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.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2021

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

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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.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ensuring Vaccination

and Treatment Affordability Act”.

SEC. 2. COVERAGE AT NO COST SHARING OF COVID–19 VACCINE AND TREATMENT.

(a) MEDICAID.—

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

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

(B) by striking the semicolon at the end and inserting “; (E) a COVID–19 vaccine licensed under section 351 of the Public Health Service Act and the administration of such vaccine; and (F) items and services furnished for the treatment of COVID–19 or a condition that may complicate the treatment of COVID–19;”.

(2) PROHIBITION OF COST SHARING.—

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

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

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

(iii) by adding at the end the following subparagraphs:
“(H) a COVID–19 vaccine licensed under section 351 of the Public Health Service Act and the administration of such vaccine, or
“(I) any item or service furnished for the treatment of COVID–19 or a condition that may complicate the treatment of COVID–19; and”.

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended—

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

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

“(xii) A COVID–19 vaccine licensed under section 351 of the Public Health Service Act and the administration of such vaccine.
“(xiii) An item or service furnished for the treatment of COVID–19 or a condition that may complicate the treatment of COVID–19.”.

(C) CLARIFICATION.—The amendments made this subsection shall apply with respect to
a State plan of a territory in the same manner as a State plan of one of the 50 States.

(b) **State Pediatric Vaccine Distribution Program.**—Section 1928 of the Social Security Act (42 U.S.C. 1396s) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ‘‘; and’’ and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting ‘‘; and’’; and

(C) by adding at the end the following subparagraph:

‘‘(C) each vaccine-eligible child (as defined in subsection (b)) is entitled to receive a COVID–19 vaccine from a program-registered provider (as defined in subsection (h)(8)) without charge for—

‘‘(i) the cost of such vaccine; or

‘‘(ii) the administration of such vaccine.’’;

(2) in subsection (c)(2)—

(A) in subparagraph (C)(ii), by inserting ‘‘, but may not impose a fee for the administration of a COVID–19 vaccine’’ before the period; and
(B) by adding at the end the following sub-
paragraph:

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

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

(e) CHIP.—

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

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

“(A) any COVID–19 vaccine licensed
under section 351 of the Public Health Service
Act and the administration of such vaccine; and
“(B) any item or service furnished for the
treatment of COVID–19 or a condition that
may complicate the treatment of COVID–19.”.

(2) Prohibition of cost sharing.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)), as amended by section 6004(b)(3) of the Families First Coronavirus Response Act, is amended—

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

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

(d) Conforming Amendments.—Section 1937 of
the Social Security Act (42 U.S.C. 1396u–7) is amend-
ed—

(1) in subsection (a)(1)(B), by inserting “, under subclause (XXIII) of section
1902(a)(10)(A)(ii),” after “section
1902(a)(10)(A)(i)”; and
(2) in subsection (b)(5), by adding before the period the following: “, and, effective on the date of the enactment of the Ensuring Vaccination and Treatment Affordability Act, must comply with sub-paragraphs (F) through (I) of subsections (a)(2) and (b)(2) of sections 1916 and 1916A”.

(e) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply with respect to a COVID–19 vaccine beginning on the date that such vaccine is licensed under section 351 of the Public Health Service Act (42 U.S.C. 262).