

119TH CONGRESS
2D SESSION

S. _____

To increase access to pre-exposure prophylaxis to reduce the transmission
of HIV.

IN THE SENATE OF THE UNITED STATES

Ms. SMITH (for herself, Mr. SCHIFF, Ms. ALSOBROOKS, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. KIM, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Mr. PADILLA, Mr. REED, Ms. ROSEN, Mrs. SHAHEEN, Ms. WARREN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To increase access to pre-exposure prophylaxis to reduce
the transmission of HIV.

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 “PrEP Access and Cov-
5 erage Act of 2026”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that the Department of
8 Labor, the Department of Health and Human Services,

1 and the Department of the Treasury should ensure com-
2 pliance with the requirements described in this Act.

3 **SEC. 3. COVERAGE REQUIREMENTS.**

4 (a) PRIVATE INSURANCE.—

5 (1) IN GENERAL.—Section 2713(a) of the Pub-
6 lic Health Service Act (42 U.S.C. 300gg–13(a)) is
7 amended—

8 (A) in paragraph (2), by striking “; and”
9 and inserting a semicolon;

10 (B) in paragraph (3), by striking the pe-
11 riod and inserting a semicolon;

12 (C) in paragraph (4), by striking the pe-
13 riod and inserting “; and”;

14 (D) by striking paragraph (5);

15 (E) by adding at the end the following:

16 “(5) any prescription drug approved by the
17 Food and Drug Administration used for the preven-
18 tion of HIV (other than a drug subject to
19 preauthorization requirements consistent with sec-
20 tion 2729A–11), administrative fees for such drugs,
21 laboratory and other diagnostic procedures associ-
22 ated with the use of such drugs, and clinical follow-
23 up and monitoring, including any related services
24 recommended in current United States Public
25 Health Service clinical practice guidelines, including

1 policy notes updating those guidelines, without limi-
2 tation.”; and

3 (F) by adding at the end of the flush text
4 at the end the following: “For the purposes of
5 this Act, and for the purposes of any other pro-
6 vision of law, the current recommendations of
7 the United States Preventive Service Task
8 Force regarding breast cancer screening, mam-
9 mography, and prevention shall be considered
10 the most current other than those issued in or
11 around November 2009.”.

12 (2) GRANDFATHERED PLANS.—Section
13 1251(a)(4) of the Patient Protection and Affordable
14 Care Act (42 U.S.C. 18011(a)(4)) is amended by
15 adding at the end the following:

16 “(v) Section 2713(a)(5) (relating to
17 coverage without cost-sharing for prescrip-
18 tion drugs for the prevention of HIV).”.

19 (3) PROHIBITION ON PREAUTHORIZATION RE-
20 QUIREMENTS.—

21 (A) PHSA.—Part D of title XXVII of the
22 Public Health Service Act (42 U.S.C. 300gg–
23 111 et seq.) is amended by adding at the end
24 the following:

1 **“SEC. 2799A-12. PROHIBITION ON PREAUTHORIZATION RE-**
2 **QUIREMENTS WITH RESPECT TO CERTAIN**
3 **SERVICES.**

4 “A group health plan or a health insurance issuer of-
5 fering group or individual health insurance coverage shall
6 not impose any preauthorization requirements with re-
7 spect to coverage of the services described in section
8 2713(a)(5), except that a plan or issuer may impose
9 preauthorization requirements with respect to coverage of
10 a particular drug approved under section 505(c) of the
11 Federal Food, Drug, and Cosmetic Act or section 351(a)
12 of this Act if such plan or issuer provides coverage without
13 any preauthorization requirements for a drug that is ther-
14 apeutically equivalent.”.

15 (B) ERISA.—

16 (i) IN GENERAL.—Subpart B of part
17 7 of subtitle B of title I of the Employee
18 Retirement Income Security Act of 1974
19 (29 U.S.C. 1185 et seq.) is amended by
20 adding at the end the following:

21 **“SEC. 727. PROHIBITION ON PREAUTHORIZATION REQUIRE-**
22 **MENTS WITH RESPECT TO CERTAIN SERV-**
23 **ICES.**

24 “A group health plan or a health insurance issuer of-
25 fering group health insurance coverage shall not impose
26 any preauthorization requirements with respect to cov-

1 erage of the services described in section 2713(a)(5) of
2 the Public Health Service Act, except that a plan or issuer
3 may impose preauthorization requirements with respect to
4 coverage of a particular drug approved under section
5 505(c) of the Federal Food, Drug, and Cosmetic Act or
6 section 351(a) of the Public Health Service Act if such
7 plan or issuer provides coverage without any
8 preauthorization requirements for a drug that is thera-
9 peutically equivalent.”.

10 (ii) CLERICAL AMENDMENT.—The
11 table of contents in section 1 of the Em-
12 ployee Retirement Income Security Act of
13 1974 (29 U.S.C. 1001 et seq.) is amended
14 by inserting after the item relating to sec-
15 tion 726 the following new item:

“Sec. 727. Prohibition on preauthorization requirements with respect to certain
services.”.

