

2018 -- H 7612

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND WORKPLACE SAFETY  
ACT

Introduced By: Representatives Winfield, Lima, O'Brien, Ucci, and Williams

Date Introduced: February 14, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-20.10-2 of the General Laws in Chapter 23-20.10 entitled  
2 "Public Health and Workplace Safety Act" is hereby amended to read as follows:

3 **23-20.10-2. Definitions.**

4 The following words and phrases, whenever used in this chapter, shall be construed as  
5 defined in this section:

6 (1) "Assisted living residence" means a residence that provides personal assistance and  
7 meals to adults in accordance with chapter 17.4 of this title.

8 (2) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for  
9 consumption by guests on the premises and in which the serving of food is only incidental to the  
10 consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail  
11 lounges and cabarets.

12 (3) "Business" means a sole proprietorship, partnership, joint venture, corporation, or  
13 other business entity formed for profit-making purposes, including retail establishments where  
14 goods or services are sold as well as professional corporations and other entities where legal,  
15 medical, dental, engineering, architectural or other professional services are delivered.

16 (4) "Disability" shall have the same meaning as set forth in the federal "Americans with  
17 Disabilities Act of 1990", 42 U.S.C. § 12102 as amended, and all implementing regulations.

18 ~~(4)~~(5) "Employee" means a person who is employed by an employer in consideration for

1 direct or indirect monetary wages or profit and a person who volunteers his or her services for a  
2 nonprofit entity.

3 ~~(5)~~(6) "Employer" means a person, business, partnership, association, corporation,  
4 including a municipal corporation, trust or nonprofit entity that employs the services of one or  
5 more individual persons.

6 ~~(6)~~(7) "Enclosed area" means all space between a floor and ceiling that is enclosed on all  
7 sides by solid walls or windows (exclusive of doorways) that extend from the floor to the ceiling.

8 ~~(7)~~(8) "Health care facility" means an office or institution providing care or treatment of  
9 diseases, whether physical, mental, emotional, or other medical, physiological or psychological  
10 conditions, including, but not limited to, hospitals, rehabilitation hospitals or other clinics,  
11 including weight control clinics, nursing homes, homes for the aging or chronically ill,  
12 laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and  
13 all specialists within these professions. This definition shall include all waiting rooms, hallways,  
14 private rooms, semi-private rooms, and wards within health care facilities.

15 ~~(17)~~(9) "Legislature" means the general assembly of the state of Rhode Island.

16 ~~(8)~~(10) "Place of employment" means an area under the control of a public or private  
17 employer that employees normally frequent during the course of employment, including, but not  
18 limited to, work areas, employees lounges, restrooms, conference rooms, meeting rooms,  
19 classrooms, employee cafeterias, and hallways. Vehicles owned by a public or private employer  
20 are covered under this definition provided that the vehicle is used by more than one person. A  
21 private residence is not a "place of employment" unless it is used as a child care, adult day care,  
22 or health care facility.

23 ~~(9)~~(11) "Public place" means an enclosed area to which the public is invited or in which  
24 the public is permitted, including, but not limited to, banks, bars, educational facilities, health  
25 care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail  
26 food production and marketing establishments, retail service establishments, retail stores,  
27 shopping malls, sports arenas, the state house, theaters and waiting rooms. A private residence is  
28 not a "public place" unless it is used as a child care, adult day care, or health care facility.

29 ~~(10)~~(12) "Restaurant" means an eating establishment, including, but not limited to, coffee  
30 shops, cafeterias, and private and public school cafeterias, that gives or offers for sale food to the  
31 public, guests, or employees, as well as kitchens and catering facilities in which food is prepared  
32 on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the  
33 restaurant.

34 ~~(11)~~(13) "Retail tobacco store" means a retail store utilized primarily for the sale of

1 tobacco products and accessories in which the total annual revenues generated by the sale of other  
2 products are no greater than twenty-five percent (25%) of the total revenue for the establishment.  
3 The division of taxation shall be responsible for the determination under this section and shall  
4 promulgate any rules or forms necessary for the implementation of this section.

5 (14) "Service dog" shall have the same meaning as "service animal" as set forth under  
6 Titles II and III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. § 12101 et  
7 seq., as amended, and all implementing regulations.

8 (15) "Service-dog-in-training" means a dog or puppy that has been selected for service  
9 dog work and is being handled by a service-dog trainer.

10 (16) "Service dog trainer" means a competent dog trainer who is providing individual  
11 training of a dog or puppy with the intention of having the dog or puppy become a working  
12 service dog that will perform tasks for a disabled person.

