

2023 -- H 6065

LC001936

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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:

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

3 **30-15-7.1. Limitations to governor's general powers.**

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

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

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

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

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

18 (c) The governor shall not issue any declaration or proclamation of emergency that would
19 eliminate a religious exemption regarding a requirement that an individual submit to a flu shot,

1 injection or other inoculation which has not been proven by scientific data over a minimum of five
2 (5) years evidencing that the flu shot, injection or other inoculation prevents or eliminates, not
3 merely reduces the contraction and spreading of the virus or disease.

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

6 **42-80.1-3. Religious freedom protected.**

7 (a) Except as provided for in subsection (b), a governmental authority may not restrict a
8 person's free exercise of religion.

9 (b) A governmental authority may restrict a person's free exercise of religion only if:

10 (1) The restriction is in the form of a rule of general applicability, and does not intentionally
11 discriminate against religion, or among religions; ~~and~~

12 (2) The governmental authority proves that application of the restriction to the person is
13 essential to further a compelling governmental interest, and is the least restrictive means of
14 furthering that compelling governmental interest;

15 (3) For the purpose of this section, the elimination of all religious exemptions is
16 discriminatory and a prohibited restriction; and

17 (4) For the purpose of this section, the approval of a religious exemption request shall be
18 liberally granted, and those charged with the exercise or enforcement are directed to act with strict
19 regard to the constitutionality protected religious rights of the people.

20 **42-80.1-4. Remedies.**

21 In any civil action alleging a violation of this chapter, the court ~~may~~ shall:

22 (1) Afford injunctive and declaratory relief against any governmental authority which
23 commits ~~a~~ and/or proposes to commit a violation of this chapter, and;

24 (2) Award a prevailing plaintiff damages, including, but not limited to, lost wages, filing
25 fees, costs and reasonable attorneys' fees.

26 SECTION 3. Sections 28-5-2, 28-5-4 and 28-5-7 of the General Laws in Chapter 28-5
27 entitled "Fair Employment Practices" are hereby amended to read as follows:

28 **28-5-2. Legislative findings.**

29 (a) The practice or policy of discrimination against individuals because of their race or
30 color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of
31 ancestral origin is a matter of state concern. Such discrimination foments domestic strife and unrest;
32 threatens the rights and privileges of the inhabitants of the state; and undermines the foundations
33 of a free democratic state. The denial of equal employment opportunities because of such
34 discrimination and the consequent failure to utilize the productive capacities of individuals to their

1 fullest extent deprive large segments of the population of the state of earnings necessary to maintain
2 decent standards of living, necessitates their resort to public relief, and intensifies group conflicts,
3 thereby resulting in grave injury to the public safety, health, and welfare.

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

8 **28-5-4. Exercise of police power.**

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

12 **28-5-7. Unlawful employment practices.**

13 It shall be an unlawful employment practice:

14 (1) For any employer:

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

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

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

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

32 (v) When an employee has presented to the employer an internal complaint alleging
33 harassment in the workplace on the basis of race or color, religion, sex, disability, age, sexual
34 orientation, gender identity or expression, or country of ancestral origin, to refuse to disclose in a

1 timely manner in writing to that employee the disposition of the complaint, including a description
2 of any action taken in resolution of the complaint; provided, however, no other personnel
3 information shall be disclosed to the complainant;

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

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

14 (3) For any labor organization:

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

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

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

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

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

1 (i) Elicit, or attempt to elicit, any information directly or indirectly pertaining to his or her
2 race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or
3 country of ancestral origin;

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

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

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

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

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

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

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

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

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

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

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

17 (ii) Where the costs of these benefits on June 7, 1988, are apportioned between employers
18 and employees, the payments or contributions required to comply with §§ 28-5-6, 28-5-7 and 28-
19 5-38 may be made by employers and employees in the same proportion.

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

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

24 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY MANAGEMENT

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

7 This act would take effect upon passage.

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