

## 2024 ELECTION EXPLAINER

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# How this Election Could Affect Access to Contraception

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Voters [overwhelmingly support](#) access to contraception. The Democratic presidential candidate Vice President Harris has consistently [supported](#) access to and coverage for contraceptives, and the Biden-Harris administration [recently proposed](#) the largest expansion of no-cost contraceptive coverage in more than a decade.. The Republican presidential candidate former President Trump has [claimed](#) he would not support restrictions on contraception, and the Republican Party Platform states that the party will support “policies that advance . . . access to Birth Control.”<sup>1</sup> However, Republicans in Congress overwhelmingly voted against codifying a federal right to access contraception; in 2022, [195 Republican legislators voted against](#) the Right to Contraception Act, and in 2024, all but 2 Republican senators [voted against it, defeating the bill](#). Additionally, former President Trump’s administration instituted several policies that severely decreased access to contraception, and Project 2025, legislative votes, and policy statements made by leading members of the Republican Party have demonstrated opposition to contraceptive access, particularly for minors and people who rely on government-funded family planning services. Here is the key evidence showing how this election could affect access to contraception.

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<sup>1</sup> Republican National Committee 2024 Platform, at 20.

## RESTRICTING TITLE X FUNDING FOR FAMILY PLANNING SERVICE PROVIDERS



### BACKGROUND

Established in 1970, Title X is a federal program that provides funding for family planning services, including contraception and other preventive services. The program has served millions of people with low incomes and other groups that struggle to access contraceptive care, including minors. Historically, Republican administrations—including the prior Trump administration—have issued regulations limiting which kinds of organizations can receive Title X funds, often preventing organizations that provide comprehensive sexual and reproductive health services and information from receiving needed funds.



### WHAT TRUMP AND HIS ALLIES HAVE SAID

When former President Trump was in office, his administration's Department of Health and Human Services (HHS) imposed a “domestic gag rule” on Title X grantees, which barred any organization that provided or referred patients to abortion care from receiving funds under the program. Project 2025 calls for this rule to be permanently codified into law so that family planning grants could not be awarded to entities that perform abortions or fund other abortion providers, even under a future presidential administration supportive of abortion access.<sup>2</sup>



### WHAT THAT MEANS

The Trump administration's domestic gag rule forced over a thousand clinics, including over 400 Planned Parenthood clinics, to leave the program so that they could continue to provide patients with comprehensive information about their reproductive health care options. As a result, the number of patients served by the program dropped from 3.1 million in 2019 to 1.5 million in 2020, a 63% decrease. During the first year the rule took effect, 225,688 fewer patients received oral contraceptives, 49,803 fewer received hormonal implants, and 86,008 fewer received intrauterine devices compared to the prior year. A recent analysis by the Guttmacher Institute also found that as a result of the domestic gag rule, six states had no Title X clinic for nearly two years, and an additional 10 states had dramatic reductions in the number of available providers. If these policies are reinstated and made permanent under another Trump administration, we will see major and permanent disruptions in access to contraception for millions of patients.

<sup>2</sup> The Heritage Foundation, [Mandate for Leadership: The Conservative Promise, Project 2025 Presidential Transition Project](#) (“Project 2025”), at page 491. Former President Trump has recently attempted to distance himself from Project 2025, but CNN [reported](#) that at least 140 people who worked in the Trump Administration worked on Project 2025, including six former Cabinet secretaries and a former deputy chief of staff.

## REPEALING THE AFFORDABLE CARE ACT AND NO-COST CONTRACEPTIVE COVERAGE



### BACKGROUND

Since it was enacted in 2010, the Affordable Care Act (ACA) has provided health insurance coverage for millions of Americans, resulting in a [record low](#) uninsured rate. In addition to providing coverage, the ACA also requires most health plans to cover preventive health services with no out-of-pocket costs for patients (the “preventive services mandate”). This [requirement generally obligates private insurance plans to cover](#) well-woman visits, cancer screenings, breastfeeding support and supplies, counseling for intimate partner violence, screening for STIs and HIV, and all FDA-approved contraceptives at no cost to the patient.



### WHAT TRUMP AND HIS ALLIES HAVE SAID

Former President Trump and his allies have [continually pushed to repeal the ACA](#). The Trump administration [asked the Supreme Court to overturn the ACA](#) and proposed [alternative](#) health care programs that would [limit coverage and benefits](#). Additionally, Project 2025 calls the contraceptive coverage requirement an “egregious attack[] on many Americans’ religious and moral beliefs.”<sup>3</sup> Project 2025 calls on the next administration to promulgate new regulations on the ACA’s women’s preventive services mandate, which contains the contraceptive coverage requirement, and establish a new advisory board excluding the American College of Obstetricians and Gynecologists (ACOG), which it labels “pro-abortion ideologues.”<sup>4</sup>

The ACA’s preventive services mandate is also under attack in litigation brought by Jonathan Mitchell, [who represented former President Trump before the Supreme Court](#); in *Braidwood Management Inc. v. Becerra*, Mitchell argued that the requirement that private health insurance cover preventive services is unconstitutional. While the Biden-Harris administration has been defending the preventive services mandate in this litigation, it is unlikely that a Trump administration hostile to the ACA in general would defend the requirement in court.



