216-RICR-50-15-7

TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 50 – ENVIRONMENTAL HEALTH

SUBCHAPTER 15 - HEALTHY ENVIRONMENT

PART 7– Safe Activities By Covered Entities During the COVID-19 Emergency

7.1 Authority

A. These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws §§ 23-1-1 and 23-1-17, and to Executive Order 20-50 and its predecessors and successors, for the purpose of establishing certain criteria for safe activity by and at covered entities in Rhode Island during the COVID-19 state of emergency in the interest of the public health.

B. These regulations are intended to supplement and not replace COVID-19 related regulations promulgated by other State agencies and departments.

7.2 Definitions

A. Wherever used in this Part, the terms listed below shall be construed in the following manner:

1. "Act" means R.I. Gen. Laws Chapter 23-1.

2. “Business” means a person, firm, corporation, partnership, association, receiver or trustee in bankruptcy, having one or more individuals, including oneself, in service.

3. “CDC” means the Centers for Disease Control and Prevention.

4. “Civil penalty” or “penalty” or “fine” means a means a monetary sum assessed by the Director in response to a violation of, or a failure to comply with, these regulations.

5. “Cloth face covering” means a protective article that covers the wearer’s mouth and nose.

6. “Covered entity” means any person, business, state agency, political subdivision of the State, non-profit organization, school, religious institution, public or private park or beach, or campground.

7. "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2.

8. "COVID-19 symptoms" means the occurrence of any of the symptoms of COVID-19, as set forth in CDC guidance, when they develop over a period of hours to days and cannot be explained by allergies or other non-infectious disease. Such symptoms include, among others, sweating, chills, repeated shaking with chills, muscle pain, body aches or other symptoms consistent with fever, temperature measured above 100.4°F, cough, congestion, sore throat, shortness of breath, headache, or new loss of taste or smell.

9. "Department" means the Rhode Island Department of Health.

10. "Director" means the Director of the Rhode Island Department of Health or his or her agents or subordinates to whom the Director has delegated the powers and duties vested in the Director by these regulations.

11. "Establishment" means a physical location operated in whole or part by any Covered Entity or any place of public gathering. For purposes of this definition, a residential dwelling, or any portion of an establishment used exclusively as a residential dwelling (such as an apartment in an apartment building), is not deemed an establishment.

12. "Fully vaccinated" means when a person has received all recommended dose(s) of a COVID-19 vaccine authorized by the U.S. Food and Drug Administration ("FDA") or World Health Organization ("WHO") and at least fourteen (14) days have elapsed since the administration of the final dose.

13. "Health care setting" means any place where healthcare is delivered. This includes but is not limited to acute care facilities, long-term acute care facilities, inpatient rehabilitation facilities, nursing homes, assisted living facilities, home healthcare, vehicles where healthcare is delivered (e.g., mobile clinics), and outpatient facilities, such as dialysis centers, physician offices, and others.~~facilities" means any person or entity that provides in-person health care services or whose establishment is the location for in-person health care services.~~

14. "Hot spot" means a location identified by the Department where there is (a) a significantly elevated number of COVID-19 suspect or positive cases or (b) a significant number or severe violations of these regulations or (c) an establishment being operated in a manner that significantly increases the likelihood of employees, patrons, visitors or other individuals being exposed to COVID-19.

15. “Indoor sporting facility” means an establishment operated by a covered entity for the purpose of indoor sporting. For the avoidance of doubt, indoor sporting facilities include, but are not limited to, indoor ice rinks, multi-use sports facilities, basketball courts, racquet sport courts, swimming pools, dance, martial arts and gymnastic studios, bowling alleys and tracks during the time when such facility is used for individual, team or group sports, whether for practice, games or otherwise.

16. “Lodging operations and accommodations” means establishments that provide lodging accommodations including but not limited to hotels, motels, bed and breakfasts, inns, short-term rentals of properties (including residential and shared residential rentals), parks for recreational vehicles and campgrounds, and all public and private camping facilities.

17. “Personal services” means the services that are provided by, including but not limited to, barbers, hairdressers, cosmeticians, manicurists, estheticians, and instructors as defined in 216-RICR-40-05-04; tattoo artists, as defined in 216-RICR-40-10-15; body piercing technicians, as defined in 216-RICR-40-10-14; and massage therapists, as defined by 216-RICR-40-05-10; the services provided in tanning facilities, as defined in 216-RICR-40-10-24; in addition to any non-healthcare services that attend to the physical appearance of an individual.

