

June 24, 2019

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Dear Working Group member,

As you may have seen, [#FreeThePill was a centerpiece](#) of the introduction of the [Affordability is Access Act](#) on June 13 by Democratic members of Congress, Senator Patty Murray (D-WA), Congresswoman Ayanna Pressley (D-MA), Congresswoman Alexandria Ocasio-Cortez (D-NY), Congressman Ami Bera (D-CA), and Congresswoman Katie Hill (D-CA). The bill would ensure that any future over-the-counter birth control pill is covered by insurance, that there is no interference in the FDA's scientific review process of an application, and that all FDA-approved OTC methods used by women are covered by insurance without a prescription. The introduction follows an [over-the-counter contraception bill](#) introduced by Republican Senators Joni Ernst (R-IA) and Cory Gardner (R-CO) earlier this year.

The fact that legislators are speaking about this issue demonstrates how important it is to have affordable access to safe and effective birth control pills, and underscores the positive impact over-the-counter access would have on the health and economic security of women and families.

In this update, we highlight the key provisions of each bill according to their press releases, as well as the recent media coverage related to these bills.

Also in our media highlights, we share a [feature story from Arnold Ventures](#), a supporter of our work, on the Free the Pill campaign and our research and regulatory efforts to bring a birth control pill over the counter and ensure that it is covered by insurance. We are grateful for their generous support and for sharing our story!

With appreciation,



Kate Grindlay Kelly
Project Director/Associate
Ibis Reproductive Health

Federal OTC legislative update

As a coalition, we are staunchly committed to bringing a birth control pill over the counter in the United States that is covered by insurance, affordable for those without insurance, and accessible to people of all ages. While it's up to the FDA to make a birth control pill available without a prescription, we are delighted to see Congress paying attention to reproductive health and what it will take to ensure better access to birth control options that meet everyone's needs.

Last week, the Affordability is Access Act was introduced by Democratic members of Congress and in March, Republican Senators introduced the Allowing Greater Access to Safe and Effective Contraception Act. We've highlighted the key provisions of each piece of legislation according to their respective press releases below.

[Affordability is Access Act](#)

Introduced in the Senate by [Senator Patty Murray \(D-WA\)](#) and House of Representatives by [Congresswoman Ayanna Pressley \(D-MA\)](#), [Congresswoman Alexandria Ocasio-Cortez \(D-NY\)](#), [Congressman Ami Bera \(D-CA\)](#), and [Congresswoman Katie Hill \(D-CA\)](#) on June 13, 2019

Key provisions of the bill, according to the Senate Committee on Health, Education, Labor & Pensions' [press release](#):

- Ensure coverage of comprehensive preventive health services and expand coverage to include full access to oral contraception for routine, daily over-the-counter use for all women. All private health insurance plans are now required to cover all U.S. Food and Drug Administration (FDA)-approved methods of contraception. The Act would ensure coverage of all oral contraception that the FDA has approved or regulated for routine, daily use without a prescription.
- Maintain the FDA's sole authority to determine the safety and efficacy of drugs and make them available over-the-counter without a prescription. It is imperative that the entities that research and develop oral contraceptives, and whose medical and scientific experts have developed clinical and other evidence that birth control pills are safe and effective for women when sold without a prescription, apply to the FDA for review and approval for sale without a prescription.
 - Upon receipt of such an application, the FDA must determine whether the contraceptive product meets the rigorous safety, and efficacy standards for over-the-counter use, as established by the agency Federal Food, Drug, and

Cosmetic Act. If the product meets such these standards, the FDA should approve the application without delay.

- Ensure retailers provide oral contraception without a prescription. The Act states that any retailer that stocks oral contraception that the FDA has approved or regulated for routine, daily use without a prescription may not interfere with a consumer's access to or purchase of such contraception.

