

109TH CONGRESS
1ST SESSION

H. R. 2626

To amend titles XVIII and XIX of the Social Security Act to prohibit coverage under the Medicare and Medicaid Programs of sex-enhancing drugs for individuals convicted of a sex offense.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2005

Mr. EDWARDS (for himself and Mr. BONILLA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles XVIII and XIX of the Social Security Act to prohibit coverage under the Medicare and Medicaid Programs of sex-enhancing drugs for individuals convicted of a sex offense.

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

1 **SECTION 1. PROHIBITION OF COVERAGE UNDER THE MEDI-**
2 **CARE AND MEDICAID PROGRAMS OF SEX-EN-**
3 **HANCING DRUGS FOR INDIVIDUALS CON-**
4 **VICTED OF A SEX OFFENSE.**

5 (a) **MEDICARE PROGRAM.**—Section 1860D-
6 2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w-
7 102(e)(2)(A)) is amended by adding at the end the fol-
8 lowing: “Such term also does not include prescription
9 drugs, such as Viagra, used for sex enhancement for any
10 individual who has been convicted of a sex offense, as de-
11 fined by the Secretary and including rape, sexual assault,
12 and child molestation.”.

13 (b) **MEDICAID PROGRAM.**—The first sentence of sec-
14 tion 1905(a) of such Act (42 U.S.C. 1396d(a)) is amend-
15 ed, in the matter following paragraph (28)—

16 (1) by striking “or” at the end of subparagraph
17 (A);

18 (2) by striking the period at the end of sub-
19 paragraph (B) and inserting “; or”; and

20 (3) by adding at the end the following new sub-
21 paragraph:

22 “(C) any such payments with respect to pre-
23 scribed drugs, such as Viagra, used for sex enhance-
24 ment for any individual who has been convicted of
25 a sex offense, as defined by the Secretary under sec-
26 tion 1860D-1(e)(2)(A).”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act and shall apply to drugs dispensed after such
4 date.

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