

LC001592

JANUARY SESSION, A.D. 2023

RELATING TO HEALTH AND SAFETY - PARENTS BILL OF RIGHTS ACT

Referred To: House Judiciary

(a) The state, any of its political subdivisions, any other governmental entity, or any other institution may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is

narrowly tailored and is not otherwise served by a less restrictive means.

(b) For purposes of this chapter, the term "parent" means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

23-99-4. Parental rights.

(a) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other institution, including, but not limited to, all of the following:

(1) The right to direct the education and care of his or her minor child.

(2) The right to direct the upbringing and the moral and religious training of his or her minor child.

(3) The right to apply to enroll his or her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.

(4) The right to access and review all school records relating to his or her minor child.

(5) The right to make health care decisions for his or her minor child, unless otherwise provided by law.

(6) The right to access and review all medical records of his or her minor child unless prohibited by law, or if the parent is the subject of an investigation of a crime committed against the minor child the records may be withheld, if a law enforcement agency or official upon application to a court of competent jurisdiction obtains an order that the information is not to be released.

(7) The right to consent in writing before a biometric scan of his or her minor child is made, shared, or stored.

(8) The right to consent in writing before any record of his or her minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by law or authorized pursuant to a court order.

(9) The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of his or her minor child unless such recording is made during or as part of a court proceeding or is made as part of a forensic interview in a criminal or department of children, youth and families investigation or is to be used solely for the following:

(i) A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;

(ii) A purpose related to a legitimate academic or extracurricular activity;

(iii) A purpose related to regular classroom instructions;

1 (iv) Security or surveillance of buildings or grounds; or

2 (v) A photo identification card.

3 (10) The right to be notified promptly if an employee of the state, any of its political
4 subdivisions, any other governmental entity, or any other institution suspects that a criminal offense
5 has been committed against his or her minor child, unless the incident has first been reported to law
6 enforcement or the department of children, youth and families and notifying the parents would
7 impede the investigation.

8 (b) This section does not:

9 (1) Authorize a parent of a minor child in this state to engage in conduct that is unlawful
10 or to abuse or neglect his or her minor child in violation of law;

11 (2) Condone, authorize, approve, or apply to a parental action or decision that would end
12 life;

13 (3) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a
14 government agency that is responsible for child welfare from acting in his or her official capacity
15 within the reasonable and prudent scope of his or her authority; or

16 (4) Prohibit a court of competent jurisdiction from issuing an order that is otherwise
17 permitted by law.

18 (c) An employee of the state, any of its political subdivisions, or any other governmental
19 entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold
20 information from his or her parent may be subject to disciplinary action.

21 (d) A parent of a minor child in this state has inalienable rights that are more comprehensive
22 than those listed in this section, unless such rights have been legally waived or terminated. This
23 chapter does not prescribe all rights to a parent of a minor child in this state. Unless required by
24 law, the rights of a parent of a minor child in this state may not be limited or denied. This chapter
25 shall not be construed to apply to a parental action or decision that would end life.

26 **23-99-5. Parental consent for health care services.**

27 (a) Except as otherwise provided by law, a health care provider or professional, as defined
28 in § 27-19-1, or an individual employed by such health care practitioner may not provide or solicit
29 or arrange to provide health care services or prescribe medicinal drugs to a minor child without
30 first obtaining written parental consent.

31 (b) Except as otherwise provided by law or a court order, a health care provider may not
32 allow a medical procedure to be performed on a minor child in its facility without first obtaining
33 written parental consent.

34 (c) This section does not apply to an abortion, which is governed by chapter 4.13 of title

1 23.

2 (d) This section does not apply to services provided by a clinical laboratory, unless the
3 services are delivered through a direct encounter with the minor at the clinical laboratory facility.
4 For purposes of this subsection, the term "clinical laboratory" has the same meaning as provided in
5 § 23-16.2-2.

6 (e) A health care practitioner or other person who violates this section is subject to
7 disciplinary action pursuant to chapter 37 of title 5, as applicable, and commits a misdemeanor
8 punishable by imprisonment for a term not exceeding one year or by a fine of not more than one
9 thousand dollars (\$1,000) and/or an administrative fine of one thousand dollars (\$1,000) for each
10 violation.

