AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY MANAGEMENT

Introduced By: Representatives Roberts, Chippendale, Nardone, Rea, and Quattrocchi

Date Introduced: March 03, 2023
Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 30-15 of the General Laws entitled "Emergency Management" is hereby amended by adding thereto the following section:

30-15-7.1. Limitations to governor's general powers.

(a) Notwithstanding any of the powers or responsibilities bestowed upon the governor pursuant to §§ 30-15-17 and 30-15-9, the governor's authority regarding declaration or proclamation of emergency shall be limited as follows:

(1) Any action taken or ordered by the governor regarding the declaration or proclamation of emergency shall be in conformance with the Rhode Island Constitution.

(2)(i) Any declaration or proclamation of emergency by the governor shall terminate sixty (60) days after the date on which it was proclaimed unless the general assembly, when in session, extends the emergency by a joint resolution of a majority of the house and senate members.

(ii) If the general assembly is not in session at the time of the expiration of the declaration or proclamation of emergency by the governor, then both the president of the senate and the speaker of the house of representatives may extend the emergency by signing joint proclamations which shall not exceed sixty (60) days.

(b) The governor shall not issue any declaration or proclamation of emergency that would result in the elimination of a religious exemption as set forth in § 42-80.1-3.

(c) The governor shall not issue any declaration or proclamation of emergency that would eliminate a religious exemption regarding a requirement that an individual submit to a flu shot.
injection or other inoculation which has not been proven by scientific data over a minimum of five
(5) years evidencing that the flu shot, injection or other inoculation prevents or eliminates, not
merely reduces the contraction and spreading of the virus or disease.

SECTION 2. Sections 42-80.1-3 and 42-80.1-4 of the General Laws in Chapter 42-80.1
titled "Religious Freedom Restoration Act" are hereby amended to read as follows:

(a) Except as provided for in subsection (b), a governmental authority may not restrict a
person’s free exercise of religion.
(b) A governmental authority may restrict a person’s free exercise of religion only if:
(1) The restriction is in the form of a rule of general applicability, and does not intentionally
discriminate against religion, or among religions; and
(2) The governmental authority proves that application of the restriction to the person is
essential to further a compelling governmental interest, and is the least restrictive means of
furthering that compelling governmental interest;
(3) For the purpose of this section, the elimination of all religious exemptions is
discriminatory and a prohibited restriction; and
(4) For the purpose of this section, the approval of a religious exemption request shall be
liberally granted, and those charged with the exercise or enforcement are directed to act with strict
regard to the constitutionality protected religious rights of the people.

42-80.1-4. Remedies.
In any civil action alleging a violation of this chapter, the court may:
(1) Afford injunctive and declaratory relief against any governmental authority which
commits a and/or proposes to commit a violation of this chapter, and;
(2) Award a prevailing plaintiff damages, including, but not limited to, lost wages, filing
fees, costs and reasonable attorneys’ fees.

titled “Fair Employment Practices” are hereby amended to read as follows:

28-5-2. Legislative findings.
(a) The practice or policy of discrimination against individuals because of their race or
color, religion, sex,sexual orientation, gender identity or expression, disability, age, or country of
ancestral origin is a matter of state concern. Such discrimination foments domestic strife and unrest;
threatens the rights and privileges of the inhabitants of the state; and undermines the foundations
of a free democratic state. The denial of equal employment opportunities because of such
discrimination and the consequent failure to utilize the productive capacities of individuals to their
fullest extent deprive large segments of the population of the state of earnings necessary to maintain
decent standards of living, necessitates their resort to public relief, and intensifies group conflicts,
thereby resulting in grave injury to the public safety, health, and welfare.

(b) The elimination of a religious exemption for any flu shot, injection or other inoculation,
which has not been proven by scientific data over a minimum of five (5) years evidencing that the
flu shot, injection or other inoculation prevents or eliminates, not merely reduces, the contraction
and spreading of the virus or disease, is a violation of this chapter.

28-5-4. Exercise of police power.

This chapter shall be deemed an exercise of the police power of the state for the protection
of the public welfare, prosperity, health, and peace of the people of the state; provided, the powers
are exercised in strict compliance with the Rhode Island Constitution.


It shall be an unlawful employment practice:

(1) For any employer:

(i) To refuse to hire any applicant for employment because of his or her race or color,
religion, sex, sexual orientation, gender identity or expression, disability, age, or country of
ancestral origin;

(ii) Because of those reasons, to discharge an employee or discriminate against him or her
with respect to hire, tenure, compensation, terms, conditions or privileges of employment, or any
other matter directly or indirectly related to employment. However, if an insurer or employer
extends insurance-related benefits to persons other than or in addition to the named employee,
nothing in this subdivision shall require those benefits to be offered to unmarried partners of named
employees;

(iii) In the recruiting of individuals for employment or in hiring them, to utilize any
employment agency, placement service, training school or center, labor organization, or any other
employee referring source that the employer knows, or has reasonable cause to know, discriminates
against individuals because of their race or color, religion, sex, sexual orientation, gender identity
or expression, disability, age, or country of ancestral origin;

(iv) To refuse to reasonably accommodate an employee’s or prospective employee’s
disability unless the employer can demonstrate that the accommodation would pose a hardship on
the employer’s program, enterprise, or business; or

