

Free the Pill

September 20, 2023

The Honorable Xavier Becerra
Secretary
Department of Health and
Human Services
200 Independence Ave, SW
Washington, DC 20201

The Honorable Julie Su
Acting Secretary
Department of Labor
200 Constitution Ave, NW
Washington, DC 20210

The Honorable Janet L. Yellen
Secretary
Department of the Treasury
1500 Pennsylvania Ave, NW
Washington, DC 20220

Dear Secretary Becerra, Secretary Yellen, and Acting Secretary Su:

Thank you for your leadership and commitment to reproductive health care access. We appreciate the actions the Biden-Harris Administration has taken to this point and look forward to continuing to work with you to advance reproductive health equity.

We are writing on behalf of the Free the Pill coalition to urge the Administration to issue immediate guidance clarifying that under the *Affordable Care Act* (ACA), insurance plans must cover all United States Food and Drug Administration (FDA) approved over-the-counter (OTC) birth control, without a prescription or cost-sharing.

The FDA's recent approval of a progestin-only pill as the first-ever OTC birth control pill has the potential to increase access for many who need birth control and face barriers to accessing prescription products. As Opill hits store shelves in early 2024, we must ensure that it's affordable and accessible to everyone who wants or needs it.

For many people, insurance coverage is a direct path to ensuring that cost is not a barrier. Under the ACA, most private health insurance plans must cover all FDA-approved methods of contraception, including OTC products like emergency contraception. However, under current guidance, insurance plans can and generally do require a prescription before covering OTC birth control. This creates a medically unnecessary barrier to affordable access, particularly for people of color and Indigenous peoples, immigrants, young people, LGBTQ+ folks, rural residents, and people with disabilities, making it harder for these communities to access care. Insurance coverage, coupled with no out-of-pocket cost for this critical preventive health service, will have an enormous impact on expanding access for OTC contraception methods for people of all incomes across the country. This is a health equity and reproductive justice issue, and timely action is needed to improve access for all.

President Biden's recent Executive Order on Strengthening Access to Affordable, High-Quality Contraception and Family Planning Services was an important step in demonstrating the Administration's commitment to advancing contraceptive equity. It is imperative that the Biden-Harris Administration take the next step: **We ask that your agencies issue guidance making clear that under the *Affordable Care Act*, insurance plans must cover OTC birth control without a prescription or cost**

sharing. We also ask that you take action to expand coverage and access through federally-supported health care programs.

We look forward to the Biden-Harris Administration taking this action to address the systemic barriers that have for too long kept people from accessing critical reproductive health care. Thank you for your consideration and we look forward to your response.

Sincerely,

The undersigned members of the Free the Pill coalition

The [Free the Pill coalition](#) is a group of more than 200 reproductive health, rights, and justice organizations, research and advocacy groups, youth activists, health care providers, medical and health professional associations, and others who share a commitment to ensuring more equitable access to safe, effective, and affordable birth control to people of all ages, backgrounds, and identities in the United States. Coalition members support over-the-counter (OTC) birth control pills that are affordable, fully covered by insurance, and available to people of all ages.

Free the Pill Coalition Organization Members

9to5

AAPI Youth Rising

Advocates for Youth

All-Options

Advancing New Standards in Reproductive Health (ANSIRH)

American Sexual Health Association

American Society for Emergency Contraception

Black Women for Wellness

Black Women's Health Imperative

Bold Futures NM

Center for Biological Diversity

Centering Equity, Race, and Cultural Literacy in Family Planning (CERCL-FP)

Cobalt

Collective Energy for Nurturing Training in Reproductive and Sexual Health (CENTRS Health)

Colorado Organization for Latina Opportunity and Reproductive Rights

Contraceptive Access Initiative (CAI)

Delaware NOW

Essential Access Health

Gynuity Health Projects

ICAH (Illinois Caucus for Adolescent Health)

Ibis Reproductive Health

Indigenous Women Rising

Jacobs Institute of Women's Health

Maryland Affiliate of the American College of Nurses-Midwives

MomsRising
National Asian Pacific American Women's Forum
National Family Planning & Reproductive Health Association (NFPRHA)
National Health Law Program (NHeLP)
NM Religious Coalition for Reproductive Choice
New York Birth Control Access Project
Northwest Health Law Advocates (NoHLA)
Planned Parenthood Federation of America
Power to Decide
Reproductive Freedom for All
Reproductive Health Access Project
RH Impact: The Collaborative for Equity and Justice
Rhia Ventures
Society of Family Planning
UCSF Bixby Center for Global Reproductive Health
Upstream USA
Urbana-Champaign Reproductive Justice
Woodhull Freedom Foundation

Free the Pill Coalition Individual Members

Arianna Cassidy, MD, Maternal Fetal Medicine Specialist
Don Downing, BS Pharm. R.Ph., Free the Pill Steering Committee member
Richard Grossman MD, MPH, FACOG
Cynthia Harper, PhD, Professor and Interim Vice-Chair for Research, UCSF ObGyn Department
Ariana Thompson-Lastad, PhD, Assistant Professor, University of California, San Francisco
Krishna Upadhy, MD, MPH, FAAP, Free the Pill Steering Committee member

Individuals listing their organizational affiliation is for informational purposes only