

# **Duckworth Joins Bennet, Hirono, Shaheen and Colleagues to Call for Expanded Access to Over-The-Counter Contraceptives for Servicemembers**

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WASHINGTON, D.C. – Today, combat Veteran and U.S. Senator Tammy Duckworth (D-IL), alongside U.S. Senators Michael Bennet (D-CO), Mazie Hirono (D-HI) and Jeanne Shaheen (D-NH), led 30 Senate colleagues in a bipartisan letter urging the U.S. Department of Defense (DoD) to ensure over-the-counter birth control is available for

servicemembers and their families on military bases, without a copay and without a prescription. In July, the Food and Drug Administration approved Opill as the first daily oral contraceptive available without a prescription.

“Access to contraception, as well as education about it, increases readiness and improves quality of life for our servicemembers and their families,” wrote the senators. “We write to urge the Department of Defense (DoD) to expand TRICARE coverage to include OTC contraceptives with no cost-sharing or prescription requirement. We also request the DoD stock OTC contraceptives in military treatment facilities, pharmacies, and exchanges.”

After the Supreme Court’s decision to overturn *Roe v. Wade*, [40 percent](#) of active duty service women face limited or no access to reproductive care where they are stationed. This poses serious challenges for the approximately 1.6 million women of reproductive age—including servicemembers, retirees and their families—who rely on the Military Health System to access essential healthcare.

The senators call on DoD to make Opill available in medical facilities, retail stores and pharmacies on military bases at no cost to servicemembers or dependents and without a prescription. They ask DoD to respond by the end of the month and to provide reasons in case the Pentagon is unable or unwilling to meet their call to expand access to reproductive care for people currently serving in uniform, military retirees and their dependents.

Duckworth is a fierce advocate in expanding access to reproductive healthcare for servicemembers. Senator Duckworth’s [provision](#) to expand TRICARE coverage of Assisted Reproductive Technology (ART) services for servicemembers and their dependents was included in the *Fiscal Year (FY) 2024 National Defense Authorization Act (NDAA)*. Earlier this year, Duckworth [helped introduce](#) legislation that would codify the U.S. Department of Defense’s (DOD) [policy](#) to ensure servicemembers and their families can access non-covered reproductive healthcare, including abortion services, regardless of the state in which they are stationed.

In addition to Duckworth, Bennet, Hirono and Shaheen, U.S. Senators John Fetterman (D-PA.), Tim Kaine (D-VA), Tammy Baldwin (D-WI), Ron Wyden (D-OR), Chris Van Hollen (D-MD), Richard Blumenthal (D-CT), Sheldon Whitehouse (D-RI), Peter Welch (D-VT), Jon Tester (D-MT), Elizabeth Warren (D-MA), Patty Murray (D-WA), Kirsten Gillibrand (D-NY), John Hickenlooper (D-CO), Amy Klobuchar (D-MN), Jacky Rosen (D-NV), Laphonza Butler (D-CA), Ben Cardin (D-MD), Susan Collins (R-ME), Maria Cantwell (D-WA), Debbie Stabenow (D-MI), Mark Kelly (D-AZ), Alex Padilla (D-CA),

Catherine Cortez Masto (D-NV), Martin Heinrich (D-NM), Ed Markey (D-MA), Bernie Sanders (I-VT), Chris Coons (D-DE), Sherrod Brown (D-OH), Lisa Murkowski (R-AL) and Chris Murphy (D-CT) signed on to the letter.

The full letter is available at the link [here](#) and below.

Dear Secretary Austin, Acting Under Secretary Vazirani, and Lieutenant General Crosland:

In July, the U.S. Food and Drug Administration (FDA) approved Opill as the first over-the-counter (OTC) birth control pill in the United States. We write to urge the Department of Defense (DoD) to expand TRICARE coverage to include OTC contraceptives with no cost-sharing or prescription requirement. We also request that the DoD stock OTC contraceptives in military treatment facilities, pharmacies, and exchanges.

The Military Health System serves approximately 1.6 million women of reproductive age, including servicemembers, retirees, and their dependents. As part of the full spectrum of reproductive health care, contraception provides individuals control over their reproductive health and family planning. Access to contraception, as well as education about it, increases readiness and improves quality of life for our servicemembers and their families.

Studies show that requiring prescriptions for contraception can be a barrier to access due to prolonged appointment wait times, difficulty scheduling time off from work, and challenges finding childcare during medical appointment times—hurdles that are exacerbated by the nature of military service. The prescription requirement in part contributes to the lower rate of contraception use among active duty servicemembers compared to the national population.

TRICARE should expand no-cost coverage to FDA-approved OTC contraceptives like Opill to further improve timely access for beneficiaries. Under current statute, the DoD may cover OTC drugs with no cost-sharing if the Defense Health Agency's (DHA) Pharmacy and Therapeutics Committee (Committee) finds that the medication is "cost effective and clinically effective," and recommends the medication be added to the uniform formulary without copayment.

Given the above, we request answers to the following questions:

- Will the Committee use its existing statutory and regulatory authority to review Opill and consider its inclusion in the uniform formulary with a \$0.00 copayment at its upcoming November 2023 meeting? If not, please provide reasoning as well as when Opill will be considered for formulary inclusion by the Committee.
- Will the DoD issue a standing order or use its existing regulatory authority to waive the prescription requirement for OTC contraceptives, both currently approved and those approved in the future? If not, please provide reasoning.
- Will the DoD work with the Army and Air Force Exchange System, the Navy Exchange, the Marine Corps Exchange, and the Coast Guard Exchange to stock OTC contraceptives in exchanges without unnecessary or burdensome restrictions? If not, please provide reasoning.

We appreciate the DoD's work to eliminate copayments for some contraceptives for active duty servicemembers and their families at military pharmacies and to establish walk-in contraceptive clinics. However, we recognize the need for a legislative fix to achieve parity between TRICARE coverage and Affordable Care Act (ACA) health plans so that TRICARE beneficiaries also have access to no cost daily use prescription birth control pills. To that end, we will work for comprehensive solutions to increase access to contraceptives for our servicemembers, including passage of the Access to Contraception for Servicemembers and Dependents Act.

We respectfully request a response to these questions by October 31, 2023. Thank you for your attention to this important matter.