

2026 -- S 2737 SUBSTITUTE A

LC005881/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY
INSURANCE -- GENERAL PROVISIONS

Introduced By: Senators Lawson, Ciccone, Tikoian, Burke, Bissaillon, LaMountain,
Murray, Britto, McKenney, and Felag

Date Introduced: February 27, 2026

Referred To: Senate Labor & Gaming

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 28-39 of the General Laws entitled "Temporary Disability Insurance
2 — General Provisions" is hereby amended by adding thereto the following section:

3 **28-39-42. Feasibility report.**

4 (a) The director of the department of labor and training shall, by March 31, 2027, deliver
5 to the president of the senate and speaker of the house of representatives, a report examining the
6 feasibility, design, administration, and fiscal implications of establishing a statutory mechanism
7 through which eligible self-employed Rhode Island residents would be able to elect to participate
8 in the temporary disability insurance and temporary caregiver insurance programs established
9 under chapters 39, 40, and 41 of title 28.

10 (b) In conducting the study, the department of labor and training shall consult with the
11 department of revenue and any other executive branch agency that the director of the department
12 of labor and training, or designee thereof, identifies as having relevant expertise or jurisdiction.

13 (c) The report shall address, at a minimum:

14 (1) Criteria for determining which self-employed Rhode Island residents would be eligible
15 to elect coverage;

16 (2) Methods for assessing, collecting, and reconciling contributions from electing self-
17 employed residents, including coordination with existing state and federal tax reporting and
18 payment processes;

1 (3) Methods for verifying self-employment earnings and calculating weekly benefit
2 amounts;

3 (4) Administrative, staffing, technological, and rulemaking requirements for
4 implementation;

5 (5) Safeguards against adverse selection and program abuse, including waiting periods,
6 minimum participation periods, and limitations on enrollment and re-enrollment; and

7 (6) Recommended statutory and regulatory changes necessary to implement any program
8 proposed in the report.

9 SECTION 2. Sections 28-41-34 and 28-41-35 of the General Laws in Chapter 28-41
10 entitled "Temporary Disability Insurance — Benefits" are hereby amended to read as follows:

11 **28-41-34. Temporary caregiver insurance. [Effective January 1, 2026.]**

12 The purpose of this chapter is to establish, within the state temporary disability insurance
13 program, a temporary caregiver insurance program to provide wage replacement benefits in
14 accordance with the provisions of this chapter, to workers who take time off work to care for a
15 seriously ill child, spouse, domestic partner, sibling, parent, parent-in-law, care recipient
16 grandparent, grandchild, or to bond with a new child.

17 Definitions as used in this chapter:

18 (1) "Adopted child" means a child adopted by, or placed for adoption with, the employee.

19 (2) "Bonding or bond" means to develop a psychological and emotional attachment
20 between a child and the child's parent(s) or persons who stand in loco parentis. This shall involve
21 being in one another's physical presence.

22 (3) "Bone marrow transplant donor" means an individual from whose body bone marrow
23 is taken to be transferred to the body of another person.

24 (4) "Care recipient" means a person for whom the employee is responsible for providing
25 or arranging health or safety related care including, but not limited to, helping the person obtain
26 diagnostic, preventive, routine, or therapeutic health treatment.

27 ~~(4)~~(5) "Child" means a biological, adopted, or foster son or daughter, a stepson or
28 stepdaughter, a legal ward, a son or daughter of a domestic partner, or a son or daughter of an
29 employee who stands in loco parentis to that child.

30 ~~(5)~~(6) "Department" means the department of labor and training.

31 ~~(6)~~(7) "Domestic partner" means a party to a civil union as defined by chapter 3.1 of title
32 15.

33 ~~(7)~~(8) "Employee" means any person who is or has been employed by an employer subject
34 to chapters 39 — 41 of this title and in employment subject to those chapters.\

1 [\(9\) "Grandchild" means the child of the employee's child.](#)

2 ~~(8)~~[\(10\)](#) "Grandparent" means a parent of the employee's parent.

3 ~~(9)~~[\(11\)](#) "Living organ donor" means an individual who donates all or part of an organ and
4 is not deceased.

5 ~~(10)~~[\(12\)](#) "Newborn child" means a child under one year of age.

6 ~~(11)~~[\(13\)](#) "Parent" means a biological, foster, or adoptive parent, a stepparent, a legal
7 guardian, or other person who stands in loco parentis to the employee or the employee's spouse or
8 domestic partner when they were a child.

9 ~~(12)~~[\(14\)](#) "Parent-in-law" means the parent of the employee's spouse or domestic partner.

10 ~~(13)~~[\(15\)](#) "Persons who stand in loco parentis" means those with day-to-day responsibilities
11 to care for and financially support a child or, in the case of an employee, who had such
12 responsibility for the employee when the employee was a child. A biological or legal relationship
13 shall not be required.

14 ~~(14)~~[\(16\)](#) "Serious health condition" means any illness, injury, impairment, or physical or
15 mental condition that involves inpatient care in a hospital, hospice, residential healthcare facility,
16 or continued treatment or continuing supervision by a licensed healthcare provider.

17 ~~(15)~~[\(17\)](#) "Sibling" means children with a common parent, including biological siblings,
18 half-siblings, step-siblings, foster siblings, and adopted siblings.

19 ~~(16)~~[\(18\)](#) "Spouse" means a party in a common law marriage, a party in a marriage
20 conducted and recognized by another state or country, or in a marriage as defined by chapter 3 of
21 title 15.

