

# **PUBLIC GUIDE**

## ADMINISTRATIVE RECORDS



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## RHODE ISLAND RULES AND REGULATIONS

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### What is the Rhode Island Code of Regulations?

The Rhode Island Code of Regulations (RICR) is the official publication of the rules promulgated by State agencies, boards, and commissions. The RICR is a uniform code that provides access to all Proposed and Final Regulations filed under the Administrative Procedures Act.

The Department of State's Administrative Records Office (ARO) manages the RICR, which is updated daily and available to the public online.

### What is the Administrative Records Office?

The ARO manages the process of regulations filed by State agencies with the Department of State to make government more transparent, accessible, and efficient.

### What is the Administrative Procedures Act?

[R.I. Gen. Laws Chapter 42-35](#), Administrative Procedures Act, governs the way Rhode Island State agencies, boards, and commissions may propose and promulgate rules.

### What are an agency's responsibilities?

All agency responsibilities regarding rules and regulations can be found in the Administrative Procedures Act ([R.I. Gen. Laws Chapter 42-35](#)).

### How can the public get involved?

During the Public Comment Period, agencies accept comments from the public about the Proposed Rule through the RICR, mail, fax, or email.

If a public hearing is scheduled, whether initiated by the agency, or if a hearing is requested by twenty-five (25) people or by an organization with at least twenty-five (25) members within ten (10) days of the Notice of Proposed Rulemaking being posted, the public may additionally submit testimony ([R.I. Gen. Laws 42-35-2.8](#)).

## CONTACT

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See § 2.6 for how to locate agency contact information.

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# 1 | ADMINISTRATIVE RECORDS

## 1.1 History of Rhode Island Regulations

Date	Event
1956	<p><b><a href="#">Administrative Procedures Act (APA) Adopted</a></b>                      For rules previously in effect, and going forward for Final Regulations, to be filed with the Department of State (DOS) and enacted on 01/01/1964.</p>
2000	<p><b>Rhode Island Small Business Regulatory Flexibility Act Adopted</b>                      Small business regulatory review board established to consider requests from small business owners to review rules adopted by state agencies.</p>
2001	<p><b>Launch of 1<sup>st</sup> Online Regulation Database</b>                      While paper regulations are still the official copy, the online database makes regulations available for public accessibility and reference only.</p>
2004	<p><b>APA Amended</b>                      Regulations are now to be reviewed by the Governor’s Office and Economic Development Corporation (EDC) for small business impact before filing.</p>
2010	<p><b>Office of Regulatory Reform (ORR) Established (<a href="#">Executive Order 10-13</a>)</b>                      ORR established within the EDC to improve regulatory process.</p>
2012	<p><b>ORR Moved to the Office of Management and Budget (OMB)</b></p>
2015	<p><b>ORR Review (<a href="#">Executive Order 15-07</a>)</b>                      Requires most Executive departments, boards, and commissions with rulemaking authority to have rules reviewed by ORR before and after public comment.</p>
2016	<p><b>APA Amended</b>                      Rewritten, based on <a href="#">Uniform APA</a>, to revise the rulemaking process.</p>
August 2018	<p><b>Launch of Rhode Island Code of Regulations (RICR)</b>                      Administrative Records Office (ARO) reviews rules for formatting compliance, maintains final rulemaking record copies and official copies of regulations, and maintains the online system to file and display regulations for public accessibility.   <i>Prior to this time, only agencies were responsible for maintaining all rulemaking records. Now, both the agency and the ARO maintain all rulemaking records.</i></p>
2020	<p><b>Emergency Rules Extended (<a href="#">Executive Order 20-72</a>)</b>                      Temporarily suspended a section of the APA allowing only one 60-day extension to allow for multiple extensions, if need be, due to the COVID-19 emergency.</p>

## 1.2 Administrative Records Definitions

For the purpose of this Guide, the following terms are defined as follows:

**“Advance Notice of Proposed Rulemaking”** means the process of when an agency may collect relevant information to a potential rule and may solicit comments and recommendations from the public ([R.I. Gen. Laws § 42-35-2.5](#)).

**“Agency Head”** means the individual who has ultimate legal authority of an agency ([R.I. Gen. Laws § 42-35-1\(3\)](#)), is an RICR Filing System user, and may sign rules into effect.

**“Agency”** means “a state agency, authority, board, bureau, commission, department, district, division, institution, office, officer, quasi-public agency, or other political subdivisions created by the general assembly or the governor, other than the legislature or the judiciary, that is authorized by law of this state to make rules” ([R.I. Gen. Laws § 42-35-1\(1\)](#)).

**“Declaratory Order”** means a document issued by an agency that states whether a statute or regulation applies to the person or entity petitioning the agency for that decision. ([R.I. Gen. Laws § 42-35-8](#)).

**“Effective Date”** means the exact date a promulgation goes into effect.

**“Filer”** means a person approved by an agency to participate in the rulemaking process to file regulations for that agency.

**“Filing Date”** means the exact date a promulgation is filed with the Department of State.

**“Guidance Document”** means “a record of general applicability developed by an agency which lacks the force of law but states the agency’s current approach to, or interpretation of, law or describes how and when the agency will exercise discretionary functions” ([R.I. Gen. Laws § 42-35-1\(9\)](#)).

**“Notice of Proposed Rulemaking”** means a document published in the RICR for notification to interested parties of a Proposed Rule. The notice must contain the items described in [R.I. Gen. Laws 42-35-2.7](#).

**“Promulgate”** means “the process of writing a new rule, or amending or repealing an existing rule”, beginning “with filing the Notice of Proposed Rulemaking...and ending upon the Effective Date of the rule” ([R.I. Gen. Laws § 42-35-1\(16\)](#)).

**“Public Comment Period”** means a period of time after the Notice of Proposed Rulemaking is published in the RICR during which a person may submit comments on the Proposed Rule.

**“Public Hearing”** or **“Hearing”** means a meeting regarding a proposed rule which is open to the public, during which members of the public are invited to give testimony or otherwise submit comments on the Proposed Rule. The hearing is recorded and kept as part of the Rulemaking Record for that rule. A hearing may not be scheduled earlier than ten (10) days after the Notice of Proposing Rulemaking is published in the RICR or later than five (5) days prior to the end of the Public Comment Period.

