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**Introduced by Senator Romero**

February 18, 2005

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An act to amend Section 10369.12 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

SB 573, as introduced, Romero. Disability insurance: intoxication.

Existing law generally authorizes insurers to include certain provisions in their disability insurance policies. Under existing law, a disability insurance policy may contain a provision indicating that the insurer is not liable for any loss caused by the insured being intoxicated or under the influence of any controlled substance unless administered on the advice of a physician.

This bill would exempt a health insurance policy from the above policy provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 10369.12 of the Insurance Code is
- 2 amended to read:
- 3 10369.12. (a) A disability policy may contain a provision in
- 4 the form set forth herein.
- 5 Intoxicants and controlled substances: The insurer shall not be
- 6 liable for any loss sustained or contracted in consequence of the
- 7 insured's being intoxicated or under the influence of any
- 8 controlled substance unless administered on the advice of a
- 9 physician.

1     ***(b) Subdivision (a) shall not apply to a policy of health***  
2     ***insurance.***

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