

119TH CONGRESS
1ST SESSION

H. R. 5127

To amend title XXVII of the Public Health Service Act, titles XVIII, XIX, and XXI of the Social Security Act, and title 5, United States Code, to require no-cost coverage of certain HIV prevention services.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 4, 2025

Ms. WATERS (for herself, Mr. GARCIA of California, Mr. NADLER, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. KRISHNAMOORTHY, Ms. GARCIA of Texas, Ms. VELÁZQUEZ, Ms. SEWELL, Mr. CARSON, Mr. JACKSON of Illinois, Ms. TITUS, Mr. JOHNSON of Georgia, Mrs. McIVER, Mrs. BEATTY, Mr. CLEAVER, Mr. COHEN, Ms. WILSON of Florida, Ms. SIMON, Mr. THANEDAR, Mr. MULLIN, Mrs. RAMIREZ, Ms. BARRAGÁN, Mrs. WATSON COLEMAN, Ms. TLAIB, Ms. CLARKE of New York, and Ms. WILLIAMS of Georgia) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, 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 title XXVII of the Public Health Service Act, titles XVIII, XIX, and XXI of the Social Security Act, and title 5, United States Code, to require no-cost coverage of certain HIV prevention services.

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. SHORT TITLE.**

2 This Act may be cited as the “PrEP and PEP are
3 Prevention Act”.

4 **SEC. 2. NO-COST COVERAGE OF HIV PREVENTION SERV-**
5 **ICES.**

6 (a) PRIVATE INSURANCE.—

7 (1) IN GENERAL.—Section 2713(a) of the Pub-
8 lic Health Service Act (42 U.S.C. 300gg–13(a)) is
9 amended—

10 (A) in paragraph (2), by striking “; and”
11 and inserting a semicolon;

12 (B) in paragraph (3), by striking the pe-
13 riod and inserting a semicolon;

14 (C) in paragraph (4), by striking the pe-
15 riod and inserting a semicolon;

16 (D) in paragraph (5), by striking the pe-
17 riod and inserting “; and”; and

18 (E) by adding at the end the following:

19 “(6) any prescription drug approved by the
20 Food and Drug Administration for the prevention of
21 HIV (other than a drug subject to preauthorization
22 requirements consistent with section 2729A), includ-
23 ing any such drug approved for use as pre-exposure
24 prophylaxis (commonly referred to as ‘PrEP’) or as
25 post-exposure prophylaxis (commonly referred to as
26 ‘PEP’), administrative fees for such drugs, labora-

1 tory and other diagnostic procedures associated with
2 the use of such drugs, counseling with respect to
3 HIV prevention (including HIV risk assessment,
4 HIV risk reduction, and medication adherence), and
5 clinical follow up and monitoring, including any re-
6 lated services recommended in current United States
7 Public Health Service clinical practice guidelines,
8 without limitation.”.

9 (2) PROHIBITION ON PREAUTHORIZATION RE-
10 QUIREMENTS.—Subpart II of part A of title XXVII
11 of the Public Health Service Act (42 U.S.C. 300gg–
12 11 et seq.) is amended by adding at the end the fol-
13 lowing:

14 **“SEC. 2729A. PROHIBITION ON PREAUTHORIZATION RE-**
15 **QUIREMENTS WITH RESPECT TO CERTAIN**
16 **SERVICES.**

17 “A group health plan or a health insurance issuer of-
18 fering group or individual health insurance coverage shall
19 not impose any preauthorization requirements with re-
20 spect to coverage of the services described in section
21 2713(a)(6), except that a plan or issuer may impose
22 preauthorization requirements with respect to coverage of
23 a particular drug approved under section 505(c) of the
24 Federal Food, Drug, and Cosmetic Act or section 351(a)
25 of this Act if such plan or issuer provides coverage without

1 any preauthorization requirements for a drug that is ther-
 2 apeutically equivalent.”.

3 (3) EFFECTIVE DATE.—The amendments made
 4 by this subsection shall apply beginning with respect
 5 to the first plan year beginning after the date of en-
 6 actment of this section.

