

.....
(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To require coverage of certain immunizations recommended by the Advisory Committee on Immunization Practices under the Medicare program, the Medicaid program, the Children's Health Insurance Program, group health plans, and health insurance coverage.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require coverage of certain immunizations recommended by the Advisory Committee on Immunization Practices under the Medicare program, the Medicaid program, the Children's Health Insurance Program, group health plans, and health insurance coverage.

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 "Protecting Free Vac-
5 cines Act".

1 **SEC. 2. REQUIRING COVERAGE OF CERTAIN IMMUNIZA-**
2 **TIONS RECOMMENDED BY THE ADVISORY**
3 **COMMITTEE ON IMMUNIZATION PRACTICES.**

4 (a) GROUP HEALTH PLANS AND HEALTH INSUR-
5 ANCE COVERAGE.—

6 (1) PHSA.—

7 (A) IN GENERAL.—Part D of title XXVII
8 of the Public Health Service Act (42 U.S.C.
9 300gg–111 et seq.) is amended by adding at
10 the end the following new section:

11 **“SEC. 2799A–11. COVERAGE OF CERTAIN IMMUNIZATIONS**
12 **RECOMMENDED BY THE ADVISORY COM-**
13 **MITTEE ON IMMUNIZATION PRACTICES.**

14 “(a) IN GENERAL.—With respect to plan years occur-
15 ring during the date of the enactment of this section, or
16 beginning on or after the date of the enactment of this
17 section and before January 1, 2030, a group health plan
18 and a health insurance issuer offering group or individual
19 health insurance coverage shall provide coverage for and
20 shall not impose any cost sharing requirements for immu-
21 nizations that had in effect a recommendation from the
22 Advisory Committee on Immunization Practices of the
23 Centers for Disease Control and Prevention with respect
24 to the individual involved as of October 25, 2024, includ-
25 ing such an immunization as updated or changed after

1 that date under a supplement to a biologics license appli-
2 cation approved by the Food and Drug Administration.

3 “(b) SPECIAL RULE.—Subsection (a) shall not apply
4 in the case of an immunization administered during the
5 minimum interval established under section 2713(b) with
6 respect to such immunization.”.

7 (B) CONFORMING AMENDMENT.—Section
8 1302(e)(1)(B)(i) of the Patient Protection and
9 Affordable Care Act (42 U.S.C.
10 18022(e)(1)(B)(i)) is amended by striking “sec-
11 tion 2713” and inserting “sections 2713 and
12 2799A–11 of the Public Health Service Act”.

13 (2) ERISA.—

14 (A) IN GENERAL.—Subpart B of part 7 of
15 subtitle B of title I of the Employee Retirement
16 Income Security Act of 1974 (29 U.S.C. 1185
17 et seq.) is amended by adding at the end the
18 following new section:

19 **“SEC. 726. COVERAGE OF CERTAIN IMMUNIZATIONS REC-**
20 **OMMENDED BY THE ADVISORY COMMITTEE**
21 **ON IMMUNIZATION PRACTICES.**

22 “(a) IN GENERAL.—With respect to plan years occur-
23 ring during the date of the enactment of this section, or
24 beginning on or after the date of the enactment of this
25 section and before January 1, 2030, a group health plan

1 and a health insurance issuer offering group health insur-
2 ance coverage shall provide coverage for and shall not im-
3 pose any cost sharing requirements for immunizations
4 that had in effect a recommendation from the Advisory
5 Committee on Immunization Practices of the Centers for
6 Disease Control and Prevention with respect to the indi-
7 vidual involved as of October 25, 2024, including such an
8 immunization as updated or changed after that date under
9 a supplement to a biologics license application approved
10 by the Food and Drug Administration.

11 “(b) SPECIAL RULE.—Subsection (a) shall not apply
12 in the case of an immunization administered during the
13 minimum interval established under section 2713(b) of the
14 Public Health Service Act with respect to such immuniza-
15 tion.”.

