



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1699

Introduced 2/19/2009, by Sen. Dave Syverson

#### SYNOPSIS AS INTRODUCED:

5 ILCS 375/6.11  
55 ILCS 5/5-1069.3  
65 ILCS 5/10-4-2.3  
105 ILCS 5/10-22.3f  
30 ILCS 805/8.33 new

Amends the State Employees Group Insurance Act of 1971, the Counties Code, the Illinois Municipal Code, and the School Code to provide that beginning on the effective date of the Act and continuing until January 1, 2011, neither the State nor any political subdivision thereof shall impose a new health care mandate with respect to the provisions concerning required health benefits. Preempts home rule powers. Amends the State Mandates Act to exempt from State reimbursement. Effective immediately.

LRB096 09822 RPM 19985 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

1 AN ACT concerning insurance.

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

4 Section 5. The State Employees Group Insurance Act of 1971  
5 is amended by changing Section 6.11 as follows:

6 (5 ILCS 375/6.11)

7 (Text of Section before amendment by P.A. 95-958)

8 Sec. 6.11. Required health benefits; Illinois Insurance  
9 Code requirements. The program of health benefits shall provide  
10 the post-mastectomy care benefits required to be covered by a  
11 policy of accident and health insurance under Section 356t of  
12 the Illinois Insurance Code. The program of health benefits  
13 shall provide the coverage required under Sections 356g.5,  
14 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, 356z.9, 356z.10,  
15 356z.13 ~~356z.11~~, and 356z.14 of the Illinois Insurance Code.  
16 The program of health benefits must comply with Section 155.37  
17 of the Illinois Insurance Code. Notwithstanding any other  
18 provision of law to the contrary, beginning on the effective  
19 date of this amendatory Act of the 96th General Assembly and  
20 continuing until January 1, 2011, neither the State nor any  
21 political subdivision thereof shall impose a new health care  
22 mandate with respect to the health benefits required under this  
23 Section.

1 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
2 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-978, eff.  
3 1-1-09; 95-1005, eff. 12-12-08; revised 12-15-08.)

4 (Text of Section after amendment by P.A. 95-958)

5 Sec. 6.11. Required health benefits; Illinois Insurance  
6 Code requirements. The program of health benefits shall provide  
7 the post-mastectomy care benefits required to be covered by a  
8 policy of accident and health insurance under Section 356t of  
9 the Illinois Insurance Code. The program of health benefits  
10 shall provide the coverage required under Sections 356g.5,  
11 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, 356z.9, 356z.10,  
12 356z.11, ~~and~~ 356z.12, 356z.13 ~~356z.11~~, and 356z.14 of the  
13 Illinois Insurance Code. The program of health benefits must  
14 comply with Section 155.37 of the Illinois Insurance Code.  
15 Notwithstanding any other provision of law to the contrary,  
16 beginning on the effective date of this amendatory Act of the  
17 96th General Assembly and continuing until January 1, 2011,  
18 neither the State nor any political subdivision thereof shall  
19 impose a new health care mandate with respect to the health  
20 benefits required under this Section.

21 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
22 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff.  
23 6-1-09; 95-978, eff. 1-1-09; 95-1005, eff. 12-12-08; revised  
24 12-15-08.)

1 Section 10. The Counties Code is amended by changing  
2 Section 5-1069.3 as follows:

3 (55 ILCS 5/5-1069.3)

4 (Text of Section before amendment by P.A. 95-958)

5 Sec. 5-1069.3. Required health benefits. If a county,  
6 including a home rule county, is a self-insurer for purposes of  
7 providing health insurance coverage for its employees, the  
8 coverage shall include coverage for the post-mastectomy care  
9 benefits required to be covered by a policy of accident and  
10 health insurance under Section 356t and the coverage required  
11 under Sections 356g.5, 356u, 356w, 356x, 356z.6, 356z.9,  
12 356z.10, 356z.13 ~~356z.11~~, and 356z.14 of the Illinois Insurance  
13 Code. The requirement that health benefits be covered as  
14 provided in this Section is an exclusive power and function of  
15 the State and is a denial and limitation under Article VII,  
16 Section 6, subsection (h) of the Illinois Constitution. A home  
17 rule county to which this Section applies must comply with  
18 every provision of this Section. Beginning on the effective  
19 date of this amendatory Act of the 96th General Assembly and  
20 continuing until January 1, 2011, neither the State nor any  
21 political subdivision thereof shall impose a new health care  
22 mandate with respect to the health benefits required under this  
23 Section.

24 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
25 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-978, eff.

1 1-1-09; 95-1005, eff. 12-12-08; revised 12-15-08.)

2 (Text of Section after amendment by P.A. 95-958)

3 Sec. 5-1069.3. Required health benefits. If a county,  
4 including a home rule county, is a self-insurer for purposes of  
5 providing health insurance coverage for its employees, the  
6 coverage shall include coverage for the post-mastectomy care  
7 benefits required to be covered by a policy of accident and  
8 health insurance under Section 356t and the coverage required  
9 under Sections 356g.5, 356u, 356w, 356x, 356z.6, 356z.9,  
10 356z.10, 356z.11, ~~and 356z.12, 356z.13~~ ~~356z.11~~, and 356z.14 of  
11 the Illinois Insurance Code. The requirement that health  
12 benefits be covered as provided in this Section is an exclusive  
13 power and function of the State and is a denial and limitation  
14 under Article VII, Section 6, subsection (h) of the Illinois  
15 Constitution. A home rule county to which this Section applies  
16 must comply with every provision of this Section. Beginning on  
17 the effective date of this amendatory Act of the 96th General  
18 Assembly and continuing until January 1, 2011, neither the  
19 State nor any political subdivision thereof shall impose a new  
20 health care mandate with respect to the health benefits  
21 required under this Section.