7 (b) MEDICARE.—

8 (1) COVERAGE OF HIV PREVENTION SERVICES
 9 UNDER PART B.—

10 (A) COVERAGE.—

11 (i) IN GENERAL.—Section 1861(s)(2)
 12 of the Social Security Act (42 U.S.C.
 13 1395x(s)(2)) is amended—

14 (I) in subparagraph (JJ), by in-
 15 serting “and” at the end; and

16 (II) by adding at the end the fol-
 17 lowing new subparagraph:

18 “(KK) HIV prevention services (as defined in
 19 subsection (nnn));”.

20 (ii) DEFINITION.—Section 1861 of
 21 the Social Security Act (42 U.S.C. 1395x)
 22 is amended by adding at the end the fol-
 23 lowing new subsection:

24 “(nnn) HIV PREVENTION SERVICES.—The term
 25 ‘HIV prevention services’ means—

1 “(1) drugs or biologicals approved by the Food
2 and Drug Administration for the prevention of HIV,
3 including any such drug or biological approved for
4 use as pre-exposure prophylaxis (commonly referred
5 to as ‘PrEP’) or as post-exposure prophylaxis (com-
6 monly referred to as ‘PEP’);

7 “(2) administrative fees for such drugs and
8 biologicals;

9 “(3) laboratory and other diagnostic procedures
10 associated with the use of such drugs and
11 biologicals;

12 “(4) counseling with respect to HIV prevention,
13 including HIV risk assessment, HIV risk reduction,
14 and medication adherence; and

15 “(5) clinical follow up and monitoring, including
16 any related services recommended in current United
17 States Public Health Service clinical practice guide-
18 lines, without limitation.”.

19 (B) ELIMINATION OF COINSURANCE.—Sec-
20 tion 1833(a)(1) of the Social Security Act (42
21 U.S.C. 1395l(a)(1)) is amended—

22 (i) by striking “and (HH)” and in-
23 serting “(HH)”; and

24 (ii) by inserting before the semicolon
25 at the end the following: “, and (II) with

respect to HIV prevention services (as defined in section 1861(nnn)), the amount paid shall be 100 percent of (i) except as provided in clause (ii), the lesser of the actual charge for the service or the amount determined under the fee schedule that applies to such services under this part, and (ii) in the case of such services that are covered OPD services (as defined in subsection (t)(1)(B)), the amount determined under subsection (t)”.

(C) EXEMPTION FROM PART B DEDUCTIBLE.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(i) by striking “, and (13)” and inserting “(13)”;

(ii) by striking “1861(n).” and inserting “1861(n), and (14) such deductible shall not apply with respect to HIV prevention services (as defined in section 1861(nnn)(1)).”.

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to items and services furnished on or after January 1 of

1 the first calendar year beginning after the date
2 of enactment of this section.

3 (2) ELIMINATION OF COST-SHARING FOR
4 DRUGS FOR THE PREVENTION OF HIV UNDER PART
5 D.—

6 (A) IN GENERAL.—Section 1860D–2 of
7 the Social Security Act (42 U.S.C. 1395w–
8 102(b)) is amended—

9 (i) in subsection (b)—

10 (I) in paragraph (1)(A), by strik-
11 ing “and (9)” and inserting “, (9),
12 and (10)”;

13 (II) in paragraph (2)—

14 (aa) in subparagraph (A),
15 by striking “and (9)” and insert-
16 ing “, (9), and (10)”;

17 (bb) in subparagraph (C)(i),
18 in the matter preceding subclause
19 (I), by striking “and (9)” and in-
20 serting “(9), and (10)”;

21 (cc) in subparagraph (D)(i),
22 in the matter preceding subclause
23 (I), by striking “and (9)” and in-
24 serting “(9), and (10)”;

1 (III) in paragraph (3)(A), in the
 2 matter preceding clause (i), by strik-
 3 ing “and (9)” and inserting “(9), and
 4 (10)”;

5 (IV) in paragraph (4)(A)(i), by
 6 striking “and (9)” and inserting “,
 7 (9), and (10)”;

8 (V) by adding at the end the fol-
 9 lowing new paragraph:

10 “(10) ELIMINATION OF COST-SHARING FOR
 11 DRUGS FOR THE PREVENTION OF HIV.—With re-
 12 spect to a covered part D drug that is for the pre-
 13 vention of HIV—

14 “(A) the deductible under paragraph (1)
 15 shall not apply; and

16 “(B) there shall be no coinsurance or other
 17 cost-sharing under this part with respect to
 18 such drug.”; and

19 (ii) in subsection (c), by adding at the
 20 end the following new paragraph:

21 “(7) TREATMENT OF COST-SHARING FOR
 22 DRUGS FOR THE PREVENTION OF HIV.—The cov-
 23 erage is provided in accordance with subsection
 24 (b)(10).”.

