**Section 2002.40 Definitions**

An "advertisement," for the purpose of this Part, shall include:

printed and published material, audio-visual material, and descriptive literature of an insurer used in direct mail, email, internet pages, blogs, social media, newspapers, magazines, radio scripts, TV scripts, billboards and similar displays; and

descriptive literature and sales aids of all kinds issued by an insurer, agent or broker for presentation to members of the insurance buying public, including but not limited to circulars, leaflets, booklets, depictions, illustrations, and form letters; and

prepared sales talks, presentations and material for use by agents, brokers and solicitors. The Guideline for this definition is found in Appendix A, Illustration D.

"Exception," for the purpose of this Part, shall mean any provision in a policy whereby coverage for a specified hazard is entirely eliminated; it is a statement of a risk not assumed under the policy.

"Health Insurance Marketplace" means the Illinois Health Benefits Exchange established in accordance with 215 ILCS 122/5-5 and 42 USC 18031.

"Institutional Advertisement", for the purpose of this Part, shall mean an advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of accident and sickness insurance or the promotion of the insurer.

"Insurer", for the purpose of this Part, shall include any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds, fraternal benefit society, health maintenance organization, and any other legal entity that is defined as an "insurer" in the Insurance Code of Illinois and is engaged in the advertisement of a policy, as "policy" is defined in this Section.

"Invitation to Contract", for the purpose of this Part, shall mean an advertisement that is neither an invitation to inquire nor an institutional advertisement.

"Invitation to Inquire", for the purpose of this Part, shall mean an advertisement having as one of its objectives, but not necessarily the main objective, the creation of a desire to inquire further about the product or products and that is limited to a brief description of the loss or losses for which the benefit is payable, and that may contain the dollar amount of benefit payable and/or the period of time during which the benefit is payable, provided the advertisement does not refer to cost. An ad that is an invitation to inquire and that contains a dollar amount of benefit payable, and/or the period of time during which a benefit is payable, shall contain a provision in effect as follows:

"For costs and further details of the coverage, including exclusions, any reductions or limitations and the terms under which the policy may be continued in force, see your agent or write to the company."

"Limitation", for the purpose of this Part, shall mean any provision that restricts coverage under the policy other than an exception or a reduction.

"Policy", for the purpose of this Part, shall include any policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement that provides accident or sickness benefits, or medical, surgical or hospital expense benefits, whether on an indemnity, reimbursement, service or prepaid basis, except when issued in connection with another kind of insurance other than life, and except disability, waiver of premium and double indemnity benefits included in life insurance and annuity contracts. The Guideline for this definition is found in Appendix A, Illustration E.

"Reduction", for the purpose of this Part, shall mean any provision that reduces the amount of the benefit. A risk of loss is assumed, but payment upon the occurrence of the loss is limited to some amount or period less than would be otherwise payable had the reduction not been used.

(Source: Amended at 38 Ill. Reg. 2124, effective January 2, 2014)