STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2023

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: March 07, 2023
Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

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

CHAPTER 99
COVID-19 VACCINATION MANDATE PROHIBITED

23-99-1. Title.
This chapter shall be known and cited as the “COVID-19 Vaccination Mandate Prohibited”.

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

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

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


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

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

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

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

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

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


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

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

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

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

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

23-99.5. Penalties.

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

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

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

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

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

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

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

SECTION 2: This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY -- COVID-19 VACCINATION MANDATE PROHIBITED

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

This act would take effect upon passage.

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