



# Rhode Island Department of Revenue Division of Taxation

## Summary of Legislative Changes

August 5, 2019

Legislation containing the State of Rhode Island’s budget for the year ending June 30, 2020 – the fiscal 2020 “budget bill” – included numerous changes involving taxes and fees administered by the Rhode Island Division of Taxation.

This publication summarizes those changes and lists them according to the month in which they took, or will take, effect. (For convenience, some of the changes have been consolidated in this publication.) Given the many tax and fee changes in the legislation, the Division has included below an index of the topics covered in this publication, along with their page numbers.<sup>1</sup>

### TABLE OF CONTENTS

Beverage container tax.....	2
Tax on hard-to-dispose material.....	3
Casino withholding .....	3
NAICS codes: sales and use tax .....	3
Investigation, guard, armored car services .....	4
Hotel tax distribution .....	4
Sales and use tax -- <i>Wayfair</i> .....	5
Partnership audits .....	6
Entity-level tax for pass-through entities.....	7
Hospital licensing fee.....	8
Employee leasing companies .....	8
Historic preservation tax credits .....	8
Timely deposits for withheld tax .....	9

<sup>1</sup> This publication is an informal summary of Rhode Island legislation – House Bill 5151, Substitute A, as amended – which was approved by the Rhode Island General Assembly and signed into law by Rhode Island Governor Gina M. Raimondo on July 5, 2019. This publication is for information purposes only; it is not a substitute for Rhode Island General Laws, or for Rhode Island Division of Taxation regulations, rulings, or notices.

Airport parking fee.....	9
Motor carrier license fee -- IFTA.....	9
Motor carrier decal fee -- IFTA.....	10
Motor carrier temporary license fee -- IFTA.....	10
Gas station fee.....	10
Cannabis.....	10
Opportunity zone credits.....	11
'Qualified jobs' credit.....	12
Small-business development fund.....	12
Rebuild Rhode Island tax credit.....	13
Film tax credits.....	15
Extensions for tax credits and other incentives.....	15
Publication of list of licensees.....	16
Background checks.....	17
E-911 surcharges.....	18
'Digital downloads'.....	20
Urns.....	21
Feminine hygiene products.....	21
Electronic deposit of withholding.....	21
Health-care coverage required.....	22

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July 2019

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### Beverage container tax

The tax that is levied on beverage containers, formerly four cents per case, has increased to eight cents per case, effective July 1, 2019. The tax is levied on each case of beverage containers sold by a beverage wholesaler to a beverage retailer or consumer in Rhode Island.

➤ *By law, the tax cannot be levied, imposed, or collected on reusable and refillable beverage containers. (Reusable and refillable beverage containers will continue to be listed on the beverage container tax return but are not taxed.)*

Effective: July 1, 2019  
Citation: Rhode Island General Laws § 44-44-3

### Tax on hard-to-dispose material

The tax that is levied on hard-to-dispose material, such as lubricating oils, antifreeze, and tires, has increased, effective July 1, 2019, as shown in the following table:

Material	Current tax	New tax
Lubricating oils, per quart	\$0.05	\$0.10
Lubricating oils, per liter	\$0.053	\$0.106
Antifreeze, per gallon	\$0.10	\$0.20
Antifreeze, per liter	\$0.0264	\$0.0528
Organic solvents, per gallon	\$0.0025	\$0.005
Organic solvents, per liter	\$0.00066	\$0.00132
Tire	\$0.50	\$1.00

The tax must be separately stated and collected upon the sale by the hard-to-dispose material wholesalers to a hard-to-dispose material retailer. Every hard-to-dispose material retailer selling, using, or otherwise consuming in this state any hard-to-dispose material is liable for the tax.

Effective: July 1, 2019

Citation: Rhode Island General Laws § 44-44-3.7

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### Casino withholding

Former law required the director of the Division of State Lottery to deduct and withhold Rhode Island personal income tax from the prize money of any person winning a prize from the Rhode Island lottery.

Under the new law, effective July 1, 2019, the director is also required to deduct and withhold Rhode Island personal income tax from winnings from video lottery terminal games and casino gambling (also known as gaming) consistent with federal rules and regulations and procedures related to Form W-2G. (The Division of State Lottery uses the tax rate of 5.99% for Rhode Island withholdings.)

Effective: July 1, 2019

Citation: Rhode Island General Laws § 44-30-71.2

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### NAICS codes: sales and use tax

Rhode Island General Laws § 44-18-7.3 (“Services defined”) lists each service that’s subject to the Rhode Island sales and use tax, along with each such service’s applicable code -- known as the North American Industry Classification System (NAICS).<sup>2</sup>

Formerly, NAICS codes as of 2007 were used. However, as a result of the new law, NAICS codes as of 2017 are now used.

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<sup>2</sup> For more information, see the [NAICS website](#).

➤ *The new law does not change the services that are subject to tax, but makes it clear that, for purposes of which types of services are taxed, the 2017 NAICS codes are to be used.*

Effective: July 1, 2019

Citation: Rhode Island General Laws § 44-18-7.3

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### Investigation, guard, armored car services

Rhode Island sales and use tax continues to apply to investigation, guard, and armored car services.

However, the new law makes it clear that, effective July 1, 2019, the following 2017 NAICS codes apply: 561611 (“Investigation Services”), 561612 (“Security Guards and Patrol Services”), and 561613 (“Armored Car Services”). Prior law used the 2007 NAICS code of 56161.

NAICS Code 561611	NAICS Code 561612	NAICS Code 561613
Background check services	Body guard services	Armored car services
Bounty hunting services	Guard dog services	
Detective agencies	Guard services	
Fingerprint services	Parking security services	
Investigation services (except credit), private	Patrol services, security	
Investigators, private	Personal protection services (except security systems services)	
Lie detection services	Property protection services (except armored car, security systems)	
Missing person tracing services	Protection services (except armored car, security systems), personal or property	
Polygraph services	Protective guard services	
Private detective services	Security guard services	
Private investigation services (except credit)	Security patrol services	
Skip tracing services		
Source: U.S. Census Bureau		

Effective: July 1, 2019

Citation: Rhode Island General Laws § 44-18-7.3

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### Hotel tax distribution

The new law changes the distribution formula involving revenue from the 5% State hotel tax on residential units offered for tourist or transient use through a hosting platform. (A “hosting platform” typically means a website through which a person rents out a room in a house, apartment, or condo.)

Overall, and in general, the new formula increases the distribution to local tourism organizations and the Providence Warwick Convention & Visitors Bureau (PWCVB) while reducing the distribution of hotel tax revenue to the Rhode Island Commerce Corporation, as shown in the following table.

