

119<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 5120

To amend titles XVIII and XIX of the Social Security Act and title 10, United States Code, to provide no-cost coverage for the preventive distribution of opioid overdose reversal drugs.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 3, 2025

Ms. PETTERSEN (for herself and Mrs. KIGGANS of Virginia) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Armed Services, 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

---

## A BILL

To amend titles XVIII and XIX of the Social Security Act and title 10, United States Code, to provide no-cost coverage for the preventive distribution of opioid overdose reversal drugs.

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 “Hospitals As Naloxone  
5 Distribution Sites Act” or the “HANDS Act”.

1 **SEC. 2. NO-COST COVERAGE OF PREVENTIVE OPIOID OVER-**  
2 **DOSE REVERSAL DRUGS.**

3 (a) COVERAGE UNDER MEDICARE.—

4 (1) COVERAGE.—Section 1861(s)(2) of the So-  
5 cial Security Act (42 U.S.C. 1395x(s)(2)) is amend-  
6 ed—

7 (A) in subparagraph (JJ), by adding  
8 “and” after the semicolon at the end; and

9 (B) by adding at the end the following new  
10 subparagraph:

11 “(KK) a preventive opioid overdose reversal  
12 drug (as defined in subsection (nnn)) furnished on  
13 or after January 1, 2026;”.

14 (2) PREVENTIVE OPIOID OVERDOSE REVERSAL  
15 DRUG DEFINED.—Section 1861 of the Social Secu-  
16 rity Act (42 U.S.C. 1395x) is amended by adding at  
17 the end the following new subsection:

18 “(nnn) PREVENTIVE OPIOID OVERDOSE REVERSAL  
19 DRUG.—The term ‘preventive opioid overdose reversal  
20 drug’ means an opioid overdose reversal drug, which may  
21 be either intranasal or intramuscular, that is furnished by  
22 a physician, nurse practitioner, physician assistant, or  
23 other attending clinical personnel (as determined by the  
24 Secretary by regulation) to an individual who is an inpa-  
25 tient of a hospital, critical access hospital, or rural emer-  
26 gency hospital, or is a patient of the emergency depart-

1 ment of such a hospital or an ambulatory surgical center,  
2 but only if—

3 “(1) such physician, nurse practitioner, physi-  
4 cian assistant, or attending clinical professional de-  
5 termines that such individual is at risk for an opioid  
6 overdose; and

7 “(2) such drug is furnished at the time such in-  
8 dividual is discharged from the hospital or leaves the  
9 emergency department or ambulatory surgical cen-  
10 ter, as the case may be, together with instructions  
11 for the administration of such drug.”.

12 (3) PROHIBITION OF COST SHARING.—Section  
13 1833 of the Social Security Act (42 U.S.C. 1395l)  
14 is amended—

15 (A) in subsection (a)(1)—

16 (i) in subparagraph (S)(i), by striking  
17 “subparagraph (EE),” and inserting “sub-  
18 paragraphs (EE) and (II),”;

19 (ii) in subparagraph (GG), by striking  
20 “and” at the end; and

21 (iii) by inserting “, and (II) with re-  
22 spect to a preventive opioid overdose rever-  
23 sal drug (as defined in section 1861(nnn))  
24 furnished on or after January 1, 2026, the  
25 amounts paid shall be 100 percent of the

1 lesser of the actual charges for such drug  
2 or the amount determined under section  
3 1842(o)” before the semicolon at the end;  
4 and

5 (B) in subsection (b)—

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

8 (ii) by striking “section 1861(n)..”  
9 and inserting “section 1861(n), and (14)  
10 such deductible shall not apply with re-  
11 spect to a preventive opioid reversal drug  
12 (as defined in section 1861(nnn)) fur-  
13 nished on or after January 1, 2026.”.

14 (4) PROHIBITION OF COST SHARING FOR MEDI-  
15 CARE ADVANTAGE PLANS.—Section 1852(a)(1)(B) of  
16 the Social Security Act (42 U.S.C. 1395w-  
17 22(a)(1)(B)) is amended—

18 (A) in clause (iv)—

19 (i) by redesignating subclause (VIII)  
20 as subclause (IX); and

21 (ii) by inserting after subclause (VII)  
22 the following new subclause:

23 “(VIII) A preventive opioid rever-  
24 sal drug (as defined in section  
25 1861(nnn)).”; and

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

3 (b) COVERAGE UNDER MEDICAID.—

4 (1) MANDATORY COVERAGE.—

5 (A) IN GENERAL.—Section 1902(a)(10)(A)  
6 of the Social Security Act (42 U.S.C.  
7 1396a(a)(10)(A)) is amended by striking “and  
8 (30)” and inserting “(30), and (32)”.

9 (B) ALTERNATIVE BENEFIT PLANS.—Sec-  
10 tion 1937(b) of the Social Security Act (42  
11 U.S.C. 1396u-7(b)) is amended by adding at  
12 the end the following new paragraph:

13 “(9) PREVENTIVE OPIOID OVERDOSE REVERSAL  
14 DRUGS.—Notwithstanding the previous provisions of  
15 this section, a State may not provide for medical as-  
16 sistance through enrollment of an individual with  
17 benchmark coverage or benchmark-equivalent cov-  
18 erage under this section unless, beginning on Janu-  
19 ary 1, 2026, such coverage includes (and does not  
20 impose any deduction, cost sharing, or similar  
21 charge for) preventive opioid overdose reversal drugs  
22 described in section 1861(nnn).”.

