

117TH CONGRESS
1ST SESSION

S. 274

To amend title XIX of the Social Security Act to allow States to provide coverage under the Medicaid program for vaccines and treatment for COVID–19 for uninsured individuals without the imposition of cost sharing requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2021

Mr. BENNET (for himself, Ms. HIRONO, Mrs. SHAHEEN, Mr. BLUMENTHAL, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to allow States to provide coverage under the Medicaid program for vaccines and treatment for COVID–19 for uninsured individuals without the imposition of cost sharing requirements, and for other purposes.

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 “Stronger Medicaid Re-
5 sponse to the COVID–19 Pandemic Act”.

1 **SEC. 2. OPTIONAL COVERAGE AT NO COST SHARING OF**
2 **COVID-19 TREATMENT AND VACCINES UNDER**
3 **MEDICAID FOR UNINSURED INDIVIDUALS.**

4 (a) IN GENERAL.—Section 1902(a)(10) of the Social
5 Security Act (42 U.S.C. 1396a(a)(10) is amended, in the
6 matter following subparagraph (G), by striking “and any
7 visit described in section 1916(a)(2)(G)” and inserting the
8 following: “, any COVID-19 vaccine that is administered
9 during any such portion (and the administration of such
10 vaccine), any item or service, including drugs approved or
11 authorized under section 505 or 564 of the Federal Food,
12 Drug, and Cosmetic Act, that is furnished during any such
13 portion for the treatment or prevention of COVID-19
14 (which shall include, in the case of an individual who is
15 diagnosed with or presumed to have COVID-19, during
16 the period such individual is infected (or presumed in-
17 fected) with COVID-19, the treatment or prevention of
18 a condition that may complicate the treatment of COVID-
19 19) or the treatment or prevention of a COVID-19-related
20 condition that follows a COVID-19 infection, and any
21 services described in section 1916(a)(2)(G)”.

22 (b) DEFINITION OF UNINSURED INDIVIDUAL.—

23 (1) IN GENERAL.—Subsection (ss) of section
24 1902 of the Social Security Act (42 U.S.C. 1396a)
25 is amended to read as follows:

1 “(ss) UNINSURED INDIVIDUAL DEFINED.—For pur-
2 poses of this section, the term ‘uninsured individual’
3 means, notwithstanding any other provision of this title,
4 any individual who is not covered by minimum essential
5 coverage (as defined in section 5000A(f)(1) of the Internal
6 Revenue Code of 1986).”.

7 (2) EFFECTIVE DATE.—The amendment made
8 by paragraph (1) shall take effect and apply as if in-
9 cluded in the enactment of the Families First
10 Coronavirus Response Act (Public Law 116–127).

11 (c) CLARIFICATION REGARDING EMERGENCY SERV-
12 ICES FOR CERTAIN INDIVIDUALS.—For purposes of apply-
13 ing section 1903(v)(2)(A) of the Social Security Act (42
14 U.S.C. 1396b(v)(2)(A)), the care and services described
15 in such section shall include the following:

16 (1) In vitro diagnostic products (as defined in
17 section 809.3(a) of title 21, Code of Federal Regula-
18 tions), and the administration of such products.

19 (2) A COVID–19 vaccine (and the administra-
20 tion of such vaccine).

21 (3) Any item or service that is furnished for the
22 treatment or prevention of COVID–19 or a condition
23 that may complicate the treatment of COVID–19,
24 the treatment or prevention of a COVID–19-related
25 condition that follows a COVID–19 infection, and

1 any service described in section 1916(a)(2)(G) of
2 such Act (42 U.S.C. 1396o(a)(2)(G)).

3 (d) EMERGENCY MEDICAID FOR INDIVIDUALS WITH
4 SUSPECTED COVID-19 INFECTIONS.—For purposes of
5 applying section 1903(v)(3) of the Social Security Act (42
6 U.S.C. 1396b(v)(3)), the term “emergency medical condi-
7 tion” (as defined in such section) shall include, with re-
8 spect to an individual, any concern that the individual may
9 have contracted COVID-19.

10 (e) TREATMENT OF ASSISTANCE AND SERVICES PRO-
11 VIDED.—Beginning on the date of enactment of this Act—

12 (1) the value of assistance or services provided
13 to any person under a program with respect to
14 which a coronavirus response law establishes or ex-
15 pands eligibility or benefits shall not be considered
16 income or resources; and

17 (2)(A) any medical coverage or services pro-
18 vided to an individual under subsection (v) of section
19 1903 of the Social Security Act (42 U.S.C. 1396b)
20 shall be considered treatment for an emergency med-
21 ical condition (as defined in subsection (v)(3) of
22 such section) for any purpose under any Federal,
23 State, or local law, including law relating to tax-
24 ation, welfare, and public assistance programs; and

1 (B) a participating State or political subdivision
2 of a State shall not decrease any assistance other-
3 wise provided to an individual because of the receipt
4 of benefits under the Social Security Act (42 U.S.C.
5 301 et seq.).

6 (f) OTHER DEFINITIONS.—In this section:

7 (1) CORONAVIRUS PUBLIC HEALTH EMER-
8 GENCY.—The term “coronavirus public health emer-
9 gency” means—

10 (A) an emergency involving Federal pri-
11 mary responsibility determined to exist by the
12 President under section 501(b) of the Robert T.
13 Stafford Disaster Relief and Emergency Assist-
14 ance Act (42 U.S.C. 5191(b)) with respect to
15 COVID–19 or any other coronavirus with pan-
16 demic potential;

17 (B) an emergency declared by a Federal
18 official with respect to coronavirus (as defined
19 in section 506 of the Coronavirus Preparedness
20 and Response Supplemental Appropriations
21 Act, 2020 (Public Law 116–123));

22 (C) a national emergency declared by the
23 President under the National Emergencies Act
24 (50 U.S.C. 1601 et seq.) with respect to

1 COVID–19 or any other coronavirus with pan-
2 demic potential; and

3 (D) a public health emergency declared by
4 the Secretary of Health and Human Services
5 pursuant to section 319 of the Public Health
6 Service Act (42 U.S.C. 247(d)) with respect to
7 COVID–19 or any other coronavirus with pan-
8 demic potential.

9 (2) CORONAVIRUS RESPONSE LAW.—The term
10 “coronavirus response law” means—

11 (A) the Coronavirus Preparedness and Re-
12 sponse Supplemental Appropriations Act, 2020
13 (Public Law 116–123);

14 (B) the Families First Coronavirus Re-
15 sponse Act (Public Law 116–127);

16 (C) the Coronavirus Aid, Relief, and Eco-
17 nomic Security Act (Public Law 116–136);

18 (D) the Paycheck Protection Program and
19 Health Care Enhancement Act (Public Law
20 116–139);

21 (E) the Consolidated Appropriations Act,
22 2021 (Public Law 116–260); and

23 (F) any other law that appropriates or oth-
24 erwise makes available funds, establishes,
25 amends, or expands a program, or authorizes

1 activities or assistance for a purpose that is ex-
2 pressly related to responding to, or mitigating
3 the effects of, a coronavirus public health emer-
4 gency.

5 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion shall be construed to limit—

7 (1) the types of care and services that are nec-
8 essary for the treatment of an emergency condition
9 for purposes of section 1903(v) of the Social Secu-
10 rity Act (42 U.S.C. 1396b(v)); or

11 (2) the types of medical conditions that are
12 “emergency medical conditions” for purposes of such
13 section.

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