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THE MAINE SENATE
131st Legislature

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**Testimony in Support of LD 2203
An Act to Require Health Insurance Coverage for Federally Approved
Nonprescription Oral Hormonal Contraceptives**

**Presented to the Health Coverage, Insurance and Financial Services Committee
February 20, 2024**

Good afternoon Senator Bailey, Representative Perry and the honorable members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services Committee. My name is Troy Jackson and I have the honor of serving as President of the Maine Senate and the privilege of representing the good people of Aroostook County in the Maine Legislature. I'm here today to lend my support to LD 2203, "An Act to Require Health Insurance Coverage for Federally Approved Nonprescription Oral Hormonal Contraceptives," and I want to thank Representative Arford for bringing this bill forward.

The proposal would require state-regulated health insurance companies to cover over-the-counter hormonal birth control to keep coverage of contraception consistent. LD 2203 is needed because the U.S. Food and Drug Administration recently approved an over-the-counter birth control pill and Mainers deserve access to this option along with prescription hormonal birth control.¹

In 2010, Congress passed the Affordable Care Act, requiring insurance companies to cover at least one contraceptive product in each method category of contraception at no out-of-pocket cost to patients. The ACA made it possible for more Americans to exercise control over their reproductive health and make reproductive decisions on their own terms.² However, in the decade since the ACA became law, it's become clear that gaps remain in the coverage of contraceptives.³ In recent years, the Maine Legislature has taken steps to close these gaps passing several key measures with strong bipartisan support.

In 2022, the Legislature took action to ensure that Maine patients could access and afford the prescription contraceptive that works best for them based on conversations with their doctors, not insurance companies. Democrats and Republicans joined together to pass LD 1954, An Act to Ensure Access to Prescription Contraceptives, which requires all state-regulated health care plans to cover all prescription contraceptive medications approved by the FDA at no out-of-pocket cost.

¹ <https://www.fda.gov/news-events/press-announcements/fda-approves-first-nonprescription-daily-oral-contraceptive>

² <https://www.contraceptionjournal.org/article/S0010-7824%2815%2930093-7/fulltext>

³ <https://khn.org/news/article/contraception-free-options-for-women-cost-sharing/>
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This year, the Legislature built on these efforts by passing LD 351, An Act to Increase Access to Birth Control by Making Certain Contraception Available over the Counter from Sen. Eric Brakey, R-Auburn. This new law, as the title suggests, makes certain types of contraceptives available over-the-counter at the pharmacy.

LD 2203, "An Act to Require Health Insurance Coverage for Federally Approved Nonprescription Oral Hormonal Contraceptives" builds on this string of bipartisan state efforts to keep birth control affordable and accessible. Due to changes at the federal level, Maine needs to take action this session if we want to keep contraceptive coverage consistent for Maine patients and ensure that every option available is accessible and affordable.

Thank you for your time and feel free to reach out with any questions.