

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 236 as follows:

6 (215 ILCS 5/236) (from Ch. 73, par. 848)

7 Sec. 236. Discrimination prohibited.

8 (a) No life company doing business in this State shall make
9 or permit any distinction or discrimination in favor of
10 individuals among insured persons of the same class and equal
11 expectation of life in the issuance of its policies, in the
12 amount of payment of premiums or rates charged for policies of
13 insurance, in the amount of any dividends or other benefits
14 payable thereon, or in any other of the terms and conditions of
15 the contracts it makes.

16 (b) No life company shall make or permit any distinction or
17 discrimination against individuals with handicaps or
18 disabilities in the amount of payment of premiums or rates
19 charged for policies of life insurance, in the amount of any
20 dividends or death benefits payable thereon, or in any other
21 terms and conditions of the contract it makes unless the rate
22 differential is based on sound actuarial principles and a
23 reasonable system of classification and is related to actual or

1 reasonably anticipated experience directly associated with the
2 handicap or disability.

3 (c) No life company shall refuse to insure, or refuse to
4 continue to insure, or limit the amount or extent or kind of
5 coverage available to an individual, or charge an individual a
6 different rate for the same coverage solely because of
7 blindness or partial blindness. With respect to all other
8 conditions, including the underlying cause of the blindness or
9 partial blindness, persons who are blind or partially blind
10 shall be subject to the same standards of sound actuarial
11 principles or actual or reasonably anticipated experience as
12 are sighted persons. Refusal to insure includes denial by an
13 insurer of disability insurance coverage on the grounds that
14 the policy defines "disability" as being presumed in the event
15 that the insured loses his or her eyesight. However, an insurer
16 may exclude from coverage disabilities consisting solely of
17 blindness or partial blindness when such condition existed at
18 the time the policy was issued.

19 (d) No life company shall refuse to insure or to continue
20 to insure an individual solely because of the individual's
21 status as a member of the United States Air Force, Army, Coast
22 Guard, Marines, or Navy or solely because of the individual's
23 status as a member of the National Guard or Armed Forces
24 Reserve.

25 (e) An insurer or producer authorized to issue policies of
26 insurance in this State may not make a distinction or otherwise

1 discriminate between persons, reject an applicant, cancel a
2 policy, or demand or require a higher rate of premium for
3 reasons based solely upon an applicant's or insured's past
4 lawful travel experiences or future lawful travel plans. This
5 subsection (e) does not prohibit an insurer or producer from
6 excluding or limiting coverage under a policy or refusing to
7 offer the policy based upon past lawful travel or future lawful
8 travel plans or from charging a different rate for that
9 coverage when that action is based upon sound actuarial
10 principles or is related to actual or reasonably expected
11 experience and is not based solely on the destination's
12 inclusion on the United States Department of State's travel
13 warning list. ~~No life company may refuse to insure, refuse to~~
14 ~~continue to insure, limit the amount or extent or kind of~~
15 ~~coverage available to an individual, or charge an individual a~~
16 ~~different rate for the same coverage solely for reasons~~
17 ~~associated with an applicant's or insured's past lawful travel~~
18 ~~experiences.~~

19 (Source: P.A. 93-850, eff. 7-30-04.)