16 (B) CLERICAL AMENDMENT.—The table of
17 contents in section 1 of the Employee Retirement
18 Income Security Act of 1974 (29 U.S.C.
19 1001 note) is amended by inserting after the
20 item relating to section 725 the following new
21 item:

“Sec. 726. Coverage of certain immunizations recommended by the Advisory
Committee on Immunization Practices.”.

22 (3) IRC.—

23 (A) IN GENERAL.—Subchapter B of chap-
24 ter 100 of the Internal Revenue Code of 1986

1 is amended by adding at the end the following
2 new section:

3 **“SEC. 9826. COVERAGE OF CERTAIN IMMUNIZATIONS REC-**
4 **OMMENDED BY THE ADVISORY COMMITTEE**
5 **ON IMMUNIZATION PRACTICES.**

6 “(a) IN GENERAL.—With respect to plan years occur-
7 ring during the date of the enactment of this section, or
8 beginning on or after the date of the enactment of this
9 section and before January 1, 2030, a group health plan
10 shall provide coverage for and shall not impose any cost
11 sharing requirements for immunizations that had in effect
12 a recommendation from the Advisory Committee on Im-
13 munization Practices of the Centers for Disease Control
14 and Prevention with respect to the individual involved as
15 of October 25, 2024, including such an immunization as
16 updated or changed after that date under a supplement
17 to a biologics license application approved by the Food and
18 Drug Administration.

19 “(b) SPECIAL RULE.—Subsection (a) shall not apply
20 in the case of an immunization administered during the
21 minimum interval established under section 2713(b) of the
22 Public Health Service Act with respect to such immuniza-
23 tion.”.

24 (B) CLERICAL AMENDMENT.—The table of
25 sections for subchapter B of chapter 100 of the

1 Internal Revenue Code of 1986 is amended by
2 adding at the end the following new item:

“Sec. 9826. Coverage of certain immunizations recommended by the Advisory
Committee on Immunization Practices.”.

3 (b) MEDICARE.—Section 1860D–2(b)(8)(B) of the
4 Social Security Act (42 U.S.C. 1395w–102(b)(8)(B)) is
5 amended—

6 (1) by striking “with recommendations” and in-
7 serting “with—

8 “(i) recommendations”;

9 (2) by striking the period at the end and insert-
10 ing “; or”; and

11 (3) by adding at the end the following new
12 clause:

13 “(ii) for plan years occurring during
14 the date of the enactment of this clause, or
15 beginning on or after the date of the enact-
16 ment of this clause and before January 1,
17 2030, in the case of a vaccine with respect
18 to which such a recommendation is revoked
19 with respect to the individual involved on
20 or after October 25, 2024, including such
21 a vaccine as updated or changed after that
22 date under a supplement to a biologics li-
23 cense application approved by the Food
24 and Drug Administration, the most recent

1 recommendation that was in effect with re-
2 spect to such vaccine and such individual
3 prior to such revocation.”.

4 (c) MEDICAID.—

5 (1) IN GENERAL.—Section 1905 of the Social
6 Security Act (42 U.S.C. 1396d) is amended—

7 (A) in subsection (a)(13)(B)—

8 (i) by striking “individual, approved”
9 and inserting “individual—

10 “(i) approved”; and

11 (ii) by adding at the end the following
12 new clause:

13 “(ii) for the period beginning on the
14 date of the enactment of this clause and
15 ending on December 31, 2029, approved
16 vaccines, and the administration of such
17 vaccines, that were recommended by such
18 advisory committee with respect to the in-
19 dividual involved as of October 25, 2024,
20 including such a vaccine as updated or
21 changed after that date under a supple-
22 ment to a biologics license application ap-
23 proved by the Food and Drug Administra-
24 tion.”; and

25 (B) in subsection (r)(1)(B)(iii), by—

- 1 (i) striking “section 1928(c)(2)(B)(i)”
2 and inserting “clause (i) of section
3 1928(c)(2)(B)”;
- 4 (ii) inserting “, subject to the limita-
5 tion described in clause (iii) of such sec-
6 tion” after “pediatric vaccines”.

