

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 adding
5 Section 355a.1 as follows:

6 (215 ILCS 5/355a.1 new)

7 Sec. 355a.1. High deductible health plans; mandates.

8 (a) For the purpose of this Section, the terms "high
9 deductible health plan" and "health savings account" shall have
10 the same meanings as defined by the federal Medicare
11 Prescription Drug, Improvement, and Modernization Act of 2003.
12 Components of high deductible health plans and health savings
13 accounts, including, but not limited to, deductible limits,
14 contribution limits, and out-of-pocket maximums shall be those
15 annually prescribed by the United States Department of the
16 Treasury.

17 (b) An individual that purchases a policy of accident and
18 health insurance that is a high deductible health plan with a
19 health savings account may waive coverage for any or all
20 insurance coverage mandates required by this Code.

21 The decision to waive any or all insurance coverage
22 mandates shall be made by the individual covered by the policy
23 of accident and health insurance.

1 In the case of a minor or other individual not able to make
2 an informed decision, the decision to waive coverage shall be
3 made by the parent or guardian of the individual.

4 (c) In order to aid individuals in making informed
5 decisions regarding insurance coverage and the waiving of
6 mandated coverage, the Division of Insurance of the Illinois
7 Department of Financial and Professional Regulation may
8 provide assistance to individuals purchasing coverage to
9 assist the purchaser in weighing the risks and benefits
10 associated with waiving mandated coverage. This assistance may
11 be provided through the Department's Consumer Assistance
12 Hotline, the use of an internet-based system, informational
13 brochures, or any other means deemed appropriate by the
14 Division.

15 (d) The Division of Insurance shall recognize a waiver
16 under this Section as a waiver of coverage required under this
17 Code.

18 (e) Notwithstanding any other rulemaking authority that
19 may exist, neither the Governor nor any agency or agency head
20 under the jurisdiction of the Governor has any authority to
21 make or promulgate rules to implement or enforce the provisions
22 of this amendatory Act of the 95th General Assembly. If,
23 however, the Governor believes that rules are necessary to
24 implement or enforce the provisions of this amendatory Act of
25 the 95th General Assembly, the Governor may suggest rules to
26 the General Assembly by filing them with the Clerk of the House

1 and the Secretary of the Senate and by requesting that the
2 General Assembly authorize such rulemaking by law, enact those
3 suggested rules into law, or take any other appropriate action
4 in the General Assembly's discretion. Nothing contained in this
5 amendatory Act of the 95th General Assembly shall be
6 interpreted to grant rulemaking authority under any other
7 Illinois statute where such authority is not otherwise
8 explicitly given. For the purposes of this amendatory Act of
9 the 95th General Assembly, "rules" is given the meaning
10 contained in Section 1-70 of the Illinois Administrative
11 Procedure Act, and "agency" and "agency head" are given the
12 meanings contained in Sections 1-20 and 1-25 of the Illinois
13 Administrative Procedure Act to the extent that such
14 definitions apply to agencies or agency heads under the
15 jurisdiction of the Governor.