

Maine Senator Donna Bailey  
Room 320, State House  
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Augusta, ME 04333-0003

Maine Representative Kristi Mathieson  
Room 333, State House,  
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Augusta, ME 04333-0002

February 4, 2025

To Members of the Joint Committee on Health Coverage, Insurance and Financial Services,

The Maine Section of the American College of Obstetricians and Gynecologists (ACOG) represents practicing obstetrician-gynecologists across the state committed to providing patient-centered, evidence-based obstetric and gynecologic care. We write in support today of L.D. 163 (H.P. 96), An Act to Require Health Insurance Coverage for Federally Approved Nonprescription Oral Hormonal Contraceptives and Nonprescription Emergency Contraceptives. ACOG has long supported over-the-counter access to oral contraception and this bill will ensure that it is accessible to many Mainers with insurance coverage.

ACOG is the nation's leading group of physicians providing evidence-based obstetric and gynecologic care. With more than 62,000 members, ACOG maintains the highest standards of clinical practice and continuing education of its members; strongly advocates for equitable, exceptional, and respectful care for all women and people in need of obstetric and gynecologic care; promotes patient education; and increases awareness among its members and the public of critical issues facing patients and their families and communities.

Contraception can be a fundamental part of an individual's health and wellness. Contraception allows an individual to prevent pregnancy and control when and if they become pregnant. As such, contraception can offer people support in achieving their reproductive, educational, economic, social, health, and personal goals. Because there is no one form of birth control that is right for each individual, we must ensure that all people have access to the full spectrum of FDA-approved contraception.

L.D. 163 would expand coverage for two types of over-the-counter hormonal contraceptives - nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives. Over-the-counter oral hormonal contraceptives became

available in 2024. Data support the safety of OTC birth control and studies have affirmed the ability of patients across the reproductive lifespan, including adolescents, to effectively self-screen for their own eligibility to take oral contraceptives.<sup>1</sup> We trust our patients to determine if this OTC method is best for them and remain committed to engaging in shared decision making with our patients about their contraceptive options.

This bill would also expand access to nonprescription emergency contraception. Emergency contraception remains an important option for pregnancy prevention and is the only method effective after a sexual encounter. Emergency contraception is effective in preventing pregnancy within 120 hours after unprotected intercourse, but it is most effective if used as soon as possible, especially within 24 hours – meaning that timely access is critical.<sup>2</sup> Out-of-pocket costs for oral emergency contraception average between \$25 and \$60.<sup>3</sup> Patients who lack health insurance, disposable income, or coverage for over-the-counter medications may not have access to any method of emergency contraception.

While having birth control available over the counter is a key step toward increasing access to family planning, if consumers cannot afford to purchase it (in person or online), including buying multiple packs at once, then the method is not truly accessible. Historically, high out-of-pocket costs, deductibles, and copayments for contraception have limited contraceptive access, even for those with private health insurance. A switch to over-the-counter access should not add yet another barrier for someone who desires contraception. This bill would build on existing Maine law to extend insurance coverage to nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives without cost-sharing providing critical, affordable access to patients across the state of Maine.

As healthcare deserts increase across our country where people do not have access to gynecologic care, this bill would offer Mainers another affordable option to receive the care they deserve and need. The Maine Section of ACOG asks this committee to vote in favor of passage of L.D. 163 for the above reasons.

Respectfully,  
Shannon L. Carr, MD MS FACOG  
Maine Section Chair ACOG  
Bristol, Maine

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<sup>1</sup> American College of Obstetricians and Gynecologists, [Practice Advisory: First Over-the-Counter Daily Contraceptive Pill Released](#), March 2024.

<sup>2</sup> American College of Obstetricians and Gynecologists, [Committee Opinion No. 707: Access to Emergency Contraception](#) (July 2017, reaffirmed 2024).

<sup>3</sup> Id.