18. "Physical distancing" means the practice of keeping space between oneself and others when outside of the home in order to restrict the spread of infectious disease. The practice of physical distancing, also known as social distancing, involves:

    a. staying at least three (3) feet from people outside the same household unless separated by a physical barrier that prevents individuals from having direct contact and contact with any droplets from another individual’s coughing, sneezing or talking;

    b. not gathering in groups; and

    c. staying out of crowded places.

19. “Physical barrier” means a non-porous barrier (partition) made of a material which complies with the interior finish requirements (flame spread index and smoke-developed index) of the State Fire Safety Code.

20. “Proof of vaccination” means an official COVID-19 vaccination verification document, i.e., the individual’s COVID-19 Vaccination Record card, a printed or digital photo of the front and back of the individual’s COVID-19 Vaccination card, or a printed copy or screenshot of the individual’s

COVID-19 vaccination record page from Rhode Island's Vaccine Record Lookup Portal at hhtp://portal.ri.gov/VaccineRecord.

7.3 Universal Practices

A. Nothing herein shall prohibit or otherwise prevent a covered entity from developing, adopting, and/or implementing protocols or policies that are more restrictive than the provision of this Part.

B. All individuals in public or in an establishment shall wear a cloth face covering.

C. Employers must arrange for cloth face coverings or materials for the making of such face coverings for each employee at no expense to the employee. An employee may fashion his or her own cloth face covering or voluntarily provide and wear other equivalent or more protective face coverings (such as N95 respirators and surgical masks) unless the employer establishes a uniform set of rules regarding acceptable face coverings, in which case the employee must follow those rules subject to the exceptions below. This subsection will remain in effect unless and until the Occupational Safety and Health Administration (OSHA) regulates the use of cloth face coverings.

D. Exceptions

1. Cloth face coverings are not required for individuals who are required by their employers, this Part, or by state or federal law to wear other more protective respiratory protection (such as N95 respirators and surgical masks).

2. Cloth face coverings are not required for any person: (i) who is under two years of age; (ii) whose health would be damaged thereby; or (iii) who is developmentally unable to comply, including young children who may not be able to effectively wear a mask or cloth face covering.

3. Cloth face coverings are not required for any fully vaccinated persons, except as follows:

    a. This exception does not apply in schools, healthcare settings ~~(e.g., hospitals, long-term care, doctors' offices)~~ correctional facilities or homeless shelters.

    b. All persons must continue to wear cloth face coverings when providing or using the services of any taxi, car, livery, ride-sharing, or similar service or any means of mass public transit, or while within an enclosed or semi-enclosed transit stop or waiting area.

c. All persons must continue to wear cloth face coverings when required by applicable state or federal law or regulation.

4. Cloth face coverings are not required for any person when:

a. Consuming food or drink;

b. A face covering would impede communication by or with a person who has a hearing impediment;

c. Working alone in an office or at a job site, or when workers can easily, continuously, and measurably maintain three (3) feet of distance in a workplace. ~~If customers, coworkers, or visitors can reasonably be expected to approach or interact with a worker, a mask or cloth face covering must be worn by the worker;~~

d. Speaking at a live interview or to a live audience when no person is within six (6) feet of the person speaking;

e. In a vehicle alone or with members of the same household;

f. Undergoing a medical or dental procedure;

g. When outdoors and three (3) feet of distance can be easily, measurably and continuously maintained; or

h. Performing live indoors, provided (i) there is~~: (i)~~ at least six (6) feet of physical distance between performers and any other person (including other performers); or (ii) all performers, whether individuals or groups, are fully vaccinated.

i. ~~at least three (3) feet of physical distance between performers and any other person (including other performers) if all performers wear cloth face coverings throughout the performance~~ Performing live outdoors provided (i) there is at least three (3) feet~~ (3ft)~~ of physical distance between performers and any other person (including other performers) or (ii) all performers, whether individuals or groups are fully vaccinated.

5.~~(1)~~ **Individuals playing the recorder, woodwind, brass, or other air instruments who, pursuant to this Part, would be unable to** perform live, whether indoors or outdoors,~~play~~ due to the requirement that they wear cloth face coverings that cover the nose and mouth, are permitted to wear modified face coverings specifically designed to accommodate access to the instrument's mouthpiece. These modified face coverings

must include a flap that covers the opening for the mouth for the purpose of preventing the spread of airborne diseases while playing these instruments.

