

2026 NHeLP Summer Intern Training Series

Sexual and Reproductive Health, Rights, and Justice

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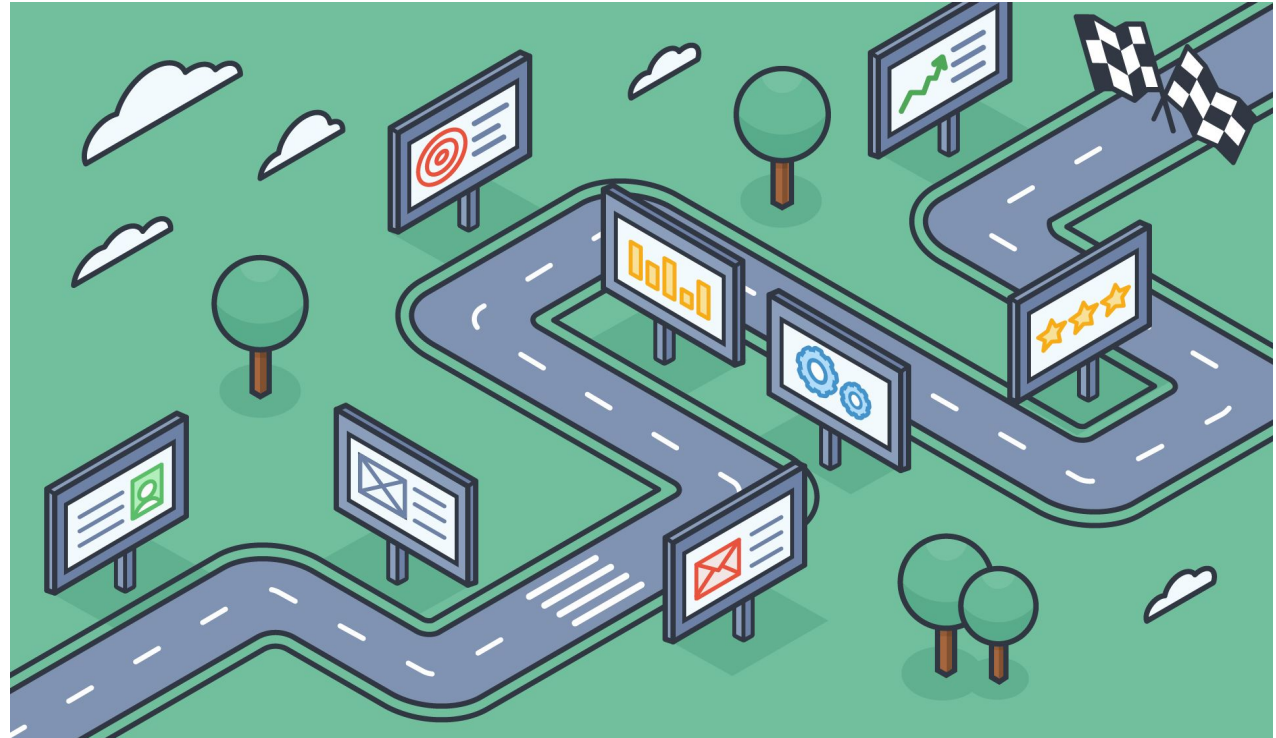


National Health Law Program's Sexual & Reproductive Health Team

- Contraception
- Sexual health (gender-affirming care, HIV/STI-related care, and more)
- Pregnancy & maternal health
- Abortion
- Assisted reproduction
- Reproductive health equity for people with disabilities
- Reproductive justice [movement lawyering](#)
 - [Medicaid and Reproductive Justice Collaborative](#)
- Southern sexual and reproductive health, rights and justice and Medicaid advocates

Roadmap

- Sexual and Reproductive Health, Rights, and Justice
- Pregnancy Coverage
- Abortion Access
- Contraceptive Coverage
- Nondiscrimination
- Hot Topics



Note about terminology

NHeLP recognizes that cisgender and transgender women and men, and gender nonconforming and non-binary people, need comprehensive reproductive and sexual health care.

Sexual Reproductive Health, Rights, and Justice

What is Reproductive Justice?

- The right to have children
- The right to not have children
- The right to parent the children we have in safe environments with dignity



ENVIRONMENTAL JUSTICE IS

GENDER IDENTITY IS

BUILDING FAMILY ON YOUR
OWN TERMS IS

RACIAL JUSTICE IS

ENDING INCARCERATION IS

SUPPORTING TEEN PARENTS IS

FREEDOM FROM VIOLENCE IS

FOOD SECURITY IS

IMMIGRATION JUSTICE IS

ACCESSIBLE ABORTION IS

SUPPORTING BIRTHPARENTS IS

PAID LEAVE IS

DISABILITY JUSTICE IS

QUEER FAMILIES ARE

SAFE COMMUNITIES ARE

DECOLONIZATION IS

REPRODUCTIVE JUSTICE.

