



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5766

Introduced 2/9/2010, by Rep. Sara Feigenholtz

#### SYNOPSIS AS INTRODUCED:

215 ILCS 5/356z.19 new

Amends the Illinois Insurance Code. Creates the Tobacco Dependence Coverage Law. Sets forth a definition for "tobacco use cessation program". Provides that group and individual accident and health policies and managed care plans issued to a resident of the State must provide coverage or reimbursement of at least \$500 for a tobacco use cessation program for insureds who are 15 years of age or older. Provides that notice of the availability of coverage shall be delivered to the insured. Provides that an insurer may not deny eligibility or continued eligibility to enroll or renew coverage solely for the purpose of avoiding the requirements of the Law. Provides that an insurer may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives to induce the provider to provide care that is inconsistent with the Law.

LRB096 19907 RPM 35370 b

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 Illinois Insurance Code is amended by adding  
5 Section 356z.19 as follows:

6 (215 ILCS 5/356z.19 new)

7 Sec. 356z.19. Tobacco use cessation programs.

8 (a) This Section may be referred to as the Tobacco  
9 Dependence Coverage Law.

10 (b) Tobacco use is the number one cause of preventable  
11 disease and death in Illinois, costing \$4.1 billion annually in  
12 direct health care costs and an additional \$4.35 billion in  
13 lost productivity. In Illinois, the smoking rates are highest  
14 among African Americans (25.8%). Smoking rates among lesbian,  
15 gay, and bisexual adults range from 25% to 44%. The U.S. Public  
16 Health Service Clinical Practice Guideline 2008 Update found  
17 that tobacco dependence treatments are both clinically  
18 effective and highly cost effective. A study in the Journal of  
19 Preventive Medicine concluded that comprehensive smoking  
20 cessation treatment is one of the 3 most important and cost  
21 effective preventive services that can be provided in medical  
22 practice. Greater efforts are needed to achieve more of this  
23 potential value by increasing current low levels of

1 performance.

2 (c) In this Section, "tobacco use cessation program" means  
3 a program recommended by a physician that follows the United  
4 States Public Health Service guidelines for tobacco use  
5 cessation. "Tobacco use cessation program" includes education  
6 and medical treatment components designed to assist a person in  
7 ceasing the use of tobacco products. "Tobacco use cessation  
8 program" includes education and counseling by physicians or  
9 associated medical personnel and all FDA approved medications  
10 for the treatment of tobacco dependence irrespective of whether  
11 they are available only over the counter, only by prescription,  
12 or both over the counter and by prescription.

13 (d) A group or individual policy of accident and health  
14 insurance or managed care plan amended, delivered, issued, or  
15 renewed after the effective date of this amendatory Act of the  
16 96th General Assembly to a resident of this State must provide  
17 coverage or reimbursement of at least \$500 for a tobacco use  
18 cessation program for a person enrolled in the plan who is 15  
19 years of age or older.

20 (e) Written notice of the availability of coverage under  
21 this Section shall be delivered to the insured upon enrollment  
22 and annually thereafter. An insurer may not deny to an insured  
23 eligibility or continued eligibility to enroll or to renew  
24 coverage under the terms of the plan solely for the purpose of  
25 avoiding the requirements of this Section. An insurer may not  
26 penalize or reduce or limit the reimbursement of an attending

1 provider or provide incentives, monetary or otherwise, to an  
2 attending provider to induce the provider to provide care to an  
3 insured in a manner inconsistent with this Section.