



National
Consumer Law
Center
*Fighting Together
for Economic Justice*

PROTECTING SERIOUSLY ILL CONSUMERS FROM UTILITY DISCONNECTIONS

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WHAT STATES CAN DO TO SAVE LIVES NOW

APPENDIX A

SERIOUS ILLNESS CRITERIA IN EACH OF THE 50 STATES AND D.C.

This table summarizes the illness/medical condition/age criteria customers must meet either to be protected against termination, or to receive additional notice prior to termination. NOTE that, in some states, only the latter applies—additional notice—and that there is no protection against being terminated.

STATE	CITATION	DEFINITION
Alabama	<i>Ala. Pub. Serv. Comm'n Gen. R. 770-X-1-.12 (5).</i>	Utility tariffs shall set out termination rules “when life or health may be threatened by termination” or customer needs special consideration due to “age or handicap.”
Alaska	<i>Alaska Admin. Code tit. 3, § 52.450(c)(2).</i>	Customer who is seriously ill, elderly, disabled, or dependent on life-support systems entitled to longer pre-termination notice, but no protection against termination.
Arizona	<i>Ariz. Admin. Code § R14-2-211(A) (5), (6) (electric).</i>	No disconnection if customer is unable to pay and certifies termination “would be especially dangerous” to health; “[l]ife supporting equipment ... is dependent on utility service”; but payment plan may be required.
Arkansas	<i>Ark. Admin. Code § 126.03.2-6.17(A) (serious illness).</i>	Termination of service postponed for 30 days (renewable once) if medical certificate certifies that termination would cause “substantial risk of death or gravely impair the health” of customer or permanent household member.
California	<i>Cal. Pub. Util. Code §§ 779(b)(3) (regular serious illness), 779.3 (medical baseline).</i>	Regular serious illness protection: Financially unable to pay & willing to enter into a deferred payment agreement (DPA); if loss of service is life threatening. Medical baseline eligibility: If customer is financially unable to pay and willing to enter into DPA, no termination if: customer under hospice care, depends on life-support equipment, or has a life-threatening condition.
Colorado	<i>4 Colo. Code Regs. §§ 723-3:3407 (electric), 723-4:4407 (gas).</i>	Discontinuance of service will aggravate an existing condition or create a medical emergency.

STATE	CITATION	DEFINITION
Connecticut	<i>Conn. Gen. Stat. § 16-262c(b) (1) (seriously ill, life-threatening condition, child under 24 months recently released from the hospital); Conn. Agencies Regs. § 16-3-100(e).</i>	No termination when “any resident therein is seriously ill” as certified by a “registered physician” (Conn. Agencies Regs. § 16-3-100(e)). Absolute protection, year-round, in financial hardship cases where termination would “create a life-threatening situation” or when a child under 2 has been released from hospital with doctor’s note specifying need for utility service; protection, from Nov. 1 to May 1, for “hardship” cases, including those with serious illness (Conn. Gen. Stat. § 16-262c(b)(1)).
Delaware	<i>Del. Code Ann. tit. 26, § 117(d).</i>	So ill that disconnection will adversely affect resident’s health or recovery.
District of Columbia	<i>D.C. Mun. Regs tit.15, § 311.1(A).</i>	Disconnection is detrimental to health and safety of occupant.
Florida	<i>Fla. Stat § 366.15 (utility tariffs).</i>	Medically essential: dependence on electric-powered equipment that must be operated continuously or per physician’s instruction to avoid loss of life or immediate hospitalization.
Georgia	<i>Ga. Comp. R. & Regs. 515-3-2.03 (electric and gas); 515-3-3.03 (marketers).</i>	Serious illness which would be aggravated by disconnection.
Hawaii	<i>Haw. Admin. Rules § 6-60-8.</i>	Special disconnection process for elderly and disabled.
Idaho	<i>Idaho Admin. Code r. 31.21.01.308.</i>	Resident is seriously ill, or has a medical emergency, or will become seriously ill or have a medical emergency if utility service is disconnected.
Illinois	<i>Ill. Admin Code tit. 83, §§ 280.130(m), 280.160(g), 280.160(d)(4), (j).</i>	Disconnection will aggravate an existing medical emergency or create a medical emergency.
Indiana	<i>170 Ind. Admin. Code 4-1-16 (c) (electric), 5-1-16(c) (gas).</i>	Disconnection would be a serious and immediate threat to the health and safety of resident.
Iowa	<i>Iowa Admin Code rr. 199-19.4(476) (gas), 199-20.4(476) (electric).</i>	Disconnection poses especial danger to the health of any permanent resident. “Especial danger” is indicated if person appears to be seriously impaired (because of mental or physical problems), is unable to manage his/her own resources, carry out activities of daily living, or needs assistance from others to be protected from neglect or hazardous situations. Indicators of an especial danger to health include but are not limited to: age, infirmity, or mental incapacitations; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstance which indicate a severe or hazardous health situation.
Kansas	<i>Kansas Corp. Comm’n Electric, Nat. Gas, Water Billing Standards (Jan 20, 2012).</i>	Disconnection would be especially dangerous to the health of resident. Consideration is given to weather, resident’s medical condition, age, or disability.