<b>Distribution of revenue from 5% State hotel tax</b> (from residential units offered for tourist or transient use through a hosting platform)		
<i>District:</i>	<i>Distribution under old law:</i>	<i>Distribution under new law:</i>
Aquidneck Island district	<ul style="list-style-type: none"> <li>▪ 25% to city/town where unit is located</li> <li>▪ 75% to Commerce Corporation</li> </ul>	<ul style="list-style-type: none"> <li>▪ 45% to district</li> <li>▪ 25% to city/town where unit is located</li> <li>▪ 5% to PWCVB*</li> <li>▪ 25% Commerce Corporation</li> </ul>
Providence district	<ul style="list-style-type: none"> <li>▪ 25% to city/town where unit is located</li> <li>▪ 75% to Commerce Corporation</li> </ul>	<ul style="list-style-type: none"> <li>▪ 30% to district</li> <li>▪ 25% to city/town where unit is located</li> <li>▪ 24% to PWCVB</li> <li>▪ 21% to Commerce Corporation</li> </ul>
Warwick district	<ul style="list-style-type: none"> <li>▪ 25% to city/town where unit is located</li> <li>▪ 75% to Commerce Corporation</li> </ul>	<ul style="list-style-type: none"> <li>▪ 30% to district</li> <li>▪ 25% to city/town where unit is located</li> <li>▪ 24% to PWCVB</li> <li>▪ 21% to Commerce Corporation</li> </ul>
Statewide district	<ul style="list-style-type: none"> <li>▪ 25% to city/town where unit is located</li> <li>▪ 75% to Commerce Corporation</li> </ul>	<ul style="list-style-type: none"> <li>▪ 25% to city/town where unit is located</li> <li>▪ 5% to PWCVB</li> <li>▪ 70% to Commerce Corporation</li> </ul>
Other districts	<ul style="list-style-type: none"> <li>▪ 25% to city/town where unit is located</li> <li>▪ 75% to Commerce Corporation</li> </ul>	<ul style="list-style-type: none"> <li>▪ 45% to regional tourism district where unit is located</li> <li>▪ 25% to city/town where unit is located</li> <li>▪ 5% to PWCVB</li> <li>▪ 25% to Commerce Corporation</li> </ul>

\* Providence Warwick Convention & Visitors Bureau.  
 "Old law" applies for returns and tax payments received before July 1, 2019.  
 "New law" applies for returns and tax payments received on and after July 1, 2019.  
 "Where unit is located" means where the unit, which generated the tax, is physically located.  
 Distributions apply for revenue collected by Rhode Island Division of Taxation and City of Newport.  
 Distributions in table do not apply to Rhode Island General Laws § 42-63.1-12 ("Distribution of tax to Rhode Island Convention Center Authority").

Effective: July 1, 2019

Citation: Rhode Island General Laws § 42-63.1-3

### **Sales and use tax -- *Wayfair***

A U.S. Supreme Court decision in June 2018, known as *Wayfair*, essentially said that states could require remote sellers (such as website-only retailers) to collect and remit state sales and use tax even if the seller does not have a physical presence in the state.<sup>3</sup>

In response, a number of states -- including Rhode Island -- enacted laws that require remote sellers to collect and remit the tax. (Rhode Island's law took effect July 1, 2019.)

<sup>3</sup> [South Dakota v. Wayfair, Inc., et al.](#), 585 U.S. \_\_\_ (2018), decided June 21, 2018.

Rhode Island General Laws formerly contained language which essentially said that “upon passage of any federal law that authorizes states to require remote sellers to collect and remit sales and use tax,” Rhode Island’s 7% sales and use tax rate would drop to 6.5%. The U.S. Supreme Court’s *Wayfair* decision was not a federal law; it was a court decision. Thus, the language setting forth a reduction in Rhode Island’s sales and use tax rate was not triggered. To make the point clear, the new law removes the language involving the rate reduction.

➤ *The sales and use tax exemption on clothing and footwear under Rhode Island General Laws § 44-18-30 will remain at \$250. The statute continues to say that, upon passage of any federal law that authorizes states to require remote sellers to collect and remit sales and use taxes, the unlimited sales and use tax exemption for clothing and footwear will apply as it did prior to October 1, 2012. However, no such federal law has been enacted.*

Effective: July 1, 2019  
Citations: Various

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## Partnership audits

Federal legislation enacted in 2015 provided for a new centralized audit regime for partnerships.<sup>4</sup> From the resulting federal audits (or from taxpayer amendments) may come adjustments for state tax purposes. Taxpayers and tax professionals have looked to see what approaches the states would take in response.

Under a recently enacted Rhode Island law, effective July 1, 2019, Rhode Island provides a process for taxpayers to report and pay Rhode Island taxes (or claim refunds) when federal adjustments occur due to the new federal rules regarding partnership audits.

Also, within 180 days of receiving notification of final federal adjustments arising from a partnership-level audit or an administrative adjustment, partners must file the required supplemental Rhode Island return and make Rhode Island tax payments.

### ▪ FURTHER DETAILS

Under the new law, a partnership must report, to the Rhode Island Division of Taxation, final federal adjustments – see Internal Revenue Code (IRC) § 6225(a)(2) – arising from a partnership-level audit or an administrative adjustment request and make payments by filing the applicable supplemental return as required under § 44-11-19(b), in lieu of taxes owed by its direct and indirect partners.

Failure of the audited partnership or tiered partner to report final federal adjustments under IRC § 6225(a) and § 6225(c), or to pay, does not prevent the Division of Taxation from assessing the audited partnership, direct partners, or indirect partners for taxes they owe, using the best information available, in the event that a partnership or tiered partner fails to timely make any report or payment required under Rhode Island General Laws § 44-11-19(b) for any reason.

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<sup>4</sup> See, among other things, [U.S. Public Law 114-74](#) (“Bipartisan Budget Act of 2015”), enacted November 2, 2015.

➤ *The new law applies to partnerships or to entities taxed as partnerships federally and subject to a partnership-level audit resulting in a federal adjustment.*

Effective: July 1, 2019  
Citation: Various

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### **Entity-level tax for pass-through entities**

Under the new Rhode Island law, pass-through entities – including sole proprietorships – may elect to pay an entity-level Rhode Island tax on net income at the rate of 5.99%. If the election is made, the entity will show the resulting *pro-rata* share of the tax paid at the entity level on the Schedule K-1 for each owner, member, partner, shareholder, or principal.<sup>5</sup>

When figuring one's federal adjusted gross income for Rhode Island tax purposes, the pass-through entity's owner, member, partner, shareholder, or principal will add back his or her share of the entity-level tax by which net income was reduced.