Reproductive H/R/J frameworks

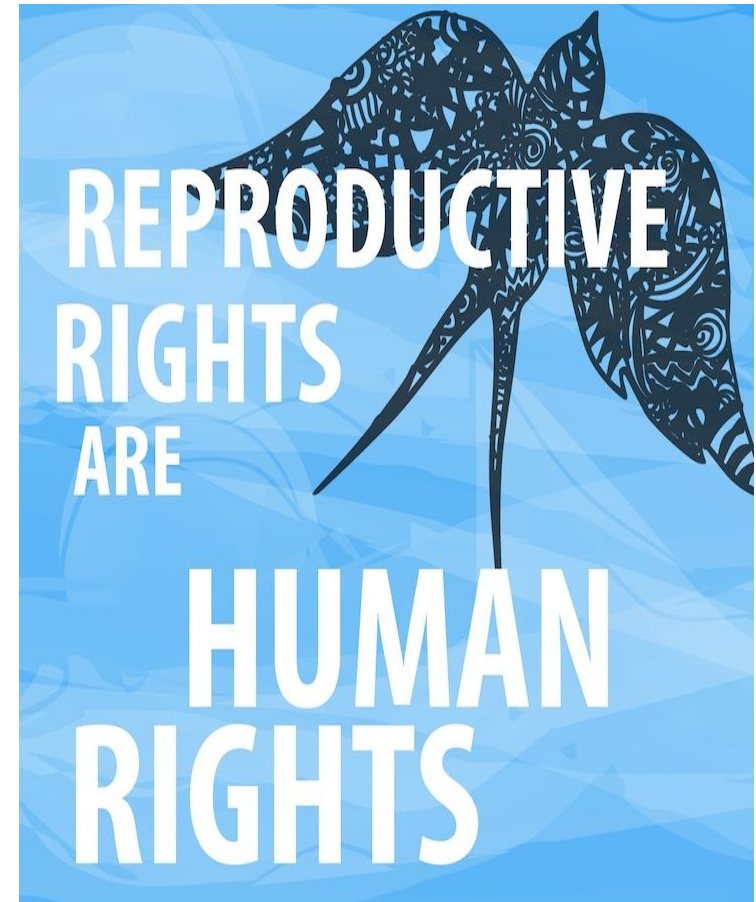
- Reproductive Health
- Reproductive Rights
- Reproductive Justice



What is the Role of Law?

Law serves as a **NECESSARY** tool for the realization and expansion of reproductive rights...

. . . but not a **SUFFICIENT** mechanism for achieving true justice.



Pregnancy Coverage

Does Medicaid cover pregnancy services?