11 **23-99-6. Penalties.**

12 Any health care profession or provider who violate the provisions of this chapter shall be
13 subject to disciplinary action pursuant to chapter 37 of title 5 and subject to a misdemeanor
14 punishable by a fine of up to one thousand dollars (\$1,000) and/or imprisonment up to one year.

15 SECTION 2. Chapter 16-71 of the General Laws entitled "The Rhode Island Educational
16 Records Bill of Rights" is hereby amended by adding thereto the following section:

17 **16-71-7. School district notifications on parental rights.**

18 (a) Each district school board shall, in consultation with parents, teachers, and
19 administrators, develop and adopt a policy to promote parental involvement in the public school
20 system. Such policy shall include:

21 (1) A plan for parental participation in schools to improve parent and teacher cooperation
22 in such areas as homework, school attendance, and discipline.

23 (2) A procedure for parents to learn about their minor child's course of study, including the
24 source of any supplemental education materials.

25 (3) Procedures for parents to object to curriculum materials to be considered for use
26 pursuant to the provisions of chapter 22 of title 16, and other materials used in the classroom. Such
27 objections may be based on beliefs regarding morality, sex, and religion or the belief that such
28 materials are harmful. For purposes of this chapter, curriculum may include other materials used in
29 the classroom, including workbooks and worksheets, handouts, software, applications, and any
30 digital media made available to students.

31 (4) Procedures, pursuant to § 16-22-18, for a parent to withdraw his or her minor child
32 from any portion of the school district's comprehensive health education if the parent provides a
33 written objection to his or her minor child's participation. Such procedures shall provide for a parent
34 to be notified at least seven (7) days in advance of such course content in order that he or she may

withdraw his or her minor child from those portions of the course.

(5) Procedures for a parent to learn about the nature and purpose of clubs and activities offered at his or her minor child's school, including those clubs and activities that are extracurricular or part of the school curriculum.

(6) Procedures for parents to learn about parental rights and responsibilities under the law, including all of the following:

(i) Pursuant to § 16-22-18, the right to opt his or her minor child out of any portion of the school district's comprehensive health education that relates to sex education instruction.

(ii) A plan to disseminate information, about school choice options, including open enrollment.

(iii) In accordance with § 16-38-2, the right of a parent to exempt his or her minor child from immunizations.

(iv) The right of a parent to review statewide, standardized assessment results.

(v) The right of a parent to enroll his or her minor child in gifted or special education programs.

(vi) The right of a parent to inspect school district instructional materials.

(vii) The right of a parent to access information relating to the school district's policies for promotion or retention, including high school graduation requirements.

(viii) The right of a parent to receive a school report card and be informed of his or her minor child's attendance requirements.

(ix) The right of a parent to access information relating to the state public education system, state standards, report card requirements, attendance requirements, and instructional materials requirements.

(x) The right of a parent to participate in parent-teacher associations and organizations that are sanctioned by a district school board or the department of education.

(xi) The right of a parent to opt out of any district-level data collection, including survey of any relating to his or her minor child not required by law.

(b) A district school board may provide the information required in this section electronically or post such information on its website.

(c) A parent may request, in writing, from the district school superintendent the information set forth in and required under this section. Within ten (10) days, the district school superintendent shall provide the information to the parent. If the district school superintendent denies a parent's request for information or does not respond to the parent's request within ten (10) days, the parent may appeal the denial to the district school board. If possible, the district school board shall place

1 a parent's appeal on the agenda for its next public meeting. If it is too late for a parent's appeal to
2 appear on the next agenda, the appeal shall be included on the agenda for the subsequent meeting.
3 (d) The governing body of a school who violates or allows the violation of this section shall
4 be liable for a civil penalty, not less than one thousand dollars (\$1,000) per instance. This penalty
5 shall be assessed and recovered in a civil action brought by the attorney general in any court of
6 competent jurisdiction. Any penalty assessed and recovered in an action brought pursuant to this
7 subsection shall be paid to the general treasurer and added to the general fund.

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 HEALTH AND SAFETY - PARENTS BILL OF RIGHTS ACT

1 This act would provide for a parents bill of rights preventing the state or any governmental
2 entity from infringing on the fundamental rights of parents in the upbringing of their children. The
3 act would spell out the rights of parents with respect to the health, education and welfare of their
4 minor children. Violations of the act would result in civil, criminal and/or administrative penalties.

5 This act would take effect upon passage.

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