

State of Rhode Island and Providence Plantations

Journal of the Senate

JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the second day of January in the year of Our Lord two thousand and one.

Volume 128, No. 45 Thursday, May 3, 2001 Forty-fifth Day

The Senate meets pursuant to adjournment and is called to order by His Honor, the Lieutenant Governor, Charles J. Fogarty, at 4:00 o'clock P.M.

The roll is called and a quorum is declared present with 47 Senators present and 3 Senators absent as follows:

PRESENT - 47: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, McDonald, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, SosnowsKi, Tassoni, Walaska, Walsh, Walton.

ABSENT - 3: Senators Bates, Connors, Hunter

INVOCATION

His Honor, the Lieutenant Governor, by unanimous consent, presents Senator Walton, to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

His Honor, the Lieutenant Governor, by unanimous consent, presents Senator Walton, to lead the Senate in the pledge of allegiance to the flag.

APPROVAL OF RECORD

The Senate Journal of Wednesday, May 2, 2001 proceedings is read in part.

Upon suggestion of Senator Walton, and by unanimous consent, further reading of the Journal is dispensed with and the Journal approved as recorded.

GUEST

Upon suggestion of Senator Felag, and by unanimous consent, His Honor, the Lieutenant Governor, welcomes to the Chamber Kathy Melvin of Portsmouth.

COMMUNICATION

His Honor, the Lieutenant Governor, presents the following communication:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SENATE CHAMBER

May 3, 2001

His Honor, Charles J. Fogarty
Lieutenant Governor
Rhode Island Senate Chamber StateHouse
Providence, RI 02903

Dear Lt. Governor Fogarty:

Please be advised that I will be absent from the Senate session on Thursday, May 3, 2001 as I will be attending the New England Board of Higher Education meeting of which I am a delegate. I would appreciate your recording my letter in the appropriate Senate Journal. Thank you.

Sincerely,

DANIEL P. CONNORS
Senator, District 33

Received and ordered to be placed on file.

FROM THE

HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage:

(01-H 5079) (Substitute "A" as amended) An Act making revised appropriations for the support of the state for the fiscal year ending June 30, 2001.

Read and referred to the Committee on Finance.

Also:

(01-H 5283) An Act relating to emergency medical transportation services.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5870) An Act relating to health and safety - notification of fire fighters, police officers and emergency medical technicians after exposure to infectious diseases.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5876) An Act relating to the illegal sale of tobacco products to children.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5888) (Substitute "A" as amended) An Act relating to health and safety - rights of nursing home patients.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5900 as amended) An Act relating to health and safety- home care patient rights.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5907) (Substitute "A") An Act relating to health and safety latex gloves safety act.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5924) (Substitute "A") An Act relating to education health and safety of pupils.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5953) An Act relating to mental health law - mental health, retardation and hospitals.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5970) (Substitute cc An Act relating to businesses and professions - physical therapy.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5972 as amended) An Act relating to health and safety- laboratories.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5978) An Act relating to businesses and professions license procedure for social workers.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5981) An Act relating to health and safety - laboratories.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 6199 as amended) Joint Resolution requesting the Director of the Department of Human Services to conduct a feasibility study of adding smoking cessation therapy as a Medicaid benefit.

Read and referred to the Committee on Health, Education and Welfare.

Also:

(01-H 5151) An Act relating to property mortgages of real property.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5436) (Substitute A as amended) An Act relating to property.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5466) (Substitute "A") An Act relating to computer crime - cyberstalking.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5588) An Act relating to court and civil procedures wrongful death.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5636 as amended) An Act relating to criminal procedure.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5637 as amended) An Act relating to courts and civil procedure wrongful death.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5789 as amended) An Act relating to commercial law - registration and protection of trademarks.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5882) An Act relating to criminal offenses -children.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5920) (Substitute "A") An Act relating to civil rights.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5949) (Substitute "A") An Act relating to highways.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5993 as amended) An Act relating to waters and navigation- alcohol boating safety.

Read and referred to the Committee on Judiciary.

Also:

(01-H 6125) An Act relating to District Court.

Read and referred to the Committee on Judiciary.

Also:

(01-H 6191 as amended) An Act relating to food and drugs - uniform controlled substances act.

Read and referred to the Committee on Judiciary.

Also:

(01-H 5245) (Substitute "A") An Act relating to unfair sales practices - merchandise credit slips.

Read and referred to the Committee on Corporations.

Also:

(01-H 5299 as amended) An Act relating to pharmacies.

Read and referred to the Committee on Corporations.

Also:

(01-H 5347 as amended) An Act relating to insurance genetic testing.