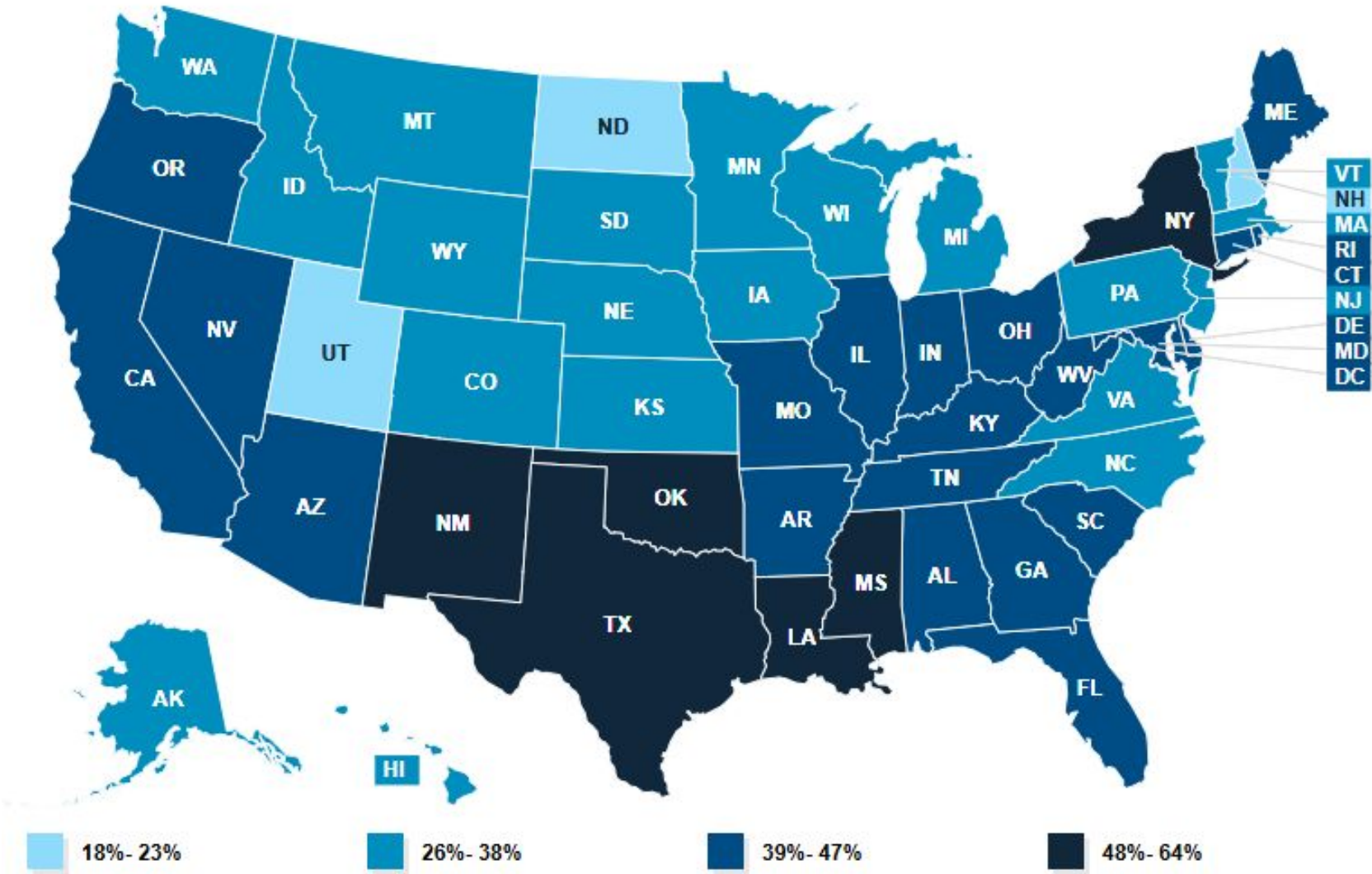
- YES — For the most part
- Over half of the states (27 states plus DC) provide additional services to pregnant people
- Generally no deductibles or cost-sharing, BUT some nominal cost-sharing for certain prescription drugs

Pregnancy access issues in Medicaid

- For eligibility on the basis of pregnancy, the Medicaid Act mandates only ~60 days of coverage after pregnancy ends
- American Rescue Plan Act state plan amendment option to extend coverage to ~12 months
- Immediacy of coverage (presumptive eligibility)
- Coverage for immigrant pregnant people

Births Financed by Medicaid

2023
data via
KFF



Doula Medicaid Project

- Project launched in 2019 to improve access to doula care
 - Essential to combat racial injustices in pregnancy care
- Importance of coverage for Medicaid enrollees
 - As of May 2026, 27 states + Washington, D.C. are actively providing coverage, six states at various states of implementation, and fifteen states were taking some related or adjacent action to advance access to doula care



ALL PREGNANT AND POSTPARTUM PEOPLE DESERVE ACCESS
TO FULL SPECTRUM DOULA CARE.

Does private insurance cover pregnancy services?

- YES—Most private plans do
- Maternity care is one of the ten essential health benefits (EHBs)
- Requirement to cover specific preventive services without cost sharing
- Denials are no longer allowed for pre-existing conditions

