

131st Legislature
Senate of
Maine
Senate District 23

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Testimony of Senator Mattie Daughtry supporting
**LD 2203, An Act to Require Health Insurance Coverage for Federally Approved
Nonprescription Oral Hormonal Contraceptives**
Before the Joint Standing Committee on Health Coverage, Insurance and Financial Services
February 20, 2024

Senator Bailey, Representative Perry, and Esteemed Members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services, my name is Mattie Daughtry, and I proudly represent Senate District 23, which includes Brunswick, Freeport, Harpswell, Pownal, Chebeague Island, and part of Yarmouth. Today, I am pleased to offer testimony in strong support of LD 2203, “An Act to Require Health Insurance Coverage for Federally Approved Nonprescription Oral Hormonal Contraceptives.”

Access to birth control is essential for Mainers to exercise their reproductive autonomy. Nine in 10 women, including myself, have used contraception, and nearly nine in 10 adults agree that everyone deserves access to the full range of birth control methods.¹²

While increasing access to birth control is not a solution to the ongoing attacks on abortion access and other forms of sexual and reproductive health care, it is a critical part of protecting Mainers’ reproductive freedom.

Insurance coverage of FDA-approved over-the-counter contraceptives addresses health and access equity issues. These over-the-counter contraceptives can help Mainers access birth control when cost, logistics, inability to miss work, or the lack of child care impedes someone from scheduling, attending, and affording a doctor’s appointment to obtain a prescription.

In a historic first, the FDA approved the Opill, a daily non-prescription oral contraceptive. It will become available later this year. It’s an important advancement, but Mainers will have to pay for Opill out of pocket – unless the Legislature passes LD 2203. That’s why it is essential that Maine lawmakers act now to protect and expand the access to this non-prescription contraception.

LD 2203 would require state-regulated health insurers to cover all FDA-approved over-the-counter contraceptive methods – without cost-sharing and without a prescription. While Opill is the first of its kind, the bill would cover the wide range of over-the-counter contraception options currently available, as well as any future FDA-approved over-the-counter contraception. This bill

¹ <https://www.kff.org/report-section/contraception-in-the-united-states-a-closer-look-at-experiences-preferences-and-coverage-findings/>

² <https://powertodecide.org/what-we-do/information/resource-library/survey-says-thxbirthcontrol-november-2019>

basically updates the current state law, which requires that state-regulated insurers cover all FDA-approved prescription contraceptive methods without cost-sharing.

I believe that the bill's sponsor has an amendment that would:

- Expand requirements in current law for coverage of contraceptives to include non-prescription contraceptives approved by the FDA.
- Provide that a prescription is not required for an over-the-counter contraceptive supply.
- Require that state-regulated insurers establish mechanisms to ensure that an enrollee who purchases a non-prescription contraceptive has the option to either
 - make the purchase at a pharmacy without a payment required at a point of sale;
 - or to make the purchase with a payment at the point of sale and submit a claim for reimbursement to the state-regulated insurer.
- Implement these requirements beginning on January 1, 2025.

I support this amendment, and I hope that the Committee will, too.

If the Maine State Legislature passes this bill, Maine could join at least twelve states (plus Washington, D.C.) that already currently require state-regulated insurers to cover over-the-counter birth control.³ Additionally, six states require state-regulated insurers to cover over-the-counter birth control without having a prescription and without cost sharing.⁴ I hope that Maine can join these states and make this contraception affordable and accessible for everyone.

For these reasons, I urge the Committee to vote “Ought to Pass” on LD 2203.

Thank you,



Mattie Daughtry

Assistant Senate Majority Leader, Senate District 23

Brunswick, Freeport, Harpswell, Pownal, Chebeague Island, and part of Yarmouth

³ <https://www.gutmacher.org/state-policy/explore/insurance-coverage-contraceptives>

⁴ <https://www.kff.org/womens-health-policy/issue-brief/oral-contraceptive-pills-access-and-availability/>