22 **28-41-35. Benefits. [Effective January 1, 2026.]**

23 (a) Subject to the conditions set forth in this chapter, an employee shall be eligible for
24 temporary caregiver benefits for any week in which the employee is unable to perform their regular
25 and customary work because the employee is:

26 (1) Bonding with a newborn child or a child newly placed for adoption or foster care with
27 the employee or domestic partner in accordance with the provisions of § 28-41-36(c);

28 (2) Caring for a child, [grandchild](#), parent, parent-in-law, [care recipient](#), grandparent,
29 spouse, domestic partner, or sibling who has a serious health condition, subject to a waiting period
30 in accordance with the provisions of § 28-41-12 [repealed]. Employees may use accrued sick time

31 during the eligibility waiting period in accordance with the policy of the individual's employer; or

32 (3) Participating as a bone marrow transplant donor or a living organ donor.

33 (b) Temporary caregiver benefits shall be available only to the employee exercising their
34 right to leave while covered by the temporary caregiver insurance program. An employee shall file

1 a written intent with their employer, in accordance with rules and regulations promulgated by the
2 department, with a minimum of thirty (30) days' notice prior to commencement of the family leave.
3 Failure by the employee to provide the written intent may result in delay or reduction in the
4 claimant's benefits, except in the event the time of the leave is unforeseeable or the time of the
5 leave changes for unforeseeable circumstances.

6 (c) Employees cannot file for both temporary caregiver benefits and temporary disability
7 benefits for the same purpose, concurrently, in accordance with all provisions of this act and
8 chapters 39 — 41 of this title.

9 (d) Temporary caregiver benefits may be available to any individual exercising their right
10 to leave while covered by the temporary caregiver insurance program, commencing on or after
11 January 1, 2014, which shall not exceed the individual's maximum benefits in accordance with
12 chapters 39 — 41 of this title. The benefits for the temporary caregiver program shall be payable
13 with respect to the first day of leave taken after the waiting period and each subsequent day of leave
14 during that period of family temporary disability leave. Benefits shall be in accordance with the
15 following:

16 (1) Beginning January 1, 2014, temporary caregiver benefits shall be limited to a maximum
17 of four (4) weeks in a benefit year;

18 (2) Beginning January 1, 2022, temporary caregiver benefits shall be limited to a maximum
19 of five (5) weeks in a benefit year;

20 (3) Beginning January 1, 2023, temporary caregiver benefits shall be limited to a maximum
21 of six (6) weeks in a benefit year;

22 (4) Beginning January 1, 2025, temporary caregiver benefits shall be limited to a maximum
23 of seven (7) weeks in a benefit year; and

24 (5) Beginning January 1, 2026, temporary caregiver benefits shall be limited to a maximum
25 of eight (8) weeks in a benefit year.

26 (6) Beginning January 1, 2027, temporary caregiver benefits shall be limited to a maximum
27 of ten (10) weeks in a benefit year; and

28 (7) Beginning January 1, 2028, temporary caregiver benefits shall be limited to a maximum
29 of twelve (12) weeks in a benefit year.

30 (e) In addition, no individual shall be paid temporary caregiver benefits and temporary
31 disability benefits that together exceed thirty (30) times the individual's weekly benefit rate in any
32 benefit year.

33 (f) Any employee who exercises their right to leave covered by temporary caregiver
34 insurance under this chapter shall, upon the expiration of that leave, be entitled to be restored by

1 the employer to the position held by the employee when the leave commenced, or to a position with
2 equivalent seniority, status, employment benefits, pay, and other terms and conditions of
3 employment including fringe benefits and service credits that the employee had been entitled to at
4 the commencement of leave.

5 (g) During any caregiver leave taken pursuant to this chapter, the employer shall maintain
6 any existing health benefits of the employee in force for the duration of the leave as if the employee
7 had continued in employment continuously from the date the employee commenced the leave until
8 the date the caregiver benefits terminate; provided, however, that the employee shall continue to
9 pay any employee shares of the cost of health benefits as required prior to the commencement of
10 the caregiver benefits.

11 (h) No individual shall be entitled to waiting period credit or temporary caregiver benefits
12 under this section for any week beginning prior to January 1, 2014. An employer may require an
13 employee who is entitled to leave under the federal Family and Medical Leave Act, Pub. L. No.
14 103-3 and/or the Rhode Island parental and family medical leave act, § 28-48-1 et seq., who
15 exercises their right to benefits under the temporary caregiver insurance program under this chapter,
16 to take any temporary caregiver benefits received, concurrently, with any leave taken pursuant to
17 the federal Family and Medical Leave Act and/or the Rhode Island parental and family medical
18 leave act.

19 (i) Temporary caregiver benefits shall be in accordance with the federal Family and
20 Medical Leave Act (FMLA), Pub. L. No. 103-3 and the Rhode Island parental and family medical
21 leave act in accordance with § 28-48-1 et seq. An employer may require an employee who is entitled
22 to leave under the federal Family and Medical Leave Act, Pub. L. No. 103-3 and/or the Rhode
23 Island parental and family medical leave act, § 28-48-1 et seq., who exercises their right to benefits
24 under the temporary caregiver insurance program under this chapter, to take any temporary
25 caregiver benefits received, concurrently, with any leave taken pursuant to the federal Family and
26 Medical Leave Act and/or the Rhode Island parental and family medical leave act.

27 (j) In the event the individual is participating as a bone marrow transplant donor or a living
28 organ donor, benefits under this section shall cover time needed for any procedures, medical tests,
29 and surgeries related to the donation, including no more than five (5) business days of recovery
30 from a bone marrow transplant or no more than thirty (30) business days' recovery from a living
31 organ donor transplant.

32 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 LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY
INSURANCE -- GENERAL PROVISIONS

1 This act would expand the benefit definitions of temporary care giver leave to include a
2 grandchild and care recipient and would increase a leave benefits period to ten (10) weeks for 2027
3 and twelve (12) weeks for 2028.

4 This act would take effect upon passage.

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