

2026 -- H 7540

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LC004722

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO HEALTH AND SAFETY -- DEPARTMENT OF HEALTH

Introduced By: Representatives Tanzi, McGaw, Felix, Hull, J. Lombardi, Stewart, Giraldo, Edwards, Bennett, and Donovan

Date Introduced: February 06, 2026

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-1-44 of the General Laws in Chapter 23-1 entitled "Department
2 of Health" is hereby amended to read as follows:

3 **23-1-44. Routine childhood and adult immunization vaccines.**

4 (a) The department of health shall include in the department's immunization program those
5 vaccines for routine childhood immunization as recommended by the Advisory Committee for
6 Immunization Practices (ACIP) and the Academy of Pediatrics (AAP), and for routine adult
7 immunization as recommended by the ACIP, to the extent permitted by available funds. The
8 immunization program includes administrative and quality assurance services and the Rhode Island
9 Child and Adult Immunization Registry (RICAIR), a confidential, computerized information
10 system that is used to manage statewide immunizations, for all persons in Rhode Island.

11 (b) The director of the department of health shall appoint an advisory committee that will
12 be convened after the ACIP makes a recommendation regarding immunization. The committee will
13 review the ACIP recommendations for the state; as well as evidence-based, medically sound,
14 scientific recommendations from the Academy of Pediatrics (AAP), American Medical
15 Association (AMA), American Academy of Family Physicians (AAFP); assess the vaccine cost
16 and feasibility; and advise the director of health and the office of the health insurance commissioner
17 regarding insurers and providers acting on the ACIP immunization recommendation. All
18 recommendations will be posted on the department of health website. The advisory committee
19 membership shall include, but not be limited to, a primary care provider, pharmacist,

1 representatives of the nursing home industry, the home healthcare industry and major insurers.

2 (c) For the purpose of protecting patients' information, all personally-identifiable
3 information obtained pursuant to this section shall be subject to the privacy protections of chapter
4 37.3 of title 5 and the Health Insurance Portability and Accountability Act of 1996, Pub. L. No.
5 104-191 (HIPAA), as amended.

6 SECTION 2. Section 23-101-2 of the General Laws in Chapter 23-101 entitled "Healthcare
7 Provider Shield" is hereby amended to read as follows:

8 **23-101-2. Definitions.**

9 As used in this chapter, the followings words shall have the following meanings unless the
10 context clearly indicates otherwise:

11 (1) "Aggrieved person" means:

12 (i) A person against whom hostile litigation is filed or prosecuted or the legal representative
13 of a person against whom hostile litigation is filed or prosecuted; or

14 (ii) The employer of a person against whom hostile litigation is filed or prosecuted if the
15 legally protected healthcare activity or aiding and assisting legally protected healthcare activity of
16 the person that forms the basis of the hostile litigation was performed within the scope of the
17 person's employment.

18 (2) "Aid and assist legally protected healthcare activity" and "aiding and assisting legally
19 protected healthcare activity" mean:

20 (i) Any act or omission of a person aiding or effectuating or attempting to aid or effectuate
21 any other person in legally protected healthcare activity; ~~or~~

22 (ii) The provision or administration of, or attempted provision or administration of,
23 insurance coverage for gender-affirming healthcare services or reproductive healthcare services to
24 a beneficiary or a dependent of a beneficiary by any insurer, payor, or employer;~~;~~ or

25 (iii) The prescription, administration, or dispensing of a vaccination pursuant to the routine
26 childhood and adult immunization vaccine recommendations that are developed from evidence-
27 based, medically sound scientific research by the department pursuant to § 23-1-44, as well as the
28 Academy of Pediatrics (AAP), American Medical Association (AMA), American Academy of
29 Family Physicians (AAFP), and other such similar medical professional organizations;

30 (iv) "Aiding and assisting legally protected healthcare activity" does not include any
31 conduct that violates Rhode Island law or deviates from the applicable standard of care or that could
32 form the basis of a civil, criminal, or administrative action under the laws of this state had the
33 course of conduct that forms the basis for liability occurred entirely within this state.

34 (3) "Foreign judgment" means any judgment or decree of a court of another state.

