

AN ACT concerning business.

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

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

(815 ILCS 505/2VVV)

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

(a) As used in this Section:

"Facility" has the meaning ascribed to that term in Section 1-10 of the Substance Use Disorder Act when used in reference to a facility that provides substance use disorder treatment. "Facility" has the same meaning as "mental health facility" under Section 1-114 of the Mental Health and Developmental Disabilities Code when used in reference to a facility that provides mental health disorder treatment.

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

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

"Program" means a licensable or fundable activity or service, or a coordinated range of such activities or

services, established or licensed by the Department of Human Services.

"Substance use disorder" has the same meaning as "substance abuse" under Section 1-10 of the Substance Use Disorder Act.

"Treatment" has the meaning ascribed to that term in Section 1-10 of the Substance Use Disorder Act when used in reference to treatment for a substance use disorder. "Treatment" has the meaning ascribed to that term in Section 1-128 of the Mental Health and Developmental Disabilities Code when used in reference to treatment for a mental health disorder.

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

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

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

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

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

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

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

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

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

(d) It is an unlawful practice for any person to solicit, offer, or enter into an arrangement under which a patient seeking mental health disorder or substance use disorder treatment is referred to a mental health disorder or substance use disorder treatment program or facility in exchange for a fee, a percentage of the treatment program's or facility's revenues that are related to the patient, or any other remuneration that takes into account the volume or value of the referrals to the treatment program or facility. Such practice shall also be considered a violation of the prohibition against fee splitting in Section 22.2 of the Medical Practice Act of 1987 and a violation of the Health Care

Worker Self-Referral Act. It is not a violation of this Section for programs or facilities to enter into personal services agreements or management services agreements with third parties that do not take into account the volume or value of referrals. It is not a violation of this Section for programs or facilities to provide discounts for treatment services to clients as long as the discount is based on financial necessity in accordance with the program's or facility's charity care plan, regardless of referral source or reason. Compensation paid by programs or facilities to their employees and independent contractors related to identifying, locating, and securing referrals to that program or facility is not a violation of this Section if the amount of compensation provided to the employee or independent contractor does not vary based upon the volume or value of such referrals. This Section does not apply to health insurance companies, health maintenance organizations, managed care plans, or organizations, including hospitals and hospital affiliates licensed in Illinois.

(Source: P.A. 100-1058, eff. 1-1-19; 100-1188, eff. 4-5-19; 101-81, eff. 7-12-19.)

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