

SB674 SUPPORT- OTC Birth Control Commission for Wo

Uploaded by: Ariana Kelly

Position: FAV



Bill: Senate Bill 674 – *Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage for Over-the-Counter Birth Control*

Sponsor: Senator Shelly Hettleman
Hearing Date: February 18, 2025

Position: SUPPORT

Chair Beidle, Vice Chair Hayes and Members of the Senate Finance Committee,

The Maryland Commission for Women is in strong support of Senate Bill 674, which would establish the *Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control*.

The Maryland Commission for Women was established by the legislature in 1971 to encourage the study of women's issues, promote effective solutions to the challenges faced by Maryland's women, and make informed recommendations to the executive branch and the legislature.

To accomplish this goal we are required to work in partnership with state agencies and community groups across the state on a wide range of topics. Our statute explicitly empowers the Commission to convene advisory groups on a wide range of issues, including women's health issues. Senator Hettleman's SB674 fits perfectly within our statutory responsibilities and our 3 year workplan.

This legislation requires the Commission address an issue that is of critical importance to women, over-the-counter birth control access. It requires we do so in partnership with multiple state agencies as well as relevant external stakeholders and consumer groups. **The Commission for Women voted unanimously to prioritize this proposed project, and assure the Senate Finance Committee that this work can be accomplished utilizing our existing resources.**

The over-the-counter birth control landscape changed significantly with the FDA approval of Opill in March 2024. Over-the-counter birth control has the potential to significantly reduce barriers to contraception, particularly for women in underserved communities who face challenges related to healthcare access, insurance coverage, and provider availability.

Maryland has been a leader in requiring insurance coverage for OTC birth control in our state regulated plans and our state employee insurance program. These bills passed in 2016 and 2018, sponsored by Senator Hettleman and the former Chair of this committee, Senator Delores Kelley. Nine states have since followed Maryland's lead in adopting this requirement.

Ensuring effective and comprehensive implementation of this access requires coordination with numerous stakeholders. SB 674 ensures that the Maryland Collaborative will address the real life challenges of implementing this law by:

- Studying existing barriers in Maryland to obtaining over-the-counter birth control, including cost, insurance coverage, and pharmacy availability.
- Engaging stakeholders across sectors to develop strategies that enhance access.
- Utilizing existing resources including the recommendations in the Ibis Reproductive Health report from November 2024 “*Free the Pill and Cover it Too: Strategies for Making OTC 16 Coverage Work in the Real World*” and information from stakeholders solicited in 2024 by the U.S. Department of Labor, the U.S. Department of the Treasury, and the U.S. Department of Health and Human Services.
- Providing evidence-based recommendations to the Governor and General Assembly to guide policy decisions.

SB 674 ensures that the Collaborative’s findings are actionable and timely, keeping Maryland at the forefront of reproductive healthcare policy. The legislation requires an interim report by January 1, 2026, and a final report by December 1, 2027. The Maryland Commission for Women is able to staff the collaborative and produce the required reports.

We urge a favorable report on SB 674 and look forward to contributing to this important work collaboratively. Our Executive Director Ariana Kelly is available to answer any further questions at Ariana.Kelly@Maryland.Gov.

Maryland Commission for Women

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SB 674 Maryland Collaborative to Advance Implement

Uploaded by: Catherine OMalley

Position: FAV

BILL NO: Senate Bill 0647
TITLE: Maryland Commission for Women - Maryland Collaborative to Advance
Implementation of Coverage of Over-the-Counter Birth Control
COMMITTEE: Finance
HEARING DATE: February 18, 2025
POSITION: **SUPPORT**

The Women's Law Center of Maryland strongly supports Senate Bill 0647 – Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control. The bill establishes a collaborative of reproductive justice advocates, insurers and pharmacy benefit managers to advance the implementation of coverage of over-the-counter birth control.

Maryland was the first state in the country to adopt coverage requirements for over-the-counter birth control with the Maryland Contraceptive Equity Act of 2016. Now, a total of 10 states have similar requirements, and even the U.S. Department of Health and Human Services was on the verge of adopting broad coverage requirements for over-the-counter birth control before the change in administrations.

Although Maryland's coverage requirements have been on the books for nearly 10-years, there are few consumers who have been able to use their insurance for over-the-counter birth control. The Women's Law Center of Maryland has been partnering with Ibis Reproductive Health and Reproductive Justice Maryland to assess the impact of implementation delays. We believe a collaborative can identify and support practical and concrete solutions to ensuring over-the-counter coverage works in Maryland.

We ask for a favorable report. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

Baur testimony.pdf

Uploaded by: Cynthia Baur

Position: FAV



SCHOOL OF
PUBLIC HEALTH

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**FAVORABLE
Senate Bill 674**

Maryland Commission for Women – Maryland Collaborative to Advance
Implementation of Coverage of Over-the-Counter Birth Control
Senate Finance Committee
Hearing February 18, 2025

I encourage a **Favorable** report on SB674 for the following reasons.

This bill provides for a strategic, coordinated, and inclusive approach to identify how to expand women’s awareness of and access to over the counter birth control options. The intent of over the counter birth control is to make it easier for women to access birth control. However, there is a difference between availability and accessibility. Without a consumer-focused education initiative to make women aware of over the counter birth control options, they may not find out on their own or hear about this option from healthcare providers. If women don’t know over the control birth control is an option, then they may not experience the benefits of this expanded availability. People must know about a benefit or service and how to access it for the benefit or service to make a meaningful difference in their lives.