**“Rhode Island Code of Regulations”** or **“RICR”** (*pronounced are-aye-see-ARE*) means the official publication of Rhode Island Regulations promulgated by agencies that is managed by the Department of State’s Administrative Records Office, which is updated daily and available to the public on the Department of State’s [website](#).

**“RICR citation”** means the unique number assigned to a rule that includes the Title, Chapter, Subchapter, and Part numbers ([§ 2.3 of this Guide](#)) that is used by agencies and the public to identify rules.

**“Rule”** or **“Regulation”** means “the whole or a part of an agency statement of general applicability that implements, interprets, or prescribes law or policy or the organization, procedure, or practice requirements of an agency and has the force of law” ([R.I. Gen. Laws § 42-35-1\(19\)](#)). “Regulation” has the same meaning and is used interchangeably. Rules may be described by the status in which they are in, including the following:

**“Active Rule”** means a rule that was promulgated in accordance with the APA and is currently in effect and enforceable by the agency.

**“Final Rule”** means a rule that was promulgated in accordance with the APA and currently is, or was at one time, in effect and enforceable by the agency.

**“Inactive Rule”** means a rule that was previously promulgated in accordance with the APA and in effect that is no longer in effect and enforceable by the agency.

**“Proposed Rule”** means a rule that is in the promulgation process that has not yet gone into effect to become a Final Rule.

**“Terminated Rule”** means a Proposed Rule that was in the promulgation process but was discontinued by the agency before going into effect.



**“Rules Coordinator”** means the designated individual at an agency who has knowledge of all Proposed Rules, maintains rulemaking records for the agency as required in [R.I. Gen. Laws § 42-35-2.3](#), responds to public inquiries regarding all agency rules ([R.I. Gen. Laws § 42-35-2.1](#)).

**“Rulemaking”** means the promulgation process based on the action and type:

**“Rulemaking Action”** means the kind of rulemaking, either Proposed Regular, Proposed Direct Final, Emergency, Advance Notice, or APA Exempted.

**“Rulemaking Type”** means the category of rulemaking, either an Adoption, Amendment, Repeal, Technical Revision, or Periodic Refile.

**“Rulemaking Agenda”** means the record an agency must maintain for proposed rules, which is also available in the RICR for each agency ([§ 2.6.3 of this Guide](#)), that states or contains the items described in [R.I. Gen. Laws § 42-35-5.1](#).

**“Rulemaking Record”** means the group of records agencies are required to maintain for each rule, which must contain the records described in [R.I. Gen. Laws § 42-35-2.3](#).

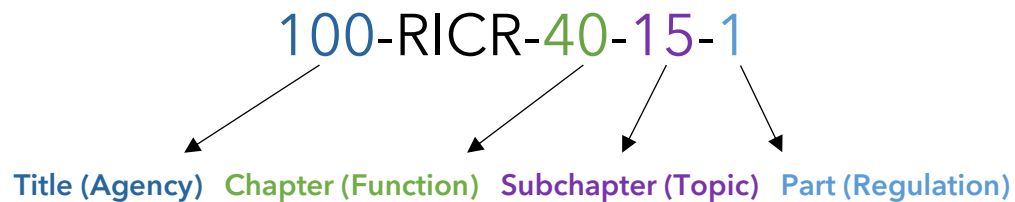
**“Terminate”** or **“Termination”** means the irreversible process of ending a rule in the middle of the promulgation process before an Effective Date is set, which stops the Proposed Rule from displaying in the RICR (if it had already gone into the Public Comment Period).

# 2 | RHODE ISLAND CODE OF REGULATIONS

## 2.1 About the RICR

The Rhode Island Code of Regulations (RICR) is the official publication of rules promulgated by State agencies, boards, and commissions. The Department of State’s Administrative Records Office (ARO) manages the RICR, which is updated daily and available online at <https://rules.sos.ri.gov/organizations>.

Each rule published in the RICR is given a unique citation (XXX-RICR-XX-XX-X) which includes numbers for the Title, Chapter, Subchapter, and Part:



To view the additional information regarding the rulemaking process, definitions for the RICR, and FAQs, visit: <https://rules.sos.ri.gov/organizations/help>.

## 2.2 The Rulemaking Process

### 2.2.1 Beginnings of a Rule

An agency may only publish a rule for which it has statutory authority. Each Notice of Proposed Rulemaking must include the legal citation that authorizes the rule.

An agency may choose to employ an optional step in the rulemaking process for an Advanced Notice of Proposed Rulemaking ([R.I. Gen. Laws § 42-35-2.5](#)). This allows an agency to gather information related to the potential Rulemaking Action by soliciting comments and recommendations from the public before publishing the Proposed Rule and Notice of Proposed Rulemaking.

[Executive Order 15-07](#) requires most executive branch agencies to engage in the Office of Management and Budget’s review process prior to filing regulations.

### 2.2.2 Preliminary Evaluations and Analysis

Before the rulemaking process begins, an agency must evaluate all alternative approaches, overlap or duplication with other statutes and rules and whether the Rule will have significant economic impact on small business.

### 2.2.3 Notice of Proposed Rulemaking

After an agency researches the issues and determines whether a new rule is necessary, it often proposes the new language along with a Notice of Proposed Rulemaking. These notices are published in the RICR, are readily available to the public, and contains details about the Proposed Rule including the Rule’s purpose, its statutory authority, and how the public can submit a comment or get further information about the Proposed Rule from the agency, available in the Rulemaking Documents tab of the RICR website ([§ 2.5.5 of this Guide](#)).

### 2.2.4 Public Comment Period

For most rulemaking actions, agencies must accept comments from the public about the Proposed Rule. Agencies may choose to do so directly through the RICR, or by mail, fax, or email. If a Public Hearing is scheduled, the public can also submit comments via testimony at a Public Hearing. For most Rulemaking Actions, an agency must allow a minimum of thirty (30) days for public comment.

