

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 939 (Delegate Pena-Melnyk, *et al.*)
Health and Government Operations

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

This bill requires the Maryland Commission for Women to establish the Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control. The commission must provide staff for the collaborative. A member of the collaborative may not receive compensation but is entitled to reimbursement for expenses. The collaborative must submit to the Governor and the General Assembly (1) an interim report by January 1, 2026, and (2) a final report by December 1, 2027. **The bill takes effect July 1, 2025, and terminates June 30, 2028.**

Fiscal Summary

State Effect: The commission can staff the collaborative with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The purpose of the collaborative is to study and make recommendations to advance access to over-the-counter (OTC) birth control through (1) implementation of State coverage requirements for OTC 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 OTC birth control for individuals who do not have OTC birth control coverage or cannot

access OTC 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.

The collaborative must study (1) responses to the request for information on OTC coverage of preventive services published on October 4, 2023, by the U.S. Department of Labor, the U.S. Department of the Treasury, and the U.S. Department of Health and Human Services (HHS); (2) responses to the proposed rule on OTC coverage issued by HHS on October 21, 2024; (3) a specified report on strategies for making OTC coverage work; and (4) other reports and materials on implementing coverage for OTC birth control. The collaborative may consult with specified organizations, entities, and stakeholders. The collaborative must make recommendations on its findings.

Current Law:

Over-the-counter Birth Control

Under the federal Patient Protection and Affordable Care Act (ACA), coverage of OTC preventive services without cost sharing is only required when prescribed by a health care provider. However, [proposed federal rules](#) issued in October 2024 would, among other things, require plans and issuers to cover recommended OTC contraceptive items without requiring a prescription and without imposing cost-sharing requirements. The proposed rules would be applicable to plan years beginning on or after January 1, 2026.

Maryland Commission for Women

The Maryland Commission for Women in the Department of Human Services works to advance solutions and to expand social, political, and economic opportunities for all women. The commission must:

- stimulate and encourage study and review of the status of women in the State;
- strengthen home life by directing attention to critical problems confronting women as wives, mothers, homemakers, and workers;
- recommend methods of overcoming discrimination against women in public and private employment;
- encourage women to become candidates for public office;
- promote more effective methods for enabling women to develop their skills, continue their education, and to be retrained;
- secure appropriate recognition of women's accomplishments and contributions to the State;

- work to develop healthy attitudes within the framework of the commission’s responsibilities; and
- inform the Executive and Legislative branches on issues concerning women, including offering testimony on these issues.

The commission may (1) act as a clearinghouse for activities to avoid duplication of effort and (2) make surveys and appoint advisory committees in the fields of education, social services, labor laws and employment policies, law enforcement, health and safety, new and expanded services, legal rights, family relations, human relations, and volunteer services. The commission must submit an annual report to the Governor and General Assembly. The commission’s fiscal 2024 report can be found [here](#).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 674 (Senator Hettleman) - Finance.

Information Source(s): Department of Budget and Management; Department of Human Services; Maryland Department of Health; Maryland Insurance Administration; Department of Legislative Services

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js/ljm

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