7 (2) COVERAGE FOR PREGNANT INDIVIDUALS.—
8 Section 1902(a)(10) of the Social Security Act (42
9 U.S.C. 1396a(a)(10)) is amended in the matter fol-
10 lowing subparagraph (G) by inserting “medical as-
11 sistance for vaccines described in section
12 1905(a)(13)(B) and the administration of such vac-
13 cines,” after “complicate pregnancy,”.

14 (3) PROGRAM FOR DISTRIBUTION OF PEDIATRIC
15 VACCINES.—Section 1928 of the Social Security Act
16 (42 U.S.C. 1396s) is amended—

17 (A) in subsection (c)(2)(B)—

- 18 (i) in clause (i), by striking “clause
19 (ii)” and inserting “clauses (ii) and (iii)”;
20 and

21 (ii) by adding at the end the following
22 new clause:

23 “(iii) For the period beginning on the date
24 of the enactment of this clause and ending on
25 December 31, 2029, the provider will not take

1 into account any change in the schedule de-
2 scribed in clause (i) that removes the rec-
3 ommendation to administer a pediatric vaccine
4 with respect to the vaccine-eligible child in-
5 volved if such pediatric vaccine was rec-
6 ommended with respect to such child under
7 such schedule as of October 25, 2024, including
8 with respect to such pediatric vaccine as up-
9 dated or changed after that date under a sup-
10 plement to a biologics license application ap-
11 proved by the Food and Drug Administration.”;
12 and

13 (B) in subsection (e), by inserting “For
14 purposes of the preceding sentence, during the
15 period beginning on the date of the enactment
16 of this sentence and ending on December 31,
17 2029, the Secretary may not take into account
18 any revision of such list that occurs on or after
19 October 25, 2024, that removes a pediatric vac-
20 cine from such list if such vaccine was included
21 in such list as of such date, including with re-
22 spect to such vaccine as updated or changed
23 after that date under a supplement to a bio-
24 logics license application approved by the Food

1 and Drug Administration.” after the period at
2 the end.

3 (4) STATE FLEXIBILITY IN BENEFIT PACK-
4 AGES.—Section 1937(b) of the Social Security Act
5 (42 U.S.C. 1396u–7(b)) is amended by adding at
6 the end the following new paragraph:

7 “(9) COVERAGE OF ADULT VACCINES.—Not-
8 withstanding the previous provisions of this section,
9 a State may not provide for medical assistance
10 through enrollment of an individual with benchmark
11 coverage or benchmark-equivalent coverage under
12 this section unless such coverage includes (and does
13 not impose any deduction, cost sharing, or similar
14 charge for) the medical assistance described in sec-
15 tion 1905(a)(13)(B).”.

16 (d) CHIP.—Section 2103 of the Social Security Act
17 (42 U.S.C. 1397cc) is amended—

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

20 “(13) REQUIRED COVERAGE OF CERTAIN VAC-
21 CINES RECOMMENDED BY THE ADVISORY COM-
22 MITTEE ON IMMUNIZATION PRACTICES.—Regardless
23 of the type of coverage elected by a State under sub-
24 section (a), the child health assistance provided for
25 a targeted low-income child shall include coverage,

1 during the period beginning on the date of the en-
2 actment of this paragraph and ending on December
3 31, 2029, of vaccines, and the administration of
4 such vaccines, that had in effect a recommendation
5 from the Advisory Committee on Immunization
6 Practices of the Centers for Disease Control and
7 Prevention with respect to the child involved as of
8 October 25, 2024, including such a vaccine as up-
9 dated or changed after that date under a supplement
10 to a biologics license application approved by the
11 Food and Drug Administration.”; and

12 (2) in subsection (e)(2), by inserting “vaccines
13 described in subsection (c)(13) administered during
14 the period beginning on the date of the enactment
15 of such subsection and ending on December 31,
16 2029 (and the administration of such vaccines),” be-
17 fore “services described in section 1916(a)(2)(G)”.