The proposed Collaborative includes a wide range of interests that can consider and recommend how to inform and educate women about over the counter birth control options. As a Collaborative member, the Maryland Consumer Health Information Hub, which is managed by the UMD Horowitz Center for Health Literacy, can contribute health literacy, plain language and language access expertise to the discussions and recommendations. The Collaborative’s recommendations should consider the types of messages and informational materials and the variety of languages needed to reach all Maryland women so that the consumer effort is appropriately supported.

SB6740TC Birth Control LOS Final.pdf

Uploaded by: Irnise Williams

Position: FAV



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STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION
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Assistant Attorney General

ANTHONY G. BROWN
Attorney General

February 14, 2025

TO: The Honorable, Pamela Beidle, Chair
Senate Finance Committee

FROM: Irnise F. Williams, Deputy Director, Health Education and Advocacy Unit

RE: Senate Bill 674- Maryland Commission for Women - Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control-
SUPPORT

The Health Education and Advocacy Unit supports Senate Bill 674. Maryland was the first state to require coverage of over-the-counter (OTC) birth control with the enactment of the [Contraceptive Equity Act](#) in 2016. Regrettably, OTC access has not been implemented effectively because retail pharmacies have struggled to establish systems with carriers to obtain the required payments. This Workgroup would gather stakeholders to study ways to implement the OTC coverage required by law.

Coverage of OTC birth control is essential to increase access to contraception, reduce unintended pregnancies, and improve reproductive autonomy. OTC birth control is intended for regular use, while Plan B is an emergency contraceptive pill that is typically only used after unprotected sex. Plan B can cost as much as \$50 for one pill, while Opill, the first daily birth control for OTC use, can cost as little as \$20 for a 30-day pack.

Currently, ten other states have OTC [coverage requirements](#) and many have struggled with the same implementation challenges that Maryland faces. This Commission would bring together stakeholders to address how to:

- Improve communication to pharmacies on how to bill for the OTC birth control;
- Improve communication with consumers about coverage;
- Explore implementation that can be rolled out without delay.

Most Medicare Advantage plans have OTC coverage cards, which is a great model for best practices and guidance on implementation. Substantial work has been done on the national level

to minimize delays in implementation, but some pharmacists are unaware of or unsure of the billing process and consumers are unaware of the pill's availability. The [seminal report](#) on implementation on the national level will be used to guide the Commission's work.

This Commission will play an important role in navigating the many challenges that have caused the delay in the implementation of the law and will be able to address the concerns of all the stakeholders involved.

We urge a favorable report.

cc: The Honorable Shelly Hettleman

2025 MCHS SB 674 Senate Side.pdf

Uploaded by: Jennifer Navabi

Position: FAV



Maryland Community Health System

Bill Number: Senate Bill 674 – Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control

Committee: Senate Finance Committee

Hearing Date: February 18, 2025

Position: Support

The Maryland Community Health System (MCHS) supports *Senate Bill 674 – Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control*. The bill creates a 2-year collaborative to advance implementation of Maryland’s coverage requirements for over-the-counter birth control.

Maryland Community Health System is a network of federally qualified health centers providing primary, behavioral, and dental care to underserved communities throughout Maryland. Our health centers serve people who face multiple challenges in obtaining healthcare services. Insurance coverage of OTC medications can be transformative for people who live in a pharmacy desert, face transportation issues, and cannot see a provider because of inflexible work schedules. Maryland has required coverage of OTC birth control under Medicaid, state-regulated private plans, and the State Employees’ plan for nearly 10-years. However, few people have been able to obtain coverage.

SB 674 will advance implementation of OTC birth control coverage by convening a collaborative to advise on operationalizing coverage across Maryland. The Collaborative will also support innovative programs to support federally qualified health centers and other community-based partners in providing access to OTC birth control for people without insurance.

We ask for a favorable report. If we can provide additional information, please contact Robyn Elliott at relliott@policypartners.net.

2025 MdAPA SB 674 Senate Side.pdf

Uploaded by: Jennifer Navabi

Position: FAV



To: Senate Finance Committee

Bill: Senate Bill 674 - Maryland Commission for Women - Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control

Date: February 18, 2025

Position: Favorable

The Maryland Academy of Physician Assistants (MdAPA) supports *Senate Bill 674 – Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage of Over-the Counter Birth Control*. The American Academy of Physician Assistants is a supporter of ensuring there are more over-the-counter options for birth controlⁱ. MdAPA’s position aligns with our national organization’s platform.

Maryland has provided coverage for over-the-counter birth control since the enactment of the Maryland Contraceptive Equity Act of 2016. However, there is low consumer and pharmacist awareness of this requirement. This legislation will advance implementation of the nearly 10-year-old requirement for coverage of over-the-counter birth control.

We ask for a favorable with amendment report. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net.

ⁱ <https://freethepill.org/statement-of-purpose/#coalition-members>

SB674 New Jersey Health Care Quality Institute Tes

Uploaded by: Kathryn Shamszad

Position: FAV

Testimony In Support of Senate Bill 674

Before the Maryland Senate Finance Committee
Maryland Commission for Women – Maryland Collaborative to Advance Implementation of
Coverage of Over-the-Counter Birth Control

February 18th, 2025

Senator Hettleman and members of the Committee, thank you for the opportunity to provide testimony in support of Senate Bill 674. On behalf of the New Jersey Health Care Quality Institute, we commend Maryland for taking this critical step in advancing access to over-the-counter (OTC) birth control. My experience serving on the national Free The Pill Coalition, and my organization's experience in New Jersey has demonstrated that coalition-driven strategies are essential to support implementing successful contraceptive coverage policies.

Access to birth control is a fundamental component of reproductive autonomy and public health. Removing barriers to contraception- whether through eliminating prescription requirements or addressing coverage gaps- ensures individuals can make informed decisions about their reproductive health, reduces unintended pregnancies, and improves maternal and infant health outcomes.