Once Rhode Island tax liability is determined, the pass-through entity's owner, member, partner, shareholder, or principal will receive a Rhode Island credit equal to his or her share of the tax payment made by the pass-through entity. The election applies to tax years beginning on or after January 1, 2019.

#### **▪ FURTHER DETAILS**

- The new law defines an “owner” as an individual who is a shareholder of an S Corporation; a partner in a general partnership, a limited partnership, or a limited liability partnership; a member of a limited liability company (including the owner of a single-member LLC); a beneficiary of a trust; or a sole proprietor (reporting, for example, on Schedule C, Schedule C-EZ, or Schedule E of the U.S. Form 1040).
- The new law defines a “pass-through entity” as a corporation that for the applicable tax year is treated as a subchapter S Corporation under IRC § 1362(a); a general partnership; limited partnership; limited liability partnership; trust; LLC (including a single-member LLC); or unincorporated sole proprietorship that for the applicable tax year is not taxed as a corporation for federal tax purposes under Rhode Island regulations.
- If a pass-through entity elects to pay an entity tax as described under the new law, the entity will not have to comply with the provisions of Rhode Island General Laws § 44-11-2.2 regarding withholding on non-resident owners.

➤ *The Division of Taxation intends to issue further guidance about the election for the entity-level tax on pass-through entities, including guidance related to this transition year (given that the new law's provision applies for tax years beginning on or after January 1, 2019).*

Effective: Legislation effective July 1, 2019. Provisions apply to tax years beginning on or after January 1, 2019.  
Citation: Various

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<sup>5</sup> The Division of Taxation may prescribe its own form, which would be similar to Schedule K-1.

### **Hospital licensing fee**

For all hospitals except those located in Washington County, Rhode Island, the hospital licensing fee rate was 6.0% of the net patient services revenue based on the hospital's first fiscal year ending on or after January 1, 2017. (A 37% discount applied for hospitals located in Washington County.) Every hospital had to pay the licensing fee to the Division of Taxation on or before July 10, 2019.

Under the new law, for all hospitals except those located in Washington County, Rhode Island, the hospital licensing fee rate will remain at 6.0% of the net patient services revenue based on the hospital's first fiscal year ending on or after January 1, 2018. (There's a 37% discount for hospitals located in Washington County.) Every hospital must pay the licensing fee to the Division of Taxation on or before July 13, 2020.

The new law also imposes a hospital licensing fee for the State's fiscal year 2021 against each hospital in Rhode Island. The hospital licensing fee will be equal to 5% of the net patient services revenue of every hospital for the hospital's first fiscal year ending on or after January 1, 2018, except that the license fee for all hospitals located in Washington County, Rhode Island, will be discounted by 37%. Every hospital must pay the licensing fee to the Division of Taxation on or before July 13, 2021.

Effective: Legislation effective July 1, 2019. Other dates as described above.

Citation: Rhode Island General Laws § 23-17-38.1

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### **Employee leasing companies**

As under prior law, every employee leasing company must be certified by the Division of Taxation each year that the company has complied with the withholding provisions of Rhode Island General Laws Chapter 44-30 ("Personal income tax").

Employee leasing companies must apply to the Division of Taxation in July of each year for a certificate executed by the Tax Administrator certifying that all taxes withheld from employees, or subject to withholding from employees, have been remitted to the Division of Taxation – including the withholding provisions under Rhode Island General Laws Chapter 44-30 and the contribution, interest, and penalty provisions involving unemployment insurance and temporary disability insurance (TDI). Under the new law, the employee leasing companies must apply to the Division of Taxation each year on forms prescribed by the Tax Administrator.

Effective: July 1, 2019

Citation: Rhode Island General Laws § 44-30-71.4

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### **Historic preservation tax credits**

The new law says that projects that have been approved for historic preservation tax credits under Rhode Island General Laws Chapter 44-33.6 ("Historic Preservation Tax Credits 2013") and that have been funded through the cultural arts and the economy grant program – and whose tax credits expire on December 31, 2019 – will remain in full force and effect until December 31, 2022.

Effective: July 1, 2019, and as otherwise noted above

Citation: Rhode Island General Laws Chapter 44-33.6 and Rhode Island Public Law 2014, chapter 145

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### **Timely deposits for withheld tax**

The legislation as enacted amends Rhode Island General Laws § 44-30-84 to say that if an entity fails to remit withheld tax at the times prescribed by the Division of Taxation, there may be interest assessed at the annual rate provided by Rhode Island General Laws § 44-1-7 (“Interest on delinquent payments”), currently 18%, for the period the failure continues until the 31st day of the first month following the close of the taxable year.

The new law says that interest with respect to any failed remittances will be computed as prescribed by the Tax Administrator.

Effective: July 1, 2019

Citation: Rhode Island General Laws § 44-30-84

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### **Airport parking fee**

Under the new law, the annual permit fee for the Warwick airport parking district has been eliminated, effective July 5, 2019. The fee had been charged to each parking lot operator (technically, to anyone providing transient parking within the district) for the initial application and for the annual renewal.

The fee totaled \$10 for each parking space, up to a total of \$250. It was levied under Rhode Island General Laws § 1-6-1 and § 1-6-3.

➤ *Although the fee has been eliminated, the requirement to obtain, hold, and renew a permit continues to apply.*

Effective: July 5, 2019

Citation: Rhode Island General Laws § 1-6-1 and § 1-6-3

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### **Motor carrier license fee -- IFTA**

The motor carrier fuel use license fee – also known as the IFTA license fee – under Rhode Island General Laws § 31-36.1-3(a), has been eliminated, effective July 5, 2019.<sup>6</sup> The \$10 fee formerly applied to each carrier operating a qualified motor vehicle in two or more jurisdictions.

➤ *Although the fee has been eliminated, the requirement to obtain, hold, and renew a license continues to apply.*

Effective: July 5, 2019

Citation: Rhode Island General Laws § 31-36.1-3(a)

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<sup>6</sup> “IFTA” stands for International Fuel Tax Agreement. The agreement, between most states in the U.S. (including Rhode Island) and the Canadian provinces, is intended to simplify the reporting of fuel use by motor carriers that operate in more than one jurisdiction. For more information, see [the website](#) of the Internal Fuel Tax Association, Inc.

### **Motor carrier decal fee -- IFTA**

The fee that normally applies for a decal (or “identification device”) for each licensed motor carrier – also known as the IFTA decal or IFTA sticker – has been eliminated, effective July 5, 2019. The \$10-per-vehicle fee, under Rhode Island General Laws § 31-36.1-3(a), was for a decal or device that must be displayed on the exterior portion of each side of the vehicle’s cab.

