

H.R.12

To expand the access and usage of pre-exposure prophylaxis.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

February 27th, 2023

Mrs. Kallis (for herself,) introduced the following bill;

A BILL

To expand the access and usage of pre-exposure prophylaxis.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “PrEP Access Act.”

SEC. 2. FINDING.

The Congress of the United States, in the context of the passage of this act, finds that access to PrEP treatment remains a vital issue in many communities, particularly rural ones, across the United States.

SEC. 3. DEFINITIONS.

- (a) “DEPARTMENT”, DEFINED.—In this act, the term “Department” may be defined as the Department of Health and Human Services.
- (b) “SECRETARY”, DEFINED.—In this act, the term “Secretary” may be defined as the Secretary of Health and Human Services .
- (c) “RURAL HEALTH CLINIC”, DEFINED.—In this act, the term “rural health clinic” may be defined as any health clinic in a rural area.
- (d) “RURAL AREA”, DEFINED.—In this act, the term “rural area” may be defined as any non-urban area, as defined by the U.S. Census Bureau.
- (e) “STATE”, DEFINED.—In this act, the term “State” may be defined as any state, territory of the United States, and the District of Columbia.

- (f) “CHIEF HEALTH AGENCY”, DEFINED.—In this act, the term “chief health agency” may be defined as the Department, Agency, or Division which the Secretary deems as the main operative Department, Agency, or Division of a government of a state which is tasked with carrying out the laws related to health and welfare of that state.
- (g) “PREP TREATMENT”, DEFINED.—In this act, the term “PrEP treatment” may be defined as pre-exposure prophylaxis used to treat human immunodeficiency virus and autoimmune deficiency syndrome.

SEC. 4. RURAL ACCESS PROGRAM.

- (a) IN GENERAL.—The Secretary shall establish the “PrEP Rural Access Program” (hereinafter referred to in this section as the “Program”) for the purposes of distributing, under the provisions of this section, to rural health clinics, PrEP treatment.
- (b) DISTRIBUTION.—
 - (1) APPLICATION.—The Secretary shall promulgate an application, which shall be made readily available, in online and physical form, for rural health clinics to apply to receive PrEP treatments. The information included to be required in the application shall be at the discretion of the Secretary.
 - (2) ACCEPTANCE AND DETERMINATION.—
 - (A) IN GENERAL.—The Secretary shall decide whether or not to accept the application and distribute PrEP treatments to the rural health clinic.
 - (B) AMOUNT.—The Secretary shall determine an amount of available PrEP treatments to distribute, to the rural health clinic, using readily available and relevant information, including but not limited to the population of the area within a ten mile radius of the rural health clinic.
 - (C) DISTRIBUTION.—Once the number under subparagraph (B) has been determined, the Secretary shall distribute the total amount of PrEP treatment, to the rural health clinic, alongside being authorized to distribute money, from the program, for the purpose of related expenditures, for the purpose of distributing the PrEP treatment to individuals.
 - (3) HOTSPOTS.—
 - (A) IN GENERAL.—The Secretary shall be authorized to determine hotspots, in rural areas, in which

individuals are more prone to the transmission of human immunodeficiency virus infection and acquired immunodeficiency syndrome.

(B) DISTRIBUTION WITHIN HOTSPOTS.—

- (i) IN GENERAL.—After determining a hotspot, the Secretary shall be authorized to distribute PrEP treatment to rural health clinics within a five mile radius of the hotspot, alongside being authorized to distribute money from the program, for the purpose of related expenditures, for the purpose of distributing the PrEP treatment, without an application.
- (ii) LIMITATION.—No rural health clinic shall be distributed PrEP treatment, or disbursed money for the purpose of related expenditures, under this paragraph, without being alerted, from the Secretary, at least two weeks in advance, with the requirements for usage pursuant to subsection (b)(3)(C) of this act and providing explicit consent to the Secretary.

(C) REQUIREMENTS.—The Secretary shall promulgate and publish a list of restrictions and requirements for spending the money distributed under this Act.

- (c) NON-HOTSPOT AREAS.—It shall be within the discretion of the Secretary, or someone who they designate, to attempt to coach applications from rural health clinics to expand access to PrEP treatment.
- (d) IN GENERAL.—The Secretary shall, within the program, establish a fund to educate rural health clinics, and the professionals within, on how to properly and efficiently administer PrEP treatment.
- (e) FUND PROGRAM.—In conjunction with section 5(a), the Secretary shall—
 - (1) hire professionals to travel and education on treatment;
 - (2) establish online courses at various levels; and
 - (3) take other steps that the Secretary deems proper to education professionals on the administration of PrEP treatment under this section.

SEC. 6. APPROPRIATIONS.

There is authorized to be appropriated a sum not exceeding \$2,000,000,000.00 to the Secretary of Health and Human Services each fiscal year, for the purposes of carrying out the provisions of this act.

SEC. 7. SUPREMACY.

For any provision of any statute that contradicts any section of this act, the contradictory provision of that statute shall be struck and nullified.

SEC. 8. SEVERABILITY.

The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, clause, subclause, provision, or amendment made by the application of this act is deemed unconstitutional or unenforceable, it shall be struck. The remaining sections, subsections, paragraphs, subparagraphs, clauses, and subclauses, provisions, or amendments made by the application of this act shall remain valid, enforceable, and in effect.

SEC. 9. ENACTMENT.

The provisions of this Act shall go into effect immediately upon passage.