

White House: President Biden Issues Executive Order on Strengthening Access to Contraception

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June 23, 2023 By The White House

Today [June 23], President Biden will issue an Executive Order on Strengthening Access to Affordable, High-Quality Contraception and Family Planning Services. This will be the third Executive Order on reproductive health care access that the President has signed since the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, and the first focused specifically on protecting and expanding access to contraception. Contraception is an essential component of reproductive health care that has only become more important in the wake of *Dobbs* and the ensuing crisis in women's access to health care.

Through today's Executive Order, the President will announce actions to:

- **Improve Contraception Access and Affordability for Women with Private Health Insurance.** The Executive Order directs the Secretaries of the Treasury, Labor, and Health and Human Services (HHS) to consider new guidance to ensure that private health insurance under the Affordable Care Act covers all Food and Drug Administration-approved, -granted, or -cleared contraceptives without cost sharing and to streamline the process for obtaining care women need and want. This action will build on the progress already made under the Affordable Care Act by further reducing barriers that women face in accessing contraception prescribed by their provider.
- **Promote Increased Access to Over-the-Counter Contraception.** The Executive Order directs the Secretaries of the Treasury, Labor, and HHS to consider new actions to improve access to affordable over-the-counter contraception, including emergency contraception. These actions

could include convening pharmacies, employers, and insurers to discuss opportunities to expand access to affordable over-the-counter-contraception; identifying promising practices regarding the coverage of over-the-counter contraception at no cost to patients; and providing guidance to support seamless coverage of over-the-counter contraception.

- **Support Family Planning Services and Supplies through the Medicaid Program.** The Executive Order directs the Secretary of HHS to consider new actions that expand access to affordable family planning services and supplies across the Medicaid program—such as sharing best practices for State Medicaid programs on providing high-quality family planning services and supplies, including through Medicaid managed care.
- **Improve the Coverage of Contraception through the Medicare Program.** To improve coverage and payment for contraceptives for Medicare beneficiaries, the Executive Order directs the Secretary of HHS to consider new actions to strengthen the coverage of contraception through Medicare Advantage and Medicare Part D plans. This action will help ensure that Medicare beneficiaries, especially women of reproductive age with disabilities, can access contraception without unnecessary barriers.
- **Support Access to Contraception for Service Members, Veterans, and Federal Employees.** The Executive Order directs the Secretary of Defense, the Secretary of Veterans Affairs, and the Director of the Office of Personnel Management to consider new actions to ensure robust coverage of contraception for Service members, veterans, and Federal employees and ensure that they and their families understand how to access these benefits. These actions will build on the steps that these agencies have already taken to bolster access to contraception for those they serve.
- **Bolster Contraception Access Across Federally-Supported Health Care Programs.** The Executive Order directs the Secretary of HHS to consider encouraging Federally-supported health care and human services entities—such as Title X family planning clinics, community health centers, and the Indian Health Service—to expand the availability and quality of contraception access for those they serve. Actions could include issuing new guidance, technical assistance, and training resources so that providers in these programs understand their obligations under Federal law,

including to provide culturally and linguistically appropriate family planning services.

- **Support Access to Affordable Contraception for Employees and College Students.** The Executive Order directs the Secretary of Labor to identify and share best practices for employers and insurers in making affordable, high-quality contraception available to employees. To help bolster access for college and university students, the Executive Order directs the Secretary of Education to convene institutions of higher education to share best practices and ways to make sure that students understand their options for accessing contraception.
- **Promote Research and Data Analysis on Contraception Access.** To document the gaps and disparities in contraception access as well as the benefits of comprehensive coverage, the Executive Order directs the Secretary of HHS to support research, data collection, and data analysis on contraception access and family planning services.

Today's announcements build on actions that the Biden-Harris Administration has already taken to protect access to contraception, including in response to two prior Executive Orders directing actions to safeguard access to reproductive health care services. The Administration has taken action to:

- **Clarify Protections for Women with Private Health Insurance.** Under the Affordable Care Act, most private health plans must provide contraception and family planning counseling with no out-of-pocket costs. The Departments of the Treasury, Labor, and HHS convened a meeting with health insurers and employee benefit plans. These agencies called on the industry to meet their obligations to cover contraception as required under the law. Following this conversation, these agencies issued guidance to clarify protections for contraceptive coverage under the Affordable Care Act.
- **Expand Access Under the Affordable Care Act.** The Departments of the Treasury, Labor, and HHS proposed a rule to strengthen access to contraception under the Affordable Care Act so all women who need and want contraception can obtain it. Millions of women have already benefited from this coverage, which has helped them save billions of dollars on contraception.
- **Support Title X Clinics.** HHS provided resources to bolster quality family planning services through the Title X Family Planning Program. HHS provided funds to help clinics deliver

equitable, affordable, client-centered, and high-quality family planning services and provide training and technical assistance for Title X clinics through the Reproductive Health National Training Center and the Clinical Training Center for Sexual and Reproductive Health. In addition, recognizing the important role that Title X clinics play in supporting access to contraception, the President's Fiscal Year 2024 Budget Request includes \$512 million for the Title X Family Planning Program, a 76 percent increase above the 2023 enacted level.

- **Enhance Access Through a New Public-Private Partnership.** HHS announced a new public-private partnership to expand access to contraception with Upstream, a national nonprofit organization that provides health centers with free patient-centered, evidence-based training and technical assistance to eliminate provider-level barriers to offering the full range of contraceptive options. This partnership will leverage Upstream's \$90 million in resources and build on Upstream's work with over 100 health care organizations across 18 states and accelerate their national expansion to transform contraceptive care in more than 700 health centers by 2030, reaching 5 million women of reproductive age every year.
- **Promote Access to Contraception for Service Members and Their Families and Certain Dependents of Veterans.** To improve access to contraception at military hospitals and clinics, the Department of Defense expanded walk-in contraceptive care services for active-duty Service members and other Military Health System beneficiaries. And the Department of Veterans Affairs proposed a rule to eliminate out-of-pocket costs for certain types of contraception through the Civilian Health and Medical Program of the Department of Veterans Affairs.
- **Ensure Access to Family Planning Services at Health Centers.** The Health Resources and Services Administration provided updated guidance to community health centers on their obligation to offer family planning services to their patients. The guidance included evidence-based recommendations and resources to support health centers in providing high-quality family planning services.
- **Include Family Planning Providers in Health Plan Networks.** HHS strengthened the standard for inclusion of family planning providers in Marketplace plans' provider networks under the

Affordable Care Act. This policy, which goes into effect for plan year 2024, will help increase consumers' choice of high-quality providers and improve access to care for low-income and medically underserved consumers.

This [fact sheet](#) was published by the White House on June 23, 2023.

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