

ILHIC Legislative Committee – Call Summary

January 10, 2020

Happy New Year and welcome to 2020!

We've kicked off the New Year by formally changing our organization's name to the Illinois Life and Health Insurance Council (ILHIC) and look forward to launching an official website in the coming months. Once the website is live, the Council's email addresses will be updated to align with the new domain, but in the meantime, our e-mail addresses remain the same and you can contact Laura Minzer at ilicminzer@gmail.com and Susan List at ilicbarry@gmail.com.

Data Privacy

The Council met with Director Muriel and members of the Department of Insurance staff on November 21 to provide an overview of the current state and national debate over privacy protections for consumer data and to share our perspectives on how the industry is unique in terms of its use of data, as well as the existing protections in state and federal statutes governing the use and privacy of that data in the industry. The overarching goal of the meeting was to begin to engage the Department, as our regulator, in the discussion that will likely continue next year around state legislation seeking to establish protections governing the use and sale of consumer data.

Legislation that was debated this spring -[HB 3358 \(Turner/T. Cullerton\)](#) – provided for a number of blanket exemptions from the requirements of the proposed Data Privacy Act, including exemptions for entities subject to GLBA and/or HIPAA. Several legislators, however, expressed concerns and opposition to providing blanket exemptions in future versions of the legislation.

Senator Tom Cullerton, who has been the lead Senator on this issue, convened a meeting in early December with several interested parties – namely representatives of the tech sector – to reinforce his desire to move data privacy legislation next spring and intimated that the AG and the Governor's office also have a vested interest in the issue. Privacy advocates were also very vocal during the meeting about their desire to make California's privacy law the benchmark in Illinois.

In the meantime, Senator Tom Cullerton filed [SB 2330 \(T. Cullerton\)](#) on January 8 containing new Data Transparency and Privacy Act provisions. The provisions exceed those previously included in earlier versions of HB 3358, including replacing the entity-level GLBA and HIPAA exemptions with data-level GLBA and HIPAA exemptions, restoration of previously eliminated right of private action provisions, and inclusion of new "right to be forgotten" provisions.

The Council is continuing to work collaboratively with the rest of the industry, including the Illinois Insurance Association, to engage the Department as debate on this issue inevitably moves forward in the Legislature. The Department has requested that the industry outline major concerns with the California privacy law and regulation, so while recognizing that it is still an evolving policy, any company input into overarching concerns with California will be helpful in developing advocacy strategies for this spring.

Insurance Fee – Trauma Center Proposal

House Insurance Chair Thaddeus Jones has introduced a new proposal that would authorize the Department of Insurance to impose a new fee on all insurance companies doing business in Illinois to help fund new trauma centers around the state. The proposal - [HB 4028 \(Jones\)](#) – was introduced on January 6. The Council will reach out to Chairman Jones to relay concerns with the proposal.

Unfair Discrimination – Gender Identity in Rating Proposed Regulation

The Department of Insurance has proposed amendatory changes to 50 Ill. Adm. Code 2603 regarding Unfair Discrimination Based on Sex, Sexual Orientation, Gender Identity or Marital Status, which include proposed changes to the rating provisions to prohibit insurance companies from using differential rate setting on the basis of actual or perceived gender identity. The [proposed amendments](#) (beginning on page 49) were published in the Illinois Register on December 27 and interested parties have 45 days from date of publication (Feb. 10) to provide written comments to the Department. The Council intends on submitting comments to clarify that the rating provisions are applied as intended by the existing federal 1557 (ACA) nondiscrimination rules.

Legislative Leadership Changes & 2020 Session Calendar:

The Senate is schedule to convene on Sunday, January 19 to elect a new Senate President replacing current Senate President John Cullerton after he announced he would retire in 2019. All Senators – Democrat and Republican – will cast their vote for the next Senate President. There are currently three candidates vying for the role – current [Assistant Majority Leader Don Harmon](#); [Majority Leader Kim Lightford](#); and [Senator Elgie Sims](#). The Senate and the House will return on January 28 to convene the 2020 spring session with the Governor scheduled to deliver his State of the State Address on January 29.

The 2020 spring session calendars may be accessed at the following links:

[Senate calendar](#)

[House calendar](#)

SAVE THE DATE – Legislative Day/Committee Meeting – March 18:

The Council will be joining with the Independent Agents of IL, NAIFA – IL, ISAHU, and the IL Insurance Association to host the Insurance Industry Legislative Day on Wednesday, March 18 in Springfield. The Council will also host a separate legislative committee meeting before the legislative day agenda gets underway in the afternoon. More information on location and agenda for the day will be sent out soon.

UPCOMING MEETINGS/IMPORTANT DATES:

January 19 – Senate President Election

January 29, 2020– State of the State Address

February 19, 2020 – Budget Address

March 17, 2020 – Primary Election Day

March 18 – Legislative Committee Meeting; Insurance Industry Legislative Day - Springfield

November 3, 2020 – General Election Day