## 2.2.5 Public Hearing

An agency may schedule one (1) or more Public Hearings on the Proposed Rule. The date, time, and location of any scheduled hearing must be listed in the Notice of Proposed Rulemaking. The Public Hearing must be scheduled at least ten (10) days from the date the Notice is published and at least five (5) days before the Public Comment Period ends. An agency must also schedule a Public Hearing if the hearing is requested by twenty-five (25) people or by an organization with at least twenty-five (25) members ([R.I. Gen. Laws § 42-35-2.8](#)).

## 2.2.6 End of Public Comment Period

Once the Public Comment Period ends, the agency must review all comments received and evaluate whether to make logical changes to the rule based on those comments. The agency must also prepare a Concise Explanatory Statement including its reasons for not incorporating changes suggested by the public, if necessary, and a description of any changes made between the text of the Proposed Rule and the Final Rule to be filed with the DOS.

## 2.2.7 Final Rule Filing

The Final Rule must be filed no later than one hundred eighty (180) days after the end of the Public Comment Period in the RICR Filing System or the rule will be automatically terminated by the RICR System at that time ([R.I. Gen. Laws § 42-35-4\(c\)](#)). The Final Rule and its associated documents in the Rulemaking Record must be filed with the DOS for publication in the RICR to become effective ([R.I. Gen. Laws § 42-35-2.3](#)).

## 2.2.8 Emergency Rulemaking

According to [R.I. Gen. Laws § 42-35-2.10](#), “if an agency finds that an imminent peril to the public health, safety, or welfare or the loss of federal funding for an agency program requires the immediate promulgation of an emergency rule...” the agency may proceed with the Rulemaking Action without a Public Comment Period or Public Hearing. Emergency Rules come into effect once they are signed by the Agency Head and the Governor or the Governor’s designee. These rules are effective for up to one hundred twenty (120) days and may be extended once for an additional sixty (60) days.

## 2.3 RICR Classification System

The Rhode Island Code of Regulations (RICR) is a classification system that orders regulations by agency. Each agency is organized by its Title, then further organized into Chapters, Subchapters, and Parts, with each Part organized by Sections. All number representations for Titles, Chapters, Subchapters, or Parts must be whole numbers (decimal points are not permitted).

All rules are assigned an RICR citation using the Title, Chapter, Subchapter, and Part numbers. Sections may be cited after the Part number.

### 2.3.1 Title

A Title is the entity name, represented by a three-digit number for agencies with specific rulemaking authority granted by R.I. Gen. Laws.

The numbering scheme begins with 100 and increases by multiples of 2, 5, or 10, based on the entity type and its relationship to other entities in the RICR. The three-digit indicator allows for growth over time, including the placement of new agencies near related agencies (e.g., Title 210 has sub-agencies represented by 212, 214, etc.).

100-RICR-40-15-1  
↑

### 2.3.2 Chapter

A Chapter is a core function of the agency, which is represented by a two- or three-digit number.

Agencies can distinguish between functions by assigning a Chapter number using a skip ten (10) method (e.g., 10, 20, 30..., 110, etc.). This skip method allows room to insert new functions near related functions in the future. *Agencies may use "00" and "N/A" as the Chapter name if there is no need to differentiate a topic.*

100-RICR-40-15-1  
↑

### 2.3.3 Subchapter

A Subchapter is a topic area within the core function of the agency, which is represented by a two- or three-digit number.

Agencies can distinguish between topics by assigning a Subchapter number using a skip five (5) method (e.g., 05, 10, 15, etc.). *Agencies may use "00" and "N/A" as the Subchapter name if there is no need to differentiate a topic.*

100-RICR-40-15-1  
↑

### 2.3.4 Part

A Part is the individual rule regulating a specific topic, which is represented by a one-, two-, or three-digit number.

Agencies can distinguish between specific topics by assigning a Part number using a skip one (1) method without a leading zero (e.g., 1, 2, 3, etc., not 01, 02, 03, etc.).

Parts cannot be renumbered to accommodate repealed Rules, nor can Part numbers be reused if terminated before becoming effective.

100-RICR-40-15-1  
↑

### 2.3.5 Section

Sections are the individual headings that make up a Part (rule).

100-RICR-40-15-1.2(B)(3)(e)(2)(A)(ii)  
↑

## 2.4 Locating Regulations

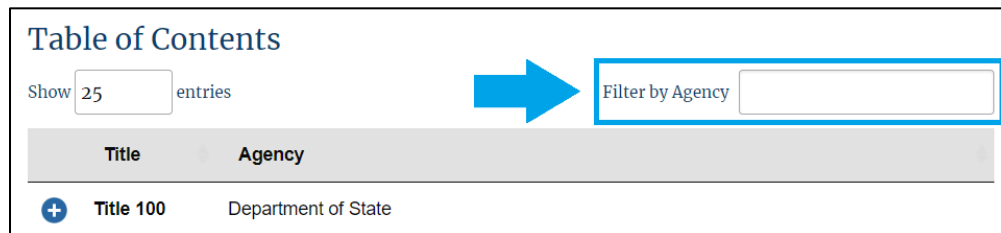
For regulations filed since 2001, there are two (2) ways to find them in the RICR:

1. Browse an agency's rules by exploring the Parts listed within their Title's Chapters and Subchapters in the [RICR Table of Contents](#); or
2. Use the [search feature](#) to search a specific keyword or RICR citation.

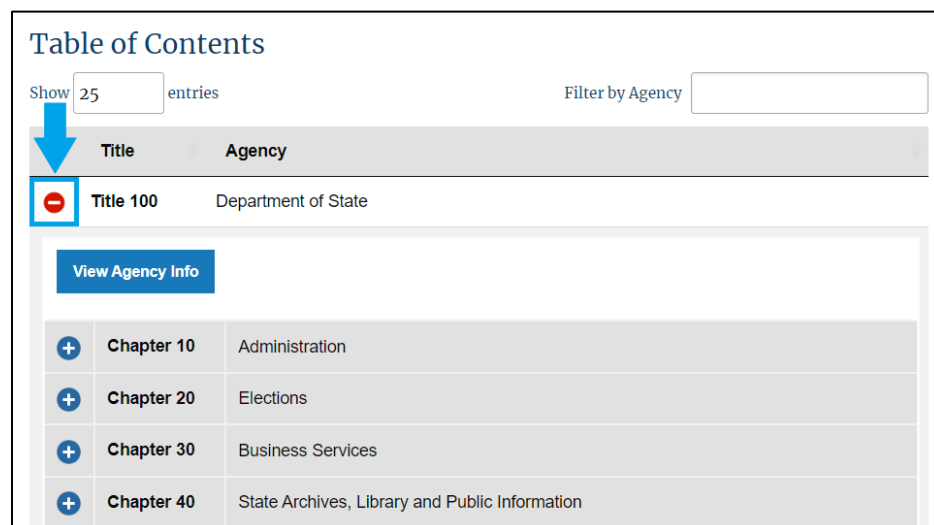
### 2.4.1 RICR Table of Contents (2001-Current)

