

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 Managed Care Reform and Patient Rights Act
5 is amended by adding Section 45.3 as follows:

6 (215 ILCS 134/45.3 new)

7 Sec. 45.3. Prescription drug benefits; plan choice.

8 (a) Notwithstanding any other provision of law, beginning
9 January 1, 2023, every health insurance carrier that offers an
10 individual health plan that provides coverage for prescription
11 drugs shall ensure that at least 10% of individual health care
12 plans offered in each applicable service area and at each
13 level of coverage as defined in 42 U.S.C. 18022 apply a
14 flat-dollar copayment structure to the entire drug benefit.
15 Beginning January 1, 2024, every health insurance carrier that
16 offers an individual health plan that provides coverage for
17 prescription drugs shall ensure that at least 25% of
18 individual health care plans offered in each applicable
19 service area and at each level of coverage as defined in 42
20 U.S.C. 18022 apply a flat-dollar copayment structure to the
21 entire drug benefit. If a health insurance carrier offers
22 fewer than 4 plans in a service area, then the health insurance
23 carrier shall ensure that one plan applies a flat-dollar

1 copayment structure to the entire drug benefit.

2 (b) Beginning January 1, 2023, every health insurance
3 carrier that offers a group health plan that provides coverage
4 for prescription drugs shall offer at least one group health
5 plan in each applicable service area and at each level of
6 coverage as defined in 42 U.S.C. 18022 that applies a
7 flat-dollar copayment structure to the entire drug benefit.

8 Beginning January 1, 2024, every health insurance carrier that
9 offers a group health plan that provides coverage for
10 prescription drugs shall offer at least 2 group health plans
11 in each applicable service area and at each level of coverage
12 as defined in 42 U.S.C. 18022 that apply a flat-dollar
13 copayment structure to the entire drug benefit.

14 (c) The flat-dollar copayment structure for prescription
15 drugs under subsections (a) and (b) must be applied
16 pre-deductible and be reasonably graduated and proportionately
17 related in all tier levels such that the copayment structure
18 as a whole does not discriminate against or discourage the
19 enrollment of individuals with significant health care needs.

20 (d) A health insurance carrier that offers individual or
21 group health care plans shall clearly and appropriately name
22 the plans described in subsections (a) and (b) to aid in the
23 individual or group plan selection process.

24 (e) A health insurance carrier shall market plans
25 described in subsections (a) and (b) in the same manner as
26 plans not described in subsections (a) and (b).

1 (f) The Department shall adopt rules necessary to
2 implement and enforce the provisions of this Section.

3 Section 99. Effective date. This Act takes effect January
4 1, 2023.