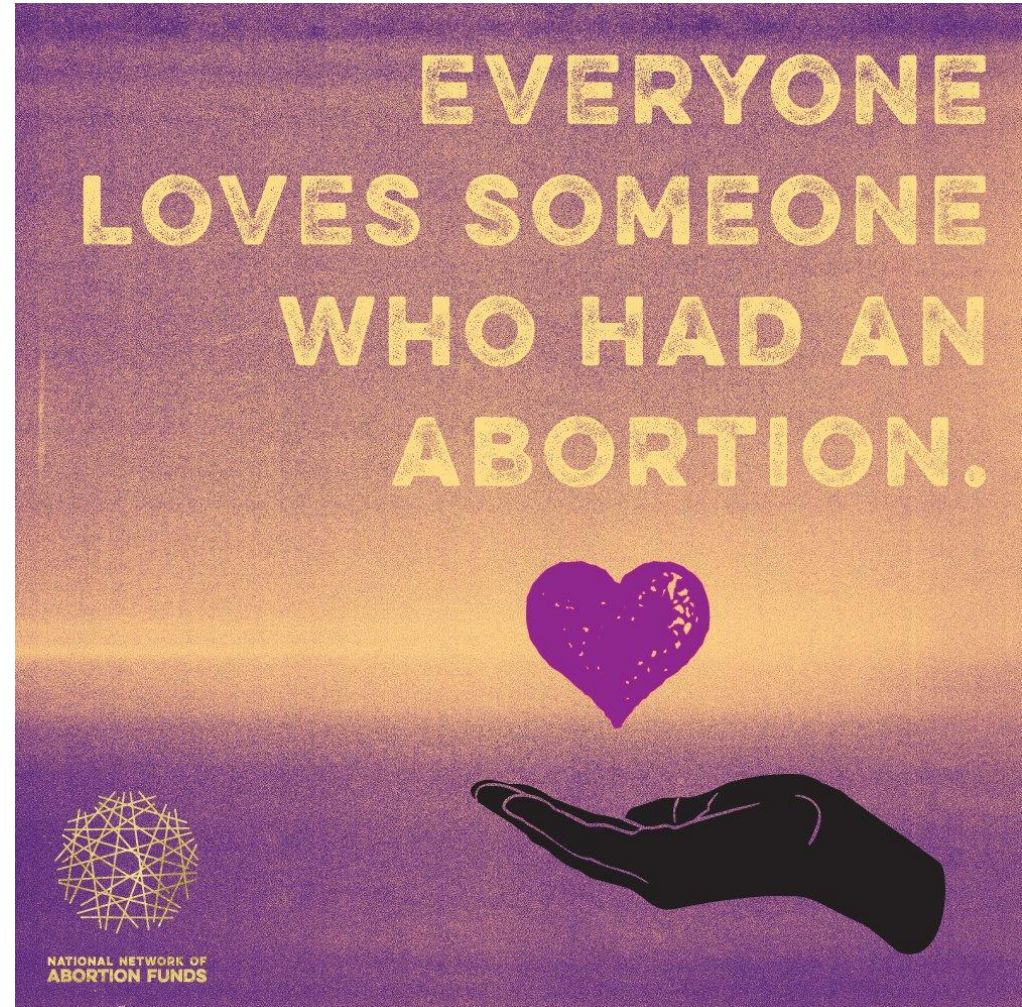
Pregnancy access issues in private insurance

- No special enrollment period for pregnancy
- No requirement of coverage for dependents of dependents
- Inconsistent coverage in EHB for maternity care
- Only one state (Rhode Island) currently requires doula coverage in private insurance, though several others are considering coverage.

Abortion Coverage

Abortion is health care

- Each person should be able to make their own decision about childbearing
- The role of government is to support those decisions with dignity
- Abortion restrictions worsen health and economic inequities



Dobbs v. Jackson Women's Health Organization

- Abandoned 50 years of precedent
- Majority opinion by J. Alito: overturns *Roe v. Wade*; finds abortion is not a right “deeply rooted in our nation’s history.”
- J. Thomas concurring: invites reconsideration of the right to contraception, same-sex intimacy, and same-sex marriage. Rejects substantive due process entirely.
- Dissenting opinion (Breyer, Sotomayor, Kagan): a violation of autonomy, harms the court’s legitimacy and jeopardizes other constitutional rights.

