



# OFFICE OF MANAGEMENT & BUDGET

One Capitol Hill  
Providence, RI 02908-5890

Office: (401) 574-8430  
Fax: (401) 222-6436

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To: Governor Daniel J. McKee  
House Speaker K. Joseph Shekarchi  
Senate President Dominick J. Ruggerio

From: Erik Godwin, Director of the Office of Regulatory Reform

Subject: Office of Regulatory Reform Quarterly Report: FY 2021 Q4

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## FY 2021 Quarter 4 Report: April 1, 2021 – June 30, 2021

### Quarterly Summary Data

#### Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 28
- Regular Rulemaking, Post-Comment Review: 25
- Direct Final Rulemaking: 9
- Emergency Rulemaking: 64

#### Unique Regulations by Type of Action

- Adoption: 10
- Amendment: 91
- Repeal: 0

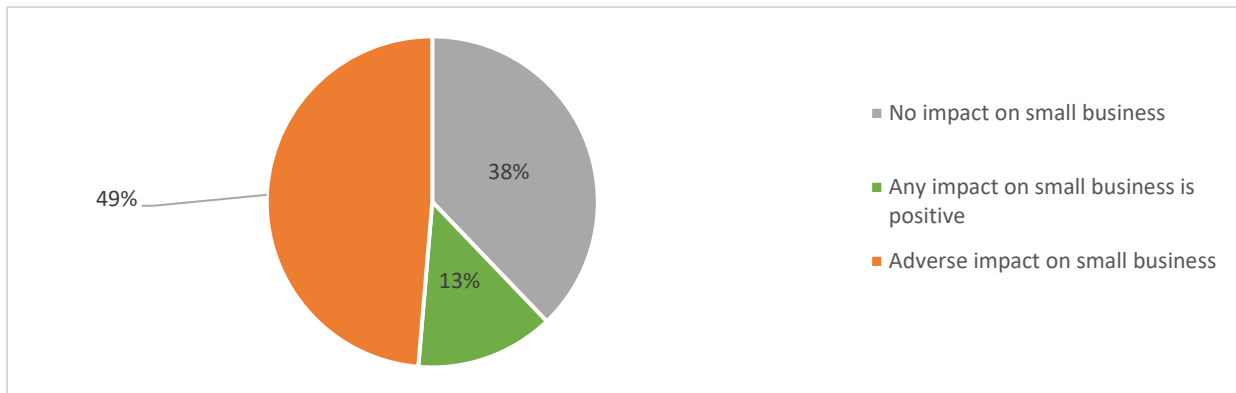
#### ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 16.1 days
- Regular Rulemaking, Post-Comment Review: 3.4 days
- Direct Final Rulemaking: 7.4 days
- Emergency Rulemaking: 1.1 days

#### ORR Interventions

- Submissions where analysis was changed: 4.0%
- Submissions where regulatory language was changed: 9.5%

## Small Business Impact Analysis



Note: Emergency regulations are not included in this summary chart.

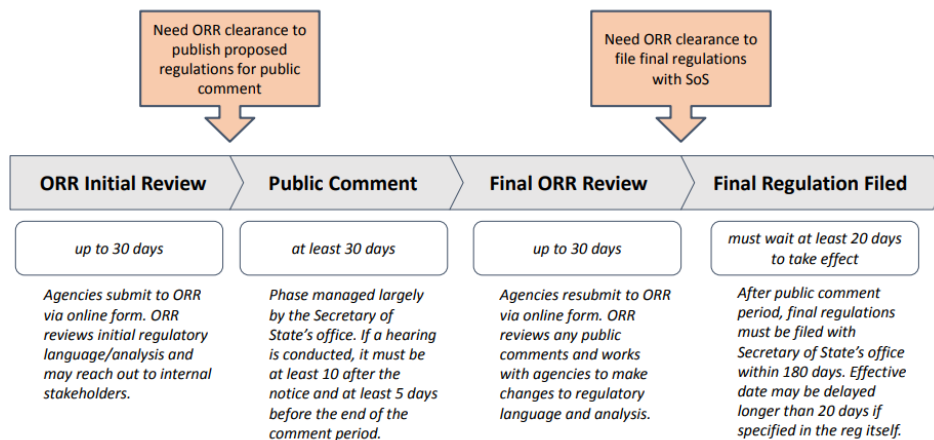
## Regulatory Oversight

As part of the Office of Management and Budget, the Office of Regulatory Reform’s (ORR) mission is to review new and amended regulations with a focus on minimizing adverse impacts on Rhode Island businesses, large and small. Since February 2015, ORR has been operating under [Executive Order 15-07](#), which requires all Executive Branch regulations to be reviewed by ORR using a model similar to the federal regulatory model. EO 15-07 outlines a process to ensure regulations are not imposing unnecessary burdens on businesses and citizens.

Prior to EO 15-07 the Director of Regulatory Reform had the authority to intervene on any individual regulatory or permitting issue. With the new process dictated by Executive Order agencies must submit all of their proposed regulatory actions to ORR providing a systematic way to address regulatory issues. ORR reviews an agency’s regulatory package, and if approved, those proposed rules and impact statements go through a public comment process. Any input from that process goes directly back to ORR for final consideration. Below is an outline of the ORR’s role in the regulatory review process. The second round of review is primarily to ensure the agencies take into consideration public comments and amend the regulation as necessary.

