

116TH CONGRESS
1ST SESSION

S. 930

To allow women greater access to safe and effective contraception.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2019

Ms. ERNST (for herself and Mr. GARDNER) 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)), including after approval
21 of the supplemental application as described in subsection
22 (a)(2).

1 **SEC. 3. EMPOWERING WOMEN TO MAKE THEIR OWN**
2 **HEALTH DECISIONS.**

3 (a) **REPEAL OF TAX ON OVER-THE-COUNTER MEDI-**
4 **CATIONS.—**

5 (1) **HSAS.**—Subparagraph (A) of section
6 223(d)(2) of the Internal Revenue Code of 1986 is
7 amended by striking “Such term” and all that fol-
8 lows through the period.

9 (2) **ARCHER MSAS.**—Subparagraph (A) of sec-
10 tion 220(d)(2) of the Internal Revenue Code of 1986
11 is amended by striking “Such term” and all that fol-
12 lows through the period.

13 (3) **HEALTH FLEXIBLE SPENDING ARRANGE-**
14 **MENTS AND HEALTH REIMBURSEMENT ARRANGE-**
15 **MENTS.**—Section 106 of the Internal Revenue Code
16 of 1986 is amended by striking subsection (f) and
17 by redesignating subsection (g) as subsection (f).

18 (4) **EFFECTIVE DATES.**—

19 (A) **DISTRIBUTIONS FROM SAVINGS AC-**
20 **COUNTS.**—The amendments made by para-
21 graphs (1) and (2) shall apply to amounts paid
22 with respect to taxable years beginning after
23 December 31, 2019.

24 (B) **REIMBURSEMENTS.**—The amendment
25 made by paragraph (3) shall apply to expenses

1 incurred with respect to taxable years beginning
2 after December 31, 2019.

3 (b) REPEAL OF LIMITATIONS ON CONTRIBUTIONS TO
4 FLEXIBLE SPENDING ACCOUNTS.—

5 (1) IN GENERAL.—Section 125 of the Internal
6 Revenue Code of 1986 is amended by striking sub-
7 section (i).

8 (2) EFFECTIVE DATE.—The amendment made
9 by this subsection shall apply to taxable years begin-
10 ning after December 31, 2019.

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