Read and referred to the Committee on Corporations.

Also:

(01-H 5499) An Act relating to regulation of business practices- new motor vehicle dealerships.

Read and referred to the Committee on Corporations.

Also:

(01-H 5505) An Act relating to corporations, associations and partnerships.

Read and referred to the Committee on Corporations.

Also:

(01-H 5509) An Act relating to insurance -agents' continuing education requirements.

Read and referred to the Committee on Corporations.

Also:

(01-H 5727) (Substitute cc An Act relating to public utilities and carriers - CATV.

Read and referred to the Committee on Corporations.

Also:

(01-H 5752) (Substitute cc An Act relating to financial institutions- creation and expansion.

Read and referred to the Committee on Corporations.

Also:

(01-H 5770 as amended) An Act relating to fire safety - inspection fees.

Read and referred to the Committee on Corporations.

Also:

(01-H 5781) (Substitute "A") An Act relating to businesses and professions - public accountancy.

Read and referred to the Committee on Corporations.

Also:

(01-H 5959) (Substitute "A") An Act relating to insurance- the protected cell companies act.

Read and referred to the Committee on Corporations.

Also:

(01-H 5990 as amended) An Act relating to public utilities and carriers.

Read and referred to the Committee on Corporations.

Also:

(01-H 6078) An Act relating to food and drugs - uniform controlled substances act.

Read and referred to the Committee on Corporations.

Also:

(01-H 6275) (Substitute cc An Act relating to levy and assessment of local taxes - town of Middletown.

Read and referred to the Committee on Corporations.

Also:

(01-H 6359) An Act relating to the regulation of earth removal and gravel processing in the town of Coventry.

Read and referred to the Committee on Corporations.

Also:

(01-H 6378) An Act relating to the regulation of earth removal and gravel processing in the towns of Coventry and West Greenwich.

Read and referred to the Committee on Corporations.

Also:

(01-H 6379) An Act relating to the Harris Fire and Lighting District.

Read and referred to the Committee on Corporations.

Also:

(01-H 5209) (Substitute cc An Act relating to teachers' retirement.

Read and referred to the Committee on Finance.

Also:

(01-H 5405) (Substitute "A") An Act relating to state affairs and government - Economic Development Corporation.

Read and referred to the Committee on Finance.

Also:

(01-H 5295) (Substitute cc An Act relating to transportation of beverages.

Read and referred to the Committee on Special Legislation.

REPORT OF COMMITTEE
COMMITTEE ON SPECIAL LEGISLATION

Senator Goodwin, from the Committee on Special Legislation, reports back, with recommendation of passage of the following measure:

(01-S 859) An Act relating to state affairs and government- state emblems.

Read and ordered to be placed on the Calendar.

NEW BUSINESS

The following item is received and referred to committee pending any objection of the body on the next legislative day.

Senator DaPonte presents (01-S 938) An Act authorizing suit against the town of North Providence by Elizabeth Metcalfe and Walter Metcalfe and making an appropriation to satisfy any judgment entered.

Read and referred to the Joint Committee on Accounts and Claims.

Senators Perry, Walton, McCaffrey, Kells, Paiva Weed and others present (01-S 939) Senate Resolution proclaiming May 3, 2001 as "Rhode Island Community Health Center Day".

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Upon motion of Senator Perry, seconded by the entire Senate, and by unanimous consent, read and passed, under suspension of the rules, upon a voice vote.

CALENDAR

In order for the day is taken up as follows:

1. (99-S273 as amended) An Act relating to insurance.

Committee on Corporations recommends passage as amended.

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the desk.

2. (01-S 434) (Substitute "A" as amended) An Act relating to health and safety -- safety and health programs for fire departments.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A" as amended.

Upon suggestion of Senator Gallo, and without objection, ordered to be placed on the desk.

3. (99-S301) (Substitute A as amended) An Act relating to state affairs and government -quasi-public corporations.

Committee on Judiciary recommends indefinite postponement of the original bill and passage of cc Substitute A as amended.

Senator Lenihan moves passage, seconded by Senate Majority Leader Irons and Senators Kelly, Walsh, Roney, Blais, Goodwin, Paiva Weed, Sheehan and others.

Senator Lenihan, seconded by Senator Graziano, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 301) (Substitute A as amended)

Mr. President:

I hereby move to amend (01-S 301) (Substitute A as amended) entitled "AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -QUASI-PUBLIC CORPORATIONS", as follows:

(1) Page 5, line 32, by deleting the language "Open for public inspection all appropriate records of the public corporation pursuant and inserting in place thereof the following: "Be subject to the access to public records act, chapter 2 of title 38.";

(2) Page 5, line (STRIKE: 33) (ADD: 34) by (STRIKE: deleting the language "to section 38-2-3." and) inserting (STRIKE: in place thereof) the following: "(16) Prepare and submit audited statements of financial conditions and operations pursuant to section 35-6-37.";

(3) Page 13, line 7, by inserting the language "of quasi-public corporations" after the word "documents".

