

Chapter 294

(House Bill 939)

AN ACT concerning

**Maryland Commission for Women – Maryland Collaborative to Advance
Implementation of Coverage of Over-the-Counter Birth Control**

FOR the purpose of requiring the Maryland Commission for Women to establish the Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control to study access to over-the-counter birth control; and generally relating to coverage of over-the-counter birth control.

Preamble

WHEREAS, Access to birth control is essential to reproductive freedom and autonomy; and

WHEREAS, Increasing access to over-the-counter birth control is a critical strategy in empowering people who have been unable to access birth control because of challenges in navigating the health care system; and

WHEREAS, Maryland was the first state to require coverage of over-the-counter birth control with the enactment of the Contraceptive Equity Act of 2016; and

WHEREAS, 2.7 million Marylanders now have coverage of over-the-counter birth control through a State-regulated private plan, the Maryland Medical Assistance Program, or the State Employee and Retiree Health and Welfare Benefits Program; and

WHEREAS, On July 13, 2023, the federal Food and Drug Administration expanded the number of over-the-counter birth control options with the approval of the first daily birth control pill for over-the-counter use; and

WHEREAS, Maryland can continue to lead the nation in ensuring over-the-counter birth control access by establishing a consumer-focused implementation collaborative to support collaboration among consumer organizations, industry stakeholders, and State agencies; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That:

(a) The Maryland Commission for Women in the Department of Human Services shall establish the Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control.

(b) The Collaborative consists of the following members:

(1) one representative of the Maryland Insurance Administration, designated by the Commissioner of the Maryland Insurance Administration;

(2) two representatives of the Maryland Department of Health, designated by the Secretary of Health, of whom:

(i) one shall be a representative of the Maryland Medical Assistance Program; and

(ii) one shall be a representative of public health;

(3) one representative of the Department of Budget and Management with expertise in the State Employee and Retiree Health and Welfare Benefits Program, designated by the Secretary of Budget and Management;

(4) one representative of the Maryland Health Benefit Exchange, designated by the Executive Director of the Maryland Health Benefit Exchange; and

(5) the following members, appointed by the Secretary of Human Services:

(i) one representative of Ibis Reproductive Health;

(ii) one representative of the National Health Law Program;

(iii) one representative of the American Society for Emergency Contraception;

(iv) two representatives of Maryland-based reproductive justice organizations;

(v) one representative of Advocates for Youth;

(vi) one representative of the Maryland Retailers Alliance;

(vii) one representative of the Maryland Association of Chain Drug Stores;

(viii) one representative of the Independent Pharmacies of Maryland;

(ix) one representative of the Maryland Pharmacist Association;

(x) one representative of the League of Life and Health Insurers of Maryland;

(xi) one representative of a pharmacy benefits manager;

(xii) one representative of the Maryland Managed Care Organization Association;

(xiii) one representative of a public higher education institution that provides student health insurance; and

(xiv) one representative of the Consumer Health Information Hub at the University of Maryland School of Public Health.

(c) The chair of the Maryland Commission for Women shall designate the chair of the Collaborative.

(d) The Maryland Commission for Women shall provide staff for the Collaborative.

(e) A member of the Collaborative:

(1) may not receive compensation as a member of the Collaborative; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The purpose of the Collaborative is to study and make recommendations to advance access to over-the-counter birth control through:

(1) implementation of State coverage requirements for over-the-counter birth control at pharmacies;

(2) advancement of point-of-sale coverage options at retail counters, virtual retail platforms, and vending machines;

(3) identification of public health initiatives to increase access to over-the-counter birth control for individuals who:

(i) do not have over-the-counter birth control coverage; or

(ii) cannot access over-the-counter birth control coverage; and

(4) enhancement of education and engagement of consumers, health care practitioners, public health and community programs, and health care industry stakeholders.

(g) The Collaborative shall:

(1) study:

(i) responses to the request for information on over-the-counter coverage of preventive services published on October 4, 2023, from the U.S. Department of Labor, the U.S. Department of the Treasury, and the U.S. Department of Health and Human Services;

(ii) responses to the proposed rule on over-the-counter coverage issued by the U.S. Department of Health and Human Services on October 21, 2024;

(iii) the report developed in consultation with policy experts in states with over-the-counter coverage laws and published by Ibis Reproductive Health on November 4, 2024, titled “Free the Pill and Cover it Too: Strategies for Making OTC Coverage Work in the Real World”; and

(iv) other reports and materials on implementing coverage for over-the-counter birth control; and

(2) make recommendations on its findings.

(h) The Collaborative may consult with:

(1) health professional associations and other organizations with expertise in advancing equitable access to birth control for all communities;

(2) retailers, independent and chain pharmacies, pharmacists, online retail platforms, wellness vending machine companies, and any other entity involved in providing over-the-counter contraception;

(3) insurers, managed care organizations, pharmacy benefits managers, entities that administer cards for health savings accounts or flexible spending accounts, and any other organizations involved in administering coverage of over-the-counter contraception; and

(4) community health centers, local health departments, and community-based organizations that support communities that have historically not been engaged with the health care system.

(i) (1) On or before January 1, 2026, the Collaborative shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

(2) On or before December 1, 2027, the Collaborative shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025. It shall remain effective for a period of 3 years and, at the end of June 30, 2028, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 6, 2025.