



State of Rhode Island COMMISSION FOR HUMAN RIGHTS

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TESTIMONY

BILL NO.: 2024 H 7883
An Act Relating to Health and Safety – The Nick Arjomand No Weight Discrimination Act
PRIMARY SPONSORS: Representative Sanchez
COMMITTEE: House Labor
DATE: Mar. 26, 2024

The Rhode Island Commission for Human Rights (“Commission”) **requests amendments to this bill.**

The Commission is the state’s primary antidiscrimination law enforcement agency charged with investigating allegations of discrimination in employment, housing, public accommodations, credit and delivery of services. Among the allegations investigated by the Commission are those of race, ancestral origin, age, gender identity, sex and disability discrimination.

The bill prohibits discrimination on the basis on an individual’s weight or body size in employment, public accommodations, housing and educational opportunities, and it delegates enforcement of these provisions to the Commission.

The Commission supports this bill’s goal of protecting individuals from discrimination based on their weight and body type. The Commission also agrees that it is the proper agency to investigate weight discrimination complaints. The bill as written, however, poses some enforcement issues. It essentially creates a new protected class across several areas that the Commission enforces, but it is added to a title of the General Laws with which the Commission is not involved. The prohibited acts and enforcement provisions are not identical to those in other sections of the law which the Commission enforces, which could lead to inconsistent enforcement. It also contains a definition of public accommodations that is potentially more inclusive than the current definition in the law. The Commission requests that the bill be amended to integrate weight as a protected category in the Fair Employment Practices Act, Title 28, Chapter 5 and the Hotels and Public Places Act, Title 11, Chapter 24, as it would allow the Commission to enforce the prohibition against weight discrimination consistently with other types of discrimination.

It is the Commission’s hope that the bill can be amended and passed as weight discrimination and weight stigma are serious problems that do not always have the same level of legal protection as other types of discrimination. Some research has shown that weight discrimination in employment is now as prevalent as race discrimination in the United States, particularly among women.¹ And

¹ Puhl, R., Andreyeva, T. & Brownell, K. *Perceptions of Weight Discrimination: Prevalence and Comparison to Race and Gender Discrimination in America*. INT. J. OBES. 32, 992–1000 (2008).
<https://doi.org/10.1038/ijo.2008.22>.

employers may view people who are obese as lazy, lacking discipline or willpower.² Weight stigma is also associated with poorer physical health, and “evidence suggests that obesity stigma actually increases the risk of obesity. Obesity stigma may be associated with increased difficulty of losing weight and medication non-adherence and people with obesity may exclude themselves from some exercise settings.”³ Even the Centers for Disease Control and Prevention (“CDC”) recognize that many factors contribute to obesity, including individual health habits, sleep, social determinants of health, genetics, illnesses and medication.⁴ The CDC has also published research demonstrating racial and ethnic disparities in adult obesity, which “in part reflect differences in social and economic advantage related to race or ethnicity.”⁵ An individual’s weight is not entirely within his or her control and indeed may be associated with membership in another protected category, such as race, ethnicity or disability. Even so, weight discrimination does not always have the same remedies that available for other forms of discrimination. The provisions in this bill help ensure that all Rhode Islanders are treated equally, regardless of body size, and it would prevent employers and public accommodations from using weight or body size as a proxy for race or disability.

While the Commission supports the goal—protecting people of all body sizes against discrimination—the Commission would ask that the bill be amended to address its concerns about enforcement.

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² Westbury, Susannah, et al. *Obesity Stigma: Causes, Consequences, and Potential Solutions*, Current Obes. Rep. 16, 12:10-23 (2023). <https://link.springer.com/article/10.1007/s13679-023-00495-3>.

³ *Id.*

⁴ *Causes of Obesity*, Centers for Disease Control and Prevention, <https://www.cdc.gov/obesity/basics/causes.html#:~:text=Other%20community%20factors%20that%20influence,policies%20that%20determine%20community%20design>. (Mar. 22. 2024).

⁵ Petersen R, Pan L, Blanck HM. *Racial and Ethnic Disparities in Adult Obesity in the United States: CDC’s Tracking to Inform State and Local Action*. PREV. CHRONIC DIS. 2019;16:180579. DOI: <http://dx.doi.org/10.5888/pcd16.180579>.