



Rep. Bob Morgan

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10400SB2762ham003

LRB104 16499 BAB 38367 a

1 AMENDMENT TO SENATE BILL 2762

2 AMENDMENT NO. _____. Amend Senate Bill 2762 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 5-1069.3 as follows:

6 (55 ILCS 5/5-1069.3)

7 (Text of Section before amendment by P.A. 104-446)

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, 356m, 356q, 356u,
15 356u.10, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9,
16 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,

1 356z.25, 356z.26, 356z.29, 356z.30, 356z.32, 356z.33, 356z.36,
2 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51,
3 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, 356z.61,
4 356z.62, 356z.64, 356z.67, 356z.68, 356z.70, 356z.71, 356z.74,
5 ~~and~~ 356z.77, 356z.79, and 356z.80, 356z.81, 356z.82, 356z.83,
6 356z.84, 356z.85, 356z.88, and 356z.89 of the Illinois
7 Insurance Code. The coverage shall comply with Sections
8 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance
9 Code. The Department of Insurance shall enforce the
10 requirements of this Section. The requirement that health
11 benefits be covered as provided in this Section is an
12 exclusive power and function of the State and is a denial and
13 limitation under Article VII, Section 6, subsection (h) of the
14 Illinois Constitution. A home rule county to which this
15 Section applies must comply with every provision of this
16 Section.

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

23 (Source: P.A. 103-84, eff. 1-1-24; 103-91, eff. 1-1-24;
24 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff.
25 8-11-23; 103-551, eff. 8-11-23; 103-605, eff. 7-1-24; 103-718,
26 eff. 7-19-24; 103-751, eff. 8-2-24; 103-914, eff. 1-1-25;

1 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25; 104-1, eff.
2 6-9-25; 104-42, eff. 8-1-25; 104-68, eff. 1-1-26; 104-73, eff.
3 1-1-26; 104-289, eff. 1-1-26; 104-324, eff. 1-1-26; 104-379,
4 eff. 1-1-26; 104-417, eff. 8-15-25; revised 1-7-26.)

5 (Text of Section after amendment by P.A. 104-446)

6 Sec. 5-1069.3. Required health benefits. If a county,
7 including a home rule county, is a self-insurer for purposes
8 of providing health insurance coverage for its employees, the
9 coverage shall include coverage for the post-mastectomy care
10 benefits required to be covered by a policy of accident and
11 health insurance under Section 356t and the coverage required
12 under Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u,
13 356u.10, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9,
14 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,
15 356z.25, 356z.26, 356z.29, 356z.30, 356z.32, 356z.33, 356z.36,
16 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51,
17 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, 356z.61,
18 356z.62, 356z.64, 356z.67, 356z.68, 356z.70, 356z.71, 356z.74,
19 ~~and~~ 356z.77, 356z.79, and 356z.80, 356z.81, 356z.82, 356z.83,
20 356z.84, 356z.85, 356z.88, and 356z.89 of the Illinois
21 Insurance Code. The coverage shall comply with Sections
22 155.22a, 355b, 356z.19, 370c, and 370c.4 of the Illinois
23 Insurance Code. The Department of Insurance shall enforce the
24 requirements of this Section. The requirement that health
25 benefits be covered as provided in this Section is an

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

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

12 (Source: P.A. 103-84, eff. 1-1-24; 103-91, eff. 1-1-24;
13 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff.
14 8-11-23; 103-551, eff. 8-11-23; 103-605, eff. 7-1-24; 103-718,
15 eff. 7-19-24; 103-751, eff. 8-2-24; 103-914, eff. 1-1-25;
16 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25; 104-1, eff.
17 6-9-25; 104-42, eff. 8-1-25; 104-68, eff. 1-1-26; 104-73, eff.
18 1-1-26; 104-289, eff. 1-1-26; 104-324, eff. 1-1-26; 104-379,
19 eff. 1-1-26; 104-417, eff. 8-15-25; 104-446, eff. 6-1-26;
20 revised 1-7-26.)