7.4 Rules for Establishments

7.4.1 Universal Rules for Establishments

A. For the duration of the state of emergency caused by COVID-19, covered entities that have establishments that they wish to open and/or remain open, must take the following steps to limit the spread of COVID-19:

1. Every covered entity (other than an individual who is not acting as a sole proprietorship) shall develop, maintain, and ensure compliance with a written plan for the safe operation of its establishment(s) with regard to COVID-19 during the state of emergency. Such plan must be made available to the Department for review upon request. This plan must include procedures that, to the reasonable satisfaction of the Department, meet, at a minimum, the requirements of applicable executive orders, as well as these and other applicable regulations and guidance issued by the Department. The plan must address the following elements:

    a. physical distancing in accordance with the most current state and federal guidance, including additional measures to be taken in high traffic, communal, or other areas where physical distancing is not feasible;

    b. wearing of cloth face coverings in accordance with the most current state and federal requirements;

    c. procedures for cleaning and decontamination of surfaces;

    d. procedures for denying access to the establishment by COVID-19 positive or symptomatic individuals;

    e. procedures for responding to a positive case or outbreak;

    f. coordinating with the Department regarding any potential hot spot investigation, including the designation of a point of contact who will work with the Department on testing, contact tracing, case investigation, isolation and quarantine follow up;

    g. protocols and designated staff to ensure applicable capacity limits and physical distancing are maintained, including in spaces where bottlenecks may occur, such as points of ingress and egress;

~~h. appointing a designated individual to monitor and ensure compliance with these regulations; and~~

~~i. procedures for all employees to be trained to follow the standards and requirements of these regulations and procedures for new employees to be trained as they are hired.~~

1~~2~~. Each covered entity (other than an individual who is not acting as a sole proprietorship) shall ensure that notice is provided at all entrances to an establishment, that all individuals entering must be screened or self-screened, and to not enter if they are COVID-19 positive, have COVID-19 symptoms, or have had close contact in the last fourteen (14) days with an individual who at the time had COVID-19 and are not exempt from quarantine pursuant to Executive Order 21-26, or any successor thereof. Samples of screening criteria for entrants can be found, in English and Spanish, at http://www.ReopeningRI.com.

a. If an individual is identified as exhibiting multiple symptoms of COVID-19 or COVID-19 positive, the covered entity shall deny access to that individual unless

(1) the establishment is a cooling center, warming center, or emergency shelter;

(2) the establishment is a health care setting~~facility~~ with other access requirements or limitations; or

(3) the individual is a resident in a multi-unit residential establishment.

2~~3~~. Each covered entity shall ensure that notice is provided at all entrances to an establishment that instructs individuals entering into its establishment to wear cloth face coverings except when § 7.3(D) of this Part applies. ~~Each covered entity has a continuing obligation to so instruct individuals within its establishment.~~

a. If any employee refuses to wear a cloth face covering when required by these regulations and such individual is not otherwise exempt from the requirements pursuant to § 7.3(D) of this Part, a covered entity shall deny access to the establishment. Nothing in this Part shall require a store or other business to refuse entry to a customer not wearing a face covering~~; however, such stores and other businesses shall actively remind customers that they must wear a mask or cloth face covering, unless otherwise exempt~~.

34. In addition to the notices required pursuant to §§ 7.4.1(A)(1) and (2) of this Part, aAll covered entities shall ensure the placement of all applicable posters andor signs at entry to its establishments educating any individual at the establishment concerning entry screening, physical distancing, use of cloth face coverings, and other subjects as provided in guidance issued by the Department. Copies of acceptable posters can be found on the Department's website athere: https://health.ri.gov/. In Lieu of the Department's posters and signs, establishments may substitute other posters and signs provided such substitutes include all relevant information.

5. All covered entities shall ensure that their establishments have their restrooms open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times.

6. All covered entities shall ensure the performance of environmental cleaning of their establishments once per day, with particular attention paid to commonly touched surfaces, such as shared workstations, elevator buttons, door handles and railings. Covered entities shall use, and have readily available to service providers, cleaning/disinfecting products designed to clean/disinfect the surfaces they are cleaning/disinfecting and shall use the products in the manner intended.

7. All covered entities shall perform a thorough cleaning of any establishments prior to reopening as permitted by executive order.

