

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 Illinois Insurance Code is amended by
5 changing Section 356z.60 as follows:

6 (215 ILCS 5/356z.60)

7 Sec. 356z.60. Coverage for abortifacients, hormonal
8 therapy, and human immunodeficiency virus pre-exposure
9 prophylaxis and post-exposure prophylaxis.

10 (a) As used in this Section:

11 "Abortifacients" means any medication administered to
12 terminate a pregnancy as prescribed or ordered by a health
13 care professional.

14 "Health care professional" means a physician licensed to
15 practice medicine in all of its branches, licensed advanced
16 practice registered nurse, or physician assistant.

17 "Hormonal therapy medication" means hormonal treatment
18 administered to treat gender dysphoria.

19 "Therapeutic equivalent version" means drugs, devices, or
20 products that can be expected to have the same clinical effect
21 and safety profile when administered to patients under the
22 conditions specified in the labeling and that satisfy the
23 following general criteria:

1 (1) it is approved as safe and effective;

2 (2) it is a pharmaceutical equivalent in that it:

3 (A) contains identical amounts of the same active
4 drug ingredient in the same dosage form and route of
5 administration; and

6 (B) meets compendial or other applicable standards
7 of strength, quality, purity, and identity;

8 (3) it is bioequivalent in that:

9 (A) it does not present a known or potential
10 bioequivalence problem and it meets an acceptable in
11 vitro standard; or

12 (B) if it does present such a known or potential
13 problem, it is shown to meet an appropriate
14 bioequivalence standard;

15 (4) it is adequately labeled; and

16 (5) it is manufactured in compliance with Current Good
17 Manufacturing Practice regulations adopted by the United
18 States Food and Drug Administration.

19 (b) An individual or group policy of accident and health
20 insurance amended, delivered, issued, or renewed in this State
21 on or after January 1, 2024 shall provide coverage for all
22 abortifacients, hormonal therapy medication, human
23 immunodeficiency virus pre-exposure prophylaxis, and
24 post-exposure prophylaxis drugs approved by the United States
25 Food and Drug Administration, and follow-up services related
26 to that coverage, including, but not limited to, management of

1 side effects, medication self-management or adherence
2 counseling, risk reduction strategies, and mental health
3 counseling. This coverage shall include drugs approved by the
4 United States Food and Drug Administration that are prescribed
5 or ordered for off-label use for the purposes described in
6 this Section. On or after the effective date of this
7 amendatory Act of the 104th General Assembly, this coverage
8 shall include pre-PrEP HIV screening, sexually transmitted
9 infection screening, kidney function analysis, routine
10 laboratory testing, and routine provider visits.

11 (c) The coverage required under subsection (b) is subject
12 to the following conditions:

13 (1) If the United States Food and Drug Administration
14 has approved one or more therapeutic equivalent versions
15 of an abortifacient drug, a policy is not required to
16 include all such therapeutic equivalent versions in its
17 formulary so long as at least one is included and covered
18 without cost sharing and in accordance with this Section.

19 (2) If an individual's attending provider recommends a
20 particular drug approved by the United States Food and
21 Drug Administration based on a determination of medical
22 necessity with respect to that individual, the plan or
23 issuer must defer to the determination of the attending
24 provider and must cover that service or item without cost
25 sharing.

26 (3) If a drug is not covered, plans and issuers must

1 have an easily accessible, transparent, and sufficiently
2 expedient process that is not unduly burdensome on the
3 individual or a provider or other individual acting as a
4 patient's authorized representative to ensure coverage
5 without cost sharing.

6 The conditions listed under this subsection (c) also apply
7 to drugs prescribed for off-label use as abortifacients.

8 (d) Except as otherwise provided in this Section, a policy
9 subject to this Section shall not impose a deductible,
10 coinsurance, copayment, or any other cost-sharing requirement
11 on the coverage provided. The provisions of this subsection do
12 not apply to coverage of procedures to the extent such
13 coverage would disqualify a high-deductible health plan from
14 eligibility for a health savings account pursuant to the
15 federal Internal Revenue Code, 26 U.S.C. 223.

16 (e) Except as otherwise authorized under this Section, a
17 policy shall not impose any restrictions or delays on the
18 coverage required under this Section.

19 (f) The coverage requirements in this Section for
20 abortifacients do not, pursuant to 42 U.S.C. 18054(a)(6),
21 apply to a multistate plan that does not provide coverage for
22 abortion.

23 (g) If the Department concludes that enforcement of any
24 coverage requirement of this Section for abortifacients may
25 adversely affect the allocation of federal funds to this
26 State, the Department may grant an exemption to that

1 requirement, but only to the minimum extent necessary to
2 ensure the continued receipt of federal funds.

3 (Source: P.A. 102-1117, eff. 1-13-23; 103-462, eff. 8-4-23.)

4 Section 10. The Prior Authorization Reform Act is amended
5 by adding Section 52 as follows:

6 (215 ILCS 200/52 new)

7 Sec. 52. Prior authorization for certain prescription
8 drugs; prohibited. A health insurance issuer may not require
9 prior authorization for the following prescription drug types
10 and their therapeutic equivalents approved by the United
11 States Food and Drug Administration: human immunodeficiency
12 virus pre-exposure prophylaxis and post-exposure prophylaxis
13 medication or human immunodeficiency virus treatment
14 medication.

15 Section 99. Effective date. This Act takes effect January
16 1, 2027.