Respectfully submitted,

J. MICHAEL LENIHAN
Senator, District 22

Senator Lenihan, seconded by Senator Graziano, offers an oral motion to amend the amendment.

The motion to amend the amendment prevails upon a roll call vote with 43 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 43: Senators Algieri, Alves, Badeau, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

Senator Lenihan, seconded by Senator Graziano, moves passage of the amendment, as amended.

The motion to amend prevails upon a roll call vote with 46 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Donelan, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska. Walsh, Walton.

NAYS -0.

Senators DaPonte, Montalbano, Senate Majority Leader Irons, Senators Kelly, Paiva Weed, Cote, Garabedian, Lenihan, Izzo, Parella, Cicilline, Sheehan and Igliozi discuss the act.

Upon motion of Senator Lenihan, the bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 45 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 46: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Igliozi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

4. (99-S267) (Substitute "A") Joint Resolution relating to corporations, associations and partnerships - Rhode Island Uniform Securities Act.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

Senator Breene moves passage, seconded by Senators Algieri and Celona.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 41: Senators Algieri, Alves, Badeau, Blais, Breene, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Igliozi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Revens, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

6. (99-S673) An Act relating to taxation.

Committee on Finance recommends passage.

Upon suggestion of Senator Coderre, and without objection, ordered to be placed on the Calendar for Wednesday, May 9, 2001.

7. (99-S852) An Act relating to taxation.

Committee on Finance recommends passage.

Senator Felag moves passage, seconded by Senators Alves, Caprio, Enos and Roberts.

The act is read and passed, by unanimous consent, upon a roll call vote with 40 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 40: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Igliazzi, Irons, Issa, Izzo, Kells, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Raptakis, Roberts, Sheehan, Sosnowski, Tassoni, Walaska, Walsh.

NAYS - 0.

5. (99-S200 as amended) An Act relating to health and safety- women's right to know act.

Committee on Health, Education and Welfare recommends passage as amended.

Senator Graziano moves passage, seconded by Senators Polisena, Badeau, Parella, Goodwin, Kells, Sheehan, McCaffrey and others.

Senator Graziano, seconded by Senators Montalbano and Polisena, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled ACT RELATING TO HEALTH AND SAFETY - WOMEN'S RIGHT TO KNOW ACT", as follows:

(1) On page 1, line 9, by inserting the word "be" preceding the word "pregnant".

(2) On page 2, line 30, by deleting the words "revision of the information previously supplied to the patient".

(3) On page 3, line 9, by inserting a comma after "23-4.9-4".

(4) On page 6, line 25, by inserting the word "who" after the word "individual".

(5) On page 7, line 18, by deleting the words "subsection (c) of section 23-4.9-6" and inserting the words "subsection (e) of section 23-4.9-7" in place thereof.

Respectfully submitted,

CATHERINE E. GRAZIANO
Senator, District 5

Senator Perry discusses the amendment.

The motion to amend prevails upon a roll call vote with 41 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS - 41: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Cicilline, Coderre, Damiani, DaPonte, Felag, Fogarty, Gallo, Garabedian, Gibbs, Goodwin, Graziano, Iglioizzi, Irons, Issa, Izzo, Kells, Kelly, Lenihan, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Perry, Polisena, Revens, Roberts, Roney, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska, Walsh, Walton.

NAYS -0.

Senator Roney, seconded by Senators Perry, Walton, Roberts, Sosnowski and Walsh, offers the following written motion to amend:

FLOOR AMENDMENT
TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY WOMEN'S RIGHT TO KNOW ACT". as follows:

(1) Beginning on page 1, by deleting all language following the enactment clause, inclusive, and inserting in place thereof the following: "23-4.9-1. SHORT TITLE. This act shall be known and may be cited as the "Women's Right to Know Act."

23-4.9-2. INFORMED CONSENT. No abortion shall be performed in this state without the informed consent of the female, as set forth in chapter 23-4.7, given no less than 24 hours before the procedure."

