



Sen. Laura Fine

**Filed: 4/5/2024**

10300SB2744sam001

LRB103 35050 RPS 71970 a

1 AMENDMENT TO SENATE BILL 2744

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2744 by replacing  
3 everything after the enacting clause with the following:

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

6 (5 ILCS 375/6.11)

7 Sec. 6.11. Required health benefits; Illinois Insurance  
8 Code requirements. The program of health benefits shall  
9 provide the post-mastectomy care benefits required to be  
10 covered by a policy of accident and health insurance under  
11 Section 356t of the Illinois Insurance Code. The program of  
12 health benefits shall provide the coverage required under  
13 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x,  
14 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10,  
15 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,  
16 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,

1 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,  
2 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.59, 356z.60,  
3 ~~and 356z.61, and 356z.62,~~ 356z.64, 356z.67, 356z.68, 356z.70,  
4 and 356z.71 of the Illinois Insurance Code. The program of  
5 health benefits must comply with Sections 155.22a, 155.37,  
6 355b, 356z.19, 370c, and 370c.1 and Article XXXIIB of the  
7 Illinois Insurance Code. The program of health benefits shall  
8 provide the coverage required under Section 356m of the  
9 Illinois Insurance Code and, for the employees of the State  
10 Employee Group Insurance Program only, the coverage as also  
11 provided in Section 6.11B of this Act. The Department of  
12 Insurance shall enforce the requirements of this Section with  
13 respect to Sections 370c and 370c.1 of the Illinois Insurance  
14 Code; all other requirements of this Section shall be enforced  
15 by the Department of Central Management Services.

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

22 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;  
23 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff.  
24 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-768,  
25 eff. 1-1-24; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;  
26 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.

1 1-1-23; 102-1117, eff. 1-13-23; 103-8, eff. 1-1-24; 103-84,  
2 eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24;  
3 103-445, eff. 1-1-24; 103-535, eff. 8-11-23; 103-551, eff.  
4 8-11-23; revised 8-29-23.)

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

7 (55 ILCS 5/5-1069.3)

8 Sec. 5-1069.3. Required health benefits. If a county,  
9 including a home rule county, is a self-insurer for purposes  
10 of 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, 356q, 356u, 356w, 356x,  
15 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11,  
16 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,  
17 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40,  
18 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53,  
19 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, ~~and~~ 356z.61, ~~and~~  
20 356z.62, 356z.64, 356z.67, 356z.68, 356z.70, and 356z.71 of  
21 the Illinois Insurance Code. The coverage shall comply with  
22 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois  
23 Insurance Code. The Department of Insurance shall enforce the  
24 requirements of this Section. The requirement that health

1 benefits be covered as provided in this Section is an  
2 exclusive power and function of the State and is a denial and  
3 limitation under Article VII, Section 6, subsection (h) of the  
4 Illinois Constitution. A home rule county to which this  
5 Section applies must comply with every provision of this  
6 Section.

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

13 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;  
14 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.  
15 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731,  
16 eff. 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;  
17 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.  
18 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,  
19 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;  
20 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; revised  
21 8-29-23.)

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

24 (65 ILCS 5/10-4-2.3)

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  
5 coverage for the post-mastectomy care benefits required to be  
6 covered by a policy of accident and health insurance under  
7 Section 356t and the coverage required under Sections 356g,  
8 356g.5, 356g.5-1, 356q, 356u, 356w, 356x, 356z.4, 356z.4a,  
9 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
10 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,  
11 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41,  
12 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53, 356z.54,  
13 356z.56, 356z.57, 356z.59, 356z.60, ~~and~~ 356z.61, ~~and~~ 356z.62,  
14 356z.64, 356z.67, 356z.68, 356z.70, and 356z.71 of the  
15 Illinois Insurance Code. The coverage shall comply with  
16 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois  
17 Insurance Code. The Department of Insurance shall enforce the  
18 requirements of this Section. The requirement that health  
19 benefits be covered as provided in this is an exclusive power  
20 and function of the State and is a denial and limitation under  
21 Article VII, Section 6, subsection (h) of the Illinois  
22 Constitution. A home rule municipality to which this Section  
23 applies must comply with every provision of this Section.

24           Rulemaking authority to implement Public Act 95-1045, if  
25 any, is conditioned on the rules being adopted in accordance  
26 with all provisions of the Illinois Administrative Procedure

1 Act and all rules and procedures of the Joint Committee on  
2 Administrative Rules; any purported rule not so adopted, for  
3 whatever reason, is unauthorized.

4 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;  
5 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.  
6 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731,  
7 eff. 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;  
8 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.  
9 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,  
10 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;  
11 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; revised  
12 8-29-23.)

13 Section 20. The School Code is amended by changing Section  
14 10-22.3f as follows:

15 (105 ILCS 5/10-22.3f)

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 356q, 356u, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8,  
22 356z.9, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,  
23 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,  
24 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,

1 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, ~~and~~  
2 356z.61, ~~and~~ 356z.62, 356z.64, 356z.67, 356z.68, 356z.70, and  
3 356z.71 of the Illinois Insurance Code. Insurance policies  
4 shall comply with Section 356z.19 of the Illinois Insurance  
5 Code. The coverage shall comply with Sections 155.22a, 355b,  
6 and 370c of the Illinois Insurance Code. The Department of  
7 Insurance shall enforce the requirements of this Section.

