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# Everyone Deserves Access: Legislating for the Future of Birth Control

The Supreme Court's decision to overturn *Roe v. Wade*, which allowed states to make abortion illegal, has also affected birth control access, especially for people of color. **People still have a right to birth control**, but we've seen policymakers push for increasing restrictions on people's ability to get birth control, particularly in states that have banned abortion. We've also seen state politicians intentionally spread misinformation about birth control.

We envision a world where everyone—regardless of insurance coverage, documentation status, age, disability, income, race, gender, or location—has the freedom to plan their lives and futures.

Everyone deserves access to birth control without obstacles, stigma, judgment, or discrimination.

In response, state legislators in 2023 have tried to protect birth control access through different measures. These include measures that:

- clarify the scope of existing abortion bans to make clear they do not apply to birth control;
- allow people to get birth control directly from their pharmacists, without first having to visit another health care provider; and,
- allow individuals to get a six- or 12-month supply of birth control at once.

While these are well-intentioned policies, we've seen that, in practice, they can fall short of what is needed in this moment. And in some cases, these measures could make birth control access worse.

What we need are policies that bring us closer to a future where everyone can access birth control without barriers. The values below can serve as a guideline in crafting policies that protect and improve access for as many people as possible.

## Everyone deserves access to birth control.

- Birth control helps people plan their lives and futures. Everyone deserves access to the birth control method that works best for them.
- When crafting policies, use nongendered language to be inclusive of people from all gender identities. If you're working on a policy that allows people to get an extended supply of contraception at once, nongendered language can allow people to get condoms instead of just hormonal birth control. A win-win!
- Young people should be in charge of their health care decisions. It is essential that the reproductive rights of young people remain protected and respected regardless of political climate. Make sure your bill covers people of all ages—not just those above 18.

## Birth control and abortion are different: both are necessary for people to thrive.

- Abortion access is critical for true reproductive autonomy, as is access to birth control. But they are not the same. There are no methods of birth control that can cause an abortion. Promote accurate information about birth control by not conflating birth control with abortion.
- Introducing measures to protect or expand birth control access does not solve the crisis in abortion access. Measures that limit birth control and abortion access threaten people's bodily integrity, liberty, dignity, equality, and economic security. We need both to help shape the future we want.
- If your state has banned or restricted abortion and you have questions about how those laws could impact birth control, reach out to state advocates to see what actions could be beneficial. Legislation that clarifies the scope may actually muddy the waters and other tactics could be preferable. If you're a state advocate, we're happy to work with you one-on-one to see what works best in your state.

## All reasons for using birth control are valid.

- People use birth control for many reasons, and all of those reasons are valid. Be expansive when framing birth control use. It isn't necessary to include terms like "pregnancy prevention" because people use birth control for more than just that, including health reasons.
- Timely access to birth control is especially important for sexual assault survivors. Sexual assault survivors deserve access to information about emergency contraception without shame and stigma. Reach out to a state advocate or us to discuss what policies might make sense in your state to expand emergency contraception access for survivors.

## Everyone deserves the specific birth control that they want.

- Everyone has different needs during different times of their lives. And everyone's health needs are different! People should be able to choose and access whatever type of birth control they'd like and need.
- Generally, policies should be drafted to include all types of birth control. This ensures that no specific type of birth control is treated preferentially over other types and no type of birth control is excluded due to misinformation or political pressure.
- New birth control products are regularly introduced on the market, and people deserve access to those options. To make room for scientific advancement, don't include language that specifies birth control mechanisms of action or hormonal makeup in legislation. Also, consider using language that includes drugs in all stages of the Food and Drug Administration (FDA) approval process.

Please reach out to **Kelsey Grimes at the National Women's Law Center** ([kgrimes@nwlc.org](mailto:kgrimes@nwlc.org)) or the **National Latina Institute for Reproductive Justice Texas** ([texas@latinainstitute.org](mailto:texas@latinainstitute.org)). Special thanks to **Nancy Cárdenas Peña** for her work on this factsheet.