

117TH CONGRESS  
1ST SESSION

# S. 2866

To prohibit the Secretary of Health and Human Services from restricting direct access by health care facilities to COVID–19 monoclonal antibody therapies.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2021

Mr. RUBIO (for himself, Mr. SCOTT of Florida, Mr. MARSHALL, Mr. CRAMER, Mrs. BLACKBURN, Mr. BRAUN, and Mr. TUBERVILLE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To prohibit the Secretary of Health and Human Services from restricting direct access by health care facilities to COVID–19 monoclonal antibody therapies.

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 Emergency Antibody Therapeutics Act” or the  
6 “TREAT Act”.

1 **SEC. 2. PROHIBITION ON RESTRICTIONS ON DIRECT AC-**  
2 **CESS TO COVID-19 MONOCLONAL ANTIBODY**  
3 **THERAPIES.**

4 (a) **IN GENERAL.**—Notwithstanding any other provi-  
5 sion of law, the Secretary of Health and Human Services  
6 (referred to in this section as the “Secretary”) may not  
7 implement or continue in effect any policy that would re-  
8 strict hospitals or other appropriate health care facilities  
9 from ordering and receiving COVID–19 monoclonal anti-  
10 body therapies directly from manufacturers and distribu-  
11 tors of such therapies.

12 (b) **NULLIFICATION OF CERTAIN POLICY.**—Pursuant  
13 to subsection (a), effective on the date of enactment of  
14 this Act, the policy under which the Secretary required  
15 hospitals and other facilities to work through State or ter-  
16 ritorial governments to receive supplies of COVID–19  
17 monoclonal antibody therapies allocated by the Secretary  
18 to such States or territories, announced by such Secretary  
19 on September 13, 2021, shall have no force or effect.

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