(B) CONFORMING AMENDMENTS TO COST-SHARING FOR LOW-INCOME INDIVIDUALS.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(i) in paragraph (1)(D), in each of clauses (ii) and (iii), by striking “paragraph (6)” and inserting “paragraphs (6) and (7)”;

(ii) in paragraph (2)—

(I) in subparagraph (B), by striking “and (9)” and inserting “, (9), and (10)”;

(II) in subparagraph (D), by striking “paragraph (6)” and inserting “paragraphs (6) and (7)”;

(III) in subparagraph (E), by striking “paragraph (6)” and inserting “paragraphs (6) and (7)”;

(iii) by adding at the end the following new paragraph:

“(7) NO APPLICATION OF COST-SHARING OR DEDUCTIBLE FOR DRUGS FOR THE PREVENTION OF HIV.—With respect to a covered part D drug that is for the prevention of HIV—

1 “(A) the deductible under section 1860D–
2 2(b)(1) shall not apply; and

3 “(B) there shall be no cost-sharing under
4 this section with respect to such drug.”.

5 (C) EFFECTIVE DATE.—The amendments
6 made by this paragraph shall apply beginning
7 with respect to the first plan year beginning
8 after the date of enactment of this section.

9 (c) MEDICAID AND CHIP.—

10 (1) MEDICAID.—

11 (A) IN GENERAL.—Section 1905 of the So-
12 cial Security Act (42 U.S.C. 1396d) is amend-
13 ed—

14 (i) in subsection (a)(4)—

15 (I) by striking “; and (D)” and
16 inserting “; (D)”;

17 (II) by striking “; and (E)” and
18 inserting “; (E)”;

19 (III) by striking “; and (F)” and
20 inserting “; (F)”;

21 (IV) by striking the semicolon at
22 the end and inserting “; and (G) HIV
23 prevention services;”;

24 (ii) by adding at the end the following
25 new subsection:

1 “(II) HIV PREVENTION SERVICES.—For purposes of
2 subsection (a)(4)(G), the term ‘HIV prevention services’
3 means prescription drugs approved by the Food and Drug
4 Administration for the prevention of HIV, including any
5 such drug approved for use as pre-exposure prophylaxis
6 (commonly referred to as ‘PrEP’) or as post-exposure pro-
7 phylaxis (commonly referred to as ‘PEP’), administrative
8 fees for such drugs, laboratory and other diagnostic proce-
9 dures associated with the use of such drugs, counseling
10 with respect to HIV prevention (including HIV risk as-
11 sessment, HIV risk reduction, and medication adherence),
12 and clinical follow up and monitoring, including any re-
13 lated services recommended in current United States Pub-
14 lic Health Service clinical practice guidelines, without limi-
15 tation.”.

16 (B) NO COST-SHARING.—Title XIX of the
17 Social Security Act (42 U.S.C. 1396 et seq.) is
18 amended—

19 (i) in section 1916, by inserting “HIV
20 prevention services described in section
21 1905(a)(4)(G),” after “section
22 1905(a)(4)(C),” each place it appears; and
23 (ii) in section 1916A(b)(3)(B), by
24 adding at the end the following new clause:

1 “(xv) HIV prevention services de-
2 scribed in section 1905(a)(4)(G).”.