To browse a specific agency's rules:

1. Go to: <https://rules.sos.ri.gov/Organizations>.
2. Locate the Title of the agency of interest either by scrolling through the agency or using the **Filter by Agency** search box:

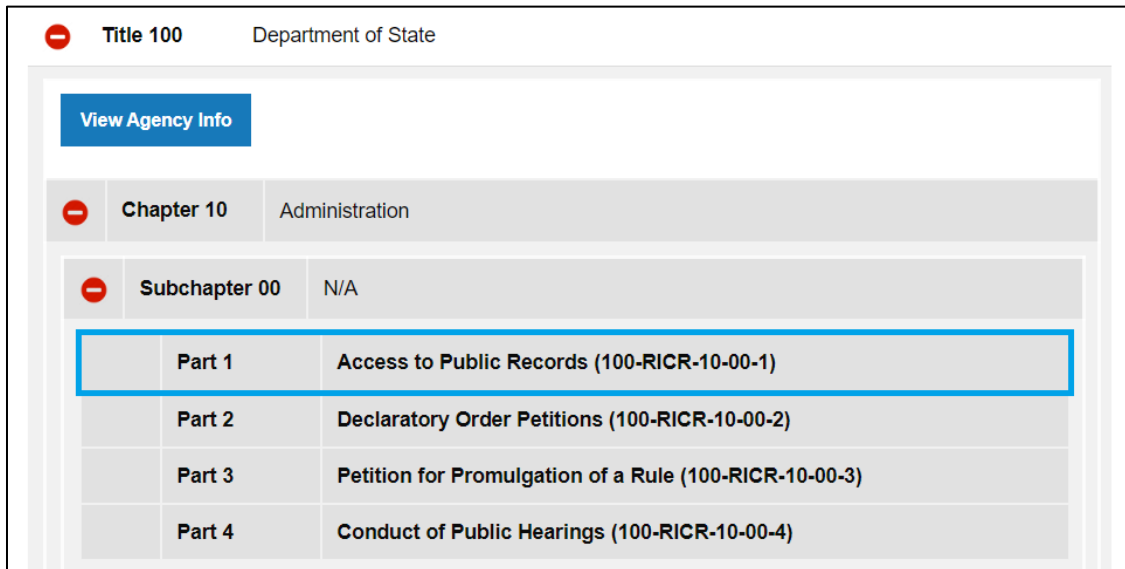


3. Click the plus (+) button to toggle open the agency's Title to view the Chapters (click the minus (-) button to toggle the Title closed again):



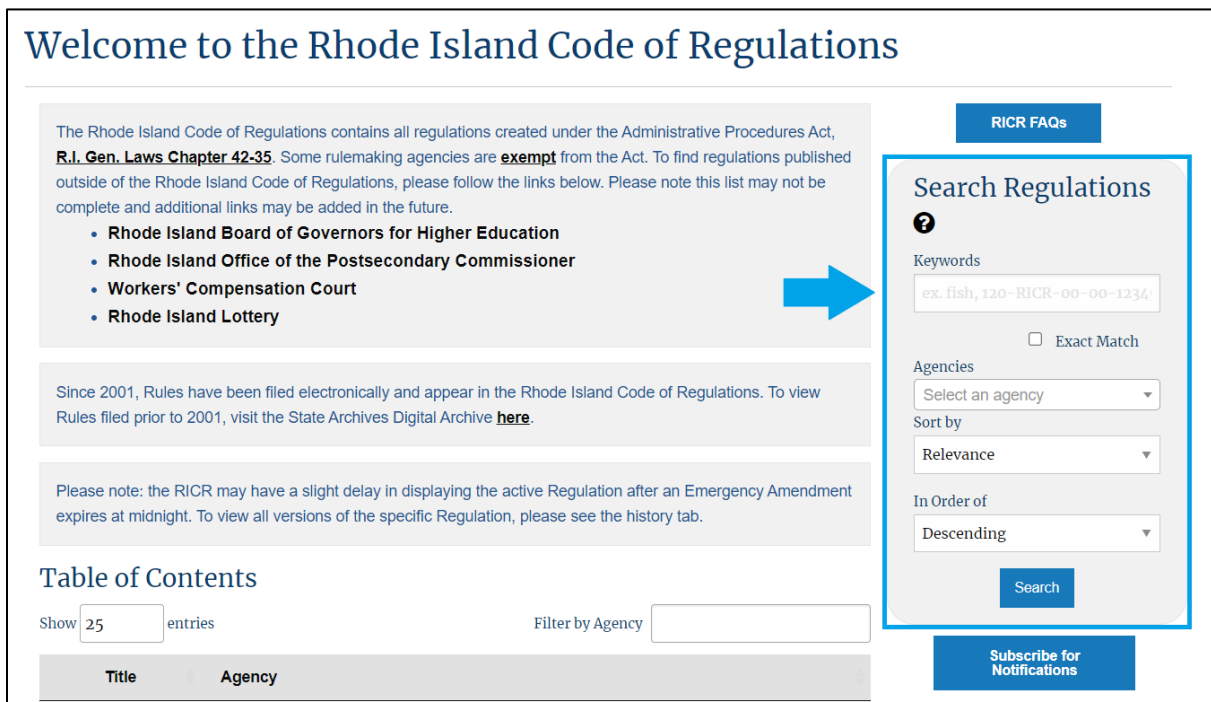


- Continue to toggle open the associated Chapter and Subchapter, and click on the Part to view the Regulation:



## 2.4.2 RICR Search (2001-Current)

There are multiple ways to find RICR rules using the search feature. To search, go to <https://rules.sos.ri.gov/Organizations> and navigate to the **Search Regulations** box:



1. **If you know the unique RICR citation for the rule:**  
Type the full citation (with “RICR” in all capital letters) and click **Search** to view the currently active version of that Part.
2. **If you do not know the RICR citation, but know the name of the rule:**  
Type in keywords and click **Search** to view a list of related regulations.
3. **To view all rules for a specific agency:**  
Select the agency from the dropdown, type in keywords if known and/or click **Search** to view all related regulations with that specific agency.
4. **To view all RICR rules:**  
Do not type any text or select an agency, just click **Search** with empty fields.

