

119TH CONGRESS
1ST SESSION

S. 2857

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18 (legislative day, SEPTEMBER 16), 2025

Mr. WYDEN (for himself and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 of 2025”.

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 involving a vaccine as updated
26 or changed after such date under an approved supple-

1 mental application to a biological product licensed under
2 section 351 on or before such date.

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 involving a vaccine as updated or changed
 9 after such date under an approved supplemental applica-
 10 tion to a biological product licensed under section 351 of
 11 the Public Health Service Act (42 U.S.C. 262) on or be-
 12 fore such date.

13 “(b) SPECIAL RULE.—Subsection (a) shall not apply
 14 in the case of an immunization administered during the
 15 minimum interval established under section 2713(b) of the
 16 Public Health Service Act (42 U.S.C. 300gg–13(b)) with
 17 respect to such immunization.”.

18 (B) CLERICAL AMENDMENT.—The table of
 19 contents in section 1 of the Employee Retire-
 20 ment Income Security Act of 1974 (29 U.S.C.
 21 1001 note) is amended by inserting after the
 22 item relating to section 725 the following new
 23 item:

“Sec. 726. Coverage of certain immunizations recommended by the Advisory
 Committee on Immunization Practices.”.

24 (3) IRC.—

1 (A) IN GENERAL.—Subchapter B of chap-
 2 ter 100 of the Internal Revenue Code of 1986
 3 is amended by adding at the end the following
 4 new section:

5 **“SEC. 9826. COVERAGE OF CERTAIN IMMUNIZATIONS REC-**
 6 **OMMENDED BY THE ADVISORY COMMITTEE**
 7 **ON IMMUNIZATION PRACTICES.**

8 “(a) IN GENERAL.—With respect to plan years occur-
 9 ring during the date of the enactment of this section, or
 10 beginning on or after the date of the enactment of this
 11 section and before January 1, 2030, a group health plan
 12 shall provide coverage for and shall not impose any cost
 13 sharing requirements for immunizations that had in effect
 14 a recommendation from the Advisory Committee on Im-
 15 munization Practices of the Centers for Disease Control
 16 and Prevention with respect to the individual involved as
 17 of October 25, 2024, including such an immunization in-
 18 volving a vaccine as updated or changed after such date
 19 under an approved supplemental application to a biological
 20 product licensed under section 351 of the Public Health
 21 Service Act (42 U.S.C. 262) on or before such date.

22 “(b) SPECIAL RULE.—Subsection (a) shall not apply
 23 in the case of an immunization administered during the
 24 minimum interval established under section 2713(b) of the

1 Public Health Service Act (42 U.S.C. 300gg–13(b)) with
 2 respect to such immunization.”.

3 (B) CLERICAL AMENDMENT.—The table of
 4 sections for subchapter B of chapter 100 of the
 5 Internal Revenue Code of 1986 is amended by
 6 adding at the end the following new item:

“Sec. 9826. Coverage of certain immunizations recommended by the Advisory
 Committee on Immunization Practices.”.

7 (b) MEDICARE.—Section 1860D–2(b)(8)(B) of the
 8 Social Security Act (42 U.S.C. 1395w–102(b)(8)(B)) is
 9 amended—

10 (1) by striking “with recommendations” and in-
 11 serting “with—

12 “(i) recommendations”;

13 (2) by striking the period at the end and insert-
 14 ing “; or”; and

15 (3) by adding at the end the following new
 16 clause:

17 “(ii) for plan years occurring during
 18 the date of the enactment of this clause, or
 19 beginning on or after the date of the enact-
 20 ment of this clause and before January 1,
 21 2030, in the case of a vaccine with respect
 22 to which such a recommendation is revoked
 23 with respect to the individual involved on
 24 or after October 25, 2024, including such

1 a vaccine as updated or changed after such
 2 date under an approved supplemental ap-
 3 plication to a biological product licensed
 4 under section 351 of the Public Health
 5 Service Act on or before such date, the
 6 most recent recommendation that was in
 7 effect with respect to such vaccine and
 8 such individual prior to such revocation.”.