16 (C) IRC.—

17 (i) IN GENERAL.—Chapter 100 of the
18 Internal Revenue Code of 1986 is amended
19 by adding at the end of subchapter B the
20 following:

1 **“SEC. 9827. PROHIBITION ON PREAUTHORIZATION RE-**
2 **QUIREMENTS WITH RESPECT TO CERTAIN**
3 **SERVICES.**

4 “A group health plan shall not impose any
5 preauthorization requirements with respect to coverage of
6 the services described in section 2713(a)(5) of the Public
7 Health Service Act, except that a plan may impose
8 preauthorization requirements with respect to coverage of
9 a particular drug approved under section 505(c) of the
10 Federal Food, Drug, and Cosmetic Act or section 351(a)
11 of the Public Health Service Act if such plan provides cov-
12 erage without any preauthorization requirements for a
13 drug that is therapeutically equivalent.”.

14 (ii) CLERICAL AMENDMENT.—The
15 table of sections for subchapter B of chap-
16 ter 100 of the Internal Revenue Code of
17 1986 is amended by adding at the end the
18 following new item:

“Sec. 9827. Prohibition on preauthorization requirements with respect to cer-
tain services.”.

19 (b) COVERAGE UNDER FEDERAL EMPLOYEES
20 HEALTH BENEFITS PROGRAM.—Section 8904 of title 5,
21 United States Code, is amended by adding at the end the
22 following:

23 “(c) Any health benefits plan offered under this chap-
24 ter shall include benefits for, and may not impose any

1 cost-sharing requirements for any prescription drug ap-
2 proved by the Food and Drug Administration used for the
3 prevention of HIV, administrative fees for such drugs, lab-
4 oratory and other diagnostic procedures associated with
5 the use of such drugs, and clinical follow-up and moni-
6 toring, including any related services recommended in cur-
7 rent United States Public Health Service clinical practice
8 guidelines, including policy notes updating those guide-
9 lines, without limitation.”.

10 (c) MEDICAID.—

11 (1) IN GENERAL.—Section 1905 of the Social
12 Security Act (42 U.S.C. 1396d) is amended by—

13 (A) in subsection (a)(4), by striking the
14 semicolon at the end and inserting “; and (G)
15 HIV prevention services;”; and

16 (B) by adding at the end the following new
17 subsection:

18 “(ll) HIV PREVENTION SERVICES.—For purposes of
19 subsection (a)(4)(G), the term ‘HIV prevention services’
20 means all prescription drugs used for the prevention of
21 HIV acquisition, administrative fees for such drugs, lab-
22 oratory and other diagnostic procedures associated with
23 the use of such drugs, and clinical follow-up and moni-
24 toring, including any related services recommended in cur-
25 rent United States Public Health Service clinical practice

1 guidelines, including policy notes updating those guide-
2 lines without limitation.”.

3 (2) NO COST-SHARING.—Title XIX of the So-
4 cial Security Act (42 U.S.C. 1396 et seq.) is amend-
5 ed—

6 (A) in section 1916, by inserting “HIV
7 prevention services described in section
8 1905(a)(4)(G),” after “section 1905(a)(4)(C),”
9 each place it appears; and

10 (B) in section 1916A(b)(3)(B), by adding
11 at the end the following new clause:

12 “(xv) HIV prevention services de-
13 scribed in section 1905(a)(4)(G).”.

14 (3) INCLUSION IN BENCHMARK COVERAGE.—
15 Section 1937(b)(7) of the Social Security Act (42
16 U.S.C. 1396u–7(b)(7)) is amended—

17 (A) in the paragraph heading, by inserting
18 “AND HIV PREVENTION SERVICES” after “SUP-
19 PLIES”; and

20 (B) by striking “includes for any individual
21 described in section 1905(a)(4)(C), medical as-
22 sistance for family planning services and sup-
23 plies in accordance with such section” and in-
24 serting “includes medical assistance for HIV
25 prevention services described in section

1 1905(a)(4)(G), and includes, for any individual
2 described in section 1905(a)(4)(C), medical as-
3 sistance for family planning services and sup-
4 plies in accordance with such section”.

5 (d) CHIP.—

6 (1) IN GENERAL.—Section 2103 of the Social
7 Security Act (42 U.S.C. 1397cc) is amended—

8 (A) in subsection (a), in the matter pre-
9 ceding paragraph (1), by striking “and (8)”
10 and inserting “(8), and (13)”; and

11 (B) in subsection (e), by adding at the end
12 the following new paragraph:

13 “(13) HIV PREVENTION SERVICES.—Regard-
14 less of the type of coverage elected by a State under
15 subsection (a), the child health assistance provided
16 for a targeted low-income child, and, in the case of
17 a State that elects to provide pregnancy-related as-
18 sistance pursuant to section 2112, the pregnancy-re-
19 lated assistance provided for a targeted low-income
20 pregnant woman (as such terms are defined for pur-
21 poses of such section), shall include coverage of HIV
22 prevention services (as defined in section 1905(ll)).”.

