

Congress of the United States
Washington, DC 20515

1

December 17, 2024

Mr. Danny Werfel
Commissioner
Internal Revenue Service
Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, D.C. 20222

Ms. Lisa M. Gomez
Assistant Secretary
Employee Benefits Security Administration
Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

Ms. Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
7500 Security Boulevard
Baltimore, MD 21244

Re: Enhancing Coverage of Preventive Services Under the Affordable Care Act (Docket No. 1210-AC25)

Dear Commissioner Werfel, Assistant Secretary Gomez, and Administrator Brooks LaSure:

As members and supporters of the Democratic Women's Caucus (DWC), we write to thank you for your efforts to expand access to contraception under the *Affordable Care Act* (ACA) and to urge you to finalize and implement this rule as quickly as possible.

Therapeutic Equivalence Standard

The ACA requires plans to cover contraceptive products without cost-sharing. Unfortunately, despite repeated guidance from your agencies, patients continue to face unlawful barriers to accessing contraception, including delays, rejections, cost-sharing, and lack of a clear and transparent exceptions process when a particular product is not on a plan's formulary.

Due to this systemic noncompliance, in March 2023, DWC Members [urged](#) the tri-agencies to clarify that health plans must cover every contraceptive product that does not have a covered therapeutic equivalent. Considering the continued non-compliance among plans, requiring the adoption of this standard is the best way to ensure access to the birth control products patients need.

While your proposed rule suggests a January 1, 2026 implementation date, we strongly recommend that the final rule go into effect as soon as possible to ensure women do not face further delays in accessing contraception.

Over-the-Counter (OTC) Contraception

In April 2024, the first FDA-approved OTC contraceptive product became available to American patients. This product will improve access to contraception for the over 19 million women of reproductive age who live in counties with limited access to comprehensive contraceptive service providers, but only if patients can seamlessly purchase OTC contraception using their insurance. We urge you to require coverage of OTC contraceptive products without cost-sharing in your final rule and to ensure consumers can easily access these products through their insurance.

Once again, we thank you for your continued work to improve contraceptive access for women. We look forward to seeing a final rule that implements the therapeutic equivalence standard, including for OTC contraception, and that goes into effect as soon as possible. If we can be of further assistance as you finalize this rule, please contact Julia Bartusek, Executive Director of the Democratic Women's Caucus, at Julia.Barusek@mail.house.gov.

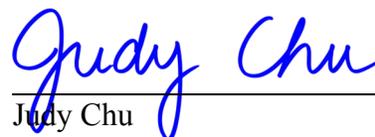
Sincerely,



Teresa Leger Fernández
Chair
Democratic Women's Caucus



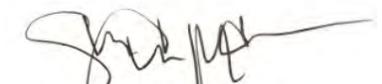
Lois Frankel
Chair Emerita
Democratic Women's Caucus



Judy Chu
Chair, Contraception, Family
Planning & Education Task
Force
Pro Choice Caucus



Maxine Waters
Member of Congress



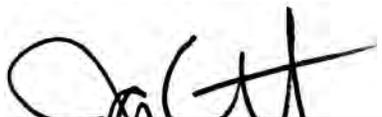
Sheila Cherfilus-McCormick
Member of Congress



Grace Meng
Member of Congress



Delia C. Ramirez
Member of Congress



Jasmine Crockett
Member of Congress



Erica Lee Carter
Member of Congress

Lori Trahan
Member of Congress

Sydney Kamlager-Dove
Member of Congress

Debbie Dingell
Member of Congress

LaMonica McIver
Member of Congress

Terri A. Sewell
Member of Congress

Brittany Pettersen
Member of Congress

Katie Porter
Member of Congress

Nanette Diaz Barragán
Member of Congress

Betty McCollum
Member of Congress

Doris Matsui
Member of Congress

Jan Schakowsky
Member of Congress

Becca Balint
Member of Congress

Summer L. Lee
Member of Congress

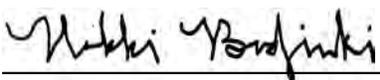
Nydia M. Velázquez
Member of Congress

Jim Tokuda
Member of Congress

Sylvia R. Garcia
Member of Congress

Haley M. Stevens
Member of Congress

Nikema Williams
Vice Chair
Democratic Women's Caucus



Nikki Budzinski
Member of Congress



Ayanna Pressley
Member of Congress



Suzanne Bonamici
Member of Congress



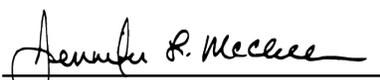
Kathy Castor
Member of Congress



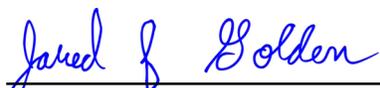
Ilhan Omar
Member of Congress



Julia Brownley
Member of Congress



Jennifer L. McClellan
Member of Congress



Jared Golden
Member of Congress



Debbie Wasserman Schultz
Member of Congress



Eleanor Holmes Norton
Member of Congress



Frederica S. Wilson
Member of Congress



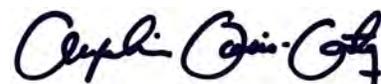
Mark Pocan
Member of Congress



Seth Moulton
Member of Congress



Marilyn Strickland
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Cori Bush
Member of Congress