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

14 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;  
15 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff.  
16 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-804,  
17 eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23;  
18 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff.  
19 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420,  
20 eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff. 8-11-23;  
21 103-551, eff. 8-11-23; revised 8-29-23.)

22 Section 25. The Illinois Insurance Code is amended by  
23 adding Section 356z.71 as follows:

24 (215 ILCS 5/356z.71 new)

1       Sec. 356z.71. Coverage of vaccination administration fees.

2       (a) A group or individual policy of accident and health  
3 insurance or a managed care plan that is amended, delivered,  
4 issued, or renewed on or after January 1, 2026 shall provide  
5 coverage for vaccinations for COVID-19, influenza, and  
6 respiratory syncytial virus, including the administration of  
7 the vaccine by a pharmacist or health care provider authorized  
8 to administer such a vaccine, without imposing a deductible,  
9 coinsurance, copayment, or any other cost-sharing requirement,  
10 if the following conditions are met:

11           (1) the vaccine is authorized or licensed by the  
12 United States Food and Drug Administration; and

13           (2) the vaccine is ordered and administered according  
14 to the Advisory Committee on Immunization Practices  
15 standard immunization schedule.

16       (b) If the vaccinations provided for in subsection (a) are  
17 not otherwise available to be administered by a contracted  
18 pharmacist or health care provider, the group or individual  
19 policy of accident and health insurance or a managed care plan  
20 shall cover the vaccination, including administration fees,  
21 without imposing a deductible, coinsurance, copayment, or any  
22 other cost-sharing requirement.

23       (c) The coverage required in this Section does not apply  
24 to the extent that the coverage would disqualify a  
25 high-deductible health plan from eligibility for a health  
26 savings account pursuant to Section 223 of the Internal



1 Revenue Code of 1986.

2 Section 30. The Health Maintenance Organization Act is  
3 amended by changing Section 5-3 as follows:

4 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

5 Sec. 5-3. Insurance Code provisions.

6 (a) Health Maintenance Organizations shall be subject to  
7 the provisions of Sections 133, 134, 136, 137, 139, 140,  
8 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153,  
9 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 155.49,  
10 355.2, 355.3, 355b, 355c, 356f, 356g.5-1, 356m, 356q, 356v,  
11 356w, 356x, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6,  
12 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14,  
13 356z.15, 356z.17, 356z.18, 356z.19, 356z.20, 356z.21, 356z.22,  
14 356z.23, 356z.24, 356z.25, 356z.26, 356z.28, 356z.29, 356z.30,  
15 356z.30a, 356z.31, 356z.32, 356z.33, 356z.34, 356z.35,  
16 356z.36, 356z.37, 356z.38, 356z.39, 356z.40, 356z.41, 356z.44,  
17 356z.45, 356z.46, 356z.47, 356z.48, 356z.49, 356z.50, 356z.51,  
18 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.58, 356z.59,  
19 356z.60, 356z.61, 356z.62, 356z.64, 356z.65, 356z.67, 356z.68,  
20 356z.71, 364, 364.01, 364.3, 367.2, 367.2-5, 367i, 368a, 368b,  
21 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A,  
22 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of  
23 subsection (2) of Section 367, and Articles IIA, VIII 1/2,  
24 XII, XII 1/2, XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the

1 Illinois Insurance Code.

2 (b) For purposes of the Illinois Insurance Code, except  
3 for Sections 444 and 444.1 and Articles XIII and XIII 1/2,  
4 Health Maintenance Organizations in the following categories  
5 are deemed to be "domestic companies":

6 (1) a corporation authorized under the Dental Service  
7 Plan Act or the Voluntary Health Services Plans Act;

8 (2) a corporation organized under the laws of this  
9 State; or

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

16 (c) In considering the merger, consolidation, or other  
17 acquisition of control of a Health Maintenance Organization  
18 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

19 (1) the Director shall give primary consideration to  
20 the continuation of benefits to enrollees and the  
21 financial conditions of the acquired Health Maintenance  
22 Organization after the merger, consolidation, or other  
23 acquisition of control takes effect;

24 (2) (i) the criteria specified in subsection (1) (b) of  
25 Section 131.8 of the Illinois Insurance Code shall not  
26 apply and (ii) the Director, in making his determination

1 with respect to the merger, consolidation, or other  
2 acquisition of control, need not take into account the  
3 effect on competition of the merger, consolidation, or  
4 other acquisition of control;

5 (3) the Director shall have the power to require the  
6 following information:

7 (A) certification by an independent actuary of the  
8 adequacy of the reserves of the Health Maintenance  
9 Organization sought to be acquired;

10 (B) pro forma financial statements reflecting the  
11 combined balance sheets of the acquiring company and  
12 the Health Maintenance Organization sought to be  
13 acquired as of the end of the preceding year and as of  
14 a date 90 days prior to the acquisition, as well as pro  
15 forma financial statements reflecting projected  
16 combined operation for a period of 2 years;

17 (C) a pro forma business plan detailing an  
18 acquiring party's plans with respect to the operation  
19 of the Health Maintenance Organization sought to be  
20 acquired for a period of not less than 3 years; and

21 (D) such other information as the Director shall  
22 require.

