



Rep. Sue Scherer

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10400HB1865ham001

LRB104 10517 JRC 23219 a

1 AMENDMENT TO HOUSE BILL 1865

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1865 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Insurance Code is amended by  
5 changing Section 424 and by adding Section 427.5 as follows:

6 (215 ILCS 5/424) (from Ch. 73, par. 1031)

7 Sec. 424. Unfair methods of competition and unfair or  
8 deceptive acts or practices defined. The following are hereby  
9 defined as unfair methods of competition and unfair and  
10 deceptive acts or practices in the business of insurance:

11 (1) The commission by any person of any one or more of  
12 the acts defined or prohibited by Sections 134, 143.24c,  
13 147, 148, 149, 151, 155.22, 155.22a, 155.42, 236, 237,  
14 364, 469, and 513b1 of this Code.

15 (2) Entering into any agreement to commit, or by any  
16 concerted action committing, any act of boycott, coercion

1 or intimidation resulting in or tending to result in  
2 unreasonable restraint of, or monopoly in, the business of  
3 insurance.

4 (3) Making or permitting, in the case of insurance of  
5 the types enumerated in Classes 1, 2, and 3 of Section 4,  
6 any unfair discrimination between individuals or risks of  
7 the same class or of essentially the same hazard and  
8 expense element because of the race, color, religion, or  
9 national origin of such insurance risks or applicants. The  
10 application of this Article to the types of insurance  
11 enumerated in Class 1 of Section 4 shall in no way limit,  
12 reduce, or impair the protections and remedies already  
13 provided for by Sections 236 and 364 of this Code or any  
14 other provision of this Code.

15 (4) Engaging in any of the acts or practices defined  
16 in or prohibited by Sections 154.5 through 154.8 of this  
17 Code.

18 (5) Making or charging any rate for insurance against  
19 losses arising from the use or ownership of a motor  
20 vehicle which requires a higher premium of any person by  
21 reason of his physical disability, race, color, religion,  
22 or national origin.

23 (6) Failing to meet any requirement of the Unclaimed  
24 Life Insurance Benefits Act with such frequency as to  
25 constitute a general business practice.

26 (7) Soliciting either an individual who is a resident

1 of a nursing home or long-term care facility or an  
2 individual who is over the age of 65, to purchase accident  
3 or health insurance, unless the person who is selling the  
4 insurance:

5 (A) advises the potential enrollee of the benefit  
6 of examining the potential enrollee's current  
7 insurance plan, discusses all proposed  
8 insurance-related changes with a family member,  
9 friend, or other advisor of the potential enrollee,  
10 and then waits 48 hours before making any  
11 insurance-related changes concerning the potential  
12 enrollee;

13 (B) provides a phone number that may be called if  
14 the potential enrollee or the potential enrollee's  
15 family members, friends, or other advisors have any  
16 questions; and

17 (C) allows the potential enrollee to opt out of  
18 any future communications with the person.

19 (8) Entering into or amending an accident or health  
20 insurance policy with an individual who is over the age of  
21 65 and who has executed a health care power of attorney or  
22 has a medical condition, such as dementia, that reduces  
23 the person's capacity to make informed decisions  
24 independently, unless the potential enrollee's agent under  
25 a health care power of attorney executes the agreement and  
26 the agreement is reduced to writing.

1 (Source: P.A. 102-778, eff. 7-1-22.)

2 (215 ILCS 5/427.5 new)

3 Sec. 427.5. Unfair and deceptive agreements voidable by  
4 the Director. If, after a hearing under Section 426, the  
5 Director determines that a person has violated paragraph (7)  
6 or (8) of Section 424, the Director may declare void and  
7 unenforceable any agreement or policy of insurance solicited,  
8 entered into, or amended as a result of that violation.

9 Section 10. The Consumer Fraud and Deceptive Business  
10 Practices Act is amended by adding Section 2HHHH as follows:

11 (815 ILCS 505/2HHHH new)

12 Sec. 2HHHH. Disruptive changes to a nursing home resident.  
13 It is an unlawful practice within the meaning of this Act for a  
14 nursing home or long-term care facility to make substantive  
15 changes likely to be disruptive to a resident or move a  
16 resident's place of living without prior approval from a  
17 family member, guardian, or power of attorney of the resident  
18 if the resident suffers from dementia or suffers from a  
19 medical condition that reduces the resident's capacity to make  
20 informed decisions independently."