Respectfully submitted,

JOHN M. RONEY
Senator, District 2

Senators Montalbano and Graziano discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 14 Senators voting in the affirmative and 30 Senators voting in the negative as follows:

YEAS - 14: Senators Coderre, Enos, Gibbs, Izzo, Kelly, Lenihan, Perry, Revens, Roberts, Roney, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 30: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Cote, DaPonte, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Iglioizzi, Irons, Issa, Kells, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Ruggerio, Sheehan, Walaska.

Senator Perry, seconded by Senators Roney, Walton, Gibbs, Sosnowski and Walsh, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY - WOMEN'S RIGHT TO KNOW ACT", as follows:

(1) On page 2, line 1, by adding the words provided, however, that the term "medical emergency" shall be deemed to include: first degree sexual assault, third degree sexual assault, and first degree child molestation sexual assault." immediately following the word "function".

Respectfully submitted,

RHODA E. PERRY
Senator, District 3

Senators Graziano, Roney, Blais and Perry discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 18 Senators voting in the affirmative and 27 Senators voting in the negative as follows:

YEAS - 18: Senators Cicilline, Coderre, Enos, Gallo, Gibbs, Izzo, Kelly, Lenihan, Paiva Weed, Parella, Perry, Revens, Roberts, Roney, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 27: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cote, Damiani, DaPonte, Felag, Fogarty, Garabedian, Goodwin, Graziano, Igliazzi, Irons, Issa, Kells, McBurney, McCaffrey, Montalbano, Polisena, Raptakis, Ruggerio, Sheehan, Walaska.

Senator Walsh, seconded by Senators Roberts, Sosnowski, Walton and others, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY - WOMEN'S RIGHT TO KNOW ACT", as follows:

On page 2, by deleting all of the language on lines 6 and 7, inclusive, and inserting in place thereof the following language:

(f) "Secure internet website" means a website that is guaranteed secure from having its content altered other than by the director of the department of health."

Respectfully submitted,

DONNA WALSH
Senator, District 25

Senator Montalbano discusses the amendment.

The motion to amend fails of passage upon a roll call vote with 14 Senators voting in the affirmative and 26 Senators voting in the negative as follows:

YEAS - 14: Senators Cicilline, Coderre, Enos, Gibbs, Izzo, Kelly, Perry, Revens, Roberts, Roney, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 26: Senators Algiere, Alves, Badeau, Blais, Breene, Caprio, Celona, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Igliozi, Irons, Issa, Kells, McCaffrey, Montalbano, Polisena, Raptakis, Ruggerio, Walaska.

Senator Walton, seconded by Senators Sosnowski and Perry, offers the following written motion to amend:

FLOOR AMENDMENT
TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY - WOMEN'S RIGHT TO KNOW ACT", as follows:

(1) On page 2, by deleting all of the language on lines 12 and 13, and inserting in place thereof the following language: "
(a) Information which must be provided by physician or agent of physician. The female is told the following, by telephone or in person, by a physician or an agent of the physician, or by referring".

Respectfully submitted,

CHARLES D. WALTON
Senator, District 9

Senators Graziano, Roney, Montalbano and Perry discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 14 Senators voting in the affirmative and 30 Senators voting in the negative as follows:

YEAS - 14: Senators Coderre, Enos, Gibbs, Izzo, Kelly, Lenihan, Perry, Revens, Roberts, Roney, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 30: Senators Algiere, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Cote, DaPonte, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Igliozi, Irons, Issa, Kells, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Ruggerio, Sheehan, Walaska.

Senator Roney, seconded by Senators Roberts, Walsh, Sosnowski and Perry, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY - WOMEN'S RIGHT TO KNOW ACT", as follows:

- (1)** On page 2, by deleting the language in line 15.
- (2)** On page 2, line 16, by deleting the figure "(2)" and inserting in place thereof the figure cc
- (3)** On page 2, line 19, by deleting the figure "(3)" and inserting in place thereof the figure cc
- (4)** On page 2, line 21, by deleting the figure "(4)" and inserting in place thereof the figure "(3)".

Respectfully submitted,

JOHN M. RONEY
Senator, District 2

Senators Walsh, Montalbano, Roberts, Perry, Graziano and Roney discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 18 Senators voting in the affirmative and 27 Senators voting in the negative as follows:

YEAS - 18: Senators Cicilline, Coderre, Enos, Gallo, Gibbs, Izzo, Kelly, Lenihan, Paiva Weed, Parella, Perry, Revens, Roberts, Roney, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 27: Senators Algiere, Alves, Badeau, Blais, Breene, Caprio, Celona, Cote, Damiani, DaPonte, Felag, Fogarty, Garabedian, Goodwin, Graziano, Igliozi, Irons, Issa, Kells, McBurney, McCaffrey, Montalbano, Polisena, Raptakis, Ruggerio, Sheehan, Walaska.