➤ *Although the decal/identification device fee has been eliminated, the requirement to obtain one or more decals/identification devices continues to apply.*

Effective: July 5, 2019

Citation: Rhode Island General Laws § 31-36.1-3(a)

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### **Motor carrier temporary license fee -- IFTA**

The fee that normally applies to an unlicensed motor carrier for a temporary license – also known as the IFTA temporary license fee – has been eliminated, effective July 5, 2019. The \$10 fee, under Rhode Island General Laws § 31-36.1-3(c), provided a license which authorized one qualified motor vehicle to be operated on Rhode Island highways.

➤ *Although the has been eliminated, the requirement to obtain and hold a license continues to apply.*

Effective: July 5, 2019

Citation: Rhode Island General Laws § 31-36.1-3(c)

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### **Gas station fee**

The \$5 fee to operate a retail gasoline station has been eliminated, effective July 5, 2019. The fee had been required under Rhode Island General Laws § 31-37-10.

➤ *Although the license fee has been eliminated, the requirement to obtain, hold, and renew a license continues to apply.*

Effective: July 5, 2019

Citation: Rhode Island General Laws § 31-37-10

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### **Cannabis**

Under the new law, all cannabis products that are held for sale or distribution within Rhode Island’s borders in violation of the requirements of the law (Rhode Island General Laws Chapter 21-28.6, “The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act”), are declared to be contraband goods and may be seized by the Department of Business Regulation, the Tax Administrator or his or her agents, or employees, or by any sheriff, or his or her deputy, or any police officer when requested by the Tax Administrator or the Department of Business Regulation to do so, without a warrant.

➤ *All contraband goods seized by the State as outlined above must be destroyed.*

Effective: July 5, 2019

Citations: Rhode Island General Laws Chapter 21-28.6

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## Opportunity zone credits

For purposes of a corporation's Rhode Island tax liability, the new law sets the holding period at "at least seven years" with respect to a deduction involving the federal opportunity zone program.

Technically, the Rhode Island legislation as enacted amends Rhode Island General Laws § 44-11-11 (involving the corporate income tax) to say that any deduction to income allowable to a taxpayer under IRC § 1400Z-2(c) ("Special rules for capital gains invested in opportunity zones -- Special rule for investments held for at least 10 years") may be claimed in the case of any investment held by the taxpayer for at least seven years.

The Rhode Island legislation as enacted also amends Rhode Island General Laws § 44-30-12 (involving the personal income tax) by creating a new modification for Rhode Island personal income tax purposes involving an investment in a Rhode Island opportunity zone.

The modification reduces one's federal adjusted gross income for Rhode Island personal income tax purposes. The new law says that, for purposes of a taxpayer's Rhode Island personal income tax liability, in the case of any investment in a Rhode Island opportunity zone by the taxpayer for at least seven years, a modification to income will be allowed for the incremental difference between the benefit allowed under IRC § 1400Z-2(b)(2)(B)(iv) and the federal benefit allowed under IRC § 1400Z-2(c).

### About opportunity zones

An "opportunity zone" is an economically-distressed community where new investments, under certain conditions, may be eligible for preferential tax treatment. Localities qualify as opportunity zones if they have been nominated for that designation by the state and that nomination has been certified by the U.S. Treasury or Internal Revenue Service.

Opportunity zones are designed to spur economic development and job creation in distressed communities by providing federal tax benefits to investors.

Investors can defer federal tax on any prior gains invested in a "Qualified Opportunity Fund" (QOF) until the earlier of the date on which the investment in a QOF is sold or exchanged, or December 31, 2026. If the QOF investment is held for longer than five years, there is a 10% federal exclusion of the deferred gain. If held for more than seven years, the 10% exclusion becomes 15%.

If the investor holds the investment in the QOF for at least 10 years, the investor is eligible for an increase in basis of the QOF investment equal to its fair market value on the date that the QOF investment is sold or exchanged. Further information about opportunity zones is available by clicking [here](#), as well as [here](#) and [here](#).

The new Rhode Island law directs the Division of Taxation to promulgate, at its discretion, regulations related to the accelerated application of deductions under IRC § 1400Z-2(c).

▪ **FURTHER DETAILS**

IRC § 1400Z-2(c) was enacted as part of the Tax Cuts and Jobs Act of December 2017, U.S. Public Law 115-97. IRC § 1400Z-2(c) says, “In the case of any investment held by the taxpayer for at least 10 years and with respect to which the taxpayer makes an election under this clause, the basis of such property shall be equal to the fair market value of such investment on the date that the investment is sold or exchanged.”

Under the Rhode Island legislation as enacted, for purposes of a taxpayer’s Rhode Island state tax liability, in the case of any investment in a Rhode Island opportunity zone by the taxpayer for at least seven years, a modification to income will be allowed for the incremental difference between the benefit allowed under IRC § 1400Z-2(b)(2)(B)(iv) – which involves the determination of basis – and the federal benefit allowed under IRC § 1400Z-2(c).

Effective: July 5, 2019

Citations: Various

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**‘Qualified jobs’ credit**

The new law includes modifications involving the cap on tax credits under the “Rhode Island New Qualified Jobs Incentive” program (Rhode Island General Laws Chapter 44-48.3).

For any application made to the Rhode Island Commerce Corporation from 2015 through 2018, the tax credit for an eligible business for each new full-time job was capped at \$7,500 a year.

For each application approved by the Commerce Corporation *prior to* July 1, 2019, the amount of tax credits available to be obtained by the business annually cannot exceed “the reasonable W-2 withholding received by the State” for each new full-time job created by a business for applications received by the Commerce Corporation.

For each application approved by the Commerce Corporation *after* July 1, 2019, the amount of tax credits available to be obtained by the business annually cannot exceed 75% of “the reasonable W-2 withholding received by the State” for each new full-time job created by a business for applications received by the Commerce Corporation.

Effective: July 5, 2019

Citation: Rhode Island General Laws § 44-48.3-6

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**Small-business development fund**

The new law establishes the “Rhode Island Small Business Development Fund” under the newly created Rhode Island General Laws Chapter 42-64.33.

Among its many provisions, the new law creates a tax credit aimed at attracting investments of capital in a small-business development fund. Upon making such a capital investment, the small-business fund investor earns a vested right to a credit against the entity's Rhode Island tax liability under Rhode Island General Laws § 44-17-1 *et seq.* (insurance gross premiums tax).

The amount of the credit claimed by any entity cannot exceed the amount of the entity's Rhode Island tax liability for the tax year for which the credit is claimed.

