

2024 -- S 2616

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO HEALTH AND SAFETY -- VACCINATION, TESTING, AND MASK
MANDATES PROHIBITION

Introduced By: Senators DeLuca, de la Cruz, Rogers, F. Lombardi, and Raptakis

Date Introduced: March 01, 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 VACCINATION, TESTING, AND MASK MANDATES PROHIBITION

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

6 This chapter shall be known and cited as the "Vaccination, Testing, and Mask Mandates
7 Prohibition".

8 **23-100-2. Private employer vaccination, testing, and mask mandates prohibition.**

9 (a) A private employer shall not impose a vaccination, testing, and mask mandates for any
10 full-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 personal belief, medical reasons, including,
12 but not limited to, pregnancy or anticipated pregnancy, religious reasons, COVID-19 or other virus
13 or pathogen immunity, periodic testing, or the use of employer-provided personal protective
14 equipment.

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

17 **23-100-3. Exemptions.**

18 (a) To claim an exemption based on medical reasons, including, but not limited to,

1 pregnancy or anticipated pregnancy, the employee shall present to the employer an exemption
2 statement, dated and signed by a physician or a physician assistant, licensed by the department of
3 health, or an advanced practice registered nurse, licensed by the department of health, who has
4 examined the employee. The statement shall provide that, in the professional opinion of the
5 physician, physician assistant, or advanced practice registered nurse, vaccination, testing, or mask
6 mandates are not in the best medical interest of the employee. The department of health shall adopt
7 rules specifying circumstances that are considered an anticipated pregnancy, including, but not
8 limited to, a maximum timeframe within which one anticipates pregnancy for the purpose of
9 claiming an exemption under this section.

10 (b) To claim an exemption based on personal belief or for religious reasons, the employee
11 shall present to the employer an exemption statement indicating that the employee declines
12 vaccination, testing, and/or mask mandates because of a sincerely held personal or religious belief.

13 (c) To claim an exemption based on immunity, the employee shall present to the employer
14 an exemption statement demonstrating competent medical evidence that the employee has
15 immunity to the virus or pathogen, documented by the results of a valid laboratory test performed
16 on the employee. The department of health shall adopt a standard for demonstrating competent
17 medical evidence of such immunity.

18 (d) To claim an exemption based on periodic testing, the employee shall present to the
19 employer an exemption statement indicating that the employee agrees to comply with regular
20 testing for the presence of the subject virus or pathogen at no cost to the employee.

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

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

27 **23-100-4. Complaint.**

28 (a) Any employee may file a complaint with the attorney general alleging that an exemption
29 has not been offered or has been improperly applied or denied in violation of the provisions of this
30 chapter. If the office of the attorney general investigates and finds that the exemption was not
31 offered or was improperly applied or denied, the attorney general shall notify the employer of the
32 attorney general's determination and allow the employer the opportunity to cure the noncompliance.

33 (b) If an employer fails to comply with the provisions of this chapter and terminates an
34 employee based on a vaccination, testing, and mask mandate related to a virus or pathogen, the

1 terminated employee may file a complaint with the office of the attorney general alleging that an
2 exemption has not been offered or has been improperly applied or denied, resulting in the
3 employee's termination. The office of the attorney general shall conduct an investigation of the
4 complaint filed by a terminated employee. The investigation, at a minimum, shall determine
5 whether the employer has imposed a vaccination, testing, and mask mandate related to a virus or
6 pathogen. If the attorney general finds that an employee has been improperly terminated, the
7 attorney general shall impose an administrative fine not to exceed:

8 (1) For an employer with fewer than one hundred (100) employees, ten thousand dollars
9 (\$10,000) per violation of this chapter.

10 (2) For an employer with one hundred (100) or more employees, fifty thousand dollars
11 (\$50,000) per violation of this chapter.

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

15 **23-100-5. Penalties.**

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

18 (1) Whether the employer knowingly and willfully violated this chapter;

19 (2) Whether the employer has shown good faith in attempting to comply with the
20 requirements of this chapter;

21 (3) Whether the employer has taken any action to correct the violation;

22 (4) Whether the employer has previously been assessed a fine for violating the provisions
23 of this chapter; and

24 (5) Any other mitigating or aggravating factor that fairness and due process requires.

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

27 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 -- VACCINATION, TESTING, AND MASK
MANDATES PROHIBITION

1 This act would prohibit a private employer from mandating a vaccination upon any full-
2 time, part-time, or contract employee without providing individual exemptions that allow an
3 employee to opt out of such mandate on the basis of personal or medical reasons, religious reasons,
4 immunity, periodic testing, or the use of employer-provided personal 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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