

2024 -- S 2080

LC003703

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO HEALTH AND SAFETY -- COVID-19 VACCINATION MANDATE
PROHIBITED

Introduced By: Senators DeLuca, E Morgan, Rogers, and de la Cruz

Date Introduced: January 12, 2024

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 100

4 COVID-19 VACCINATION MANDATE PROHIBITED

5 **23-100-1. Title.**

6 This chapter shall be known and cited as the "COVID-19 Vaccination Mandate
7 Prohibited".

8 **23-100-2. Private employer COVID-19 vaccination mandates prohibited.**

9 (a) A private employer shall not impose a COVID-19 vaccination mandate for any full-
10 time, part-time, or contract employee without providing individual exemptions that allow an
11 employee to opt out of such requirement on the basis of medical reasons, including, but not limited
12 to, pregnancy or anticipated pregnancy, religious reasons, COVID-19 immunity, periodic testing,
13 and the use of employer-provided personal protective equipment.

14 (b) If an employer receives a completed exemption statement pursuant to this chapter, the
15 employer shall allow the employee to opt out of the employer's COVID-19 vaccination mandate.

16 (c) For purposes of this chapter, the term "COVID-19" means the novel coronavirus
17 identified as SARS-CoV-2, any disease caused by SARS-CoV-2, its viral fragments, or a virus
18 mutating therefrom; and all conditions associated with the disease which are caused by SARS-

1 CoV-2, its viral fragments, or a virus mutating therefrom.

2 **23-100-3. Exemptions.**

3 (a) To claim an exemption based on medical reasons, including, but not limited to,
4 pregnancy or anticipated pregnancy, the employee shall present to the employer an exemption
5 statement, dated and signed by a physician or a physician assistant, licensed by the department of
6 health, or an advanced practice registered nurse, licensed by the department of health, who has
7 examined the employee. The statement shall provide that, in the professional opinion of the
8 physician, physician assistant, or advanced practice registered nurse, COVID-19 vaccination is not
9 in the best medical interest of the employee. The department of health shall adopt rules specifying
10 circumstances that are considered an anticipated pregnancy, including, but not limited to, a
11 maximum timeframe within which one anticipates pregnancy for the purpose of claiming an
12 exemption under this section.

13 (b) To claim an exemption based on religious reasons, the employee shall present to the
14 employer an exemption statement indicating that the employee declines COVID-19 vaccination
15 because of a sincerely held religious belief.

16 (c) To claim an exemption based on COVID-19 immunity, the employee shall present to
17 the employer an exemption statement demonstrating competent medical evidence that the employee
18 has immunity to COVID-19, documented by the results of a valid laboratory test performed on the
19 employee. The department of health shall adopt a standard for demonstrating competent medical
20 evidence of such immunity.

21 (d) To claim an exemption based on periodic testing, the employee shall present to the
22 employer an exemption statement indicating that the employee agrees to comply with regular
23 testing for the presence of COVID-19 at no cost to the employee.

24 (e) To claim an exemption based on employer-provided personal protective equipment, the
25 employee shall present to the employer an exemption statement indicating that the employee agrees
26 to comply with the employer's reasonable written requirement to use employer-provided personal
27 protective equipment when in the presence of other employees or other persons.

28 (f) Employers shall use forms adopted by the department of health, or substantially similar
29 forms, for employees to submit exemption statements.

30 **23-100-4. Complaint.**

31 (a) Any employee may file a complaint with the attorney general alleging that an exemption
32 has not been offered or has been improperly applied or denied in violation of the provisions of this
33 chapter. If the office of the attorney general investigates and finds that the exemption was not
34 offered or was improperly applied or denied, the attorney general shall notify the employer of the

1 attorney general's determination and allow the employer the opportunity to cure the noncompliance.

2 (b) If an employer fails to comply with the provisions of this chapter and terminates an
3 employee based on a COVID-19 vaccination mandate, the terminated employee may file a
4 complaint with the office of the attorney general alleging that an exemption has not been offered
5 or has been improperly applied or denied, resulting in the employee's termination. The office of the
6 attorney general shall conduct an investigation of the complaint filed by a terminated employee.
7 The investigation, at a minimum, shall determine whether the employer has imposed a COVID-19
8 vaccination mandate. If the attorney general finds that an employee has been improperly
9 terminated, the attorney general shall impose an administrative fine not to exceed:

10 (1) For an employer with fewer than one hundred (100) employees, ten thousand dollars
11 (\$10,000) per violation of this chapter.

12 (2) For an employer with one hundred (100) or more employees, fifty thousand dollars
13 (\$50,000) per violation of this chapter.

14 (3) The attorney general shall not impose a fine on an employer that reinstates, prior to the
15 issuance of a final order, a terminated employee with back pay to the date that the complaint was
16 received by the office of the attorney general.

17 **23-100-5. Penalties.**

18 (a) In determining the amount of fine to be levied for a violation, the attorney general may
19 consider any of the following factors:

- 20 (1) Whether the employer knowingly and willfully violated this chapter;
- 21 (2) Whether the employer has shown good faith in attempting to comply with the
22 requirements of this chapter;
- 23 (3) Whether the employer has taken any action to correct the violation;
- 24 (4) Whether the employer has previously been assessed a fine for violating the provisions
25 of this chapter; and
- 26 (5) Any other mitigating or aggravating factor that fairness and due process requires.

27 (b) All fines collected pursuant to this chapter shall be deposited into the general revenue
28 fund.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- COVID-19 VACCINATION MANDATE
PROHIBITED

1 This act would prohibit a private employer from mandating a COVID-19 vaccination upon
2 any full-time, part-time, or contract employee without providing individual exemptions that allow
3 an employee to opt out of such mandate on the basis of medical reasons, religious reasons, COVID-
4 19 immunity, periodic testing, or the use of employer-provided person protective equipment. An
5 employer who violates this requirement, following an investigation by the attorney general's office,
6 may be subject to fines of ten thousand dollars (\$10,000) per violation of employers employing
7 fewer than one hundred (100) employees, and fifty thousand dollars (\$50,000) per violation of
8 employers employing one hundred (100) or more employees.

9 This act would take effect upon passage.

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