

1 AN ACT concerning senior citizens and disabled persons.

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 Sections 3.15 and 4 as follows:

7 (320 ILCS 25/3.15) (from Ch. 67 1/2, par. 403.15)

8 Sec. 3.15. "Covered prescription drug" means (1) any
9 cardiovascular agent or drug; (2) any insulin or other
10 prescription drug used in the treatment of diabetes,
11 including syringe and needles used to administer the insulin;
12 (3) any prescription drug used in the treatment of arthritis,
13 (4) beginning on January 1, 2001, any prescription drug used
14 in the treatment of cancer, (5) beginning on January 1, 2001,
15 any prescription drug used in the treatment of Alzheimer's
16 disease, (6) beginning on January 1, 2001, any prescription
17 drug used in the treatment of Parkinson's disease, (7)
18 beginning on January 1, 2001, any prescription drug used in
19 the treatment of glaucoma, and (8) beginning on January 1,
20 2001, any prescription drug used in the treatment of lung
21 disease and smoking related illnesses, (9) beginning on
22 January 1, 2002, any prescription drug used in the treatment
23 of osteoporosis, (10) beginning on January 1, 2002, any
24 prescription drug used in the treatment of clinical
25 depression, (11) beginning on January 1, 2002, any
26 prescription drug used in the treatment of multiple
27 sclerosis, (12) beginning on January 1, 2002, any
28 prescription drug used in the treatment of bi-polar disorder,
29 (13) beginning on January 1, 2002, any prescription drug used
30 in the treatment of schizophrenia, (14) beginning on January
31 1, 2002, any prescription drug used in the treatment of

1 lupus, (15) beginning on January 1, 2002, any prescription
 2 drug used in the treatment of amyotrophic lateral sclerosis
 3 (ALS), and (16) beginning on January 1, 2002, any
 4 prescription drug used in the treatment of gastrointestinal
 5 disease. The specific agents or products to be included
 6 under such categories shall be listed in a handbook to be
 7 prepared and distributed by the Department. The general
 8 types of covered prescription drugs shall be indicated by
 9 rule. The Department of Public Health shall promulgate a list
 10 of covered prescription drugs under this program that meet
 11 the definition of a narrow therapeutic index drug as
 12 described in subsection (f) of Section 4.

13 (Source: P.A. 91-699, eff. 1-1-01.)

14 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

15 Sec. 4. Amount of grant or assistance.

16 (a) In general.

17 (1) Age or disability requirement. Any (A)
 18 individual (i) 65 years old or older before 2002, (ii) 55
 19 years old or older in 2002 or thereafter, (iii) or--any
 20 individual who will become 65 years old during the
 21 calendar year in which a claim is filed (if filed before
 22 2002), or (iv) who will become 55 years old during the
 23 calendar year in which a claim is filed (if filed in 2002
 24 or thereafter), (B) and--any surviving spouse of such a
 25 claimant, who at the time of death received or was
 26 entitled to receive a grant pursuant to this Section, if
 27 (i) the which surviving spouse will become 65 years old
 28 ef-age within the 24 months immediately following the
 29 death of such claimant (if the claimant dies before 2002)
 30 or will become 55 years old or older within the 24 months
 31 immediately following the death of such claimant (if the
 32 claimant dies in 2002 or thereafter) and (ii) the which
 33 surviving spouse but for his or her age is otherwise

1 qualified to receive a grant pursuant to this Section,
2 and (C) any disabled person meets the age or disability
3 requirement.

4 (2) Household income requirement. Any such
5 individual, surviving spouse, or disabled person whose
6 annual household income is less than \$14,000 for grant
7 years before the 1998 grant year, less than \$16,000 for
8 the 1998 and 1999 grant years, and less than (i) \$21,218
9 for a household containing one person, (ii) \$28,480 for a
10 household containing 2 persons, or (iii) \$35,740 for a
11 household containing 3 or more persons for the 2000 grant
12 year, and less than (i) 28,000 for a household containing
13 one person, (ii) \$36,000 for a household containing 2
14 persons, or (iii) \$42,000 for a household containing 3 or
15 more persons for the 2001 grant year and thereafter meets
16 the household income requirement.

17 (3) Property tax liability requirement. Any such
18 individual, surviving spouse, or disabled person and
19 whose household is liable for payment of property taxes
20 accrued or has paid rent constituting property taxes
21 accrued meets the property tax liability requirement.

22 (4) Domicile requirement. Any such individual,
23 surviving spouse, or disabled person who and is domiciled
24 in this State at the time he or she files a his claim
25 meets the domicile requirement.

