

1 AN ACT concerning public benefits.

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;  
20 less than \$16,000 for the 1998 and 1999 grant years;  
21 less than (i) \$21,218 for a household containing one person,  
22 (ii) \$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 through 2003 grant years; and (i) \$40,000 or less for a  
25 household containing one person or (ii) \$50,000 or less for a  
26 household containing 2 or more persons for the 2004 grant  
27 year and thereafter and whose household is liable for payment  
28 of property taxes accrued or has paid rent constituting  
29 property taxes accrued and is domiciled in this State at the  
30 time he or she files his or her claim is entitled to claim a  
31 grant under this Act. With respect to claims filed by

1 individuals who will become 65 years old during the calendar  
2 year in which a claim is filed, the amount of any grant to  
3 which that household is entitled shall be an amount equal to  
4 1/12 of the amount to which the claimant would otherwise be  
5 entitled as provided in this Section, multiplied by the  
6 number of months in which the claimant was 65 in the calendar  
7 year in which the claim is filed.

8 (b) Limitation. Except as otherwise provided in  
9 subsections (a) and (f) of this Section, the maximum amount  
10 of grant which a claimant is entitled to claim is the amount  
11 by which the property taxes accrued which were paid or  
12 payable during the last preceding tax year or rent  
13 constituting property taxes accrued upon the claimant's  
14 residence for the last preceding taxable year exceeds 3 1/2%  
15 of the claimant's household income for that year but in no  
16 event is the grant to exceed (i) \$700 less 4.5% of household  
17 income for that year for those with a household income of  
18 \$14,000 or less or (ii) \$70 if household income for that year  
19 is more than \$14,000.

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

1 \$55 for any months during the year, the amount of the grant  
2 to which the household is entitled shall be the maximum  
3 amount computed as specified in subsection (b) of this  
4 Section. For purposes of this paragraph (c), "cash  
5 assistance" does not include any amount received under the  
6 federal Supplemental Security Income (SSI) program.

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

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

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

1 payments are made by the program during the remainder of the  
2 fiscal year. To become a beneficiary under this program a  
3 person must: (1) be (i) 65 years of age or older, or (ii) the  
4 surviving spouse of such a claimant, who at the time of death  
5 received or was entitled to receive benefits pursuant to this  
6 subsection, which surviving spouse will become 65 years of  
7 age within the 24 months immediately following the death of  
8 such claimant and which surviving spouse but for his or her  
9 age is otherwise qualified to receive benefits pursuant to  
10 this subsection, or (iii) disabled, and (2) be domiciled in  
11 this State at the time he or she files his or her claim, and  
12 (3) have a maximum household income of less than \$14,000 for  
13 grant years before the 1998 grant year; less than \$16,000  
14 for the 1998 and 1999 grant years; ~~and less than (i) \$21,218~~  
15 ~~for a household containing one person, (ii) \$28,480 for a~~  
16 ~~household containing 2 persons, or (iii) \$35,740 for a~~  
17 ~~household containing 3 more persons for the 2000 through 2003~~  
18 ~~grant years; and (i) \$40,000 or less for a household~~  
19 ~~containing one person or (ii) \$50,000 or less for a household~~  
20 ~~containing 2 or more persons for the 2004 grant year and~~  
21 thereafter. In addition, each eligible person must (1)  
22 obtain an identification card from the Department, (2) at the  
23 time the card is obtained, sign a statement assigning to the  
24 State of Illinois benefits which may be otherwise claimed  
25 under any private insurance plans, and (3) present the  
26 identification card to the dispensing pharmacist.

27 The Department may adopt rules specifying participation  
28 requirements for the pharmaceutical assistance program,  
29 including copayment amounts, identification card fees,  
30 expenditure limits, and the benefit threshold after which a  
31 20% charge is imposed on the cost of each prescription, to be  
32 in effect on and after July 1, 2004. Notwithstanding any  
33 other provision of this paragraph, however, the Department  
34 may not increase the identification card fee above the amount

1 in effect on May 1, 2003 without the express consent of the  
2 General Assembly. To the extent practicable, those  
3 requirements shall be commensurate with the requirements  
4 provided in rules adopted by the Department of Public Aid to  
5 implement the pharmacy assistance program under Section  
6 5-5.12a of the Illinois Public Aid Code.

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

25 Any person otherwise eligible for pharmaceutical  
26 assistance under this Act whose covered drugs are covered by  
27 any public program for assistance in purchasing any covered  
28 prescription drugs shall be ineligible for assistance under  
29 this Act to the extent such costs are covered by such other  
30 plan.

31 The fee to be charged by the Department for the  
32 identification card shall be equal to \$5 per coverage year  
33 for persons below the official poverty line as defined by the  
34 United States Department of Health and Human Services and \$25

1 per coverage year for all other persons.

2 In the event that 2 or more persons are eligible for any  
3 benefit under this Act, and are members of the same  
4 household, (1) each such person shall be entitled to  
5 participate in the pharmaceutical assistance program,  
6 provided that he or she meets all other requirements imposed  
7 by this subsection and (2) each participating household  
8 member contributes the fee required for that person by the  
9 preceding paragraph for the purpose of obtaining an  
10 identification card.

11 (Source: P.A. 92-131, eff. 7-23-01; 92-519, eff. 1-1-02;  
12 92-651, eff. 7-11-02; 93-130, eff. 7-10-03.)

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