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

23 (65 ILCS 5/10-4-2.3)

24 (Text of Section before amendment by P.A. 104-446)

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, 356m, 356q, 356u, 356u.10, 356w, 356x,
9 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11,
10 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,
11 356z.29, 356z.30, 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, 356z.61, 356z.62, 356z.64,
14 356z.67, 356z.68, 356z.70, 356z.71, 356z.74, ~~and~~ 356z.77,
15 356z.79, ~~and~~ 356z.80, 356z.81, 356z.82, 356z.83, 356z.84,
16 356z.85, 356z.88, and 356z.89 of the Illinois Insurance Code.
17 The coverage shall comply with Sections 155.22a, 355b,
18 356z.19, and 370c of the Illinois Insurance Code. The
19 Department of Insurance shall enforce the requirements of this
20 Section. The requirement that health benefits be covered as
21 provided in this Section is an exclusive power and function of
22 the State and is a denial and limitation under Article VII,
23 Section 6, subsection (h) of the Illinois Constitution. A home
24 rule municipality to which this Section applies must comply
25 with every provision of this Section.

26 Rulemaking authority to implement Public Act 95-1045, if

1 any, is conditioned on the rules being adopted in accordance
2 with all provisions of the Illinois Administrative Procedure
3 Act and all rules and procedures of the Joint Committee on
4 Administrative Rules; any purported rule not so adopted, for
5 whatever reason, is unauthorized.

6 (Source: P.A. 103-84, eff. 1-1-24; 103-91, eff. 1-1-24;
7 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff.
8 8-11-23; 103-551, eff. 8-11-23; 103-605, eff. 7-1-24; 103-718,
9 eff. 7-19-24; 103-751, eff. 8-2-24; 103-914, eff. 1-1-25;
10 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25; 104-1, eff.
11 6-9-25; 104-42, eff. 8-1-25; 104-68, eff. 1-1-26; 104-73, eff.
12 1-1-26; 104-289, eff. 1-1-26; 104-324, eff. 1-1-26; 104-379,
13 eff. 1-1-26; 104-417, eff. 8-15-25; revised 1-8-26.)

14 (Text of Section after amendment by P.A. 104-446)

15 Sec. 10-4-2.3. Required health benefits. If a
16 municipality, including a home rule municipality, is a
17 self-insurer for purposes of providing health insurance
18 coverage for its employees, the coverage shall include
19 coverage for the post-mastectomy care benefits required to be
20 covered by a policy of accident and health insurance under
21 Section 356t and the coverage required under Sections 356g,
22 356g.5, 356g.5-1, 356m, 356q, 356u, 356u.10, 356w, 356x,
23 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11,
24 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,
25 356z.29, 356z.30, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41,

1 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53, 356z.54,
2 356z.56, 356z.57, 356z.59, 356z.60, 356z.61, 356z.62, 356z.64,
3 356z.67, 356z.68, 356z.70, 356z.71, 356z.74, ~~and~~ 356z.77,
4 356z.79, ~~and~~ 356z.80, 356z.81, 356z.82, 356z.83, 356z.84,
5 356z.85, 356z.88, and 356z.89 of the Illinois Insurance Code.
6 The coverage shall comply with Sections 155.22a, 355b,
7 356z.19, 370c, and 370c.4 of the Illinois Insurance Code. The
8 Department of Insurance shall enforce the requirements of this
9 Section. The requirement that health benefits be covered as
10 provided in this Section is an exclusive power and function of
11 the State and is a denial and limitation under Article VII,
12 Section 6, subsection (h) of the Illinois Constitution. A home
13 rule municipality to which this Section applies must comply
14 with every provision of this Section.

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. 103-84, eff. 1-1-24; 103-91, eff. 1-1-24;
22 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff.
23 8-11-23; 103-551, eff. 8-11-23; 103-605, eff. 7-1-24; 103-718,
24 eff. 7-19-24; 103-751, eff. 8-2-24; 103-914, eff. 1-1-25;
25 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25; 104-1, eff.
26 6-9-25; 104-42, eff. 8-1-25; 104-68, eff. 1-1-26; 104-73, eff.

1 1-1-26; 104-289, eff. 1-1-26; 104-324, eff. 1-1-26; 104-379,
2 eff. 1-1-26; 104-417, eff. 8-15-25; 104-446, eff. 6-1-26;
3 revised 1-8-26.)