8. All covered entities shall prohibit the use of water fountains.

49. The use of hookahs or waterpipes at any establishment is prohibited indoors unless the establishment limits indoor access to fully vaccinated individuals, as verified by the establishment via proof of vaccination. Smoking bars may permit either: a single use disposable hookah or waterpipe or a customer-owned personal hookah or waterpipe that is stored at the establishment, if permitted by the establishment.

a. Used, disposable hookahs and waterpipes shall either be taken by the customer upon exiting the establishment or be disposed of in a dedicated trash bin within the premise.

b. Used disposable hookahs and waterpipes cannot be taken back into the establishment.

c. All hookahs and waterpipes shall only be used by a single person and cannot be shared.

~~10. Congregating and/or mingling in an establishment or areas under the establishment's control, such as dance floors, is prohibited.~~

5~~11~~. In the event the Department identifies a hot spot, the affected covered entity shall cooperate fully with the Department to restrict the further spread of COVID-19 within an affected establishment and/or the community at large.~~, which cooperation shall, at minimum, include providing access to all the covered entity's records required by these regulations.~~

6~~12~~. Each covered entity will cooperate with the Department on testing, contact tracing, case investigation, isolation and quarantine follow-up matters relating to the covered entity's establishment.

7~~13~~. All covered entities must also comply with all applicable federal, state and local laws and regulations governing safety and health in their establishments.

8. In addition to compliance with all other applicable laws and regulations, all covered entities operating establishments with saunas shall ensure that such saunas remain closed unless the establishments limit access to the saunas to fully vaccinated individuals, as verified by the establishments via proof of vaccination.

~~14. All covered entities operating establishments that do not have staff or employees present at all times (e.g., 24-hour gyms and laundromats), shall, in addition to compliance with all other applicable laws and regulations:~~

~~a. Post contact information for an establishment's point of contact in a conspicuous manner so that all customers can inform the establishment of health and safety concerns;~~

~~b. Provide hand sanitizer and other cleaning supplies to individuals to clean their hands and equipment before and after use; and~~

~~c. Provide the COVID Task Force with contact information for the point of contact and be available remotely or at the establishment for an inspection by the COVID Task Force.~~

7.4.2 Outdoor and Indoor Dining

A. All covered entities operating establishments, which for purposes of § 7.4.2 of this Part includes licensed catering businesses, that offer outdoor and indoor

dining shall ensure the following, in addition to compliance with all other applicable laws and regulations:

1. Self-service seating is permitted, subject to any applicable provisions of this Part.

~~2. Service to standing customers is prohibited indoors; an exception may be made for food pick up, so long as the pick up is from a reservation station, counter, or other workstation from a bar. Congregating and/or mingling within a restaurant, bar, or catered event is not permitted. All customers consuming food or drink on premises must be seated in accordance with all indoor and outdoor dining requirements.~~

~~3. Self-service food stations (such as salad bars or buffet tables) are prohibited unless they are monitored, food is protected (e.g., sneeze guard) as required by RI Food Code (Subchapter 10 Part 1 of this Chapter). For the avoidance of doubt, self-service food stations do not include buffet style food stations where all food is served by a staff person and there is a barrier (e.g., sneeze guard) separating customers from exposed food and staff.~~

~~4. If parties are seated at the bar, no staff are permitted to work in any areas behind the bar unless a physical barrier of appropriate height is installed between the bar work areas and customers. Even with physical barriers between bar work areas and customers, staff may only serve seated customers drinks and food through a gap or opening in the physical barrier that is no more than eight (8) inches in size. If no customers are seated at the bar, the bar area must be roped off or otherwise separated from the rest of the establishment and service to customers from staff behind the bar may not occur.~~

2~~5~~. An establishment may provide supplementary rules for the wearing of face coverings when customers are dining (e.g., requiring face coverings when customers are speaking with or ordering from a server) provided that those rules permit the exceptions under § 7.3(D) of this Part and are otherwise permitted by applicable law.

3~~6~~. Live performances shall be permitted indoors, provided:

a. ~~-~~there is at least six (6) feet of physical distance between performers, between performers and tables, and between performers and high traffic areas; or ~~when indoors. This distance may be reduced to~~

b. there is at least three (3) feet of physical distance between performers and any other person (including performers) if all performers wear cloth face coverings or, as appropriate, modified face coverings as permitted in § 7.3(D)(5) of this Part, throughout the performance; or

c. all performers, whether individuals or groups, are fully vaccinated, as verified by the establishment via proof of vaccination. ~~indoors if all performers wear cloth face coverings throughout the performance. Outdoor live performances shall be permitted, provided there is at least three (3) feet of physical distance between performers, between performers and tables, and between performers and high traffic areas when outdoors.~~

4. Live performances shall be permitted outdoors, provided:

a. There is at least three (3) feet of physical distance between performers, between performers and tables, and between performers and high traffic areas; or

b. All performers, whether individuals or groups are fully vaccinated as verified by the establishment via proof of vaccination.

