



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5656

by Rep. Jonathan Pizer

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1069.3  
65 ILCS 5/10-4-2.3  
105 ILCS 5/10-22.3f  
215 ILCS 5/356z.4a  
215 ILCS 130/4003  
305 ILCS 5/5-16.8

from Ch. 73, par. 1504-3

Amends the Illinois Insurance Code. In provisions requiring that no individual or group policy of accident and health insurance be issued unless it provides a covered person with coverage for abortion care, removes the condition that it applies to a policy that provides pregnancy-related benefits. Makes conforming changes in the Counties Code, the Illinois Municipal Code, the School Code, the Limited Health Service Organization Act, and the Illinois Public Aid Code.

LRB101 19386 BMS 68858 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Counties Code is amended by changing Section  
5 5-1069.3 as follows:

6 (55 ILCS 5/5-1069.3)

7 (Text of Section before amendment by P.A. 101-625)

8 Sec. 5-1069.3. Required health benefits. If a county,  
9 including a home rule county, is a self-insurer for purposes of  
10 providing health insurance coverage for its employees, the  
11 coverage shall include coverage for the post-mastectomy care  
12 benefits required to be covered by a policy of accident and  
13 health insurance under Section 356t and the coverage required  
14 under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,  
15 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12,  
16 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,  
17 356z.30a, ~~and~~ 356z.32, ~~and~~ 356z.33, and 356z.36 of the Illinois  
18 Insurance Code. The coverage shall comply with Sections  
19 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance  
20 Code. The Department of Insurance shall enforce the  
21 requirements of this Section. The requirement that health  
22 benefits be covered as provided in this Section is an exclusive  
23 power and function of the State and is a denial and limitation

1 under Article VII, Section 6, subsection (h) of the Illinois  
2 Constitution. A home rule county to which this Section applies  
3 must comply with every provision of this Section.

4 Rulemaking authority to implement Public Act 95-1045, if  
5 any, is conditioned on the rules being adopted in accordance  
6 with all provisions of the Illinois Administrative Procedure  
7 Act and all rules and procedures of the Joint Committee on  
8 Administrative Rules; any purported rule not so adopted, for  
9 whatever reason, is unauthorized.

10 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
11 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
12 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
13 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
14 revised 10-16-19.)

15 (Text of Section after amendment by P.A. 101-625)

16 Sec. 5-1069.3. Required health benefits. If a county,  
17 including a home rule county, is a self-insurer for purposes of  
18 providing health insurance coverage for its employees, the  
19 coverage shall include coverage for the post-mastectomy care  
20 benefits required to be covered by a policy of accident and  
21 health insurance under Section 356t and the coverage required  
22 under Sections 356g, 356g.5, 356g.5-1, 356u, 356w, 356x,  
23 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12,  
24 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,  
25 356z.30a, 356z.32, 356z.33, 356z.36, and 356z.41 of the

1 Illinois Insurance Code. The coverage shall comply with  
2 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois  
3 Insurance Code. The Department of Insurance shall enforce the  
4 requirements of this Section. The requirement that health  
5 benefits be covered as provided in this Section is an exclusive  
6 power and function of the State and is a denial and limitation  
7 under Article VII, Section 6, subsection (h) of the Illinois  
8 Constitution. A home rule county to which this Section applies  
9 must comply with every provision of this Section.

10 Rulemaking authority to implement Public Act 95-1045, if  
11 any, is conditioned on the rules being adopted in accordance  
12 with all provisions of the Illinois Administrative Procedure  
13 Act and all rules and procedures of the Joint Committee on  
14 Administrative Rules; any purported rule not so adopted, for  
15 whatever reason, is unauthorized.

16 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
17 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
18 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
19 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
20 101-625, eff. 1-1-21.)

