

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

ARTICLE I. OFFICE OF PHARMACY ACCESS

SECTION 1. Title 2 of the Municipal Code of Chicago is hereby amended by adding a new Chapter 2-113, as follows:

CHAPTER 2-113 OFFICE OF PHARMACY ACCESS

2-113-010 Definitions.

As used in this chapter:

"Director" means the Director of the Office of Pharmacy Access.

"Office" means the Office of Pharmacy Access.

"Program" means the Municipal Pharmacy Access and Affordability Program established pursuant to Chapter 7-60.

2-113-020 Establishment - Composition.

There is hereby established the Office of Pharmacy Access. The Office shall include the Director of the Office of Pharmacy Access and such assistants and employees as may be provided for in the annual appropriation ordinance.

2-113-030 Director - Appointment.

The Office shall be headed by a Director, who shall be appointed by the Mayor, after consideration of recommendations from the Committee on Health and Human Relations, the Department of Public Health, and persons or entities with relevant experience in pharmacy access, public health, or prescription medication affordability, subject to approval by the City Council.

2-113-040 Powers and duties.

The Office shall develop, implement, administer, coordinate, and monitor policies, programs, agreements, and partnerships that improve access to pharmacy services and reduce barriers to obtaining prescription medications for residents in pharmacy deserts, including the Program established under Chapter 7-60, subject to the availability of duly appropriated funds and applicable federal, State, and local law.

2-113-050 Cooperating departments.

The Department of Public Health and all other departments, offices, boards, and agencies of the City shall cooperate with the Office and shall be authorized to provide to the Office such staff assistance, information, data, records, reports, facilities, and technical assistance as may be

*Committee
on
Health and
Human Relations*

reasonably necessary for the Office to perform its powers and duties under this chapter and Chapter 7-60, subject to applicable law.

SECTION 2. Title 7 of the Municipal Code of Chicago is hereby amended by adding a new Chapter 7-60, as follows:

**CHAPTER 7-60
MUNICIPAL PHARMACY ACCESS
AND AFFORDABILITY PROGRAM**

7-60-010 Definitions.

As used in this chapter:

“Contract pharmacy operator” means a person or entity licensed or otherwise authorized under applicable federal and State law to operate a pharmacy or provide pharmacy services.

“Director” means the Director of the Office of Pharmacy Access.

“Eligible resident” means a person who meets the criteria of Section 7-60-050.

“Federally Qualified Health Center” or “FQHC” means an entity designated under Section 330 of the federal Public Health Service Act.

“Office” means the Office of Pharmacy Access.

“Pharmacy access point” means a physical location, mobile service, delivery service, mail-order service, remote prescription processing arrangement (as defined under 225 ILCS 85/25.10), or other lawful arrangement through which pharmacy services are made available under the Program.

“Pharmacy desert” means a geographic area that has limited access to pharmacy services based on pharmacy closures, distance to the nearest pharmacy, public transportation access, disability access, income, insurance coverage, chronic disease burden, language access, age, and other factors relevant to equitable access to pharmacy services.

“Pharmacy services” means services, functions, or activities related to the practice of pharmacy that are authorized under the Illinois Pharmacy Practice Act.

“Program” means the Municipal Pharmacy Access and Affordability Program established pursuant to this chapter.

7-60-020 Establishment of the Program.

(a) This chapter hereby establishes the Municipal Pharmacy Access and Affordability Program, to be developed, implemented, and administered by the Office for the purposes of improving access to pharmacy services and reducing barriers to obtaining prescription medications for eligible residents in pharmacy deserts.

(b) Subject to the availability of duly appropriated funds, the Director shall direct implementation of the Program and may establish resident eligibility criteria, designate pharmacy deserts, establish access to pharmacy services and affordability requirements, monitor Program performance, and coordinate Program activities with other City departments, sister agencies, and public or private partners.

(c) The Program shall be carried out only through contract pharmacy operators authorized to perform the applicable services under federal and State law. Nothing in this chapter shall be construed to authorize the City, or any person or entity, to engage in the practice of pharmacy except as authorized under applicable federal and State law.

7-60-030 Pharmacy access points.

(a) Pharmacy services under the Program may be made available through one or more pharmacy access points, FQHCs, public health clinics, hospitals, independent pharmacies, or other appropriate locations authorized by law.

(b) The Director shall identify and recommend City-owned, publicly owned, vacant, or underutilized properties in pharmacy deserts that may be suitable for use as a pharmacy access point. Subject to the approval of the Corporation Counsel as to form and legality, and in consultation with the Department of Fleet and Facility Management, the Department of Planning and Development, the Department of Public Health, or any other appropriate City department or Sister Agency, the Director shall negotiate and execute leases, subleases, licenses, intergovernmental agreements, or other lawful arrangements to facilitate Program use.

(c) Nothing in this section shall waive any zoning, building, licensing, permitting, public way, procurement, or other requirement applicable to a location or facility used in connection with the Program.

7-60-040 Procurement and agreements.

