



Rep. Margaret Croke

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10200SB1905ham001

LRB102 17280 JLS 26553 a

1 AMENDMENT TO SENATE BILL 1905

2 AMENDMENT NO. _____. Amend Senate Bill 1905 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Consumer Coverage Disclosure Act.

6 Section 5. Definitions. As used in this Act.

7 "Employee" means any individual permitted to work by an
8 employer.

9 "Employer" means an individual, partnership, corporation,
10 association, business, trust, person, or entity for whom
11 employees are gainfully employed in Illinois and includes the
12 State of Illinois, any State officer, department or agency,
13 any unit of local government, and any school district.

14 Section 10. Required disclosures.

15 (a) An employer that provides group health insurance

1 coverage to its employees shall, upon hire, annually
2 thereafter, and upon request from an employee, provide all
3 employees eligible for the coverage a written list of the
4 covered benefits included in the group health insurance
5 coverage in a format that easily compares those covered
6 benefits with the essential health insurance benefits required
7 of individual health insurance coverage regulated by the State
8 of Illinois.

9 (b) The Department of Insurance shall provide information
10 outlining the essential health insurance benefits of
11 individual health insurance coverage regulated by the State of
12 Illinois, which an employer may use to inform eligible
13 employees of benefits included or not included in their health
14 insurance coverage.

15 (c) An employer may comply with the requirements of
16 subsection (a) by providing the required information by email
17 to its employees or providing the information on a website
18 that an employee is able to regularly access.

19 Section 15. Enforcement. It is the duty of the Department
20 of Labor to enforce the provisions of this Act.

21 The Department of Labor has the power to conduct
22 inspections in connection with the administration and
23 enforcement of this Act. Upon request of the Department of
24 Labor, the employer shall demonstrate that each employee
25 received the information required by Section 10 and maintain

1 records of providing such information for one year. Upon
2 finding of a violation, the Department of Labor shall issue a
3 notice to show cause giving the employer 30 days to comply.

4 If the employer does not comply within 30 days, the
5 Department may impose a penalty as provided for in this Act.
6 The Department shall conduct hearings in accordance with the
7 Illinois Administrative Procedure Act upon written complaint
8 of a violation of the Act made by an investigator of the
9 Department or any interested person. After the hearing, if
10 supported by the evidence, the Department may determine the
11 amount of any civil penalty allowed by the Act.

12 Section 20. Review under Administrative Review Law. Any
13 party to a proceeding under this Act may apply for and obtain
14 judicial review of an order of the Department entered under
15 this Act in accordance with the provisions of the
16 Administrative Review Law, and the Department in proceedings
17 under the Act may obtain an order from the court for the
18 enforcement of its order.

19 Section 25. Penalties.

20 (a) The Department may impose civil penalties as follows:

21 (1) For an employer with fewer than 4 employees: a
22 penalty not to exceed \$500 for a first offense; a penalty
23 not to exceed \$1,000 for a second offense; and a penalty
24 not to exceed \$3,000 for a third or subsequent offense.

1 (2) For an employer with 4 or more employees: a
2 penalty not to exceed \$1,000 for a first offense; a
3 penalty not to exceed \$3,000 for a second offense; and a
4 penalty not to exceed \$5,000 for a third or subsequent
5 offense.

6 (b) The appropriateness of the penalty to the size of the
7 employer, the good faith efforts made by the employer to
8 comply, and the gravity of the violation shall be considered
9 in determining the amount of the civil penalty.

10 (c) The amount of the penalty, when finally determined,
11 may be recovered in a civil action brought by the Director of
12 Labor in any circuit court. In this litigation, the Director
13 of Labor shall be represented by the Attorney General.

14 (d) Any administrative determination by the Department as
15 to the amount of each penalty shall be final unless reviewed as
16 provided in Section 20 of this Act.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."