Similar to Maryland, New Jersey has been a leader in implementing OTC contraceptive coverage, and when working on reproductive health policy, has found that establishing a robust, multi-sector coalition to support policy advancement, education, and accessibility yields a high rate of engagement and implementation success. This approach can include:

- **Multi-Stakeholder Collaboration**
- **Policy Analysis & Adaptation**
- **Consumer Awareness & Public Health Initiatives**
- **Pharmacy Integration & Training**

Through the establishment of the **Maryland Collaborative to Advance Implementation of Coverage of OTC Birth Control**, the bill's inclusion of state agencies, advocacy groups, health insurers, pharmacists, and public health experts will be essential in overcoming barriers to access.

Maryland has long been at the forefront of reproductive health policy, and SB0674 provides an opportunity to cement its leadership in OTC contraceptive access. The **Maryland Collaborative to Advance Implementation of Coverage of OTC Birth Control** will provide a national model for effective coalition-building and policy-driven solutions to ensure all individuals can access contraception without cost or systemic barriers.

I urge the Committee to support SB0674 and invest in a collaborative framework that will further advance reproductive autonomy for all Marylanders.

Thank you for your time and consideration.

2025 WLC SB 674 Senate Side.pdf

Uploaded by: Katie Curran O'Malley

Position: FAV

To: Senate Finance Committee

Bill: Senate Bill 674 - Maryland Commission for Women - Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control

Date: February 18, 2025

Position: Favorable

The Women's Law Center of Maryland strongly supports *Senate Bill 647 – Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control*. The bill establishes a collaborative of reproductive justice advocates, insurers and pharmacy benefit managers, and pharmacies and pharmacies to advance implementation of coverage of over-the-counter birth control.

Maryland was the first state to adopt coverage requirements for over-the-counter birth control with the Maryland Contraceptive Equity Act of 2016. Now, a total of 10 states have adopted similar requirements. The Health and Human Services was on the verge of adopting broad coverage requirements for over-the-counter birth control before the change in administrations.

Although Maryland's coverage requirements have been on the books for nearly 10-years, there are few consumers who have been able to use their insurance for over-the-counter birth control. The Women's Law Center of Maryland has been partnering with Ibis Reproductive Health and Reproductive Justice Maryland to assess the impact of implementation delays. We believe a collaborative can identify and support practical and concrete solutions to ensuring over-the-counter coverage works in Maryland.

We ask for a favorable report. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

Letter_Support_SB674_Womens_Caucus.docx.pdf

Uploaded by: Kecia Munroe

Position: FAV

DEL. DANA JONES, DISTRICT 30A
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DEL. JENNIFER WHITE HOLLAND, DISTRICT 10
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DEL. KYM TAYLOR, DISTRICT 23
At Large

WOMEN LEGISLATORS OF MARYLAND
THE MARYLAND GENERAL ASSEMBLY

February 14, 2025

To: Senator Pamela Beidle, Chair
Senator Antonio Hayes, Vice Chair
Finance Committee

The Maryland Women's Caucus is proud to express our unanimous support for SB674: Maryland Commission for Women - Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control. This essential legislation represents a significant step forward in ensuring equitable, accessible, and comprehensive reproductive healthcare for women across Maryland.

Access to over-the-counter birth control is a critical component of women's health and family planning. By establishing the Maryland Collaborative to study access to these medications, SB674 will provide vital insights into the challenges women face in obtaining birth control and identify actionable solutions to improve access. Reliable, affordable contraceptive options empower women to make informed decisions about their reproductive health, which in turn supports healthier families and stronger communities.

Maryland women, particularly those in low-income, rural, and historically underserved communities, often encounter barriers when seeking reproductive healthcare. These obstacles can lead to delayed or inconsistent use of contraception, increasing the risk of unintended pregnancies and associated health complications. The findings and recommendations from this Collaborative will help guide policy decisions that promote accessibility, reduce disparities, and improve outcomes for women across the state.

This legislation aligns with the Caucus's commitment to advancing policies that protect and enhance the health, well-being, and autonomy of women in Maryland. Ensuring streamlined access to over-the-counter birth control will provide countless women with the tools they need to manage their reproductive health safely and effectively.

For these reasons, the Maryland Women's Caucus respectfully urges the Finance Committee to issue a favorable report for SB674. By supporting this bill, Maryland will continue to lead in promoting women's health and reproductive rights through informed, evidence-based policy.

Thank you for your time and consideration. We appreciate your continued dedication to the health and well-being of Maryland women.

SB0674_Access To OTC birth control_FAVORABLE.pdf

Uploaded by: Liz Enagonio

Position: FAV



Indivisible: Central Maryland

Susan Radke, Lead Advocate

Dsusan56@gmail.com

Liz Enagonio, Lead Advocate

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TESTIMONY FOR SB0674

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

Bill Sponsor: Senator Hettleman

Committee: Finance

Organization Submitting: Indivisible Central Maryland

Person Submitting: Liz Enagonio and Susan Radke, lead advocates

Position: FAVORABLE

Our names are Liz Enagonio and Susan Radke, lead advocates for Indivisible Central Maryland, a grassroots organization of constituents dedicated to protecting progressive and democratic values. Indivisible Central Maryland **strongly supports SB0674, A Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control Fund.** We ask you to VOTE FAVORABLY for SB0674.

This bill would require 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. It requires the Collaborative to submit an interim report by January 1, 2026, and a final report of its findings and recommendations to the Governor and General Assembly by December 1, 2027.

