



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

**TESTIMONY IN SUPPORT OF 21-S 0003**  
**AN ACT RELATING TO ACCIDENT AND SICKNESS INSURANCE POLICIES**  
**January 14, 2021**

The ACLU of Rhode Island appreciates the opportunity to provide testimony in support of this legislation which would prohibit the practice of gender rating in health insurance. Though immediate threats to repeal the Affordable Care Act, which contains a similar ban, have subsided, the composition of the Supreme Court means that legal challenges could still impact the ACA's validity. This bill would ensure that, regardless of any future attempts to undermine the ACA, Rhode Islanders can be assured that their healthcare is protected from discriminatory premiums.

The ACA's language that generally makes the setting of health insurance premiums based on gender illegal is contrary to current Rhode Island law which permits health insurance companies to engage in this discriminatory practice. Many of our neighbors – including Massachusetts, Vermont, New Hampshire, New York, and New Jersey – have recognized that determination of health insurance rates on the basis of gender is archaic and inappropriate and banned the practice of gender rating long before the ACA. Passage of this important protection into Rhode Island law would finally align our policy on this subject with those of other states by explicitly outlawing the practice. Rhode Island should not be relying solely on federal law to condemn it.

Not only can gender rating inappropriately skew the financial burden of healthcare costs, but the continued inclusion of this practice within Rhode Island law is simply wrong as a matter of policy. Decades ago, after recognizing the thorough injustice of such a system, the health insurance industry voluntarily ended the practice of charging different rates to individuals based on their race. It is past time to enshrine into state law the similar principle that an individual's gender cannot be a factor in their ability to access equitable health insurance.

We do request one technical amendment to the bill: It should include a section repealing the contrary provision within current law, R.I.G.L. §27-50-5, that permits insurance companies to set rates based on the gender of the insured individual.

We are appreciative that the Senate has consistently recognized the importance of passing this provision in order to promote both health and gender equity by approving Senator Sosnowski's legislation for many years. We hope that this critical legislation will again see swift passage by this body and that 2021 will finally be the year this anti-discrimination protection becomes law.

Thank you for your consideration of this important matter.