

HB1286



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1286

Introduced 1/28/2025, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

215 ILCS 5/367f

from Ch. 73, par. 979f

Amends the Illinois Insurance Code. Makes a technical change in a Section concerning a firefighters' continuance privilege.

LRB104 07420 BAB 17461 b

A BILL FOR

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 367f as follows:

6 (215 ILCS 5/367f) (from Ch. 73, par. 979f)

7 Sec. 367f. Firefighters' continuance privilege. As used in
8 this Section:

9 1. The ~~The~~ terms "municipality", "deferred pensioner" and
10 "creditable service" shall have the meaning ascribed to such
11 terms by Sections 4-103, 4-105a and 4-108, respectively, of
12 the Illinois Pension Code, as now or hereafter amended.

13 2. "Firefighter" means a person who is a "firefighter" as
14 defined in Section 4-106 of the Illinois Pension Code, a
15 paramedic who is employed by a unit of local government, or an
16 emergency medical technician, emergency medical
17 technician-basic, emergency medical technician-intermediate,
18 or advanced emergency medical technician who is employed by a
19 unit of local government.

20 3. The "retirement or disability period" of a firefighter
21 means the period:

22 a. which begins on the day the firefighter is removed
23 from a municipality's fire department payroll because of

1 the occurrence of any of the following events, to wit: (i)
2 the firefighter retires as a deferred pensioner under
3 Section 4-105a of the Illinois Pension Code, (ii) the
4 firefighter retires from active service as a firefighter
5 with an attained age and accumulated creditable service
6 which together qualify the firefighter for immediate
7 receipt of retirement pension benefits under Section 4-109
8 of the Illinois Pension Code, or (iii) the firefighter's
9 disability is established under Section 4-112 of the
10 Illinois Pension Code; and

11 b. which ends on the first to occur of any of the
12 following events, to wit: (i) the firefighter's
13 reinstatement or reentry into active service on the
14 municipality's fire department as provided for under
15 Article 4 of the Illinois Pension Code, (ii) the
16 firefighter's exercise of any refund option available
17 under Section 4-116 of the Illinois Pension Code, (iii)
18 the firefighter's loss pursuant to Section 4-138 of the
19 Illinois Pension Code of any benefits provided for in
20 Article 4 of that Code, or (iv) the firefighter's death or
21 -- if at the time of the firefighter's death the
22 firefighter is survived by a spouse who, in that capacity,
23 is entitled to receive a surviving spouse's monthly
24 pension pursuant to Article 4 of the Illinois Pension Code
25 -- then the death or remarriage of that spouse.

26 No policy of group accident and health insurance under

1 which firefighters employed by a municipality are insured for
2 their individual benefit shall be issued or delivered in this
3 State to any municipality unless such group policy provides
4 for the election of continued group insurance coverage for the
5 retirement or disability period of each firefighter who is
6 insured under the provisions of the group policy on the day
7 immediately preceding the day on which the retirement or
8 disability period of such firefighter begins. So long as any
9 required premiums for continued group insurance coverage are
10 paid in accordance with the provisions of the group policy, an
11 election made pursuant to this Section shall provide continued
12 group insurance coverage for a firefighter throughout the
13 retirement or disability period of the firefighter and, unless
14 the firefighter otherwise elects and subject to any other
15 provisions of the group policy which relate either to the
16 provision or to the termination of dependents' coverage and
17 which are not inconsistent with this Section, for any
18 dependents of the firefighter who are insured under the group
19 policy on the day immediately preceding the day on which the
20 retirement or disability period of the firefighter begins;
21 provided, however, that when such continued group insurance
22 coverage is in effect with respect to a firefighter on the date
23 of the firefighter's death but the retirement or disability
24 period of the firefighter does not end with such firefighter's
25 death, then the deceased firefighter's surviving spouse upon
26 whose death or remarriage such retirement or disability period

1 will end shall be entitled, without further election and upon
2 payment of any required premiums in accordance with the
3 provisions of the group policy, to maintain such continued
4 group insurance coverage in effect until the end of such
5 retirement or disability period. Continued group insurance
6 coverage shall be provided in accordance with this Section at
7 the same premium rate from time to time charged for equivalent
8 coverage provided under the group policy with respect to
9 covered firefighters whose retirement or disability period has
10 not begun, and no distinction or discrimination in the amount
11 or rate of premiums or in any waiver of premium or other
12 benefit provision shall be made between continued group
13 insurance coverage elected pursuant to this Section and
14 equivalent coverage provided to firefighters under the group
15 policy other than pursuant to the provisions of this Section;
16 provided that no municipality shall be required by reason of
17 any provision of this Section to pay any group insurance
18 premium other than one that may be negotiated in a collective
19 bargaining agreement. If a person electing continued coverage
20 under this Section becomes eligible for medicare coverage,
21 benefits under the group policy may continue as a supplement
22 to the medicare coverage upon payment of any required premiums
23 to maintain the benefits of the group policy as supplemental
24 coverage.