~~**7.4.3 Retail establishments**~~

~~A. All covered entities operating retail establishments that offer in-person shopping shall ensure the following, in addition to compliance with all other applicable laws and regulations:~~

~~1. Individual retailers shall discontinue the sampling or application of personal goods (i.e., makeup, perfume, lotion) unless they provide single-use applicators or with a no-touch option.~~

~~2. Multi-retailer and multi-tenant establishments must:~~

~~a. Maintain capacity limitations within all common areas and within individual business settings; and~~

~~b. Ensure that any utilization of public or shared spaces prevents congregation.~~

7.4.34 Recreation, Entertainment, and Assembly Venues or Establishments

A. All covered entities operating establishments that offer outdoor recreation and entertainment activities, not including any public or private park or beach,

campground, farmer's market, or nature center, shall ensure the following, in addition to compliance with all other applicable laws and regulations:

1. Live performances shall be permitted, indoors, provided:

   a. ~~-~~there is at least six (6) feet of physical distance between performers, between performers and customers/audience members, and between performers and high traffic areas; or ~~when indoors. This distance may be reduced to~~

   b. there is at least three (3) feet of physical distance between performers and any other person (including performers) if all performers wear cloth face coverings or as appropriate, modified face coverings as permitted in § 7.3(D)(5) of this Part, throughout the performance; or

   c. all performers, whether individuals or groups, are fully vaccinated, as verified by the establishment via proof of vaccination. ~~indoors if all performers wear cloth face coverings throughout the performance~~.

2. Live performance shall be permitted o~~O~~utdoors ~~live performances shall be permitted~~, provided:

   a. ~~-~~there is at least three (3) feet of physical distance between performers and any other person (including performers), between performers and tables, and between performers and high traffic areas; or~~.~~

   b. all performers, whether individuals or groups, are fully vaccinated, as verified by the establishment via proof of vaccination.

~~2. Establishments must sanitize all commonly touched surfaces (e.g., seats) and objects (e.g., audio guides) between uses. If surfaces or objects used in a recreational or historical/cultural activity cannot be sanitized between uses (e.g. interactive displays), then this activity must be prohibited and access to these surfaces or objects must be limited.~~

~~**7.4.5 Fitness Centers and Gymnasiums**~~

~~A. All covered entities operating gymnasiums and fitness center establishments shall ensure the following, in addition to compliance with all other applicable laws and regulations:~~

1. That individuals in a fitness center or gym must wear a cloth face covering at all times while in the establishment, provided that face coverings shall not be required for any activities in swimming pools and subject to the exceptions in Section 7.3(D) of this Part;

2. That no mutual use of equipment is permitted without thorough sanitization between uses;

3. That there is adequate time between classes or sessions (e.g., 30 minutes) to thoroughly clean the equipment and exercise space and allow for adequate air exchange. If surfaces, equipment or objects cannot be sanitized between uses, then the applicable fitness activity is prohibited;

4. That hand sanitizer and other cleaning supplies are available to individuals to clean their hands and equipment before and after use;

7.4.6 Personal Services

A. All covered entities operating establishments that offer personal services shall ensure the following, in addition to compliance with all other applicable laws and regulations:

1. That hand sanitizer is available to individuals to clean their hands;

2. That all commonly touched surfaces, equipment, objects and work stations are sanitized between uses;

3. That services where the individual receiving the service must remove his or her mask, including in shared, communal facilities, or enclosed spaces, shall only be performed if notwithstanding any otherwise applicable exemptions pursuant to § 7.3(D) of this Part:

a. The personal service professional wears a cloth face covering with protection equivalent to an N-95 respirator, such as a KN-95 respirator, and eye protection, such as goggles or a face shield; and

b. The unmasked individual maintains physical distancing from all other individuals, besides the personal service professional.

7.4.47 In-Home Services

All covered entities providing services in residential dwellings shall require and ensure that, notwithstanding any otherwise applicable exemptions pursuant to § 7.3(D) of this Part, all employees entering such residential dwellings wear cloth

face coverings unless such employees are required by their employers, this Part, or by state or federal law to wear other more protective respiratory protection (such as N95 respirators and surgical masks). Unless otherwise required by their employers, fully vaccinated employees entering residential dwellings may remove their cloth face coverings if permitted by the head of household or authorized individual.