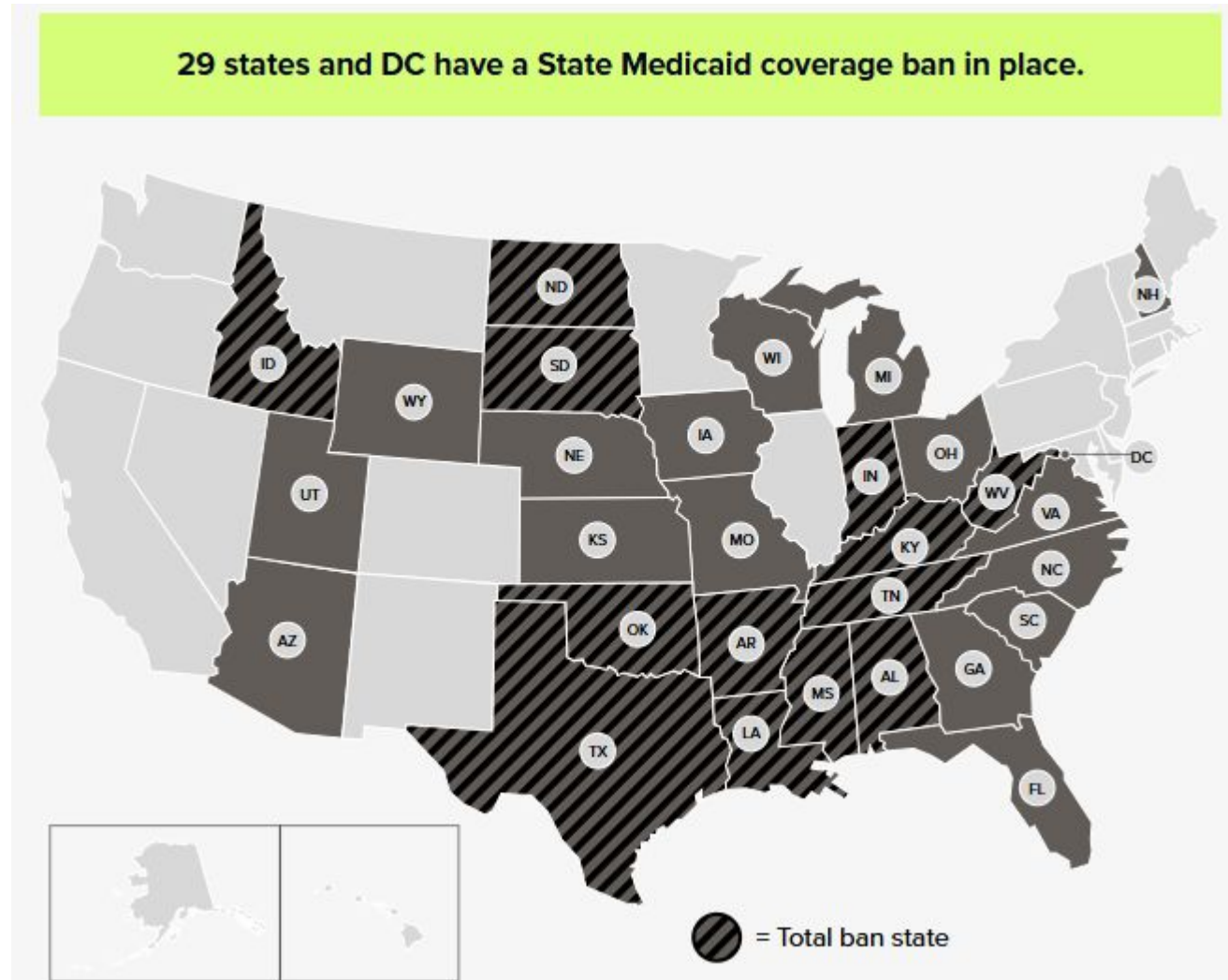
Does Medicaid cover abortions?

- Yes, but Medicaid coverage is severely limited by the Hyde Amendment
- Federal funding of abortions are permitted only in cases of:
 - Rape
 - Incest
 - Life endangerment

YOU DESERVE TO CHOOSE
NOT TO PARENT
REGARDLESS OF
THE CIRCUMSTANCES
OF YOUR PREGNANCY
AND HOW MUCH
MONEY YOU MAKE.
AFFORDABLE ABORTION
ACCESS IS REPRODUCTIVE
JUSTICE.

