

117TH CONGRESS  
2D SESSION

# H. R. 9402

To require the coverage of testing for certain sexually transmitted infections without the imposition of cost sharing, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2022

Ms. WILLIAMS of Georgia (for herself and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Armed Services, Veterans' Affairs, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the coverage of testing for certain sexually transmitted infections without the imposition of cost sharing, 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 “Equity in STD Testing  
5 Act”.

1 **SEC. 2. COVERAGE OF TESTING FOR CERTAIN SEXUALLY**  
2 **TRANSMITTED INFECTIONS WITHOUT COST**  
3 **SHARING.**

4 (a) COVERAGE OF TESTING UNDER MEDICARE AD-  
5 VANTAGE.—

6 (1) COVERAGE.—Section 1852(a)(1)(B) of the  
7 Social Security Act (42 U.S.C. 1395w-  
8 22(a)(1)(B)(iv)) is amended—

9 (A) in clause (iv)—

10 (i) by redesignating subclause (VIII)  
11 as subclause (IX); and

12 (ii) by inserting after subclause (VII)  
13 the following new subclause:

14 “(VIII) Screening testing for  
15 each of HIV, gonorrhea, syphilis,  
16 trichomoniasis, and chlamydia (and  
17 the administration of such tests) for  
18 which benefits are provided under  
19 part B as an additional preventive  
20 service.”; and

21 (B) in clause (v), by striking “and (VI)”  
22 and inserting “(VI), and (VIII)”.

23 (2) EFFECTIVE DATE.—The amendments made  
24 by this subsection shall take effect on the date of the  
25 enactment of this Act and shall apply with respect  
26 to plan years beginning after such date.

1 (b) COVERAGE OF TESTING UNDER MEDICAID.—

2 (1) COVERAGE.—Section 1905(a) of such Act  
3 (42 U.S.C. 1396d(a)(3)) is amended—

4 (A) in paragraph (3)—

5 (i) in subparagraph (A), by striking  
6 “and” at the end;

7 (ii) in subparagraph (B), by adding  
8 “and” at the end; and

9 (iii) by adding at the end the fol-  
10 lowing new subparagraph:

11 “(C) screening testing for each of HIV,  
12 gonorrhea, syphilis, trichomoniasis, and  
13 chlamydia (and the administration of such  
14 tests), if such testing (or administration, as ap-  
15 plicable) would be covered under health insur-  
16 ance coverage pursuant to section 2713(a)(1) of  
17 the Public Health Service Act for an individual  
18 enrolled under such coverage;”; and

19 (B) in paragraph (13), in the matter pre-  
20 ceeding subparagraph (A), by inserting “(other  
21 than testing and services described in para-  
22 graph (3)(C))” after “preventive”.

23 (2) ELIMINATION OF COST-SHARING.—Section  
24 1916 of such Act (42 U.S.C. 1396o) is amended—

1 (A) in subsection (a)(2), as amended by  
2 section 11405(a)(2)(A)(i)(II)–(IV) of Public  
3 Law 117–169—

4 (i) in subparagraph (I), by striking  
5 “or” at the end;

6 (ii) in subparagraph (J), by striking  
7 “and” at the end and inserting “or”; and

8 (iii) by adding at the end the fol-  
9 lowing new subparagraph:

10 “(K) screening testing (and the adminis-  
11 tration of such tests) described in section  
12 1905(a)(3)(C); and”;

13 (B) in subsection (b)(2), as amended by  
14 section 11405(a)(2)(A)(ii)(II)–(IV) of Public  
15 Law 117–169—

16 (i) in subparagraph (I), by striking  
17 “or” at the end;

18 (ii) in subparagraph (J), by striking  
19 “and” at the end and inserting “or”; and

20 (iii) by adding at the end the fol-  
21 lowing new subparagraph:

22 “(K) screening testing (and the adminis-  
23 tration of such tests) described in section  
24 1905(a)(3)(C); and”.

1           (3) APPLICATION TO ALTERNATIVE COST-SHAR-  
2           ING.—Section 1916A(b)(3)(B) of such Act (42  
3           U.S.C. 1396o–1(b)(3)(B)), as amended by section  
4           11405(a)(2)(B) of Public Law 117–169, is amended  
5           by adding at the end the following new clause:

6                       “(xv) Screening testing (and the ad-  
7                       ministration of such tests) described in  
8                       section 1905(a)(3)(C).”.

9           (4) EFFECTIVE DATE.—

10                   (A) IN GENERAL.—Except as provided in  
11                   subparagraph (B), the amendments made by  
12                   this subsection shall take effect on the date of  
13                   the enactment of this Act and shall apply with  
14                   respect to calendar year quarters beginning on  
15                   or after the date that is one year after such  
16                   date.

