

LC004360

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE IN PARTICULAR
ACTIONS -- CLIMATE DISASTER ACTIONS

Introduced By: Representatives Cortvriend, Boylan, Speakman, Handy, Carson, McGaw,
and Kazarian

Date Introduced: February 12, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings and purpose.

2 The general assembly finds and declares that:

3 (a)(1) Rhode Island is experiencing increasing harm from climate driven extreme weather
4 events, including coastal flooding, storm surge, sea level rise, extreme precipitation, wind damage,
5 heat, and related secondary impacts that threaten public health, safety, infrastructure, housing, and
6 economic stability.

7 (2) These climate impacts have contributed to rising property and casualty insurance losses,
8 increased premiums, policy non-renewals, market contraction, and growing pressure on residual
9 and reinsurance mechanisms, placing undue financial strain on Rhode Island residents, businesses,
10 municipalities, and taxpayers.

11 (3) For decades, certain fossil fuel companies possessed knowledge of the climate impacts
12 associated with the extraction, marketing, and combustion of their products, yet engaged in
13 misleading, deceptive, or false representations that obscured those risks, delayed public
14 understanding, and impeded timely action.

15 (4) Rhode Island has a compelling interest in stabilizing its insurance markets, protecting
16 ratepayers, preserving access to coverage, and ensuring that entities whose deceptive conduct
17 substantially contributed to climate related harms bear an equitable share of resulting costs.

18 (5) Providing clear causes of action for injured persons and insurers, including subrogation

rights, will promote accountability, reduce pressure for rate increases and public subsidies, and support long term insurance affordability.

(b) The purpose of this act is to:

(1) Create private rights of action for climate-related harms;

(2) Authorize insurer recovery and subrogation;

(3) Ensure recoveries benefit policyholders; and

(4) Strengthen the stability of Rhode Island’s insurance markets.

SECTION 2. Title 10 of the General Laws entitled "COURTS AND CIVIL PROCEDURE — PROCEDURE IN PARTICULAR ACTIONS" is hereby amended by adding thereto the following chapter:

CHAPTER 22

CLIMATE DISASTER ACTIONS

10-22-1. Definitions.

For purposes of this chapter:

(1) “Climate disaster” means an event that meets any of the following threshold qualifications and is determined by impact attribution science or extreme event attribution science to be substantially worsened or caused by climate change from responsible parties’ fossil fuel products, or extreme weather or other events attributable to climate change from responsible parties’ fossil fuel products:

(i) A natural catastrophe, including a hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, a fire, flood, or explosion, that, in the determination of the President of the United States causes damage of sufficient severity and magnitude to warrant major disaster assistance under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Pub. L. 93-288) to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused by the catastrophe.

(ii) A catastrophic incident that is a natural or manmade incident that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, or government functions. A catastrophic incident could result in sustained national impacts over a prolonged period, almost immediately exceeds resources normally available to local, state, tribal, and private sector authorities in the impacted area, and significantly interrupts governmental operations and emergency services to such an extent that national security could be threatened. A catastrophic incident does not include an

1 event linked to terrorism.

2 (iii) An event that qualifies, or would have qualified, for inclusion on the federal National
3 Centers for Environmental Information’s “Billion-Dollar Weather and Climate Disasters” program
4 and data list as it existed in December 2024.

5 (iv) A state of emergency or local emergency as defined in chapter 15 of title 30.

6 (v) An event or occurrence linked to extreme weather or other events attributable to climate
7 change for which insurance claims in the aggregate across carriers in this state exceed one hundred
8 million dollars (\$100,000,000).

9 (2) “Climate-attributable harm” means physical damage, economic loss, business
10 interruption, insurance losses, or other measurable injury resulting from a climate disaster.

11 (3) “Fossil fuel product” includes crude petroleum oil and all other hydrocarbons,
12 regardless of gravity, that are produced at the wellhead in liquid form by ordinary production
13 methods, natural, manufactured, mixed, and byproduct hydrocarbon gas, refined crude oil, crude
14 tops, topped crude, processed crude, processed crude petroleum, residue from crude petroleum,
15 cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline,
16 natural-gas gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubricating oil, and
17 blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas.

18 (4)(i) “Responsible party” means any corporation, company, partnership, association, or
19 other entity that:

20 (A) Extracted, produced, refined, marketed, or sold fossil fuel products; and

21 (B) Engaged in misleading, deceptive, or false statements or omissions regarding the
22 climate impacts of those products; and

23 (C) Whose conduct is shown to have substantially contributed to climate-attributable harm
24 in Rhode Island.

