

Roger Williams University Law Review

Volume 27
Issue 3 Vol 27, Iss. 3 (Summer 2022)

Article 33

Summer 2022

2021 RHODE ISLAND PUBLIC LAWS

Madison C. Picard

Juris Doctorate candidate, Roger Williams University School of Law

Follow this and additional works at: https://docs.rwu.edu/rwu_LR



Part of the [Civil Procedure Commons](#), [Courts Commons](#), [Criminal Law Commons](#), [Criminal Procedure Commons](#), [Disability Law Commons](#), [Education Law Commons](#), [Elder Law Commons](#), [Environmental Law Commons](#), [Insurance Law Commons](#), [Labor and Employment Law Commons](#), [Property Law and Real Estate Commons](#), and the [State and Local Government Law Commons](#)

Recommended Citation

Picard, Madison C. (2022) "2021 RHODE ISLAND PUBLIC LAWS," *Roger Williams University Law Review*. Vol. 27: Iss. 3, Article 33.

Available at: https://docs.rwu.edu/rwu_LR/vol27/iss3/33

This Survey of Rhode Island Law is brought to you for free and open access by the School of Law at DOCS@RWU. It has been accepted for inclusion in Roger Williams University Law Review by an authorized editor of DOCS@RWU. For more information, please contact mwu@rwu.edu.

2021 RHODE ISLAND PUBLIC LAWS

I. HOUSING

2021 R.I. Pub. Laws ch. 003, 004. An Act Relating to Property—Rhode Island Fair Housing Practices Act. This Act added a new basis of discrimination to the Rhode Island Fair Housing Act: lawful source of income. Lawful source of income is defined in the Act as including “any income, benefit, or subsidy derived from child support; alimony; Social Security; Supplemental Security Income; any other federal, state, or local public assistance program including . . . [any] rental assistance or housing subsidy program . . . and any requirement associated with such [assistance].” Accordingly, pursuant to this act, individuals cannot deny housing, limit access to housing, discourage prospective tenants, make, or publish discriminatory statements, or create different terms, conditions, rules, fees or standards because of one’s lawful source of income.

II. LABOR & EMPLOYMENT

2021 R.I. Pub. Laws. ch. 015, 016. An Act Relating to Labor and Labor Relations—Minimum Wages. This Act raised the minimum wage from \$11.50 to \$12.25 per hour, having commenced January 1, 2022. This Act also raises the minimum wage over the next few years. Commencing January 1, 2023, it will be raised to \$13.00; on January 1, 2024, it will be raised to \$14.00; and on January 1, 2025, it will be raised to \$15.00.

2021 R.I. Pub. Laws. ch. 168, 169. An Act Relating to Labor and Labor Relations—Fair Employment Practices. This Act protects against pay discrimination by making it unlawful to pay any employee less than employees of another race, color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin for comparable work. This Act applies to employers who are encompassed within the definition of

§ 28-14-1. This Act specifies that wage differentials are permitted when the employer can demonstrate one of the justifications in § 28-6-18 (b). In addition to requiring equal pay for equal work, this Act also prevents covered employers from inquiring about or relying on an applicant's wage history in deciding whether to hire or what to pay an applicant. The director of labor and training is in control of enforcing and carrying out these provisions. Beginning on January 1, 2023, civil penalties will be assessed for failure of covered employers to comply with this Act.

III. GENERAL WELFARE

2021 R.I. Pub. Laws. Ch. 001, 002. An Act Relating to State Affairs and Government—2021 Act on Climate. This Act supercedes the Resilient Rhode Island Act of 2014 and sets out mandatory and enforceable climate emission reduction goals to set the state up for net-zero emissions economy-wide by 2050. The Act creates a council that will bear responsibility for assessing, integrating, and coordinating climate change efforts throughout state agencies to reduce emissions. Starting in 2025, every five years the council will submit an updated plan that will address strategies for an equitable transition. This plan will address environmental injustices, public-health inequities, and fair employment practices to guide the transition of fossil-fuel to green energy jobs.

2021 R.I. Pub. Laws. ch. 019, 0201. An Act Relating to State Affairs and Government—Preservation of Families with Disabled Parent Act. This Act protects families with disabled parents by prohibiting the presumption that a parent or prospective parent's disability has a detrimental impact on a child, and further prohibiting a parent's disability from serving as a basis for a referral to DCYF or as the basis for a denial or restriction of custody or visitation.

2021 R.I. Pub. Laws. ch. 073, 074. An Act Relating to Financial Institutions—The Elder Adult Financial Exploitation Prevention Act. This Act requires regulated institutions and their employees to report within a permitted time period any suspected financial exploitation of elder adults who are account holders of the institution. The Act also requires eligible institutions to create internal policies to ensure that the institution and its employees are complying with the Act. If an institution suspects financial exploitation

or abuse, under this Act it may notify a third party and place a temporary hold on transactions that involve the elder adult's account. By successfully complying with this Act, institutions shall be immune from civil and criminal liability.

2021 R.I. Pub. Laws. ch. 088, 089. An Act Relating to Insurance—Accident and Sickness Insurance. This Act prohibits health insurers from using gender rating, the discriminatory practice of routinely charging women and men different premiums for individual insurance.

2021 R.I. Pub. Laws. ch. 110. An Act Relating to Insurance—Prescription Drug Benefits. This Act created a co-pay cap for prescription insulin of \$40.00. Accordingly, health plans that provide coverage for prescription insulin drugs cannot charge a covered person any amount exceeding \$40.00 per a thirty-day supply of insulin. Further, this Act prohibits coverage for prescription insulin from being subject to any deductible. This Act specifies that the office of the health insurance commission may use its enforcement powers to ensure compliance with this section and may promulgate rules and regulations necessary to implement this Act.