3 (C) INCLUSION IN BENCHMARK COV-
4 ERAGE.—Section 1937(b)(7) of the Social Secu-
5 rity Act (42 U.S.C. 1396u–7(b)(7)) is amend-
6 ed—

7 (i) in the paragraph header, by insert-
8 ing “AND HIV PREVENTION SERVICES”
9 after “SUPPLIES”; and

10 (ii) by striking “includes for any indi-
11 vidual described in section 1905(a)(4)(C),
12 medical assistance for family planning
13 services and supplies in accordance with
14 such section” and inserting “includes med-
15 ical assistance for HIV prevention services
16 described in section 1905(a)(4)(G), and in-
17 cludes, for any individual described in sec-
18 tion 1905(a)(4)(C), medical assistance for
19 family planning services and supplies in ac-
20 cordance with such section”.

21 (2) CHIP.—

22 (A) IN GENERAL.—Section 2103 of the So-
23 cial Security Act (42 U.S.C. 1397cc), as
24 amended by section 11405(b)(1) of Public Law
25 117–169, is amended—

1 (i) in subsection (a), by striking “and
 2 (8)” and inserting “(8), and (13)”; and
 3 (ii) in subsection (c), by adding at the
 4 end the following new paragraph:

5 “(13) HIV PREVENTION SERVICES.—Regard-
 6 less of the type of coverage elected by a State under
 7 subsection (a), the child health assistance provided
 8 for a targeted low-income child, and, in the case of
 9 a State that elects to provide pregnancy-related as-
 10 sistance pursuant to section 2112, the pregnancy-re-
 11 lated assistance provided for a targeted low-income
 12 pregnant woman (as such terms are defined for pur-
 13 poses of such section), shall include coverage of HIV
 14 prevention services (as defined in section 1905(l)).”.

15 (B) No COST-SHARING.—Section
 16 2103(e)(2) of the Social Security Act (42
 17 U.S.C. 1397cc(e)(2)) is amended by inserting
 18 “HIV prevention services described in sub-
 19 section (c)(13),” before “or for pregnancy-re-
 20 lated assistance”.

21 (3) EFFECTIVE DATE.—

22 (A) IN GENERAL.—Subject to subpara-
 23 graph (B), the amendments made by this sub-
 24 section shall take effect on January 1 of the

1 first calendar year beginning after the date of
2 enactment of this section.

3 (B) DELAY PERMITTED IF STATE LEGISLA-
4 TION REQUIRED.—In the case of a State plan
5 approved under title XIX or XXI of the Social
6 Security Act which the Secretary of Health and
7 Human Services determines requires State leg-
8 islation (other than legislation appropriating
9 funds) in order for the plan to meet the addi-
10 tional requirements imposed by this section, the
11 State plan shall not be regarded as failing to
12 comply with the requirements of such title sole-
13 ly on the basis of the failure of the plan to meet
14 such additional requirements before the 1st day
15 of the 1st calendar quarter beginning after the
16 close of the 1st regular session of the State leg-
17 islature that ends after the 1-year period begin-
18 ning with the date of the enactment of this sec-
19 tion. For purposes of the preceding sentence, in
20 the case of a State that has a 2-year legislative
21 session, each year of the session is deemed to
22 be a separate regular session of the State legis-
23 lature.

24 (d) FEDERAL EMPLOYEES HEALTH BENEFITS PRO-

25 GRAM.—

1 (1) IN GENERAL.—Section 8904 of title 5,
2 United States Code, is amended by adding at the
3 end the following:

4 “(c) Any health benefits plan offered under this chap-
5 ter shall include benefits for, and may not impose any
6 cost-sharing requirements for, any prescription drug ap-
7 proved by the Food and Drug Administration for the pre-
8 vention of HIV, including any such drug approved for use
9 as pre-exposure prophylaxis (commonly referred to as
10 ‘PrEP’) or as post-exposure prophylaxis (commonly re-
11 ferred to as ‘PEP’), administrative fees for such drugs,
12 laboratory and other diagnostic procedures associated with
13 the use of such drugs, counseling with respect to HIV pre-
14 vention (including HIV risk assessment, HIV risk reduc-
15 tion, and medication adherence), and clinical follow up and
16 monitoring, including any related services recommended in
17 current United States Public Health Service clinical prac-
18 tice guidelines, without limitation.”.

19 (2) EFFECTIVE DATE.—The amendments made
20 by this subsection shall apply beginning with respect
21 to the first plan year beginning after the date of en-
22 actment of this section.

○