In the increasingly hostile federal environment that seeks to prevent access to all types of reproductive care, access to birth control is essential to reproductive freedom and autonomy. Increasing access to over-the-counter birth control is a critical strategy to Empower Marylanders who have been unable to access birth control through healthcare systems. Fortunately, 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 at this time, 2.7 million Marylanders 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. 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. Maryland can continue to lead the nation in ensuring over-the-counter birth control access by establishing a consumer-focused

system to assess, document, improve and simplify access. For these reasons, **Indivisible Central Maryland recommends a favorable vote on SB0674.**

Respectfully,

Liz Enagonio

Susan Radke

lead advocates, Indivisible Central Maryland
members, Maryland Legislative Coalition

SB 674 - MDH - FIN - LOS (1).pdf

Uploaded by: Meghan Lynch

Position: FAV



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 18, 2025

The Honorable Pamela Beidle
Chair, Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill (SB) 674 – Maryland Commission for Women - Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control – Letter of Support

Dear Chair Beidle and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of support for Senate Bill (SB) 674 – Maryland Commission for Women - Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control. SB 674 requires 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 requires the Collaborative to submit its findings and recommendations to the Governor and General Assembly.

In July 2023, the U.S. Food and Drug Administration (FDA) approved Opill, the first daily oral contraceptive available over-the-counter (OTC) without requiring a prescription.¹ The approval of Opill marked a significant step in increasing access to contraception and empowering individuals to make reproductive health choices more independently.

Improving coverage of OTC birth control aligns with the Department's Women's Health Action Plan² goal of protecting reproductive rights and expanding access to reproductive health services. To further this goal, the Department supports the establishment of the consumer-focused implementation Collaborative that will help facilitate widespread access to OTC birth control.

SB 674 would have a positive impact on low-income individuals, people of color, and uninsured individuals, who often face greater financial and systemic barriers to accessing contraception. By advancing the implementation of coverage for over-the-counter birth control, the bill helps ensure more equitable access to reproductive healthcare.

¹ FDA Approves First Nonprescription Daily Oral Contraceptive. Food & Drug Administration. July 13, 2023. <https://www.fda.gov/news-events/press-announcements/fda-approves-first-nonprescription-daily-oral-contraceptive>

² MDH Womens' Health Action Plan. <https://health.maryland.gov/phpa/mch/Pages/Womens-Health-Action-Plan.aspx>

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott". The signature is fluid and cursive, with the first name "Laura" being the most prominent.

Laura Herrera Scott, M.D., M.P.H.
Secretary

2025 ACNM SB 674 Senate Side.pdf

Uploaded by: Robyn Elliott

Position: FAV



Committee: Senate Finance Committee

Bill Number: Senate Bill 674 – Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage for Over-the-Counter Birth Control

Hearing Date: February 18, 2025

Position: Support

The Maryland Affiliate of the American College of Nurse Midwives (ACNM) strongly supports *Senate Bill 674 – Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage or Over-the-Counter Birth Control*. Maryland was the first state to enact coverage requirements for over-the-counter birth control with the Maryland Contraceptive Equity Act in 2016. However, few people are using their insurance coverage for OTC birth control after nearly ten years of the law being in effect. We need to make sure there are more affordable options for birth control. Plan B, which has been over-the-counter since 2006, can cost up to \$50 a dose. Opill, the first daily birth control pill that is OTC, is nearly \$20 for a monthly supply. We have coverage laws on the books, we need SB 674 to make OTC coverage actually work for Marylanders.

We ask for a favorable report. If any additional information would be helpful, please contact Robyn Elliott at relliott@policypartners.net.

2025 RJM SB 674 Senate Side.pdf

Uploaded by: Robyn Elliott

Position: FAV



Reproductive Justice Maryland

Committee:	Senate Finance Committee
Bill:	SB 674 – Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control
Date:	February 18, 2025
Position:	Favorable

Reproductive Justice Maryland strongly support *Senate Bill 674 – Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control*. The bill would keep Maryland at the forefront of improving contraceptive access for all communities.

What is Over-the-Counter Birth Control?

Over-the-counter birth control, approved by the Food and Drug Administration (FDA), must meet the same safety and efficacy standards as prescribed birth control. The FDA has approved two forms of OTC birth control medication:

- Levonorgestrel, also known as Plan B, was approved by the FDA for OTC use in 2006. Levonorgestrel is emergency contraception and must be taken within 72 hours of unprotected sex to be effective; and
- Opill is a daily birth control pill. The FDA approved Opill for OTC use in July 2023 after a unanimous advisory committee vote. Opill has been available on the shelves since March 2024.

How OTC birth control can improve access in Maryland?

OTC birth control can be more accessible than prescribed birth control as:

- People do not have to wait to visit a healthcare practitioner for a prescription. Delays in getting an appointment creates higher risk for pregnancy; and
- People do not have to drive to visit a pharmacy or navigate a pharmacy's limited hours. Many pharmacies do not have sufficient staff to remain open in the evenings; and

How has Maryland been on the forefront of OTC birth control access?

Maryland was the first state to adopt OTC birth control coverage requirements with the Maryland Contraceptive Equity Act of 2016 (Delegate Ariana Kelly/Senator Delores Kelley). Maryland extended coverage to participants in the State Employee and Retiree Benefits Program in 2018 (Delegate Shelly Hettleman/Senator Delores Kelley).

Maryland's legislation led to nine other states enacting similar legislation (see attached)ⁱ. Other states, such as Wisconsin and North Carolina, have extended coverage through regulatory action for their Medicaid programs.

This year, Senate Bill 674 would keep Maryland at the forefront of improving accessibility of OTC birth control. By creating a public-private collaborative, the legislation supports continued efforts to implement Maryland's OTC coverage requirements for state-regulated private plans, Medicaid, and the State Employee and Retiree Benefit Plan.

