

# Lawsuits Alleging Violations of Illinois' GIPA Are Piling Into Court Like Clowns Out of a Circus Car

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A string of putative class actions has been filed against life insurance companies for allegedly violating section 20(b) of Illinois' Genetic Information Privacy Act (GIPA) by using applicants' family medical history in underwriting. In general, these actions allege that life insurers violated section 20(b)'s prohibition by requiring applicants to answer questions concerning the applicants' family medical history for underwriting purposes. The complaints are colorful and seek to distract the audience from seeing the "false bottom" in the clown car. Although there are many missteps in the plaintiffs' claims, one of the most basic is the laughable assertion that section 20(b) applies to life insurers at all. GIPA's very text demonstrates that the relevant provisions are limited to accident and health insurers and health plans and the coverages they issue; it does not include life insurers. Adding to the pileup is extensive legislative history reflecting that GIPA, as currently adopted, generally excludes life insurers and was not intended to change insurers' then-current practices, including asking questions about family medical history. Finally, if life insurance was intended to be part of GIPA's section 20(b) act, then the Illinois legislature would not have recently introduced HB 4142 to extend GIPA to the life insurance industry. Perhaps once the plaintiffs' bar recognizes the deficiency in the GIPA complaints, the clowns will pile back into the car and drive away. Until then, it appears that the show must, unfortunately, go on.

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