Barbara Lee
Member of Congress



Rosa L. DeLauro
Member of Congress



Dan Goldman
Member of Congress



Raúl M. Grijalva
Member of Congress



Shontel M. Brown
Member of Congress



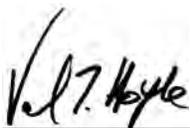
Andrea Salinas
Member of Congress



Kathy Manning
Member of Congress



Bill Foster
Member of Congress



Val Hoyle
Member of Congress



Pramila Jayapal
Member of Congress



Mikie Sherrill
Member of Congress



Jake Auchincloss
Member of Congress



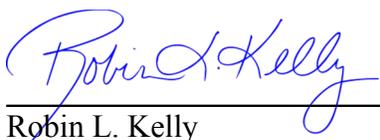
Alma S. Adams, Ph.D.
Member of Congress



Emilia Strong Sykes
Member of Congress



Bonnie Watson Coleman
Member of Congress



Robin L. Kelly
Member of Congress



Danny K. Davis
Member of Congress



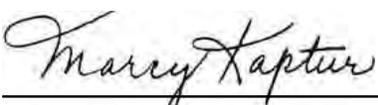
Donald S. Beyer Jr.
Member of Congress



Eric Swalwell
Member of Congress



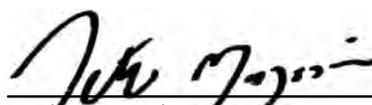
Madeleine Dean
Member of Congress



Marcy Kaptur
Member of Congress



Deborah K. Ross
Member of Congress



Seth Magaziner
Member of Congress



Troy Carter
Member of Congress



Scott H. Peters
Member of Congress



Juan Vargas
Member of Congress



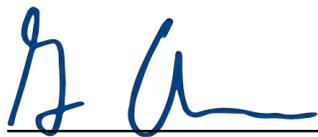
Susie Lee
Member of Congress



Rashida Tlaib
Member of Congress



Diana DeGette
Co-Chair, Pro-Choice Caucus



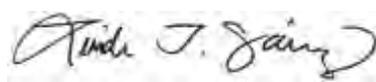
Gabe Amo
Member of Congress



Terrold Nadler
Member of Congress



Shri Thanedar
Member of Congress



Linda T. Sánchez
Member of Congress



James P. McGovern
Member of Congress



Mark DeSaulnier
Member of Congress



Jared Moskowitz
Member of Congress



Sean Casten
Member of Congress



Mary Gay Scanlon
Member of Congress



Lucy McBath
Member of Congress



John Garamendi
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



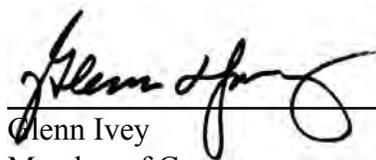
Ann McLane Kuster
Member of Congress



Joyce Beatty
Member of Congress



Dina Titus
Member of Congress



Glenn Ivey
Member of Congress



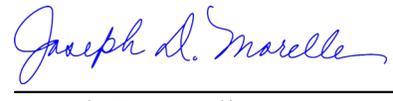
Abigail Davis Spanberger
Member of Congress



Dwight Evans
Member of Congress


Josh Gottheimer
Member of Congress


Kevin Mullin
Member of Congress

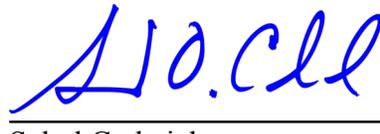

Joseph D. Morelle
Member of Congress


Al Green
Member of Congress
Scion of the Enslaved
Africans -
Sacrificed to Make America
Great

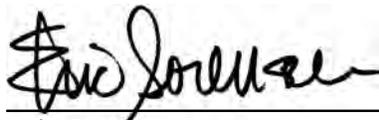

Lizzie Fletcher
Member of Congress


Colin Z. Allred
Member of Congress


Angie Craig
Member of Congress


Salud Carbajal
Member of Congress


Suzan K. DelBene
Member of Congress


Eric Sorensen
Member of Congress


Chrissy Houlahan
Member of Congress


Gwen S. Moore
Member of Congress

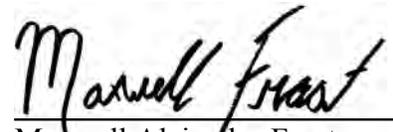

Patrick Ryan
Member of Congress


Mike Thompson
Member of Congress


Steve Cohen
Member of Congress


Chris Deluzio
Member of Congress


Jamaal Bowman, Ed.D.
Member of Congress


Maxwell Alejandro Frost
Member of Congress



Brendan F. Boyle
Member of Congress



Ritchie Torres
Member of Congress



Tony Cárdenas
Member of Congress



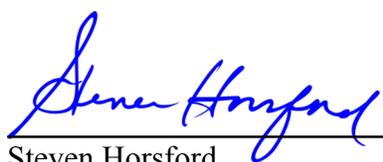
Jamie Raskin
Member of Congress



Lauren Underwood
Member of Congress



Raja Krishnamoorthi
Member of Congress



Steven Horsford
Member of Congress



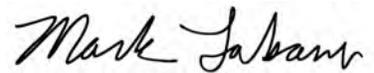
Greg Stanton
Member of Congress



Rick Larsen
Member of Congress



Emanuel Cleaver, II
Member of Congress



Mark Takano
Member of Congress



John P. Sarbanes
Member of Congress



C. A. Dutch Ruppertsberger
Member of Congress



Sara Jacobs
Member of Congress



Kim Schrier, M.D.
Member of Congress



Jared Huffman
Member of Congress