13 ~~(12)~~(17) "Service line" means an indoor line in which one or more persons are waiting for  
14 or receiving service of any kind, whether or not the service involves the exchange of money.

15 ~~(13)~~(18) "Shopping mall" means an enclosed public walkway or hall area that serves to  
16 connect retail or professional establishments.

17 ~~(14)~~(19) "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar,  
18 cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form;  
19 provided, however, that smoking shall not include burning during a religious ceremony.

20 ~~(15)~~(20) (a) "Smoking bar" means an establishment whose business is primarily devoted  
21 to the serving of tobacco products for consumption on the premises, in which the annual revenues  
22 generated by tobacco sales are greater than fifty percent (50%) of the total revenue for the  
23 establishment and the serving of food or alcohol is only incidental to the consumption of such  
24 tobacco products. Effective July 1, 2015, all existing establishments and establishments that open  
25 thereafter must demonstrate quarterly, for a period of one year and annually thereafter, that the  
26 annual revenue generated from the serving of tobacco products is greater than fifty percent (50%)  
27 of the total revenue for the establishment, and the serving of food, alcohol, or beverages is only  
28 incidental to the consumption of such tobacco products. Every owner of a smoking bar shall  
29 register no later than January 1 of each year with the division of taxation and shall provide, at a  
30 minimum, the owner's name and address and the name and address of the smoking bar. The  
31 division of taxation in the department of administration shall be responsible for the determination  
32 under this section and shall promulgate any rules or forms necessary for the implementation of  
33 this section. The division of taxation in the department of administration shall be responsible for  
34 the determination under this section and shall promulgate any rules or forms necessary for the

1 implementation of this section.

2 (b) Smoking bars shall only allow consumption of food and beverages sold by the  
3 establishment on the premises and the establishment shall have public access only from the street.

4 (c) Any smoking bar, as defined herein, is required to provide a proper ventilation system  
5 that will prevent the migration of smoke into the street.

6 ~~(16)~~(21) "Sports arena" means sports pavilions, stadiums, (indoor or outdoor) organized  
7 sports fields, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks,  
8 bowling alleys, and other similar places where members of the general public assemble to engage  
9 in physical exercise, participate in athletic competition, or witness sports or other events.

10 SECTION 2. Chapter 23-20.10 of the General Laws entitled "Public Health and  
11 Workplace Safety Act" is hereby amended by adding thereto the following section:

12 **23-20.10-17. Fraudulent claim of service animal.**

13 (a) No person shall take a dog into a public accommodation where pets are not permitted,  
14 and state or imply that the dog is a service dog if the dog is not a service-dog-in-training, or a  
15 service dog actually performing the duties of a service dog.

16 (b) No person shall misrepresent the status of a pet dog as a service dog for the purpose  
17 of obtaining any rights, privileges or treatment afforded to disabled persons and for which the  
18 person is not qualified.

19 (c) Any police or animal control officer may investigate and enforce this section. An  
20 officer investigating this section may make inquiry of the individual accompanied by the service  
21 dog in question. Refusal of the individual to answer permissible question by the officer regarding  
22 the status of the dog as a service dog shall create a presumption that the dog is not a service dog.  
23 Upon violation of this section, an officer may issue a citation and require the individual to remove  
24 the dog from the place of public accommodation.

25 (d) The department of health shall prepare and make available to businesses:

26 (1) A decal or sign, suitable for posting in a front door or window, stating service dogs  
27 are welcome and misrepresentation of the status of a pet dog as a service dog is a violation of  
28 Rhode Island law; and

29 (2) A brochure or pamphlet which details permissible questions a business owner may  
30 ask in order to determine whether a dog is a service dog, proper responses to the permissible  
31 questions, and guidelines defining unacceptable behavior in violation of this section.

32 (e) Upon a violation under this section, a civil penalty of not more than five hundred  
33 dollars (\$500), or an order to perform thirty (30) hours of community service for an organization  
34 that serves individuals with disabilities or such other organization as ordered in the discretion of

1 [the court, or both, may be imposed.](#)

2 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY - PUBLIC HEALTH AND WORKPLACE SAFETY  
ACT

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1           This act would prohibit misrepresentation of the status of a pet dog as a service dog to  
2 acquire any right or privilege afforded disabled persons. The department of health would be  
3 required to provide decals for posting by businesses notifying the public of this law and would  
4 require the department to provide informational pamphlets to businesses, upon request, providing  
5 permissible questions to determine the status of a dog. This act would also provide for civil  
6 penalty of up to five hundred dollars (\$500) and thirty (30) hours of community service for  
7 violators.

8           This act would take effect upon passage.

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