23 (2) NO COST-SHARING.—Section 2103(e)(2) of
24 the Social Security Act (42 U.S.C. 1397cc(e)(2)) is
25 amended—

1 (A) in the paragraph heading, by inserting
2 “HIV PREVENTION SERVICES,” after “TREAT-
3 MENT,”; and

4 (B) by inserting “HIV prevention services
5 described in subsection (c)(13),” before “or for
6 pregnancy-related assistance”.

7 (3) EFFECTIVE DATE.—

8 (A) IN GENERAL.—Subject to subpara-
9 graph (B), the amendments made by subsection
10 (c) and this subsection shall take effect on Jan-
11 uary 1, 2027.

12 (B) DELAY PERMITTED IF STATE LEGISLA-
13 TION REQUIRED.—In the case of a State plan
14 approved under title XIX or XXI of the Social
15 Security Act which the Secretary of Health and
16 Human Services determines requires State leg-
17 islation (other than legislation appropriating
18 funds) in order for the plan to meet the addi-
19 tional requirements imposed by this section, the
20 State plan shall not be regarded as failing to
21 comply with the requirements of such title sole-
22 ly on the basis of the failure of the plan to meet
23 such additional requirements before the 1st day
24 of the 1st calendar quarter beginning after the
25 close of the 1st regular session of the State leg-

1 islature that ends after the 1-year period begin-
2 ning with the date of enactment of this section.
3 For purposes of the preceding sentence, in the
4 case of a State that has a 2-year legislative ses-
5 sion, each year of the session is deemed to be
6 a separate regular session of the State legisla-
7 ture.

8 (e) COVERAGE AND ELIMINATION OF COST-SHARING
9 UNDER MEDICARE.—

10 (1) COVERAGE OF HIV PREVENTION SERVICES
11 UNDER PART B.—

12 (A) COVERAGE.—

13 (i) IN GENERAL.—Section 1861(s)(2)
14 of the Social Security Act (42 U.S.C.
15 1395x(s)(2)) is amended—

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

18 (II) in subparagraph (KK), by
19 inserting “and” at the end; and

20 (III) by adding at the end the
21 following new subparagraph:

22 “(LL) HIV prevention services (as defined
23 in subsection (ooo));”.

24 (ii) DEFINITION.—Section 1861 of
25 the Social Security Act (42 U.S.C. 1395x)

1 is amended by adding at the end the fol-
2 lowing new subsection:

3 “(ooo) HIV PREVENTION SERVICES.—The term
4 ‘HIV prevention services’ means—

5 “(1) drugs or biologicals approved by the Food
6 and Drug Administration for the prevention of HIV;

7 “(2) administrative fees for such drugs;

8 “(3) laboratory and other diagnostic procedures
9 associated with the use of such drugs; and

10 “(4) clinical follow-up and monitoring, including
11 any related services recommended in current United
12 States Public Health Service clinical practice guide-
13 lines, including policy notes updating those guide-
14 lines, without limitation.”.

15 (B) ELIMINATION OF COINSURANCE.—Sec-
16 tion 1833(a)(1) of the Social Security Act (42
17 U.S.C. 1395l(a)(1)) is amended—

18 (i) by striking “and (HH)” and in-
19 serting “(HH)”; and

20 (ii) by inserting before the semicolon
21 at the end the following: “, and (II) with
22 respect to HIV prevention services (as de-
23 fined in section 1861(ooo)), the amount
24 paid shall be 100 percent of (i) except as
25 provided in clause (ii), the lesser of the ac-

1 tual charge for the service or the amount
2 determined under the fee schedule that ap-
3 plies to such services under this part, and
4 (ii) in the case of such services that are
5 covered OPD services (as defined in sub-
6 section (t)(1)(B)), the amount determined
7 under subsection (t)”.

8 (C) EXEMPTION FROM PART B DEDUCT-
9 IBLE.—The first sentence of section 1833(b) of
10 the Social Security Act (42 U.S.C. 1395l(b)) is
11 amended—

12 (i) by striking “, and (13)” and in-
13 serting “(13)”; and

14 (ii) by striking “1861(n).” and in-
15 serting “1861(n), and (14) such deductible
16 shall not apply with respect to HIV pre-
17 vention services (as defined in section
18 1861(ooo)(1)).”.

19 (D) EFFECTIVE DATE.—The amendments
20 made by this paragraph shall apply to items
21 and services furnished on or after January 1,
22 2027.