STATE	CITATION	DEFINITION
Kentucky	807 Ky. Admin. Regs 5:006 (sect. 15).	Disconnection would aggravate a debilitating illness or infirmity currently suffered by resident.
Louisiana		No serious illness rule.
Maine	Me. Admin. Code 65-407 ch. 815, § 11.	A medical emergency.
Maryland	Md. Code Regs. 20.31.03.01.	Disconnection will aggravate a serious illness or prevent the use of life-support equipment.
Massachusetts	220 Mass. Code Regs. § 25.03.	A serious illness as certified by appropriate authority listed in the regulation.
Michigan	Mich Admin Code RR. 460.130 (medical emergency), 460.130a (critical care customer).	Medical emergency: Resident has a medical condition, requires medical equipment for a medical emergency, and certification sets out the specific time period where disconnection will aggravate the medical emergency. Critical care customer: One for whom an interruption of service would be immediately life-threatening.
Minnesota	Minn. Stat. § 216B.098 subdiv. 5.	Medical emergency or medical equipment requiring electricity to sustain life.
Mississippi	39 Miss. Admin. Code RR. 8.120 (mid-winter and medical emergency), 8.125 (life-threatening).	No termination Dec. through March, if certification of financial hardship and (undefined) "medical emergency" + payment plan made (R. 8.120); separately, 60 days of protection if life threatening situation certified (R. 8.125).
Missouri	4 Mo. Code Regs Ann. tit. 4, § 240-13.050 (risk of death/gravely impair health).	Serious medical condition: disconnection would rapidly give rise to a substantial risk of death or gravely impair the health of resident.
Montana	Mont. Admin. R. 38.5.1411.	Loss of service would aggravate an existing medical condition which would threaten the health of resident.
Nebraska	Neb. Rev. Stat. § 70-1606(1)(g).	Resident has an existing illness or disability that would cause the resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household
Nevada	Nev. Admin. Code §§ 704.370 (serious illness), 704.375 (life-support equipment).	Regular serious illness: Termination would be especially dangerous to the health of resident and constitute an emergency affecting health. May consider the feebleness, advanced age, physical disability, mental incapacity, serious illness, or other infirmity of resident. Life support: Resident is confined to location where service is provided; on a life-support device; will likely die if service is terminated.
New Hampshire	N.H. Code Admin. R. Ann. PUC 1205.02.	Physical or mental health condition which would be a danger to the physical or mental health of the resident.
New Jersey	N.J. Admin. Code § 14:3-3A.2; see also N.J. Stat. Ann. § 48:2-29.48 to 48:2-29.53 (Linda's Law, eff. Jan.1, 2020 re: electric service).	Serious illness: Medical emergency which would be aggravated by disconnection. New Linda's Law: Resident uses life-sustaining equipment powered by electricity.

