

117TH CONGRESS
1ST SESSION

S. 1117

To amend title XIX of the Social Security Act to require Medicaid coverage of approved vaccines for pregnant women.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2021

Mr. CASSIDY (for himself and Ms. HASSAN) 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 require Medicaid coverage of approved vaccines for pregnant women.

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 “Maternal Immuniza-
5 tion Coverage Act”.

6 **SEC. 2. MANDATORY COVERAGE UNDER MEDICAID OF VAC-**
7 **CINES FOR PREGNANT WOMEN.**

8 (a) MEDICAL ASSISTANCE.—Section 1905(a)(4) of
9 the Social Security Act (42 U.S.C. 1396d(a)(4)) is amend-
10 ed by striking “and (D) counseling and pharmacotherapy

1 for cessation of tobacco use by pregnant women (as de-
 2 fined in subsection (bb)); and” and inserting “(D)(i) coun-
 3 seling and pharmacotherapy for cessation of tobacco use
 4 by pregnant women (as defined in subsection (bb)) and
 5 (ii) approved vaccines recommended for pregnant women
 6 by the Advisory Committee on Immunization Practices (an
 7 advisory committee established by the Secretary, acting
 8 through the Director of the Centers for Disease Control
 9 and Prevention) and their administration, for women who
 10 are pregnant or who had a pregnancy end within the pe-
 11 riod ending on the last day of the month in which the
 12 60-day period beginning on the last day of the pregnancy
 13 ends (or, if a State election under section 1902(e)(16) is
 14 in effect, ending on the last day of the month in which
 15 the 12-month period beginning on the last day of the preg-
 16 nancy ends) and who are eligible for and receiving medical
 17 assistance under the State plan or a waiver of such plan;”.

18 (b) CONFORMING AMENDMENTS.—Section
 19 1902(a)(10) of such Act (42 U.S.C. 1396a(a)(10)) is
 20 amended in the matter following subparagraph (G)—

21 (1) by striking “or to any other condition which
 22 may complicate pregnancy shall not” and inserting
 23 “or to any other condition which may complicate
 24 pregnancy, and vaccines described in section

1 1905(a)(4)(D)(ii) and the administration of such
2 vaccines, shall not”;

3 (2) by striking “making available of such serv-
4 ices, or the making available of such services of the
5 same” the first place it appears and inserting “mak-
6 ing available of such services or vaccines, or the
7 making available of such services or vaccines of the
8 same”;

9 (3) by striking “vaccines described in section
10 1905(a)(4)(E) and the administration of such vac-
11 cines during the period described in such section”
12 and inserting “vaccines described in subparagraphs
13 (D)(ii) and (E) of section 1905(a)(4) and the ad-
14 ministration of such vaccines (but in the case of vac-
15 cines described in section 1905(a)(4)(E), only during
16 the period described in such section)”;

17 (4) by striking “cancer (XV)” and inserting
18 “cancer, (XV)”;

19 (5) by striking “and (XVIII)” and inserting
20 “(XVIII)”;

21 (6) by striking “and (XIX)” and inserting
22 “(XIX)”;

23 (7) by striking “that would not otherwise in-
24 clude coverage of a COVID–19 vaccine and its ad-
25 ministration;” and inserting “that would not other-

1 wise include coverage of a COVID–19 vaccine and
 2 its administration, and (XX) medical assistance shall
 3 be made available for vaccines described in section
 4 1905(a)(4)(D)(ii) and the administration of such
 5 vaccines, for women who are pregnant or who had
 6 a pregnancy end within the period ending on the last
 7 day of the month in which the 60-day period begin-
 8 ning on the last day of the pregnancy ends (or, if
 9 a State election under section 1902(e)(16) is in ef-
 10 fect, ending on the last day of the month in which
 11 the 12-month period beginning on the last day of the
 12 pregnancy ends) and who are eligible for and receiv-
 13 ing medical assistance under the State plan or a
 14 waiver of such plan, notwithstanding any provision
 15 of this title or waiver under section 1115 impacting
 16 such women’s eligibility for medical assistance under
 17 such plan or waiver to coverage for a limited type
 18 of benefits and services that would not otherwise in-
 19 clude coverage of such vaccines and their adminis-
 20 tration;”.

21 (c) NO COST-SHARING.—

22 (1) IN GENERAL.—Section 1916 of the Social
 23 Security Act (42 U.S.C. 1396o) is amended, in each
 24 of subsections (a)(2)(B) and (b)(2)(B)—

1 (A) by striking “and counseling” and in-
 2 serting “counseling”; and

3 (B) by inserting “, and vaccines described
 4 in section 1905(a)(4)(D)(ii) and the administra-
 5 tion of such vaccines” after “section
 6 1905(bb)(2)(A)”.

7 (2) APPLICATION TO ALTERNATIVE COST SHAR-
 8 ING.—Section 1916A(b)(3)(B)(iii) of the Social Se-
 9 curity Act (42 U.S.C. 1396o–1(b)(3)(B)(iii)) is
 10 amended—

11 (A) by striking “and counseling” and in-
 12 serting “counseling”; and

13 (B) by inserting “, and vaccines described
 14 in section 1905(a)(4)(D)(ii) and the administra-
 15 tion of such vaccines” after “section 1905(bb))”
 16 before the period.

17 (d) EFFECTIVE DATE.—

18 (1) IN GENERAL.—Except as provided in para-
 19 graph (2), the amendments made by this section
 20 shall take effect on the date of enactment of this
 21 Act.

22 (2) DELAYED COMPLIANCE.—A State plan shall
 23 not be regarded as failing to comply with the re-
 24 quirements imposed by the amendments made by
 25 this section before the end of the 60-day period that

1 begins on the day after the last day of the 1st reg-
2 ular session of the State legislature that begins after
3 the date of enactment of this Act. For purposes of
4 the previous sentence, in the case of a State that has
5 a 2-year legislative session, each year of such session
6 shall be deemed to be a separate regular session of
7 the State legislature.

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