(a) The Chief Procurement Officer, in consultation with the Office, may conduct one or more requests for proposals or other solicitations to select one or more contract pharmacy operators or other persons or entities to participate in the Program. Any solicitation may require:

- (1) the proposed pharmacy access point;
- (2) the licenses, registrations, certifications, permits, and approvals required for all services to be provided;
- (3) a plan for providing affordable access to prescription medications and pharmacy services for eligible residents;
- (4) a plan for seeking reimbursement from Medicaid, Medicare, and other third-party payors, where available and consistent with applicable law;
- (5) a plan for language access, disability access, delivery or mail-order services, and other measures to reduce barriers to pharmacy access;
- (6) performance metrics and data reporting necessary to evaluate access, utilization, affordability, and Program compliance; and

(7) any other information, specification, or requirement the Director deems necessary to implement the Program.

7-60-050 Eligible Resident Qualification.

To qualify as an eligible resident under the Program, an individual must:

(a) be a City resident and reside within a pharmacy desert; and

(b) meet one or more of the following:

(1) household income at or below 80 percent of the Chicago area median income as published periodically by the U.S. Department of Housing and Urban Development, adjusted for household size;

(2) is uninsured, underinsured, or enrolled in or is eligible for Medicaid, Medicare, or another means-tested public benefit program; or

(3) is a member of a population that faces barriers to obtaining prescription medications, including, but not limited to, seniors aged 65 or older, persons with disabilities, residents with chronic health conditions, and residents who face transportation, language, or cost barriers, as determined by the Director by rule.

7-60-060 Funding and grants.

(a) The Director may seek, apply for, receive, accept, and expend gifts, grants, services, equipment, supplies, materials, funds, reimbursements, or other resources for the Program, subject to applicable law and the availability of duly appropriated funds.

(b) The Director may coordinate Program funding with federal, State, county, philanthropic, nonprofit, hospital, health system, or community-based partners, provided that all expenditures and agreements comply with applicable law and City contracting requirements.

7-60-070 Compliance and limitations.

(a) All Program activities shall comply with applicable federal, State, and local law, including, without limitation, the Illinois Pharmacy Practice Act, the Illinois Controlled Substances Act, regulations of the U.S. Food and Drug Administration, controlled substances requirements enforced by the Drug Enforcement Administration, health information privacy laws, and all applicable licensing, permitting, reimbursement, and professional practice requirements.

(b) Each contract pharmacy operator shall maintain all licenses, registrations, certifications, permits, insurance, records, and approvals required for the services provided under the Program and shall indemnify the City as required by the applicable contract or agreement.

(c) All clinical decisions and all pharmacy practice functions shall be made solely by licensed professionals or other persons authorized to perform such functions under applicable federal and State law.

(d) All data collected pursuant to this chapter shall be collected, stored, secured, processed, reported, presented, and posted in a manner that protects any personally identifiable information from disclosure. In addition to any applicable requirements, restrictions, or limitations under Chapter 2-173, Chapter 2-178, and Article I of Title 6 of the Municipal Code of Chicago, any release or other disclosure of any data collected pursuant to this chapter, including to any State or federal entity, shall be subject to City Council approval.

(e) Nothing in this chapter shall authorize the City to regulate or license wholesale drug distributors, to engage in wholesale drug distribution, or to take any action preempted by State or federal law.

7-60-080 Reporting.

(a) On or before January 1, 2027, the Director shall provide a written implementation report to the Committee on Health and Human Relations on the status of the Program. The report shall include designated pharmacy deserts, if any, proposed pharmacy access points, if any, anticipated procurement, agreement, or partnership needs, anticipated funding sources, and any barriers to implementation.

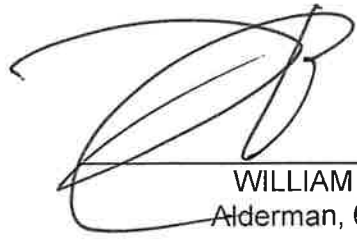
(b) On or before September 1, 2027, and on or before September 1 of each year thereafter, the Director shall submit a written mid-year report to the Committee on Health and Human Relations and shall appear before the Committee to present the report. The report shall include, but need not be limited to:

- (1) designated pharmacy deserts served by the Program;
- (2) pharmacy access points, and contract pharmacy operators;
- (3) services provided and aggregate utilization;
- (4) access for eligible residents;
- (5) affordability measures, low-cost medication access, and third-party reimbursement activity;
- (6) gifts, grants, reimbursements, or other funds received or expended for the Program;
- (7) compliance, performance, resident complaint, and access metrics; and
- (8) recommendations for continuation, expansion, modification, or termination of the Program.

7-60-090 Rulemaking authority.

The Director may promulgate rules necessary to implement this chapter in accordance with applicable law.

SECTION 3. This ordinance takes effect upon passage and publication.



WILLIAM E. HALL
Alderman, 6th Ward

"What you do unto
the least of
these, you do unto
me"
-Matthew 7:12