## Regular Rulemaking and ORR Review

While this is the official process outlined in Executive Order 15-07, ORR frequently works with agencies early by reviewing draft regulations and assisting with the development of regulatory analysis.



### Regulatory Submissions Reviewed By ORR

The following regulatory submissions were cleared by ORR during the fiscal year quarter covered by this report. Regulations cleared by ORR are not immediately effective, regulations must go through the formal rulemaking process administered by the Secretary of State’s Office (SOS). In some cases regulations cleared by ORR are not filed with SOS.

The information in this table (except “Days Under Review” and “Clearance Date”) is self-reported by regulatory agencies with their submissions, although ORR can suggest changes to agency’s submissions. Please note that for any post-comment entries with empty cells, the agency was not required to resubmit this information because the regulation received no public comment and no changes were made to the proposed regulation. Emergency regulations might also have missing data because these submissions are exempt from some reporting requirements.

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Human Services	SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM RULES AND REGULATIONS DUE TO COVID-19	Amendment	6	Regulatory changes under the Families First Coronavirus Response Act; the Continuing Appropriations Act, 2021 and Other Extensions Act; the Consolidated Appropriations Act 2021; and the American Rescue Plan Act (ARPA) 2021in response to COVID-19.		2021-04-01
Emergency	Health	Communal Living Arrangements	Amendment	0	To provide operational information to business who provide communal living arrangements for their seasonal workers during the COVID-19 pandemic		2021-04-02
Emergency	Health	Enforcement of Certain COVID-19 Related Executive Orders	Amendment	0	To restrict the spread of COVID-19 and assure the public health, safety, and welfare by promoting compliance and deterring noncompliance with the Executive Orders.		2021-04-02
Emergency	Human Services	Child Care Center, Family Child Care Home and Group Family Child Care Home Licensing Changes Due to COVID-19	Adoption	0	COVID-19 and RI State of Emergency		2021-04-05

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Business Regulation	Disclosure Requirements Regarding Public Company Interest Holders and Key Persons in Marijuana Establishment Licensees	Adoption	11	<p>This Regulatory Change is necessary to accommodate and support Rhode Island’s developing cannabis industry by articulating reasonable disclosure standards for a type of interest holder not initially contemplated in the current Regulations, 230-RICR-80-05-1. Within the current Regulations all interest holders in a marijuana licensee must be disclosed down to the individual person level. This includes persons that hold low-level shareholder interests in a corporate entity that holds an interest in a marijuana licensee. All such persons must obtain a background check and be disclosed to the Department. As Rhode Island marijuana licensees expand their businesses, publicly traded corporations are seeking to invest in and/or provide management services to the State’s licensees. However, disclosure of every shareholder of a publicly traded corporation is arduous and ultimately futile because shares trade daily and the list of shareholders is perpetually changing. Therefore, this Regulatory Change adds disclosure standards for publicly traded corporations which mirror the disclosure requirements of the stock exchanges on which the corporations are listed and/or applicable securities regulators. This is achieved by requiring disclosure</p>	NO, any small business impact is POSITIVE	2021-04-05

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					of those shareholders who have an interest in the publicly traded corporation over a defined threshold, which is typically those shareholders with five percent (5%) interests or greater.		
Preliminary Draft	Business Regulation	State Fuel Gas Code	Amendment	24	“RIBCSC is proposing changes to the Rhode Island State Building Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family of model codes to the ICC 2018 model codes. RIBCSC has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.”	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-04-05
Preliminary Draft	Business Regulation	Rhode Island Swimming Pool and Spa Code	Amendment	24	“RIBCSC is proposing changes to the Rhode Island State Building Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family of model codes to the ICC 2018 model codes. RIBCSC has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.”	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-04-05
Preliminary Draft	Business Regulation	State Energy Conservation Code	Amendment	24	“RIBCSC is proposing changes to the Rhode Island State Building Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of	2021-04-05

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					of model codes to the ICC 2018 model codes. RIBCSC has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.”	RIGL § 42-35.1-3 and 1-4).	
Preliminary Draft	Business Regulation	Rhode Island Property Maintenance Code	Amendment	24	“RIBCSC is proposing changes to the Rhode Island State Building Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family of model codes to the ICC 2018 model codes. RIBCSC has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.”	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-04-05
Preliminary Draft	Business Regulation	Rhode Island State Electrical Code	Amendment	24	RIBCSC is proposing changes to the Rhode Island State Building Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family of model codes to the ICC 2018 model codes. RIBCSC has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-04-05
Preliminary Draft	Business Regulation	Rhode Island State Mechanical Code	Amendment	24	RIBCSC is proposing changes to the Rhode Island State Building Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of	2021-04-05

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					of model codes to the ICC 2018 model codes. RIBCSC has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.	RIGL § 42-35.1-3 and 1-4).	
Preliminary Draft	Business Regulation	Rhode Island State Plumbing Code	Amendment	24	RIBCSC is proposing changes to the Rhode Island State Plumbing Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family of model codes to the ICC 2018 model codes. RIBCSC has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-04-05
Preliminary Draft	Business Regulation	Rhode Island One & Two-Family Dwelling Code	Amendment	24	RIBCSC is proposing changes to the Rhode Island State Building Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family of model codes to the ICC 2018 model codes. RIBCSC has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-04-05
Preliminary Draft	Business Regulation	Rhode Island State Building Code	Amendment	24	RIBCSC is proposing changes to the Rhode Island State Building Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of	2021-04-05