Maryland, just as with other states, has faced some challenges with consumer and provider awareness. Despite communications from insurers and pharmacy benefit managers, there is still confusion at the pharmacy level on how to process an OTC claim.

According to data provided by the Maryland Department of Budget and Management, the State Employee and Retiree Benefits Program covered just 139 claims for OTC emergency contraception in a 23-month period (January 2023-November 2024) and 4 claims for Opill in the eight months it has been available (March 2024-November 2024). These numbers indicate that there is still more work to be done with OTC coverage implementation.

How does SB 674 build on national work on implementing OTC birth control coverage?

Senate Bill 674 would create a multi-stakeholder collaborative to recommend and advance practical solutions to implement OTC birth control coverage. The Commission for Women would provide staffing and coordination since implementation work falls under multiple agencies including the Department of Health (Medicaid), Department of Budget and Management (State Employee Health and Retiree Benefits Plan), and the Maryland Insurance Administration (state-regulated private plans).

SB 674's Collaborative does not have to start from scratch. The Collaborative can use the extensive work on OTC coverage at the national level as a foundation. In October 2024, the Biden-Harris Administration proposed a rule requiring OTC birth control coverage by most Affordable Care Act plansⁱⁱ. The rule was later withdrawn because of the change in administrations. However, the proposed rule was grounded upon extensive stakeholder input including:

- Responses to a request for information In October 2023 from the Departments of the Treasury, Labor, and Health and Human Services issued a joint request for information on OTC coverage.ⁱⁱⁱ

- Ibis Reproductive Health, through the Free the Pill Coalition, conducted an 18-month implementation collaborative for OTC birth control coverage in anticipation of federal action. In November 2024, Ibis Reproductive Health issued a report titled “Free the Pill and Cover it Too: Strategies for Making OTC Coverage Work in the Real World” with a section which specifically delineates potential state implementation actions (see attached)^{iv}; and
- The Contraceptive Access Initiative issued a report titled “States and Contraceptive Access: Blazing a Trail of Affordability”. The report reflected findings from a stakeholder convening that was held at the request of the Biden-Harris Administration.^v

Why Marylanders need SB 674?

Maryland has not yet realized the potential of OTC birth control to improve access across our communities. OTC birth control can be unaffordable for some people as Plan B costs between \$40-\$50 for a single dose and Opill costs an average of \$19.99 for a monthly supply. Insurance coverage can make OTC birth control, but there needs to be broader awareness of how to operationalize coverage.

Reproductive Justice Maryland asks for a favorable vote on SB 674. If any additional information would be helpful, please contact Robyn Elliott at relliott@policypartners.net.

ⁱ <https://freethepill.org/resources/states-with-over-the-counter-contraceptive-coverage-laws>

ⁱⁱ <https://www.cms.gov/newsroom/fact-sheets/enhancing-coverage-preventive-services-under-affordable-care-act-proposed-rules>

ⁱⁱⁱ <https://www.federalregister.gov/documents/2023/10/04/2023-21969/request-for-information-coverage-of-over-the-counter-preventive-services>

^{iv} <https://freethepill.org/resources/free-the-pill-and-cover-it-too-strategies-for-making-otc-birth-control-coverage-work-in-the-real-world>

^v <https://www.thepillotc.org/statesaffordability>

CareMark Bulletin on Processing OTC Claim for EC i

Uploaded by: Shelly Hettleman

Position: FAV

This update applies to:
All Network Pharmacies

States:
Maryland

Line of Business:
Commercial

Customer Care for Plan
Members:
1-844-460-8767

Pharmacy Inquiries:
If you have questions, call the
Pharmacy Help Desk number
provided in the claim
response or 1-800-364-6331
if one is not provided.

Payer Sheets: For additional
claim processing information,
refer to the CVS Caremark
Payer Sheets at
caremark.com/pharminfo >
NCPDP Payer Sheets.

OTC Emergency Contraceptive Billing State of Maryland

RXBIN: 004336
RXPCN: ADV
RXGRP: RX0613

State of Maryland is an existing client with CVS Caremark®.

In response to House Bill 1024, effective October 1, 2018, OTC emergency contraceptives, Plan B and its generic alternatives, are covered as part of a member's prescription benefit at a \$0 copay and do not require a prescription.

To adjudicate an OTC emergency contraceptive claim without a prescription, Providers should submit their pharmacy NPI as the Prescriber ID (NCPDP Field 411-DB). Please contact the Pharmacy Help Desk for any additional questions related to claims processing.

The recipient of this fax may make a request to opt out of receiving telemarketing fax transmissions from CVS Caremark. There are numerous ways you may opt out: The recipient may call the toll-free number at 877-265-2711 and/or fax the opt-out request to 401-652-0893, at any time, 24 hours a day/7 days a week. The recipient may also send an opt-out request via email to do_not_call@cvscaremark.com. An opt-out request is only valid if it (1) identifies the number to which the request relates, and (2) if the person/entity making the request does not, subsequent to the request, provide express invitation or permission to CVS Caremark to send facsimile advertisements to such person/entity at that particular number. CVS Caremark is required by law to honor an opt-out request within thirty (30) days of receipt. An opt-out request will not opt you out of purely informational, non-advertisements, Caremark pharmacy communications such as new implementation notices, formulary changes, point-of-sale issues, network enrollment forms, and amendments to the Provider Manual.

