

117TH CONGRESS
1ST SESSION

H. R. 722

To amend titles XIX and XXI of the Social Security Act to require coverage under the Medicaid program and Children’s Health Insurance Program for vaccines and treatment for COVID–19 without the imposition of cost sharing requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2021

Mr. PAPPAS introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend titles XIX and XXI of the Social Security Act to require coverage under the Medicaid program and Children’s Health Insurance Program for vaccines and treatment for COVID–19 without the imposition of cost sharing requirements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Vaccination
5 and Treatment Affordability Act”.

1 **SEC. 2. COVERAGE AT NO COST SHARING OF COVID-19 VAC-**
2 **CINE AND TREATMENT.**

3 (a) MEDICAID.—

4 (1) IN GENERAL.—Section 1905(a)(4) of the
5 Social Security Act (42 U.S.C. 1396d(a)(4)) is
6 amended—

7 (A) by striking “and (D)” and inserting
8 “(D)”; and

9 (B) by striking the semicolon at the end
10 and inserting “; (E) a COVID-19 vaccine li-
11 censed under section 351 of the Public Health
12 Service Act and the administration of such vac-
13 cine; and (F) items and services furnished for
14 the treatment of COVID-19 or a condition that
15 may complicate the treatment of COVID-19;”.

16 (2) PROHIBITION OF COST SHARING.—

17 (A) IN GENERAL.—Subsections (a)(2) and
18 (b)(2) of section 1916 of the Social Security
19 Act (42 U.S.C. 1396o) are each amended—

20 (i) in subparagraph (F), by striking
21 “or” at the end;

22 (ii) in subparagraph (G), by striking
23 “; and” and inserting “, or”; and

24 (iii) by adding at the end the fol-
25 lowing subparagraphs:

1 “(H) a COVID–19 vaccine licensed under
2 section 351 of the Public Health Service Act
3 and the administration of such vaccine, or

4 “(I) any item or service furnished for the
5 treatment of COVID–19 or a condition that
6 may complicate the treatment of COVID–19;
7 and”.

8 (B) APPLICATION TO ALTERNATIVE COST
9 SHARING.—Section 1916A(b)(3)(B) of the So-
10 cial Security Act (42 U.S.C. 1396o–1(b)(3)(B))
11 is amended—

12 (i) in clause (xi), by striking “any
13 visit” and inserting “any service”; and

14 (ii) by adding at the end the following
15 clauses:

16 “(xii) A COVID–19 vaccine licensed
17 under section 351 of the Public Health
18 Service Act and the administration of such
19 vaccine.

20 “(xiii) An item or service furnished
21 for the treatment of COVID–19 or a con-
22 dition that may complicate the treatment
23 of COVID–19.”.

24 (C) CLARIFICATION.—The amendments
25 made this subsection shall apply with respect to

1 a State plan of a territory in the same manner
2 as a State plan of one of the 50 States.

3 (b) STATE PEDIATRIC VACCINE DISTRIBUTION PRO-
4 GRAM.—Section 1928 of the Social Security Act (42
5 U.S.C. 1396s) is amended—

6 (1) in subsection (a)(1)—

7 (A) in subparagraph (A), by striking “;
8 and” and inserting a semicolon;

9 (B) in subparagraph (B), by striking the
10 period and inserting “; and”; and

11 (C) by adding at the end the following sub-
12 paragraph:

13 “(C) each vaccine-eligible child (as defined
14 in subsection (b)) is entitled to receive a
15 COVID–19 vaccine from a program-registered
16 provider (as defined in subsection (h)(8)) with-
17 out charge for—

18 “(i) the cost of such vaccine; or

19 “(ii) the administration of such vac-
20 cine.”;

21 (2) in subsection (c)(2)—

22 (A) in subparagraph (C)(ii), by inserting “,
23 but may not impose a fee for the administration
24 of a COVID–19 vaccine” before the period; and

1 (B) by adding at the end the following sub-
2 paragraph:

3 “(D) The provider will provide and admin-
4 ister an approved COVID–19 vaccine to a vac-
5 cine-eligible child in accordance with the same
6 requirements as apply under the preceding sub-
7 paragraphs to the provision and administration
8 of a qualified pediatric vaccine to such a
9 child.”; and

10 (3) in subsection (d)(1), in the first sentence,
11 by inserting “, including with respect to a COVID–
12 19 vaccine licensed under section 351 of the Public
13 Health Service Act” before the period.

14 (c) CHIP.—

15 (1) IN GENERAL.—Section 2103(c) of the So-
16 cial Security Act (42 U.S.C. 1397cc(c)) is amended
17 by adding at the end the following paragraph:

18 “(11) COVERAGE OF COVID–19 VACCINES AND
19 TREATMENT.—The child health assistance provided
20 to a targeted low-income child shall include coverage
21 of—

22 “(A) any COVID–19 vaccine licensed
23 under section 351 of the Public Health Service
24 Act and the administration of such vaccine; and

1 “(B) any item or service furnished for the
 2 treatment of COVID–19 or a condition that
 3 may complicate the treatment of COVID–19.”.

4 (2) PROHIBITION OF COST SHARING.—Section
 5 2103(e)(2) of the Social Security Act (42 U.S.C.
 6 1397cc(e)(2)), as amended by section 6004(b)(3) of
 7 the Families First Coronavirus Response Act, is
 8 amended—

9 (A) in the paragraph header, by inserting
 10 “A COVID–19 VACCINE, COVID–19 TREATMENT,”
 11 before “OR PREGNANCY-RELATED ASSISTANCE”;
 12 and

13 (B) by striking “visits described in section
 14 1916(a)(2)(G), or” and inserting “services de-
 15 scribed in section 1916(a)(2)(G), vaccines de-
 16 scribed in section 1916(a)(2)(H), items or serv-
 17 ices described in section 1916(a)(2)(I), or”.

18 (d) CONFORMING AMENDMENTS.—Section 1937 of
 19 the Social Security Act (42 U.S.C. 1396u–7) is amend-
 20 ed—

21 (1) in subsection (a)(1)(B), by inserting “,
 22 under subclause (XXIII) of section
 23 1902(a)(10)(A)(ii),” after “section
 24 1902(a)(10)(A)(i)”;

1 (2) in subsection (b)(5), by adding before the
2 period the following: “, and, effective on the date of
3 the enactment of the Ensuring Vaccination and
4 Treatment Affordability Act, must comply with sub-
5 paragraphs (F) through (I) of subsections (a)(2)
6 and (b)(2) of sections 1916 and 1916A”.

7 (e) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date of enactment of
9 this Act and shall apply with respect to a COVID–19 vac-
10 cine beginning on the date that such vaccine is licensed
11 under section 351 of the Public Health Service Act (42
12 U.S.C. 262).

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