17                   (B) EXCEPTION IF STATE LEGISLATION  
18                   REQUIRED.—In the case of a State plan for  
19                   medical assistance under title XIX of the Social  
20                   Security Act which the Secretary of Health and  
21                   Human Services determines requires State leg-  
22                   islation (other than legislation appropriating  
23                   funds) in order for the plan to meet the addi-  
24                   tional requirements imposed by the amend-  
25                   ments made by this subsection, the State plan

1 shall not be regarded as failing to comply with  
2 the requirements of such title solely on the  
3 basis of its failure to meet these additional re-  
4 quirements before the first day of the first cal-  
5 endar quarter beginning after the close of the  
6 first regular session of the State legislature that  
7 begins after the date of the enactment of this  
8 Act. For purposes of the previous sentence, in  
9 the case of a State that has a 2-year legislative  
10 session, each year of such session shall be  
11 deemed to be a separate regular session of the  
12 State legislature.

13 (c) COVERAGE OF TESTING FOR UNINSURED INDIV-  
14 IDUALS AS STATE OPTION.—

15 (1) COVERAGE.—Section 1902(a) of such Act  
16 (42 U.S.C. 1396a(a)) is amended—

17 (A) in paragraph (10)(A)(ii)—

18 (i) in subclause (XXII), by striking  
19 “or” at the end;

20 (ii) in subclause (XXIII), by adding  
21 “or” at the end; and

22 (iii) by adding at the end the fol-  
23 lowing new subclause:

24 “(XXIV) who are uninsured indi-  
25 viduals (as defined in subsection (ss))

1                   who receive the screening testing (and  
2                   the administration of such tests) de-  
3                   scribed in section 1905(a)(3)(C);”;

4                   (B) in the matter following paragraph  
5                   (10)(G)—

6                   (i) by striking “and (XIX)” and in-  
7                   serting “(XIX)”; and

8                   (ii) by striking the semicolon at the  
9                   end and inserting “, and (XX) the medical  
10                  assistance made available to an uninsured  
11                  individual (as defined in subsection (ss))  
12                  who is eligible for medical assistance only  
13                  because of subparagraph (A)(ii)(XXIV)  
14                  shall be limited to medical assistance for  
15                  the screening testing (and the administra-  
16                  tion of such tests) described in section  
17                  1905(a)(3)(C);”;

18                  (C) in paragraph (55), in the matter pre-  
19                  ceding subparagraph (A), by striking “or  
20                  (a)(10)(A)(ii)(XXIII)” and inserting  
21                  “(a)(10)(A)(ii)(XXIII), or  
22                  (a)(10)(A)(ii)(XXIV)”.

23                  (2) FEDERAL MEDICAL ASSISTANCE PERCENT-  
24                  AGE.—Section 1905(b) of such Act (42 U.S.C.  
25                  1396d(b)) is amended by adding at the end the fol-

1       lowing new sentence: “Notwithstanding the first sen-  
2       tence of this subsection, the Federal medical assist-  
3       ance percentage shall be 100 per centum with re-  
4       spect to (and, notwithstanding any other provision of  
5       this title, available for) medical assistance provided  
6       to uninsured individuals (as defined in section  
7       1902(ss)) who are eligible for such assistance only  
8       on the basis of section 1902(a)(10)(A)(ii)(XXIV)  
9       and with respect to expenditures described in section  
10      1903(a)(7) that a State demonstrates to the satis-  
11      faction of the Secretary are attributable to adminis-  
12      trative costs related to providing for such medical  
13      assistance to such individuals under the State  
14      plan.”.

15           (3) EFFECTIVE DATE.—The amendments made  
16      by this subsection shall take effect on the date of the  
17      enactment of this Act and shall apply with respect  
18      to calendar year quarters beginning on or after such  
19      date.

20      (d) COVERAGE OF TESTING UNDER CHIP.—

21           (1) REQUIRED COVERAGE OF SEXUALLY TRANS-  
22      MITTED INFECTIONS TESTING.—Section 2103(c) of  
23      such Act (42 U.S.C. 1397cc(c)), as amended by sec-  
24      tion 11405(b)(1) of Public Law 117–169, is amend-



1 ed by adding at the end the following new para-  
2 graph:

3 “(13) REQUIRED COVERAGE OF SEXUALLY  
4 TRANSMITTED INFECTIONS TESTING.—The child  
5 health assistance provided to a targeted low-income  
6 child shall include coverage of any screening testing  
7 for each of HIV, gonorrhea, syphilis, trichomoniasis,  
8 and chlamydia (and the administration of such  
9 tests), if such testing (or administration, as applica-  
10 ble) would be covered under health insurance cov-  
11 erage pursuant to section 2713(a)(1) of the Public  
12 Health Service Act for an individual enrolled under  
13 such coverage.”.

