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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 STATE AFFAIRS AND GOVERNMENT -- RELIGIOUS FREEDOM
RESTORATION ACT

Introduced By: Senators DeLuca, Paolino, E Morgan, Rogers, and de la Cruz

Date Introduced: January 12, 2024

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-80.1-3 and 42-80.1-4 of the General Laws in Chapter 42-80.1
2 entitled "Religious Freedom Restoration Act" are hereby amended to read as follows:

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

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

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

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

9 (2) The governmental authority proves that application of the restriction to the person is
10 essential to further a compelling governmental interest, and is the least restrictive means of
11 furthering that compelling governmental interest.

12 (c) For the purpose of this section, the elimination of all religious exemptions is
13 discriminatory and a prohibited restriction.

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

17 **42-80.1-4. Remedies.**

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

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

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

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

7 **28-5-2. Legislative findings.**

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

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

21 **28-5-4. Exercise of police power.**

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

25 **28-5-7. Unlawful employment practices.**

26 It shall be an unlawful employment practice:

27 (1) For any employer:

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

31 (ii) Because of those reasons, to discharge an employee or discriminate against him or her
32 with respect to hire, tenure, compensation, terms, conditions or privileges of employment, or any
33 other matter directly or indirectly related to employment. However, if an insurer or employer
34 extends insurance-related benefits to persons other than or in addition to the named employee,

1 nothing in this subdivision shall require those benefits to be offered to unmarried partners of named
2 employees;

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

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

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

17 (vi) To require an employee as a condition of employment, to execute a nondisclosure
18 agreement that requires alleged violations of civil rights remain confidential, or a non-
19 disparagement agreement concerning alleged violations of civil rights or alleged unlawful conduct,
20 or any agreement with a clause that requires alleged violations of civil rights remain confidential.
21 Any contract provision in violation of this subsection shall be void as a violation of public policy;

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

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

32 (3) For any labor organization:

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

1 age, or country of ancestral origin;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (8)(i) For any person who or that, on June 7, 1988, is providing either by direct payment
28 or by making contributions to a fringe benefit fund or insurance program, benefits in violation with
29 §§ 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
30 there is an applicable collective bargaining agreement in effect on June 7, 1988, until the
31 termination of that agreement, in order to come into compliance with §§ 28-5-6, 28-5-7 and 28-5-
32 38, to reduce the benefits or the compensation provided any employee on June 7, 1988, either
33 directly or by failing to provide sufficient contributions to a fringe benefit fund or insurance
34 program.

1 (ii) Where the costs of these benefits on June 7, 1988, are apportioned between employers
2 and employees, the payments or contributions required to comply with §§ 28-5-6, 28-5-7 and 28-
3 5-38 may be made by employers and employees in the same proportion.

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

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

8 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RELIGIOUS FREEDOM
RESTORATION ACT

1 This act would prohibit the elimination of any religious exemption to submit to mandatory
2 health injections or inoculations. This act would also expand religious freedom in the State of
3 Rhode Island by declaring that elimination of all religious exemptions is discriminatory and a
4 prohibited restriction and an unlawful employment practice.

5 This act would take effect upon passage.

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