

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

January 11, 2024

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.

Authored By



Ann Young Black



Patricia M. Carreiro



Michael A. Bailey

Related Practices

[Cybersecurity and Privacy](#)

Related Industries

[Life, Annuity, and Retirement Solutions](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.