

Congress of the United States
Washington, DC 20515

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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.

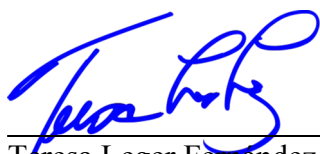
While your proposed rule suggests a January 1, 2026 implementation date, we strongly recommend that the final rule go into effect as soon as possible to ensure women do not face further delays in accessing contraception.

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.

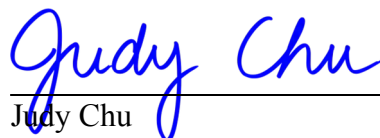
Sincerely,



Teresa Leger Fernandez
Chair
Democratic Women's Caucus



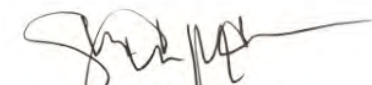
Lois Frankel
Chair Emerita
Democratic Women's Caucus




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



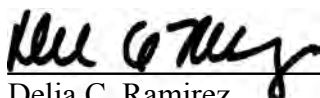
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Delia C. Ramirez
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Jasmine Crockett
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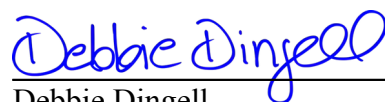
Erica Lee Carter
Member of Congress



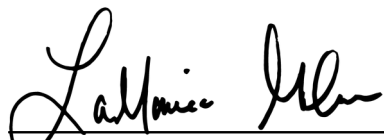
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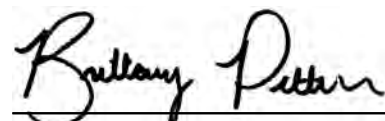
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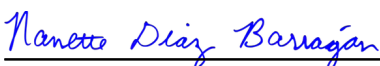
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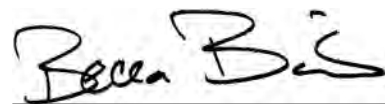
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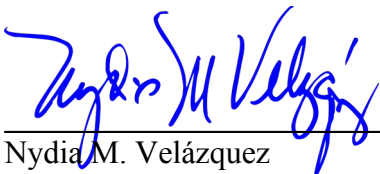
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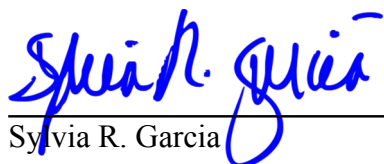
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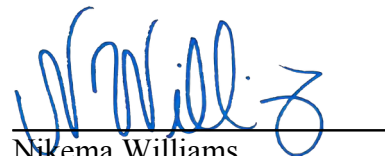
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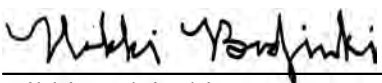
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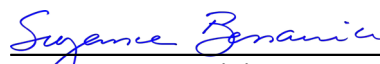
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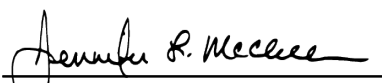
Kathy Castor
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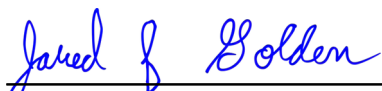
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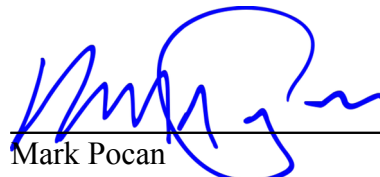
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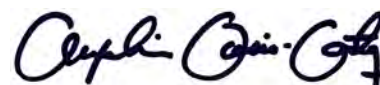
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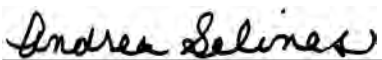
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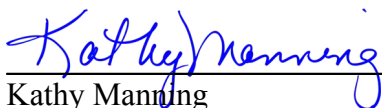
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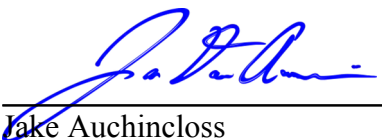
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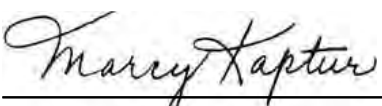
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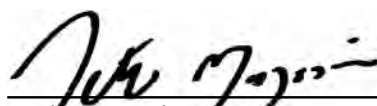
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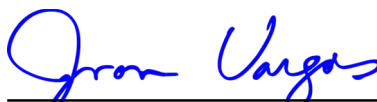
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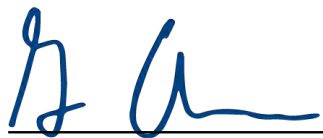
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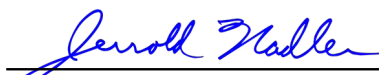
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Co-Chair, Pro-Choice Caucus



