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## **ACLU OF RI POSITION: NEUTRAL/AMEND**

### **TESTIMONY ON 26-H 8137, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND PROTECT OUR HEALTHCARE ACT OF 2026 April 14, 2026**

The ACLU of Rhode Island has no position on the substance of this ambitious bill, designed to establish a publicly funded program to provide health insurance to uninsured individuals. However, to avoid having any legislation set a concerning precedent, we offer some cautionary comments on a provision in the legislation dealing with the promulgation of regulations to implement this fund. [Page 6, lines 1-15]

While the bill provides for the adoption of regulations pursuant to the state's Administrative Procedures Act, it also grants an exception from compliance with the APA for the first year of the program's implementation. Under that exception, there will be an opportunity for public comment but the process will not follow the APA's specific procedures for the adoption of regulations. For example, there is no obligation that the proposed regulations be posted on the Secretary of State's website, that individuals requesting advance notice receive it, or that the public have an opportunity to request a public hearing on the proposed rules. See R.I.G.L. § 42-35-2.7. If the idea behind the bill's approach is to give the public a special opportunity to weigh in before the agency moves ahead with formally proposing rules, the APA already covers that scenario by authorizing agencies to go through an "advance notice of public rulemaking process." R.I.G.L. § 42-35-2.5.

We therefore cannot think of any compelling reason to excuse the Office of Health and Human Services from complying with the APA during the first year of this program's implementation. Because we are concerned that this particular approach, if adopted, could set a precedent that other agencies might press for, we request that the bill be amended so that, like any other agency, the office must comply with the procedural requirements of the APA from the beginning of the program's implementation.

Thank you for your consideration of our views.