14 (2) ELIMINATION OF COST-SHARING.—Section  
15 2103(e)(2) of such Act (42 U.S.C. 1397cc(e)(2)) is  
16 amended—

17 (A) in the heading, by inserting “SEXU-  
18 ALLY TRANSMITTED INFECTIONS TESTING,” be-  
19 fore “OR PREGNANCY-RELATED ASSISTANCE”;  
20 and

21 (B) by inserting “screening testing de-  
22 scribed in subsection (c)(12) (and the adminis-  
23 tration of such tests)” before “services de-  
24 scribed in section 1916(a)(2)(G)”.

25 (3) EFFECTIVE DATE.—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (B), the amendments made by  
3 this subsection shall take effect on the date of  
4 the enactment of this Act and shall apply with  
5 respect to calendar year quarters beginning on  
6 or after the date that is one year after such  
7 date.

8 (B) EXCEPTION IF STATE LEGISLATION  
9 REQUIRED.—In the case of a State child health  
10 plan for child health assistance under title XXI  
11 of the Social Security Act which the Secretary  
12 of Health and Human Services determines re-  
13 quires State legislation (other than legislation  
14 appropriating funds) in order for the plan to  
15 meet the additional requirements imposed by  
16 the amendments made by this subsection, the  
17 State child health plan shall not be regarded as  
18 failing to comply with the requirements of such  
19 title solely on the basis of its failure to meet  
20 these additional requirements before the first  
21 day of the first calendar quarter beginning after  
22 the close of the first regular session of the  
23 State legislature that begins after the date of  
24 the enactment of this Act. For purposes of the  
25 previous sentence, in the case of a State that

1           has a 2-year legislative session, each year of  
2           such session shall be deemed to be a separate  
3           regular session of the State legislature.

4           (e) COVERAGE OF TESTING WITH RESPECT TO  
5 TRICARE.—

6           (1) COVERAGE.—Title 10, United States Code,  
7           is amended—

8                   (A) in section 1074d—

9                           (i) by redesignating subsection (b) as  
10                           subsection (c); and

11                           (ii) by inserting before subsection (c),  
12                           as so redesignated, the following new sub-  
13                           section:

14           “(b) COVERAGE OF SEXUALLY TRANSMITTED INFECTIONS TESTING.—Members and former members of the  
15           uniformed services entitled to medical care under section  
16           1074 or 1074a of this title shall also be entitled to screen-  
17           ing testing for each of HIV, gonorrhea, syphilis, trichomo-  
18           niasis, and chlamydia (and the administration of such  
19           tests), if such testing (or administration, as applicable)  
20           would be covered under health insurance coverage pursu-  
21           ant to section 2713(a)(1) of the Public Health Service Act  
22           for an individual enrolled under such coverage, as part of  
23           such medical care.”; and  
24

1 (B) in section 1079(a), by adding at the  
2 end the following new paragraph:

3 “(20) Screening testing for each of HIV, gonor-  
4 rhea, syphilis, trichomoniasis, and chlamydia (and  
5 the administration of such tests), if such testing (or  
6 administration, as applicable) would be covered  
7 under health insurance coverage pursuant to section  
8 2713(a)(1) of the Public Health Service Act for an  
9 individual enrolled under such coverage, shall be pro-  
10 vided as appropriate.”.

11 (2) ELIMINATION OF COST-SHARING.—Such  
12 title is further amended—

13 (A) in section 1075a, by adding at the end  
14 the following new subsection:

15 “(d) ELIMINATION OF COST-SHARING FOR SEXU-  
16 ALLY TRANSMITTED INFECTIONS TESTING.—Notwith-  
17 standing any other provision under this section, cost-shar-  
18 ing may not be imposed or collected with respect to any  
19 beneficiary enrolled in TRICARE Prime for screening  
20 testing for each of HIV, gonorrhea, syphilis, trichomo-  
21 niasis, and chlamydia (and the administration of such  
22 tests), if such testing (or administration, as applicable)  
23 would be covered under health insurance coverage pursu-  
24 ant to section 2713(a)(1) of the Public Health Service Act

1 for an individual enrolled under such coverage, that is pro-  
2 vided under TRICARE Prime.”;

3 (B) in section 1075(c), by adding at the  
4 end the following new paragraph:

5 “(4) Notwithstanding any other provision under  
6 this section, cost-sharing may not be imposed or col-  
7 lected with respect to any beneficiary enrolled in  
8 TRICARE Select for screening testing for each of  
9 HIV, gonorrhea, syphilis, trichomoniasis, and  
10 chlamydia (and the administration of such tests), if  
11 such testing (or administration, as applicable) would  
12 be covered under health insurance coverage pursuant  
13 to section 2713(a)(1) of the Public Health Service  
14 Act for an individual enrolled under such coverage,  
15 that is provided under TRICARE Select.”; and

16 (C) in section 1086(d)(3)—

17 (i) by redesignating subparagraph (C)  
18 as subparagraph (D); and

19 (ii) by inserting before subparagraph  
20 (D), as so redesignated, the following new  
21 subparagraph:

22 “(C) Notwithstanding any other provision  
23 under this section, cost-sharing may not be im-  
24 posed or collected under a plan under sub-  
25 section (a) with respect to a person described in

1 paragraph (2) for screening testing for each of  
2 HIV, gonorrhea, syphilis, trichomoniasis, and  
3 chlamydia (and the administration of such  
4 tests), if such testing (or administration, as ap-  
5 plicable) would be covered under health insur-  
6 ance coverage pursuant to section 2713(a)(1) of  
7 the Public Health Service Act for an individual  
8 enrolled under such coverage.”.

9 (3) EFFECTIVE DATE.—The amendments made  
10 by this subsection shall take effect on January 1 of  
11 the year following the date of the enactment of this  
12 Act.

13 (f) COVERAGE OF TESTING WITH RESPECT TO VET-  
14 ERANS.—

15 (1) COVERAGE.—Chapter 17 of title 38, United  
16 States Code, is amended by inserting after section  
17 1720J the following new section (and conforming  
18 the table of sections at the beginning of such chap-  
19 ter accordingly):

20 **“§ 1720K. Sexually transmitted infections testing**

21 “(a) COVERAGE OF SEXUALLY TRANSMITTED INFEC-  
22 TIONS TESTING.—The Secretary shall furnish screening  
23 testing for each of HIV, gonorrhea, syphilis, trichomo-  
24 niasis, and chlamydia (and the administration of such  
25 tests), if such testing (or administration, as applicable)

1 would be covered under health insurance coverage pursu-  
2 ant to section 2713(a)(1) of the Public Health Service Act  
3 for an individual enrolled under such coverage, to an eligi-  
4 ble individual at a medical facility of the Department pur-  
5 suant to this section.

6 “(b) ELIGIBILITY.—An individual is eligible for the  
7 testing described in subsection (a) if the individual is a  
8 veteran who is enrolled in the system of annual patient  
9 enrollment established under section 1705(a) of this title.

10 “(c) PROHIBITION ON COST-SHARING.—Notwith-  
11 standing subsections (f) and (g) of section 1710 and sec-  
12 tion 1722A of this title, the Secretary may not require  
13 an eligible individual to make any copayment for, or  
14 charge such individual for any other cost of, the receipt  
15 of the testing described in subsection (a).”.

16 (2) EFFECTIVE DATE.—The amendments made  
17 by this subsection shall take effect on January 1 of  
18 the year following the date of the enactment of this  
19 Act.

20 (g) COVERAGE OF TESTING WITH RESPECT TO INDI-  
21 ANS RECEIVING PURCHASED/REFERRED CARE.—

22 (1) COVERAGE.—The Secretary of Health and  
23 Human Services shall cover, without the imposition  
24 of any cost sharing requirements, the cost of pro-  
25 viding screening testing (and the administration of

1 such tests) for each of HIV, gonorrhea, syphilis,  
2 trichomoniasis, and chlamydia, if such testing (or  
3 administration, as applicable) would be covered  
4 under health insurance coverage pursuant to section  
5 2713(a)(1) of the Public Health Service Act for an  
6 individual enrolled under such coverage, to Indians  
7 (as defined in section 4 of the Indian Health Care  
8 Improvement Act (25 U.S.C. 1603)) receiving health  
9 services through the Indian Health Service, includ-  
10 ing through an Urban Indian Organization, regard-  
11 less of whether such tests have been authorized  
12 under the purchased/referred care system funded by  
13 the Indian Health Service or are covered as a health  
14 service of the Indian Health Service.

15 (2) EFFECTIVE DATE.—This subsection shall  
16 take effect on the date of the enactment of this Act  
17 and shall apply to items and services furnished on  
18 or after the first day of the calendar year beginning  
19 after such date.

○