(v) When an employee has presented to the employer an internal complaint alleging
harassment in the workplace on the basis of race or color, religion, sex, disability, age, sexual
orientation, gender identity or expression, or country of ancestral origin, to refuse to disclose in a
timely manner in writing to that employee the disposition of the complaint, including a description
of any action taken in resolution of the complaint; provided, however, no other personnel
information shall be disclosed to the complainant;

(2)(i) For any employment agency to fail or refuse to properly classify or refer for
employment or otherwise discriminate against any individual because of his or her race or color,
religion, sex, sexual orientation, gender identity or expression, disability, age, or country of
ancestral origin; or

(ii) For any employment agency, placement service, training school or center, labor
organization, or any other employee referring source to comply with an employer’s request for the
referral of job applicants if the request indicates, either directly or indirectly, that the employer will
not afford full and equal employment opportunities to individuals regardless of their race or color,
religion, sex, sexual orientation, gender identity or expression, disability, age, or country of
ancestral origin;

(3) For any labor organization:

(i) To deny full and equal membership rights to any applicant for membership because of
his or her race or color, religion, sex, sexual orientation, gender identity or expression, disability,
age, or country of ancestral origin;

(ii) Because of those reasons, to deny a member full and equal membership rights, expel
him or her from membership, or otherwise discriminate in any manner against him or her with
respect to his or her hire, tenure, compensation, terms, conditions or privileges of employment, or
any other matter directly or indirectly related to membership or employment, whether or not
authorized or required by the constitution or bylaws of the labor organization or by a collective
labor agreement or other contract;

(iii) To fail or refuse to classify properly or refer for employment, or otherwise to
discriminate against any member because of his or her race or color, religion, sex, sexual
orientation, gender identity or expression, disability, age, or country of ancestral origin; or

(iv) To refuse to reasonably accommodate a member’s or prospective member’s disability
unless the labor organization can demonstrate that the accommodation would pose a hardship on
the labor organization’s program, enterprise, or business;

(4) Except where based on a bona fide occupational qualification certified by the
commission or where necessary to comply with any federal mandated affirmative action programs,
for any employer or employment agency, labor organization, placement service, training school or
center, or any other employee referring source, prior to employment or admission to membership
of any individual, to:
(i) Elicit, or attempt to elicit, any information directly or indirectly pertaining to his or her race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin;

(ii) Make or keep a record of his or her race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin;

(iii) Use any form of application for employment, or personnel or membership blank containing questions or entries directly or indirectly pertaining to race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin;

(iv) Print or publish, or cause to be printed or published, any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination based upon race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin; or

(v) Establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin of that group;

(5) For any employer or employment agency, labor organization, placement service, training school or center, or any other employee referring source to discriminate in any manner against any individual because he or she has opposed any practice forbidden by this chapter, or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this chapter;

(6) For any person, whether or not an employer, employment agency, labor organization, or employee, to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful employment practice, or to obstruct or prevent any person from complying with the provisions of this chapter or any order issued pursuant to this chapter, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful employment practice;

(7) For any employer to include on any application for employment, except applications for law enforcement agency positions or positions related to law enforcement agencies, a question inquiring or to otherwise inquire either orally or in writing whether the applicant has ever been arrested, charged with or convicted of any crime; provided, that:

(i) If a federal or state law or regulation creates a mandatory or presumptive disqualification from employment based on a person’s conviction of one or more specified criminal offenses, an employer may include a question or otherwise inquire whether the applicant has ever been convicted of any of those offenses; or

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(ii) If a standard fidelity bond or an equivalent bond is required for the position for which
the applicant is seeking employment and his or her conviction of one or more specified criminal
offenses would disqualify the applicant from obtaining such a bond, an employer may include a
question or otherwise inquire whether the applicant has ever been convicted of any of those
offenses; and

(iii) Notwithstanding, any employer may ask an applicant for information about his or her
criminal convictions at the first interview or thereafter, in accordance with all applicable state and
federal laws;

(8)(i) For any person who or that, on June 7, 1988, is providing either by direct payment
or by making contributions to a fringe benefit fund or insurance program, benefits in violation with
§§ 28-5-6, 28-5-7 and 28-5-38, until the expiration of a period of one year from June 7, 1988, or if
there is an applicable collective bargaining agreement in effect on June 7, 1988, until the
termination of that agreement, in order to come into compliance with §§ 28-5-6, 28-5-7 and 28-5-38,
to reduce the benefits or the compensation provided any employee on June 7, 1988, either
directly or by failing to provide sufficient contributions to a fringe benefit fund or insurance
program.

(ii) Where the costs of these benefits on June 7, 1988, are apportioned between employers
and employees, the payments or contributions required to comply with §§ 28-5-6, 28-5-7 and 28-5-38
may be made by employers and employees in the same proportion.

(iii) Nothing in this section shall prevent the readjustment of benefits or compensation for
reasons unrelated to compliance with §§ 28-5-6, 28-5-7 and 28-5-38.

(9) That for the purpose of this section, the elimination of all religious exemptions is
discriminatory and a prohibited and unlawful employment practice.

SECTION 4. This act shall take effect upon passage.

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This act would limit the duration of the governor's declaration or proclamation of emergency to sixty (60) days unless extended by the general assembly and prohibit the elimination of any religious exemption to submit to mandatory health injections or inoculations. This act would also expand religious freedom in the State of Rhode Island by declaring that elimination of all religious exemptions is discriminatory and a prohibited restriction and an unlawful employment practice.

This act would take effect upon passage.