Senator Roney, seconded by Senators Perry and Sosnowski, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY - WOMEN'S RIGHT TO KNOW ACT", as follows:

- (1) On page 4, by deleting all of the language on lines 11 and 12,inclusive, and inserting in place thereof the following: "female can be known to be pregnant to full term, including pictures or drawings representing the development".
- (2) On page 4, by deleting all of the language on line 14, inclusive, and inserting in place thereof the following: "drawings must be shown in the exact dimensions of the embryo or fetus and must be realistic and appropriate for the".
- (3) On page 4, line 16, by adding the following language after the word "ages : and the images shall not be distorted or enlarged beyond the correct anatomical size".

Respectfully submitted,

DONNA WALSH
Senator, District 25

The motion to amend fails of passage upon a roll call vote with 13 Senators voting in the affirmative and 28 Senators voting in the negative as follows:

YEAS - 13: Senators Coderre, Enos, Gibbs, Izzo, Kelly, Lenihan, Perry, Revens, Roney, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 28: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Cicilline, Damiani, DaPonte, Felag, Fogarty, Garabedian, Goodwin, Graziano, Igliazzi, Irons, Issa, Kells, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Ruggerio, Sheehan, Walaska.

Senator Walsh, seconded by Senators Sosnowski, Walton and Perry, offers the following written motion to amend:

FLOOR AMENDMENT
TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY - WOMEN'S RIGHT TO KNOW ACT", as follows:

- (1) On page 4, line 31, by deleting the word "stable" and inserting in the place thereof the word secure
- (2) On page 4, line 33, by deleting the word prevent" and inserting in the place thereof the words "guarantee against".

Respectfully submitted,

DONNA WALSH
Senator, District 25

Senators Roney, Graziano, Walsh, Sheehan and Montalbano discuss the amendment.

The motion to amend fails of passage upon a roll call vote with 17 Senators voting in the affirmative and 28 Senators voting in the negative as follows:

YEAS - 17: Senators Cicilline, Coderre, Enos, Gibbs, Izzo, Kelly, Lenihan, Parella, Perry, Revens, Roberts, Roney, Ruggerio, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 28; Senators Algiere, Alves, Badeau, Blais, Breene, Caprio, Celona, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Igliozi, Irons, Issa, Kells, McBurney, McCaffrey, Montalbano, Paiva Weed, Polisena, Raptakis, Sheehan, Walaska.

Senator Gibbs, seconded by Senators Walsh, Sosnowski, Perry and Walton, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY - WOMEN'S RIGHT TO KNOW ACT", as follows:

On page 7, by deleting all of the language on lines 10 and 11, inclusive, and inserting in the place thereof the following:

"abortion has been performed without complying with this chapter may".

Respectfully submitted,

JUNE N. GIBBS
Senator, District 48

The motion to amend fails of passage upon a roll call vote with 13 Senators voting in the affirmative and 28 Senators voting in the negative as follows:

YEAS - 13: Senators Coderre, Gibbs, Izzo, Kelly, Lenihan, Perry, Revens, Roberts, Roney, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 28: Senators Algiere, Alves, Badeau, Blais, Breene, Caprio, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Garabedian, Graziano, Igliozi, Irons, Issa, Kells, McBurney, McCaffrey, Montalbano, Paiva Weed, Parella, Polisena, Raptakis, Ruggerio, Sheehan, Walaska.

Senator Roney, seconded by Senators Roberts, Sosnowski and Perry, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY - WOMEN'S RIGHT TO KNOW ACT", as follows:

(1) On page 7, by deleting all of the language on lines 28 through 33, inclusive.

(2) On page 8, by deleting all of the language on lines 1 through 9, inclusive, and inserting in place thereof the following:

"23-4.9-10 PROTECTION OF PRIVACY IN COURT PROCEEDINGS. - In every civil or criminal proceeding or action brought under this chapter, the anonymity of any female upon whom an abortion has been performed or attempted shall be preserved. In the absence of written consent of the female upon whom the abortion has been performed or attempted, anyone, other than a public official, who brings an action under subsection (a) of section 23-4.9-9 shall do so under a pseudonym. This section shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant."

Respectfully submitted,

JOHN M. RONEY
Senator, District 2

Senator Montalbano discusses the amendment.

The motion to amend fails of passage upon a roll call vote with 15 Senators voting in the affirmative and 28 Senators voting in the negative as follows:

YEAS - 15: Senators Cicilline, Coderre, Gibbs, Izzo, Kelly, Lenihan, Paiva Weed, Perry, Revens, Roberts, Roney, Sosnowski, Tassoni, Walsh, Walton.

