

FIRST REGULAR SESSION

SENATE BILL NO. 22

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SINGLETON.

Pre-filed December 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0202S.021

AN ACT

To repeal section 135.095, RSMo 2000, relating to prescription drugs for the elderly, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 135.095, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 135.095, to read as follows:

135.095. **1. This act shall be known as the "Missouri Pharmaceutical Assistance Program".**

2. For all tax years beginning on or after January 1, 1999, but before January 1, [2005] **2001**, a resident individual who has attained sixty-five years of age on or before the last day of the tax year shall be allowed, for the purpose of offsetting the cost of legend drugs, a maximum credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, of two hundred dollars. An individual shall be entitled to the maximum credit allowed by this section if the individual has a Missouri adjusted gross income of fifteen thousand dollars or less; provided that, no individual who receives full reimbursement for the cost of legend drugs from Medicare or Medicaid, or who is a resident of a local, state or federally funded facility shall qualify for the credit allowed pursuant to this section. If an individual's Missouri adjusted gross income is greater than fifteen thousand dollars, such individual shall be entitled to a credit equal to the greater of zero or the maximum credit allowed by this section reduced by two dollars for every hundred dollars such individual's income exceeds fifteen thousand dollars. The credit shall be claimed as prescribed by the director of the department of revenue. Such credit shall be considered an overpayment of tax and shall be refundable even if the amount of the credit exceeds

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

an individual's tax liability.

3. For all tax years beginning on or after January 1, 2001, but before January 1, 2006, a resident individual who has attained sixty-five years of age on or before the last day of the tax year shall be allowed, for the purpose of offsetting the cost of drugs prescribed for the treatment of chronic illness, a maximum credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, of up to fifty percent of the total cost of such drugs or of the total cost of pharmaceutical insurance purchased to cover the cost of such drugs, but not to exceed one thousand five hundred dollars annually. An individual shall be entitled to the maximum credit allowed by this section if the individual has a Missouri adjusted gross income of up to two hundred percent of the federal poverty level; provided that, no individual who receives full reimbursement for the cost of drugs prescribed for the treatment of chronic illness from Medicare, Medicaid, or from any other pharmaceutical assistance program, or who is a resident of a local, state or federally funded facility shall qualify for the credit allowed pursuant to this section. If an individual's Missouri adjusted gross income is greater than two hundred percent of the federal poverty level, such individual shall be entitled to a credit equal to the greater of zero or the maximum credit allowed by this section reduced by two dollars for every hundred dollars such individual's income exceeds two hundred percent of the federal poverty level. The credit shall be claimed as prescribed by the director of the department of revenue. Such credit shall be considered an overpayment of tax and shall be refundable even if the amount of the credit exceeds an individual's tax liability. For purposes of this section, the term "for the treatment of chronic illness" shall be defined by rule pursuant to chapter 536, RSMo, to include, but not be limited to, generic drugs prescribed for the treatment of cancer, cardiovascular conditions, and diabetic conditions. Brand name drugs may also be included if there is no generic substitute or if the generic prescription is appropriately overridden by the prescribing physician.