

119TH CONGRESS
1ST SESSION

S. _____

To require providers to disclose policies regarding the minimum gestational age at which life-saving care will be provided to an infant in the case of a premature birth.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To require providers to disclose policies regarding the minimum gestational age at which life-saving care will be provided to an infant in the case of a premature birth.

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 “Neonatal Care Trans-
5 parency Act of 2025”.

6 **SEC. 2. DISCLOSURE REQUIREMENTS.**

7 (a) HOSPITAL REQUIREMENT.—Each hospital shall
8 publicly disclose the policy of such hospital regarding the

1 provision of life-saving care to an infant in the case of
2 a premature birth, including—

3 (1) whether there is a minimum gestational age
4 at which life-saving care will be provided to an in-
5 fant in the case of a premature birth;

6 (2) whether the decision to provide life-saving
7 care to an infant in the case of a premature birth
8 is made on a case-by-case basis; and

9 (3) the process by which the hospital, in the
10 case of a premature birth or expected premature
11 birth, would transfer the infant and mother to the
12 nearest facility with a neonatal intensive care unit
13 that would provide life-saving care to the infant, if
14 the hospital does not have the capacity to provide
15 life-saving care to such infant.

16 (b) PRACTITIONER REQUIREMENT.—Each obstetri-
17 cian, or other health care practitioner who provides obstet-
18 ric services to patients, shall, at the first prenatal visit
19 of a patient, disclose to the patient the policy of any hos-
20 pital at which the obstetrician or practitioner has admit-
21 ting privileges regarding the provision of life-saving care
22 to an infant in the case of a premature birth, including—

23 (1) whether there is a minimum gestational age
24 at which life-saving care will be provided to an in-
25 fant in the case of a premature birth;

1 (2) whether the decision to provide life-saving
2 care to an infant in the case of a premature birth
3 is made on a case-by-case basis; and

4 (3) the process by which the hospital, in the
5 case of a premature birth or expected premature
6 birth, would arrange for the transfer the infant and
7 mother to the nearest facility with a neonatal inten-
8 sive care unit that would provide life-saving care to
9 the infant, if the facility in which the practitioner is
10 providing services does not have the capacity to pro-
11 vide life-saving care to such infant.

12 **SEC. 3. HOSPITAL DISCLOSURES REGARDING CARE FOR**
13 **PREMATURE BIRTHS.**

14 Section 1866(a)(1) of the Social Security Act (42
15 U.S.C. 1395cc(a)(1)) is amended—

16 (1) by moving subparagraphs (W) and (X) 2
17 ems to the left;

18 (2) in subparagraph (X), by striking “and” at
19 the end;

20 (3) In subparagraph (Y), by striking the period
21 at the end and inserting “, and”; and

22 (4) by inserting after subparagraph (Y) the fol-
23 lowing new subparagraph:

24 “(Z) beginning on or after January 1,
25 2026, in the case of a hospital, to—

1 “(i) satisfy the disclosure requirement
2 under section 2(a) of the Neonatal Care
3 Transparency Act of 2025; and

4 “(ii) require each practitioner that
5 provides obstetric services at such hospital
6 to satisfy the disclosure requirement under
7 section 2(b) of such Act.”.

8 **SEC. 4. PROHIBITING FEDERAL MEDICAID AND CHIP FUND-**
9 **ING FOR HOSPITALS AND OBSTETRICS PRO-**
10 **VIDERS THAT DO NOT SATISFY DISCLOSURE**
11 **REQUIREMENTS.**

12 (a) IN GENERAL.—Section 1903(i) of the Social Se-
13 curity Act (42 U.S.C. 1396b(i)) is amended—

14 (1) in paragraph (26), by striking “; or” and
15 inserting a semicolon;

16 (2) in paragraph (27), by striking the period at
17 the end and inserting “; or”;

18 (3) by inserting after paragraph (27) the fol-
19 lowing new paragraph:

20 “(28) with respect to any amounts expended for
21 care or services furnished under the plan by a hos-
22 pital or by a health care provider who provides ob-
23 stetric services to individuals who are eligible for
24 medical assistance under the plan unless such hos-
25 pital or provider satisfies the disclosure requirements

1 described in section 2 of Neonatal Care Trans-
2 parency Act of 2025.”; and

3 (4) in the third sentence, by striking “and
4 (18)” and inserting “(18), and (28)”.

5 (b) APPLICATION TO CHIP.—Section 2107(e)(1)(O)
6 of the Social Security Act (42 U.S.C. 1397gg(e)(1)(O))
7 is amended by striking “and (17)” and inserting “(17),
8 and (28)”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this subsection shall take effect on the date that is 180
11 days after the date of enactment of this Act.