



Rhode Island Insurance Federation



March 10, 2026

Representative Carol Hagan McEntee  
Chair, House Judiciary  
Rhode Island State House  
Providence, RI 02903

RE: Statement Seeking Amendments to House Bill 7357 Reproductive Freedom and Gender Affirming Care Health Data Privacy Act

Dear Chair McEntee:

The Rhode Island Insurance Federation and American Property Casualty Insurance Association (“The Trades”) submit this statement seeking amendments to House Bill 7357, which provides for certain location services and data restrictions and notifications. We recognize the goals of this legislation and simply hope to clarify the bill’s existing exemptions for property and casualty (P&C) insurers.

P&C Insurers provide policies that protect Rhode Island residents’ property and belongings. They also provide coverage for legal liability in certain circumstances and workers’ compensation for those injured on the job. Unlike the health insurers and data brokers at the heart of this bill, P&C insurers are typically not regular or even intentional collectors of the types of data contemplated therein. However, given the broad definitions of “Collect” and “Regulated entity,” contained in the bill, we think its possible that P&C insurers could be covered.

Specifically, P&C insurers utilize location data in a variety of ethical and reasonable manners from sales and marketing to underwriting and claim-handling. Most notably this data is utilized to appropriately price insurance products for consumers, provide choice, innovate, handle claims, and combat fraud. On that last point alone, property and casualty fraud in the United States is estimated at about \$45 billion annually, according to the Coalition Against Insurance Fraud. This data is not collected with the intent of identifying, tracking, or reasonably indicating whether customers are receiving gender affirming or reproductive or sexual health care.

However, the bill’s broad language could be read to mean that the mere existence of location data makes its holder a “regulated entity.” It could also be read to require that “collectors” of location data need to analyze whether or not data could “reasonably indicate” a consumer is attempting to receive this type of care. P&C insurers have no way of conducting that analysis because our location data is not used for identifying, tracking, or reasonably indicating receipt of any type of care.

We appreciate that this legislation attempts to exempt this information, but given the private cause of action, we believe an entity level exemption is necessary for P&C insurers, our affiliates, and insurance-related vendor services. By making precise location an element of the definitions of “gender affirming care data” and “reproductive and sexual health data”, it may impair an insurers’ ability to provide usage-based insurance products or share data with necessary industry partners that combat fraud. It is also important to note that insurers always receive “opt-in” clear and affirmative consent for telematics or

usage-based insurance products. As a result, the Trades propose the following language in lieu of the current exemption in 23-101.1-12(b)(i):

**Proposed Amendment** as new 23-101.1-12(a)(4) all entities or affiliates covered by and otherwise exempted from Section 21-12.3

Furthermore, a concern that extends across all lines of insurance and to our policyholders is the language creating a private cause of action in this legislation. 23-101.1-13 allows for a private cause of action as a method of enforcement of this Act, allowing a prevailing consumer to collect damages uncapped compensatory and punitive damages, as well as enforcement as a deceptive trade practice by the Attorney General.

Section 23-101.1-13(a) should be deleted in its entirety for several reasons. First, it creates the potential for double or triple enforcement, as insurance companies or our policyholders could simultaneously face enforcement by the Attorney General under authority granted by this Act, a private cause of action with statutory damages, as well as potential market conduct or other enforcement by the Department of Business Regulation. Secondly, any time that statutory damages are an allowable recourse for plaintiffs it results in increased class action lawsuits which impact the timeliness of our courts and result in undermining the state's business climate. Finally, legislation that will take years for the regulators to implement appropriately should not be facing a parallel challenge via the court's interpretation of terms. Therefore, the Trades asks that the private cause of action be struck in its entirety.

For the aforementioned reasons, the Federation asks for consideration of the amendments offered herein to House Bill 7357 prior to release from the House Judiciary Committee.

Respectfully submitted,

Rhode Island Insurance Federation



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