

118TH CONGRESS
1ST SESSION

S. 2617

To prohibit the Secretary of Health and Human Services from restricting direct access by health care facilities to medical countermeasures.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To prohibit the Secretary of Health and Human Services from restricting direct access by health care facilities to medical countermeasures.

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 “Treatment Restoration
5 for Every American’s Trial Act” or the “TREAT Act”.

6 **SEC. 2. PROHIBITION ON RESTRICTIONS ON DIRECT AC-**
7 **CESS TO MEDICAL COUNTERMEASURES.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, the Secretary of Health and Human Services
10 may not implement any policy that would restrict hospitals

1 or other appropriate health care facilities from ordering
2 and receiving medical countermeasures, including biologi-
3 cal products, drugs, and devices, directly from manufac-
4 turers and distributors of such countermeasures.

5 (b) DEFINITION.—In this section, the term “medical
6 countermeasure” has the meaning given the term “quali-
7 fied countermeasure” in section 319F–1 of the Public
8 Health Service Act (42 U.S.C. 247d–6a).

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