



RI Department of Health
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TTY: 771
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March 18, 2025

The Honorable Susan R. Donovan, Chair
House Committee on Health and Human Services
State House
82 Smith St.
Providence, RI 02903

RE: H 5856 – An Act Relating to Health and Safety – Vaccination, Testing, and Mask Mandates Prohibition

Dear Chair Donovan:

Please accept this letter of strong opposition to H 5856, legislation that would prohibit any person or entity exercising control, power, supervision, or responsibility for another person to mandate a vaccination without providing individual exemptions that allow a person to opt out of such mandate based on personal or medical reasons, religious reasons, immunity, periodic testing, or the use of provided personal protective equipment.

Any person or entity that violates this requirement, following an investigation by the Rhode Island Office of the Attorney General, may be subject to fines of \$10,000 per violation and in specified circumstances, up to \$50,000 per violation. This Act would take effect upon passage.

Currently, Rhode Island requires COVID-19 vaccination only for healthcare workers in certain healthcare facilities licensed by the Rhode Island Department of Health (RIDOH). Rhode Island provides allowances for medical exemptions or declination with masking. RIDOH also requires vaccines for school entry and allows medical and religious exemption.

H 5856 undermines important public health authority and policy that has been in effect in Rhode Island for decades. Vaccines are the single most effective primary prevention tool that public health has in its toolbox. Our vaccine mandates have helped keep vaccination rates in Rhode Island among the highest in the nation.

H 5856 restricts the rights of businesses to protect their employees and patients. Employers in healthcare settings have a duty to protect employees from acquiring vaccine preventable diseases (Occupational Safety and Health Administration *All Hazards Rule*) and have a duty to ensure that patients are protected from exposure to disease from their healthcare providers. Licensed healthcare facilities are required to have infection control programs in place in keeping with Centers for Disease Control and Prevention (CDC) recommendations, which include vaccination against selected diseases.

The federal *Americans with Disabilities Act* (ADA) and *Rehabilitation Act* require employers to provide reasonable accommodations to individuals with disabilities who are employees or applicants for employment, except when such accommodations would cause undue hardship. Rhode Island's regulations also allow for such accommodations.

Nursing home residents, who are often elderly and frail, might have a less robust response to vaccines and are at higher risk for infection with, and severe disease from, COVID-19. Nursing home residents were among the first groups vaccinated in the United States; thus, if vaccine-induced immunity does wane over time, evidence of severe disease and deaths might first be observed among nursing home residents. To

prevent transmission of COVID-19 in nursing homes, COVID-19 vaccination of staff members and adherence to rigorous COVID-19 prevention strategies is of critical importance.

RIDOH strongly supports vaccine requirements as one of the many mitigation tools to protect the community and reduce vaccine preventable disease, illness, and death. It is for these reasons that RIDOH strongly opposes H 5856.

Sincerely,

A handwritten signature in black ink, reading "Jerome M. Larkin" with a stylized flourish at the end.

Jerome M. Larkin, MD
Director

CC: The Honorable Sherry Roberts
The Honorable Members of the House Committee on Health and Human Services
Nicole McCarty, Esquire, Chief Legal Counsel
Lynne Urbani, Director of House Policy