25 Within 15 days of the beginning of the retirement or
26 disability period of any firefighter entitled to elect

1 continued group insurance coverage under any group policy
2 affected by this Section, the municipality last employing such
3 firefighter shall give written notice of such beginning by
4 certified mail, return receipt requested to the insurance
5 company issuing such policy. The notice shall include the
6 firefighter's name and last known place of residence and the
7 beginning date of the firefighter's retirement or disability
8 period.

9 Within 15 days of the date of receipt of such notice from
10 the municipality, the insurance company by certified mail,
11 return receipt requested, shall give written notice to the
12 firefighter at the firefighter's last known place of residence
13 that coverage under the group policy may be continued for the
14 retirement or disability period of the firefighter as provided
15 in this Section. Such notice shall set forth: (i) a statement
16 of election to be filed by the firefighter if the firefighter
17 wishes to continue such group insurance coverage, (ii) the
18 amount of monthly premium, including a statement of the
19 portion of such monthly premium attributable to any
20 dependents' coverage which the firefighter may elect, and
21 (iii) instructions as to the return of the election form to the
22 insurance company issuing such policy. Election shall be made,
23 if at all, by returning the statement of election to the
24 insurance company by certified mail, return receipt requested
25 within 15 days after having received it.

26 If the firefighter elects to continue coverage, it shall

1 be the obligation of the firefighter to pay the monthly
2 premium directly to the municipality which shall forward it to
3 the insurance company issuing the group insurance policy, or
4 as otherwise directed by the insurance company; provided,
5 however, that the firefighter shall be entitled to designate
6 on the statement of election required to be filed with the
7 insurance company that the total monthly premium, or such
8 portion thereof as is not contributed by a municipality, be
9 deducted by a Firefighter's Pension Fund from any monthly
10 pension payment otherwise payable to or on behalf of the
11 firefighter pursuant to Article 4 of the Illinois Pension
12 Code, and be remitted by such Pension Fund to the insurance
13 company. The portion, if any, of the monthly premium
14 contributed by a municipality for such continued group
15 insurance coverage shall be paid by the municipality directly
16 to the insurance company issuing the group insurance policy,
17 or as otherwise directed by the insurance company. Such
18 continued group insurance coverage shall relate back to the
19 beginning of the firefighter's retirement or disability
20 period.

21 The amendment, renewal or extension of any group insurance
22 policy affected by this Section shall be deemed to be the
23 issuance of a new policy of insurance for purposes of this
24 Section.

25 In the event that a municipality makes a program of
26 accident, health, hospital or medical benefits available to

1 its firefighters through self-insurance, or by participation
2 in a pool or reciprocal insurer, or by contract in a form other
3 than a policy of group insurance with one or more medical
4 service plans, health care service corporations, health
5 maintenance organizations, or any other professional
6 corporations or plans under which health care or reimbursement
7 for the costs thereof is provided, whether the cost of such
8 benefits is borne by the municipality or the firefighters or
9 both, such firefighters and their surviving spouses shall have
10 the same right to elect continued coverage under such program
11 of benefits as they would have if such benefits were provided
12 by a policy of group accident and health insurance. In such
13 cases, the notice of right to elect continued coverage shall
14 be sent by the municipality; the statement of election shall
15 be sent to the municipality; and references to the required
16 premium shall refer to that portion of the cost of such
17 benefits which is not borne by the municipality, either
18 voluntarily or pursuant to the provisions of a collective
19 bargaining agreement. In the case of a municipality providing
20 such benefits through self-insurance or participation in a
21 pool or reciprocal insurer, the right to elect continued
22 coverage which is provided by this paragraph shall be
23 implemented and made available to the firefighters of the
24 municipality and qualifying surviving spouses not later than
25 July 1, 1985.

26 The amendment, renewal or extension of any such contract

1 in a form other than a policy of group insurance policy shall
2 be deemed the formation of a new contract for the purposes of
3 this Section.

4 This Section shall not limit the exercise of any
5 conversion privileges available under Section 367e.

6 Pursuant to paragraphs (h) and (i) of Section 6 of Article
7 VII of the Illinois Constitution, this Section specifically
8 denies and limits the exercise by a home rule unit of any power
9 which is inconsistent with this Section and all existing laws
10 and ordinances which are inconsistent with this Section are
11 hereby superseded. This Section does not preempt the
12 concurrent exercise by home rule units of powers consistent
13 herewith.

14 The Division of Insurance of the Department of Financial
15 and Professional Regulation shall enforce the provisions of
16 this Section, including provisions relating to municipality
17 self-insured benefit plans.

18 (Source: P.A. 103-52, eff. 1-1-24; revised 7-18-24.)