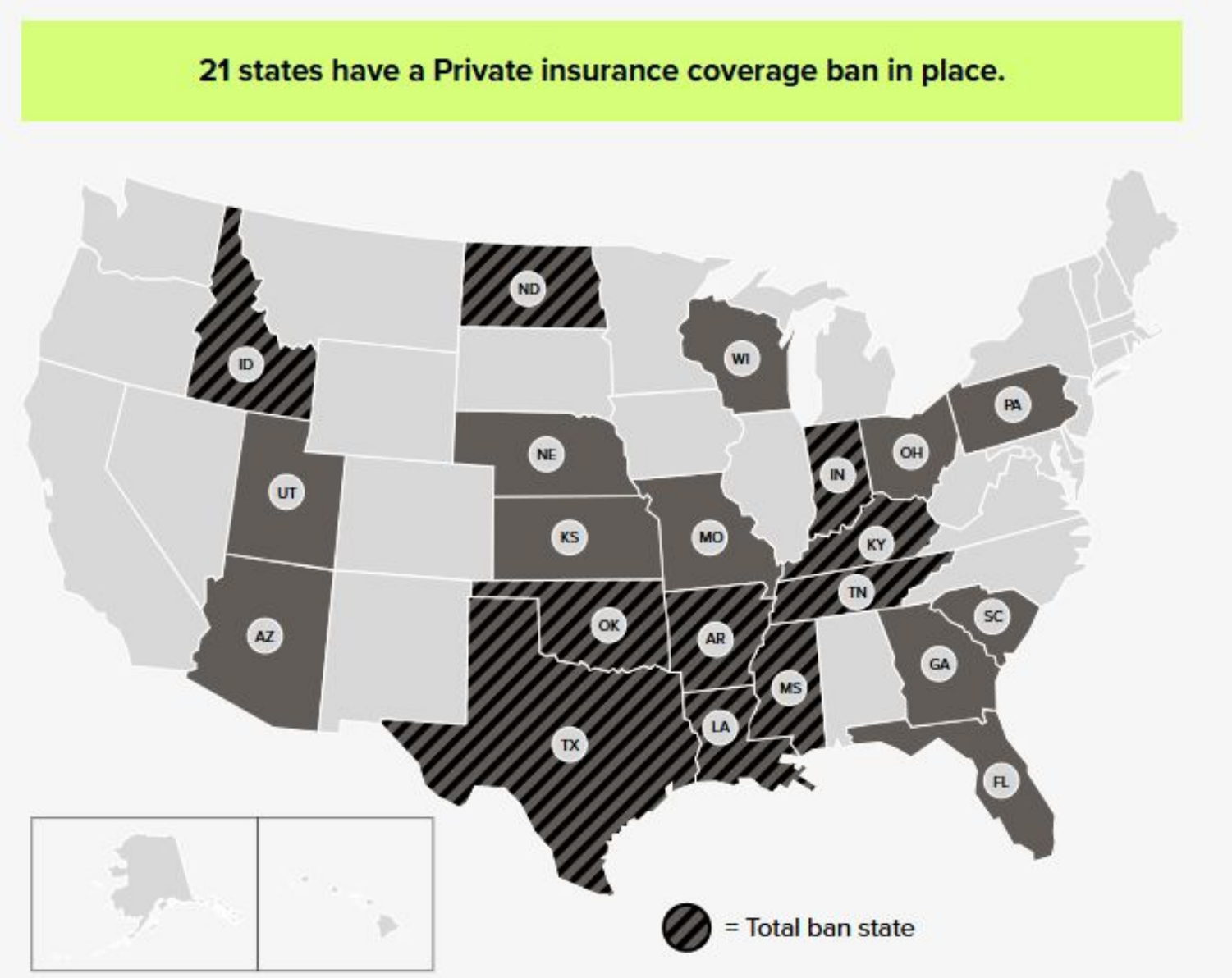


State funding of abortions for Medicaid enrollees



2026 via
Guttmacher

Private Insurance Bans



2026 via
Guttmacher

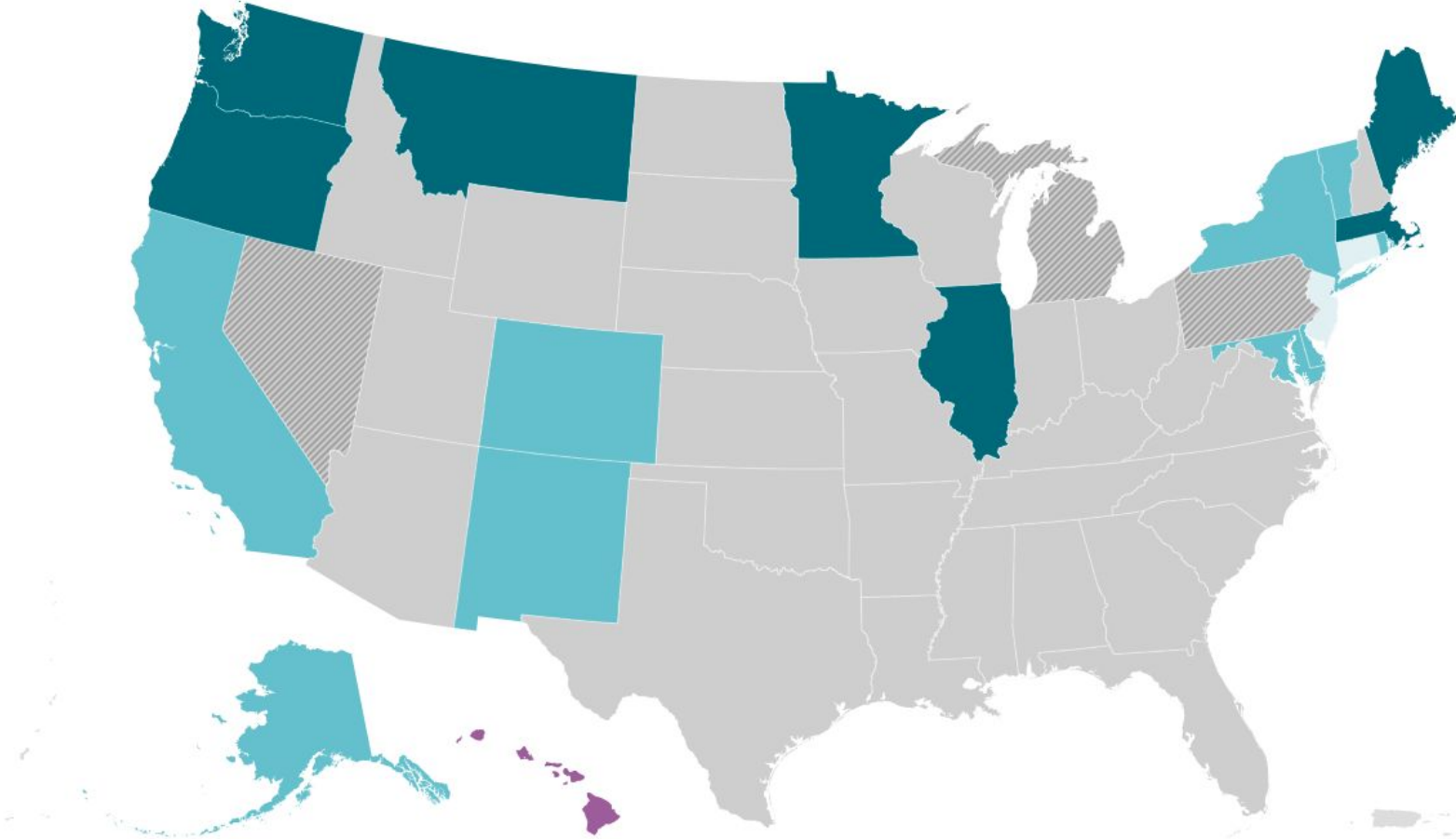
Telehealth Medication Abortion Access (TMAB) for Medicaid Enrollees