When viewing the **Search Results**, to further narrow down the list of regulations, click to sort between **Active**, **Emergency**, **Proposed**, and **Inactive**:

## Search Results

Active
Emergency
Proposed
Inactive

[Home](#)  
[RICR FAQs](#)

Displaying 1 - 10 of 1122

**Access to Public Records (100-RICR-10-00-1)**

**100 -RICR- 10 - 00 - 1** | Type of filing: Refile Capabilities

ACTIVE RULE

Title: <b>Department of State</b>	Chapter: <b>Administration</b>	Subchapter: <b>N/A</b>
Effective: 01/04/2022 to Current		
<a href="#">View Details</a>	<a href="#">View Regulation</a>	<a href="#">Additional Information</a>

### Search Regulations ?

Keywords

Exact Match

Agencies

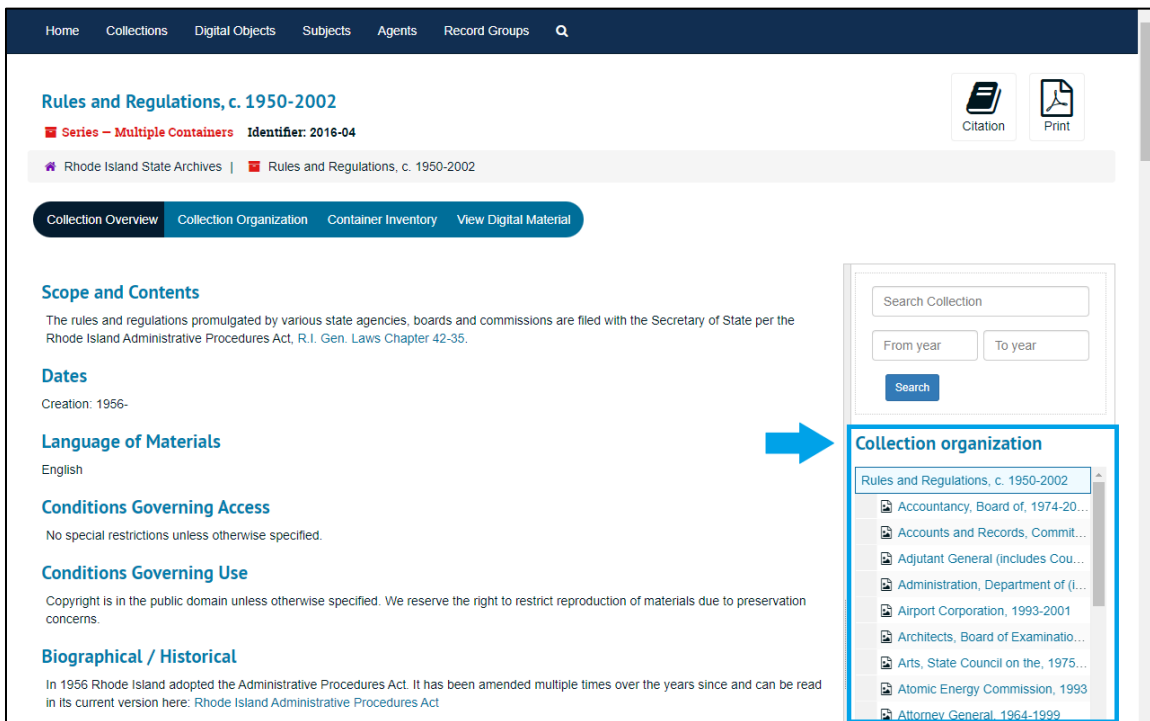
**NOTE:** The search function will not recognize two different keywords at once (i.e., “fishing and hunting” will not search simultaneously for results containing both of those terms).

Additionally, the search will scan the entire text of all rules and weight the results first by rules that contain the keyword in the Part name, then by rules which contain the keyword in the full text of the Part.

## 2.4.3 Historic Regulations (1950-2001)

Since 2001, regulations have been filed electronically and are available in the RICR. To view rules filed with the Department of State in early 2001 and prior:

1. Go to the [Rhode Island State Archives Catalog](#).
2. Select an entity from the **Collection Organization** sidebar:



3. Click **Go to file** to open a list of historic rules for that entity in the Digital Archive:



## 2.5 Viewing Regulation Information (2001-Current)

### 2.5.1 Regulation Text

Click the **Regulation Text** tab to view the rule interactively. Click the Section number/name to open and click that Section number/name again to close:



Access to Public Records (100-RICR-10-00-1)

100-RICR-10-00-1 ACTIVE RULE

Regulation Text Overview Regulation History Rulemaking Documents

- 1.1 Authority and Purpose
- 1.2 Definitions
- 1.3 Access to Public Records Policy
- 1.4 Procedures for Obtaining Access
- 1.5 Denial of Access and Administrative Appeals
- 1.6 Public Records Within the State Archives Division
- 1.7 Severability

### 2.5.2 Overview

To view additional information, including the type of filing, status, effective dates, regulation authority, and purpose and reason for this filing, click the **Overview** tab:



Access to Public Records (100-RICR-10-00-1)

100-RICR-10-00-1 ACTIVE RULE

Regulation Text Overview Regulation History Rulemaking Documents

Notify Me

Title	100	Department of State
Chapter	10	Administration
Subchapter	00	N/A
Part	1	Access to Public Records (100-RICR-10-00-1)

Type of Filing	Periodic Refile
Regulation Status	Active
Effective	01/04/2022

**Regulation Authority:**  
R.I. Gen. Laws § 42-35-2 and R.I. Gen. Laws Chapters 38-2  
42-8  
42-8.1 and 38-3

**Purpose and Reason:**  
This rule is being refiled by the agency pursuant to R.I. Gen. Laws § 42-35-4.1. No changes were made to the text of this rule.