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					of model codes to the ICC 2018 model codes. RIBSCS has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.	RIGL § 42-35.1-3 and 1-4).	
Preliminary Draft	Fire Safety Code Board	Rhode Island Fire Alarm Code	Amendment	21	RIFSCBAR is proposing changes to the Rhode Island State Fire Safety Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes—updating from NFPA 72 - 2013 to NFPA 72 - 2019.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-04-08
Preliminary Draft	Fire Safety Code Board	Rhode Island Life Safety Code	Amendment	21	RIFSCBAR is proposing changes to the Rhode Island State Fire Safety Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes—updating from the NFPA 2015 family of model codes to the NFPA 2018 model codes. RIFSCBAR has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-04-08
Preliminary Draft	Fire Safety Code Board	Rhode Island Fire Code	Amendment	21	RIFSCBAR is proposing changes to the Rhode Island State Fire Safety Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes—updating from the NFPA 2015 family of model codes to the NFPA 2018 model codes. RIFSCBAR has also compiled RI-specific amendments that make changes to	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-04-08



Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					these base codes to better align with the specific needs of Rhode Island.		
Preliminary Draft	Fire Safety Code Board	Fire Safety Code Sections 1 through 6	Amendment	21	RIFSCBAR is proposing changes to the Rhode Island State Fire Safety Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes—updating from the NFPA 2015 family of model codes to the NFPA 2018 model codes. RIFSCBAR has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-04-08
Preliminary Draft	Environmental Management	Port Operations Regulations and Berthing Management System	Amendment	2	To increase parking fees at the Port of Galilee Southeast (S.E.) State Parking Lot (G) beginning in calendar year 2022 and to clarify the requirement that parking credentials must be displayed on vehicles at all times	NO, this regulation DOES NOT IMPACT small business	2021-04-09
Preliminary Draft	Environmental Management	User Fees at State Beaches, Parks and Recreational Areas	Amendment	2	To increase parking fees at Misquamicut State Beach	NO, this regulation DOES NOT IMPACT small business	2021-04-09
Emergency	Human Services	Child Care Center, Family Child Care Home and Group Family Child Care Home Licensing Changes Due to COVID-19	Amendment	3	COVID-19 and RI State of Emergency		2021-04-12
Preliminary Draft	Environmental Management	Prohibition of Hydrofluorocarbons in Specific End-Use	Adoption	23	Rhode Island, as part of the US Climate Alliance, is proposing action to reduce certain HFCs and HFC blends that have a high global warming potential and pose a higher overall risk to human health and the environment. The draft	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of	2021-04-12

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					regulation proposes to adopt specific SNAP prohibitions for HFCs in air conditioning and refrigeration equipment, aerosol propellants, and foam end-uses.	RIGL § 42-35.1-3 and 1-4).	
Emergency	Health	Licensing of Assisted Living Residences	Amendment	0	The purpose of this regulation is to more aggressively control the spread of COVID-19 in Rhode Island's congregate care facilities, including assisted living residences, given the morbidity and mortality caused by COVID-19 in such settings since March 2020		2021-04-16
Emergency	Health	Safe Activities by Covered Entities During the COVID-19 Emergency	Amendment	0	Establishing certain criteria for safe activity by and at certain entities in Rhode Island during the COVID-19 state of emergency in the interest of the public's health.		2021-04-20
Emergency	Health	Pharmacists, Pharmacies, and Manufacturers, Wholesalers, and Distributors	Amendment	0	The purpose of this regulation is to create definitions for active ingredient, auto substitute, covid-19 and dispense as written; It permits prescription drugs to be returned to a pharmacy in the event of a recall or medication error and the pharmacy must maintain a record of returned medications and make the record available to the Department upon request; allows pharmacists to dispense an amount of non-controlled substance medication beyond the face amount not to exceed the total amount of authorized refills; allows for one-time emergency refill up to 90 days excluding schedules II, III, and IV drugs; allows pharmacists and pharmacy technicians to work remotely as operationally feasible;		2021-04-20

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					allows institutional pharmacies to store patients' personal medications in the patients' rooms; and permits certain pharmacy procedures in the event of a state of emergency.		
Emergency	Human Services	Family Child Care Home and Group Family Child Care Home Adjustments to Capacity During COVID-19	Adoption	0	COVID-19 Crisis and the RI State of Emergency		2021-04-20
Post-Comment Draft	Environmental Management	PART 51 – Control of Volatile Organic Compound Emissions from Fiberglass Boat Manufacturing	Amendment	1			2021-04-20
Post-Comment Draft	Environmental Management	PART 24 - Removal of Lead Based Paint from Exterior Surfaces	Amendment	1			2021-04-20
Preliminary Draft	Student Loan Authority	Knowledge for College Scholarship	Amendment	8	RISLA is amending the scholarship to make it eligible to more individuals	NO, this regulation DOES NOT IMPACT small business	2021-04-20
Emergency	Health	Safe Activities by Covered Entities during the COVID-19 Pandemic	Amendment	0	To remove lodging and breakroom lanuage		2021-04-22
Post-Comment Draft	Health	Pharmacists, Pharmacies, and Manufacturers, Wholesalers and Distributors	Amendment	0	The purposes of this regulation are as follows: to create definitions for "active ingredient," "auto substitute," "COVID-19" and "dispense as written;" to permit prescription drugs to be returned to a pharmacy in the event of a recall or medication error and require the pharmacy to maintain a record of returned medications and make the record available to the Department upon request; to allow pharmacists to dispense an amount of non-controlled substance medication	NO, this regulation DOES NOT IMPACT small business	2021-04-26