State Policies Impacting TMAB Access for Medicaid Enrollees

Updated as of January 29, 2025

- Coverage for Asynchronous Store-and-Forward, Synchronous Audio-Video, and Synchronous Audio-Only TMAB
- Coverage for Synchronous Audio-Video and Synchronous Audio-Only TMAB
- Coverage for Synchronous Audio-Video TMAB
- Coverage for Asynchronous Store-and-Forward and Synchronous Audio-Video TMAB
- Abortion Coverage for Medicaid Enrollees Restricted

▨ In Progress (States with ongoing litigation that would establish abortion coverage for Medicaid enrollees)



2024 via NHeLP

Contraceptive Coverage

Does Medicaid cover contraception?

- YES! Medicaid covers contraception
- States must provide family planning services and supplies to individuals of childbearing age



Contraception access problems in Medicaid

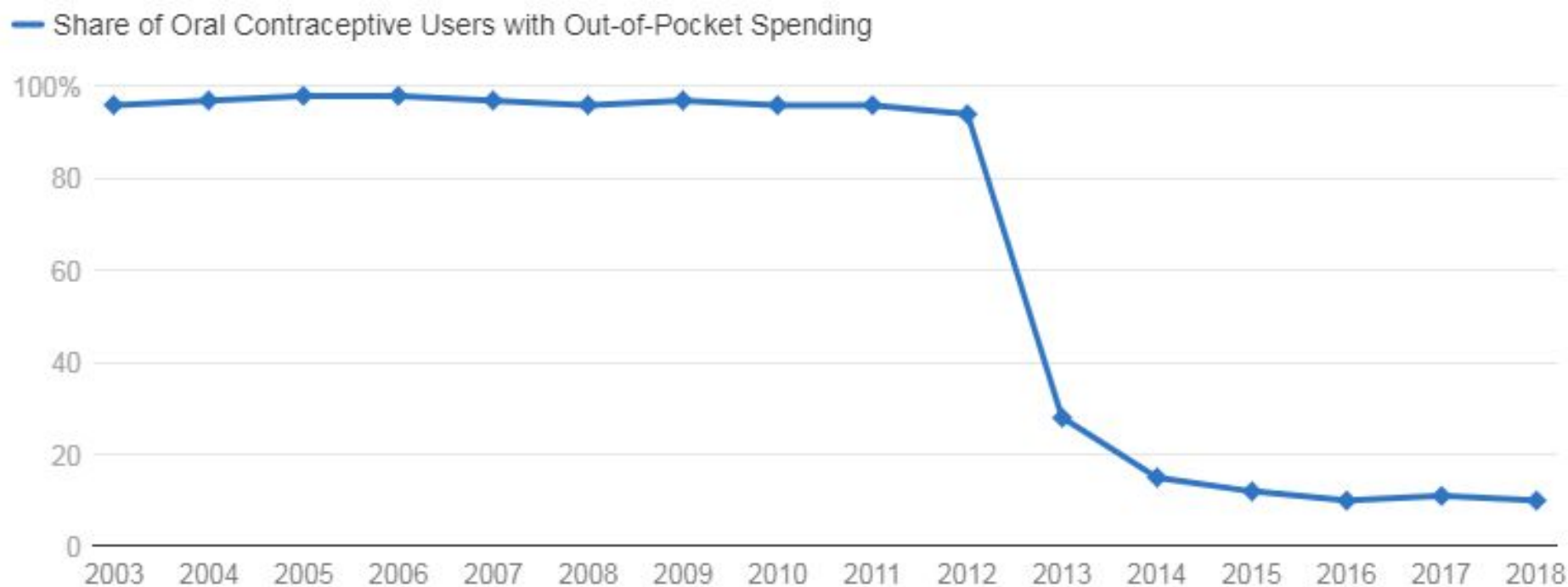
- Scope of coverage
- Utilization controls (or medical management)
 - Prior authorization requirements
 - Quantity limits
 - Step therapy
- Method change

Does private insurance cover contraception?

