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**March 18, 2025**

Health and Government Operations Committee

Maryland General Assembly

100 State Cir.

Annapolis, MD 21401

**RE: Support for SB0674/HB0939**

Dear Committee Members:

The National Women's Law Center Action Fund (NWLCAF) is a non-profit legal and advocacy organization whose mission is centered on the protection and advancement of women's legal rights and opportunities. NWLCAF fights for gender justice – in the courts, in public policy, and in our society – working across the issues that are central to the lives of women and girls. We use law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us – especially those who face multiple forms of discrimination. NWLCAF strongly supports efforts to ensure everyone has access to the birth control they need, which is what bills like SB0674/HB0939 are designed to do. The bill would create the Maryland Collaborative to Advance Implementation of Coverage of Over-the-Counter Birth Control, an important step to ensuring people are getting the birth control they need without cost sharing. NWLCAF submits these comments for consideration as the Committee deliberates this critical legislation.

**I. SB0674/HB0939 Would Ensure Maryland's Continued Role as a National Leader in Expanding Birth Control Access.**

States play an important role in expanding birth control access, especially given the heightened federal threat to birth control access, and Maryland has long been a trailblazer in that area.<sup>1</sup> In 2016, Maryland was the first state to require insurance coverage for over-the-counter (OTC) birth control in the Contraceptive Equity Act. The OTC coverage provision of Maryland's Contraceptive Equity Act requires OTC coverage of birth control,

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<sup>1</sup> Lauren Wallace, *All The Ways Project 2025 Wants to Undermine Birth Control Access*, National Women's Law Center (Oct. 2024), <https://nwlc.org/all-the-ways-project-2025-wants-to-undermine-birth-control-access/>.

closing a coverage gap in the Affordable Care Act as it does not require the same.<sup>2</sup> Because Maryland has always been a leader in birth control access, Opill and future OTC birth control methods are covered without cost sharing in the state.

Maryland will again be a trailblazer in expanding contraceptive access through passing SB0674 and taking steps to ensure that the OTC insurance coverage provision of Maryland's Contraceptive Equity Act will increase birth control access. This bill will not only help improve birth control access in Maryland in the future, but will also serve as a model for other states on how to gather data on implementation of proactive birth control policies and use that information to improve birth control access.

## **II. Implementation of Birth Control Access Legislation is Key to Ensuring Its Success.**

Everyone deserves access to the birth control method that works for them, without barriers.<sup>3</sup> However, that is not the reality for many people.<sup>4</sup> Nearly one in five women across the country say it is difficult to access contraceptive care in their state, rising to nearly one in four for uninsured women. These barriers to birth control access fall especially hard on Black women, Indigenous women, and other women of color.<sup>5</sup> Another barrier to birth control access is cost.<sup>6</sup> About half of adult women and teens who were interested in using OTC birth control would be able to pay \$10 or less per month, including 11% who reported they could pay nothing at all.

Birth control access issues remain, despite the passage of proactive legislation to expand birth control access. One study on a national cohort of Medicaid enrollees showed that legislation mandating a 12-month supply of birth control did little to lead to national

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<sup>2</sup> Ibis Reproductive Health, *Maryland's Contraceptive Equity Act Advances Birth Control Access* (June 2016), <https://www.ibisreproductivehealth.org/news/marylands-contraceptive-equity-act-advances-birth-control-access>.

<sup>3</sup> National Women's Law Center, *Everyone Deserves Access: Legislating for the Future of Birth Control* (Oct. 2023), <https://nwlc.org/resource/everyone-deserves-access-legislating-for-the-future-of-birth-control/>.

<sup>4</sup> Brittnei Frederiksen, et al., *Contraceptive Experiences, Coverage, and Preferences: Findings from the 2024 KFF Women's Health Survey*, Kaiser Family Foundation (Nov. 2024), <https://www.kff.org/report-section/contraceptive-experiences-coverage-and-preferences-findings-from-the-2024-kff-womens-health-survey-issue-brief/>.

<sup>5</sup> National Women's Law Center, *Ensure All People Can Access the Care They Need* (Sept. 2024), <https://nwlc.org/resource/state-policy-elements/>.

<sup>6</sup> Michelle Long, et al., *Interest in Using Over-the-Counter Oral Contraceptive Pills: Findings from the 2022 KFF Women's Health Survey*, Kaiser Family Foundation (Nov. 2022), <https://www.kff.org/womens-health-policy/issue-brief/interest-using-over-the-counter-oral-contraceptive-pills-findings-2022-kff-womens-health-survey/>.

increases in prescriptions covering that supply.<sup>7</sup> To be effective, proactive birth control policies must also be successfully implemented.

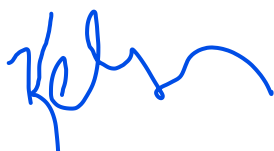
### **III. SB0674/HB0939 Would Lay the Groundwork for Successful Implementation of the OTC Birth Control Coverage Provision of the Contraceptive Equity Act.**

The Maryland Collaborative, created under this bill, would study existing barriers to obtaining OTC birth control including cost, insurance coverage, and pharmacy availability. The collaborative will also build on existing resources that detail best practices for implementing bills that require OTC coverage of birth control and provide evidence-based recommendations for the Governor and General Assembly.<sup>8</sup>

Studying available information on how well proactive birth control policies are working to expand birth control access and making evidence-based recommendations driven by that information is a critical step of the policy implementation process. It is not enough to pass proactive birth control bills – creating a foundation for successful implementation of those bills is equally important to be sure they are working as intended. That is exactly what the Maryland Collaborative, created under this bill, is designed to accomplish.

NWLCAF urges advancement of this bill and applauds the Maryland legislature for taking action to expand birth control access.

Sincerely,



Kelsey Grimes

Senior Counsel, Reproductive Rights and Health

National Women's Law Center

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<sup>7</sup> Maria I. Rodriguez, et al., *Twelve-Month Contraceptive Supply Policies and Medicaid Contraceptive Dispensing* (Aug. 2024), <https://jamanetwork.com/journals/jama-health-forum/fullarticle/2822787>.

<sup>8</sup> See generally Victoria Nichols and Bria Goode, *Free the Pill and Cover it Too: Strategies for Making OTC Birth Control Coverage Work in the Real World*, Ibis Reproductive Health (Nov. 2024), <https://www.ibisreproductivehealth.org/publications/free-pill-and-cover-it-too-strategies-making-otc-birth-control-coverage-work-real-world>.