7.4.58 Indoor Sporting Facilities

A. All covered entities operating indoor sporting facilities shall ensure the following, in addition to compliance with all other applicable laws and regulations:

~~1. All individuals must wear a cloth face covering at all times while in the indoor sporting facility, regardless of whether such individuals are engaged in a sporting activity, provided that face coverings shall not be required for any activities in swimming pools and subject to the exceptions of § 7.3(D) of this Part;~~

~~2. Shared equipment and seating must be thoroughly cleaned between uses by separate individuals. If that shared equipment or seating cannot be thoroughly cleaned between such uses for any reason, including lack of adequate time to effect thorough cleaning, then the applicable activity is prohibited;~~

13. Snack bars, restaurants, bars, and concession establishments located within indoor sporting facilities are subject to the provisions set forth in § 7.4.2 of this Part;

~~4. All locker rooms must be closed unless:~~

~~a. The capacity of any locker rooms is maintained at or below any applicable capacity limit in applicable law;~~

~~b. The indoor sporting facility is able to ensure adequate ventilation, in accordance with Department guidance, is maintained; and~~

~~c. Locker rooms are thoroughly cleaned and sanitized routinely, but in any event at least once per day.~~

~~5. All showers must be cleaned routinely, but in any event at least once per day;~~

~~6. Hand sanitizer and other cleaning supplies must be available to individuals to clean their hands and equipment before and after use;~~

~~B. Exceptions~~

~~1. §§ 7.4.8(A)(1) and (4) of this Part do not apply to any indoor sporting facility during the time that such facility is used for the sole purpose of hosting games, practices or other sport related activities by (i) an institution of higher education that is a member of the National Collegiate Athletic Association or (ii) a sport where athletes receive payment for their performance and are part of a nationally recognized professional sports association.~~

7.4.6~~9~~ Exceptions

A. §§ 7.4.1(A)(1), (2), and (3)~~, (4), (5) and (6)~~ and 7.4.3~~4~~ of this Part do not apply to any public or private park or beach, campground, or nature center, unless that facility has staff at all points of entry.

B. §§ 7.4.1(A)(1~~2~~)~~ and (5)~~ of this Part do not apply to public bus transportation.

7.5 Closure of Establishments

If the Director determines that a hot spot or other circumstance exists which requires immediate action to protect the health, welfare, or safety of the public or any member of the public, the Director may issue an immediate compliance order, as provided for in R.I. Gen. Laws § 23-1-21, effecting the closure of the establishment until such time as the violation has been remedied, to the satisfaction of the Director. Such remedy shall be in addition to any other penalty that may be prescribed by law.

7.6 Enforcement

A. Inspections

1. The Department and its authorized representatives may enter and inspect any establishment's premises in a reasonable manner, including, without limitation, all equipment, materials, containers, records, processes and controls, in order to ascertain compliance with these regulations, any applicable Executive Orders, and the Act.

2. The Department may coordinate with or delegate to law enforcement and/or other state or federal agencies to conduct inspections hereunder.

B. Penalties

1. The Department may take any combination of the following actions against an establishment for violation of these regulations, any applicable Executive Order, and/or the Act:

    a. Issue a compliance order;

    b. If immediate action to protect the health, welfare, or safety of the public or any member of the public is required, issue an immediate compliance order pursuant to § 7.5~~(A)~~ of this Part;

    c. Levy a civil penalty in accordance with § 7.6(C) of this Part; and/or

    d. Take any other action authorized by these regulations, the Act or other applicable law.

C. Civil Penalties

1. The Department may assess civil penalties of not more than five hundred dollars ($500) per violation for each individual violation of this Part or any applicable executive order. Each day's failure to comply will constitute a separate violation.

D. All hearings and reviews required under the provisions of R.I. Gen. Laws § 23-1 shall be held in accordance with the provisions of the Act and the rules and regulations regarding Practices and Procedures Before the Department of Health (Part 10-05-4 of this Title) and Access to Public Records (Part 10-05-1 of this Title).

E. Administrative action including civil penalties imposed by the Department on account of violations hereunder are in addition to any criminal penalties provided for under applicable law.

7.7 Severability

If any provision of these regulations, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of the regulations which can be given effect without the invalid provision or application, and to this end the provisions are declared to be severable.