Among the numerous provisions of the new law are the following:

- Any amount of credit that an entity is prohibited from claiming in a given taxable year may be carried forward for seven years.
- Credits earned by or allocated to a partnership, limited liability company (LLC), or subchapter S corporation may be allocated to the partners, members, or shareholders of the entity for their direct use for Rhode Island tax purposes.
- No credit claimed can be refundable or saleable on the open market.
- The Corporation must certify \$65 million in capital investments under the new program, although not more than \$20 million may be allocated to any individual small-business development fund certified by the Corporation.

The Corporation, working in coordination with the Division of Taxation, may recapture the credit from any entity that claims a credit on a tax return. Recapture may occur under any of a number of circumstances. (For example, recapture may occur if the small-business development fund does not invest 100% of its capital investment authority in qualified investments in Rhode Island within three years of the first credit allowance date.)

*➤The incentives offered under the new program cannot be granted in combination with any other job-specific benefit provided by the State, the Commerce Corporation, or any other State agency, board, commission, quasi-public corporation, or similar entity, without the authorization of the Commerce Corporation.*

Effective: July 5, 2019

Citation: Rhode Island General Laws Chapter 42-64.33

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### **Rebuild Rhode Island tax credit**

#### **▪ DEFINITION**

The new law includes a definition of the term “manufacturer” for purposes of the credit. In this context, “manufacturer” means any entity that uses any premises in Rhode Island primarily for the purpose of transforming raw materials into a finished product through any or all of the following operations: adapting, altering, finishing, making, processing, refining, metalworking, and ornamenting. But the definition must not include fabricating processes incidental to warehousing or distribution of raw materials, such as alteration of stock for the convenience of a customer. The definition also includes “manufacturing” as described in NAICS codes 31-33.

#### ▪ APPLICATION PROCESSES; HISTORIC TAX CREDITS

The Rhode Island Commerce Corporation must develop separate, streamlined application processes for the issuance of the credits for each of the following:

- qualified development projects that involve certified historic structures;
- qualified development projects that involve recognized historic structures;
- qualified development projects that involve at least one manufacturer, and
- qualified development projects that include affordable housing or workforce housing.

Applications made for a historic structure or recognized historic structure tax credit under Rhode Island General Laws Chapter 44-33.6 (“Historic Preservation Tax Credits 2013”) are now considered tax credits under the Rebuild Rhode Island tax credit program.

The Division of Taxation, at the expense of the Commerce Corporation, must provide communications from the Commerce Corporation to those who have applied for and are in the queue awaiting the offer of tax credits under the Historic Preservation Tax Credits of 2013 program regarding their potential eligibility for the Rebuild Rhode Island tax credit program.

Applicants who have received such notice and who may be eligible for a tax credit under the historic tax credit program, whose application involves a certified historic structure or recognized historical structure, or whose project is occupied by at least one manufacturer, will be exempt from certain requirements set forth in statute. The Commerce Corporation cannot award more than 15% of the annual amount authorized in any fiscal year to applicants seeking tax credits under this provision.

#### ▪ MAXIMUM CREDIT

In general, the per-project credit allowed – including any sales and use tax exemptions allowed – cannot exceed \$15 million for any qualified development project. (See law for further details.)

The per-project credit allowed – including any sales and use tax exemptions allowed – cannot exceed \$25 million for the project for which the I-195 development district was authorized to enter into a purchase-and-sale agreement for certain parcels on a certain date, provided that the project is approved for credits by the Commerce Corporation.

#### ▪ MAXIMUM AGGREGATE CREDITS

The cap on the aggregate amount of credits has increased. In general, under the new law, the aggregate sum authorized, including any sales and use tax exemptions allowed, cannot exceed \$210 million. (Formerly, the cap was \$150 million.) The new overall cap does not include the I-195 tax credits mentioned above.

#### ▪ TAX CREDIT FUND

Regarding the restricted account already in place at the Commerce Corporation, known as the Rebuild Rhode Island Tax Credit Fund, the new law says that the fund must continue to be used to pay for the redemption of tax credits or reimbursement to the State for tax credits applied against the taxpayer’s liability. However, under the new law, the fund also must be used to redeem or reimburse the State for any sales and use tax exemptions allowed.

## ▪ SUNSET

Prior law said that no credits are authorized to be reserved after June 30, 2020. The new law extends the sunset by six months, to December 31, 2020.

Effective: July 5, 2019 (and as otherwise noted above)

Citation: Various

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## Film tax credits

The new law raises the aggregate amount of credits that can be issued each year and also extends the sunset. Under former law, no more than \$15 million could be issued for any tax year for motion picture production tax credits (also known as film tax credits) and/or musical and theatrical production tax credits.

Under the new law, the annual cap is increased by \$5 million, to \$20 million a year – for years after December 31, 2019. (As under prior law, the credits must be equally available to motion picture productions and musical and theatrical productions; no specific amount will be set aside for either type of production.)

## ▪ SUNSET

The new law extends the sunset for film tax credits by three years.

Under former law, no credits were to be issued on or after July 1, 2024, unless the production received initial certification under § 44-31.2-6(a) prior to July 1, 2024.

Under the new law, no credits will be issued on or after July 1, 2027, unless the production has received initial certification under § 44-31.2-6(a) prior to July 1, 2027.

Effective: July 5, 2019, and as otherwise noted above

Citation: Rhode Island General Laws Chapter 44-31.2 (see also Chapter 44-31.3)

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## Extensions for tax credits and other incentives

The sunset for a number of programs involving tax credits and other incentives has been extended by six months.

Under former law, the sunset was June 30, 2020. Under the new law, it is December 31, 2020. The programs whose sunsets have been extended out to December 31, 2020, include the following:

- The “Rhode Island Tax Increment Financing” program, under Rhode Island General Laws Chapter 42-64.21.
- The “Stay Invested in RI Wavemaker Fellowship” program, under Rhode Island General Laws Chapter 42-64.26.

- The “Rhode Island New Qualified Jobs Incentive” program under Rhode Island General Laws Chapter 44-48.3.

Effective: July 5, 2019, and as otherwise noted above  
Citation: Various

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### **Publication of list of licensees**

The new law authorizes the Division of Taxation to periodically publish for public distribution a list of entities and their active licenses under Rhode Island General Laws Title 44 (“Taxation”), including, for example, those who hold sales-and-use tax permits.

The new law – under Rhode Island General Laws § 44-1-40 – also authorizes the Division to publish for public distribution a list of entities and their alcoholic beverage licenses for the *current year* – licenses administered by a city or town under Rhode Island General Laws Chapter 3-5 (such as liquor stores, taverns, bars, and the like).

Furthermore, the new law authorizes the Division to publish for public distribution a list of entities and their alcoholic beverage licenses for the *upcoming year* – licenses that are administered by a city or town under Rhode Island General Laws Chapter 3-5.

