



Consumers for Affordable Health Care

*Advocating the right to quality, affordable
health care for all Mainers.*

P.O. Box 2490
Augusta, ME 04338
Telephone: 1-800-965-7476
Fax: 1-888-214-5233
consumerhealth@mainecahc.org
www.mainecahc.org

To the Joint Standing Committee On Health Coverage, Insurance, and Financial Services

Testimony in Support of:

**LD 2203, An Act to Require Health Insurance Coverage for Federally Approved
Nonprescription Oral Hormonal Contraceptives**

February 20, 2024

Senator Bailey, Representative Perry, and Members of the Joint Standing Committee On Health Coverage, Insurance, and Financial Services, thank you for the opportunity to submit these comments in support of LD 2203, An Act to Require Health Insurance Coverage for Federally Approved Nonprescription Oral Hormonal Contraceptives.

My name is Kate Ende and I am a policy director at Consumers for Affordable Health Care, a nonpartisan, nonprofit organization that advocates the right to quality, affordable health care for every person in Maine. As designated by Maine's Attorney General, CAHC serves as Maine's Health Insurance Consumer Assistance Program (CAP), which operates a toll-free HelpLine. Our HelpLine, fields approximately 6,000 calls and emails every year from people across Maine who need help obtaining, keeping, using, or fixing problems with private health insurance or with accessing or affording health care services.

This bill requires carriers to cover over-the-counter contraception without a prescription, ensuring people have access to the full range of FDA-approved contraceptive methods without cost-sharing. The Maine Legislature and this Committee have reaffirmed time and again the importance of ensuring access to affordable contraceptives. State law already requires coverage for the full range of FDA-approved contraceptives with a prescription and allows pharmacists to prescribe self-administered hormonal contraceptives and injectable hormonal contraceptives.¹ This bill builds on these previous efforts to expand access and reduce barriers for an individual to obtain their preferred method of contraception, by removing the requirement for an individual to obtain a prescription for an over-the-counter contraceptive.

Obtaining a prescription for contraception often requires an individual to schedule an appointment with their provider. We recognize the importance for people to establish and maintain a relationship with a primary care provider and to receive regular and periodic screenings and services. However, there are several reasons why individuals may face challenges in doing this. For example, if someone has switched insurance carriers or has had a change in their provider network, it is possible their primary care provider is no longer covered by their plan. Many areas of the state are also experiencing provider shortages, including for

¹ <https://legislature.maine.gov/statutes/24-A/title24-Asec4247.html>
<https://legislature.maine.gov/legis/statutes/32/title32sec13826.html>

primary care, which can make it difficult to establish care with a new provider, or may require someone to wait several months for an appointment. Many areas of the state are also experiencing shortages of pharmacists and over the past couple of years we've seen many pharmacies reduce hours or close unexpectedly due to staffing shortages. Furthermore, not everyone's preferred contraception method is a hormonal contraceptive. People should have a choice about which method is best for their body and their life.

The American College of Obstetricians and Gynecologists (ACOG) supports over-the-counter access to hormonal contraception citing the obstacles previously mentioned and high rates of discontinuation of oral contraceptives. One third of women who start using an oral contraceptive will have stopped using the method by the end of the first year. Reasons for discontinuation include access issues, including cost and lack of time for a medical visit to obtain a prescription.²

A nationally representative 2022 KFF Women's Health Survey found that more than one-third (36%) of reproductive-age female respondents who use oral contraception have missed taking it on time because they were not able to get their next supply.³ Additionally, the Kaiser Family Foundation has found that over the counter contraceptives can especially benefit populations who have historically faced barriers to accessing contraceptive care, such as those living in areas with limited access to health centers offering the full range of contraceptive methods.⁴

Other states have already taken similar measures to ensure insurance coverage for the full range of FDA contraceptives, including over the counter methods without a prescription.⁵ Maine should follow this lead and continue building on the previous work of this Committee to ensure Maine people have access to safe and affordable contraception.

² <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2019/10/over-the-counter-access-to-hormonal-contraception>

³ <https://www.kff.org/womens-health-policy/issue-brief/interest-using-over-the-counter-oral-contraceptive-pills-findings-2022-kff-womens-health-survey/>

⁴ <https://www.kff.org/womens-health-policy/issue-brief/over-the-counter-oral-contraceptive-pills/#:~:text=Other%20research%20suggests%20that%20OTC,access%20to%20health%20centers%20offering>

⁵ <https://www.gutmacher.org/state-policy/explore/insurance-coverage-contraceptives>