

115TH CONGRESS
1ST SESSION

S. 93

To allow women greater access to safe and effective contraception.

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2017

Mrs. ERNST (for herself, Mr. GARDNER, and Mr. HELLER) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To allow women greater access to safe and effective
contraception.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. APPLICATIONS FOR NON-PRESCRIPTION CONTRA-**
7 **CEPTIVE DRUGS.**

8 (a) PRIORITY REVIEW OF APPLICATION.—The Sec-
9 retary of Health and Human Services (referred to in this
10 section as the “Secretary”) shall give priority review to
11 any supplemental application submitted under section

1 505(b) of the Federal Food, Drug, and Cosmetic Act (21
2 U.S.C. 355(b)) for a contraceptive drug, provided that—

3 (1) the supplemental application is with respect
4 to a drug intended for routine use; and

5 (2) if the supplemental application is approved,
6 with respect to individuals aged 18 and older, such
7 drug would not be subject to section 503(b)(1) of
8 the Federal Food, Drug, and Cosmetic Act (21
9 U.S.C. 353(b)(1)).

10 (b) FEE WAIVER.—The Secretary shall waive the fee
11 under section 736(a)(1) of the Federal Food, Drug, and
12 Cosmetic Act (21 U.S.C. 379h(a)(1)) with respect to a
13 supplemental application that receives priority review
14 under subsection (a).

15 (c) OVER-THE-COUNTER AVAILABILITY.—Notwith-
16 standing any other provision of law, with respect to indi-
17 viduals under age 18, a contraceptive drug that is eligible
18 for priority review under subsection (a) shall be subject
19 to section 503(b)(1) of the Federal Food, Drug, and Cos-
20 metic Act (21 U.S.C. 353(b)(1)).

21 **SEC. 3. EMPOWERING WOMEN TO MAKE THEIR OWN**
22 **HEALTH DECISIONS.**

23 (a) NO LIMITATIONS BASED ON WHETHER A DRUG
24 IS PRESCRIBED.—Section 9003 of the Patient Protection
25 and Affordable Care Act (Public Law 111–148), and the

1 amendments made by such section, are repealed, and the
2 Internal Revenue Code of 1986 shall be applied as if such
3 section, and amendments, had never been enacted.

4 (b) NO LIMITATIONS ON HEALTH FSAs.—Sections
5 9005 and 10902 of the Patient Protection and Affordable
6 Care Act (Public Law 111–148) and section 1403 of the
7 Health Care and Education Reconciliation Act of 2010
8 (Public Law 111–152), and the amendments made by
9 such sections, are repealed, and the Internal Revenue
10 Code of 1986 shall be applied as if such sections, and
11 amendments, had never been enacted.

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