

2021 -- H 5989

LC001149

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL OFFENSES - MANDATORY VACCINATION AGREEMENT
PROHIBITED

Introduced By: Representatives Noret, Casimiro, Vella-Wilkinson, Corvese, Craven,
Casey, and Lombardi

Date Introduced: February 26, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-24-2 of the General Laws in Chapter 11-24 entitled "Hotels And
2 Public Places" is hereby amended to read as follows:

3 **11-24-2. Discriminatory practices prohibited.**

4 No person, being the owner, lessee, proprietor, manager, superintendent, agent, or
5 employee of any place of public accommodation, resort, or amusement shall directly or indirectly
6 refuse, withhold from, or deny to any person on account of race or color, religion, country of
7 ancestral origin, disability, age, sex, sexual orientation, gender identity or expression, or refusal of
8 the individual to receive a vaccine or to provide proof of vaccination, any of the accommodations,
9 advantages, facilities, or privileges of that public place. No person shall directly or indirectly
10 publish, circulate, issue, display, post, or mail any written, printed or painted communication,
11 notice, or advertisement, to the effect that any of the accommodations, advantages, facilities, and
12 privileges of any public accommodation place shall be refused, withheld from, or denied to any
13 person on account of race or color, religion, country of ancestral origin, disability, sex or sexual
14 orientation, gender identity or expression, or age or for refusal to be vaccinated or to provide proof
15 of vaccination or that the patronage or custom at that place of any person belonging to or purporting
16 to be of any particular race or color, religion, country of ancestral origin, disability, age, sex, sexual
17 orientation, or vaccination status or gender identity or expression is unwelcome, objectionable, or
18 not acceptable, desired, or solicited. The production of any written, printed, or painted

1 communication, notice, or advertisement, purporting to relate to any public place and to be made
2 by any person being its owner, lessee, proprietor, superintendent, or manager, shall be presumptive
3 evidence in any action that its production was authorized by that person.

4 SECTION 2. Section 28-5-7 of the General Laws in Chapter 28-5 entitled "Fair
5 Employment Practices" is hereby amended to read as follows:

6 **28-5-7. Unlawful employment practices.**

7 It shall be an unlawful employment practice:

8 (1) For any employer:

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

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

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

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

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

32 (vi) To refuse to hire, or to discharge, penalize or discriminate against any individual, to
33 include, but not be limited to, any health care professional, with respect to compensation or the
34 terms, conditions or privileges of employment on the basis of the individual's vaccination history

1 [or the refusal of an individual to receive a vaccine or to provide proof of vaccination and/or](#)
2 [immunity.](#)

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

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

13 (3) For any labor organization:

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

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

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

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

29 (4) Except where based on a bona fide occupational qualification certified by the
30 commission or where necessary to comply with any federal mandated affirmative action programs,
31 for any employer or employment agency, labor organization, placement service, training school or
32 center, or any other employee referring source, prior to employment or admission to membership
33 of any individual, to:

34 (i) Elicit or attempt to elicit any information directly or indirectly pertaining to his or her

1 race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or
2 country of ancestral origin;

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

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

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

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

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

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

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

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

34 (ii) If a standard fidelity bond or an equivalent bond is required for the position for which

1 the applicant is seeking employment and his or her conviction of one or more specified criminal
2 offenses would disqualify the applicant from obtaining such a bond, an employer may include a
3 question or otherwise inquire whether the applicant has ever been convicted of any of those
4 offenses; and

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

8 (8)(i) For any person who, on June 7, 1988, is providing either by direct payment or by
9 making contributions to a fringe benefit fund or insurance program, benefits in violation with §§
10 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
11 there is an applicable collective bargaining agreement in effect on June 7, 1988, until the
12 termination of that agreement, in order to come into compliance with §§ 28-5-6, 28-5-7 and 28-5-
13 38, to reduce the benefits or the compensation provided any employee on June 7, 1988, either
14 directly or by failing to provide sufficient contributions to a fringe benefit fund or insurance
15 program.

16 (ii) Where the costs of these benefits on June 7, 1988 are apportioned between employers
17 and employees, the payments or contributions required to comply with §§ 28-5-6, 28-5-7 and 28-
18 5-38 may be made by employers and employees in the same proportion.

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

21 SECTION 3. Section 30-15-9 of the General Laws in Chapter 30-15 entitled "Emergency
22 Management" is hereby amended to read as follows:

23 **30-15-9. Governor's responsibilities relating to disaster emergencies.**

24 (a) The governor shall be responsible for meeting the dangers to the state and people
25 presented by disasters.

