

117TH CONGRESS
2D SESSION

S. _____

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

Mr. CRUZ (for himself and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on _____

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 given a higher or lower
9 priority for such a donation or receipt on such basis;

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

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

1 payment made by a State to such a provider for
2 services furnished as medical assistance under the
3 State’s Medicaid program under title XIX of such
4 Act (42 U.S.C. 1396 et seq.).

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

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

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