

SB3670



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3670

Introduced 2/14/2020, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-103

from Ch. 68, par. 1-103

775 ILCS 5/6-103 new

Amends the Illinois Human Rights Act. Provides that a person that offers a group or individual policy of accident and health insurance, including coverage against disablement or death, commits a civil rights violation under the Act by offering coverage that does not include equal terms and conditions of coverage for the treatment of a mental, emotional, nervous, or substance use disorder or condition or a history thereof. Makes a conforming change.

LRB101 20081 LNS 69613 b

A BILL FOR

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Section 1-103 and by adding Section 6-103 as follows:

6 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

7 Sec. 1-103. General definitions. When used in this Act,
8 unless the context requires otherwise, the term:

9 (A) Age. "Age" means the chronological age of a person who
10 is at least 40 years old, except with regard to any practice
11 described in Section 2-102, insofar as that practice concerns
12 training or apprenticeship programs. In the case of training or
13 apprenticeship programs, for the purposes of Section 2-102,
14 "age" means the chronological age of a person who is 18 but not
15 yet 40 years old.

16 (B) Aggrieved party. "Aggrieved party" means a person who
17 is alleged or proved to have been injured by a civil rights
18 violation or believes he or she will be injured by a civil
19 rights violation under Article 3 that is about to occur.

20 (B-5) Arrest record. "Arrest record" means:

- 21 (1) an arrest not leading to a conviction;
22 (2) a juvenile record; or
23 (3) criminal history record information ordered

1 expunged, sealed, or impounded under Section 5.2 of the
2 Criminal Identification Act.

3 (C) Charge. "Charge" means an allegation filed with the
4 Department by an aggrieved party or initiated by the Department
5 under its authority.

6 (D) Civil rights violation. "Civil rights violation"
7 includes and shall be limited to only those specific acts set
8 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
9 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
10 6-101, and 6-102 of this Act.

11 (E) Commission. "Commission" means the Human Rights
12 Commission created by this Act.

13 (F) Complaint. "Complaint" means the formal pleading filed
14 by the Department with the Commission following an
15 investigation and finding of substantial evidence of a civil
16 rights violation.

17 (G) Complainant. "Complainant" means a person including
18 the Department who files a charge of civil rights violation
19 with the Department or the Commission.

20 (H) Department. "Department" means the Department of Human
21 Rights created by this Act.

22 (I) Disability. "Disability" means a determinable physical
23 or mental characteristic of a person, including, but not
24 limited to, a determinable physical characteristic which
25 necessitates the person's use of a guide, hearing or support
26 dog, the history of such characteristic, or the perception of

1 such characteristic by the person complained against, which may
2 result from disease, injury, congenital condition of birth or
3 functional disorder and which characteristic:

4 (1) For purposes of Article 2, is unrelated to the
5 person's ability to perform the duties of a particular job
6 or position and, pursuant to Section 2-104 of this Act, a
7 person's illegal use of drugs or alcohol is not a
8 disability;

9 (2) For purposes of Article 3, is unrelated to the
10 person's ability to acquire, rent, or maintain a housing
11 accommodation;

12 (3) For purposes of Article 4, is unrelated to a
13 person's ability to repay;

14 (4) For purposes of Article 5, is unrelated to a
15 person's ability to utilize and benefit from a place of
16 public accommodation;

17 (5) For purposes of Article 5, also includes any
18 mental, psychological, or developmental disability,
19 including autism spectrum disorders.

20 (J) Marital status. "Marital status" means the legal status
21 of being married, single, separated, divorced, or widowed.

22 (J-1) Military status. "Military status" means a person's
23 status on active duty in or status as a veteran of the armed
24 forces of the United States, status as a current member or
25 veteran of any reserve component of the armed forces of the
26 United States, including the United States Army Reserve, United

1 States Marine Corps Reserve, United States Navy Reserve, United
2 States Air Force Reserve, and United States Coast Guard
3 Reserve, or status as a current member or veteran of the
4 Illinois Army National Guard or Illinois Air National Guard.

5 (K) National origin. "National origin" means the place in
6 which a person or one of his or her ancestors was born.

7 (K-5) "Order of protection status" means a person's status
8 as being a person protected under an order of protection issued
9 pursuant to the Illinois Domestic Violence Act of 1986, Article
10 112A of the Code of Criminal Procedure of 1963, the Stalking No
11 Contact Order Act, or the Civil No Contact Order Act, or an
12 order of protection issued by a court of another state.

13 (L) Person. "Person" includes one or more individuals,
14 partnerships, associations or organizations, labor
15 organizations, labor unions, joint apprenticeship committees,
16 or union labor associations, corporations, the State of
17 Illinois and its instrumentalities, political subdivisions,
18 units of local government, legal representatives, trustees in
19 bankruptcy, ~~or~~ receivers, or companies as defined in subsection
20 (e) of Section 2 of the Illinois Insurance Code.

21 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
22 or medical or common conditions related to pregnancy or
23 childbirth.

24 (M) Public contract. "Public contract" includes every
25 contract to which the State, any of its political subdivisions,
26 or any municipal corporation is a party.

1 (N) Religion. "Religion" includes all aspects of religious
2 observance and practice, as well as belief, except that with
3 respect to employers, for the purposes of Article 2, "religion"
4 has the meaning ascribed to it in paragraph (F) of Section
5 2-101.

6 (O) Sex. "Sex" means the status of being male or female.

7 (O-1) Sexual orientation. "Sexual orientation" means
8 actual or perceived heterosexuality, homosexuality,
9 bisexuality, or gender-related identity, whether or not
10 traditionally associated with the person's designated sex at
11 birth. "Sexual orientation" does not include a physical or
12 sexual attraction to a minor by an adult.

13 (P) Unfavorable military discharge. "Unfavorable military
14 discharge" includes discharges from the Armed Forces of the
15 United States, their Reserve components, or any National Guard
16 or Naval Militia which are classified as RE-3 or the equivalent
17 thereof, but does not include those characterized as RE-4 or
18 "Dishonorable".

19 (Q) Unlawful discrimination. "Unlawful discrimination"
20 means discrimination against a person because of his or her
21 actual or perceived: race, color, religion, national origin,
22 ancestry, age, sex, marital status, order of protection status,
23 disability, military status, sexual orientation, pregnancy, or
24 unfavorable discharge from military service as those terms are
25 defined in this Section.

26 (Source: P.A. 100-714, eff. 1-1-19; 101-81, eff. 7-12-19;

1 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; revised 9-18-19.)

2 (775 ILCS 5/6-103 new)

3 Sec. 6-103. Insurance coverage. A person that offers a
4 group or individual policy of accident and health insurance,
5 including coverage against disablement or death, commits a
6 civil rights violation within the meaning of this Act by
7 offering coverage that does not include equal terms and
8 conditions of coverage for the treatment of a mental,
9 emotional, nervous, or substance use disorder or condition or a
10 history thereof.

11 As used in this Section, "mental, emotional, nervous, or
12 substance use disorder or condition" has the meaning provided
13 in subsection (g) of Section 370c.1 of the Illinois Insurance
14 Code.