

Birth control should be available over the counter. How Congress can make that happen

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Congress should revoke the Food and Drug Administration's power to require women to obtain prescriptions to purchase hormonal contraceptives, a change that would reduce the price of birth control pills and finally allow consumers to buy them over the counter. Congress should make this move without requiring insurers to cover over-the-counter contraceptives, which would cause prices to increase.

Daily-use oral contraceptives offer tremendous benefits and are no more dangerous than countless other drugs, such as acetaminophen, which the FDA allows even children to buy over the counter. Many in Congress, from progressive Rep. Alexandria Ocasio-Cortez (D-N.Y.) to conservative Sen. Ted Cruz (R-Texas), support making "the pill" available without a prescription.

While women in a majority of countries can purchase birth control without a prescription, neither party's leading reform bill would give American women that ability.

The current prescription requirement is a significant impediment to reproductive freedom. Nearly a third of women report difficulty obtaining prescriptions. The doctor visit alone might cost up to \$200. In a 2016 survey of barriers to accessing contraception, women cited such obstacles as scheduling and getting to their appointments twice as often as they cited difficulty paying for the visit or the prescription.

The American College of Obstetricians and Gynecologists and the American Academy of Family Physicians support eliminating the prescription requirement. A 2016 survey of reproductive health care providers found a majority support over-the-counter status, which would probably increase adherence.

Switching a drug from prescription to over-the-counter status also typically causes its price to fall. For instance, the price of a day's supply of the heartburn medication omeprazole fell nearly by half, from almost \$4.20 to \$2.35. The price of the antihistamine loratadine also fell by half, to just \$1 per pill. Prices for drugs that become available over the counter often fall below what many insured patients had been paying in copays.

Neither the Republicans' bill nor the Democrats' would deliver lower prices because neither would make the pill available over the counter. Instead, each leaves that decision with the executive branch — the same branch that blocked access to “Plan B” emergency contraception (aka. the morning-after pill) — for political reasons for more than a dozen years under Republican and Democratic administrations.

Adding insult to indifference, the Republicans' bill would entrench existing prescription requirements, while the Democrats' bill would increase prices for contraceptives. The FDA imposed the current prescription requirement, which means the agency has the authority to remove it. The Republicans' bill would lock in that requirement with regard to minors by requiring an act of Congress to remove it — a much higher hurdle.

This makes no sense. The American College of Obstetricians and Gynecologists urges over-the-counter access to all hormonal contraceptives “without age restrictions.” Congress already leaves minors free to purchase Plan B — and even lethal doses of acetaminophen, aspirin and other over-the-counter drugs — without a prescription. Yet the GOP bill would deny minors access to a low-risk drug that prevents pregnancy and reduces the incidence of abortion.

The Democrats' bill attempts to expand access by requiring insurers to pay 100% of the cost of over-the-counter contraceptives for their enrollees. But after the government phased in an identical requirement for prescription contraceptives in 2014, prices for hormones and oral contraceptives stopped falling and instead skyrocketed. By 2019, they had risen three times as fast as prices for prescription drugs overall.

Again, the Democrats' bill would not make birth control available over the counter. But if it did, such a mandate would make it more expensive. Higher prices would reduce access for consumers who purchase contraceptives without health insurance, including minors who don't want to purchase them through their parents' insurance. Women have a right to purchase contraceptives without government either forcing them to obtain a doctor's permission or increasing the price of their birth control.

Congress should revoke the FDA's power to require women to obtain a prescription to buy contraceptives, whether or not their insurance covers contraceptives. If Congress fails to act, the FDA should use its authority to eliminate the prescription requirement.

Birth control should be affordable and so easy to access that women can simply send the men in their lives to the store to buy it.

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