Each such list may contain the license type, name, and address of each registered entity with a license. If the Division publishes such lists, the lists must be available to the public for inspection and may be posted on the Division’s website.

➤ ***The Division must not list any taxpayers that do not have an active license, the new law says.***

Effective: July 5, 2019  
Citation: Rhode Island General Laws § 44-1-40

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September 2019

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## Background checks

The new law authorizes the Rhode Island Personnel Administrator to arrange for national background checks for State job applicants and for existing State employees (including Division of Taxation employees) who will be or are in executive branch positions with access to federal tax information.<sup>7</sup> In general, the process will include a State and national fingerprint-based criminal background check. (The State will pay the applicable fee for current State employees; job applicants must pay the applicable fee themselves.)

- In general, the term “federal tax information” refers to federal tax returns, and information created or derived from federal tax returns, which is covered by the confidentiality protections of the Internal Revenue Code and subject to IRC § 6103(p)(4) safeguarding requirements, including oversight by the Internal Revenue Service. The term, also known as FTI, refers to information received directly from the IRS or obtained through an authorized secondary source, such as the Social Security Administration or the Centers for Medicare & Medicaid Services (CMS).
- If a job applicant fails by a certain deadline to resolve an issue related to the background check, the person will no longer be considered for employment in the job that involves access to FTI.
- If an existing State agency employee fails by a certain deadline to resolve an issue related to the background check, the employee may be terminated or discharged from employment – or placed on administrative leave or reassigned to a position that does not require access to FTI. (Any such employment action will be subject to the same appeal or grievance procedures as normally authorized.)
- Information obtained from the background checks must be treated as non-public and exempt from disclosure.
- The new law also applies to vendors with access to FTI – including Division of Taxation vendors. (See the new law for details.)
- Although the new law applies to executive branch employees (and job applicants), the new law authorizes the judicial branch to comply with the provisions of the new law related to employees with access to FTI.

Effective: September 1, 2019

Citation: Rhode Island General Laws § 36-3-5, § 36-3-16, and 37-2-81.

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<sup>7</sup> The process is required by the Internal Revenue Service. See [IRS Publication 1075](#) (“Tax Information Security Guidelines for Federal, State and Local Agencies”).

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October 2019

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## **E-911 surcharges**

### ■ WIRELINE SERVICE (BUSINESS AND RESIDENCE)

The monthly E-911 surcharge under Rhode Island General Laws § 39-21.1-14 on residence and business lines will be split into two separate charges – one as the emergency services surcharge, the other as the first response surcharge – effective October 1, 2019. This will be accomplished as follows:

- The monthly E-911 emergency services surcharge of \$1.00 under Rhode Island General Laws § 39-21.1-14(a)(i) – which applies on each residence and business telephone line and certain other lines or devices that can access to, connect with, or interface with the Rhode Island E-911 uniform emergency telephone system – will be reduced to 50 cents.
- In each instance in which a monthly E-911 emergency services surcharge is levied as described above, under Rhode Island General Laws § 39-21.1-14(a)(i), there will also be a monthly first response surcharge of 50 cents.
- Thus, the total of the two surcharges will be \$1.00. Both surcharges will be billed by each telecommunication services provider and will be payable to the telecommunication services provider by the subscriber of the services. (Note: There is no change to the education fund charge of 26 cents. Thus, the overall charge – including the education fund charge – was \$1.26 under the old law and remains at \$1.26 under the new law.)

### ■ WIRELESS AND OTHER DEVICES

The monthly E-911 surcharge under Rhode Island General Laws § 39-21.1-14 on wireless, cellular, and other such devices will be split into two separate charges – one as the emergency services surcharge, the other as the first response surcharge – effective October 1, 2019. This will be accomplished as follows:

- The monthly E-911 emergency services surcharge of \$1.00 under Rhode Island General Laws § 39-21.1-14(a)(ii) – which applies on each wireless instrument, device or means that has access to, connects with, or activates or interfaces with the E-911 uniform emergency telephone system – will be reduced to 50 cents.
- In each instance in which a monthly E-911 emergency services surcharge is levied as described above, under Rhode Island General Laws § 39-21.1-14(a)(ii), there will also be a monthly first response surcharge of 75 cents.
- Thus, the total of the two surcharges on each wireless or other such instrument, device or means, as described above, will be \$1.25. Both surcharges will be billed by each telecommunication services provider and will be payable to the telecommunication services provider by the subscriber of the services.

- The new law has repealed the 26-cent “geographic information system” charge under Rhode Island General Laws § 39-1-62.
- The total of \$1.25 in wireless charges under the new law compares with \$1.26 under the old law. Note that the \$1.26 in charges under the old law included the 26-cent geographic information system charge, which has been repealed.

The changes can be seen in the following table.

Category / Charge	Old law	New law
<b>Wireline</b>		
E-911 surcharge:	\$1.00	\$0.50
First response surcharge:	-	\$0.50
Education fund:	\$0.26	\$0.26
Total:	\$1.26	\$1.26
<b>Wireless</b>		
E-911 surcharge:	\$1.00	\$0.50
First response surcharge:	-	\$0.75
GIS surcharge:	\$0.26	-
Total:	\$1.26	\$1.25
<small>           “First response surcharge” did not apply under old law, but applies under new law.            “GIS surcharge” applied under old law but not under new law. (“GIS surcharge” refers to Rhode Island General Laws § 39-1-62, “Geographic information system (GIS) and technology fund”, which has been repealed.)            “Education fund” refers to Rhode Island General Laws § 39-1-61, “Rhode Island telecommunications education access fund”, which remains in effect.         </small>		

The amount of the surcharges under Rhode Island General Laws § 39-21.1-14 cannot be subject to Rhode Island sales and use taxes, and cannot be included with the telephone common carrier’s gross earnings for the purpose of computing the public service corporation tax under Rhode Island General Laws Chapter 44-13.

The money collected by each telecommunication services provider as described above must be transferred to the Rhode Island Division of Taxation, together with accrued interest. The Division must deposit the E-911 surcharge into a restricted receipt account solely for the operation of the E-911 uniform emergency telephone system.

The Division must deposit 90% of the revenue from the first response surcharge into the State’s general fund; the remaining 10% must be deposited into the information technology investment fund under Rhode Island General Laws § 42-11-2.5.

➤ *Surcharges must be stated separately in the billing by the telephone common carrier or telecommunication services provider.*

■ **Prepaid**

The prepaid wireless charge under Rhode Island General Laws § 39-21.2-4 remains at 2.5% per retail transaction, but the name of the charge has changed. Under the old law, it was called the

“Emergency services and first response surcharge”. Under the new law, it is called the “E-911 surcharge” and “E-911 charge”. (The special calculation for bundled transactions has not changed.)