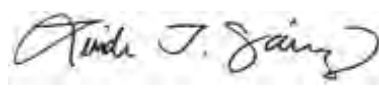
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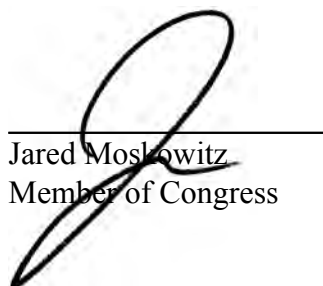
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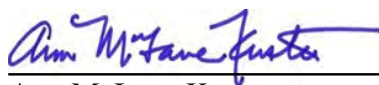
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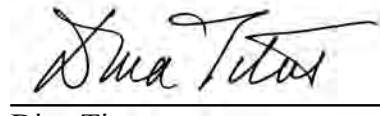
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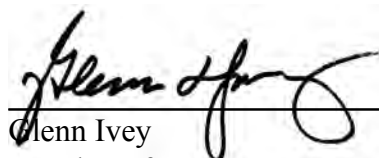
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Al Green
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Africans -
Sacrificed to Make America
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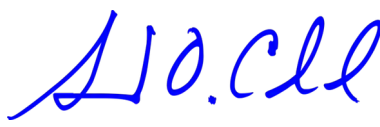
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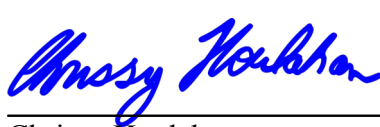
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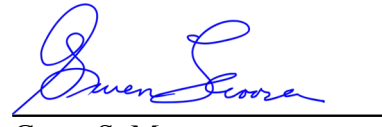
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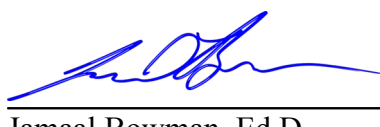
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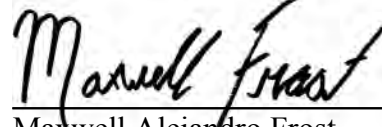
Steve Cohen
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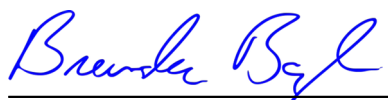
Chris Deluzio
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Jamaal Bowman, Ed.D.
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Maxwell Alejandro Frost
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Brendan F. Boyle
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Ritchie Torres
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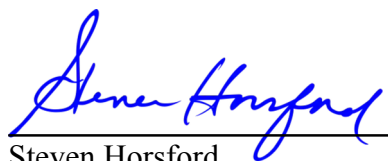
Jamie Raskin
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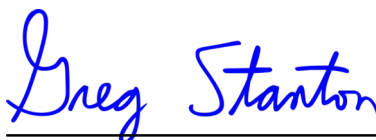
Lauren Underwood
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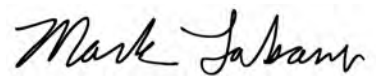
Greg Stanton
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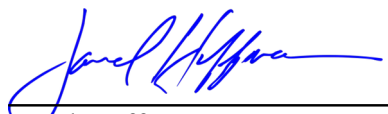
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