

118TH CONGRESS
1ST SESSION

S. 2821

To amend title XXVII of the Public Health Service Act to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide coverage for prostate cancer screenings without the imposition of cost-sharing requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2023

Mr. BOOKER (for himself and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title XXVII of the Public Health Service Act to require group health plans and health insurance issuers offering group or individual health insurance coverage to provide coverage for prostate cancer screenings 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Prostate-Specific Anti-
3 gen Screening for High-risk Insured Men Act” or the
4 “PSA Screening for HIM Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) Prostate cancer is the second leading cause
8 of cancer death in men in the United States with 1
9 in 41 men dying from prostate cancer and more
10 than 34,700 men estimated to die from prostate
11 cancer in 2023.

12 (2) Prostate cancer is the second most com-
13 monly diagnosed cancer in the Nation with 1 in 8
14 men being diagnosed in their lifetimes, 3.1 million
15 men in the United States living with a diagnosis,
16 and over 288,000 men estimated to be diagnosed in
17 2023.

18 (3) The survival rate for prostate cancer diag-
19 nosed in early stage is near 100 percent but prostate
20 cancer diagnosed in late stage has only a 30-percent
21 survival rate.

22 (4) There are few, if any, symptoms of prostate
23 cancer before it reaches late stage.

24 (5) African-American men have a disproportion-
25 ately higher rate of prostate cancer and are 70 per-
26 cent more likely to be diagnosed with prostate can-

1 cer than White men, with 1 in 6 African-American
2 men developing prostate cancer in their lifetimes.

3 (6) African-American men are 2.1 times more
4 likely to die from prostate cancer than White men.

5 (7) Men with a father or brother with prostate
6 cancer are more than twice as likely to be diagnosed
7 with prostate cancer than men without a family his-
8 tory.

9 (8) The common clinical definition for men at
10 high-risk of prostate cancer includes African-Amer-
11 ican men and men with a family history.

12 (9) Most of the major cancer and urological so-
13 cieties recommend beginning screening discussions
14 earlier for African-American men and those with a
15 family history of prostate cancer.

16 (10) The United States Preventive Services
17 Task Force has encouraged research on screening
18 African-American men, including whether to screen
19 African-American men at younger ages, and has
20 identified this research as a high-priority cancer re-
21 search gap.

22 (11) Barriers to screening should be minimized
23 for high-risk men in order to catch asymptomatic
24 prostate cancer before it metastasizes and the sur-
25 vival rate is dramatically reduced.

1 (12) The cost of treating metastatic prostate
 2 cancer in the United States health care system is
 3 hundreds of millions of dollars more annually than
 4 the cost of treating localized, early-stage cancer.

5 **SEC. 3. REQUIREMENT FOR GROUP HEALTH PLANS AND**
 6 **HEALTH INSURANCE ISSUERS OFFERING**
 7 **GROUP OR INDIVIDUAL HEALTH INSURANCE**
 8 **COVERAGE TO PROVIDE COVERAGE FOR**
 9 **PROSTATE CANCER SCREENINGS WITHOUT**
 10 **IMPOSITION OF COST-SHARING REQUIRE-**
 11 **MENTS.**

12 (a) IN GENERAL.—Section 2713(a) of the Public
 13 Health Service Act (42 U.S.C. 300gg–13(a)) is amend-
 14 ed—

15 (1) by striking paragraph (5);

16 (2) by redesignating paragraphs (1) through
 17 (4) as subparagraphs (A) through (D), respectively,
 18 and adjusting the margins accordingly;

19 (3) by striking “(a) IN GENERAL—A group
 20 health” and inserting the following:

21 “(a) COVERAGE OF PREVENTIVE HEALTH SERV-
 22 ICES.—

23 “(1) IN GENERAL.—A group health”;

24 (4) in subparagraph (B), as so redesignated, by
 25 striking “; and” and inserting a semicolon;

1 (5) in subparagraph (C), as so redesignated, by
2 striking the period and inserting a semicolon;

3 (6) in subparagraph (D), as so redesignated—

4 (A) by striking “paragraph (1)” and in-
5 serting “subparagraph (A)”; and

6 (B) by striking the period and inserting “;
7 and”;

8 (7) by inserting after subparagraph (D), as so
9 redesignated, the following:

10 “(E) with respect to men who are age 40
11 and over and are at high risk of developing
12 prostate cancer (including African-American
13 men and men with a family history of prostate
14 cancer (as defined in paragraph (2))), such ad-
15 ditional evidence-based preventive care and
16 screenings not described in subparagraph (A)
17 for prostate cancer.”; and

18 (8) by striking the flush text at the end and in-
19 serting the following:

20 “(2) MEN WITH A FAMILY HISTORY OF PROS-
21 TATE CANCER DEFINED.—For purposes of para-
22 graph (1)(E), the term ‘men with a family history
23 of prostate cancer’ means men who have a first-de-
24 gree relative—

1 “(A) who was diagnosed with prostate can-
2 cer;

3 “(B) who developed prostate cancer;

4 “(C) whose death was a result of prostate
5 cancer;

6 “(D) who have been diagnosed with a can-
7 cer known to be associated with increased risk
8 of prostate cancer; or

9 “(E) who has a genetic alteration known to
10 be associated with increased risk of prostate
11 cancer.

12 “(3) CLARIFICATION REGARDING BREAST CAN-
13 CER SCREENING, MAMMOGRAPHY, AND PREVENTION
14 RECOMMENDATIONS.—For the purposes of this Act,
15 and for the purposes of any other provision of law,
16 the current recommendations of the United States
17 Preventive Service Task Force regarding breast can-
18 cer screening, mammography, and prevention shall
19 be considered the most current other than those
20 issued in or around November 2009.

21 “(4) RULE OF CONSTRUCTION.—Nothing in
22 this subsection shall be construed to prohibit a plan
23 or issuer from providing coverage for services in ad-
24 dition to those recommended by the United States
25 Preventive Services Task Force or to deny coverage

1 for services that are not recommended by such Task
2 Force.”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 subsection (a) shall apply with respect to plan years begin-
5 ning on or after January 1, 2024.

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