IV. CRIMINAL LAW & PROCEDURE

2021 R.I. Pub. Laws. ch. 075, 076. An Act Relating to Criminal Offenses—Sexual Assault. This Act finally eliminated the archaic marital exemption in the statute for first degree sexual assault. Thus, spouses may now be charged with sexual assault of their marital partner.

2021 R.I. Pub. Laws. ch. 141, 142. An Act Relating to Criminal Procedure—Identification and Apprehension of Criminals. This Act amended the Rhode Island sealing statute by eliminating the requirement that the petitioner not have a felony conviction on their record. The Act also eliminated the requirement that a successful petitioner pay a \$100 fee to the court in order for the expungement order to be issued. Accordingly, these changes in the law will enable more Rhode Island residents to petition for expungement and find employment.

2021 R.I. Pub. Laws. ch. 228, 229. An Act Relating to State Affairs and Government—Statewide Body-Worn Camera Program.

This Act created the Statewide Body-Worn Camera Program which will award funds to Rhode Island police departments to purchase and consistently operate body-worn cameras. This program will be run by the director of the department of public safety in consultation with the attorney general who will develop policies for the use and operation of the cameras.

2021 R.I. Pub. Laws. ch. 235, 236. An Act Relating to Criminal Procedure. This Act joined Rhode Island with the majority of the states in the country that compensate wrongfully convicted prisoners. The general assembly, having concluded that innocent persons who have been wrongfully convicted of crimes are “deserving of consideration and remuneration for this miscarriage of justice,” has now created an avenue for compensation. In order to be eligible, the individual must have been incarcerated for more than one year as a result of a finding of guilt by the fact finder that was later proven incorrect. To state a claim for compensation the Act provides that the claimant must establish by documentary evidence that they were convicted and sentenced to a term of imprisonment on grounds not inconsistent with innocence, and that their claim was properly filed no later than three years after the date of the pardon or vacated or reversed judgment. To be successful in obtaining a judgment in their favor, the claimant must prove by a preponderance of the evidence elements detailed in § 12-33-4. If the claimant is successful, the Act provides that the claimant is entitled to a \$50,000 payment for each year spent incarcerated, and \$137.00 for every day served for incarceration of less than a year.

2021 R.I. Pub. Laws. ch. 354, 355. An Act Relating to Criminal Offenses—Children. Under this Act anyone 18 or older who “produces, possesses, displays, or distributes, in any form, any visual portrayals of minors who are partially clothed, where the visual portrayals are used for the specific purpose of sexual gratification or sexual arousal” is guilty of a misdemeanor and can be confined in jail for not more than one year, or fined not more than \$1,000, or both. The Act provides for some affirmative defenses available and contains a severability clause.

V. EDUCATION

2021 R.I. Pub. Laws. ch. 154, 155. An Act Relating to Healthy and Safety—Feminine Hygiene Products. This Act requires all public schools serving students from grade five to grade twelve to make available free feminine hygiene products in all female and gender-neutral bathrooms by the beginning of the 2022-2023 school year.

2021 R.I. Pub. Laws. ch. 208, 220. An Act Relating to Education—The Civil Literacy Act. This Act made civics education proficiency a requirement for public high schools. Specifically, this Act required all middle and high school students attending public schools or those managed and controlled by the state to demonstrate a proficiency in civics education. Under this Act each school must provide at least one student-led civics project.

2021 R.I. Pub. Laws. ch. 288, 289. An Act Relating to Education—African Heritage History Education. In recognition of the “unique place in history” Rhode Island holds with respect to the slave trade, and the unifying call that Black Lives Matter and for social justice during the summer of 2020, the General Assembly passed this Act requiring every school district to include in its curriculum a unit of instruction on African Heritage. This requirement commences with the start of the 2022-2023 school year. It is not an annual requirement, but all students in covered schools must have received instruction on African Heritage and History materials by their high school graduation. The department of education will disseminate these materials to every school district, private school, mayoral academy, and charter school, and make them available on its website.

VI. CIVIL PROCEDURE

2021 R.I. Pub. Laws. ch. 341, 342. An Act Relating to Courts and Civil Procedure—Procedure in Particular Actions—Death by Wrongful Act. This Act now allows wrongful death claimants to specifically recover damages for the emotional distress, grief, and loss of enjoyment of life as a result of the death of their spouse, parent, or child. The Act only applies to claims resulting from injuries occurring after the effective date: July 12, 2021.

2021 R.I. Pub. Laws. ch. 387, 388. An Act Relating to Courts and Civil Procedure—Procedure Generally—Causes of Action. This Act eliminated the ability of a manufacturer in a products liability case to use the immunity defense of alteration or modification of a product. Instead, under this Act any argument of alteration or modification to the product that is found to be a significant contributing factor will be controlled by comparative negligence. This Act applies only to causes of action and claims arising after the effective date, July 13, 2021.

2021 R.I. Pub. Laws. ch. 410, 411. An Act Relating to Courts and Civil Procedure—Procedure on Particular Actions—Contribution Among Joint Tortfeasors. Prior to this Act if a joint tortfeasor settled, the non-settling defendant would be entitled to credit in the amount paid by the settling defendant or “any amount or proportion by which the release provides that the total claim shall be reduced, if greater than the consideration paid.” However, this Act has now changed that principle, and instead limits the credit the non-settling joint tortfeasor can receive to the amount paid by the released tortfeasor without any regard to finding of fault. This Act applies to all claims pending at the time of passage and thereafter, but it does not apply to or affect or impair releases executed prior to the passage date of July 14, 2021.

Madison C. Picard

Rhode Island Editor