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					beyond the original prescription amount, as written by the prescriber, not to exceed the total amount of authorized refills; to allow for a one-time emergency refill for up to 90 days, excluding schedule II, III, and IV drugs; to allow pharmacists and pharmacy technicians to work remotely as operationally feasible; to allow hospitals to direct that patients' personal medications be stored in their rooms, instead of the hospital pharmacy; and to permit certain pharmacy procedures in the event of a state of emergency.		
Post-Comment Draft	Narragansett Bay Commission	Use of the Wastewater Facilities	Amendment	0	This rule is being amended to comply with the NBC's revised RIPDES Permits issued by the RI Department of Environment Management (RIDEM); specifically to incorporate revised local limits that were preliminarily approved by RIDEM, and to provide clarification to existing sections in the rule and incorporate existing practices not currently delineated in the rule.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-04-26
Emergency	Human Services	General Public Assistance	Amendment	1	Due to a potential threat to public health and safety declared in the Emergency Executive Order as a result of COVID-19, the Department is waiving some requirements. As such, the provisions herein must be promulgated.		2021-04-27
Emergency	Executive Office of Health and Human Services	Chapter 50 Medicaid Long-Term Services and Supports, Part 1 Medicaid LTSS Overview and Eligibility Pathways	Amendment	4	Governor's Executive Order - COVID-19, Emergency Regulations		2021-04-27

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Executive Office of Health and Human Services	Chapter 40 Medicaid for Elders and Adults with Disabilities, Subchapter 15 Working Adults with Disabilities	Amendment	4	Governor's Executive Order - COVID-19, Emergency Regulations		2021-04-27
Emergency	Executive Office of Health and Human Services	Chapter 40 Medicaid for Elders and Adults with Disabilities, Subchapter 10 Managed Care	Amendment	4	Governor's Executive Order - COVID-19, Emergency Regulations		2021-04-27
Emergency	Executive Office of Health and Human Services	Chapter 30 Medicaid for Children, Families and Affordable Care Act (ACA) Adults, Subchapter 05 Service Delivery Options	Amendment	4	Governor's Executive Order - COVID-19, Emergency Regulations		2021-04-27
Emergency	Executive Office of Health and Human Services	Chapter 30 Medicaid for Children, Families and Affordable Care Act (ACA) Adults, Part 3 Medicaid Application and Renewal Process	Amendment	4	Governor's Executive Order - COVID-19, Emergency Regulations		2021-04-27
Emergency	Executive Office of Health and Human Services	Chapter 20 Medicaid Payments and Providers, Part 3 Medicaid Payments for Out-of-State Care	Amendment	4	Governor's Executive Order - COVID-19, Emergency Regulations		2021-04-27
Emergency	Executive Office of Health and Human Services	Chapter 20 Medicaid Payments and Providers, Part 1 Payments and Providers	Amendment	4	Governor's Executive Order - COVID-19, Emergency Regulations		2021-04-27
Emergency	Environmental Management	Emergency Regulations Governing the Administration of Federal Fisheries Relief Funding Provided to the State of Rhode Island Under the CARES Act	Amendment	0	The purpose of these rules and regulations is to administer the \$3,267,923 allocation of federal fisheries relief provided to Rhode Island under Sec. 12005 of the CARES Act, P.L. 116-136 by expeditiously and equitably disbursing it in the form of direct payments to eligible fishery		2021-04-28

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					participants in the four sectors used by NOAA Fisheries to establish Rhode Island's allocation: commercial fishing, commercial aquaculture, seafood processing/wholesaling, and for-hire businesses.		
Emergency	Human Services	General Provisions	Amendment	0	COVID-19 and the National State Emergency		2021-04-28
Emergency	Health	Immunization, Testing, and Health Screening for Health Care Workers	Amendment	1	To require that health care facilities and nursing services agencies maintain proof of the COVID-19 vaccination status of their health care workers and publicly post aggregated COVID-19 vaccination data within the facility and on the facility's website		2021-04-29
Emergency	Health	Licensing of Assisted Living Residences	Amendment	1	The purpose of this regulation is to more aggressively control the spread of COVID-19 in Rhode Island's congregate care facilities, including assisted living residences, given the morbidity and mortality caused by COVID-19 in such settings since March 2020		2021-04-29
Emergency	Health	Licensing of Nursing Facilities	Amendment	1	To update testing requirements for nursing facility staff and residents in accordance with CMS guidance.		2021-04-29
Emergency	Labor and Training	EMERGENCY REGULATIONS FOR THE WAIVER OF EMPLOYEES' AND EMPLOYERS' DUTIES AND OBLIGATIONS DURING A POTENTIAL HEALTH THREAT RELATED TO THE INFECTIOUS COVID-19 VIRUS PURSUANT TO	Adoption	0	These emergency rules and regulations: 1) add definitions which define the current potential threat to the health, safety, or resources of the people of the state created by the infectious "SARS-CoV-2 virus" which causes "Coronavirus Disease-2019" (COVID-19) as a state of emergency; 2) waive the waiting periods for unemployment insurance and		2021-05-03