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Letter_Support_SB674_Womens_Caucus.docx.pdf

Uploaded by: Shelly Hettleman

Position: FAV

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President

DEL. MICHELE GUYTON, DISTRICT 42B
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DEL. JENNIFER WHITE HOLLAND, DISTRICT 10
2nd Vice-President

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Parliamentarian

DEL. JACQUELINE T. ADDISON, DISTRICT 45
At Large

DEL. KYM TAYLOR, DISTRICT 23
At Large

WOMEN LEGISLATORS OF MARYLAND
THE MARYLAND GENERAL ASSEMBLY

February 14, 2025

To: Senator Pamela Beidle, Chair
Senator Antonio Hayes, Vice Chair
Finance Committee

The Maryland Women's Caucus is proud to express our unanimous support for SB674: Maryland Commission for Women - Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control. This essential legislation represents a significant step forward in ensuring equitable, accessible, and comprehensive reproductive healthcare for women across Maryland.

Access to over-the-counter birth control is a critical component of women's health and family planning. By establishing the Maryland Collaborative to study access to these medications, SB674 will provide vital insights into the challenges women face in obtaining birth control and identify actionable solutions to improve access. Reliable, affordable contraceptive options empower women to make informed decisions about their reproductive health, which in turn supports healthier families and stronger communities.

Maryland women, particularly those in low-income, rural, and historically underserved communities, often encounter barriers when seeking reproductive healthcare. These obstacles can lead to delayed or inconsistent use of contraception, increasing the risk of unintended pregnancies and associated health complications. The findings and recommendations from this Collaborative will help guide policy decisions that promote accessibility, reduce disparities, and improve outcomes for women across the state.

This legislation aligns with the Caucus's commitment to advancing policies that protect and enhance the health, well-being, and autonomy of women in Maryland. Ensuring streamlined access to over-the-counter birth control will provide countless women with the tools they need to manage their reproductive health safely and effectively.

For these reasons, the Maryland Women's Caucus respectfully urges the Finance Committee to issue a favorable report for SB674. By supporting this bill, Maryland will continue to lead in promoting women's health and reproductive rights through informed, evidence-based policy.

Thank you for your time and consideration. We appreciate your continued dedication to the health and well-being of Maryland women.

SB674_Hettleman_FAV.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Chair, Rules Committee
Budget and Taxation Committee

Subcommittees
Capital Budget
Health and Human Services
Chair, Pensions

Joint Committees
Senate Chair, Audit and Evaluation
Senate Chair, Pensions



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN

SB674 MARYLAND COMMISSION FOR WOMEN – MARYLAND COLLABORATIVE TO
ADVANCE COVERAGE OF OVER-THE-COUNTER BIRTH CONTROL

Purpose

The bill creates a Collaborative with state agencies, consumer representatives, pharmacies and pharmacists, and insurers to support implementation of Maryland’s existing requirements for coverage of over-the-counter (OTC) birth control.

Importance of OTC Birth Control to Improving Access for Marylanders

In the United States, the Food and Drug Administration (FDA) has approved two forms of birth control for OTC use: 1) Plan B which is emergency contraception in 2006; and 2) Opill, a daily birth control pill in 2023. It is notable that more than 100 countries provide access to multiple kinds of OTC birth control.ⁱ

OTC birth control is supported by major medical organizations as being safe and effective including American College of Obstetrics and Gynecologists, American Nurses Association, American College of Nurse-Midwives, American Academy of Physician Assistants, National Hispanic Medical Organization, Society for Adolescent Health and Medicine, and Society for General Internal Medicine.ⁱⁱ

OTC birth control can significantly increase access because people do not have to navigate obtaining a prescription from a provider and picking up their birth control from a pharmacy. An FDA advisory committee found that “nonprescription availability will have a tremendous positive impact to women and public health” when committee members unanimously recommended approval of Opill for OTC use in May 2024.ⁱⁱⁱ

However, access to OTC birth control depends on affordability. Plan B costs in the range of \$40-\$50 per dose, and Opill costs \$19.99 per monthly pill pack. Insurance coverage is important to ensure the affordability of OTC birth control.

Legislative History of Coverage of OTC Birth Control

Maryland became the first state to require coverage of over-the-counter birth control when the Maryland General Assembly enacted the Maryland Contraceptive Equity Act of 2016, sponsored by Senator Delores Kelley and Delegate Ariana Kelly.^{iv} In 2018, I continued that work by sponsoring, along with Senator Delores Kelley, legislation that extended OTC requirements to the Maryland State Employee and Retiree Benefits Plan.^v

Maryland's legislative work led to a total of ten states enacting coverage requirements: California, Colorado, Delaware, Illinois, Maryland, New Jersey, New Mexico, New York, Oregon, and Washington State.^{vi} Some states, including North Carolina and Wisconsin, have established OTC birth control coverage through bulletin or regulation.

In October 2024, the U.S. Department of Health and Human Services proposed regulations to require nearly all insurance plans across the country to cover OTC birth control. The proposed rules were withdrawn in January 2025 as a result of the change in administrations. Despite this setback, it is notable that the federal rule built upon the state experience with OTC birth control coverage. Maryland and other state policy advocates made significant contribution to the work leading up to the proposed federal rule.

