;

WHEREAS, in 2002, the University, the Board and the Properties Committee, approved a space lease executed on May 24, 2002 and terminating, with executed extensions, on January 31, 2023, wherein the Foundation leased to University approximately 4,300 rentable square feet of space located Building II for the University’s Communicative Disorders program (“Program”) within the original phase of building at 25 West Independence Way and that Program, associated students and faculty have benefited from the quality, accessible, and well maintained facilities for the duration of that lease;
WHEREAS, in 2007, the University, the Board, and the Properties Committee have
approved a 25 year extension to the existing Ground Lease, commencing as of January 1, 2009 and
terminating on January 31, 2034;

WHEREAS, in 2022, the University and the Board approved a space lease commencing as
of the February 1, 2023 and terminating on January 31, 2034, wherein the Foundation leased to
University approximately 4,300 rentable square feet of space located Building II for the
University’s Program within the original phase of building at 25 West Independence Way and that
Program, associated students and faculty have benefited from the quality, accessible, and well
maintained facilities for the duration of that lease;

WHEREAS, it is in the best interest of the Program, associated students and faculty to have
continued access to the quality, accessible, and well maintained facilities for the duration of the
lease;

WHEREAS, the renewal of the lease requires the University to pay rent, plus the
University’s proportional share of building operating expenses, such as heating, cooling, lighting,
and basic electrical service, such rent, for the Lease period, in total, shall be $758,692.00. The
proportionate share of building operating expenses are calculated on an annualized basis, this
proportionate share of building operating expenses being subject to annual increases in operating
expenses in future years; now, therefore be it

RESOLVED, that this General Assembly of the State of Rhode Island hereby recognizes
that lease payments of rent will not exceed $758,692.00 for the duration of the Communicative
Disorders Program Lease Renewal (“Lease Renewal”), plus the proportionate share of building
operating expenses; and be it further

RESOLVED, that this General Assembly hereby approves this Lease Renewal and its
associated rent and proportionate operating cost; and be it further

RESOLVED, that this Joint Resolution shall take effect upon passage by this General
Assembly; and be it further

RESOLVED, that the Secretary of State is hereby authorized and directed to transmit duly
certified copies of this resolution to the Governor, the Director of the Department of Human
Services, the Director of Administration, the State Budget Officer, and the Chair of the State
Properties Committee.

SECTION 6. University of Rhode Island – Physical Therapy Program Lease Renewal

WHEREAS, the University of Rhode Island (“University”) has academic programs in
physical therapy, communicative disorders, and kinesiology with teaching, research, and outreach
that benefit Rhode Island adults and children with injuries and disabilities;
WHEREAS, the Independence Square Foundation ("Foundation") is a non-profit corporation that develops and manages community center buildings, leasing space at affordable rates to not-for-profit operations, with a historical emphasis on operations supporting individuals with disabilities;

WHEREAS, the Foundation promotes and fosters collaborative relationships between its non-profit tenants in the interest of enhancing the range and quality of services offered to these special populations, recognized at the national level as a unique model to be emulated:

WHEREAS, in 1991, the University and the Board of Governors for Higher Education/Council on Postsecondary Education/University of Rhode Island Board of Trustees ("Board"), and the State Properties Committee ("Properties Committee") approved a lease of land ("Ground Lease"), for ten years, with ten years renewable, for a parcel of land at 25 West Independence Way on the Kingston Campus of the University in Kingston, Rhode Island to the Foundation, enabling Independence Square to build a 40,000 square foot community center building for not-for-profit tenants;

WHEREAS, in 2007, the University, the Board, and the Properties Committee have approved a 25 year extension to the existing Ground Lease, commencing as of January 1, 2009 and terminating on January 31, 2034;

WHEREAS, in 2013, the University, the Board and the Properties Committee, approved a space lease commencing as of the February 1, 2014 and terminating on February 28, 2023, wherein the Foundation leased to University approximately 16,400 rentable square feet of space located Building II for the University’s Physical Therapy program ("Program") within the original phase of building at 25 West Independence Way and that Program, associated students and faculty have benefited from the quality, accessible, and well maintained facilities for the duration of that lease;

WHEREAS, in 2022, the University and the Board approved a space lease commencing as of March 1, 2023 and terminating on January 31, 2034 ("Lease"), wherein the Foundation leased to University approximately 16,400 rentable square feet of space located Building II for the University’s Program within the original phase of building at 25 West Independence Way and that Program, associated students and faculty have benefited from the quality, accessible, and well maintained facilities for the duration of that Lease;

WHEREAS it is in the best interest of the Program, associated students and faculty to have continued access to the quality, accessible, and well-maintained facilities for the duration of the Lease;

WHEREAS, the lease requires the University to pay rent, plus the University’s proportional share of building operating expenses, such as heating, cooling, lighting, and basic
electrical service, such rent, for the Lease period, in total, shall be $2,871,694.67. The proportionate share of building operating expenses are calculated on an annualized basis, this proportionate share of building operating expenses being subject to annual increases in operating expenses in future years; now, therefore be it

RESOLVED, that this General Assembly of the State of Rhode Island hereby recognizes that Lease payments of rent will not exceed $2,871,694.67 for the duration of the Lease, plus the proportionate share of building operating expenses; and be it further

RESOLVED, that this General Assembly hereby approves this Physical Therapy Program Lease Renewal and its associated rent and proportionate operating costs; and be it further

RESOLVED, that this Joint Resolution shall take effect upon passage by this General Assembly; and be it further

RESOLVED, that the Secretary of State is hereby authorized and directed to transmit duly certified copies of this resolution to the Governor, the Director of the Department of Human Services, the Director of Administration, the State Budget Officer, and the Chair of the State Properties Committee.

SECTION 7. This Article shall take effect upon passage.
ARTICLE 15

RELATING TO EFFECTIVE DATE

SECTION 1. This act shall take effect as of July 1, 2022, except as otherwise provided herein.

SECTION 2. This article shall take effect upon passage.