23 (2) ELIMINATION OF COST-SHARING FOR
24 DRUGS FOR THE PREVENTION OF HIV UNDER PART
25 D.—

1 (A) IN GENERAL.—Section 1860D–2 of
2 the Social Security Act (42 U.S.C. 1395w–102)
3 is amended—

4 (i) in subsection (b)—

5 (I) in paragraph (1)(A), by strik-
6 ing “and (9)” and inserting “, (9),
7 and (10)”;

8 (II) in paragraph (2)—

9 (aa) in subparagraph (A),
10 by striking “and (9)” and insert-
11 ing “, (9), and (10)”;

12 (bb) in subparagraph (C)(i),
13 in the matter preceding subclause
14 (I), by striking “and (9)” and in-
15 serting “(9), and (10)”;

16 (cc) in subparagraph (D)(i),
17 in the matter preceding subclause
18 (I), by striking “and (9)” and in-
19 serting “(9), and (10)”;

20 (III) in paragraph (3)(A), in the
21 matter preceding clause (i), by strik-
22 ing “and (9)” and inserting “(9), and
23 (10)”;

1 (IV) in paragraph (4)(A)(i), by
2 striking “and (9)” and inserting “,
3 (9), and (10)”; and

4 (V) by adding at the end the fol-
5 lowing new paragraph:

6 “(10) ELIMINATION OF COST-SHARING FOR
7 DRUGS FOR THE PREVENTION OF HIV.—For plan
8 years beginning on or after January 1, 2027, with
9 respect to a covered part D drug that is for the pre-
10 vention of HIV—

11 “(A) the deductible under paragraph (1)
12 shall not apply; and

13 “(B) there shall be no coinsurance or other
14 cost-sharing under this part with respect to
15 such drug.”; and

16 (ii) in subsection (c), by adding at the
17 end the following new paragraph:

18 “(7) TREATMENT OF COST-SHARING FOR
19 DRUGS FOR THE PREVENTION OF HIV.—The cov-
20 erage is provided in accordance with subsection
21 (b)(10).”.

22 (B) CONFORMING AMENDMENTS TO COST-
23 SHARING FOR LOW-INCOME INDIVIDUALS.—Sec-
24 tion 1860D–14(a) of the Social Security Act
25 (42 U.S.C. 1395w–114(a)) is amended—

1 (i) in paragraph (1)(D), in each of
2 clauses (ii) and (iii), by striking “para-
3 graph (6)” and inserting “paragraphs (6)
4 and (7)”;

5 (ii) in paragraph (2)—

6 (I) in subparagraph (B), by
7 striking “and (9)” and inserting “,
8 (9), and (10)”;

9 (II) in subparagraph (D), by
10 striking “paragraph (6)” and insert-
11 ing “paragraphs (6) and (7)”;

12 (III) in subparagraph (E), by
13 striking “paragraph (6)” and insert-
14 ing “paragraphs (6) and (7)”;

15 (iii) by adding at the end the fol-
16 lowing new paragraph:

17 “(7) NO APPLICATION OF COST-SHARING OR
18 DEDUCTIBLE FOR DRUGS FOR THE PREVENTION OF
19 HIV.—For plan years beginning on or after January
20 1, 2027, with respect to a covered part D drug that
21 is for the prevention of HIV—

22 “(A) the deductible under section 1860D-
23 2(b)(1) shall not apply; and

24 “(B) there shall be no cost-sharing under
25 this section with respect to such drug.”.

1 (f) COVERAGE OF HIV PREVENTION TREATMENT BY
2 DEPARTMENT OF VETERANS AFFAIRS.—

3 (1) ELIMINATION OF MEDICATION COPAY-
4 MENTS.—Section 1722A(a) of title 38, United
5 States Code, is amended by adding at the end the
6 following new paragraph:

7 “(5) Paragraph (1) does not apply to a medication
8 for the prevention of HIV.”.

9 (2) ELIMINATION OF HOSPITAL CARE AND MED-
10 ICAL SERVICES COPAYMENTS.—Section 1710 of such
11 title is amended—

12 (A) in subsection (f)—

13 (i) by redesignating paragraph (5) as
14 paragraph (6); and

15 (ii) by inserting after paragraph (4)
16 the following new paragraph (5):

17 “(5) A veteran shall not be liable to the United States
18 under this subsection for any amounts for laboratory and
19 other diagnostic procedures associated with the use of any
20 prescription drug approved by the Food and Drug Admin-
21 istration and used for the prevention of HIV, administra-
22 tive fees for such a drug, or clinical follow-up and moni-
23 toring, including any related services recommended in cur-
24 rent United States Public Health Service clinical practice

1 guidelines, including policy notes updating those guide-
2 lines, without limitation.”; and

3 (B) in subsection (g)(3), by adding at the
4 end the following new subparagraph:

5 “(C) Any prescription drug approved by the
6 Food and Drug Administration and used for the
7 prevention of HIV, administrative fees for such a
8 drug, laboratory and other diagnostic procedures as-
9 sociated with the use of such a drug, and clinical fol-
10 low-up and monitoring, including any related serv-
11 ices recommended in current United States Public
12 Health Service clinical practice guidelines, including
13 policy notes updating those guidelines, without limi-
14 tation.”.

