

115TH CONGRESS  
1ST SESSION

# S. 93

To allow women greater access to safe and effective contraception.

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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

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## 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1 amendments made by such section, are repealed, and the  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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