

# Illinois Department of Insurance

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Governor Director

TO: ALL ILLINOIS-LICENSED INSURANCE COMPANIES

FROM: MICHAEL T. MCRAITH

DATE: MAY 26, 2011

RE: COMPANY BULLETIN 2011-06-THE RELIGIOUS FREEDOM PROTECTION  
AND CIVIL UNION ACT ("THE ACT")

The purpose of this Bulletin is to provide to Illinois-licensed insurance companies guidance regarding compliance with the Act (750 ILCS 75/1). The Act, which becomes effective on June 1, 2011, creates a legal relationship between two persons of the same or opposite sex who form a civil union. The Act provides that the parties to a civil union are entitled to the same legal obligations, responsibilities, protections and benefits that are afforded or recognized by the laws of Illinois to spouses. The law further provides that a party to a civil union shall be included in any definition or use of the terms "spouse," "family," "immediate family," "dependent," "next of kin," and other terms descriptive of spousal relationships as those terms are used throughout Illinois law. This includes the terms "marriage" or "married." or variations thereon. If policies of insurance provide coverage for children, the children of civil unions must also be provided coverage. The Act also requires recognition of civil unions or same sex civil unions or marriages legally entered into in other jurisdictions.

The terms and requirements of the Act are incorporated into existing Illinois law, including the Illinois Insurance Code. Therefore, beginning on June 1, 2011, and thereafter, all contracts of insurance issued by Illinois-licensed insurers on Illinois risks, or renewal contracts issued on Illinois risks, or contracts in force on that date, must comply with the Act. To the extent ambiguity exists with respect to the application of the Act to Illinois insurance laws and regulations, all such ambiguity shall be resolved in favor of the consumer.

Companies are not required to file amended policy forms with the Department prior to complying with the Act, but companies must administer both existing and newly-issued policies so that parties to a civil union and a marriage are provided identical benefits, protections, and financial security. In addition to benefits, processes and systems must be identical for parties to a civil union and marriage. New policy filings or amended policy filings made after June 1, 2011, should incorporate language indicating the insurer's compliance with the Act.

To the extent such action has not already commenced, companies should immediately inform insureds and potential insureds about compliance with the Act on all policy forms, applications or other materials distributed to those insureds or potential insureds.

Failure by any Illinois-licensed company to comply with the Act will result in administrative or other legal action against that company by the Department.

Examples of the interaction between the Act and existing law can be found in the Consumer Fact Sheet available on the Department's website at [\\kw.insurance.illinois.gov](http://kw.insurance.illinois.gov).

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