22 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
23 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff.  
24 6-1-09; 95-978, eff. 1-1-09; 95-1005, eff. 12-12-08; revised  
25 12-15-08.)

1 Section 15. The Illinois Municipal Code is amended by  
2 changing Section 10-4-2.3 as follows:

3 (65 ILCS 5/10-4-2.3)

4 (Text of Section before amendment by P.A. 95-958)

5 Sec. 10-4-2.3. Required health benefits. If a  
6 municipality, including a home rule municipality, is a  
7 self-insurer for purposes of providing health insurance  
8 coverage for its employees, the coverage shall include coverage  
9 for the post-mastectomy care benefits required to be covered by  
10 a policy of accident and health insurance under Section 356t  
11 and the coverage required under Sections 356g.5, 356u, 356w,  
12 356x, 356z.6, 356z.9, 356z.10, 356z.13 ~~356z.11~~, and 356z.14 of  
13 the Illinois Insurance Code. The requirement that health  
14 benefits be covered as provided in this is an exclusive power  
15 and function of the State and is a denial and limitation under  
16 Article VII, Section 6, subsection (h) of the Illinois  
17 Constitution. A home rule municipality to which this Section  
18 applies must comply with every provision of this Section.  
19 Beginning on the effective date of this amendatory Act of the  
20 96th General Assembly and continuing until January 1, 2011,  
21 neither the State nor any political subdivision thereof shall  
22 impose a new health care mandate with respect to the health  
23 benefits required under this Section.

24 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;

1 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-978, eff.  
2 1-1-09; 95-1005, eff. 12-12-08; revised 12-15-08.)

3 (Text of Section after amendment by P.A. 95-958)

4 Sec. 10-4-2.3. Required health benefits. If a  
5 municipality, including a home rule municipality, is a  
6 self-insurer for purposes of providing health insurance  
7 coverage for its employees, the coverage shall include coverage  
8 for the post-mastectomy care benefits required to be covered by  
9 a policy of accident and health insurance under Section 356t  
10 and the coverage required under Sections 356g.5, 356u, 356w,  
11 356x, 356z.6, 356z.9, 356z.10, 356z.11, ~~and~~ 356z.12, 356z.13  
12 ~~356z.11~~, and 356z.14 of the Illinois Insurance Code. The  
13 requirement that health benefits be covered as provided in this  
14 is an exclusive power and function of the State and is a denial  
15 and limitation under Article VII, Section 6, subsection (h) of  
16 the Illinois Constitution. A home rule municipality to which  
17 this Section applies must comply with every provision of this  
18 Section. Beginning on the effective date of this amendatory Act  
19 of the 96th General Assembly and continuing until January 1,  
20 2011, neither the State nor any political subdivision thereof  
21 shall impose a new health care mandate with respect to the  
22 health benefits required under this Section.

23 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
24 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff.  
25 6-1-09; 95-978, eff. 1-1-09; 95-1005, eff. 12-12-08; revised

1 12-15-08.)

2 Section 20. The School Code is amended by changing Section  
3 10-22.3f as follows:

4 (105 ILCS 5/10-22.3f)

5 (Text of Section before amendment by P.A. 95-958)

6 Sec. 10-22.3f. Required health benefits. Insurance  
7 protection and benefits for employees shall provide the  
8 post-mastectomy care benefits required to be covered by a  
9 policy of accident and health insurance under Section 356t and  
10 the coverage required under Sections 356g.5, 356u, 356w, 356x,  
11 356z.6, 356z.9, 356z.13 ~~and 356z.11~~, and 356z.14 of the  
12 Illinois Insurance Code. Beginning on the effective date of  
13 this amendatory Act of the 96th General Assembly and continuing  
14 until January 1, 2011, neither the State nor any political  
15 subdivision thereof shall impose a new health care mandate with  
16 respect to the health benefits required under this Section.

17 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
18 95-876, eff. 8-21-08; 95-978, eff. 1-1-09; 95-1005, eff.  
19 12-12-08; revised 12-15-08.)

20 (Text of Section after amendment by P.A. 95-958)

21 Sec. 10-22.3f. Required health benefits. Insurance  
22 protection and benefits for employees shall provide the  
23 post-mastectomy care benefits required to be covered by a



1 policy of accident and health insurance under Section 356t and  
2 the coverage required under Sections 356g.5, 356u, 356w, 356x,  
3 356z.6, 356z.9, 356z.11, ~~and 356z.12, 356z.13 and 356z.11~~, and  
4 356z.14 of the Illinois Insurance Code. Beginning on the  
5 effective date of this amendatory Act of the 96th General  
6 Assembly and continuing until January 1, 2011, neither the  
7 State nor any political subdivision thereof shall impose a new  
8 health care mandate with respect to the health benefits  
9 required under this Section.

10 (Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07;  
11 95-876, eff. 8-21-08; 95-958, eff. 6-1-09; 95-978, eff. 1-1-09;  
12 95-1005, 12-12-08; revised 12-15-08.)

13 Section 90. The State Mandates Act is amended by adding  
14 Section 8.33 as follows:

15 (30 ILCS 805/8.33 new)

16 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
17 of this Act, no reimbursement by the State is required for the  
18 implementation of any mandate created by this amendatory Act of  
19 the 96th General Assembly.

20 Section 95. No acceleration or delay. Where this Act makes  
21 changes in a statute that is represented in this Act by text  
22 that is not yet or no longer in effect (for example, a Section  
23 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes  
2 made by this Act or (ii) provisions derived from any other  
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.