

1 AN ACT concerning business.

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 424 and by adding Section 427.5 as follows:

6 (215 ILCS 5/424) (from Ch. 73, par. 1031)

7 Sec. 424. Unfair methods of competition and unfair or
8 deceptive acts or practices defined. The following are hereby
9 defined as unfair methods of competition and unfair and
10 deceptive acts or practices in the business of insurance:

11 (1) The commission by any person of any one or more of
12 the acts defined or prohibited by Sections 134, 143.24c,
13 147, 148, 149, 151, 155.22, 155.22a, 155.42, 236, 237,
14 364, 469, and 513b1 of this Code.

15 (2) Entering into any agreement to commit, or by any
16 concerted action committing, any act of boycott, coercion
17 or intimidation resulting in or tending to result in
18 unreasonable restraint of, or monopoly in, the business of
19 insurance.

20 (3) Making or permitting, in the case of insurance of
21 the types enumerated in Classes 1, 2, and 3 of Section 4,
22 any unfair discrimination between individuals or risks of
23 the same class or of essentially the same hazard and

1 expense element because of the race, color, religion, or
2 national origin of such insurance risks or applicants. The
3 application of this Article to the types of insurance
4 enumerated in Class 1 of Section 4 shall in no way limit,
5 reduce, or impair the protections and remedies already
6 provided for by Sections 236 and 364 of this Code or any
7 other provision of this Code.

8 (4) Engaging in any of the acts or practices defined
9 in or prohibited by Sections 154.5 through 154.8 of this
10 Code.

11 (5) Making or charging any rate for insurance against
12 losses arising from the use or ownership of a motor
13 vehicle which requires a higher premium of any person by
14 reason of his physical disability, race, color, religion,
15 or national origin.

16 (6) Failing to meet any requirement of the Unclaimed
17 Life Insurance Benefits Act with such frequency as to
18 constitute a general business practice.

19 (7) Soliciting either an individual who is a resident
20 of a nursing home or long-term care facility or an
21 individual who is over the age of 65 to purchase accident
22 or health insurance, unless the person who is selling the
23 insurance:

24 (A) advises the potential enrollee of the benefit
25 of examining the potential enrollee's current
26 insurance plan, discusses all proposed

1 insurance-related changes with a family member,
2 friend, or other advisor of the potential enrollee,
3 and then waits 48 hours before making any
4 insurance-related changes concerning the potential
5 enrollee;

6 (B) provides a phone number that may be called if
7 the potential enrollee or the potential enrollee's
8 family members, friends, or other advisors have any
9 questions; and

10 (C) allows the potential enrollee to opt out of
11 any future communications with the person.

12 (8) Entering into or amending an accident or health
13 insurance policy with an individual who is over the age of
14 65 and who has executed a health care power of attorney or
15 has a medical condition, such as dementia, that reduces
16 the person's capacity to make informed decisions
17 independently, unless the potential enrollee's agent under
18 a health care power of attorney executes the agreement and
19 the agreement is reduced to writing.

20 (Source: P.A. 102-778, eff. 7-1-22.)

21 (215 ILCS 5/427.5 new)

22 Sec. 427.5. Unfair and deceptive agreements voidable by
23 the Director. If, after a hearing under Section 426, the
24 Director determines that a person has violated paragraph (7)
25 or (8) of Section 424, the Director may declare void and

1 unenforceable any agreement or policy of insurance solicited,
2 entered into, or amended as a result of that violation.

3 Section 10. The Consumer Fraud and Deceptive Business
4 Practices Act is amended by adding Section 2HHHH as follows:

5 (815 ILCS 505/2HHHH new)

6 Sec. 2HHHH. Disruptive changes to a nursing home resident.
7 It is an unlawful practice within the meaning of this Act for a
8 nursing home or long-term care facility to make substantive
9 changes likely to be disruptive to a resident or move a
10 resident's place of living without prior approval from a
11 family member, guardian, or power of attorney of the resident
12 if the resident suffers from dementia or suffers from a
13 medical condition that reduces the resident's capacity to make
14 informed decisions independently.