15 (3) INCLUSION AS PREVENTIVE HEALTH SERV-
16 ICE.—Section 1701(9) of such title is amended—

17 (A) in subparagraph (K), by striking “;
18 and” and inserting a semicolon;

19 (B) by redesignating subparagraph (L) as
20 subparagraph (M); and

21 (C) by inserting after subparagraph (K)
22 the following new subparagraph (L):

23 “(L) any prescription drug approved by
24 the Food and Drug Administration and used
25 for the prevention of HIV, administrative fees

1 for such a drug, laboratory and other diagnostic
2 procedures associated with the use of such a
3 drug, and clinical follow-up and monitoring, in-
4 cluding any related services recommended in
5 current United States Public Health Service
6 clinical practice guidelines, including policy
7 notes updating those guidelines, without limita-
8 tion; and”.

9 (g) COVERAGE OF HIV PREVENTION TREATMENT BY
10 DEPARTMENT OF DEFENSE.—

11 (1) IN GENERAL.—Chapter 55 of title 10,
12 United States Code, is amended by inserting after
13 section 1074o the following new section:

14 **“§ 1074p. Coverage of HIV prevention treatment**

15 “(a) IN GENERAL.—The Secretary of Defense shall
16 ensure coverage under the TRICARE program of HIV
17 prevention treatment described in subsection (b) for any
18 beneficiary under section 1074(a) of this title.

19 “(b) HIV PREVENTION TREATMENT DESCRIBED.—
20 HIV prevention treatment described in this subsection in-
21 cludes any prescription drug approved by the Food and
22 Drug Administration and used for the prevention of HIV,
23 administrative fees for such a drug, laboratory and other
24 diagnostic procedures associated with the use of such a
25 drug, and clinical follow-up and monitoring, including any

1 related services recommended in current United States
2 Public Health Service clinical practice guidelines, includ-
3 ing policy notes updating those guidelines, without limita-
4 tion.

5 “(c) NO COST-SHARING.—Notwithstanding section
6 1075, 1075a, or 1074g(a)(6) of this title or any other pro-
7 vision of law, there is no cost-sharing requirement for HIV
8 prevention treatment covered under this section.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 by inserting after the item relating to section 1074o
12 the following new item:

“1074p. Coverage of HIV prevention treatment.”.

13 (h) INDIAN HEALTH SERVICE TESTING, MONI-
14 TORING, AND PRESCRIPTION DRUGS FOR THE PREVEN-
15 TION OF HIV.—Title II of the Indian Health Care Im-
16 provement Act is amended by inserting after section 223
17 (25 U.S.C. 1621v) the following:

18 **“SEC. 224. TESTING, MONITORING, AND PRESCRIPTION**
19 **DRUGS FOR THE PREVENTION OF HIV.**

20 “(a) IN GENERAL.—The Secretary, acting through
21 the Director of HIV/AIDS Prevention and Treatment
22 under section 832, shall provide, without limitation, fund-
23 ing for any prescription drug approved by the Food and
24 Drug Administration for the prevention of human im-
25 munodeficiency virus (commonly known as ‘HIV’), admin-

1 istrative fees for that drug, laboratory and other diag-
2 nostic procedures associated with the use of that drug, and
3 clinical follow-up and monitoring, including any related
4 services recommended in current Public Health Service
5 clinical practice guidelines, including policy notes updating
6 those guidelines.

7 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as are nec-
9 essary to carry out this section.”.

10 (i) EFFECTIVE DATE.—The amendments made by
11 subsections (a), (b), (e), (f), (g), and (h) shall take effect
12 with respect to plan years beginning on or after January
13 1, 2027.

14 **SEC. 4. PROHIBITION ON DENIAL OF COVERAGE OR IN-**
15 **CREASE IN PREMIUMS OF LIFE, DISABILITY,**
16 **OR LONG-TERM CARE INSURANCE FOR INDI-**
17 **VIDUALS TAKING MEDICATION FOR THE PRE-**
18 **VENTION OF HIV ACQUISITION.**

19 (a) PROHIBITION.—Notwithstanding any other provi-
20 sion of law, it shall be unlawful to—

21 (1) decline or limit coverage of an individual
22 under any life insurance policy, disability insurance
23 policy, or long-term care insurance policy, on ac-
24 count of the individual taking medication for the
25 purpose of preventing the acquisition of HIV;

1 (2) preclude an individual from taking medica-
2 tion for the purpose of preventing the acquisition of
3 HIV as a condition of receiving a life insurance pol-
4 icy, disability insurance policy, or long-term care in-
5 surance policy;

6 (3) consider whether an individual is taking
7 medication for the purpose of preventing the acquisi-
8 tion of HIV in determining the premium rate for
9 coverage of such individual under a life insurance
10 policy, disability insurance policy, or long-term care
11 insurance policy; or

12 (4) otherwise discriminate in the offering,
13 issuance, cancellation, amount of such coverage,
14 price, or any other condition of a life insurance pol-
15 icy, disability insurance policy, or long-term care in-
16 surance policy for an individual, based solely and
17 without any additional actuarial risks upon whether
18 the individual is taking medication for the purpose
19 of preventing the acquisition of HIV.

