

April 8, 2025

Honorable Robert E. Craven, Sr., Chair
House Committee on Judiciary
State House, House Lounge
82 Smith Street
Providence, Rhode Island 02903

RE: H 6122 – RELATING TO STATE AFFAIRS AND GOVERNMENT – CIVIL RIGHTS OF PEOPLE WITH DISABILITIES

Dear Chairperson Craven:

Please accept this letter in support of House Bill 6122 – an Act Relating to State Affairs and Government – Civil Rights of People with Disabilities. If enacted, this legislation would establish provisions in Rhode Island law prohibiting discrimination based on disability in federally funded programs or activities, mirroring those presently found in federal law.

HealthSource RI (HSRI) adopted a policy prohibiting discrimination based on disability in accordance with Section 1557 of the Affordable Care Act (42 U.S.C. 18116). The standards and enforcement mechanisms under 29 U.S.C § 794 apply to actions prohibited under HSRI's non-discrimination policy, governing statutes, and implementing regulations at 45 CFR Part 92 issued by the U.S. Department of Health and Human Services.

Section 504 of the Rehabilitation Act of 1973, codified at 29 U.S.C. § 794, currently prohibits excluding disabled individuals from participating in, being denied benefits from, or being subjected to discrimination in any health program or activity that receives federal financial assistance. This includes programs involving tax credits, subsidies, or insurance contracts, as well as any program administered by an executive agency, or any entity established under 42 U.S.C. 18116. Section 504's implementing regulations at 45 C.F.R. § 84.1 et seq. include critical protections for persons with disabilities, including accessible websites and mobile applications, provision of auxiliary aids and services, and accessible facilities and equipment, among other protections.

H 6122 would codify these key consumer protections into Rhode Island law so that if federal law changes, Rhode Islanders would continue to remain protected by the disability provisions of 29 U.S.C. § 794.

Furthermore, if federal protections are repealed, declared invalid, or nullified by a final judgment from a federal court, or through any executive or administrative action—such as those taken by the federal executive or judicial branches—these provisions would continue to be in effect in Rhode Island as of the date immediately preceding the repeal, revocation, or nullification of the federal protections. While we strongly support the intent of this provision, we encourage the sponsors to consider adding an effective date for adoption of federal regulations. Without one the State could be required to adopt future unknown additions to 29 U.S.C. § 794 which may not align with the current intent to codify the critical protections currently in place under federal law.

HSRI's mission is to sustain near-universal coverage by helping Rhode Islanders easily find and enroll in affordable health coverage that best meets their needs. The prevention of discrimination based on race, color, national origin, sex, age, or disability complements that mission. H 6122 would ensure that HSRI continues to have the statutory authority necessary to provide the critical consumer protections and services currently required by Section 504 in the event of its repeal or nullification.

Thank you for the opportunity to comment on this legislation. If you have any questions, please don't hesitate to reach out to me.

Sincerely,



Lindsay M. Lang, J.D.
Director, HealthSource RI

cc: Honorable Members of the House Committee on Judiciary
Honorable Joseph M. McNamara
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House