

1 AN ACT concerning assistance to citizens.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Senior Citizens and Disabled Persons
5 Property Tax Relief and Pharmaceutical Assistance Act is
6 amended by changing Section 4 as follows:

7 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

8 Sec. 4. Amount of Grant.

9 (a) In general. Any individual 65 years or older or any
10 individual who will become 65 years old during the calendar
11 year in which a claim is filed, and any surviving spouse of
12 such a claimant, who at the time of death received or was
13 entitled to receive a grant pursuant to this Section, which
14 surviving spouse will become 65 years of age within the 24
15 months immediately following the death of such claimant and
16 which surviving spouse but for his or her age is otherwise
17 qualified to receive a grant pursuant to this Section, and
18 any disabled person whose annual household income is less
19 than \$14,000 for grant years before the 1998 grant year, less
20 than \$16,000 for the 1998 and 1999 grant years, and less than
21 (i) \$21,218 for a household containing one person, (ii)
22 \$28,480 for a household containing 2 persons, or (iii)
23 \$35,740 for a household containing 3 or more persons for the
24 2000 grant year and thereafter and whose household is liable
25 for payment of property taxes accrued or has paid rent
26 constituting property taxes accrued and is domiciled in this
27 State at the time he or she files his or her claim is
28 entitled to claim a grant under this Act. With respect to
29 claims filed by individuals who will become 65 years old
30 during the calendar year in which a claim is filed, the
31 amount of any grant to which that household is entitled shall

1 be an amount equal to 1/12 of the amount to which the
2 claimant would otherwise be entitled as provided in this
3 Section, multiplied by the number of months in which the
4 claimant was 65 in the calendar year in which the claim is
5 filed.

6 (b) Limitation. Except as otherwise provided in
7 subsections (a) and (f) of this Section, the maximum amount
8 of grant which a claimant is entitled to claim is the amount
9 by which the property taxes accrued which were paid or
10 payable during the last preceding tax year or rent
11 constituting property taxes accrued upon the claimant's
12 residence for the last preceding taxable year exceeds 3 1/2%
13 of the claimant's household income for that year but in no
14 event is the grant to exceed (i) \$700 less 4.5% of household
15 income for that year for those with a household income of
16 \$14,000 or less or (ii) \$70 if household income for that year
17 is more than \$14,000.

18 (c) Public aid recipients. If household income in one
19 or more months during a year includes cash assistance in
20 excess of \$55 per month from the Department of Public Aid or
21 the Department of Human Services (acting as successor to the
22 Department of Public Aid under the Department of Human
23 Services Act) which was determined under regulations of that
24 Department on a measure of need that included an allowance
25 for actual rent or property taxes paid by the recipient of
26 that assistance, the amount of grant to which that household
27 is entitled, except as otherwise provided in subsection (a),
28 shall be the product of (1) the maximum amount computed as
29 specified in subsection (b) of this Section and (2) the ratio
30 of the number of months in which household income did not
31 include such cash assistance over \$55 to the number twelve.
32 If household income did not include such cash assistance over
33 \$55 for any months during the year, the amount of the grant
34 to which the household is entitled shall be the maximum

1 amount computed as specified in subsection (b) of this
2 Section. For purposes of this paragraph (c), "cash
3 assistance" does not include any amount received under the
4 federal Supplemental Security Income (SSI) program.

5 (d) Joint ownership. If title to the residence is held
6 jointly by the claimant with a person who is not a member of
7 his or her household, the amount of property taxes accrued
8 used in computing the amount of grant to which he or she is
9 entitled shall be the same percentage of property taxes
10 accrued as is the percentage of ownership held by the
11 claimant in the residence.

12 (e) More than one residence. If a claimant has occupied
13 more than one residence in the taxable year, he or she may
14 claim only one residence for any part of a month. In the
15 case of property taxes accrued, he or she shall prorate 1/12
16 of the total property taxes accrued on his or her residence
17 to each month that he or she owned and occupied that
18 residence; and, in the case of rent constituting property
19 taxes accrued, shall prorate each month's rent payments to
20 the residence actually occupied during that month.