20 (b) ENFORCEMENT.—A State insurance regulator
21 may take such actions to enforce subsection (a) as are spe-
22 cifically authorized under the laws of such State.

23 (c) DEFINITIONS.—In this section:

24 (1) DISABILITY INSURANCE POLICY.—The term
25 “disability insurance policy” means a contract under

1 which an entity promises to pay a person a sum of
2 money in the event that an illness or injury resulting
3 in a disability prevents such person from working.

4 (2) LIFE INSURANCE POLICY.—The term “life
5 insurance policy” means a contract under which an
6 entity promises to pay a designated beneficiary a
7 sum of money upon the death of the insured.

8 (3) LONG-TERM CARE INSURANCE POLICY.—
9 The term “long-term care insurance policy” means
10 a contract for which the only insurance protection
11 provided under the contract is coverage of qualified
12 long-term care services (as defined in section
13 7702B(c) of the Internal Revenue Code of 1986).

14 **SEC. 5. PUBLIC EDUCATION CAMPAIGN.**

15 Part P of title III of the Public Health Service Act
16 (42 U.S.C. 280g et seq.) is amended by adding at the end
17 the following:

18 **“SEC. 399V-8. PRE-EXPOSURE PROPHYLAXIS AND POST-EX-**
19 **POSURE PROPHYLAXIS EDUCATION CAM-**
20 **PAIGNS.**

21 **“(a) PUBLIC EDUCATION CAMPAIGN.—**

22 **“(1) IN GENERAL.—**The Secretary, acting
23 through the Director of the Centers for Disease
24 Control and Prevention, in consultation with the Di-
25 rector of the Office of Infectious Disease and HIV/

1 AIDS Policy, shall establish a public health cam-
2 paign for the purpose of educating the public on
3 medication for the prevention of HIV acquisition.

4 “(2) REQUIREMENTS.—In carrying out this
5 subsection, the Secretary shall ensure cultural com-
6 petency and efficacy within high-need communities
7 in which PrEP or PEP are underutilized by devel-
8 oping the campaign in collaboration with organiza-
9 tions that are indigenous to communities that are
10 overrepresented in the domestic HIV epidemic, in-
11 cluding communities of color and the lesbian, gay,
12 bisexual, transgender, and queer community. The
13 Secretary shall ensure that the campaign is designed
14 to increase awareness of the safety and effectiveness
15 of PrEP and PEP, the recommended clinical prac-
16 tices for providing PrEP-related and PEP-related
17 clinical care, and the local availability of PrEP and
18 PEP providers, and to counter stigma associated
19 with the use of PrEP and PEP.

20 “(3) EVALUATION OF PROGRAM.—The Sec-
21 retary shall develop measures to evaluate the effec-
22 tiveness of activities conducted under this subsection
23 that are aimed at reducing disparities in access to
24 PrEP and PEP and supporting the local commu-
25 nity. Such measures shall evaluate community out-

1 reach activities, language services, workforce cultural
2 competence, and other areas as determined by the
3 Secretary.

4 “(b) PROVIDER EDUCATION CAMPAIGN.—

5 “(1) IN GENERAL.—The Secretary, acting
6 through the Director of the Centers for Disease
7 Control and Prevention, the Administrator of the
8 Health Resources and Services Administration, and
9 the Office of Infectious Disease and HIV/AIDS Pol-
10 icy, shall establish a provider campaign for the pur-
11 pose of educating prescribers and other associated
12 health professionals on medication for the prevention
13 of HIV acquisition.

14 “(2) REQUIREMENTS.—In carrying out this
15 subsection, the Secretary shall increase awareness
16 and readiness among health care providers to offer
17 PrEP or PEP, as appropriate, with a focus on areas
18 of high-need communities in which PrEP or PEP is
19 underutilized by developing an educational campaign
20 with input from health care providers and organiza-
21 tions from communities that are disproportionately
22 affected by the domestic HIV epidemic, including
23 communities of color and the lesbian, gay, bisexual,
24 transgender, and queer community. The Secretary
25 shall ensure that the campaign is designed to in-

1 crease awareness of the safety and effectiveness of
2 PrEP and PEP, the recommended clinical practices
3 for providing PrEP-related and PEP-related clinical
4 care, cultural competency among PrEP and PEP
5 prescribers, and to counter stigma associated with
6 the use of PrEP and PEP.

7 “(3) EVALUATION OF PROGRAM.—The Sec-
8 retary shall develop measures to evaluate the effec-
9 tiveness of activities conducted under this subsection
10 that are aimed at increasing the number of health
11 care professionals offering PrEP and PEP and re-
12 ducing disparities in access to PrEP and PEP. Such
13 measures shall evaluate availability of PrEP and
14 PEP services, education and outreach activities, lan-
15 guage services, workforce cultural competence, and
16 other areas as determined by the Secretary.