21 Section 10. The Illinois Municipal Code is amended by  
22 changing Section 10-4-2.3 as follows:

23 (65 ILCS 5/10-4-2.3)

24 (Text of Section before amendment by P.A. 101-625)

1           Sec. 10-4-2.3. Required health benefits. If a  
2 municipality, including a home rule municipality, is a  
3 self-insurer for purposes of providing health insurance  
4 coverage for its employees, the coverage shall include coverage  
5 for the post-mastectomy care benefits required to be covered by  
6 a policy of accident and health insurance under Section 356t  
7 and the coverage required under Sections 356g, 356g.5,  
8 356g.5-1, 356u, 356w, 356x, 356z.4a, 356z.6, 356z.8, 356z.9,  
9 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,  
10 356z.25, 356z.26, 356z.29, 356z.30a, ~~and~~ 356z.32, ~~and~~ 356z.33,  
11 and 356z.36 of the Illinois Insurance Code. The coverage shall  
12 comply with Sections 155.22a, 355b, 356z.19, and 370c of the  
13 Illinois Insurance Code. The Department of Insurance shall  
14 enforce the requirements of this Section. The requirement that  
15 health benefits be covered as provided in this is an exclusive  
16 power and function of the State and is a denial and limitation  
17 under Article VII, Section 6, subsection (h) of the Illinois  
18 Constitution. A home rule municipality to which this Section  
19 applies must comply with every provision of this Section.

20           Rulemaking authority to implement Public Act 95-1045, if  
21 any, is conditioned on the rules being adopted in accordance  
22 with all provisions of the Illinois Administrative Procedure  
23 Act and all rules and procedures of the Joint Committee on  
24 Administrative Rules; any purported rule not so adopted, for  
25 whatever reason, is unauthorized.

26           (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;

1 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
2 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
3 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
4 revised 10-16-19.)

5 (Text of Section after amendment by P.A. 101-625)

6 Sec. 10-4-2.3. Required health benefits. If a  
7 municipality, including a home rule municipality, is a  
8 self-insurer for purposes of providing health insurance  
9 coverage for its employees, the coverage shall include coverage  
10 for the post-mastectomy care benefits required to be covered by  
11 a policy of accident and health insurance under Section 356t  
12 and the coverage required under Sections 356g, 356g.5,  
13 356g.5-1, 356u, 356w, 356x, 356z.4a, 356z.6, 356z.8, 356z.9,  
14 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,  
15 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,  
16 356z.36, and 356z.41 of the Illinois Insurance Code. The  
17 coverage shall comply with Sections 155.22a, 355b, 356z.19, and  
18 370c of the Illinois Insurance Code. The Department of  
19 Insurance shall enforce the requirements of this Section. The  
20 requirement that health benefits be covered as provided in this  
21 is an exclusive power and function of the State and is a denial  
22 and limitation under Article VII, Section 6, subsection (h) of  
23 the Illinois Constitution. A home rule municipality to which  
24 this Section applies must comply with every provision of this  
25 Section.

1 Rulemaking authority to implement Public Act 95-1045, if  
2 any, is conditioned on the rules being adopted in accordance  
3 with all provisions of the Illinois Administrative Procedure  
4 Act and all rules and procedures of the Joint Committee on  
5 Administrative Rules; any purported rule not so adopted, for  
6 whatever reason, is unauthorized.

7 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
8 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
9 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
10 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
11 101-625, eff. 1-1-21.)

12 Section 15. The School Code is amended by changing Section  
13 10-22.3f as follows:

14 (105 ILCS 5/10-22.3f)

15 (Text of Section before amendment by P.A. 101-625)

16 Sec. 10-22.3f. Required health benefits. Insurance  
17 protection and benefits for employees shall provide the  
18 post-mastectomy care benefits required to be covered by a  
19 policy of accident and health insurance under Section 356t and  
20 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
21 356u, 356w, 356x, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.11,  
22 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,  
23 356z.29, 356z.30a, ~~and~~ 356z.32, ~~and~~ 356z.33, and 356z.36 of the  
24 Illinois Insurance Code. Insurance policies shall comply with

1 Section 356z.19 of the Illinois Insurance Code. The coverage  
2 shall comply with Sections 155.22a, 355b, and 370c of the  
3 Illinois Insurance Code. The Department of Insurance shall  
4 enforce the requirements of this Section.