All prepaid wireless E-911 charges under Rhode Island General Laws § 39-21.2-5 (“Administration of E911 charge”) must be deposited in a restricted receipt account and used solely for the operation of the E-911 uniform emergency telephone system.

Effective: October 1, 2019  
Citation: As listed above

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### **‘Digital downloads’**

The new law makes the sale, storage, use, or other consumption of “specified digital products” subject to Rhode Island’s 7% sales and use tax.

The term “specified digital products” (sometimes called “digital downloads”) generally means digital movies, TV shows, books, music, and related items -- including subscriptions to streaming audio and visual products (such as films, shows, and music), streamed or downloaded to computers, phones, and other devices.

Technically, the term “specified digital products” refers to electronically transferred:

- “Digital audio-visual works” – which means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any;
- “Digital audio works” – which means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones; and
- “Digital books” – which means works that are generally recognized in the ordinary and usual sense as “books”.

For purposes of the definition of “digital audio works”, “ringtones” means digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

***➤The new law also makes it clear that specified digital products sold by or through remote sellers, marketplace facilitators, and referrers are also subject to Rhode Island's 7% sales and use tax. Furthermore, every retailer -- including those with no physical presence in Rhode Island -- that sells specified digital products for storage, use, or other consumption in Rhode Island must register with the Rhode Island Division of Taxation.***

Effective: October 1, 2019  
Citation: Various

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## Urns

The new law exempts urns from Rhode Island's sales and use tax, effective October 1, 2019. Coffins and caskets are already exempt. Thus, the exemption for coffins and caskets is, in effect, broadened to include urns, effective October 1, 2019.

*➤The new law exempts, from Rhode Island's 7% sales and use tax, the storage, use, or other consumption in Rhode Island of "coffins, caskets, urns, shrouds and other burial garments that are ordinarily sold by a funeral director as part of the business of funeral directing."*

Effective: October 1, 2019

Citation: Rhode Island General Laws § 44-18-30

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## Feminine hygiene products

The new law exempts feminine hygiene products from the sales and use tax. Thus, the following items will be exempt from Rhode Island's 7% sales and use tax, effective October 1, 2019: tampons, panty liners, menstrual cups, sanitary napkins, "and other similar products the principal use of which is feminine hygiene in connection with the menstrual cycle", the new law says.

Effective: October 1, 2019

Citation: Rhode Island General Laws § 44-18-30

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January 2020

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## Electronic deposit of withholding

Beginning on January 1, 2020, every employer that's required to deduct and withhold Rhode Island personal income tax – and that had an average tax amount of \$200 or more per month for the previous calendar year – must file a return and remit the payments by electronic funds transfer (or by other electronic means as defined by the Division of Taxation).

If the employer fails to pay the tax by electronic means, the employer will be subject to what is, in essence, a penalty, amounting to 5% of the withheld tax payment that was not filed electronically, or \$500, whichever is less (unless there was reasonable cause for the failure – and the failure was not due to negligence or willful neglect).

Also with regard to withholding as described above, beginning on January 1, 2020, if any person fails to file a return by electronic means, there will be added to the amount of tax a sum equal to \$50, unless there was reasonable cause for the failure and the failure was not due to negligence or willful neglect.

➤ *The Tax Administrator must adopt any rules necessary to administer a program of electronic funds transfer or other electronic filing system.*

Effective: January 1, 2020

Citation: Rhode Island General Laws § 44-30-85.1

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### Health-care coverage required

The new law requires that each Rhode Island resident have qualifying health care coverage. If the person does not have such coverage, and does not qualify for an exemption, the person must pay a penalty through the Rhode Island resident personal income tax return.<sup>8</sup>

Under the new law, the requirement to maintain “minimum essential coverage” applies for each month beginning after December 31, 2019. Thus, the Rhode Island requirement takes effect January 1, 2020. The penalty will first apply in early 2021, for Rhode Island resident personal income tax returns covering the 2020 tax year.

➤ *Most Rhode Islanders have “minimum essential coverage” already – for example, under an employer-sponsored plan, in the individual market, or through a government-sponsored plan such as Medicaid, Medicare, or TRICARE – and therefore will not be subject to the penalty.*

#### Program highlights

- Each Rhode Island resident must have health insurance coverage for each month beginning January 1, 2020.
- The health insurance mandate can be satisfied if a person has coverage through an employer, through a government-sponsored program such as Medicaid, Medicare, or TRICARE, through Rhode Island’s health insurance exchange – HealthSource RI, through the private market, or certain other means.
- If a person fails to maintain a certain level of basic health insurance coverage, known as minimum essential coverage, the person will have to pay a penalty (unless a hardship, religious, or other exemption applies).
- The penalty will be paid through a person’s Rhode Island personal income tax return. The first time the penalty will apply is in early 2021, for returns covering the 2020 tax year.

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<sup>8</sup> Technically, the penalty is known as a “shared responsibility payment”. The requirement for health care coverage is sometimes referred to as a “health insurance mandate” or “individual mandate”.

➤ *No penalty will be imposed on any individual for any month during which the individual is a bona fide resident of another state, the new law says. Thus, the penalty, if applicable, will apply only to Rhode Island residents – and to part-year Rhode Island residents for the period during which they were Rhode Island residents.*

▪ **‘APPLICABLE INDIVIDUAL’**

Technically, the requirement applies to each “applicable individual” as defined by federal law. Thus, the requirement applies to every person – including individuals, their spouses, and their dependents – except:

- Someone who has a religious conscience exemption;
- Someone who is a member of a health care sharing ministry;
- Someone who, for a given month, is not a citizen or national of the United States or an alien lawfully present in the United States; or
- Someone who is incarcerated – in a jail, prison, or similar penal institution or correctional facility after the disposition of charges.

**Federal tax return data**

For the 2016 tax year, a total of 529,380 U.S. personal income tax returns were filed by Rhode Islanders with the Internal Revenue Service.

Of those, 16,320 returns listed a health care individual responsibility payment (that is, a federal shared responsibility payment – a penalty). Thus, for that tax year, approximately 3.08 percent of U.S. personal income tax returns filed by Rhode Islanders included the penalty.

The penalty amount, in the aggregate, was approximately \$10.68 million -- an average of approximately \$654.17 for those 16,320 returns.

(The data is based on Internal Revenue Service state-by-state statistics for the 2016 tax year, the latest year for which such data is available.)

▪ **‘MINIMUM ESSENTIAL COVERAGE’**

Under Rhode Island’s new law, effective January 1, 2020, each Rhode Island resident generally must have “minimum essential coverage” through a health insurance plan or face a penalty.