17 “(c) DEFINITIONS.—In this section and section
18 399V-9—

19 “(1) the term ‘PEP’ means any drug or com-
20 bination of drugs approved by the Food and Drug
21 Administration for preventing HIV transmission
22 after a sexual or other exposure associated with a
23 high risk of HIV transmission; and

24 “(2) the term ‘PrEP’ means any drug approved
25 by the Food and Drug Administration for the pur-

1 pose of pre-exposure prophylaxis with respect to
2 HIV.

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
4 carry out this section, there are authorized to be appro-
5 priated such sums as may be necessary for each of fiscal
6 years 2026 through 2030.”.

7 **SEC. 6. PATIENT CONFIDENTIALITY.**

8 The Secretary of Health and Human Services shall
9 amend the regulations promulgated under section 264(c)
10 of the Health Insurance Portability and Accountability
11 Act of 1996 (42 U.S.C. 1320d–2 note), as necessary, to
12 ensure that individuals are able to access the benefits de-
13 scribed in section 2713(a)(5) under a family plan without
14 any other individual enrolled in such family plan, including
15 a primary subscriber of or policyholder, being informed of
16 such use of such benefits.

17 **SEC. 7. PREP AND PEP FUNDING.**

18 Part P of title III of the Public Health Service Act
19 (42 U.S.C. 280g et seq.), as amended by section 5, is fur-
20 ther amended by adding at the end the following:

21 **“SEC. 399V-9. PRE-EXPOSURE PROPHYLAXIS AND POST-EX-**
22 **POSURE PROPHYLAXIS FUNDING.**

23 “(a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of the PrEP Access and Coverage Act
25 of 2026, the Secretary shall establish a program that

1 awards grants to States, territories, Indian Tribes, and
2 directly eligible entities for the establishment and support
3 of pre-exposure prophylaxis (referred to in this section as
4 ‘PrEP’) and post-exposure prophylaxis (referred to in this
5 section as ‘PEP’) programs.

6 “(b) APPLICATIONS.—To be eligible to receive a
7 grant under subsection (a), a State, territory, Indian
8 Tribe, or directly eligible entity shall—

9 “(1) submit an application to the Secretary at
10 such time, in such manner, and containing such in-
11 formation as the Secretary may require, including a
12 plan describing how any funds awarded will be used
13 to increase access to PrEP for uninsured and under-
14 insured individuals and reduce disparities in access
15 to PrEP and PEP for uninsured and underinsured
16 individuals and reduce disparities in access to PrEP
17 and PEP; and

18 “(2) appoint a PrEP and PEP grant adminis-
19 trator to manage the program.

20 “(c) DIRECTLY ELIGIBLE ENTITY.—For purposes of
21 this section, the term ‘directly eligible entity’—

22 “(1) means a nonprofit entity engaged in pro-
23 viding PrEP and PEP information and services; and

24 “(2) may include—

1 “(A) a Federally qualified health center
2 (as defined in section 1861(aa)(4) of the Social
3 Security Act);

4 “(B) a family planning grantee (other than
5 States) funded under section 1001;

6 “(C) a rural health clinic (as defined in
7 section 1861(aa)(2) of the Social Security Act);

8 “(D) a health facility operated by or pur-
9 suant to a contract with the Indian Health
10 Service;

11 “(E) a community-based organization, clin-
12 ic, hospital, or other health facility that pro-
13 vides services to individuals at risk for or living
14 with HIV; and

15 “(F) a nonprofit private entity providing
16 comprehensive primary care to populations at
17 risk of HIV, including faith-based and commu-
18 nity-based organizations.

19 “(d) AWARDS.—In determining whether to award a
20 grant, and the grant amount for each grant awarded, the
21 Secretary shall consider the grant application and the
22 need for PrEP and PEP services in the area, the number
23 of uninsured and underinsured individuals in the area, and
24 how the State, territory, or Indian Tribe coordinates
25 PrEP and PEP activities with the directly funded entity,

1 if the State, territory, or Indian Tribe applies for the
2 funds.

3 “(e) USE OF FUNDS.—

4 “(1) IN GENERAL.—Any State, territory, Indian
5 Tribe, or directly eligible entity that is awarded
6 funds under subsection (a) shall use such funds for
7 eligible PrEP and PEP expenses.

8 “(2) ELIGIBLE PREP EXPENSES.—The Sec-
9 retary shall publish a list of expenses that qualify as
10 eligible PrEP and PEP expenses for purposes of this
11 section, which shall include—

12 “(A) any prescription drug approved by
13 the Food and Drug Administration used for the
14 prevention of HIV, administrative fees for such
15 drugs, laboratory and other diagnostic proce-
16 dures associated with the use of such drugs,
17 and clinical follow-up and monitoring, including
18 any related services recommended in current
19 United States Public Health Service clinical
20 practice guidelines, including policy notes up-
21 dating those guidelines, without limitation;

22 “(B) outreach and public education activi-
23 ties directed toward populations overrepresented
24 in the domestic HIV epidemic that increase
25 awareness about the existence of PrEP and

1 PEP, provide education about access to and
2 health care coverage of PrEP and PEP, PrEP
3 and PEP adherence programs, and counter
4 stigma associated with the use of PrEP and
5 PEP;

6 “(C) outreach activities directed toward
7 physicians and other providers that provide
8 education about PrEP and PEP; and

9 “(D) adherence services and counseling, in-
10 cluding personnel costs for PrEP navigators to
11 retain patients in care.