23 (2) INCLUSION IN MEDICAL ASSISTANCE.—

1 (A) IN GENERAL.—Section 1905(a) of the  
2 Social Security Act (42 U.S.C. 1396d(a)) is  
3 amended—

4 (i) in paragraph (31), by striking  
5 “and” at the end;

6 (ii) by redesignating paragraph (32)  
7 as paragraph (33); and

8 (iii) by inserting after paragraph (31)  
9 the following new paragraph:

10 “(32) beginning January 1, 2026, preventive  
11 opioid overdose reversal drugs described in section  
12 1861(nnn); and”.

13 (3) APPLICATION OF REBATE REQUIRE-  
14 MENTS.—Section 1927 of the Social Security Act  
15 (42 U.S.C. 1396r–8) is amended—

16 (A) in subsection (d)(7), by adding at the  
17 end the following new subparagraph:

18 “(F) Preventive opioid overdose reversal  
19 drugs described in section 1861(nnn) that are  
20 furnished as medical assistance in accordance  
21 with section 1905(a)(32) and section  
22 1902(a)(10)(A).”; and

23 (B) in subsection (k)(4)—

24 (i) by striking “If a State plan” and  
25 inserting:

1           “(A) IN GENERAL.—If a State plan”; and  
2           (ii) by adding at the end the following  
3           new subparagraph:

4           “(B) PREVENTIVE OPIOID OVERDOSE RE-  
5           VERSAL DRUGS.—Beginning January 1, 2026,  
6           in applying paragraph (2)(A) to a preventive  
7           opioid overdose reversal drug described in sec-  
8           tion 1861(nnn), such drug shall be deemed a  
9           prescribed drug for purposes of section  
10          1905(a)(12).”.

11          (4) PROHIBITION OF COST SHARING.—

12           (A) IN GENERAL.—Section 1916 of the So-  
13          cial Security Act (42 U.S.C. 1396o) is amend-  
14          ed—

15                   (i) in subsection (a)(2)—

16                           (I) in subparagraph (I), by strik-  
17                           ing “or” at the end;

18                           (II) in subparagraph (J), by  
19                           striking “; and” at the end and in-  
20                           serting “, or”; and

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

23                   “(K) beginning January 1, 2026, preven-  
24                   tive opioid overdose reversal drugs described in  
25                   section 1861(nnn); and”; and

1 (ii) in subsection (b)(2)—

2 (I) in subparagraph (I), by strik-  
3 ing “or” at the end;

4 (II) in subparagraph (J), by  
5 striking “; and” at the end and in-  
6 serting “, or”; and

7 (III) by adding at the end the  
8 following new subparagraph:

9 “(K) beginning January 1, 2026, preven-  
10 tive opioid overdose reversal drugs described in  
11 section 1861(nnn); and”.

12 (B) APPLICATION TO ALTERNATIVE COST  
13 SHARING.—Section 1916A(b)(3)(B) of the So-  
14 cial Security Act (42 U.S.C. 1396o–1(b)(3)(B))  
15 is amended by adding at the end the following  
16 new clause:

17 “(xv) Beginning January 1, 2026,  
18 preventive opioid overdose reversal drugs  
19 described in section 1861(nnn).”.

20 (c) COVERAGE UNDER TRICARE.—Section 1074g  
21 of title 10, United States Code, is amended as follows:

22 (1) In subsection (a)(6), by adding at the end  
23 the following new subparagraph:

24 “(F) Notwithstanding subparagraphs (A), (B), and  
25 (C), beginning on January 1, 2026, an eligible covered

1 beneficiary shall not be required to pay a cost-sharing  
2 amount for a preventive opioid overdose reversal drug.”.

3 (2) In subsection (i), by adding at the end the  
4 following new paragraph:

5 “(5) The term ‘preventive opioid overdose rever-  
6 sal drug’ has the meaning given such term in section  
7 1861 of the Social Security Act (42 U.S.C.  
8 1395x).”.

9 (d) REGULATORY GUIDANCE.—

10 (1) STATE BOARDS.—Not later than 1 year  
11 after the date of the enactment of this Act, the  
12 Commissioner of Food and Drugs shall issue guid-  
13 ance for State boards of pharmacy, nursing, and  
14 medicine with respect to—

15 (A) enhancing safe and effective hospital-  
16 based dispensing and distribution of opioid  
17 overdose reversal drugs; and

18 (B) eliminating barriers to such dispensing  
19 and distribution.

20 (2) HOSPITAL.—Not later than 1 year after the  
21 date of the enactment of this Act, the Secretary of  
22 Health and Human Services shall issue guidance for  
23 hospitals with respect to billing for preventive opioid  
24 overdose reversal drugs described in section

1       1861(nnn) of the Social Security Act, as added by  
2       subsection (a)(2).

3       (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
4       tion shall be construed to require a provider of services  
5       or supplier to furnish a preventive opioid overdose reversal  
6       drug described in section 1861(nnn) of the Social Security  
7       Act, as added by subsection (a)(2), to an individual at risk  
8       of an opioid overdose.

○