

2020 -- S 2694

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LC004982
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- IMPLANTATION DEVICES AS
CONDITIONS OF EMPLOYMENT

Introduced By: Senators Lawson, McCaffrey, Goodwin, Lynch Prata, and Satchell

Date Introduced: February 27, 2020

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR RELATIONS"

2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 6.15

4 IMPLANTATION DEVICES AS CONDITIONS OF EMPLOYMENT

5 **28-6.15-1. Definitions.**

6 As used in this chapter:

7 (1) "Device" means any acoustic, optical, mechanical, electronic, medical, or molecular
8 device.

9 (2) "Implantation" means the injection or receipt of injection, ingestion, inhalation or
10 otherwise incorporation of a device into the human body.

11 **28-6.15-2. Implantation devices as conditions of employment prohibited.**

12 (a) No employer may require an employee or any prospective employee to implant, or
13 undergo a procedure to implant a device in the employee's or prospective employee's body, as a
14 condition of employment in a particular position, or as a condition of receiving additional
15 compensation or other benefits.

16 (b) No employer may discriminate against an employee with respect to the employee's
17 compensation and benefits or terms and conditions of employment based on the employee's refusal
18 to take an action described in subsection (a) of this section.

1 **28-6.15-3. Penalty -- Exception.**

2 Any employer who subjects an employee or prospective employee to the implantation of a
3 device as defined in this chapter, or causes, directly or indirectly, any employee or prospective
4 employee to have such an implantation performed, is guilty of a misdemeanor punishable by a fine
5 of not more than one thousand dollars (\$1,000). This section does not apply to implantations
6 performed to comply with a court order.

7 **28-6.15-4. Punitive damages and attorneys' fees.**

8 In any civil action alleging a violation of this chapter, the court may:

9 (1) Award punitive damages to a prevailing employee or prospective employee, in addition
10 to any award of actual damages;

11 (2) Award reasonable attorneys' fees and costs to a prevailing employee or prospective
12 employee; and

13 (3) Enjoin an employer from further violation of this chapter.

14 SECTION 2. 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 -- IMPLANTATION DEVICES AS
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1 This act would prohibit an employer from subjecting its employees or prospective
2 employees to the implantation of an implantation device. It would create criminal penalties as well
3 as civil damages, that may be assessed against violating employers.

4 This act would take effect upon passage.

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