26 (b) A state of emergency shall be declared by executive order or proclamation of the
27 governor if he or she finds a disaster has occurred or that this occurrence, or the threat thereof, is
28 imminent. The state of disaster emergency shall continue until the governor finds that the threat or
29 danger has passed or the disaster has been dealt with to the extent that emergency conditions no
30 longer exist and terminates the state of disaster emergency by executive order or proclamation, but
31 no state of disaster emergency may continue for longer than thirty (30) days unless renewed by the
32 governor. The general assembly, by concurrent resolution, may terminate a state of disaster
33 emergency at any time. Thereupon, the governor shall issue an executive order or proclamation
34 ending the state of disaster emergency and what actions are being taken to control the emergency

1 and what action the public should take to protect themselves. All executive orders or proclamations
2 issued under this subsection shall indicate the nature of the disaster, the area or areas threatened,
3 and the conditions that have brought it about or that make possible termination of the state of
4 disaster emergency. An executive order or proclamation shall be disseminated promptly by means
5 calculated to bring its contents to the attention of the general public and, unless the circumstances
6 attendant upon the disaster prevent or impede, promptly filed with the agency, the secretary of state,
7 and the city and town clerks in the area to which it applies.

8 (c) An executive order or proclamation of a state of disaster emergency, shall activate the
9 state and local disaster emergency plans applicable to the political subdivision or area in question
10 and shall be authority for the deployment and use of any forces to which the plan or plans apply
11 and for the use or distribution of any supplies, equipment, and materials and facilities assembled,
12 stockpiled, or arranged to be made available pursuant to this chapter or any other provision of law
13 relating to disaster emergencies.

14 (d) During the continuance of any state of disaster emergency the governor is commander-
15 in-chief of the organized and unorganized militia and of all other forces available for emergency
16 duty. To the greatest extent practicable, the governor shall delegate or assign command authority
17 by prior arrangement embodied in appropriate executive orders or regulations, but nothing herein
18 restricts the governor's authority to do so by orders issued at the time of the disaster emergency.

19 (e) In addition to any other powers conferred upon the governor by law, the governor may
20 exercise the following powers, limited in scope and duration as is reasonably necessary for
21 emergency response:

22 (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct
23 of state business, or the orders, rules, or regulations of any state agency, if strict compliance with
24 the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay
25 necessary action in coping with the emergency, provided that the suspension of any statute, order,
26 rule or regulation will be limited in duration and scope to the emergency action requiring said
27 suspension;

28 (2) Utilize all available resources of the state government as reasonably necessary to cope
29 with the disaster emergency and of each political subdivision of the state;

30 (3) Transfer the direction, personnel, or functions of state departments and agencies or units
31 thereof for the purpose of performing or facilitating emergency services;

32 (4) Subject to any applicable requirements for compensation under § 30-15-11,
33 commandeer or utilize any private property if the governor finds this necessary to cope with the
34 disaster emergency;

1 (5) Direct and compel the evacuation of all or part of the population from any stricken or
2 threatened area within the state if the governor deems this action necessary for the preservation of
3 life or other disaster mitigation, response, or recovery;

4 (6) Prescribe routes, modes of transportation, and destinations in connection with
5 evacuation;

6 (7) Control ingress and egress to and from a high risk area, the movement of persons within
7 the area, and the occupancy of premises therein;

8 (8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms,
9 explosives, and combustibles;

10 (9) Make provision for the availability and use of temporary emergency shelter;

11 (10) Make and promulgate such rules and regulations as the governor may deem advisable
12 for the assigning, detailing, and making available for duty and use in any city or town of this state
13 any of the personnel, apparatus, or equipment of any police or fire department of any other city or
14 town, or of any volunteer fire company, or of any fire district, and that personnel shall have the
15 same powers, duties, rights, privileges, and immunities as if performing their duties in the city or
16 town in which they normally would be employed, but the personnel shall obey the orders of the
17 police and fire authorities of the city or town to which assigned, detailed, or made available. When
18 assigned, detailed, or made available as aforesaid, the city or town in which the police or firemen
19 shall perform outside duties shall provide them with subsistence or pay them a reasonable
20 allowance therefor, and shall also be liable for any damage to the apparatus or equipment incurred
21 while being so used; provided, however, that a city or town shall be reimbursed by the state out of
22 the general fund of the state for all expenses incurred under the foregoing provisions of this
23 subsection;