4 Section 15. The School Code is amended by changing Section
5 10-22.3f as follows:

6 (105 ILCS 5/10-22.3f)

7 (Text of Section before amendment by P.A. 104-446)

8 Sec. 10-22.3f. Required health benefits. Insurance
9 protection and benefits for employees shall provide the
10 post-mastectomy care benefits required to be covered by a
11 policy of accident and health insurance under Section 356t and
12 the coverage required under Sections 356g, 356g.5, 356g.5-1,
13 356m, 356q, 356u, 356u.10, 356w, 356x, 356z.4, 356z.4a,
14 356z.6, 356z.8, 356z.9, 356z.11, 356z.12, 356z.13, 356z.14,
15 356z.15, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.32,
16 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47,
17 356z.51, 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60,
18 356z.61, 356z.62, 356z.64, 356z.67, 356z.68, 356z.70, 356z.71,
19 356z.74, ~~and~~ 356z.77, 356z.79, and 356z.80, 356z.81, 356z.82,
20 356z.83, 356z.84, 356z.85, 356z.88, and 356z.89 of the
21 Illinois Insurance Code. Insurance policies shall comply with
22 Section 356z.19 of the Illinois Insurance Code. The coverage
23 shall comply with Sections 155.22a, 355b, and 370c and Article
24 XXXIIB of the Illinois Insurance Code. The Department of

1 Insurance shall enforce the requirements of this Section.

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

8 (Source: P.A. 103-84, eff. 1-1-24; 103-91, eff. 1-1-24;
9 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff.
10 8-11-23; 103-551, eff. 8-11-23; 103-605, eff. 7-1-24; 103-718,
11 eff. 7-19-24; 103-751, eff. 8-2-24; 103-914, eff. 1-1-25;
12 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25; 104-1, eff.
13 6-9-25; 104-27, eff. 1-1-26; 104-42, eff. 8-1-25; 104-68, eff.
14 1-1-26; 104-73, eff. 1-1-26; 104-289, eff. 1-1-26; 104-324,
15 eff. 1-1-26; 104-379, eff. 1-1-26; 104-417, eff. 8-15-25;
16 revised 1-8-26.)

17 (Text of Section after amendment by P.A. 104-446)

18 Sec. 10-22.3f. Required health benefits. Insurance
19 protection and benefits for employees shall provide the
20 post-mastectomy care benefits required to be covered by a
21 policy of accident and health insurance under Section 356t and
22 the coverage required under Sections 356g, 356g.5, 356g.5-1,
23 356m, 356q, 356u, 356u.10, 356w, 356x, 356z.4, 356z.4a,
24 356z.6, 356z.8, 356z.9, 356z.11, 356z.12, 356z.13, 356z.14,
25 356z.15, 356z.22, 356z.25, 356z.26, 356z.29, 356z.30, 356z.32,

1 356z.33, 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47,
2 356z.51, 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60,
3 356z.61, 356z.62, 356z.64, 356z.67, 356z.68, 356z.70, 356z.71,
4 356z.74, ~~and~~ 356z.77, 356z.79, and 356z.80, 356z.81, 356z.82,
5 356z.83, 356z.84, 356z.85, 356z.88, and 356z.89 of the
6 Illinois Insurance Code. Insurance policies shall comply with
7 Section 356z.19 of the Illinois Insurance Code. The coverage
8 shall comply with Sections 155.22a, 355b, 370c, and 370c.4 and
9 Article XXXIIB of the Illinois Insurance Code. The Department
10 of Insurance shall enforce the requirements of this Section.

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

17 (Source: P.A. 103-84, eff. 1-1-24; 103-91, eff. 1-1-24;
18 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff.
19 8-11-23; 103-551, eff. 8-11-23; 103-605, eff. 7-1-24; 103-718,
20 eff. 7-19-24; 103-751, eff. 8-2-24; 103-914, eff. 1-1-25;
21 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25; 104-1, eff.
22 6-9-25; 104-27, eff. 1-1-26; 104-42, eff. 8-1-25; 104-68, eff.
23 1-1-26; 104-73, eff. 1-1-26; 104-289, eff. 1-1-26; 104-324,
24 eff. 1-1-26; 104-379, eff. 1-1-26; 104-417, eff. 8-15-25;
25 104-446, eff. 6-1-26; revised 1-8-26.)

