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**TESTIMONY IN SUPPORT OF 14-H 7177,
AN ACT RELATING TO GENDER RATING
February 4, 2014**

The ACLU supports this legislation, which would, following the lead of the Affordable Care Act, address the problem of sex discriminatory insurance rates.

Presently, Rhode Island law permits health insurance companies to set premiums based on gender. The new federal health care law generally makes this practice illegal. This bill would codify that change. In doing so, it would ensure that, notwithstanding any political intrigue at the federal level amid efforts to repeal the ACA, state law would finally and clearly outlaw this practice. This legislation would also promote uniform implementation of this restriction, rather than unnecessarily dragging it out and phasing it in over a period of time.

It is worth noting that, even before the passage of ACA, many of our neighboring and nearby states, including Massachusetts, Vermont, New Hampshire, New York, and New Jersey, have banned gender rating for some time.

As ACA recognizes, discrimination in insurance on the basis of gender is inappropriate and archaic. It is not just that the practice results in increased costs to women during most of their lives; such a practice is also wrong as a matter of policy. One could actuarially justify charging different rates to people based on their race, but over 40 years ago, the insurance industry wisely recognized the injustice of this practice and voluntarily stopped using race as a basis for insurance rates. The time has come to treat gender the same way.

Opposition by insurers to taking this step has often focused on the impact this change could have on the insurance rates for young men, who would likely see those rates rise. But the fact that eliminating a discriminatory practice will have an impact on the group that for many years has benefitted from that discrimination is no argument at all.

In its present form, the bill would take effect upon passage. In order to avoid any confusion, we would support an amendment that would clarify that it would affect only policies created or renewed after its passage. With that amendment, we urge the committee's passage of this important bill. It has support from a large number of organizations concerned about equal rights under the law, and the ACLU joins in that support.