26 (5) Claim of grant. Any such individual, surviving
27 spouse, or disabled person who meets the age or
28 disability requirement, the household income requirement,
29 the property tax liability requirement, and the domicile
30 requirement is entitled to claim a grant under this Act.

31 (6) Partial year eligibility. With respect to
32 claims filed by individuals who will become 65 years old
33 during the calendar year in which a claim is filed (if
34 filed before 2002) and with respect to claims filed by

1 individuals who will become 55 years old during the
2 calendar year in which a claim is filed (if filed in 2002
3 or thereafter), the amount of any grant to which that
4 household is entitled shall be an amount equal to 1/12 of
5 the amount to which the claimant would otherwise be
6 entitled as provided in this Section, multiplied by the
7 number of months in which the claimant was 65 in the
8 calendar year in which the claim is filed (if filed
9 before 2002) and multiplied by the number of months in
10 which the claimant was 55 in the calendar year in which
11 the claim is filed (if filed in 2002 or thereafter).

12 (b) Limitation. Except as otherwise provided in
13 subsections (a) and (f) of this Section, the maximum amount
14 of grant which a claimant is entitled to claim is the amount
15 by which the property taxes accrued which were paid or
16 payable during the last preceding tax year or rent
17 constituting property taxes accrued upon the claimant's
18 residence for the last preceding taxable year exceeds 3 1/2%
19 of the claimant's household income for that year but in no
20 event is the grant to exceed (i) \$700 less 4.5% of household
21 income for that year for those with a household income of
22 \$14,000 or less or (ii) \$70 if household income for that year
23 is more than \$14,000.

24 (c) Public aid recipients. If household income in one
25 or more months during a year includes cash assistance in
26 excess of \$55 per month from the Department of Public Aid or
27 the Department of Human Services (acting as successor to the
28 Department of Public Aid under the Department of Human
29 Services Act) which was determined under regulations of that
30 Department on a measure of need that included an allowance
31 for actual rent or property taxes paid by the recipient of
32 that assistance, the amount of grant to which that household
33 is entitled, except as otherwise provided in subsection (a),
34 shall be the product of (1) the maximum amount computed as

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

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

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

27 (f) There is hereby established a program of
28 pharmaceutical assistance to the aged and disabled which
29 shall be administered by the Department in accordance with
30 this Act, to consist of payments to authorized pharmacies, on
31 behalf of beneficiaries of the program, for the reasonable
32 costs of covered prescription drugs. Each beneficiary who
33 pays \$5 for an identification card shall pay no additional
34 prescription costs. Each beneficiary who pays \$25 for an

1 identification card shall pay \$3 per prescription. In
2 addition, after a beneficiary receives \$2,000 in benefits
3 during a State fiscal year, that beneficiary shall also be
4 charged 20% of the cost of each prescription for which
5 payments are made by the program during the remainder of the
6 fiscal year. To become a beneficiary under this program a
7 person ~~must-be~~: (1) must be (i) 65 years old or older before
8 2002 or 55 years old or older in 2002 or thereafter, or (ii)
9 the surviving spouse of such a claimant, who at the time of
10 death received or was entitled to receive benefits pursuant
11 to this subsection, if the ~~which~~ surviving spouse will become
12 65 years old ~~ef--~~age within the 24 months immediately
13 following the death of such claimant (if the claimant dies
14 before 2002) or 55 years old or older within the 24 months
15 immediately following the death of such claimant (if the
16 claimant dies in 2002 or thereafter) and if the ~~which~~
17 surviving spouse but for his or her age is otherwise
18 qualified to receive benefits pursuant to this subsection, or
19 (iii) disabled, and (2) must be ~~is~~ domiciled in this State at
20 the time he or she files his or her claim, and (3) must have
21 ~~has~~ a maximum household income of less than \$14,000 for grant
22 years before the 1998 grant year, less than \$16,000 for the
23 1998 and 1999 grant years, and less than (i) \$21,218 for a
24 household containing one person, (ii) \$28,480 for a household
25 containing 2 persons, or (iii) \$35,740 for a household
26 containing 3 more persons for the 2000 grant year, and less
27 than (i) 28,000 for a household containing one person, (ii)
28 \$36,000 for a household containing 2 persons, or (iii)
29 \$42,000 for a household containing 3 or more persons for the
30 2001 grant year and thereafter. In addition, each eligible
31 person must (1) obtain an identification card from the
32 Department, (2) at the time the card is obtained, sign a
33 statement assigning to the State of Illinois benefits which
34 may be otherwise claimed under any private insurance plans,

1 (3) present the identification card to the dispensing
2 pharmacist.

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

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

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

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

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

7 (Source: P.A. 90-650, eff. 7-27-98; 91-357, eff. 7-29-99;
8 91-699, eff. 1-1-01.)

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