25 (ii) “Responsible party” does not include the federal government, tribal governments, the
26 state, a political subdivision of the federal, tribal, or state government, or an employee of the
27 federal, tribal, or state government on the basis of acts or omissions in the course of official duties.

28 (5) “Insurer” includes any admitted property or casualty insurer authorized to do business
29 in Rhode Island, the Rhode Island joint reinsurance association, and any successor or residual
30 market entity.

31 **10-22-2. Private right of action for climate attributable harm.**

32 (a) Any individual, business, nonprofit organization, municipality, or other political
33 subdivision that suffers climate-attributable harm in Rhode Island may bring a civil action against
34 one or more responsible parties.

1 **(b) Standard of liability. A responsible party shall be strictly liable for climate-attributable**
2 **harm where the plaintiff establishes that the responsible party engaged in misleading or deceptive**
3 **conduct regarding climate impacts and that such conduct was a substantial contributing factor to**
4 **the harm.**

5 **(c) Damages. Recoverable damages shall include, but are not limited to:**

6 **(1) Property damage and loss of use;**

7 **(2) Economic loss and business interruption;**

8 **(3) Costs of repair, remediation, adaptation, or relocation;**

9 **(4) Reasonable attorneys' fees and costs; and**

10 **(5) Punitive damages where authorized by law.**

11 **(d) Statute of limitations. An action shall be commenced within three (3) years after the**
12 **plaintiff knew or reasonably should have known of the climate attributable harm.**

13 **(e) Defenses. No claim shall be barred by the doctrine of assumption of the risk or by**
14 **contractual choice of law provisions where the defendant's misleading or deceptive conduct is**
15 **established.**

16 **10-22-3. Direct cause of action for insurers.**

17 **(a) An insurer that has paid claims or incurred increased costs because of climate-**
18 **attributable harm in Rhode Island may bring a direct civil action against one or more responsible**
19 **parties to recover:**

20 **(1) Paid claims;**

21 **(2) Increased reinsurance or capital costs; and**

22 **(3) Costs associated with market destabilization, including non-renewals and residual**
23 **market exposure.**

24 **(b) Liability under this section shall be strict, subject to the same standards set forth in §**
25 **10-22-2.**

26 **(c) Recoveries under this section shall be used to support insurer solvency and market**
27 **stability and shall be reflected pursuant to § 10-22-5.**

28 **10-22-4. Subrogation and independent assessment.**

29 **(a) Insurers, including the Rhode Island joint reinsurance association, shall retain and are**
30 **expressly authorized to exercise subrogation rights against responsible parties for climate-**
31 **attributable harms.**

32 **(b) Prior to initiating large-scale subrogation litigation, the insurance commissioner shall**
33 **obtain or conduct an independent actuarial and legal assessment evaluating whether the expected**
34 **benefits of such action outweigh the anticipated costs and risks.**

1 (c) Where the assessment determines that subrogation is likely to produce net benefits for
2 policyholders and market stability, the commissioner may require or authorize the exercise of
3 subrogation rights.

4 **10-22-5. Ratepayer protection and rate regulation.**

5 (a) Any recovery obtained by an insurer pursuant to this chapter, whether through
6 judgment, settlement, or subrogation, shall be considered in property and casualty rate filings and
7 used to offset losses or reduce future rate increases.

8 (b) The director of the department of business regulation shall adopt rules and regulations
9 to ensure that recoveries are equitably credited to policyholders and do not result in duplicative or
10 excessive rates.

11 **10-22-6. Relationship with other laws.**

12 Nothing in this chapter shall be construed to preempt or limit:

13 (1) Enforcement actions by the attorney general;

14 (2) Claims brought under consumer protection, environmental, or common law; or

15 (3) The authority of the insurance commissioner under existing law.

16 **10-22-7. Severability.**

17 If any provision of this chapter, or the application of a provision to any person or
18 circumstances shall be held invalid, the remainder of the chapter, and the application of the
19 provision to persons or circumstances other than those as to which it is held invalid, shall not be
20 affected by that invalidity.

21 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE IN PARTICULAR
ACTIONS -- CLIMATE DISASTER ACTIONS

1 This act would create a legal cause of action for climate attributable harm during climate
2 disasters caused by responsible parties. “Responsible party” means any corporation, company,
3 partnership, association, or other entity that extracted, produced, refined, marketed, or sold fossil
4 fuel products and engaged in misleading, deceptive, or false statements or omissions regarding the
5 climate impacts of those products. The act would impose strict liability on a responsible party
6 whose conduct substantially contributed to climate-attributable harm. The act also would provide
7 a cause of action for insurers to recover losses sustained resulting from the climate disaster caused
8 by a responsible party.

9 This act would take effect upon passage.

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