24 (11) Designate as a special emergency health and sanitation area, any area within the state
25 that has been seriously damaged by disaster, or in which the existence of any military, naval, or air
26 establishment of the United States of America or of any industrial establishment constructed or
27 enlarged for purposes of national defense, has caused an increase in the population of that area to
28 such an extent as to produce unusual problems of health and sanitation. It is the duty of state health
29 authorities and the local code enforcement officials to make and enforce rules and regulations
30 designed to prevent the introduction of any contagious or infectious disease and to safeguard the
31 public health within the area. The governor may promulgate and enforce additional rules and
32 regulations for the protection of the public health within areas as may be necessary;

33 (12) Whenever, in the governor's opinion, due to a disaster there is liable to be a serious
34 shortage in the supply of food, fuel, clothing, antitoxins, serums, immunizing agents, or any other

1 pharmaceutical agents or medical supplies, or any other necessity of life or defense, and the federal
2 authorities are not adequately dealing with the situation, promulgate such rules and regulations as
3 he or she, from time to time, deems necessary to regulate the sale, purchase, or distribution of those
4 necessities and to prohibit and prevent the wasting, secreting, hiding, or hoarding of, or profiteering
5 from, those necessities; additionally, during a declared time of state or national emergency, no
6 person, firm, or corporation shall increase the price of any item it sells or offers for sale at retail
7 immediately prior to the proclamation of emergency or during the proclaimed state of emergency.
8 Nothing in this section shall prohibit the fluctuation in the price of items sold at retail that occurs
9 during the normal course of business. Any person, firm, or corporation who or that violates any
10 provision of this subsection shall be fined not more than one hundred dollars (\$100);

11 (13) Do all other things necessary to effectively cope with disasters in the state not
12 inconsistent with other provisions of law;

13 (14) Adopt and enforce measures to provide for the safe disposal of infectious waste as
14 may be reasonable and necessary for emergency response due to a state disaster emergency. Such
15 measures may include, but are not limited to, the collection, storage, handling, destruction,
16 treatment, transportation, and disposal of infectious waste;

17 (15) Adopt and enforce measures to provide for the safe disposal of corpses as may be
18 reasonable and necessary for emergency response due to a state disaster emergency. Such measures
19 may include, but are not limited to, the embalming, burial, cremation, interment, disinterment,
20 transportation, and disposal of corpses; and

21 (16) Compel a person to submit to a physical examination and/or testing as necessary to
22 diagnose or treat the person. The medical examination and/or testing may be performed by any
23 qualified person authorized by the department of health and must not be reasonably likely to result
24 in serious harm to the affected individual. The medical examination and/or testing shall be
25 performed immediately upon the order of the department of health without resort to judicial or
26 quasi-judicial authority. If the department of health is uncertain whether a person who refuses to
27 undergo medical examination and/or testing may have been exposed to an infectious disease or
28 otherwise poses a danger to public health, the department of health may subject the individual to
29 isolation or quarantine pursuant to § 23-8-4.

30 (f) Nothing contained within this section shall be construed as authorizing the governor by
31 executive order or proclamation to require any individual to be vaccinated or to be subject to any
32 penalty, either civil or criminal, for refusing to be vaccinated.

33 SECTION 4. Section 34-37-4.3 of the General Laws in Chapter 34-37 entitled "Rhode
34 Island Fair Housing Practices Act" is hereby amended to read as follows:

1 **34-37-4.3. Discrimination in granting credit or loans prohibited.**

2 No financial organization governed by the provisions of title 19 or any other credit granting
3 commercial institution may discriminate in the granting or extension of any form of loan or credit,
4 or the privilege or capacity to obtain any form of loan or credit, on the basis of the applicant's sex,
5 marital status, military status as a veteran with an honorable discharge or an honorable or general
6 administrative discharge, servicemember in the armed forces, race or color, religion or country of
7 ancestral origin, disability or age or familial status, sexual orientation, or gender identity or
8 expression [or vaccination history](#) and the form of loan and credit shall not be limited to those
9 concerned with housing accommodations and the commission shall prevent any violation hereof in
10 the same manner as it is to prevent unlawful housing practices under the provisions of this chapter.

11 SECTION 5. This act shall take effect upon passage.

=====
LC001149
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO CRIMINAL OFFENSES - MANDATORY VACCINATION AGREEMENT
PROHIBITED

1 This act would prohibit discrimination against individuals for refusal to be vaccinated with
2 the respect to employment, public accommodations and credit. This act would also provide that the
3 governor has no authority pursuant to an emergency declaration to order mandatory vaccination of
4 an individual.

5 This act would take effect upon passage.

=====
LC001149
=====