21 (f) There is hereby established a program of
22 pharmaceutical assistance to the aged and disabled which
23 shall be administered by the Department in accordance with
24 this Act, to consist of payments to authorized pharmacies, on
25 behalf of beneficiaries of the program, for the reasonable
26 costs of covered prescription drugs. Each beneficiary who
27 pays \$5 for an identification card shall pay no additional
28 prescription costs. Each beneficiary who pays \$25 for an
29 identification card shall pay \$3 per prescription. In
30 addition, after a beneficiary receives \$2,000 in benefits
31 during a State fiscal year, that beneficiary shall also be
32 charged 20% of the cost of each prescription for which
33 payments are made by the program during the remainder of the
34 fiscal year. To become a beneficiary under this program a

1 person must: (1) be (i) 65 years of age or older, or (ii) the
2 surviving spouse of such a claimant, who at the time of death
3 received or was entitled to receive benefits pursuant to this
4 subsection, which surviving spouse will become 65 years of
5 age within the 24 months immediately following the death of
6 such claimant and which surviving spouse but for his or her
7 age is otherwise qualified to receive benefits pursuant to
8 this subsection, or (iii) disabled, and (2) be domiciled in
9 this State at the time he or she files his or her claim, and
10 (3) have a maximum household income of less than \$14,000 for
11 grant years before the 1998 grant year, less than \$16,000 for
12 the 1998 and 1999 grant years, and less than (i) \$21,218 for
13 a household containing one person, (ii) \$28,480 for a
14 household containing 2 persons, or (iii) \$35,740 for a
15 household containing 3 more persons for the 2000 grant year
16 and thereafter. In addition, each eligible person must (1)
17 obtain an identification card from the Department, (2) at the
18 time the card is obtained, sign a statement assigning to the
19 State of Illinois benefits which may be otherwise claimed
20 under any private insurance plans, and (3) present the
21 identification card to the dispensing pharmacist.

22 The Department may adopt rules specifying participation
23 requirements for the pharmaceutical assistance program,
24 including copayment amounts, identification card fees,
25 expenditure limits, and the benefit threshold after which a
26 20% charge is imposed on the cost of each prescription, to be
27 in effect on and after July 1, 2004. Notwithstanding any
28 other provision of this paragraph, however, the Department
29 may not increase the identification card fee above the amount
30 in effect on May 1, 2003 without the express consent of the
31 General Assembly. To the extent practicable, those
32 requirements shall be commensurate with the requirements
33 provided in rules adopted by the Department of Public Aid to
34 implement the pharmacy assistance program under Section

1 5-5.12a of the Illinois Public Aid Code.

2 Whenever a generic equivalent for a covered prescription
3 drug is available, the Department shall reimburse only for
4 the reasonable costs of the generic equivalent, less the
5 co-pay established in this Section, unless (i) the covered
6 prescription drug contains one or more ingredients defined as
7 a narrow therapeutic index drug at 21 CFR 320.33, (ii) the
8 prescriber indicates on the face of the prescription "brand
9 medically necessary", and (iii) the prescriber specifies that
10 a substitution is not permitted. When issuing an oral
11 prescription for covered prescription medication described in
12 item (i) of this paragraph, the prescriber shall stipulate
13 "brand medically necessary" and that a substitution is not
14 permitted. If the covered prescription drug and its
15 authorizing prescription do not meet the criteria listed
16 above, the beneficiary may purchase the non-generic
17 equivalent of the covered prescription drug by paying the
18 difference between the generic cost and the non-generic cost
19 plus the beneficiary co-pay.

20 Any person otherwise eligible for pharmaceutical
21 assistance under this Act whose covered drugs are covered by
22 any public program for assistance in purchasing any covered
23 prescription drugs shall be ineligible for assistance under
24 this Act to the extent such costs are covered by such other
25 plan.

26 The fee to be charged by the Department for the
27 identification card shall be equal to \$5 per coverage year
28 for persons below the official poverty line as defined by the
29 United States Department of Health and Human Services and \$25
30 per coverage year for all other persons.

31 In the event that 2 or more persons are eligible for any
32 benefit under this Act, and are members of the same
33 household, (1) each such person shall be entitled to
34 participate in the pharmaceutical assistance program,

1 provided that he or she meets all other requirements imposed
2 by this subsection and (2) each participating household
3 member contributes the fee required for that person by the
4 preceding paragraph for the purpose of obtaining an
5 identification card.

6 (Source: P.A. 91-357, eff. 7-29-99; 91-699, eff. 1-1-01;
7 92-131, eff. 7-23-01; 92-519, eff. 1-1-02; 92-651, eff.
8 7-11-02.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.