



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5265

by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

215 ILCS 5/155.22c new

Amends the Illinois Insurance Code. Provides that a company authorized to transact life insurance in this State may not: (1) cancel, terminate, or refuse to renew an individual's life insurance policy because of that individual's participation in a substance use disorder treatment or recovery support program; (2) charge an individual a different rate for life insurance coverage because of that individual's participation in a substance use disorder treatment or recovery support program; (3) deny a claim by a beneficiary because of an individual's participation in a substance use disorder treatment or recovery support program; or (4) ask an insured whether he or she is participating or has participated in a substance use disorder treatment or recovery support program. Contains provisions regarding confidentiality. Provides that the new provisions do not prohibit a company authorized to transact life insurance in this State from: (1) refusing to insure, refusing to continue to insure, limiting the amount, extent, or kind of coverage available to an individual, or charging a different rate for the same coverage on the basis of that individual's physical or mental condition regardless of the underlying cause of such condition; or (2) inquiring about a physical or mental condition, even if that condition was caused by or is related in any manner to a substance use disorder. Contains provisions regarding liability. Provides that the new provisions do not require a company authorized to transact life insurance to issue a life insurance policy to an applicant. Provides that the new provisions do not apply to a life insurance policy issued to an individual who is abusing drugs, is not seeking any form of treatment, and is not taking part in a substance use disorder treatment or recovery support program.

LRB101 16834 BMS 66233 b

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Insurance Code is amended by adding
5 Section 155.22c as follows:

6 (215 ILCS 5/155.22c new)

7 Sec. 155.22c. Coverage; substance use disorder treatment.

8 (a) As used in this Section, "recovery support", "substance
9 use disorder", and "treatment" have the meanings set forth in
10 the Substance Use Disorder Act.

11 (b) A company authorized to transact life insurance in this
12 State may not:

13 (1) cancel, terminate, or refuse to renew an
14 individual's life insurance policy because of that
15 individual's participation in a substance use disorder
16 treatment or recovery support program;

17 (2) charge an individual a different rate for life
18 insurance coverage because of that individual's
19 participation in a substance use disorder treatment or
20 recovery support program;

21 (3) deny a claim by a beneficiary because of an
22 individual's participation in a substance use disorder
23 treatment or recovery support program; or

1 (4) ask an insured whether he or she is participating
2 or has participated in a substance use disorder treatment
3 or recovery support program.

4 (c) No company authorized to transact life insurance in
5 this State may fail to maintain strict confidentiality of
6 information, as defined in Article XL of this Code, relating to
7 an applicant's or insured's substance use disorder or to a
8 medical or psychological condition that the company knows is
9 substance use disorder-related. Disclosure of such substance
10 use disorder-related information is subject to the disclosure
11 limitations and conditions contained in Section 1014 of this
12 Code.

13 (d) Nothing in this Section shall be construed to prohibit
14 a company authorized to transact life insurance in this State
15 from: (1) refusing to insure, refusing to continue to insure,
16 limiting the amount, extent, or kind of coverage available to
17 an individual, or charging a different rate for the same
18 coverage on the basis of that individual's physical or mental
19 condition regardless of the underlying cause of such condition;
20 or (2) inquiring about a physical or mental condition, even if
21 that condition was caused by or is related in any manner to a
22 substance use disorder.

23 (e) No company authorized to transact life insurance in
24 this State shall be held civilly or criminally liable in any
25 action that may be brought because of compliance with this
26 Section. Nothing in this Section, however, precludes the

1 jurisdiction of any administrative agency to carry out its
2 statutory authority.

3 (f) This Section does not require a company authorized to
4 transact life insurance in this State to issue a life insurance
5 policy to an applicant.

6 (g) This Section does not apply to a life insurance policy
7 issued to an individual who is abusing drugs, is not seeking
8 any form of treatment, and is not taking part in a substance
9 use disorder treatment or recovery support program.