

116TH CONGRESS  
2D SESSION

# S. 4358

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

JULY 29, 2020

Mr. BENNET (for himself, Mrs. SHAHEEN, Ms. HIRONO, Ms. HARRIS, and Mr. BLUMENTHAL) 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 that is furnished during any  
11 such portion for the treatment of COVID-19, including  
12 drugs approved or authorized under section 505 or 564  
13 of the Federal Food, Drug, and Cosmetic Act, or, in the  
14 case of an individual who is diagnosed with or presumed  
15 to have COVID-19, during the period such individual is  
16 infected (or presumed infected) with COVID-19, the  
17 treatment of a condition that may complicate the treat-  
18 ment of COVID-19, the treatment of a COVID-19-re-  
19 lated condition that follows the treatment of, or hos-  
20 pitalization with, COVID-19, and any services described  
21 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 of COVID–19 or a condition that may  
23 complicate the treatment of COVID–19, the treat-  
24 ment of a COVID–19-related condition that follows  
25 the treatment of, or hospitalization with, COVID–

1 19, and any services described in section  
2 1916(a)(2)(G) of such Act (42 U.S.C.  
3 1396o(a)(2)(G)).

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

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

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

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

18 (D) any subsequent law that appropriates  
19 or otherwise makes available funds, establishes,  
20 amends, or expands a program, or authorizes  
21 activities or assistance for a purpose that is ex-  
22 pressly related to responding to, or mitigating  
23 the effects of, a coronavirus public health emer-  
24 gency.

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

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

7 (2) the types of medical conditions that are  
8 “emergency medical conditions” for purposes of such  
9 section.

○