

# Senate Bill 419

Sponsored by Senator GORSEK (at the request of Beckie Child) (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits insurer, insurance producer or insurance-support organization from seeking or obtaining information about individual's mental health diagnosis, prognosis, treatment or condition as part of investigation or adjustment of claim for benefits under automobile insurance policy unless insurer, insurance producer or insurance-support organization demonstrates with clear and convincing evidence that accident that gave rise to claim resulted from or was directly related to individual's mental health condition.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to requests for mental health information in connection with a claim of benefits under an  
3 automobile insurance policy; creating new provisions; amending ORS 746.655; and prescribing  
4 an effective date.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 746.655 is amended to read:

7 746.655. [No] **An** insurer, insurance producer or insurance-support organization may **not**:

8 (1) Seek information in connection with an insurance transaction concerning any previous ad-  
9 verse underwriting decision [*experienced by*] an individual **has experienced**, or any previous insur-  
10 ance coverage [*obtained by*] an individual **has obtained** through a residual market mechanism,  
11 unless the inquiry also requests the reasons for any previous adverse underwriting decision or the  
12 reasons why **the individual previously obtained** insurance coverage [*was previously obtained*]  
13 through a residual market mechanism.

14 (2) **Seek or obtain information concerning an individual's mental health diagnosis,**  
15 **prognosis, treatment or condition as part of an investigation or adjustment of a claim for**  
16 **benefits under an automobile insurance policy unless the insurer, insurance producer or**  
17 **insurance-support organization can demonstrate with clear and convincing evidence that the**  
18 **accident or occurrence that gave rise to the claim resulted from or was directly related to**  
19 **the individual's mental health condition.**

20 **SECTION 2.** The amendments to ORS 746.655 by section 1 of this 2021 Act apply to claims  
21 for benefits that occur on and after the effective date of this 2021 Act.

22 **SECTION 3.** This 2021 Act takes effect on the 91st day after the date on which the 2021  
23 regular session of the Eighty-first Legislative Assembly adjourns sine die.  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.