1 Section 20. The Illinois Insurance Code is amended by
2 adding Sections 356z.88 and 356z.89 as follows:

3 (215 ILCS 5/356z.88 new)

4 Sec. 356z.88. Coverage for seizure detection devices.

5 (a) For the purposes of this Section, "seizure detection
6 device" means a monitoring device cleared by the United States
7 Food and Drug Administration, and any related technology,
8 application, service, or subscription supporting the
9 prescribed use of the device, that provides the following:

10 (1) individual monitoring and alert services relating
11 to seizure activity;

12 (2) detection or prediction of seizure activity and
13 transmission of notification of the seizure activity to
14 the individual or a caregiver for appropriate medical
15 response; or

16 (3) collection of data of the seizure activity of the
17 individual that can be used by a health care provider to
18 diagnose or appropriately treat a health care condition
19 that causes the seizure activity.

20 (b) A group or individual plan of accident and health
21 insurance or managed care plan amended, delivered, issued, or
22 renewed on or after January 1, 2029 shall provide coverage for
23 medically prescribed seizure detection devices.

24 (c) All seizure detection devices covered under this
25 Section shall be approved for use by individuals, and the

1 choice of device shall be made based upon the individual's
2 circumstances and medical needs in consultation with the
3 individual's medical provider.

4 (d) Any individual who has been prescribed a seizure
5 detection device shall not be required to obtain prior
6 authorization for coverage for a seizure detection device, and
7 coverage shall be continuous once the seizure detection device
8 is prescribed.

9 (e) A group or individual policy of accident and health
10 insurance or a managed care plan that is amended, delivered,
11 issued, or renewed on or after January 1, 2029 shall not impose
12 a deductible, coinsurance, copayment, or any other
13 cost-sharing requirement of more than \$50 on the coverage of a
14 seizure detection device per plan year. The provisions of this
15 subsection do not apply to coverage under this Section to the
16 extent that the coverage would disqualify a high-deductible
17 health plan from eligibility for a health savings account.

18 (215 ILCS 5/356z.89 new)

19 Sec. 356z.89. Coverage for preeclampsia biomarker testing.
20 Any group or individual policy of accident and health
21 insurance or managed care plan amended, delivered, issued, or
22 renewed on or after January 1, 2028 shall cover, without
23 imposing a deductible, coinsurance, copayment, or any other
24 cost-sharing requirement upon the insured, preeclampsia
25 biomarker testing for predictive screening in asymptomatic

1 individuals, or for diagnosis and management when symptoms are
2 present.

3 Section 25. The Health Maintenance Organization Act is
4 amended by changing Section 5-3 as follows:

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

6 Sec. 5-3. Illinois Insurance Code provisions.

7 (a) Health Maintenance Organizations shall be subject to
8 the provisions of Sections 133, 134, 136, 137, 139, 140,
9 141.1, 141.2, 141.3, 143, 143.31, 143c, 147, 148, 149, 151,
10 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a,
11 155.49, 352c, 355.2, 355.3, 355.6, 355.7, 355b, 355c, 356f,
12 356g, 356g.5-1, 356m, 356q, 356u.10, 356v, 356w, 356x, 356z.2,
13 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6, 356z.8, 356z.9,
14 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17,
15 356z.18, 356z.19, 356z.20, 356z.21, 356z.22, 356z.23, 356z.24,
16 356z.25, 356z.26, 356z.28, 356z.29, 356z.30, 356z.31, 356z.32,
17 356z.33, 356z.34, 356z.35, 356z.36, 356z.37, 356z.38, 356z.39,
18 356z.40, 356z.40a, 356z.41, 356z.44, 356z.45, 356z.46,
19 356z.47, 356z.48, 356z.49, 356z.50, 356z.51, 356z.53, 356z.54,
20 356z.55, 356z.56, 356z.57, 356z.58, 356z.59, 356z.60, 356z.61,
21 356z.62, 356z.63, 356z.64, 356z.65, 356z.66, 356z.67, 356z.68,
22 356z.69, 356z.70, 356z.71, 356z.72, 356z.73, 356z.74, 356z.75,
23 356z.76, 356z.77, 356z.78, 356z.79, 356z.80, 356z.81, 356z.82,
24 356z.83, 356z.84, 356z.85, 356z.88, 356z.89, 364, 364.01,

1 364.3, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e,
2 370a, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408, 408.2,
3 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of
4 Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII,
5 XIII 1/2, XXV, XXVI, and XXXIIB of the Illinois Insurance
6 Code.

