

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Managed Care Reform and Patient Rights Act
5 is amended by adding Section 45.3 as follows:

6 (215 ILCS 134/45.3 new)

7 Sec. 45.3. Prescription drug benefits; plan choice.

8 (a) Notwithstanding any other provision of law, on or after
9 January 1, 2020, every health insurance carrier that provides
10 coverage for prescription drugs shall ensure that no fewer than
11 25% of individual and group plans offered within each service
12 area and at each level of coverage as defined in 42 U.S.C.
13 18022, if applicable, that are delivered, issued for delivery,
14 renewed, amended, or continued by the health insurance carrier
15 shall apply a pre-deductible, flat-dollar copayment structure
16 to the entire drug benefit, including all tiers. A health
17 insurance carrier shall not apply the deductible or any
18 coinsurance amount to the entire drug benefit for these plans.
19 The flat-dollar copayment structure for prescription drugs
20 under this subsection (a) must be reasonably graduated and
21 proportionately related in all tier levels such that the
22 copayment structure as a whole does not discriminate against or
23 discourage the enrollment of individuals with significant

1 health care needs.

2 (b) A health insurance carrier shall clearly and
3 appropriately name all plans described in subsection (a) to aid
4 in the consumer or plan-sponsor plan selection process.

5 (c) A health insurance carrier shall market plans described
6 in subsection (a) in the same manner as plans not described in
7 subsection (a). With respect to group health plans, a health
8 insurance carrier shall ensure that each group or plan sponsor
9 has the option to purchase a plan described in subsection (a).

10 (d) If a health insurance carrier offers fewer than 4 plans
11 in a service area, or in a service area and level of coverage,
12 if applicable, the health insurance carrier shall ensure that
13 one plan shall use the drug benefit structure, including
14 cost-sharing requirements, set forth in subsection (a).

15 (e) The Department shall adopt rules necessary to implement
16 and enforce the provisions of this Section.

17 Section 99. Effective date. This Act takes effect January
18 1, 2020.