



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0033

Introduced 1/14/2021, 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.

LRB102 04106 BMS 14123 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  
5 adding 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",  
9 "substance use disorder", and "treatment" have the meanings  
10 set forth in the Substance Use Disorder Act.

11 (b) A company authorized to transact life insurance in  
12 this 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  
7           to 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  
20           condition; or (2) inquiring about a physical or mental  
21           condition, even if that condition was caused by or is related  
22           in any manner to a 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  
5 insurance 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.