12 “(f) REPORT TO CONGRESS.—The Secretary shall, in
13 each of the first 5 years beginning 1 year after the date
14 of enactment of the PrEP Access and Coverage Act of
15 2026, submit to Congress, and make public on the website
16 of Department of Health and Human Services, a report
17 on the impact of any grants provided to States, territories,
18 Indian Tribes, and directly eligible entities for the estab-
19 lishment and support of pre-exposure prophylaxis pro-
20 grams under this section.

21 “(g) AUTHORIZATION OF APPROPRIATIONS.—To
22 carry out this section, there are authorized to be appro-
23 priated such sums as may be necessary for each of fiscal
24 years 2026 through 2030.”.

1 **SEC. 8. CLARIFICATION.**

2 This Act, including the amendments made by this
3 Act, shall apply notwithstanding any other provision of
4 law, including Public Law 103–141.

5 **SEC. 9. PRIVATE RIGHT OF ACTION.**

6 Any person aggrieved by a violation of this Act, in-
7 cluding the amendments made by this Act, may commence
8 a civil action in an appropriate United States District
9 Court or other court of competent jurisdiction to obtain
10 relief as allowed by law as either an individual or member
11 of a class. If the plaintiff is the prevailing party in such
12 an action, the court shall order the defendant to pay the
13 costs and reasonable attorney fees of the plaintiff.

14 **SEC. 10. ENFORCEMENT.**

15 (a) IN GENERAL.—The Secretary of Health and
16 Human Services, in consultation with the Centers for Dis-
17 ease Control and Prevention, shall—

18 (1) issue guidance regarding the implementa-
19 tion of the coverage requirements established under
20 this Act, including the amendments made by this
21 Act, including with respect to implementation of
22 such coverage requirements;

23 (2) develop and disseminate educational mate-
24 rials, including billing and coding documents based
25 on stakeholder consensus-driven recommendations,
26 as appropriate;

1 (3) provide technical assistance to State insur-
2 ance commissioners;

3 (4) provide technical assistance to eligible enti-
4 ties regarding responding to consumer complaints
5 and assisting in resolving such complaints; and

6 (5) work with other Federal agencies to assist
7 in enforcement and compliance.

8 (b) COMPLIANCE.—

9 (1) IN GENERAL.—The Secretary of Health and
10 Human Services, the Secretary of Labor, and the
11 Secretary of the Treasury, in consultation with the
12 Director of the Centers for Disease Control and Pre-
13 vention, shall monitor compliance by group health
14 plans and health insurance issuers with coverage re-
15 quirements established under sections 2799A–11 of
16 the Public Health Service Act, 726 of the Employee
17 Retirement Income Security Act of 1974, and 9826
18 of the Internal Revenue Code of 1986 (as added by
19 section 3(a)) and shall take appropriate enforcement
20 actions under such Acts and such Code.

21 (2) INSURER SUBMISSIONS TO THE SEC-
22 RETARY.—Beginning not later than 1 year after the
23 date of enactment of this Act, each group health
24 plan and health insurance issuer offering group or
25 individual health insurance coverage shall submit to

1 the Secretary of Health and Human Services, at
2 such time as such secretary, in coordination with the
3 Secretary of Labor and the Secretary of the Treas-
4 ury, shall require, but not less frequently than annu-
5 ally for the 10-year period beginning on such date
6 of enactment, data demonstrating compliance with
7 the coverage requirements described in paragraph
8 (1), including aggregate data on the number of
9 claims received by such plans and issuers for HIV
10 prevention services and the cost-sharing for enrollees
11 with respect to such claims.

12 (3) REPORTS TO CONGRESS.—Not later than 2
13 years after the date of enactment of this Act and
14 every 2 years thereafter for the 10-year period be-
15 ginning on such date of enactment, the Secretary of
16 Health and Human Services, the Secretary of Labor,
17 and the Secretary of the Treasury (collectively re-
18 ferred to in this section as the “Secretaries”) shall
19 jointly submit to Congress and make publicly avail-
20 able a report to assess the prevalence of noncompli-
21 ance with the coverage requirements described in
22 paragraph (1). Each such report shall include—

23 (A) aggregate information about group
24 health plans and health insurance issuers that

1 the Secretaries determine to be out of compli-
2 ance with such requirements; and

3 (B) steps the Secretaries have taken to ad-
4 dress incidences of such noncompliance.

5 (4) DEFINITIONS.—In this subsection, the
6 terms “group health plan”, “health insurance cov-
7 erage”, and “health insurance issuer” have the
8 meanings given such terms in section 2791 of the
9 Public Health Service Act (42 U.S.C. 300gg–91).