NAYS - 28: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Igliozi, Irons, Issa, Kells, McBurney, McCaffrey, Montalbano, Parella, Polisena, Ruggerio, Sheehan, Walaska.

Senator Perry, seconded by Senators Walton, Walsh and others, offers a written motion to amend.

Senator Blais suggests the amendment is not properly before the body.

His Honor, the Lieutenant Governor, rules that the amendment is not properly before the body.

Senator Perry appeals the ruling of the Chair. The ruling of the Chair is sustained upon a roll call vote with 32 Senators voting in the affirmative and 9 Senators voting in the negative as follows:

YEAS - 32: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Garabedian, Goodwin, Graziano, Igliazzi, Irons, Issa, Kells, Kelly, Lenihan, McCaffrey, Montalbano, Paiva Weed, Parella, Polisena, Revens, Ruggerio, Sheehan, Walaska.

NAYS - 9: Senators Gallo, Gibbs, Izzo, Perry, Roberts, Roney, Tassoni, Walsh, Walton.

Senator Roney, seconded by Senators Walsh and Perry, offers a written motion to amend.

Senator Alves suggests the amendment is not properly before the body.

His Honor, the Lieutenant Governor, rules that the amendment is not properly before the body.

Senator Perry appeals the ruling of the Chair.

The ruling of the Chair is sustained upon a roll call vote with 32 Senators voting in the affirmative and 8 Senators voting in the negative as follows:

YEAS - 32: Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Enos, Felag, Fogarty, Garabedian, Goodwin, Graziano, Igliazzi, Irons, Issa, Kells, McCaffrey, Montalbano, Paiva Weed, Parella, Polisena, Revens, Ruggerio, Sheehan, Sosnowski, Walaska.

NAYS - 8: Senators Gibbs, Izzo, Kelly, Perry, Roney, Tassoni, Walsh, Walton.

Senator Roney, seconded by Senator Sosnowski, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY - WOMEN'S RIGHT TO KNOW ACT", as follows:

1. On page 5, by deleting all of the language on lines 6 through 32, inclusive.
2. On page 6, by deleting all of the language on lines 1 through 33, inclusive.
3. On page 7, line 1, by deleting "23-4.9-6" and inserting "23-4.9-7" in place thereof.
4. On page 7, line 9, by deleting "23-4.9-9" and inserting "23-4.9-8" in place thereof.
5. On page 7, line 28, by deleting "23-4.9-10" and inserting "23-4.9-9" in place thereof.
6. On page 8, line 10, by deleting "23-4.9-11" and inserting "23-4.9-10" in place thereof.

Respectfully submitted,

JOHN M. RONEY
Senator, District 2

The motion to amend fails of passage upon a roll call vote with 12 Senators voting in the affirmative and 28 Senators voting in the negative as follows:

YEAS 12: Senators Gallo, Gibbs, Izzo, Kelly, Lenihan, Perry, Revens, Roney, Sosnowski Tassoni, Walsh, Walton.

NAYS - 28: Senators Algiere, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Felag, Fogarty, Garabedian, Goodwin, Graziano, Iglioizzi, Irons, Issa, Kells, McCaffrey, Montalbano, Paiva Weed, Parella, Polisen, Ruggerio, Sheehan, Walaska.

Senator Perry, seconded by Senators Walton and Roney, offers the following written motion to amend:

FLOOR AMENDMENT

TO

(01-S 200 as amended)

Mr. President:

I hereby move to amend (01-S 200 as amended) entitled "AN ACT RELATING TO HEALTH AND SAFETY - WOMEN'S RIGHT TO KNOW ACT", as follows:

1. On page 3, between lines 27 and 28 by inserting the following section:

"23-4.8-3.1 INFORMED CONSENT FOR THE PURCHASE OF TOBACCO SUBSTANCES BY A PREGNANT WOMAN. No pregnant woman shall be able to purchase any substance containing tobacco in this state except with the voluntary and informed consent of the woman seeking to make such a purchase. Consent to the purchase of any substance containing tobacco is voluntary and informed if and only if:

(a) Information which must be provided by the merchant. The woman is told the following information by telephone or in person by the merchant who is selling the tobacco substance, at least twenty-four (24) hours before such purchase:

- (1)** The name of the merchant selling the tobacco substance;
- (2)** The particular medical risks associated with the use of tobacco substances by a pregnant woman including, when medically accurate, the risks of infection, hemorrhage, fetal deformity, lung cancer, danger to subsequent pregnancies, and danger to the lifelong development of the child subject to tobacco in utero;
- (3)** The probable number of eggs that will be killed and/or prevented from being produced during the expected average lifetime of the woman due to use of tobacco substances; and
- (4)** The medical risks associated with not using tobacco substances during pregnancy.

