

1 AN ACT concerning employment.

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

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

6 Section 5. Definitions. As used in this Act:

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

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

14 Section 10. Required disclosures.

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

1 of Illinois.

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

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

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

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

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

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

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

12 Section 25. Penalties.

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

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

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

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

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

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

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

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