



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2453

Introduced 1/18/2006, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

215 ILCS 5/357.14 from Ch. 73, par. 969.14
215 ILCS 5/367k new
215 ILCS 5/357.25 rep.

Amends the Illinois Insurance Code. Prohibits health benefit plans from excluding coverage for treatment related to an injury acquired while an insured was intoxicated or under the influence of narcotics when the exclusion is based solely on the insured being intoxicated or under the influence of narcotics. Provides that coverage may be subject to additional terms of the health benefit plan. Repeals a provision allowing accident and health policies to contain an exclusion for losses caused by an insured being intoxicated or under the influence of narcotics.

LRB094 17465 LJB 52760 b

1 AN ACT concerning insurance.

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 changing Section 357.14 and by adding Section 367k as follows:

6 (215 ILCS 5/357.14) (from Ch. 73, par. 969.14)

7 Sec. 357.14. Except as provided in section 357.26, no such
8 policy delivered or issued for delivery to any person in this
9 State shall contain provisions respecting the matters set forth
10 in sections 357.15 through 357.24 ~~357.25~~ unless such provisions
11 are in the words in which the same appear in this article;
12 provided, however, that the company may, at its option, use in
13 lieu of any such provision a corresponding provision of
14 different wording approved by the Director which is not less
15 favorable in any respect to the insured or the beneficiary. Any
16 such provision contained in the policy shall be preceded
17 individually by the appropriate caption appearing in the
18 following sections or, at the option of the company, by such
19 appropriate individual or group captions or subcaptions as the
20 Director may approve.

21 (Source: Laws 1967, p. 1735.)

22 (215 ILCS 5/367k new)

23 Sec. 367k. Intoxication and narcotics; exclusion of
24 coverage prohibited.

25 (a) A health benefit plan shall not, solely on the basis of
26 the insured being intoxicated or under the influence of a
27 narcotic, exclude coverage for any emergency or other medical,
28 hospital, or surgical expenses incurred by an insured as a
29 result of and related to an injury acquired while the insured
30 is intoxicated or under the influence of any narcotic,
31 regardless of whether the intoxicant or narcotic is

1 administered on the advice of a health care practitioner.

2 (b) Coverage required under this Section may be subject to
3 deductibles, copayments, coinsurance, or annual or maximum
4 payment limits that are consistent with deductibles,
5 copayments, coinsurance, or annual or maximum payments limits
6 applicable to other similar coverage under the plan.

7 (215 ILCS 5/357.25 rep.)

8 Section 10. The Illinois Insurance Code is amended by
9 repealing Section 357.25.