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
any supplemental application submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) for a contraceptive drug, provided that—

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

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

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

(c) OVER-THE-COUNTER AVAILABILITY.—Notwithstanding any other provision of law, with respect to individuals under age 18, a contraceptive drug that is eligible for priority review under subsection (a) shall be subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

SEC. 3. EMPOWERING WOMEN TO MAKE THEIR OWN HEALTH DECISIONS.

(a) NO LIMITATIONS BASED ON WHETHER A DRUG IS PRESCRIBED.—Section 9003 of the Patient Protection
and Affordable Care Act (Public Law 111–148), and the
amendments made by such section, are repealed, and the
Internal Revenue Code of 1986 shall be applied as if such
section, and amendments, had never been enacted.

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such sections, are repealed, and the Internal Revenue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