

118TH CONGRESS
1ST SESSION

S. 164

To prohibit the consideration of COVID–19 vaccination status in determining eligibility for organ donation or transplantation, and in providing services to Medicare or Medicaid beneficiaries.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2023

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To prohibit the consideration of COVID–19 vaccination status in determining eligibility for organ donation or transplantation, and in providing services to Medicare or Medicaid beneficiaries.

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 “Guarding against In-
5 justice based on Vaccine-status, Ensuring Lifesaving
6 Intervention For Everyone Act”, the “GIVE LIFE Act”,
7 or “Doss’s Act”.

1 **SEC. 2. PROHIBITIONS.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law—

4 (1) no individual may be determined to be ineli-
5 gible for organ donation or receipt of an organ
6 transplant on the basis of the COVID–19 vaccina-
7 tion status of the individual;

8 (2) no individual may be given a higher or
9 lower priority for such a donation or receipt on such
10 basis;

11 (3) the incidence of COVID–19 positive rates in
12 a geographic area or region, as determined by public
13 health officials, may not be a factor in determining
14 eligibility to donate organs or to receive organs; and

15 (4) any provider who denies services to any in-
16 dividual based on the COVID–19 vaccination status
17 of the individual (other than services furnished by a
18 skilled nursing facility (as defined in section 1819(a)
19 of the Social Security Act (42 U.S.C. 1395i–3(a))),
20 a nursing facility (as defined in section 1919(a) of
21 such Act (42 U.S.C. 1396r(a))), a hospice program
22 (as defined in section 1861(dd)(2) of such Act (42
23 U.S.C. 1395x(dd)(2))), or a long-term care facility)
24 shall not be eligible for reimbursement under the
25 Medicare program under title XVIII of the Social
26 Security Act (42 U.S.C. 1395 et seq.), and Federal

1 financial participation shall not be available for any
2 payment made by a State to such a provider for
3 services furnished as medical assistance under the
4 State’s Medicaid program under title XIX of such
5 Act (42 U.S.C. 1396 et seq.).

6 (b) APPLICATION OF REQUIREMENTS.—Paragraphs
7 (1) through (3) of subsection (a) shall apply with respect
8 to all organ donations and receipt of organ transplants
9 in the United States, including under the laws adminis-
10 tered by the Secretary of Veterans Affairs and the laws
11 administered by the Secretary of Defense.

12 (c) ORGAN PROCUREMENT AND TRANSPLANTATION
13 NETWORK.—Section 372(b) of the Public Health Service
14 Act (42 U.S.C. 274(b)) is amended by adding at the end
15 the following:

16 “(4) CLARIFICATION REGARDING COVID–19 VAC-
17 CINATION STATUS.—The criteria and standards es-
18 tablished under paragraph (2) may not include any
19 consideration of the COVID–19 vaccination status of
20 organ donors or recipients, or of the incidence of
21 COVID–19 positive rates in a geographic area or re-
22 gion, as determined by public health officials.”.

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