(5) "Healthcare provider" means and shall apply to the following:

- (i) A qualified physician licensed pursuant to chapters 37 and 37.3 of title 5;
- (ii) A qualified osteopathic physician licensed pursuant to chapter 37 of title 5;
- (iii) A qualified physician assistant licensed pursuant to chapter 54 of title 5;
- (iv) A genetic counselor licensed pursuant to chapter 92 of title 5;
- (v) A qualified psychologist licensed pursuant to chapter 44 of title 5;
- (vi) A qualified social worker licensed pursuant to chapter 39.1 of title 5;
- (vii) An advanced practice registered nurse, and a certified nurse practitioner, licensed pursuant to chapter 34 of title 5, and a certified registered nurse anesthetist licensed pursuant to chapters 34 and 34.2 of title 5;
- (viii) A certified nurse midwife licensed pursuant to chapter 13 of this title;
- (ix) A licensed clinical mental health counselor or associate, and a licensed marriage and family therapist or associate, licensed pursuant to chapter 63.2 of title 5;
- (x) An electrologist licensed pursuant to chapter 32 of title 5;
- (xi) A speech-language pathologist licensed pursuant to chapter 48 of title 5;
- (xii) An occupational therapist licensed pursuant to chapter 40.1 of title 5;
- (xiii) A chiropractic physician licensed pursuant to chapter 30 of title 5; and
- (xiv) A pharmacist engaging in the practice of pharmacy and licensed pursuant to chapter 19.1 of title 5.

29 (6) "Hostile litigation" means any litigation or other legal action, including civil, criminal,
30 or administrative action, to deter, prevent, sanction, or punish any person engaging in legally
31 protected healthcare activity or aiding and assisting legally protected healthcare activity by:

32 (i) Filing or prosecuting any litigation or other legal action in any other state where liability
33 is based on legally protected healthcare activity or aiding and assisting legally protected healthcare
34 activity that occurred in this state, including any action in which liability is based on any theory of

1 vicarious, joint, or several liability; or
2 (ii) Attempting to enforce any order or judgment issued in connection with any litigation
3 or other legal action under subsection (6)(i) of this section by any party to the action or by any
4 person acting on behalf of any party to the action.

5 (iii) For purposes of this chapter, litigation or other legal action is based on legally protected
6 healthcare activity or aiding and assisting legally protected healthcare activity that occurred in this
7 state if any part of any act or omission involved in the course of conduct that forms the basis for
8 liability in the action occurs or is initiated in this state, whether or not the act or omission is alleged
9 or included in any pleading or other filing in the lawsuit.

10 (7) “Law enforcement agency” means any police department in any city or town or the
11 state police as defined in the general laws. For purposes of this act, a law enforcement agency may
12 include any other non-federal entity in the state charged with the enforcement of laws relating to
13 the custody of detained persons.

14 (8) “Legally protected healthcare activity” means:

15 (i) The exercise and enjoyment or attempted exercise and enjoyment by any person of the
16 right secured by this state to gender-affirming healthcare services or reproductive healthcare
17 services; ~~and~~

18 (ii) The provision or attempted provision of gender-affirming healthcare services or
19 reproductive healthcare services that are permitted under the laws and regulations of this state and
20 that are provided in accordance with the applicable standard of care by a person properly licensed
21 under the laws of this state and physically present in this state, regardless of whether the patient is
22 located in this state or whether the person is licensed in the state where the patient is located at the
23 time the services are rendered; ~~and~~

24 (iii) The provision or attempted provision of a vaccination pursuant to the routine childhood
25 and adult immunization vaccine recommendations that are developed from evidence-based,
26 medically sound scientific research by the department pursuant to § 23-1-44, as well as the
27 Academy of Pediatrics (AAP), American Medical Association (AMA), American Academy of
28 Family Physicians (AAFP), and other such similar medical professional organizations.

29 (iv) “Legally protected healthcare activity” does not include any conduct that could form
30 the basis of a civil, criminal, or administrative action under the laws of this state had the course of
31 conduct that forms the basis for liability occurred entirely within this state and/or in violation of
32 Rhode Island law.

33 (9) “Reproductive healthcare services” means all supplies, care, and services of a medical,
34 behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventive,

1 rehabilitative, or supportive nature, including medication, relating to pregnancy, contraception,
2 assisted reproduction, pregnancy loss management, or the termination of a pregnancy in accordance
3 with the applicable standard of care as defined by major medical professional organizations and
4 agencies with expertise in the field of reproductive health care.

5 (10) “Routine childhood and adult immunization vaccine recommendations” means
6 vaccine recommendations that are developed from evidence based, medically sound scientific
7 research by the department pursuant to § 23-1-44, as well as the Academy of Pediatrics (AAP),
8 American Medical Association (AMA), American Academy of Family Physicians (AAFP), and
9 other such similar medical professional organizations.

10 (11) “State” means a state of the United States, the District of Columbia, Puerto Rico, the
11 United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the
12 United States. The term “this state” refers to the state of Rhode Island.

13 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 HEALTH AND SAFETY -- DEPARTMENT OF HEALTH

1 This act would require that routine childhood and adult immunization vaccine
2 recommendations be based on, and developed from, evidence-based, medically sound scientific
3 research by the department of health as well as the Academy of Pediatrics, American Medical
4 Association, American Academy of Family Physicians, and other such similar medical professional
5 organizations.

6 This act would take effect upon passage.

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