

Rhode Island

State Regulatory Processes

Rulemaking Process

Beginnings of a Rule

An agency cannot issue a rule unless granted authority to do so by law. The law authorizing each Rule can be found under the “Overview” tab of a Rule’s page as well as in the Rulemaking Authority section of the

Advance Notice of Proposed Rulemaking (ANPRM)

An agency may choose to employ this optional step in the rulemaking process. The ANPRM allows an agency to gather information related to the potential rulemaking action by soliciting comments and recommendations from the public before publishing a rule. The ANPRM indicates where, when, and how a person may submit a comment to the agency.

Preliminary Evaluations and Analysis

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

Public Notice/Public Comment Period Begins

Notice of Proposed Rulemaking (NPRM)

After an agency researches the issues and determines whether a new rule is necessary, it often proposes the new language along with a Notice of Proposed Rulemaking (NPRM). These proposals are published in the *Register* and are readily accessible to the public. An NPRM contains details about the Proposed Rule including the Rule’s purpose, its statutory authority, and how the public can submit a comment or get further information about the Proposed Rule from the agency.

Public Comment Period

During this phase of the rulemaking process, agencies publish the Proposed Rule in the *Register*. Agencies may choose to accept comments directly through the RICR or by mail, fax, or email. If a hearing is scheduled, the public can also submit comments via testimony at the hearing. In a typical case, an agency will allow thirty (30) days for public comment; however, the agency may choose to set a comment period for longer than thirty (30) days.

Public Hearing

Proposed Rule

End of Public Comment Period

Once the public comment period ends, the agency reviews all comments received and evaluates whether to make logical changes to the Rule based on those comments. The agency also prepares a *Final Rule* which includes its reasons for not incorporating changes suggested by the public (if necessary) and a description of any changes made between the text of the Proposed Rule and the text of the *Final Rule* filed with the Department of State.

Final Rule Filed and Effective Date Set

Once the agency has prepared the *Final Rule* in its final form, they file the *Final Rule* with the Department of State. The *Final Rule* must be filed no later than one hundred eighty (180) days after the end of the public comment period. Along with the *Final Rule*, the agency must file the associated documents in the *Final Rule* with the Department of State for publication in the *Register*. Rulemaking documents can be found on a Rule’s page underneath the “Rulemaking Documents” tab.

Public participation in the rulemaking process

When an agency wishes to introduce a new regulation or make changes to an existing regulation, members of the public are given the opportunity to about the proposed regulation language. These comments help to shape the language published in the . Each is accompanied by a which includes information about how to submit your comments.

Emergency Rulemaking

If an agency finds that an imminent peril to the public health, safety, or welfare or the loss of federal funding for an agency program requires the immediate promulgation of an emergency rule ...” the agency may proceed with the rulemaking action without a public comment period or public hearing. Emergency Rules come into effect once they are signed by the Governor or the Governor’s designee. These Rules are effective for up to one hundred twenty (120) days and may be extended once for an additional sixty (60) days.

Rhode Island Register

Rhode Island Administrative Procedure Act