

AN ACT concerning employment.

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

Section 1. Short title. This Act may be cited as the Consumer Coverage Disclosure Act.

Section 5. Definitions. As used in this Act:

"Employee" means any individual permitted to work by an employer.

"Employer" means an individual, partnership, corporation, association, business, trust, person, or entity for whom employees are gainfully employed in Illinois and includes the State of Illinois, any State officer, department or agency, any unit of local government, and any school district.

Section 10. Required disclosures.

(a) An employer that provides group health insurance coverage to its employees shall, upon hire, annually thereafter, and upon request from an employee, provide all employees eligible for the coverage a written list of the covered benefits included in the group health insurance coverage in a format that easily compares those covered benefits with the essential health insurance benefits required of individual health insurance coverage regulated by the State

of Illinois.

(b) The Department of Insurance shall provide information outlining the essential health insurance benefits of individual health insurance coverage regulated by the State of Illinois, which an employer may use to inform eligible employees of benefits included or not included in their health insurance coverage.

(c) An employer may comply with the requirements of subsection (a) by providing the required information by email to its employees or providing the information on a website that an employee is able to regularly access.

Section 15. Enforcement. It is the duty of the Department of Labor to enforce the provisions of this Act.

The Department of Labor has the power to conduct inspections in connection with the administration and enforcement of this Act. Upon request of the Department of Labor, the employer shall demonstrate that each employee received the information required by Section 10 and maintain records of providing such information for one year. Upon finding of a violation, the Department of Labor shall issue a notice to show cause giving the employer 30 days to comply.

If the employer does not comply within 30 days, the Department may impose a penalty as provided for in this Act. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act upon written complaint

of a violation of the Act made by an investigator of the Department or any interested person. After the hearing, if supported by the evidence, the Department may determine the amount of any civil penalty allowed by the Act.

Section 20. Review under Administrative Review Law. Any party to a proceeding under this Act may apply for and obtain judicial review of an order of the Department entered under this Act in accordance with the provisions of the Administrative Review Law, and the Department in proceedings under the Act may obtain an order from the court for the enforcement of its order.

Section 25. Penalties.

(a) The Department may impose civil penalties as follows:

(1) For an employer with fewer than 4 employees: a penalty not to exceed \$500 for a first offense; a penalty not to exceed \$1,000 for a second offense; and a penalty not to exceed \$3,000 for a third or subsequent offense.

(2) For an employer with 4 or more employees: a penalty not to exceed \$1,000 for a first offense; a penalty not to exceed \$3,000 for a second offense; and a penalty not to exceed \$5,000 for a third or subsequent offense.

(b) The appropriateness of the penalty to the size of the employer, the good faith efforts made by the employer to

comply, and the gravity of the violation shall be considered in determining the amount of the civil penalty.

(c) The amount of the penalty, when finally determined, may be recovered in a civil action brought by the Director of Labor in any circuit court. In this litigation, the Director of Labor shall be represented by the Attorney General.

(d) Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 20 of this Act.

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