



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

7/11/2022

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear Mr. President:

I write today to urge your administration to follow the recommendations of leading health organizations and make birth-control pills and other hormonal contraceptives available over-the-counter, without the need for a prescription.

In your recent Executive Order on Protecting Access to Reproductive Healthcare Services (EO 14076), you have aimed to safeguard access to health care services, including medication abortion and contraception. Approving over-the-counter birth control would contribute to that effort—and it could be done by the Food and Drug Administration (FDA) without need for further action from Congress.

Nearly three dozen medical associations, representing more than a quarter million providers across the nation—including the American Medical Association (AMA), American College of Obstetricians and Gynecologists (ACOG), the American Academy of Family Physicians, and the American Academy of Pediatrics—support FDA review of over-the-counter status to enhance access to contraception medication. This medication is safe and effective, and nearly all-American women use contraception at some point in their lives.<sup>1</sup> Data shows that 71% of people support expanding access to birth control over-the-counter, and just this week, a pharmaceutical company with roots in Michigan filed an application for over-the-counter status.<sup>2 3</sup>

I appreciate your advocacy for birth control access. As a result of your leadership to pass the historic Affordable Care Act (ACA), health insurance companies are required to cover preventive care benefits for women, including reproductive care. Now, it is time to build on that work. As you know, the need to get a prescription to obtain contraceptives creates a barrier to access. The prescription requirement undermines the reproductive freedom of millions of Americans, including the 2.2 million Michigan women of reproductive age. To counter dangerous efforts to limit women's reproductive freedom, after the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, the FDA and the White House have a responsibility to take all scientifically supported steps to support women in making their own choices about their reproductive health.

Moving to over-the-counter status would also mitigate inequities in our healthcare system. Due to unequal access to quality family planning services, distrust and racial bias in the medical system, and

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<sup>1</sup> <https://www.gutmacher.org/fact-sheet/contraceptive-use-united-states>

<sup>2</sup> *A Bipartisan Majority of Voters Support Expanding Access to Birth Control*, Data For Progress (June 7, 2022) (online at <https://www.dataforprogress.org/blog/2022/6/7/a-bipartisan-majority-of-voters-support-expanding-access-to-birth-control>)

<sup>3</sup> F.D.A. to Weigh Over-the-Counter Sale of Contraceptive Pills - The New York Times ([nytimes.com](https://www.nytimes.com))

economic disadvantages, Black, Latinx and immigrant women disproportionately struggle to find providers and secure a prescription for contraceptives. While federal and state action—including Medicaid expansion and Title X programs—have helped, we should be pulling out all the stops to make it easier and affordable for everyone to secure needed contraception.

I urge your administration to act now. In light of the renewed assault on women's reproductive freedom, there is no time to lose.

Sincerely,

A handwritten signature in blue ink that reads "Gretchen Whitmer". The signature is written in a cursive, flowing style.

Gretchen E. Whitmer  
Governor of Michigan

cc: The Honorable Robert Califf, M.D, Commissioner, U.S. Food and Drug Administration