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(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.

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**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)”.