

Calendar No. 418118TH CONGRESS
2D SESSION**S. 4447**

To allow women greater access to safe and effective oral contraceptive drugs intended for routine use, and to direct the Comptroller General of the United States to conduct a study on Federal funding of contraceptive methods.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2024

Ms. ERNST (for herself, Mr. GRASSLEY, Mrs. CAPITO, Mr. DAINES, Mr. YOUNG, Mr. TILLIS, Mr. CRUZ, Mr. MCCONNELL, Mr. RISCH, Mr. CORNYN, Mr. PAUL, Mr. THUNE, and Mr. MARSHALL) introduced the following bill; which was read the first time

JUNE 5, 2024

Read the second time and placed on the calendar

A BILL

To allow women greater access to safe and effective oral contraceptive drugs intended for routine use, and to direct the Comptroller General of the United States to conduct a study on Federal funding of contraceptive methods.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Allowing Greater Ac-
3 cess to Safe and Effective Contraception Act”.

4 **SEC. 2. SUPPLEMENTAL APPLICATIONS FOR OVER-THE-**
5 **COUNTER CONTRACEPTIVE DRUGS.**

6 (a) **PRIORITY REVIEW OF APPLICATION.**—The Sec-
7 retary of Health and Human Services (referred to in this
8 section as the “Secretary”) shall give priority review to
9 any supplemental application submitted under section
10 505(b) of the Federal Food, Drug, and Cosmetic Act (21
11 U.S.C. 355(b)) if—

12 (1) the supplemental application is with respect
13 to an oral contraceptive drug intended for routine
14 use;

15 (2) the supplemental application is not with re-
16 spect to—

17 (A) any emergency contraceptive drug; or

18 (B) any drug that is also approved for in-
19 duced abortion; and

20 (3) if the supplemental application is approved,
21 with respect to individuals aged 18 and older, such
22 drug would not be subject to section 503(b)(1) of
23 the Federal Food, Drug, and Cosmetic Act (21
24 U.S.C. 353(b)(1)).

25 (b) **FEE WAIVER.**—The Secretary shall waive the fee
26 under section 736(a)(1) of the Federal Food, Drug, and

1 Cosmetic Act (21 U.S.C. 379h(a)(1)) with respect to a
2 supplemental application that receives priority review
3 under subsection (a).

4 (c) OVER-THE-COUNTER AVAILABILITY.—Notwith-
5 standing any other provision of law, with respect to indi-
6 viduals under age 18, a contraceptive drug that is eligible
7 for priority review under subsection (a) shall be subject
8 to section 503(b)(1) of the Federal Food, Drug, and Cos-
9 metic Act (21 U.S.C. 353(b)(1)), including after approval
10 of the supplemental application as described in subsection
11 (a)(3).

12 (d) APPLICABILITY.—This section applies with re-
13 spect to a supplemental application described in subsection
14 (a) that—

15 (1) is submitted before the date of enactment of
16 this Act and remains pending as of such date of en-
17 actment; or

18 (2) is submitted after such date of enactment.

19 **SEC. 3. GAO STUDY AND REPORT ON FEDERAL FUNDING OF**
20 **CONTRACEPTIVE METHODS.**

21 Not later than one year after the date of enactment
22 of this Act, the Comptroller General of the United States
23 shall conduct a study and submit a report to Congress
24 regarding the amount of Federal funds made available for
25 the purposes of contraception reimbursement, inventory

1 stocking, provider training, or patient education during
2 the 15-year period immediately preceding such date of en-
3 actment, including such funding made available through—

4 (1) the Medicare program under title XVIII of
5 the Social Security Act (42 U.S.C. 1395 et seq.);

6 (2) the Medicaid program under title XIX of
7 the Social Security Act (42 U.S.C. 1396 et seq.);

8 (3) the Indian Health Service;

9 (4) the American Health Benefit Exchanges es-
10 tablished under section 1311 or 1321 of the Patient
11 Protection and Affordable Care Act (42 U.S.C.
12 18031; 18041);

13 (5) Federally-qualified health centers (as de-
14 fined in section 1905(l)(2)(B) of the Social Security
15 Act (42 U.S.C. 1396d(l)(2)(B)));

16 (6) title X of the Public Health Service Act (42
17 U.S.C. 300 et seq.);

18 (7) temporary assistance for needy families
19 under part A of title IV of the Social Security Act
20 (42 U.S.C. 601 et seq.); or

21 (8) the TRICARE program (as defined in sec-
22 tion 1072 of title 10, United States Code).

Calendar No. 418

118TH CONGRESS
2^D SESSION
S. 4447

A BILL

To allow women greater access to safe and effective oral contraceptive drugs intended for routine use, and to direct the Comptroller General of the United States to conduct a study on Federal funding of contraceptive methods.

JUNE 5, 2024

Read the second time and placed on the calendar