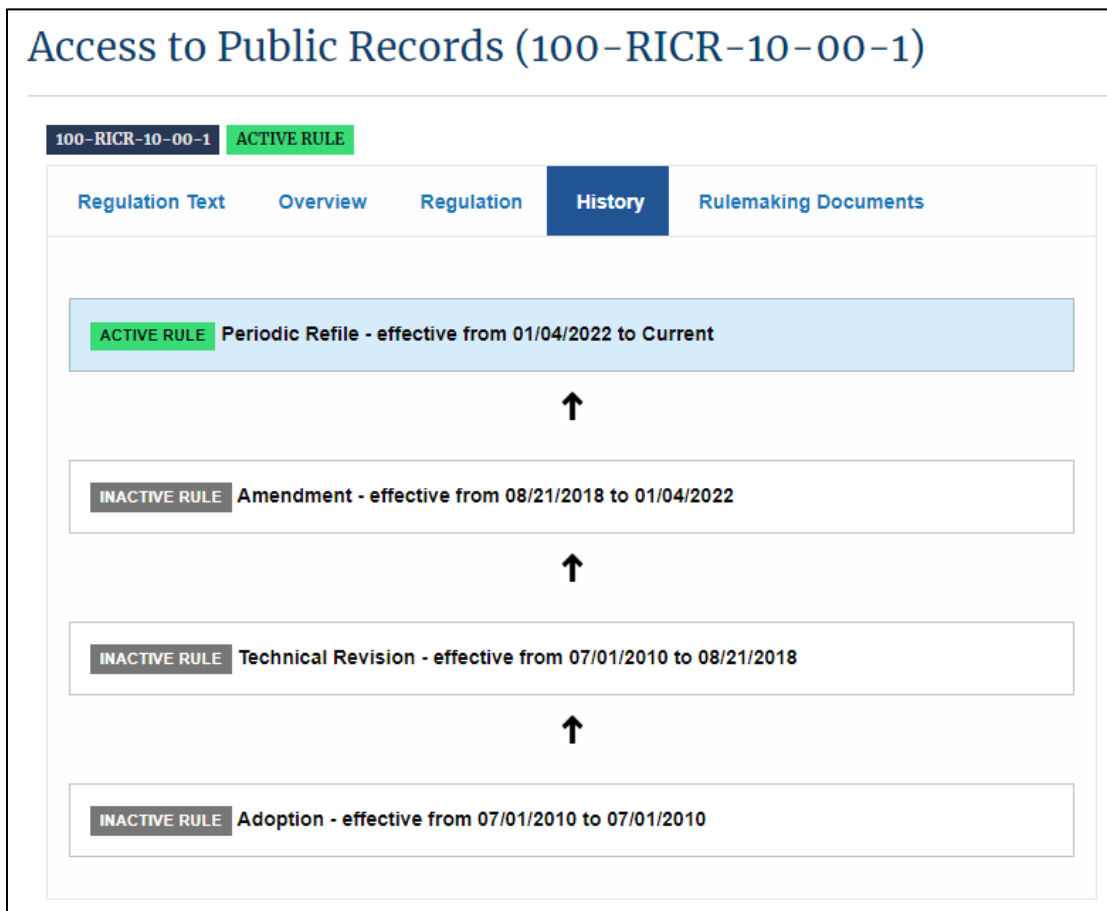
## 2.5.3 Regulation

To download the rule as a PDF, click the **Regulation** tab > **Download Regulation**:



## 2.5.4 History

To view a rule's history, click the **History** tab to navigate to any previous filing for that Part (the filing highlighted blue is the rule that is currently being viewed):



## 2.5.5 Rulemaking Documents

To view all associated documents for the filing (i.e., Concise Explanatory Statement, Public Comment, Notice of Proposed Rulemaking, Proposed Rule, etc.), click the **Rulemaking Documents** tab:

### Access to Public Records (100-RICR-10-00-1)

100-RICR-10-00-1 ACTIVE RULE

Regulation Text Overview Regulation History **Rulemaking Documents**

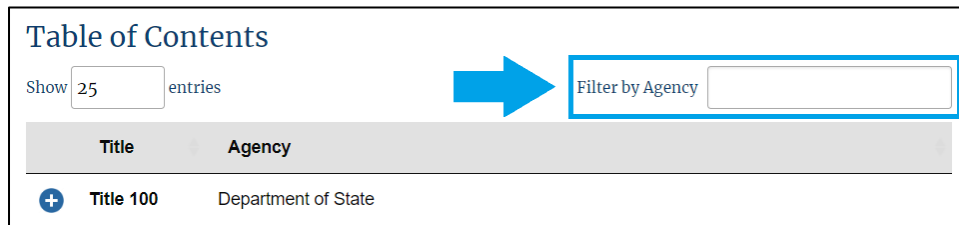
- [Concise Explanatory Statement](#)
- [Public Comment](#)
- [Public Notice of Proposed Rulemaking](#)
- [Proposed Rule](#)
- [Additional Documentation](#)

**NOTE:** Only **Rulemaking Documents** from rules filed since 2018 are available.

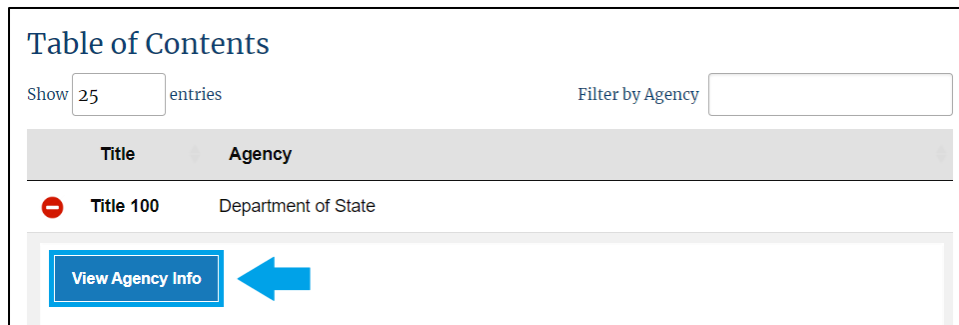
## 2.6 Locating Agency Information

To view an agency’s contact information to reach out with questions regarding that agency’s regulations:

1. Go to <https://rules.sos.ri.gov/Organizations>.
2. Locate the Title in the **Table of Contents** or use the **Filter by Agency** search box:



3. Click the plus (+) button next to the Title, then click **View Agency Info**:

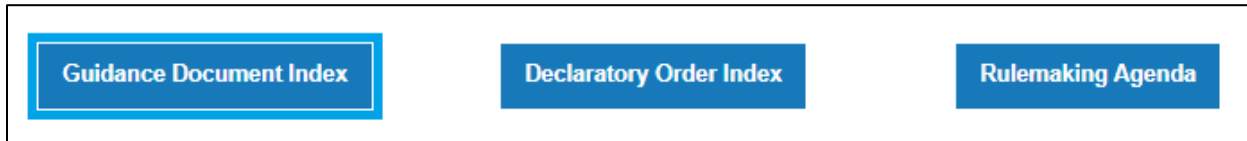


4. The **Agency Info** page includes a description, the agency’s address, and the Rules Coordinator’s contact information:



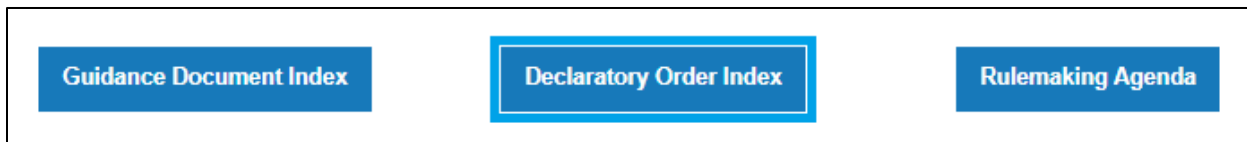
## 2.6.1 Guidance Document Index

To view an agency's **Guidance Document Index** that lists published Guidance Documents, navigate to the bottom of the **Agency Info** page and click **Guidance Document Index**:



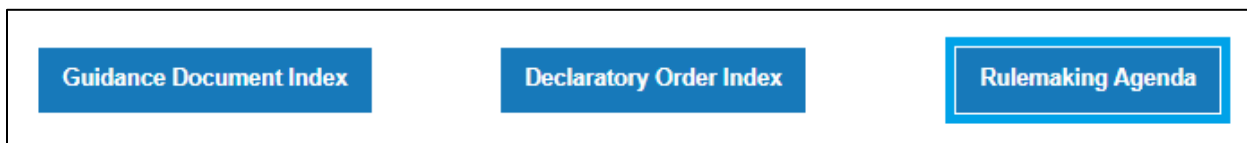
## 2.6.2 Declaratory Order Index

To view an agency's **Declaratory Order Index** that lists published Declaratory Orders, navigate to the bottom of the **Agency Info** page and click **Declaratory Order Index**:



## 2.6.3 Rulemaking Agenda

To view an agency's **Rulemaking Agenda** that provides that agency's Proposed Rules, navigate to the bottom of the **Agency Info** page and click **Rulemaking Agenda**:

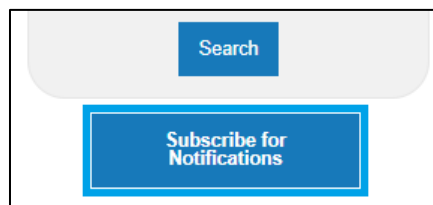




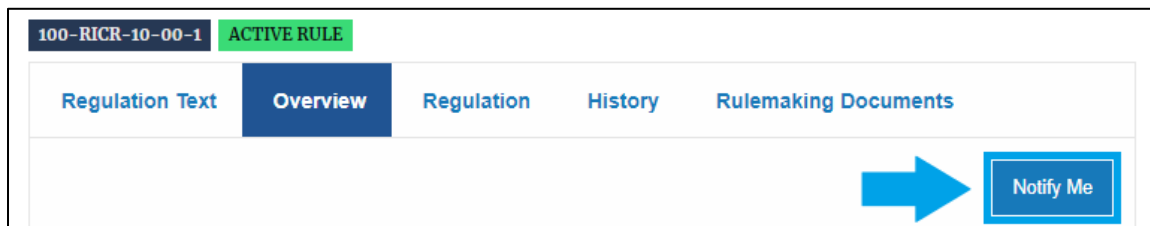
## 2.7 Subscribing to Regulation Notifications

There are multiple ways to subscribe to email notifications to be alerted of RICR rulemaking activity:

1. **To subscribe to all notifications or notifications for a specific agency:**  
Click **Subscribe for Notifications** located below the search box and complete the form to receive daily, weekly, or monthly email notifications for all agencies or specific agencies:



2. **To receive notifications for a specific Chapter, Subchapter, or Part:**  
Click **Notify Me** within the Overview tab of any Part and complete the form to receive daily, weekly, or monthly email notifications for the Agency, the Chapter, the Subchapter, or the Part:



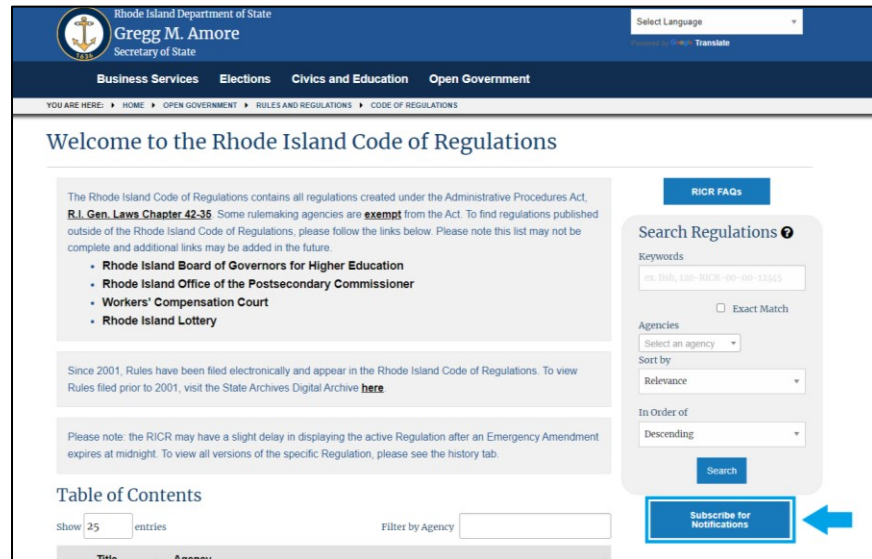
3. **To unsubscribe to RICR Notifications:**

- a. Either:
  - i. Navigate to the bottom of the RICR Notification email and click the link to visit and unsubscribe:

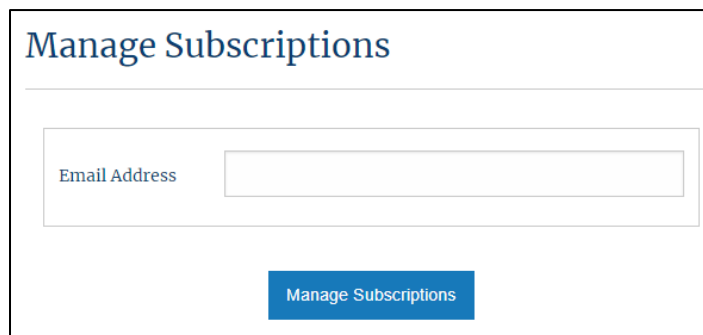
You are receiving this message because you have subscribed to the Rhode Island Department of State Rules and Regulations Tracker. To manage your subscriptions, please visit <https://rules.sos.ri.gov/Subscriptions/view>

**OR**

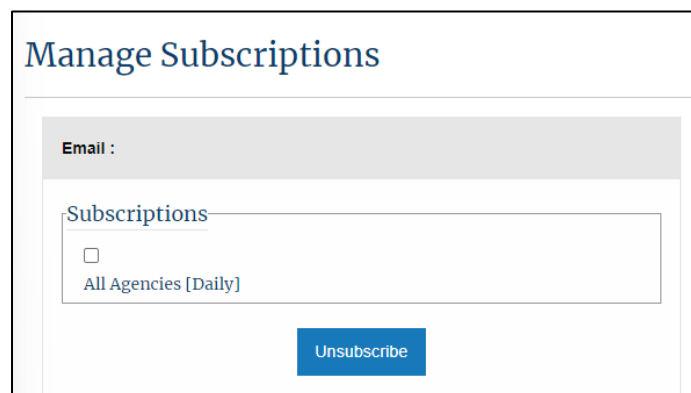
- ii. Go to <https://rules.sos.ri.gov/Organizations> and click **Subscribe for Notifications**:



- b. Enter the email address and click **Manage Subscriptions**:



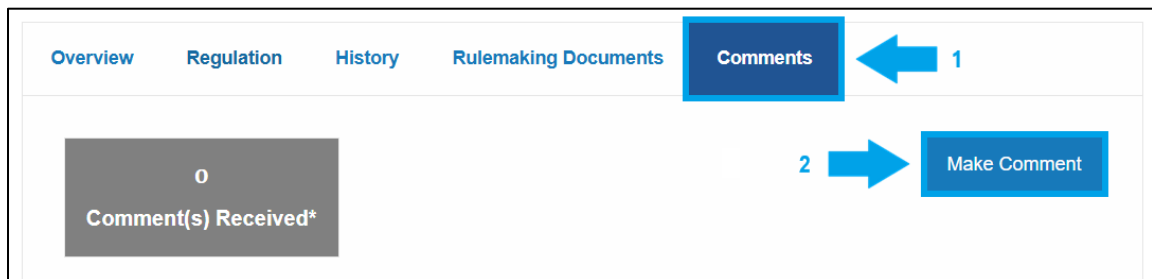
- c. Select the checkbox for the subscriptions(s) and click **Unsubscribe**:



## 2.8 Submitting Online Public Comments

To submit a comment for a Proposed Rule online through the RICR:

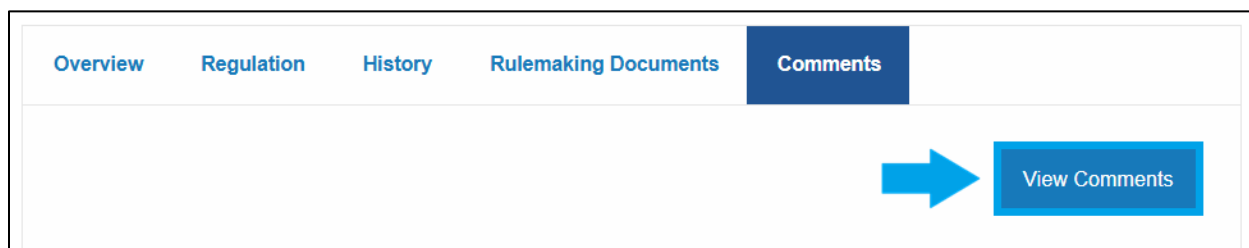
1. Locate the rule in the RICR, either by [clicking here](#) to view all Proposed Rules, or by searching for the rule ([§ 2.4.2 of this Guide](#)).
2. Click **Comments** and then click **Make Comment**:



3. Complete the form to submit a Public Comment:
  - a. Enter a **Comment**;
  - b. **Upload file(s)** (if applicable); and
  - c. Either:
    - i. Enter a **First Name** and **Last Name**; or
    - ii. Check the box if submitting on behalf of a third party and enter the **Submitter's First Name**, **Submitter's Last Name**, and the **Organization Name**.

Agencies review all submitted comments before being published online in the RICR.

To view all reviewed and published comments, click **View Comments**:



*Comments may also be submitted directly to the agency via the contact information listed in the Notice of Proposed Rulemaking ([§ 2.5.5 of this Guide](#)).*