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

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

13 (2) a corporation organized under the laws of this
14 State; or

15 (3) a corporation organized under the laws of another
16 state, 30% or more of the enrollees of which are residents
17 of this State, except a corporation subject to
18 substantially the same requirements in its state of
19 organization as is a "domestic company" under Article VIII
20 1/2 of the Illinois Insurance Code.

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

24 (1) the Director shall give primary consideration to
25 the continuation of benefits to enrollees and the
26 financial conditions of the acquired Health Maintenance

1 Organization after the merger, consolidation, or other
2 acquisition of control takes effect;

3 (2) (i) the criteria specified in subsection (1) (b) of
4 Section 131.8 of the Illinois Insurance Code shall not
5 apply and (ii) the Director, in making his determination
6 with respect to the merger, consolidation, or other
7 acquisition of control, need not take into account the
8 effect on competition of the merger, consolidation, or
9 other acquisition of control;

10 (3) the Director shall have the power to require the
11 following information:

12 (A) certification by an independent actuary of the
13 adequacy of the reserves of the Health Maintenance
14 Organization sought to be acquired;

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

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

26 (D) such other information as the Director shall

1 require.

2 (d) The provisions of Article VIII 1/2 of the Illinois
3 Insurance Code and this Section 5-3 shall apply to the sale by
4 any health maintenance organization of greater than 10% of its
5 enrollee population (including, without limitation, the health
6 maintenance organization's right, title, and interest in and
7 to its health care certificates).

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

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

25 (i) the amount of, and other terms and conditions with
26 respect to, the refund or additional premium are set forth

1 in the group or enrollment unit contract agreed in advance
2 of the period for which a refund is to be paid or
3 additional premium is to be charged (which period shall
4 not be less than one year); and

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

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

1 unit and the resulting refund to the group or enrollment unit
2 or (2) the Health Maintenance Organization's unprofitable
3 experience with respect to the group or enrollment unit and
4 the resulting additional premium to be paid by the group or
5 enrollment unit.

6 In no event shall the Illinois Health Maintenance
7 Organization Guaranty Association be liable to pay any
8 contractual obligation of an insolvent organization to pay any
9 refund authorized under this Section.

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

16 (Source: P.A. 103-84, eff. 1-1-24; 103-91, eff. 1-1-24;
17 103-123, eff. 1-1-24; 103-154, eff. 6-30-23; 103-420, eff.
18 1-1-24; 103-426, eff. 8-4-23; 103-445, eff. 1-1-24; 103-551,
19 eff. 8-11-23; 103-605, eff. 7-1-24; 103-618, eff. 1-1-25;
20 103-649, eff. 1-1-25; 103-656, eff. 1-1-25; 103-700, eff.
21 1-1-25; 103-718, eff. 7-19-24; 103-751, eff. 8-2-24; 103-753,
22 eff. 8-2-24; 103-758, eff. 1-1-25; 103-777, eff. 8-2-24;
23 103-808, eff. 1-1-26; 103-914, eff. 1-1-25; 103-918, eff.
24 1-1-25; 103-1024, eff. 1-1-25; 104-1, eff. 6-9-25; 104-28,
25 eff. 1-1-26; 104-42, eff. 8-1-25; 104-68, eff. 1-1-26; 104-73,
26 eff. 1-1-26; 104-98, eff. 1-1-26; 104-289, eff. 1-1-26;

1 104-324, eff. 1-1-26; 104-334, eff. 8-15-25; 104-379, eff.
2 1-1-26; 104-417, eff. 8-15-25; revised 11-21-25.)