5 Rulemaking authority to implement Public Act 95-1045, if  
6 any, is conditioned on the rules being adopted in accordance  
7 with all provisions of the Illinois Administrative Procedure  
8 Act and all rules and procedures of the Joint Committee on  
9 Administrative Rules; any purported rule not so adopted, for  
10 whatever reason, is unauthorized.

11 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
12 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
13 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
14 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
15 revised 10-16-19.)

16 (Text of Section after amendment by P.A. 101-625)

17 Sec. 10-22.3f. Required health benefits. Insurance  
18 protection and benefits for employees shall provide the  
19 post-mastectomy care benefits required to be covered by a  
20 policy of accident and health insurance under Section 356t and  
21 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
22 356u, 356w, 356x, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.11,  
23 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,  
24 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, and 356z.41 of  
25 the Illinois Insurance Code. Insurance policies shall comply



1 with Section 356z.19 of the Illinois Insurance Code. The  
2 coverage shall comply with Sections 155.22a, 355b, and 370c of  
3 the Illinois Insurance Code. The Department of Insurance shall  
4 enforce the requirements of this Section.

5 Rulemaking authority to implement Public Act 95-1045, if  
6 any, is conditioned on the rules being adopted in accordance  
7 with all provisions of the Illinois Administrative Procedure  
8 Act and all rules and procedures of the Joint Committee on  
9 Administrative Rules; any purported rule not so adopted, for  
10 whatever reason, is unauthorized.

11 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
12 100-863, eff. 8-14-18; 100-1024, eff. 1-1-19; 100-1057, eff.  
13 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
14 eff. 1-1-20; 101-393, eff. 1-1-20; 101-461, eff. 1-1-20;  
15 101-625, eff. 1-1-21.)

16 Section 20. The Illinois Insurance Code is amended by  
17 changing Section 356z.4a as follows:

18 (215 ILCS 5/356z.4a)

19 Sec. 356z.4a. Coverage for abortion.

20 (a) Except as otherwise provided in this Section, no  
21 individual or group policy of accident and health insurance  
22 ~~that provides pregnancy-related benefits~~ may be issued,  
23 amended, delivered, or renewed in this State after the  
24 effective date of this amendatory Act of the 101st General

1 ~~Assembly the effective date of this amendatory Act of the 101st~~  
2 ~~General Assembly~~ unless the policy provides a covered person  
3 with coverage for abortion care.

4 (b) Coverage for abortion care may not impose any  
5 deductible, coinsurance, waiting period, or other cost-sharing  
6 limitation that is greater than that required for other  
7 pregnancy-related benefits covered by the policy.

8 (c) Except as otherwise authorized under this Section, a  
9 policy shall not impose any restrictions or delays on the  
10 coverage required under this Section.

11 (d) This Section does not, pursuant to 42 U.S.C.  
12 18054(a)(6), apply to a multistate plan that does not provide  
13 coverage for abortion.

14 (e) If the Department concludes that enforcement of this  
15 Section may adversely affect the allocation of federal funds to  
16 this State, the Department may grant an exemption to the  
17 requirements, but only to the minimum extent necessary to  
18 ensure the continued receipt of federal funds.

19 (Source: P.A. 101-13, eff. 6-12-19.)

