

119TH CONGRESS
2D SESSION

S. 5231

To remove limitations under Medicaid, Medicare, CHIP, and the Department of Veterans Affairs on benefits for persons in custody pending disposition of charges.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2026

Mr. MARKEY (for himself, Mr. MERKLEY, Ms. KLOBUCHAR, Ms. BALDWIN, Mr. BOOKER, Ms. WARREN, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To remove limitations under Medicaid, Medicare, CHIP, and the Department of Veterans Affairs on benefits for persons in custody pending disposition of charges.

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 “Equity in Pretrial
5 Health Coverage Act”.

6 **SEC. 2. REMOVAL OF INMATE LIMITATION ON BENEFITS**

7 **UNDER MEDICAID, MEDICARE, CHIP, AND**

8 **THE DEPARTMENT OF VETERANS AFFAIRS.**

9 (a) MEDICAID.—

1 (1) IN GENERAL.—Section 1902(a)(84)(A) of
2 the Social Security Act (42 U.S.C. 1396a(a)(84)(A))
3 is amended by striking “(or in the case of such an
4 individual who is an eligible juvenile (as defined in
5 subsection (nn)(2)) and a State electing the option
6 described in the subdivision (A) following the last
7 numbered paragraph of section 1905(a), during such
8 period beginning after the disposition of charges
9 with respect to such individual)” and inserting “(ex-
10 cept for any portion of such period during which the
11 individual is in custody pending disposition of
12 charges)”.

13 (2) MEDICAL ASSISTANCE.—Section 1905(a) of
14 the Social Security Act (42 U.S.C. 1396d(a)) is
15 amended in the subdivision (A) that follows the last
16 numbered paragraph of such section by striking “,
17 or, at the option of the State, for an individual who
18 is an eligible juvenile (as defined in section
19 1902(nn)(2)), while such individual is an inmate of
20 a public institution (as defined in section
21 1902(nn)(3)) pending disposition of charges” and
22 inserting “, or in the case of care or services fur-
23 nished to an individual who is in custody pending
24 disposition of charges”.

1 (b) MEDICARE.—Section 1862(a)(3) of the Social Se-
 2 curity Act (42 U.S.C. 1395y(a)(3)) is amended by insert-
 3 ing “in the case of items or services furnished to individ-
 4 uals who are in custody pending disposition of charges,”
 5 after “1880(e),”.

6 (c) CHIP.—

7 (1) EXCEPTIONS TO EXCLUSION OF CHILDREN
 8 WHO ARE INMATES OF A PUBLIC INSTITUTION.—
 9 Section 2110(b)(7) of the Social Security Act (42
 10 U.S.C. 1397jj(b)(7)) is amended to read as follows:

11 “(7) EXCEPTIONS TO EXCLUSION OF CHILDREN
 12 WHO ARE INMATES OF A PUBLIC INSTITUTION.—In
 13 the case of a child who is an inmate of a public in-
 14 stitution, the child shall not be considered to be de-
 15 scribed in paragraph (2)(A)—

16 “(A) during the period that the child is an
 17 inmate of such institution pending disposition
 18 of charges; and

19 “(B) during the 30 days prior to the re-
 20 lease of the child from such institution with re-
 21 spect to the screenings, diagnostic services, re-
 22 ferrals, and case management services otherwise
 23 covered under the State child health plan (or
 24 waiver of such plan) that the State is required
 25 to provide under section 2102(d)(2).”.

1 (2) CONFORMING AMENDMENTS.—Section
2 2102(d)(1) of such Act (42 U.S.C. 1397bb(d)(1)) is
3 amended—

4 (A) in subparagraph (A), by inserting
5 “(except for any portion of such period during
6 which the child or pregnant woman is in cus-
7 tody pending disposition of charges)” after “is
8 such an inmate”; and

9 (B) in subparagraph (C), by striking “ex-
10 ception” and inserting “exceptions”.

11 (d) MODIFICATION OF INMATE LIMITATION ON
12 HEALTH CARE BENEFITS FROM DEPARTMENT OF VET-
13 ERANS AFFAIRS.—The Secretary of Veterans Affairs shall
14 modify section 17.38(c)(5) of title 38, Code of Federal
15 Regulations, or successor regulations, to ensure that the
16 exclusion of veterans who are inmates from eligibility for
17 health care from the Department of Veterans Affairs
18 under such section does not apply to veterans who are in
19 custody pending disposition of charges.

20 (e) EFFECTIVE DATES.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the amendments made in this Act shall
23 take effect on the first day of the first calendar
24 quarter that begins more than 60 days after the
25 date of enactment of this Act and shall apply to

1 items and services furnished for periods beginning
2 on or after such date.

3 (2) DEPARTMENT OF VETERANS AFFAIRS.—
4 Subsection (d) shall take effect on the date of enact-
5 ment of this Act.

○