

109TH CONGRESS  
1ST SESSION

# H. R. 3566

To provide that no Federal funds may be expended for the payment or reimbursement of drugs when prescribed for the treatment of erectile or sexual dysfunction.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. KING of Iowa introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Government Reform, Armed Services, Veterans' Affairs, Resources, International Relations, and Judiciary, 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 provide that no Federal funds may be expended for the payment or reimbursement of drugs when prescribed for the treatment of erectile or sexual dysfunction.

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. NO FEDERAL FUNDS FOR DRUGS WHEN PRE-  
4 SCRIBED FOR THE TREATMENT OF ERECTILE  
5 OR SEXUAL DYSFUNCTION.  
6 (a) RESTRICTION.—

## 8 (2) PROGRAMS DESCRIBED.—

9 (A) IN GENERAL.—The programs de-  
10 scribed in this paragraph are the following:

11 (i) The Medicare program under title  
12 XVIII of the Social Security Act.

13 (ii) The Medicaid program under title  
14 XIX of the Social Security Act.

15 (iii) The social services block grant  
16 program under title XX of the Social Secu-  
17 rity Act.

18 (iv) The maternal and child health  
19 block grant program under title V of the  
20 Social Security Act.

21 (v) The Public Health Service Act.

22 (vi) Health related programs adminis-  
23 tered by the Indian Health Service and  
24 programs under the Indian Health care  
25 Improvement Act.

1 (vii) The Federal employees health  
2 benefits program (FEHBP) under chapter  
3 89 of title 5, United States Code.

4 (viii) The military health programs  
5 under chapter 55 of title 10, United States  
6 Code.

7 (ix) Medical care furnished by the  
8 Secretary of Veterans Affairs under chap-  
9 ter 17 of title 38, United States Code.

10 (x) Health services for Peace Corps  
11 volunteers under section 5(e) of the Peace  
12 Corps Act (22 U.S.C. 2504(e)).

13 (xi) Medical services for Federal pris-  
14 oners under section 4005(a) of title 18,  
15 United States Code.

16 (B) FEDERAL HEALTH CARE PROGRAM DE-  
17 FINED.—For purposes of this section, the term  
18 “Federal health care program” has the mean-  
19 ing given such term in section 1128B(f)(1) of  
20 the Social Security Act, 42 U.S.C. 1320a-  
21 7b(f)(1), disregarding the reference in such sec-  
22 tion to chapter 89 of title 5, United States  
23 Code.

24 (C) NONEXCLUSIVE LIST.—Nothing in this  
25 paragraph shall be construed as limiting the ap-

1 plication of paragraph (1) to the programs de-  
2 scribed in subparagraph (A).

3 (b) CONFORMING AMENDMENTS FOR SPECIFIC PRO-  
4 GRAMS.—

5 (1) MEDICARE AND MEDICAID PROGRAMS.—(A)  
6 Section 1927(d)(2) of the Social Security Act (42  
7 U.S.C. 1396r-8(d)(2)) is amended by adding at the  
8 end the following new subparagraph:

9 “(K) Agents when prescribed for the treat-  
10 ment of erectile or sexual dysfunction.”.

11 (B) EXCLUDING FEDERAL FUNDING FOR MED-  
12 ICAID COVERAGE FOR DRUGS WHEN PRESCRIBED  
13 FOR THE TREATMENT OF ERECTILE OR SEXUAL  
14 DYSFUNCTION.—Section 1903(i) of such Act (42  
15 U.S.C. 1396b(i)) is amended by inserting after para-  
16 graph (8) the following new paragraph:

17 “(9) with respect to covered outpatient drugs  
18 when prescribed for the treatment of erectile or sex-  
19 ual dysfunction; or”.

20 (2) FEHBP.—Section 8904 of title 5, United  
21 States Code, is amended by adding at the end the  
22 following new subsection:

23 “(c) A plan may not provide benefits for drugs when  
24 prescribed for the treatment of erectile or sexual dysfunc-  
25 tion.”.

3 (A) by redesignating subsection (g) as sub-  
4 section (h); and

5 (B) by inserting after subsection (f) the  
6 following new subsection:

7       “(g) Notwithstanding any other provision of this sec-  
8   tion, the pharmacy benefit program shall not include any  
9   benefits for drugs when prescribed for the treatment of  
10   erectile or sexual dysfunction.”.

11 (4) VETERANS' HEALTH.—Section 1707 of title  
12 38, United States Code, is amended by adding at  
13 the end the following new subsection:

14       “(c) Funds appropriated to carry out this chapter  
15 may not be used for the provision of drugs when pre-  
16 scribed for the treatment of erectile or sexual dysfunc-  
17 tion.”.

18 (5) IHS PROGRAMS.—Section 225 of the Indian  
19 Health Care Improvement Act (25 U.S.C. 1621x) is  
20 amended—

21 (A) by inserting "(a)" before "Amounts  
22 appropriated"; and

23 (B) by adding at the end the following new  
24 subsection:

1        “(b) Funds appropriated to carry out this title may  
2 not be used for the provision of drugs when prescribed  
3 for the treatment of erectile or sexual dysfunction.”.

4        (c) EFFECTIVE DATE.—This section shall apply to  
5 drugs dispensed after the date of enactment of this Act.

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