Allowing Greater Access to Safe and Effective Contraception Act

Introduced by [Senator Joni Ernst \(R-IA\)](#) and [Senator Cory Gardner \(R-CO\)](#) in the Senate on March 28, 2019

Key provisions of the bill, according to Senator Gardner's [press release](#):

- Incentivizes manufacturers of contraceptives to file an application for a prescription-to-over-the-counter switch (Rx-to-OTC switch) by:
 - Allowing priority review for contraceptive Rx-to-OTC switch applications.
 - Waiving the FDA filing fee for contraceptive Rx-to-OTC switch applications.
- Makes these incentives available to:
 - Contraceptives intended for routine-use that, if found to be safe and effective for OTC use by the FDA, would be made available OTC to adults aged 18 and above.

Additionally, Senator Ernst's [press release](#) notes:

- The legislation also repeals provisions in current law, under the Affordable Care Act, that affect the use of tax-advantaged savings accounts for health care expenses, such as health savings accounts (HSAs), flexible spending accounts (FSAs), and medical savings accounts (MSAs). In particular, the legislation repeals the ACA's prohibition on using funds from these accounts to purchase OTC medications. It also repeals the \$2,500 annual cap on contributions toward these types of accounts imposed by the ACA.

Prevalence of contraindications to oral contraceptives webinar (rescheduled)

We invite you to join us for a webinar, "Prevalence of medical contraindications to progestin-only and combine oral contraceptives in a large insurance claims database," featuring working group Steering Committee member [Anne Burke](#), director of Johns Hopkins's Family Planning Division. She will share her research evaluating the prevalence of contraindications for both progestin-only and combined oral contraceptives as well as analyzing the contraceptive use patterns among women with these contraindications. This webinar has been rescheduled for **Wednesday, July 17 from 3-4pm ET**. [Register here!](#)

Media highlights

Recent media coverage of the Affordability is Access Act include:

- *Betches*: [All your faves introduced a bill for free birth control without a prescription](#)

- *Bustle*: [Over-the-counter birth control would be \(actually\) accessible under this new bill](#)
- *HuffPost*: [What you need to know about over-the-counter birth control](#)
- *MTV*: [This new bill wants to make over-the-counter birth control pill accessible for everyone](#)
- *Newsweek*: [Alexandria Ocasio-Cortez says birth control for women should be free and sold over-the-counter](#)
- *Refinery29*: [The "Beyoncé of birth control": Freshman reps introduce OTC bill](#)
- *TIME*: [Can over-the-counter birth control become a bipartisan issue?](#)

Our Free the Pill campaign and coalition efforts were also highlighted [by Arnold Ventures](#) in a feature story on their website.

"A national coalition is working to protect women's access to contraception by paving the way for a groundbreaking change--selling "the pill" next to pain relievers, cold medicine, and allergy relief medications."

Click to share this article on Twitter:

[OTC birth control pill + insurance coverage. We're proud to be part of the national coalition working to improve access and ensure affordability! #FreeThePill](#)

Quick call to action

Show your support for a future where we all can get birth control without unnecessary obstacles.

Click to share our "Freedom to Thrive" video on Twitter:

[Each of us should be able to determine our own life path and birth control is key to making that happen. But for many, it's still difficult to get and keep using the birth control pill. It's time to #FreeThePill](#)



Statement of purpose sign-ons

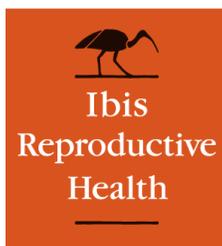
We are pleased to highlight the organizations that have recently signed onto our [statement of purpose](#)! Please help us demonstrate the wide support that exists for making OCs available OTC in the United States. [Email Mary](#) if you would like your organization to sign-on!

[American Academy of Nursing](#)

About us

The Oral Contraceptives (OCs) Over-the-Counter (OTC) Working Group is a coalition of reproductive health, rights, and justice organizations, nonprofit research and advocacy groups, university-based researchers, and prominent clinicians who share a commitment to providing all women of reproductive age easier access to safe, effective, acceptable, and affordable contraceptives. The working group was established in 2004 to explore the potential of over-the-counter access to oral contraceptives to reduce disparities in reproductive health care access and outcomes, and to increase opportunities for women to access a safe, effective method of contraception, free of unnecessary control, as part of a healthy sexual and reproductive life.

The working group is coordinated by Ibis Reproductive Health.



www.ibisreproductivehealth.org

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