

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by changing Section 2VVV as follows:

6 (815 ILCS 505/2VVV)

7 Sec. 2VVV. Deceptive marketing, advertising, and sale of  
8 mental health disorder and substance use disorder treatment.

9 (a) As used in this Section:

10 "Facility" has the meaning ascribed to that term in Section  
11 1-10 of the Substance Use Disorder ~~Alcoholism and Other Drug~~  
12 ~~Abuse and Dependency~~ Act when used in reference to a facility  
13 that provides substance use disorder treatment. "Facility" has  
14 the same meaning as "mental health facility" under Section  
15 1-114 of the Mental Health and Developmental Disabilities Code  
16 when used in reference to a facility that provides mental  
17 health disorder treatment.

18 "Hospital affiliate" has the meaning ascribed to that term  
19 in Section 10.8 of the Hospital Licensing Act.

20 "Mental health disorder" has the same meaning as "mental  
21 illness" under Section 1-129 of the Mental Health and  
22 Developmental Disabilities Code.

23 "Program" means a licensable or fundable activity or

1 service, or a coordinated range of such activities or services,  
2 established or licensed by the Department of Human Services.  
3 ~~has the meaning ascribed to that term in Section 1-10 of the~~  
4 ~~Alcoholism and Other Drug Abuse and Dependency Act.~~

5 "Substance use disorder" has the same meaning as "substance  
6 abuse" under Section 1-10 of the Substance Use Disorder  
7 ~~Alcoholism and Other Drug Abuse and Dependency~~ Act.

8 "Treatment" has the meaning ascribed to that term in  
9 Section 1-10 of the Substance Use Disorder ~~Alcoholism and Other~~  
10 ~~Drug Abuse and Dependency~~ Act when used in reference to  
11 treatment for a substance use disorder. "Treatment" has the  
12 meaning ascribed to that term in Section 1-128 of the Mental  
13 Health and Developmental Disabilities Code when used in  
14 reference to treatment for a mental health disorder.

15 (b) It is an unlawful practice for any person to engage in  
16 misleading or false advertising or promotion that  
17 misrepresents the need to seek mental health disorder or  
18 substance use disorder treatment outside of the State of  
19 Illinois.

20 (c) Any marketing, advertising, promotional, or sales  
21 materials directed to Illinois residents concerning mental  
22 health disorder or substance use disorder treatment must:

23 (1) prominently display or announce the full physical  
24 address of the treatment program or facility;

25 (2) display whether the treatment program or facility  
26 is licensed in the State of Illinois;

1 (3) display whether the treatment program or facility  
2 has locations in Illinois;

3 (4) display whether the services provided by the  
4 treatment program or facility are covered by an insurance  
5 policy issued to an Illinois resident;

6 (5) display whether the treatment program or facility  
7 is an in-network or out-of-network provider;

8 (6) include a link to the Internet website for the  
9 Department of Human Services' Division of Mental Health and  
10 Division of Substance Use Prevention and Recovery  
11 ~~Alcoholism and Substance Abuse~~, or any successor State  
12 agency that provides information regarding licensed  
13 providers of services; and

14 (7) disclose that mental health disorder and substance  
15 use disorder treatment may be available at a reduced cost  
16 or for free for Illinois residents within the State of  
17 Illinois.

18 (d) It is an unlawful practice for any person to enter into  
19 an arrangement under which a patient seeking mental health  
20 disorder or substance use disorder treatment is referred to a  
21 mental health disorder or substance use disorder treatment  
22 program or facility in exchange for a fee, a percentage of the  
23 treatment program's or facility's revenues that are related to  
24 the patient, or any other remuneration that takes into account  
25 the volume or value of the referrals to the treatment program  
26 or facility. Such practice shall also be considered a violation

1 of the prohibition against fee splitting in Section 22.2 of the  
2 Medical Practice Act of 1987 and a violation of the Health Care  
3 Worker Self-Referral Act. This Section does not apply to health  
4 insurance companies, health maintenance organizations, managed  
5 care plans, or organizations, including hospitals and hospital  
6 affiliates licensed in Illinois.

7 (Source: P.A. 100-1058, eff. 1-1-19; revised 10-9-18.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.