20 Section 25. The Limited Health Service Organization Act is  
21 amended by changing Section 4003 as follows:

22 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

23 (Text of Section before amendment by P.A. 101-625)

24 Sec. 4003. Illinois Insurance Code provisions. Limited

1 health service organizations shall be subject to the provisions  
2 of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3,  
3 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6,  
4 154.7, 154.8, 155.04, 155.37, 355.2, 355.3, 355b, 356v,  
5 356z.4a, 356z.10, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29,  
6 356z.30a, 356z.32, 356z.33, 368a, 401, 401.1, 402, 403, 403A,  
7 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA, VIII  
8 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the  
9 Illinois Insurance Code. For purposes of the Illinois Insurance  
10 Code, except for Sections 444 and 444.1 and Articles XIII and  
11 XIII 1/2, limited health service organizations in the following  
12 categories are deemed to be domestic companies:

13 (1) a corporation under the laws of this State; or

14 (2) a corporation organized under the laws of another  
15 state, 30% or more of the enrollees of which are residents  
16 of this State, except a corporation subject to  
17 substantially the same requirements in its state of  
18 organization as is a domestic company under Article VIII  
19 1/2 of the Illinois Insurance Code.

20 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
21 100-201, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1057, eff.  
22 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
23 eff. 1-1-20; 101-393, eff. 1-1-20; revised 10-16-19.)

24 (Text of Section after amendment by P.A. 101-625)

25 Sec. 4003. Illinois Insurance Code provisions. Limited

1 health service organizations shall be subject to the provisions  
2 of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3,  
3 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6,  
4 154.7, 154.8, 155.04, 155.37, 355.2, 355.3, 355b, 356v,  
5 356z.4a, 356z.10, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29,  
6 356z.30a, 356z.32, 356z.33, 356z.41, 368a, 401, 401.1, 402,  
7 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and Articles  
8 IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of  
9 the Illinois Insurance Code. For purposes of the Illinois  
10 Insurance Code, except for Sections 444 and 444.1 and Articles  
11 XIII and XIII 1/2, limited health service organizations in the  
12 following categories are deemed to be domestic companies:

13 (1) a corporation under the laws of this State; or

14 (2) a corporation organized under the laws of another  
15 state, 30% or more of the enrollees of which are residents  
16 of this State, except a corporation subject to  
17 substantially the same requirements in its state of  
18 organization as is a domestic company under Article VIII  
19 1/2 of the Illinois Insurance Code.

20 (Source: P.A. 100-24, eff. 7-18-17; 100-138, eff. 8-18-17;  
21 100-201, eff. 8-18-17; 100-863, eff. 8-14-18; 100-1057, eff.  
22 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff. 7-12-19; 101-281,  
23 eff. 1-1-20; 101-393, eff. 1-1-20; 101-625, eff. 1-1-21.)

24 Section 30. The Illinois Public Aid Code is amended by  
25 changing Section 5-16.8 as follows:

1 (305 ILCS 5/5-16.8)

2 Sec. 5-16.8. Required health benefits. The medical  
3 assistance program shall (i) provide the post-mastectomy care  
4 benefits required to be covered by a policy of accident and  
5 health insurance under Section 356t and the coverage required  
6 under Sections 356g.5, 356u, 356w, 356x, 356z.4a, 356z.6,  
7 356z.26, 356z.29, ~~and 356z.32, and 356z.33~~, 356z.34, 356z.35,  
8 and 356z.39 of the Illinois Insurance Code and (ii) be subject  
9 to the provisions of Sections 356z.19, 364.01, 370c, and 370c.1  
10 of the Illinois Insurance Code.

11 On and after July 1, 2012, the Department shall reduce any  
12 rate of reimbursement for services or other payments or alter  
13 any methodologies authorized by this Code to reduce any rate of  
14 reimbursement for services or other payments in accordance with  
15 Section 5-5e.

16 To ensure full access to the benefits set forth in this  
17 Section, on and after January 1, 2016, the Department shall  
18 ensure that provider and hospital reimbursement for  
19 post-mastectomy care benefits required under this Section are  
20 no lower than the Medicare reimbursement rate.

21 (Source: P.A. 100-138, eff. 8-18-17; 100-863, eff. 8-14-18;  
22 100-1057, eff. 1-1-19; 100-1102, eff. 1-1-19; 101-81, eff.  
23 7-12-19; 101-218, eff. 1-1-20; 101-281, eff. 1-1-20; 101-371,  
24 eff. 1-1-20; 101-574, eff. 1-1-20; revised 10-16-19.)

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.