Implementation of Maryland's OTC Requirements

Legislators and state advocates have been supporting implementation of Maryland's OTC birth control coverage since coverage requirements went into effect. Efforts include:

- Ensuring insurance plan documents correctly reflected OTC birth control coverage requirements. State advocates conducted a plan review and worked with the Maryland Insurance Administration between 2018-2019.
- Advocating for clear communication to pharmacies on how to process OTC birth control claims. When I was contacted in 2019 by an individual who could not utilize her State Employee's coverage for OTC birth control, I worked with the Department of Budget and Management on the issue. As a result, CVS CareMark, who administered the State's pharmacy benefit plan at the time, issued a bulletin in December 2019 on how pharmacies should process OTC birth control claims (see attached).
- In 2020, Maryland NARAL conducted a secret shopper survey which demonstrated people with plans regulated by the state could not get OTC coverage.
- Between 2023-2024, Maryland representatives participated in a national OTC Coverage Collaborative to prepare operational recommendations for implementing OTC birth control coverage. Their work resulted in Ibis Reproductive Health's report titled "Free the Pill and Cover it Too: Strategies for Making OTC Coverage Work in the Real World."^{vii}

In the fall of 2024, I requested information about the number of claims covered for OTC under the State Employee and Retiree Benefits Program. I wanted to see how my 2018 legislation was being implemented. I was concerned by the data which showed that just 139 claims for OTC emergency contraception were covered in a 23-month period (January 2023 to November 2024) and 4 claims for Opill, a new daily birth control pill that is OTC, in an eight-

month period (March 2024-November 2024). These low numbers are not the result of a failure of a single organization, but rather reflect the need for a collective effort to finally and more fully implement Maryland's OTC coverage requirements.

Advancing Implementation of OTC Birth Control Coverage in Maryland

In considering how Maryland could move forward in implementing existing requirements for OTC birth control coverage, I knew we needed the involvement of a full range of stakeholders. Since the work spans across several different state agencies, Senate Bill 674 provides for the Maryland Commission on Women to convene a collaborative of state agency officials, consumer representatives, insurers and pharmacy benefit managers, and pharmacies and pharmacists to:

- support the development of clear and consistent information on how pharmacies can submit claims for OTC birth control;
- plan to increasing awareness of consumers, pharmacies, pharmacists, and healthcare providers about OTC birth control coverage; and
- develop avenues for community-based partners to provide OTC birth control to people without insurance coverage.

The Collaborative can draw from a substantial body of work on implementation of OTC coverage including responses to a 2023 requirement for information on OTC coverage from the Department of Treasury, Labor, and Health and Human Services.^{viii}

Conclusion

It has been nearly 10 years since the Maryland General Assembly enacted OTC birth control coverage requirements. We owe it to Marylanders to ensure meaningful implementation of coverage requirements. I ask for a favorable vote on SB 674.

ⁱⁱ <https://freethpill.org/resources/otc-access-world-map>

ⁱⁱ <https://freethpill.org/statement-of-purpose/#coalition-members>

ⁱⁱⁱ <https://www.fda.gov/media/170302/download>

^{iv} <https://www.pharmacytimes.com/view/maryland-begins-to-offer-free-plan-b>

^v HB 1024/SB 986 of the 2018 Legislative Session.

^{vi} <https://freethpill.org/resources/states-with-over-the-counter-contraceptive-coverage-laws>

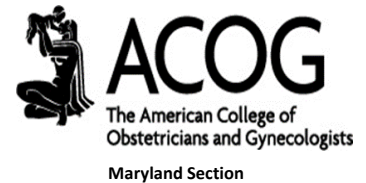
^{vii} <https://freethpill.org/resources/free-the-pill-and-cover-it-too-strategies-for-making-otc-birth-control-coverage-work-in-the-real-world>

^{viii} <https://www.federalregister.gov/documents/2023/10/04/2023-21969/request-for-information-coverage-of-over-the-counter-preventive-services>

SB0674_FWA_MDAAP, MDACOG_MD Comm. for Women - MD C

Uploaded by: Christine Krone

Position: FWA



Senate Finance Committee

February 18, 2025

Senate Bill 674 – *Maryland Commission for Women – Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control*

POSTION: SUPPORT WITH AMENDMENT

On behalf of the Maryland Chapter of the American Academy of Pediatrics (MDAAP), and the Maryland Section of the American College of Obstetricians and Gynecologists (MDACOG), we submit this letter of support with amendment for Senate Bill 674.

The bill aims to improve access to over-the-counter birth control in Maryland. It mandates the Maryland Commission for Women to establish the Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control. This Collaborative will study and make recommendations to enhance access to over-the-counter birth control, including implementing State coverage requirements, advancing point-of-sale options, identifying public health initiatives, and enhancing education and engagement. The Collaborative is required to submit an interim report by January 1, 2026, and a final report by December 1, 2027. This initiative aims to ensure that more people can access birth control easily and affordably, supporting reproductive freedom and autonomy.

Both MDAAP and MDACOG support over-the-counter access to contraception as it helps women obtain contraceptives more easily, thereby reducing the incidence of unintended pregnancies. This increased accessibility ensures that individuals can obtain contraception without unnecessary barriers, promoting better reproductive health outcomes. Therefore, we respectfully request the inclusion of two membership spots on the Collaborative: one for a physician from MDAAP and one for a physician from MDACOG. The suggested amendment is below. Their expertise in pediatric and obstetric care would provide invaluable perspectives to the Collaborative. With the amendment noted, we support Senate Bill 674.

AMENDMENT NO. 1:

On page 3, line 11, strike “and”; in line 13, strike “.” and insert “;”. In line 14, insert:

(xv) one representative of the Maryland Chapter, of the American Academy of Pediatrics; and

(xvi) one representative of the Maryland Section, of the American College of Obstetricians and Gynecologists.

For more information call:

Christine K. Krone
Danna L. Kauffman
J. Steven Wise
Andrew G. Vetter
410-244-7000

Maryland Catholic Conference_UNF_SB674.pdf

Uploaded by: Diane Arias

Position: UNF



MARYLAND
CATHOLIC
CONFERENCE

February 18, 2025

Senate Bill 674

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

Position: Unfavorable

The Maryland Catholic Conference (MCC) is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 674 requires 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 requiring the Collaborative to submit an interim report by January 1, 2026, and a final report of its findings and recommendations to the Governor and General Assembly by December 1, 2027.