For this purpose, the term “minimum essential coverage” means the same as it does under federal law. That federal law – IRC § 5000A(f) – defines “minimum essential coverage” as coverage under any of the following:

- An employer-sponsored health insurance plan (including self-insured plans, COBRA coverage and retiree coverage);
- A health plan offered in the individual market, including a qualified health plan offered by [HealthSource RI](#), which is Rhode Island’s health insurance marketplace or exchange; health insurance offered by certain student health plans; and catastrophic coverage;
- The federal Medicare health insurance program, including coverage under Medicare Part A and coverage under Medicare Advantage plans;

- The federal/state Medicaid program;
- The government’s Children’s Health Insurance Program (CHIP);
- The TRICARE program (which generally applies to the military);
- Certain types of veterans’ health coverage administered by the U.S. Department of Veterans Affairs (sometimes called the Veterans Administration, or VA);
- Health plans related to Peace Corps volunteers;
- Coverage under the Department of Defense Nonappropriated Fund Health Benefit Program;
- Refugee Medical Assistance supported by the Administration for Children and Families;
- Coverage through a Basic Health Program (BHP) standard health plan;
- Coverage under an expatriate health plan;
- Self-funded health coverage offered to students by universities (if the sponsor of the program has applied to the U.S. Department of Health and Human Services to be recognized as minimum essential coverage);
- Other coverage recognized by the Secretary of HHS as minimum essential coverage.

**Status of federal penalty**

The federal Affordable Care Act was in effect for 2018. IRS tax forms for the 2018 tax year required taxpayers to report whether or not they had health coverage in 2018. The federal penalty for not having health insurance after January 1, 2019, has been reduced to \$0, but still applied for the months of January through December 2018.

Most taxpayers have qualifying health care coverage for all 12 months in the year. Therefore, they will simply check a box on the Rhode Island return, beginning in early 2021 (for tax year 2020 returns), indicating that they had coverage for the previous calendar year, just as they checked a box on the federal return in prior years.

*➤ “Minimum essential coverage” does not include coverage that provides only limited benefits, such as stand-alone vision and dental plans, workers’ compensation coverage, and coverage limited to a specified disease or illness.*

▪ **THE PENALTY**

Beginning in early 2021 (for Rhode Island resident personal income tax returns), everyone filing a Rhode Island resident personal income tax return will have to indicate on the return whether

and for what period of time during the prior tax year the person – and his or her spouse and dependents – had minimum essential coverage.

If a submitted return fails to indicate that such coverage was in force, or indicates that any applicable individuals did not have such coverage in force, a penalty will be assessed on the return.

➤ *The penalty does not apply to bona fide nonresidents. However, the penalty will apply to certain part-year residents (for the period during which they were residents of Rhode Island).*

➤ *Taxpayers with gross income below the Rhode Island personal income tax return filing threshold will not be subject to the penalty.*

The penalty will be equal to the penalty that would have been reported on the person's federal income tax return as set forth under federal law in effect on December 15, 2017 (before the federal Tax Cuts and Jobs Act was enacted).

For 2017, the federal penalty for the entire year was the greater of:

- 2.5% of income above the filing threshold, or
- a flat dollar amount of \$695 per adult, \$347.50 per child.

The Rhode Island penalty will be announced in advance of the 2021 personal income-tax filing season. If someone owes the penalty, the Division of Taxation is authorized by the new law to reduce the person's personal income tax refund to cover it. The money is to be placed in the Health Insurance Market Integrity Fund created under Rhode Island General Laws § 42-157.1-5.

In general, if someone is penalized under Rhode Island General Laws § 44-30-101, HealthSource RI will have to offer a special enrollment period during which the person may enroll in a qualified health plan through HealthSource RI.

A person will have 60 days from the date he or she is assessed the penalty to complete enrollment in a qualified health plan through HealthSource RI.

#### ▪ EXEMPTION

Also under the new law, HealthSource RI must establish a program for determining whether to grant a certification that an individual is entitled to an exemption from the penalty due to religious conscience or hardship.

HealthSource RI will have to notify the individual and the Tax Administrator of any such determination. In so doing, the exchange must adhere to data privacy and data security standards adopted in accordance with federal regulations.

Also, if HealthSource RI declines someone's application for an exemption, the person will have the right to appeal.

#### ▪ EMPLOYER REPORTING

Every applicable entity that provides minimum essential coverage to an individual during a calendar year – including employers and other sponsors of an employment-based health plan that offers employment-based minimum essential coverage to any resident of Rhode Island – will have to file a return with the Division of Taxation.

The return must include the name, address, and taxpayer ID number of the primary insured and the name and TIN of each other individual obtaining coverage under the policy; the dates during which the individual was covered under minimum essential coverage during the calendar year; and other information that the Division may require.

Also, every applicable entity will have to provide a return to each individual containing a written statement with the name, address, and contact information of the person – along with the information included in that return (listing the individuals and information about the individuals). The written statement must be provided to the individual on or before January 31 of the year following the calendar year for which the return was required to be made. Thus, the first such return -- to the Division and to the covered individual(s) -- will have to be made by January 31, 2021, for coverage during calendar year 2020.

Note: If the federal reporting requirement is still in effect, the notice/form/return issued by the employer for federal reporting purposes will be sufficient to meet the Rhode Island reporting requirement. (In recent years, the federal form was known as Form 1095.)

#### ▪ OUTREACH

The new law authorizes HealthSource RI, in consultation with the Office of the Health Insurance Commissioner and the Division of Taxation, to engage in coordinated outreach efforts to educate Rhode Island residents about the importance of health insurance coverage, their responsibilities to maintain minimum essential coverage as defined in Rhode Island General Laws § 44-30-101, the penalties for failure to maintain such coverage, and information on the services available through the exchange.

#### ▪ PROGRAM FUND

The new law establishes a fund, known as the Health Insurance Market Integrity Fund, to provide funding for the operation and administration of the program in carrying out the purposes of the program. Money in the fund must be used to provide reinsurance to health insurance carriers, and to support the personnel costs, operating costs, and capital expenditures of HealthSource RI and of the Division of Taxation that are necessary to carry out the provisions of the new law.

Effective: Health insurance mandate applies after December 31, 2019

Citation: Various

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This publication is an informal summary of recently enacted legislation (House Bill 5151, Substitute A, as amended) and is for general information purposes only. It is not a substitute for Rhode Island General Laws, or for Rhode Island Division of Taxation regulations, rulings, or notices. Citations listed in this document are from the original legislative text and are subject to revision. Some of the citations included in this publication refer to existing statutes that have been amended; others refer to new sections that have been added to, or deleted from, the Rhode Island General Laws.

-- Neena S. Savage  
Rhode Island Tax Administrator