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
		TITLE 28 OF RHODE ISLAND GENERAL LAWS			temporary disability insurance benefits; and 3) waive the certification by a qualified healthcare provider for temporary disability insurance benefits eligibility.		
Emergency	Executive Office of Health and Human Services	Medicaid Long-Term Services and Supports	Amendment	1	Governor's Executive Order - COVID-19, Emergency Regulations		2021-05-04
Emergency	Human Services	Child Care Assistance Program Rules and Regulations Due to COVID-19	Adoption	1	Extending the existing Emergency Rule for the Child Care Assistance Program due to COVID-19 and the RI State of Emergency.		2021-05-04
Post-Comment Draft	Executive Office of Health and Human Services	Medicaid Long-Term Services and Supports	Adoption	1			2021-05-04
Post-Comment Draft	Executive Office of Health and Human Services	Medicaid for Elders and Disabilities	Adoption	1			2021-05-04
Post-Comment Draft	Executive Office of Health and Human Services	Medicaid for Elders and Adults with Disabilities	Adoption	1			2021-05-04
Emergency	Health	Licensing of Hospitals	Amendment	0	To ensure persons with disabilities are not denied support persons when visitation is restricted during the COVID-19 pandemic.		2021-05-05
Direct Final	Environmental Management	PART 4 – Shellfish	Amendment	1	Correct inaccurate section numbers	NO, this regulation DOES NOT IMPACT small business	2021-05-07
Emergency	Health	Licensing of Aquatic Venues	Amendment	0	To align with new EO requirements		2021-05-07
Emergency	Health	Safe Activities by Covered Entities during the COVID-19 Pandemic	Amendment	0	To align with May 7 reopening EOs and guidance		2021-05-07
Emergency	Human Services	Child Care Assistance Program - Temporary Rate Enhancements for Licensed Providers	Adoption	0	COVID-19, the RI State of Emergency, and RI Executive Order 20-39 and it's successors.		2021-05-07

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
		During COVID-19 Reopening					
Preliminary Draft	Business Regulation	Rhode Island Industrial Hemp Program	Amendment	28	The genesis of the proposed amendments to the Rhode Island Industrial Hemp Agricultural Pilot Program are a direct result of the 2019 amendments to R.I. Gen. Laws § 2-26-1 et seq. and the 2018 Agricultural Improvement Act and its changes to the previous federal hemp industry landscape.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-05-07
Emergency	Human Services	General Public Assistance Program related to COVID-19	Adoption	0	The Department of Human Services is expanding some requirements during COVID-19 to prepare for the increased need of GPA Burial Assistance.		2021-05-10
Direct Final	Environmental Management	Park and Management Area Rules and Regulations	Amendment	3	To allow the sale and service of the alcoholic beverages at certain beaches during the year 2021	NO, this regulation DOES NOT IMPACT small business	2021-05-11
Emergency	Taxation	Withholding for Employees Working Remotely During the COVID-19 State of Emergency	Adoption	1	The purpose of these rules and regulations is to provide guidance to employers who have implemented remote working requirements for their employees, some of whom are performing services on behalf of their employer from a location outside the state where their employees were based prior to the COVID-19 State of Emergency.		2021-05-13
Emergency	Health	Institutes of Higher Education	Amendment	1	To provide IHE's procedures to reopen safely during COVID-19.		2021-05-13
Emergency	Health	Clinical Laboratories and Stations	Amendment	1	Due to a shortage of medical technologists in testing COVID-19 samples, the minimum qualifications for personnel are being lowered.		2021-05-13
Emergency	Health	Licensing of Aquatic Venues	Amendment	1	To align with new EO requirements		2021-05-13



Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Health	Licensing of Nursing Homes	Amendment	1	To update testing requirements for nursing facility staff and residents in accordance with CMS guidance.		2021-05-13
Post-Comment Draft	Business Regulation	Disclosure Requirements Regarding Public Company Interest Holders in Marijuana Establishment Licensees	Adoption	0			2021-05-13
Preliminary Draft	Executive Office of Health and Human Services	Medicaid Long-Term Services and Supports	Amendment	3	Financial Eligibility/COVID amendments	NO, this regulation DOES NOT IMPACT small business	2021-05-13
Post-Comment Draft	Environmental Management	User Fees at State Beaches, Parks and Recreational Areas	Amendment	2	To increase parking fees at Misquamicut State Beach	NO, this regulation DOES NOT IMPACT small business	2021-05-17
Direct Final	Environmental Management	Part 4 - Shellfish	Amendment	5	Reorganization; correct inaccurate section numbers	NO, this regulation DOES NOT IMPACT small business	2021-05-18
Direct Final	Environmental Management	PART 3 – Finfish	Amendment	10	1. Section 3.7 (as amended): Add recreational and commercial license requirements for the taking of finfish (recreational requirements being concurrently deleted in Part 2 “Commercial and Recreational Marine Fishing Licenses and Landing Permits. No actual regulatory changes are proposed. 2. Section 3.8 (as amended): Add section “General Provisions” to rule. Rules added are not new, have only been relocated from other locations. No actual regulatory changes are proposed.	NO, this regulation DOES NOT IMPACT small business	2021-05-18
Direct Final	Environmental Management	Part 2 - Commercial and Recreational Marine Fishing Licenses and Landing Permits	Amendment	10	1. Section 2.7.8: Clarification of section, no actual regulatory changes are proposed. 2. Section 2.8: Delete section. This section to be (concurrently) relocated to Part 3 “Finfish”	NO, this regulation DOES NOT IMPACT small business	2021-05-18