The information required by this section may be provided by telephone, in which case the information required to be provided may be based on facts supplied to the merchant by the woman and whatever other relevant information is reasonably available to the merchant. It may not be provided by a tape recording, but must be provided during a consultation in which the merchant is able to ask questions of the woman and the woman is able to ask questions of the

merchant. If other information becomes available to the merchant subsequently and indicate, in the judgment of the merchant, a revision of the information previously supplied to the woman, that revised information may be communicated to the woman at any time prior to the sale of the tobacco substances. Nothing in this section may be construed to preclude a provision of required information in a language understood by the woman through a translator.

(b) Information which may be provided by the agent of the merchant. The woman shall be informed, by telephone or in person by the merchant who is selling the tobacco substance, at least twenty-four (24) hours before such purchase:

(1) Medical assistance benefits may be available for prenatal care, childbirth and neonatal care;

(2) The father is liable to assist in the support of her child, even in instances when the father has offered to pay for the tobacco substances; and.

(3) That she has the right to review the printed material described in section 23 -4.0-4 that these materials are available on a state sponsored website, and what the website address is. The merchant or the merchant's agent shall orally inform the woman that the materials have been provided by the state of Rhode Island and they describe the effects of tobacco substances on unborn children and list agencies where the woman can obtain alternatives to the use of tobacco substances during a pregnancy. If the woman chooses to view the materials other than on the website, they shall either be given to her at least twenty-four (24) hours before the purchase of the tobacco substances, mailed to her at least seventy-two (72) hours before the purchase of the tobacco substances by certified mail restricted delivery to addressees, which means the postal employee can only deliver the mail to the addressee.

The information required by this subsection may be provided by a tape recording if a provision is made to record or otherwise register specifically whether the woman does or does not choose to have printed material given or mailed to her.

(c) Certification required. The woman certifies in writing, prior to the purchase of the tobacco substances that the information described in subsections (a) and (b) of this section has been furnished to her, and that she has been informed of her opportunities to review the information referred to in subsection (b) of this section.

(d) Copy of certification prior to the purchase of the tobacco substances. The merchant who is selling such tobacco substances or the merchant's agent receives a copy of the written certification prescribed by subsection (c) of this section."

(2) On page 4, by deleting all of the language on lines 17 through 20, inclusive, and inserting in place thereof the following language:

"(3) The material shall also contain objective information describing the physiological stages of the use of tobacco on the body and the medical risks commonly associated with tobacco use during pregnancy, the possible detrimental psychological effects of tobacco use and the medical and financial risks associated with such use."

(3) On page 5, between lines 28 and 29, by inserting the following subsections:

"(5) The number of women to whom the merchant provided the information described in section 23-4.9-3.1, of that number, the number provided by telephone and the number provided in person; and of each of those numbers, the number provided in the capacity of an agent of the merchant and the number provided in the capacity of a merchant who is selling tobacco substances;

(6) The number of women to whom the merchant or an agent of the merchant provided the information described in subsection (b) of section 23-4.9-3.1, of that number, the number provided by telephone and the number provided in person, of each of those numbers, the number provided in the capacity of an agent of the merchant and the number provided in the capacity of a merchant who is selling tobacco substances; and each of those numbers, the number provided by the merchant and the number provided by an agent of the merchant; and

(7) The number of women who availed themselves of the opportunity to obtain a copy of the printed information described in section 23-4.0-4 other than on the website, and the number who did not; and of each of those numbers, the number who, to the best of the reporting merchant's information and belief, went on to purchase tobacco substances."

(4) On page 7, line 16, by inserting the following language after the period

"Any person to whom the sale of tobacco substances has been made without complying with this chapter, the father or grandparents of the unborn child may maintain an action against the person who sold the tobacco substances in knowing or reckless violation of this chapter for actual and punitive damages. Any person who has attempted to purchase tobacco substances without complying with this chapter may maintain an action against the person who attempted the sale in knowing or reckless violation of this,, chapter for actual or punitive damages.

(5) On page 7, line 30, after the word "attempted" by inserting the words "or of any pregnant female purchasing or attempting to purchase tobacco substances".

(6) On page 8, line 6, after the word "attempted" by inserting the words "or of any pregnant female purchasing or attempting to purchase tobacco substances".

Respectfully submitted,

RHODA E. PERRY
Senator, District 3

Senator Roney discusses the amendment.