3 Section 30. The Limited Health Service Organization Act is
4 amended by changing Section 4003 as follows:

5 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

6 Sec. 4003. Illinois Insurance Code provisions. Limited
7 health service organizations shall be subject to the
8 provisions of Sections 133, 134, 136, 137, 139, 140, 141.1,
9 141.2, 141.3, 143, 143.31, 143c, 147, 148, 149, 151, 152, 153,
10 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 155.49, 352c,
11 355.2, 355.3, 355b, 355d, 356m, 356q, 356v, 356z.4, 356z.4a,
12 356z.10, 356z.21, 356z.22, 356z.25, 356z.26, 356z.29, 356z.32,
13 356z.33, 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54,
14 356z.57, 356z.59, 356z.61, 356z.64, 356z.67, 356z.68, 356z.71,
15 356z.73, 356z.74, 356z.75, 356z.79, 356z.80, 356z.81, 356z.83,
16 356z.84, 356z.85, 356z.88, 356z.89, 364.3, 368a, 370a, 401,
17 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and
18 Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV,
19 XXVI, and XXXIIB of the Illinois Insurance Code. Nothing in
20 this Section shall require a limited health care plan to cover
21 any service that is not a limited health service. For purposes
22 of the Illinois Insurance Code, except for Sections 444 and
23 444.1 and Articles XIII and XIII 1/2, limited health service
24 organizations in the following categories are deemed to be

1 domestic companies:

2 (1) a corporation under the laws of this State; or

3 (2) a corporation organized under the laws of another
4 state, 30% or more of the enrollees of which are residents
5 of this State, except a corporation subject to
6 substantially the same requirements in its state of
7 organization as is a domestic company under Article VIII
8 1/2 of the Illinois Insurance Code.

9 (Source: P.A. 103-84, eff. 1-1-24; 103-91, eff. 1-1-24;
10 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445, eff.
11 1-1-24; 103-605, eff. 7-1-24; 103-649, eff. 1-1-25; 103-656,
12 eff. 1-1-25; 103-700, eff. 1-1-25; 103-718, eff. 7-19-24;
13 103-751, eff. 8-2-24; 103-758, eff. 1-1-25; 103-832, eff.
14 1-1-25; 103-1024, eff. 1-1-25; 104-1, eff. 6-9-25; 104-42,
15 eff. 8-1-25; 104-73, eff. 1-1-26; 104-98, eff. 1-1-26;
16 104-289, eff. 1-1-26; 104-324, eff. 1-1-26; 104-334, eff.
17 8-15-25; 104-379, eff. 1-1-26; 104-417, eff. 8-15-25; revised
18 11-21-25.)

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

21 (215 ILCS 165/10) (from Ch. 32, par. 604)

22 Sec. 10. Application of Illinois Insurance Code
23 provisions. Health services plan corporations and all persons
24 interested therein or dealing therewith shall be subject to

1 the provisions of Articles IIA and XII 1/2 and Sections 3.1,
2 133, 136, 139, 140, 143, 143.31, 143c, 149, 155.22a, 155.37,
3 354, 355.2, 355.3, 355.7, 355b, 355d, 356g, 356g.5, 356g.5-1,
4 356m, 356q, 356r, 356t, 356u, 356u.10, 356v, 356w, 356x, 356y,
5 356z.1, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6,
6 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14,
7 356z.15, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25, 356z.26,
8 356z.29, 356z.30, 356z.32, 356z.32a, 356z.33, 356z.40,
9 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54, 356z.56,
10 356z.57, 356z.59, 356z.60, 356z.61, 356z.62, 356z.64, 356z.67,
11 356z.68, 356z.71, 356z.72, 356z.74, 356z.75, 356z.77, 356z.79,
12 356z.80, 356z.81, 356z.83, 356z.84, 356z.85, 356z.88, 356z.89,
13 364.01, 364.3, 367.2, 368a, 370a, 401, 401.1, 402, 403, 403A,
14 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367
15 of the Illinois Insurance Code.

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. 103-84, eff. 1-1-24; 103-91, eff. 1-1-24;
23 103-420, eff. 1-1-24; 103-445, eff. 1-1-24; 103-551, eff.
24 8-11-23; 103-605, eff. 7-1-24; 103-656, eff. 1-1-25; 103-718,
25 eff. 7-19-24; 103-751, eff. 8-2-24; 103-753, eff. 8-2-24;
26 103-758, eff. 1-1-25; 103-832, eff. 1-1-25; 103-914, eff.

1 1-1-25; 103-918, eff. 1-1-25; 103-1024, eff. 1-1-25; 104-1,
2 eff. 6-9-25; 104-28, eff. 1-1-26; 104-42, eff. 8-1-25; 104-73,
3 eff. 1-1-26; 104-98, eff. 1-1-26; 104-289, eff. 1-1-26;
4 104-324, eff. 1-1-26; 104-379, eff. 1-1-26; 104-417, eff.
5 8-15-25; revised 11-21-25.)

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".