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Health	Safe Activities by Covered Entities during the COVID-19 Emergency	Amendment	0	To align with new EO requirements		2021-05-18
Post-Comment Draft	Environmental Management	Port Operations Regulations and Berthing Management System	Amendment	1	To increase parking fees at the Port of Galilee Southeast (S.E.) State Parking Lot (G) beginning in calendar year 2022 and to clarify the requirement that parking credentials must be displayed on vehicles at all times.	NO, this regulation DOES NOT IMPACT small business	2021-05-18
Post-Comment Draft	Business Regulation	Rules and Regulations for Architects	Amendment	5	This regulation was advertised for public comment from January 8, 2020 to February 7, 2021. We received 11 comments and in response to those comments, the Board and the Department have made some additional changes to the Continuing Education section to clarify existing practices. All post-comment changes are highlighted in yellow in the draft submitted to ORR. The impetus for the original amendments was when the Board received an inquiry from the Emerging Professionals Network of AIA Rhode Island regarding the Board's policy for the National Council of Architectural Registration Boards (NCARB) Integrated Path to Architectural Licensure (IPAL). The IPAL option allows students in the process of earning an accredited architecture degree to complete the experience requirements and portions of the Architectural Registration exam (ARE) concurrently. (The ARE is a multi-part exam given in 6 divisions,	NO, any small business impact is POSITIVE	2021-05-19

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					<p>which are administered in separate sittings. The exam length is a total of 21 hours.) The goals of IPAL are to streamline and hopefully shorten the path to licensure for architecture students and provide them with work experience prior to graduation. There are currently 21 schools nationwide that have established an IPAL option, with U Mass Amherst and Boston Architectural College being the closest to RI. R.I. Gen. Laws § 5-1-8, last amended in 2011, states that persons holding a degree in architecture can sit for the registration exam. NCARB has interpreted this to mean that RI will not allow IPAL applicants to take exams prior to graduation. After considering the Emerging Professionals request and reviewing the NCARB's IPAL program, the Board concluded that the IPAL program is beneficial to architectural students and supports such students being able to take the ARE prior to graduation from an accredited architecture degree program. Accordingly, the Board has proposed an amendment to make an exception for applicants enrolled in an IPAL program to begin to take the ARE divisions prior to graduation. While reviewing the regulation, the Board has also proposed some continuing education amendments to allow members of state architect licensing</p>		

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					boards and RI planning boards, zoning boards, historic district commissions, the RI Building Code Standards Committee, and the RI Fire Safety Code Board of Appeal and Review to get up to 4 CEHs per year for attending board meetings. Only one credit will be awarded per meeting, provided that the meeting was at least 50 minutes long and the architect can prove that they were in attendance. A few other minor changes were made for clarity throughout the regulation.		
Emergency	Health	Safe Activities by Covered Entities During the COVID-19 Emergency	Amendment	0	To align with new capacity and executive order requirements.		2021-05-21
Emergency	Health	Licensing of Aquatic Venues	Amendment	0	To align with new capacity and EO requirements		2021-05-21
Emergency	Environmental Management	Aquaculture of Marine Species in Rhode Island Waters	Amendment	2	To provide the RIDEM Director with the required regulatory mechanism referenced in R.I. Gen. Laws § 20-6-11(b) to issue "special exemption permits" to allow the sale of undersized shellfish in response to an emergency closure of aquaculture activity pursuant to R.I. Gen. Laws § 20-6-11(b).	NO, any small business impact is POSITIVE	2021-05-21
Emergency	Health	Enforcement of Certain COVID-19 Executive Orders	Amendment	0	To restrict the spread of COVID-19 and assure the public health, safety, and welfare by promoting compliance and deterring noncompliance with the Executive Orders.		2021-05-26
Post-Comment Draft	Environmental Management	Fishing Regulations for the Season	Amendment	1	The purpose for this regulatory change is the update the upcoming Freshwater Fishing Season with the correct season dates and bag limits.	NO, this regulation DOES NOT IMPACT small business	2021-05-26

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Direct Final	Environmental Management	Shellfish	Amendment	5	Reorganization; correct inaccurate section numbers; and addition/correction for vessel possession limit in the Providence River Shellfish Management Area which was inadvertently omitted last filing Amend B1: Reorganization; correct inaccurate section numbers; and addition/correction for shellfish management area vessel possession limit Amend B2: 4.12.1(C)(1)	NO, this regulation DOES NOT IMPACT small business	2021-05-27
Post-Comment Draft	Fire Safety Code Board	Rhode Island Fire Code	Amendment	6	RIFSCBAR is proposing changes to the Rhode Island State Fire Safety Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes—updating from the NFPA 2015 family of model codes to the NFPA 2018 model codes. RIFSCBAR has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-06-01
Post-Comment Draft	Fire Safety Code Board	Rhode Island Fire Alarm Code	Amendment	6			2021-06-01
Post-Comment Draft	Fire Safety Code Board	Rhode Island Life Safety Code	Amendment	6			2021-06-01
Post-Comment Draft	Fire Safety Code Board	Fire Safety Code Sections 1 through 6	Amendment	6			2021-06-01
Post-Comment Draft	Environmental Management	RI Falconry Regulations for the Season	Amendment	6	The Division did not propose any changes to the regulations to begin when posting for comment except for the addition of the season dates.	NO, this regulation DOES NOT IMPACT small business	2021-06-01

