

118TH CONGRESS
1ST SESSION

S. _____

To remove limitations under Medicaid, Medicare, CHIP, and the Department of Veterans Affairs on benefits for persons in custody pending disposition of charges.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To remove limitations under Medicaid, Medicare, CHIP, and the Department of Veterans Affairs on benefits for persons in custody pending disposition of charges.

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 Pretrial
5 Health Coverage Act”.

1 **SEC. 2. REMOVAL OF INMATE LIMITATION ON BENEFITS**
2 **UNDER MEDICAID, MEDICARE, CHIP, AND**
3 **THE DEPARTMENT OF VETERANS AFFAIRS.**

4 (a) **MEDICAID.**—The subdivision (A) of section
5 1905(a) of the Social Security Act (42 U.S.C. 1396d(a))
6 that follows the last numbered paragraph of such section
7 is amended by inserting “, or in the case of care or services
8 furnished to an individual who is in custody pending dis-
9 position of charges” before “);”.

10 (b) **MEDICARE.**—Section 1862(a)(3) of the Social Se-
11 curity Act (42 U.S.C. 1395y(a)(3)) is amended by insert-
12 ing “in the case of items or services furnished to individ-
13 uals who are in custody pending disposition of charges,”
14 after “1880(e),”.

15 (c) **CHIP.**—Section 2110(b)(2)(A) of the Social Se-
16 curity Act (42 U.S.C. 1397jj(b)(2)(A)) is amended by in-
17 serting “(except as an individual in custody pending dis-
18 position of charges)” after “inmate of a public institu-
19 tion”.

20 (d) **MODIFICATION OF INMATE LIMITATION ON**
21 **HEALTH CARE BENEFITS FROM DEPARTMENT OF VET-**
22 **ERANS AFFAIRS.**—The Secretary of Veterans Affairs shall
23 modify section 17.38(c)(5) of title 38, Code of Federal
24 Regulations, or successor regulations, to ensure that the
25 exclusion of veterans who are inmates from eligibility for
26 health care from the Department of Veterans Affairs

1 under such section does not apply to veterans who are in
2 custody pending disposition of charges.

3 (e) CONFORMING AMENDMENTS.—

4 (1) Title XIX of the Social Security Act (42
5 U.S.C. 1396 et seq.) is amended—

6 (A) in section 1902(a)(84)(A), by inserting
7 “(except for any portion of such period during
8 which the juvenile is in custody pending dispo-
9 sition of charges)” after “is such an inmate”;

10 (B) in section 1902(nn)(3), by striking
11 “paragraph (31)” and inserting “the last num-
12 bered paragraph”; and

13 (C) in the fifth sentence of section
14 1905(a), by striking “paragraph (30)” and in-
15 sserting “the last numbered paragraph”.

16 (2) Section 5122(c) of division FF of the Con-
17 solidated Appropriations Act, 2023 (Public Law
18 117–328) is amended to read as follows:

19 “(c) EFFECTIVE DATE; SUPERSESSION.—

20 “(1) EFFECTIVE DATE.—Except as provided in
21 paragraph (2), the amendments made by this section
22 shall take effect on the first day of the first calendar
23 quarter that begins after the date that is 24 months
24 after the date of enactment of this Act and shall

1 apply to items and services furnished for periods be-
2 ginning on or after such date.

3 “(2) SUPERSESSION.—The amendments made
4 by this section—

5 “(A) shall not take effect if the amend-
6 ments made by subsections (a) and (c) of sec-
7 tion 2 of the Equity in Pretrial Health Cov-
8 erage Act take effect before the effective date
9 described in paragraph (1); and

10 “(B) shall cease to be effective on the date
11 on which the amendments made by subsections
12 (a) and (c) of section 2 of the Equity in Pre-
13 trial Health Coverage Act take effect.”.

14 (f) EFFECTIVE DATES.—

15 (1) IN GENERAL.—The amendments made by
16 subsections (a), (b), (c), and (e)(1) shall take effect
17 on the 1st day of the 1st calendar quarter that be-
18 gins more than 60 days after the date of enactment
19 of this Act and shall apply to items and services fur-
20 nished for periods beginning on or after such date.

21 (2) DEPARTMENT OF VETERANS AFFAIRS.—
22 Subsections (d) and the amendment made by sub-
23 section (e)(2) shall take effect on the date of enact-
24 ment of this Act.