

HOUSE BILL 939

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5lr2021
CF SB 674

By: **Delegates Pena–Melnyk, Acevero, Bagnall, Cullison, and Terrasa**

Introduced and read first time: January 31, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

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

8 Preamble

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

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

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

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

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

22 WHEREAS, Maryland can continue to lead the nation in ensuring over–the–counter
23 birth control access by establishing a consumer–focused implementation collaborative to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 support collaboration among consumer organizations, industry stakeholders, and State
2 agencies; now, therefore,

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

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

8 (b) The Collaborative consists of the following members:

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

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

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

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

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

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

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

22 (i) one representative of Ibis Reproductive Health;

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

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

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

28 (v) one representative of Advocates for Youth;

29 (vi) one representative of the Maryland Retailers Alliance;

- 1 (vii) one representative of the Maryland Association of Chain Drug
2 Stores;
- 3 (viii) one representative of the Independent Pharmacies of Maryland;
- 4 (ix) one representative of the Maryland Pharmacist Association;
- 5 (x) one representative of the League of Life and Health Insurers of
6 Maryland;
- 7 (xi) one representative of a pharmacy benefits manager;
- 8 (xii) one representative of the Maryland Managed Care Organization
9 Association;
- 10 (xiii) one representative of a public higher education institution that
11 provides student health insurance; and
- 12 (xiv) one representative of the Consumer Health Information Hub at
13 the University of Maryland School of Public Health.

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

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

18 (e) A member of the Collaborative:

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

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

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

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

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

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

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

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

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

5 (g) The Collaborative shall:

6 (1) study:

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

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

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

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

19 (2) make recommendations on its findings.

20 (h) The Collaborative may consult with:

21 (1) organizations with expertise in advancing equitable access to birth
22 control for all communities;

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

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

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

1 (i) (1) On or before January 1, 2026, the Collaborative shall submit an interim
2 report of its findings and recommendations to the Governor and, in accordance with §
3 2–1257 of the State Government Article, the General Assembly.

4 (2) On or before December 1, 2027, the Collaborative shall submit a final
5 report of its findings and recommendations to the Governor and, in accordance with §
6 2–1257 of the State Government Article, the General Assembly.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2025. It shall remain effective for a period of 3 years and, at the end of June 30, 2028,
9 this Act, with no further action required by the General Assembly, shall be abrogated and
10 of no further force and effect.