### WHAT THAT MEANS

If successful, former President Trump’s attempts to repeal and replace the ACA would have resulted in [51 million uninsured Americans](#). Attacks on the preventive services mandate specifically would result in significant decreases in the number of people who can access contraceptive care. The ACA’s contraceptive coverage requirement has [allowed](#) more people to access contraception and to obtain their preferred method of contraception. The requirement saved users of birth control pills an average of [\\$255 annually between 2012 and 2013](#).

<sup>3</sup> [Project 2025](#), at page 484.

<sup>4</sup> [Project 2025](#), at page 484.

## BROADENING CONTRACEPTIVE COVERAGE CONSCIENCE EXEMPTIONS IF THE ACA IS NOT REPEALED



### BACKGROUND

Even if the ACA is not repealed in its entirety, its contraceptive coverage requirement may be weakened by expanding the types of organizations exempted from the requirement to provide no-cost coverage. Initially, limited categories of plans and employers were exempt from or not required to comply with the ACA's requirement to cover contraceptive care. Under the Obama administration, houses of worship with religious objections were exempt from the requirement (i.e., their employees did not receive coverage for contraception), and religiously affiliated nonprofits and closely held for-profit corporations could receive an accommodation, meaning they could opt out of paying for contraceptive coverage but the insurer would cover the costs so that the employees still receive coverage. In 2018, the Trump administration [greatly expanded](#) the exemption previously available to houses of worship to include organizations that objected to providing coverage based on "sincerely held religious beliefs" or "sincerely held moral convictions." In 2023, the Biden administration issued a [proposed rule](#) that would remove the exemption for "moral convictions," but retain the exemption for "religious beliefs."



### WHAT TRUMP AND HIS ALLIES HAVE SAID

Project 2025 calls for a return to the prior Trump administration rule containing broad religious and moral exemptions that make it easier for an employer not to provide contraceptive coverage.<sup>5</sup> In addition, Project 2025 calls on Congress to pass the Conscience Protection Act, which would permit "victims" refusing to comply with federal requirements on religious or moral grounds to seek legal redress in courts.<sup>6</sup>



### WHAT THAT MEANS

During litigation over the Trump administration's rule, the government estimated that the rule broadening exceptions could mean the loss of contraceptive coverage for [126,000 workers](#). Gutting the contraceptive coverage requirement by expanding exemptions would allow more plans to eliminate insurance coverage for contraception, rendering care [prohibitively expensive](#) for many patients.

<sup>5</sup> [Project 2025](#), at pages 483-84.

<sup>6</sup> [Project 2025](#), at page 494.

# MISCHARACTERIZING CERTAIN FORMS OF CONTRACEPTION AS ABORTION



## BACKGROUND

• Birth control is any method, medicine, or device used to prevent pregnancy. Pregnancy is defined by the [medical field](#) and [HHS](#) as beginning when a fertilized egg implants in the lining of the uterus, which typically occurs 6 to 7 days after fertilization. Under this medically accepted definition, birth control is not abortion because it is effective *prior* to pregnancy. However, some Republican lawmakers in [Congress and state legislatures](#)—including U.S. [House Speaker Mike Johnson](#)—have incorrectly labeled certain forms of birth control, including emergency contraception and intrauterine devices (IUDs), “abortifacients.”



## WHAT TRUMP AND HIS ALLIES HAVE SAID

• Project 2025 broadly calls for recognition of life beginning “[f]rom the moment of conception,”<sup>7</sup> which is inconsistent with the medical definition of pregnancy. Project 2025 also specifically calls for removal of the emergency contraceptive medicine Ella (ulipristal acetate) from the ACA’s contraceptive coverage requirement based on the claim that the medication is a “potential abortifacient” because it could prevent a fertilized egg from implanting in the uterine wall.<sup>8</sup>



## WHAT THAT MEANS

• Defining pregnancy as beginning with fertilization and labeling certain forms of contraception as abortion could limit access to contraception under abortion bans and restrictions. It could also affect insurance coverage for the care—currently, the ACA’s contraceptive coverage requirement includes emergency contraception. Rescinding no-cost coverage for this care, as Project 2025 urges, would deprive millions of people of access to emergency contraception when needed.

<sup>7</sup> [Project 2025](#), at page 450.

<sup>8</sup> [Project 2025](#), at page 485.