

2016 -- H 7736

LC004881

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS - ANTI-DISCRIMINATION IN STATE  
CONTRACTS

Introduced By: Representatives Ackerman, Keable, Shekarchi, Craven, and Blazejewski

Date Introduced: February 24, 2016

Referred To: House Finance

It is enacted by the General Assembly as follows:

SECTION 1. Title 37 of the General Laws entitled "PUBLIC PROPERTY AND  
WORKS" is hereby amended by adding thereto the following chapter:

CHAPTER 2.6

ANTI-DISCRIMINATION IN STATE CONTRACTS

**37-2.6-1. Short title.** – This chapter shall be known and may be cited as the "Anti-Discrimination in State Contracts Act".

**37-2.6-2. Definitions.** – (a) The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section as follows:

(1) "Boycott" means to blacklist, divest from, sanction or otherwise refuse to deal with a person, firm or entity, or a public entity of a foreign state, when the action is based on race, color, religion, gender, or nationality of the targeted person, firm, entity or public entity of a foreign state. Boycott does not include:

(i) A decision based on a bona fide business or economic reasons;

(ii) A boycott against a public entity of a foreign state when the boycott is applied in a nondiscriminatory manner; and

(iii) Boycotts or divestments of particular jurisdictions that are specifically authorized or required by federal law or state law.

1           (2) "Public entity" means the state, or any political subdivisions of the state, including,  
2           but not limited to, any of its agencies, departments, institutions or school districts.

3           (3) A "jurisdiction with whom the state can enjoy open trade" means states that are  
4           members of the World Trade Organization.

5           **37-2.6-3. Discrimination in state contracts prohibited.** – A public entity shall not enter  
6           into a contract with a business to acquire or dispose of supplies, services, information technology,  
7           or construction unless the contract includes a representation that the business is not currently  
8           engaged in, and an agreement that the business will not during the duration of the contract engage  
9           in the boycott of any person, firm or entity based in or doing business with a jurisdiction with  
10          whom the state can enjoy open trade, and/or the boycott of any public agencies, entities or  
11          instrumentalities of the jurisdiction with whom the state can enjoy open trade.

12          **37-2.6-4. Applicability and exemptions.** – This section shall not apply if a business fails  
13          to meet the requirements of §37-2.6-3, but contracts to provide the goods or services for at least  
14          twenty percent (20%) less than the lowest certifying business. And provided further, this section  
15          shall not apply to contracts with a total potential value of less than ten thousand dollars (\$10,000).

16          SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would create the "Anti-Discrimination in State Contracts Act." This act would  
2   prohibit discrimination in the distribution of state contracts.  
3           This act would take effect upon passage.

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