Maryland is already one of the most permissive states regarding reproductive healthcare. With the rise of telehealth and the availability of contraceptives through vending machines without prescriptions, access is not a barrier. Even for individuals without insurance, contraceptives remain widely available at low cost through drugstores and online retailers. Given this accessibility, further efforts to expand over-the-counter (OTC) birth control are unnecessary.

Moreover, the broader effects of contraceptive use on women's health and society remain under-researched. The average menstrual cycle involves significant hormonal fluctuations, including an ~8-fold increase in 17β -estradiol (a potent form of estrogen) and an ~80-fold increase in progesterone.¹ The suppression of these natural hormone cycles through OTC contraceptives, particularly among young women on college campuses, may have lasting effects on stress, metabolism, emotional regulation, learning, and attraction. Rather than prioritizing the expansion of contraceptive access, legislation should focus on holistic, life-affirming approaches to women's health. By promoting natural reproductive health and

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7882021/>

supporting overall well-being, we can empower women to better understand and care for their bodies in a way that respects their natural biological rhythms.

For these reasons, the Maryland Catholic Conference asks for an unfavorable report on **SB 674**.

Thank you for your consideration.

UNFAVORABLE.SB674.LauraBogley.MDRTL.pdf

Uploaded by: Laura Bogley

Position: INFO



INFORMATIONAL STATEMENT

SB 674/HB 939

Laura Bogley, JD
Executive Director

Maryland Right to Life, Inc.

On behalf of our Board of Directors and chapters across the state, we oppose the mislabeling of abortifacients as contraceptives and defend a woman’s right to informed consent before using any abortifacient.

KNOWN HEALTH RISKS OF CONTRACEPTIVE DRUGS

So-called contraceptive drugs approved by the Food and Drug Administration (FDA), include the minipill or “**Opill**” and emergency contraception pills also known as “morning after” pills and have known harmful side effects including death. The FDA requires drug manufacturers to disclose these side effects to users.

The Opill is newly approved by the FDA for over the counter (OTC) use. It contains norgestrel which is the synthetic form of progestin. The Opill is a 0.075mg pill taken once per day every day. The pill advertises that it can prevent ovulation, or thicken cervical mucus to prevent sperm from reaching the egg. The pill also is intended to thin the uterine lining to prevent implantation within the uterus of a newly created human being in his or her zygote stage of life, which results in an early termination of pregnancy otherwise known as an ABORTION.

Emergency contraception pills are taken as a one-dose pill after sex. The emergency contraception pill contains 1.5 mg norgestrel, which is 20 times the dose of the daily Opill taken all in one dose. It is important to note that if women or girls have access to these drugs without appropriate medical guidance, they could potentially overdose and experience serious health problems.

According to the Mayo Clinic, the health risks of contraceptive drugs include liver problems, ectopic pregnancy and severe allergic reaction. Ectopic pregnancy is a medical emergency that often requires surgery. Ectopic pregnancies can cause serious internal bleeding, infertility, and even death. The likelihood of those risks increases through frequent use, such as use after every sexual encounter or when combined use with high-doses of hormone as contained in emergency contraceptive drugs. There also are known contraindications with other drugs that can render contraceptives ineffective.

ABORTIFACIENTS MISLABELED AS “CONTRACEPTION”

While Maryland Right to Life takes no position on family planning methods and devices that truly prevent conception of a new human life, we strongly oppose misinformation and taxpayer funding for abortifacients mislabeled as contraceptives. Abortifacients drugs and devices, do not prevent conception



or fertilization that results in the creation of a unique human life. Instead, abortifacients disrupt the continuation of human gestation, resulting in the death of the new human life.

Since 1827, we've had reasonable knowledge that human life begins when sperm and egg unite, creating a distinct, living individual. That was confirmed beyond reasonable doubt in 1876, when Oscar Hertwig observed the first union of sperm and egg in animals. Then in 1965, to influence people to accept "the pill," the American College of Gynecologists (ACOG) made a political decision—not a scientific one—to redefine conception. ([Exposing ACOG: How abortion and population control enthusiasts redefined the beginning of life](#)) ACOG's definition of when conception begins was not when the child's life actually begins, but when the already alive and growing child implants in the uterus. ACOG's opinion is scientifically incorrect, pretending nothing happens between fertilization and implantation. This twisting of scientific fact to fit political agendas has led to mass confusion on the topic and the shameless manipulation of women for profit.

Maryland law does not require sex education to be medically accurate nor age appropriate and it is neither. This is a result of intense lobbying by abortion-invested special interests like Planned Parenthood, which is one of the leading providers of sexuality education curriculum. Due to this intentional miseducation of our youth, many young women are made dependent on hormonal birth control without understanding the long term effects on their health. Contraceptive drugs are reported to cause various side effects, including increased risk of infertility, miscarriage and cancer. Women also experience psychological and emotional trauma when they learn that they were unknowingly using abortifacients, resulting in the premature deaths of multiple children throughout their childbearing years.

Maryland Right to Life defends the right to know of every woman, to be provided the scientific facts that many contraceptive methods endanger a woman's health and induce an early abortion, rather than prevent conception in order to give truly informed consent before utilizing these abortifacients.

Maryland Right to Life will advocate for the right of conscience of any individual, organization or institution to refuse to use, pay for or administer any contraceptive methods that may have an abortifacient effect. The State of Maryland's forced taxation for the purposes of abortion and abortifacients is unconstitutional and inhumane.

For these reasons, we urge you to support women's right to informed consent and oppose any policy that mislabels abortifacients as contraceptives.