

By Mr. Kollios of Millbury, petition of Paul Kollios relative to the protection of persons seeking or receiving treatment for substance abuse, mental illness or certain other conditions. Human Services and Elderly Affairs.

---

---

**The Commonwealth of Massachusetts**

---

In the Year One Thousand Nine Hundred and Ninety-One.

---

AN ACT TO PROTECT PERSONS SEEKING OR RECEIVING TREATMENT FOR  
SUBSTANCE ABUSE, MENTAL ILLNESS, OR CERTAIN OTHER CONDITIONS.

*Be it enacted by the Senate and House of Representatives in General  
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 175 of the General Laws as appearing  
2 in the 1988 Official Edition is hereby amended by inserting after  
3 section 108E the following new section: —

4 Section 108F. No individual policy of accident and sickness  
5 insurance issued pursuant to section 108 or group blanket policy  
6 of accident and sickness insurance issued pursuant to section 110,  
7 or any renewals thereof, shall be denied, cancelled, or fail to be  
8 renewed, nor shall any excessive rates be charged or restrictions  
9 on length of coverage be imposed, nor shall any other factor be  
10 altered in such a way as to constitute discrimination primarily  
11 because an insured person, or an individual applying to purchase  
12 insurance, has or has had a suspected, alleged, or confirmed  
13 condition or illness, treatment of which would be required to be  
14 covered under the provisions of this chapter. The practices  
15 prohibited under this section shall include not only those overtly  
16 discriminatory, but also practices and devices which are fair in  
17 form but discriminatory in practice.

1 SECTION 2. Chapter 176G of the General Laws as appearing  
2 in the 1988 Official Edition is hereby amended by inserting after  
3 section 2 the following new section:

4 Section 2A. No health maintenance organization shall cancel,  
5 fail to issue, or fail to renew a health maintenance contract,

6 whether with an individual or with a group of individuals, nor  
7 shall any excessive rates be charged or restrictions on length of  
8 coverage be imposed, nor shall any other factor be altered in such  
9 a way as to constitute discrimination primarily because a member,  
10 or an individual applying for membership, has or has had a  
11 suspected, alleged, or confirmed condition or illness, treatment  
12 of which would be required to be covered under the provisions  
13 of this chapter. The practices prohibited under this section shall  
14 include not only those overtly discriminatory, but also practices  
15 and devices which are fair in form but discriminatory in practice.

1 SECTION 3. Chapter 176A of the General Laws as appearing  
2 in the 1988 Official Edition is hereby amended by inserting after  
3 section 8I the following new section:

4 Section 8J. No contract between a subscriber and the  
5 corporation under an individual or group hospital service plan  
6 which shall be delivered or issued for delivery or renewed in the  
7 commonwealth shall be denied, cancelled, or fail to be renewed,  
8 nor shall any excessive rates be charged or restrictions on length  
9 of coverage be imposed, nor shall any other factor be altered in  
10 such a way as to constitute discrimination primarily because an  
11 insured person, or an individual applying to purchase insurance,  
12 has or has had a suspected, alleged, or confirmed condition or  
13 illness, treatment of which would be required to be covered under  
14 the provisions of this chapter. The practices prohibited under this  
15 section shall include not only those overtly discriminatory, but  
16 also practices and devices which are fair in form but  
17 discriminatory in practice.

1 SECTION 4. Chapter 176B of the General Laws as appearing  
2 in the 1988 Official Edition is hereby amended by inserting after  
3 section 4H the following new section:

4 Section 4I. No subscription certificate under an individual or  
5 group medical service agreement which shall be delivered or issued  
6 for delivery or renewed in the commonwealth shall be denied,  
7 cancelled, or fail to be renewed, nor shall any excessive rates be  
8 charged or restrictions on length of coverage be imposed, nor shall  
9 any other factor be altered in such a way as to constitute  
10 discrimination primarily because a subscriber, or an individual  
11 applying to become a subscriber, has or has had a suspected,

12 alleged, or confirmed condition or illness, treatment of which  
13 would be required to be covered under the provisions of this  
14 chapter. The practices prohibited under this section shall include  
15 not only those overtly discriminatory, but also practices and  
16 devices which are fair in form but discriminatory in practice.

