

118TH CONGRESS  
1ST SESSION

# H. R. 3471

To preempt States from establishing, implementing, or enforcing any ban on the prescription, provision, or use of a drug, biological product, or device for contraception if such drug, biological product, or device is approved, licensed, cleared, or otherwise authorized for human use by the Food and Drug Administration for contraception, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Mrs. BICE (for herself, Mrs. KIM of California, Mr. SMUCKER, Mr. BACON, Mrs. MILLER-MEEKS, and Mr. GRAVES of Louisiana) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To preempt States from establishing, implementing, or enforcing any ban on the prescription, provision, or use of a drug, biological product, or device for contraception if such drug, biological product, or device is approved, licensed, cleared, or otherwise authorized for human use by the Food and Drug Administration for contraception, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Access to Safe Contra-  
3 ception Act of 2023”.

4 **SEC. 2. PREEMPTION OF STATE BANS ON FDA-APPROVED**  
5 **PRODUCTS FOR CONTRACEPTION.**

6 (a) **PREEMPTION.**—No State shall establish, imple-  
7 ment, or enforce any ban on the prescription, provision,  
8 or use of a drug, biological product, or device for contra-  
9 ception if such drug, biological product, or device is ap-  
10 proved, licensed, cleared, or otherwise authorized for  
11 human use by the Food and Drug Administration for con-  
12 traception.

13 (b) **RULES OF CONSTRUCTION.**—Nothing in sub-  
14 section (a) shall be construed—

15 (1) to infringe the ability of a State to regulate  
16 the practice of medicine and pharmacy within such  
17 State;

18 (2) to preempt the Religious Freedom Restora-  
19 tion Act of 1993 (42 U.S.C. 2000bb et seq.); or

20 (3) to preempt any State law to the extent such  
21 State law protects the right of any entity to opt out  
22 of providing contraception if such provision would be  
23 contrary to that entity’s religious or moral beliefs.

24 (c) **DEFINITIONS.**—In this section:

1           (1) The term “biological product” has the  
2 meaning given such term in section 351 of the Pub-  
3 lic Health Service Act (42 U.S.C. 262).

4           (2) The terms “device” and “drug” have the  
5 meanings given such terms in section 201 of the  
6 Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
7 321).

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