STATE	CITATION	DEFINITION
New Mexico	<i>N.M. Admin. Code §§ 17.5.410.7, 17.5.410.43 (form).</i>	An illness or injury that results in a medical professional's determination that disconnection will give rise to a substantial risk of death or would gravely impair health.
New York	<i>16 N.Y. Comp. Codes R. & Regs. tit. 16, § 14.5.</i>	Medical emergency: Resident suffers from a serious illness or a medical condition that severely affects his well-being. If certification notes chronic condition, renewal period is 60 days or longer. If certification notes life-support system, certification remains effective until terminated by commission (consumer must still renew "inability to pay" forms quarterly).
North Carolina	<i>4 N.C. Admin. Code 11.R.12-10 (gas), R.12-11 (electric).</i>	Companies may, if they choose, delay termination if it would cause undue hardship or be especially dangerous to health, or where resident is elderly or has a disability.
North Dakota	<i>N.D. Admin. Code §§ 69-09-02-05.1 (electric), 69-09-01-18.1.1(gas).</i>	Dangerous health condition exists (includes life support), customer is 65 or older or has a disability.
Ohio	<i>Ohio Admin. Code 4901:1-18-06(C).</i>	Disconnection would be especially dangerous to health, or medical or life-support equipment would be impossible or impractical to operate.
Oklahoma	<i>Okla. Admin. Code §§ 165:35-21-10 (electric), 165:45-11-14 (gas).</i>	Life-threatening situation: resident dependent on life-sustaining equipment.
Oregon	<i>Or. Admin. R. 860-021-0410.</i>	Disconnection would significantly endanger the physical health of household member.
Pennsylvania	<i>52 Pa. Code § 56.2.</i>	Customer or household member is seriously ill/diagnosed with a medical condition which requires the continuation of service to treat the medical condition.
Rhode Island	<i>810 R.I. Code R. pts. 10-00-1.2, 10-00-1.4.</i>	"Seriously ill": actually or potentially "life-threatening or that will cause irreversible adverse consequences to human health" (10-00-1.2); "disabled": "physical or mental impairment... which substantially limits one or more of such person's major life activities."
South Carolina	<i>S.C. Code Ann. Regs. 103-352 (electric), 103-452 (gas); S.C. Code Ann. §§ 58-5-1110, 58-5-1120, 58-27-2510, 58-27-2520 ("special needs" customers).</i>	No termination Dec. to Mar. if it "would be especially dangerous to such person's health" (S.C. Code Ann. Regs. 103-352, 103-452). "Special needs customers" entitled to additional notice and payment arrangements prior to termination (S.C. Code Ann. §§ 58-5-1120, 58-27-2510).
South Dakota	<i>S.D. Admin. R. 20.10.20.11.</i>	Disconnection will aggravate an existing medical emergency.
Tennessee	<i>Tenn. Comp. R. & Regs 1220-04-05-.18 (gas), 1220-04-04-.19 (electric).</i>	Disconnection will aggravate an existing medical emergency.

STATE	CITATION	DEFINITION
Texas	<i>16 Tex. Admin. Code §§ 25.29(g) (electric service providers), 25.483(g) (retail electric service providers), 25.497 ("Chronic Condition" and "Critical Care" customers).</i>	Various levels of protection for "seriously ill" customers, "Chronic Condition Residential Customers," and "Critical Care Residential Customers."
Utah	<i>Utah Admin. Code r. 746-200-7(A) (3), (A)(4), (D)(1), (D)(2).</i>	Protected categories include "serious illness or infirmity" disconnection will "injure the person's health or aggravate the person's illness" ((A) (4)(c)(i) and those on "life support equipment": "immediate assistance from medical personnel to sustain life would be required if the life supporting equipment ceased normal operations" ((A)(3)(b) (vi)).
Vermont	<i>Vt. Admin. Code 18-1-4:3.302.</i>	Resident would suffer immediate and serious health hazard by disconnection or failure to reconnect.
Virginia	<i>20 Va. Admin. Code §§ 5-330-20, 5-330-40.</i>	Serious medical condition: Physical or psychiatric condition that requires medical intervention to prevent further disability, loss of function, or death.
Washington	<i>Wash. Admin. Code 480-100-128 (electric), 480-90-128 (gas).</i>	Disconnection would aggravate an existing medical condition.
West Virginia	<i>W. Va. Code R. §§ 150-3-4.8.1.e.1 (electric), 150-4-4.8.1.e.1 (gas).</i>	Certified Health Condition: Disconnection would be dangerous to resident for medical reasons. If certified as permanent condition, does not need to be renewed.
Wisconsin	<i>Wis. Admin. Code PSC §§ 113.0301(13) (electric), 134.062(11) (gas).</i>	Disconnection will aggravate an existing medical or protective service emergency.
Wyoming	<i>023.0002.3 Wyo. Code R. § 9.</i>	Health and safety would seriously be endangered if service disconnected.