The motion to amend fails of passage upon a roll call vote with 11 Senators voting in the affirmative and 29 Senators voting in the negative as follows:

YEAS - 11: Senators Gibbs, Izzo, Kells, Kelly Perry, Revens, Roberts, Roney, Tassoni, Walsh, Walton.

NAYS - 29; Senators Algieri, Alves, Badeau, Blais, Breene, Caprio, Celona, Cicilline, Coderre, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Iglioizzi, Irons, Issa, McCaffrey, Montalbano, Paiva Weed, Parella, Polisena, Ruggerio, Sheehan, Walaska.

Senators Perry, Polisena and Garabedian discuss the act.

The act is read and passed, as amended, upon a roll call vote with 28 Senators voting in the affirmative and 14 Senators voting in the negative as follows:

YEAS - 28: Senators Algieri, Alves, Badeau, Blais, Caprio, Celona, Cicilline, Cote, Damiani, DaPonte, Felag, Fogarty, Gallo, Garabedian, Goodwin, Graziano, Iglioizzi, Irons, Issa, Kells, McCaffrey, Montalbano, Paiva Weed, Parella, Polisena, Ruggerio, Sheehan, Walaska.

NAYS - 14: Senators Coderre, Enos, Gibbs, Izzo, Kelly, Lenihan, Perry, Revens, Roberts, Roney, Sosnowski, Tassoni, Walsh, Walton.

ANNOUNCEMENT

Senator Damiani announces that the Committee on Corporations will meet Friday, May 4,2001, at 2:00 o'clock P.M. in Room 212 of the State House.

TRANSMITTAL

By unanimous consent, all matters on the Clerk's desk are ordered to be transmitted to His Excellency, the Governor or to the Honorable House of Representatives forthwith.

ADJOURNMENT

Upon motion of Senate Majority Leader Irons, seconded by Senator Blais, the Senate adjourns at 6:05 o'clock P.M.

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Appendix

INVOCATION

SENATOR CHARLES D. WALTON

Dear God, we give You thanks for the privilege we have in our service as Senators, for the challenge we face as we perform the people's business, and the satisfaction we receive from serving our constituents. Amen.

Appendix

CALENDAR

In order for Tuesday, May 8, 2001:

1. (01-S 341 as amended) An Act relating to taxation.

Committee on Finance recommends passage as amended.

2. (99-S455) An Act relating to employment security - Indian tribes.

Committee on Finance recommends passage.

3. (99-S489) (Substitute "A") An Act relating to businesses and professions - contractors' registration.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

4. (99-S804) An Act relating to towns and cities - award of municipal contracts in North Smithfield.

Committee on Corporations recommends passage.

5. (01-S 889) An Act, relating to taxation -property subject to taxation.

Committee on Corporations recommends passage.

6. (99-S906) An Act relating to taxation - levy and assessment of local taxes.

Committee on Corporations recommends passage.

7. (99-S907) An Act relating to underground storage tanks.

Committee on Corporations recommends passage.

8. (01-H5093 as amended) An Act relating to Pascoag Utility District.

Committee on Corporations recommends passage as amended in concurrence.

9. (01-H5342) An Act validating and ratifying amendments to the home rule charter of the town of Smithfield.

Committee on Corporations recommends passage in concurrence.

10. (01-H5343) An Act establishing the Smithfield Land Trust.

Committee on Corporations recommends passage in concurrence.

11. (01-H6066) An Act relating to the Exeter-West Greenwich School District.

Committee on Corporations recommends passage in concurrence.

12. (01-H6067) An Act relating to towns and cities - local planning board or commission.

Committee on Corporations recommends passage in concurrence.

13. (01-H6180) An Act relating to land trust for the town of Richmond.

Committee on Corporations recommends passage in concurrence.

Appendix

CALENDAR

In order for Wednesday, May 9, 2001:

1. (01-S 673) An Act relating to taxation.

Committee on Finance recommends passage.

2. (99-S881) An Act relating to public utilities and carriers- Public Utilities Commission.

Committee on Corporations recommends passage.

3. (99-S885) An Act relating to energy conservation.

Committee on Corporations recommends passage.

4. (99-S859) An Act relating to state affairs and government- state emblems.

Committee on Special Legislation recommends passage.

Appendix

CALENDAR In order for Thursday, May 10, 2001:

1. (99-S399) (Substitute "A") An Act relating to financial institutions - creation and expansion.

Committee on Corporations recommends indefinite postponement of the original bill and passage of Substitute "A".

RAYMOND T. HOYAS, JR.
Secretary of the Senate

Thursday, May 3, 2001

As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