- YES! Private insurance must cover contraception
- The ACA Contraceptive Coverage Requirement requires coverage of...
 - all FDA-approved methods of contraception
 - Including related counseling, follow-up, side effect management, and device insertion and removal
 - without cost sharing
 - from an in-network provider

Figure 1

Share of Oral Contraceptive Users with Out-of-Pocket Spending by Year, IBM MarketScan Commercial Claims and Encounters 2003–2018



SOURCE: KFF analysis of IBM MarketScan Commercial Claims and Encounters Database. Frederiksen, B., Rae, M., & Salganicoff, A. (2020). Out-of-pocket spending for oral contraceptives among women with private insurance coverage after the Affordable Care Act. *Contraception*: X, 2, 100036. • PNG

KFF

Advancing Contraceptive Equity

- NHeLP works with states to pass Contraceptive Equity legislation — ensuring contraceptive care is accessible and covered at no cost across all health programs
- Virginia's Contraceptive Equity Act (signed April 2026) goes beyond the ACA: covers OTC contraceptives without a prescription and a broader range of FDA-approved methods without cost-sharing
- NHeLP provided technical assistance throughout the multi-year effort and will support implementation — the law takes effect July 1, 2026.
- Even where strong state laws exist, barriers in implementation, awareness, and utilization continue to limit real-world access

Section 1557

Section 1557: The ACA's Nondiscrimination Provision

- Expands upon many pre-existing civil rights laws to prohibit health care discrimination on the basis of race, color, national origin, disability, age, sex, or any combination thereof
- Applies to any health program or activity, any part of which receives federal funding, is administered by an executive agency, or Title I of the ACA (e.g., marketplaces). Applies to most health insurance plans
- Trump administration is quietly rolling back forms and other materials that support implementation and we are anticipating a new proposed rule

Hot Topics

Mifepristone Under Attack

- Medication abortion now accounts for more than 60% of abortions nationwide; more than 7.5 million Americans have used mifepristone.
- FDA launched a safety review in late 2025 at the urging of anti-abortion groups — despite 20+ years of evidence the drug is safe.
- May 2026: Fifth Circuit ordered FDA to reimpose in-person dispensing requirements. SCOTUS blocked it, but litigation continues in lower courts.
- The end goal: eliminate telehealth prescribing, pharmacy dispensing, and mailing of mifepristone nationwide, even in states where abortion is legal.



Title X Family Planning Under Threat

- Title X, enacted in 1970, is the only domestic federal program dedicated solely to family planning. It provides grants for services, research, and training, with nearly 3,900 clinics nationwide.
- The Trump administration withheld \$65.8 million in grant funding from 16 grantees in 2025, including Planned Parenthood; funds were restored only after a lawsuit was filed.
- Trump's FY 2026 budget proposed eliminating Title X entirely; funding was ultimately preserved in the final appropriation.
- March 2026: new guidance gave grantees just one week to respond. This eliminated Biden-era quality family planning standards and equity and inclusion goals.



SEXUAL AND REPRODUCTIVE HEALTH, RIGHTS AND JUSTICE
WE HAVE THE RIGHT TO DECIDE WHAT DO DO WITH OUR BODIES, OUR
SEXUALITY, OUR FAMILIES, AND OUR REPRODUCTIVE FUTURES

For more information...

National Health Law Program—www.healthlaw.org

Our SRH Homepage—<https://healthlaw.org/sexual-reproductive-health/>

In Our Own Voice: Black Women's Reproductive Justice Agenda—<https://blackrj.org>

NAPAWF—<https://www.napawf.org>

National Latina Institute for RJ—www.latinainstitute.org

URGE: Unite for Reproductive and Gender Equity—<https://urge.org/>

If/When/How—www.ifwhenhow.org

Center for Reproductive Rights—<https://reproductiverights.org/>

Guttmacher Institute—www.guttmacher.org

Rewire (Rewire.news) / Boom Lawyered (Podcast)— <https://rewirenewsgroup.com>

Thank you!

Connect with the National Health Law Program online:



www.healthlaw.org

www.healthlaw.org/sexual-reproductive-health



@NHeLProgram



@nhelp.bsky.social



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