9 (c) MEDICAID.—

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

12 (A) in subsection (a)(13)(B)—

13 (i) by striking “individual, approved”
 14 and inserting “individual—

15 “(i) approved”; and

16 (ii) by adding at the end the following
 17 new clause:

18 “(ii) for the period beginning on the
 19 date of the enactment of this clause and
 20 ending on December 31, 2029, approved
 21 vaccines, and the administration of such
 22 vaccines, that were recommended by such
 23 advisory committee with respect to the in-
 24 dividual involved as of October 25, 2024,
 25 including such a vaccine as updated or

changed after such date under an approved supplemental application to a biological product licensed under section 351 of the Public Health Service Act on or before such date; and”; and

(B) in subsection (r)(1)(B)(iii), by—

(i) striking “section 1928(c)(2)(B)(i)” and inserting “clause (i) of section 1928(c)(2)(B)”;

(ii) inserting “, subject to the limitation described in clause (iii) of such section” after “pediatric vaccines”.

(2) COVERAGE FOR PREGNANT INDIVIDUALS.—

Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G) by inserting “medical assistance for vaccines described in section 1905(a)(13)(B) and the administration of such vaccines,” after “complicate pregnancy,”.

(3) PROGRAM FOR DISTRIBUTION OF PEDIATRIC

VACCINES.—Section 1928 of the Social Security Act (42 U.S.C. 1396s) is amended—

(A) in subsection (c)(2)(B)—

1 (i) in clause (i), by striking “clause
2 (ii)” and inserting “clauses (ii) and (iii)”;
3 and

4 (ii) by adding at the end the following
5 new clause:

6 “(iii) For the period beginning on the date
7 of the enactment of this clause and ending on
8 December 31, 2029, the provider will not take
9 into account any change in the schedule de-
10 scribed in clause (i) that removes the rec-
11 ommendation to administer a pediatric vaccine
12 with respect to the vaccine-eligible child in-
13 volved if such pediatric vaccine was rec-
14 ommended with respect to such child under
15 such schedule as of October 25, 2024, including
16 with respect to such pediatric vaccine as up-
17 dated or changed after such date under an ap-
18 proved supplemental application to a biological
19 product licensed under section 351 of the Pub-
20 lic Health Service Act on or before such date.”;
21 and

22 (B) in subsection (e), by inserting “For
23 purposes of the preceding sentence, during the
24 period beginning on the date of the enactment
25 of this sentence and ending on December 31,

1 2029, the Secretary may not take into account
2 any revision of such list that occurs on or after
3 October 25, 2024, that removes a pediatric vac-
4 cine from such list if such vaccine was included
5 in such list as of such date, including with re-
6 spect to such vaccine as updated or changed
7 after such date under an approved supple-
8 mental application to a biological product li-
9 censed under section 351 of the Public Health
10 Service Act on or before such date.” after the
11 period at the end.

12 (4) STATE FLEXIBILITY IN BENEFIT PACK-
13 AGES.—Section 1937(b) of the Social Security Act
14 (42 U.S.C. 1396u–7(b)) is amended by adding at
15 the end the following new paragraph:

16 “(9) COVERAGE OF ADULT VACCINES.—Not-
17 withstanding the previous provisions of this section,
18 a State may not provide for medical assistance
19 through enrollment of an individual with benchmark
20 coverage or benchmark-equivalent coverage under
21 this section unless such coverage includes (and does
22 not impose any deduction, cost sharing, or similar
23 charge for) the medical assistance described in sec-
24 tion 1905(a)(13)(B).”.

1 (d) CHIP.—Section 2103 of the Social Security Act
2 (42 U.S.C. 1397cc) is amended—

3 (1) in subsection (c), by adding at the end the
4 following new paragraph:

5 “(13) REQUIRED COVERAGE OF CERTAIN VAC-
6 CINES RECOMMENDED BY THE ADVISORY COM-
7 MITTEE ON IMMUNIZATION PRACTICES.—Regardless
8 of the type of coverage elected by a State under sub-
9 section (a), the child health assistance provided for
10 a targeted low-income child shall include coverage,
11 during the period beginning on the date of the en-
12 actment of this paragraph and ending on December
13 31, 2029, of vaccines, and the administration of
14 such vaccines, that had in effect a recommendation
15 from the Advisory Committee on Immunization
16 Practices of the Centers for Disease Control and
17 Prevention with respect to the child involved as of
18 October 25, 2024, including such a vaccine as up-
19 dated or changed after such date under an approved
20 supplemental application to a biological product li-
21 censed under section 351 of the Public Health Serv-
22 ice Act on or before such date.”; and

23 (2) in subsection (e)(2), by inserting “vaccines
24 described in subsection (c)(13) administered during
25 the period beginning on the date of the enactment

1 of such subsection and ending on December 31,
2 2029 (and the administration of such vaccines),” be-
3 fore “services described in section 1916(a)(2)(G)”.

○