23 (d) The provisions of Article VIII 1/2 of the Illinois  
24 Insurance Code and this Section 5-3 shall apply to the sale by  
25 any health maintenance organization of greater than 10% of its  
26 enrollee population (including, without limitation, the health

1 maintenance organization's right, title, and interest in and  
2 to its health care certificates).

3 (e) In considering any management contract or service  
4 agreement subject to Section 141.1 of the Illinois Insurance  
5 Code, the Director (i) shall, in addition to the criteria  
6 specified in Section 141.2 of the Illinois Insurance Code,  
7 take into account the effect of the management contract or  
8 service agreement on the continuation of benefits to enrollees  
9 and the financial condition of the health maintenance  
10 organization to be managed or serviced, and (ii) need not take  
11 into account the effect of the management contract or service  
12 agreement on competition.

13 (f) Except for small employer groups as defined in the  
14 Small Employer Rating, Renewability and Portability Health  
15 Insurance Act and except for medicare supplement policies as  
16 defined in Section 363 of the Illinois Insurance Code, a  
17 Health Maintenance Organization may by contract agree with a  
18 group or other enrollment unit to effect refunds or charge  
19 additional premiums under the following terms and conditions:

20 (i) the amount of, and other terms and conditions with  
21 respect to, the refund or additional premium are set forth  
22 in the group or enrollment unit contract agreed in advance  
23 of the period for which a refund is to be paid or  
24 additional premium is to be charged (which period shall  
25 not be less than one year); and

26 (ii) the amount of the refund or additional premium

1 shall not exceed 20% of the Health Maintenance  
2 Organization's profitable or unprofitable experience with  
3 respect to the group or other enrollment unit for the  
4 period (and, for purposes of a refund or additional  
5 premium, the profitable or unprofitable experience shall  
6 be calculated taking into account a pro rata share of the  
7 Health Maintenance Organization's administrative and  
8 marketing expenses, but shall not include any refund to be  
9 made or additional premium to be paid pursuant to this  
10 subsection (f)). The Health Maintenance Organization and  
11 the group or enrollment unit may agree that the profitable  
12 or unprofitable experience may be calculated taking into  
13 account the refund period and the immediately preceding 2  
14 plan years.

15 The Health Maintenance Organization shall include a  
16 statement in the evidence of coverage issued to each enrollee  
17 describing the possibility of a refund or additional premium,  
18 and upon request of any group or enrollment unit, provide to  
19 the group or enrollment unit a description of the method used  
20 to calculate (1) the Health Maintenance Organization's  
21 profitable experience with respect to the group or enrollment  
22 unit and the resulting refund to the group or enrollment unit  
23 or (2) the Health Maintenance Organization's unprofitable  
24 experience with respect to the group or enrollment unit and  
25 the resulting additional premium to be paid by the group or  
26 enrollment unit.

1           In no event shall the Illinois Health Maintenance  
2 Organization Guaranty Association be liable to pay any  
3 contractual obligation of an insolvent organization to pay any  
4 refund authorized under this Section.

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

11           (Source: P.A. 102-30, eff. 1-1-22; 102-34, eff. 6-25-21;  
12 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.  
13 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665,  
14 eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22;  
15 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff.  
16 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093,  
17 eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24;  
18 103-91, eff. 1-1-24; 103-123, eff. 1-1-24; 103-154, eff.  
19 6-30-23; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445,  
20 eff. 1-1-24; 103-551, eff. 8-11-23; revised 8-29-23.)

21           Section 35. The Voluntary Health Services Plans Act is  
22 amended by changing Section 10 as follows:

23           (215 ILCS 165/10) (from Ch. 32, par. 604)

24           Sec. 10. Application of Insurance Code provisions. Health

1 services plan corporations and all persons interested therein  
2 or dealing therewith shall be subject to the provisions of  
3 Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140,  
4 143, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3, 355b,  
5 356g, 356g.5, 356g.5-1, 356q, 356r, 356t, 356u, 356v, 356w,  
6 356x, 356y, 356z.1, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5,  
7 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
8 356z.14, 356z.15, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25,  
9 356z.26, 356z.29, 356z.30, 356z.30a, 356z.32, 356z.33,  
10 356z.40, 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54,  
11 356z.56, 356z.57, 356z.59, 356z.60, 356z.61, 356z.62, 356z.64,  
12 356z.67, 356z.68, 356z.71, 364.01, 364.3, 367.2, 368a, 401,  
13 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7)  
14 and (15) of Section 367 of the Illinois Insurance Code.

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

21 (Source: P.A. 102-30, eff. 1-1-22; 102-203, eff. 1-1-22;  
22 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff.  
23 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22; 102-804,  
24 eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23;  
25 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093, eff.  
26 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,

1 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;  
2 103-551, eff. 8-11-23; revised 8-29-23.)".