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Human Services	General Public Assistance Program	Amendment	26	To align regulation with statutory requirements that eliminate a regulatory requirement to determine disability for GPA eligibility. To clarify eligibility for the different types of assistance within the GPA program. To remove outdated procedural guidance.	NO, this regulation DOES NOT IMPACT small business	2021-06-01
Emergency	Health	Safe Activities by Covered Entities During the COVID-19 Emergency	Amendment	0	Establishing certain criteria for safe activity by and at certain entities in Rhode Island during the COVID-19 state of emergency in the interest of the public's health.		2021-06-02
Emergency	Human Services	Child Care Center, Family Child Care Home and Group Family Child Care Home Licensing Changes Due to COVID-19	Amendment	0	COVID-19 and RI State of Emergency		2021-06-02
Emergency	Executive Office of Health and Human Services	Medically Needy Eligibility	Amendment	1	Governor's Executive Order - COVID-19, Emergency Regulations		2021-06-02
Emergency	Executive Office of Health and Human Services	Medicaid MAGI Financial Eligibility Determinations and Verification During the COVID-19 Emergency	Amendment	1	Governor's Executive Order - COVID-19, Emergency Regulations		2021-06-02
Emergency	Executive Office of Health and Human Services	Medicaid and Children's Health Insurance Program (CHIP) Non-Financial General Eligibility Requirements	Amendment	1	Governor's Executive Order - COVID-19, Emergency Regulations		2021-06-02
Direct Final	Environmental Management	Aquaculture of Marine Species in Rhode Island Waters	Amendment	9	To provide the RIDEM Director with the required regulatory mechanism referenced in R.I. Gen. Laws § 20-6-11(b) to issue "special exemption permits" to allow the sale of undersized shellfish in response to an emergency closure of	NO, any small business impact is POSITIVE	2021-06-04

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					aquaculture activity pursuant to R.I. Gen. Laws § 20-6-11(b).		
Emergency	Health	Communal Living Arrangements	Amendment	1	To provide operational information to business who provide communal living arrangements for their seasonal workers during the COVID-19 pandemic		2021-06-04
Post-Comment Draft	Environmental Management	R.I. Hunting and Trapping Regulations for the 2021 - 2022 and 2022 - 2023 Seasons	Amendment	6	To set season and bag limits for the 2021 - 2022 and 2022 - 2023 season.	NO, this regulation DOES NOT IMPACT small business	2021-06-04
Emergency	Human Services	Rhode Island Works Program Rules and Regulations	Amendment	15	COVID-19 and RI State Emergency		2021-06-10
Post-Comment Draft	Human Services	Group Family Child Care Home Regulations for Licensure	Amendment	14	These changes were made to incorporate the DHS Corrective Action Plan for the Child Care Development Fund Plan (Fiscal Year 2019 – 2021) as approved by the Federal Administration for Children and Families. In addition, best practice has changed over the last fifteen years and the regulations for health and safety in child care need to be updated to reflect those changes.	NO, any small business impact is POSITIVE	2021-06-10
Post-Comment Draft	Human Services	Family Child Care Home Regulations for Licensure	Amendment	14	These changes were made to incorporate the DHS Corrective Action Plan for the Child Care Development Fund Plan (Fiscal Year 2019 – 2021) as approved by the Federal Administration for Children and Families. In addition, best practice has changed over the last fifteen years and the regulations for health and safety in child care need to be updated to reflect those changes.	NO, any small business impact is POSITIVE	2021-06-10

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Direct Final	Environmental Management	Aquaculture of Marine Species in Rhode Island Waters	Amendment	3	To provide the RIDEM Director with the required regulatory mechanism referenced in R.I. Gen. Laws § 20-6-11(b) to issue "special exemption permits" to allow the sale of undersized shellfish in response to an emergency closure of aquaculture activity pursuant to R.I. Gen. Laws § 20-6-11(b).	NO, any small business impact is POSITIVE	2021-06-11
Emergency	Health	Licensing of Assisted Living Residences	Amendment	0	The purpose of this regulation is to more aggressively control the spread of COVID-19 in Rhode Island's congregate care facilities, including assisted living residences, given the morbidity and mortality caused by COVID-19 in such settings since March 2020		2021-06-14
Emergency	Human Services	Child Care Center, Family Child Care Home and Group Family Child Care Home Licensing Changes Due to COVID-19	Adoption	3	COVID-19 and RI State of Emergency		2021-06-14
Post-Comment Draft	Coastal Resources Management Council	Management Procedures	Amendment	3	The CRMC proposes to amend its Management Procedures to delete some filing fees, add specifically required information for petitions for regulatory change, and increase the number of days for the filing of new information in contested cases prior to a scheduled hearing.	NO, this regulation DOES NOT IMPACT small business	2021-06-14
Emergency	Health	Licensing of Aquatic Venues	Amendment	0	Easing of COVID-19-related restrictions relative to high-risk settings requires amendment of the regulations.		2021-06-18
Emergency	Health	Safe Activities By Covered Entities During the COVID-19 Emergency	Amendment	0	Easing of COVID-19-related restrictions relative to high-risk settings requires amendment of the regulations.		2021-06-18



Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Executive Office of Health and Human Services	Medicaid for Elders and Adults with Disabilities	Amendment	1	Federally required updates.		2021-06-18
Post-Comment Draft	Environmental Management	Rules and Regulations Governing Wildlife Rehabilitation	Amendment	1			2021-06-18
Post-Comment Draft	Environmental Management	Rules and Regulations Governing Importation and Possession of Wild Animals	Amendment	1			2021-06-18
Post-Comment Draft	Environmental Management	Rules and Regulations Governing the Importation, Feeding, and Baiting of Cervids in Rhode Island	Amendment	0			2021-06-18
Preliminary Draft	Health	Licensing of Aquatic Venues	Amendment	13	To align disinfectant testing requirements with the most recent Model Aquatic Health Code (MAHC)	NO, this regulation DOES NOT IMPACT small business	2021-06-23
Emergency	Executive Office of Health and Human Services	Medicaid Long-Term Services and Supports	Amendment	0	Emergency Amendment to an Emergency Amendment. End to State Public Health Emergency.		2021-06-24
Emergency	Executive Office of Health and Human Services	Medicaid for Elders and Adults with Disabilities	Amendment	0	Emergency Amendment to an Emergency Amendment. End to State Public Health Emergency.		2021-06-24
Emergency	Executive Office of Health and Human Services	Medicaid for Elders and Adults with Disabilities	Amendment	0	Emergency Amendment to an Emergency Amendment		2021-06-24
Emergency	Executive Office of Health and Human Services	Medicaid for Children, Families and Affordable Care Act (ACA) Adults	Amendment	0	Emergency Amendment to an Emergency Amendment. End to State Public Health Emergency.		2021-06-24
Emergency	Executive Office of Health and Human Services	Medicaid for Children, Families and Affordable Care Act (ACA) Adults	Amendment	0	Emergency Amendment to an Emergency Amendment. End to State Public Health Emergency.		2021-06-24
Emergency	Executive Office of Health and Human Services	Medicaid Payments and Providers	Amendment	0	Emergency Amendment to an Emergency Amendment. End to State Public Health Emergency.		2021-06-24

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Executive Office of Health and Human Services	Medicaid Payments and Providers	Amendment	0	Emergency Amendment to an Emergency Amendment. End to State Public Health Emergency.		2021-06-24
Emergency	Executive Office of Health and Human Services	Medicaid for Elders and Adults with Disabilities	Amendment	0	Emergency Amendment to an Emergency Amendment. End to State Public Health Emergency.		2021-06-24
Emergency	Executive Office of Health and Human Services	Medicaid for Children, Families and Affordable Care (ACA) Adults	Amendment	0	Emergency Amendment to an Emergency Amendment. End to State Public Health Emergency.		2021-06-24
Emergency	Executive Office of Health and Human Services	Medicaid and Children's Health Insurance Program (CHIP) Non-Financial General Eligibility Requirements	Amendment	0	Emergency Amendment to an Emergency Amendment. End to State Public Health Emergency.		2021-06-24
Preliminary Draft	Arts (RISCA)	Cultural Facilities Grant Program	Amendment	10	Updating the 2014 Rules to reflect changes incorporated in the 2021 legislation.	NO, any small business impact is POSITIVE	2021-06-24
Preliminary Draft	Historical Preservation and Heritage Commission	Rules and Regulations for the State Preservation Grants	Amendment	10	On March 2, 2021, the voters of Rhode Island voted to approve Question 6, which authorizes the state to issue bonds for the State Preservation Grants program, which has not received new funding since 2014. The regulations have been reviewed and updated to 1) reference the new bond funding and 2) make a few small changes to program rules.	NO, any small business impact is POSITIVE	2021-06-24
Direct Final	Human Services	Supplemental Nutrition Assistance Program	Amendment	21	Implementation of changes made by the USDA, Food and Nutrition Services.	NO, this regulation DOES NOT IMPACT small business	2021-06-25
Emergency	Health	Safe Activities by Covered Entities During the COVID-19 Pandemic	Amendment	0	Establishing certain criteria for safe activity by and at certain entities in Rhode Island during the COVID-19 state of emergency in the interest of the public's health.		2021-06-25
Preliminary Draft	Environmental Management	Port Operations Regulations and Berthing Management System	Amendment	0	The purpose of this amendment is to reduce parking fees at the Port of Galilee Southeast (S.E.) State	NO, this regulation DOES NOT IMPACT small business	2021-06-25

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					Parking Lot (G) to the previous 2020 rates.		
Preliminary Draft	Business Regulation	State Energy Conservation Code	Amendment	5	“RIBCSC is proposing changes to the Rhode Island State Building Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family of model codes to the ICC 2018 model codes. RIBCSC has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.”	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-06-28
Preliminary Draft	Business Regulation	Rhode Island State Building Code	Amendment	5	RIBCSC is proposing changes to the Rhode Island State Building Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family of model codes to the ICC 2018 model codes. RIBCSC has also compiled RI-specific amendments that make changes to these base codes to better align with the specific needs of Rhode Island.	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-06-28
Preliminary Draft	Business Regulation	Rhode Island One & Two-Family Dwelling Code	Amendment	5	RIBCSC is proposing changes to the Rhode Island State Building Code Regulations. These changes include updating the base codes to a more recent version of the relevant national/international base codes— updating from the ICC 2015 family of model codes to the ICC 2018 model codes. RIBCSC has also compiled RI-specific amendments that make changes to these base	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2021-06-28

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					codes to better align with the specific needs of Rhode Island.		
Post-Comment Draft	Executive Office of Health and Human Services	Medicaid Long-Term Services and Supports	Amendment	2			2021-06-30