



Congressional Testimony – Right to Contraception

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Good afternoon. My name is Tarina Keene, and I am the executive director of REPRO Rising Virginia, a state-based reproductive rights and freedom advocacy organization in the Commonwealth of Virginia. It is our mission to ensure people have the ability to decide if, when, how and with whom to start or grow their families free from political intrusion.

I am honored to provide testimony before you today regarding issues surrounding contraception in the Commonwealth of Virginia.

Access to birth control is supported by the vast majority of Virginians, and the Commonwealth has adopted policies to reflect this stance. First-- The Virginia Department of Health offers two free family planning programs: 1) Plan First which is for Medicaid-eligible Virginians and 2) the Contraceptive Access Initiative that benefits people with lower incomes or who do not have insurance that covers birth control and offers a range of long-acting reversible contraceptives. I would like to note that it is unclear how these important programs will be impacted by the recent passage of the reconciliation bill.

Furthermore, Virginia is one of 23 states that has a law allowing for 12-months of birth control pills to be dispensed at one time. This makes it easier for people who can become pregnant to time and plan their pregnancies and not find themselves without this time-sensitive medication.

Even with these progressive and bi-partisan contraceptive policy advances, some people – including rural, young, lower income, and people of color – still struggle to consistently access contraceptive care; specifically, the method that is right for them at the time that is right for them. This, of course, can lead to unintended pregnancy or leave medical conditions unaddressed. These policies and laws are clearly not enough, and we as advocates have been trying to do more. However, we continue to be stymied by our anti-reproductive freedom governor.

Since 2023, the Contraceptive Equity Act (HB2371/SB780) has been introduced three times in the Virginia General Assembly and passed twice. The bill would codify the no co-pay mandate of

the Affordable Care Act and expand access to contraception beyond pregnancy prevention and increased method options.

In 2024 and 2025, Virginia introduced its own Right to Contraception bill (HB1716/SB1105) alongside the equity bill to further solidify Virginians' right and access to birth control. Both bills passed the General Assembly with bipartisan support. Yet Governor Youngkin vetoed both bills not once, but twice!

Each year, Governor Youngkin devised different reasons for vetoing the bills, but his excuse this year was quite telling. First, he tried to completely gut both bills by amending the language with identical text despite the bills addressing different birth control issues. The Governor's substitute language claimed that Americans already have the right to contraception under the Supreme Court's *Griswold* (1965) and *Eisenstadt* (1972) decisions which legalized contraception for married and later unmarried people. However, we know that the cover of favorable decisions from the Supreme Court is insufficient. The Court's overturning of *Roe v. Wade* in 2022 not only was a devastating blow to reproductive freedom but a foreboding threat to other rights the Court had previously acknowledged as guaranteed by the Constitution and is evidently ready to strip away. Justice Clarence Thomas suggested in his own concurring opinion in *Dobbs* that the Court "should reconsider" previous decisions such as *Griswold* makes it abundantly clear that Governor Youngkin's assurances should be of little comfort.

Governor Youngkin's substitute language also introduced a "conscientious objection" as a mechanism for justifying anyone's right and ability to deny someone birth control for any reason. Under the Governor's amendments, any "agent or employee" of a medical provider could prevent a patient from getting the birth control – or even information – a patient may need. This would add Virginia to a list of seven states that already allow pharmacists to refuse to dispense birth control, and would unquestionably further restrict, not expand, Virginian's access to birth control.

There is no doubt that Governor Youngkin and Lt. Governor Winsome Sears - who is currently running for governor and cast a tie-breaking vote in opposition to the Right to Contraception bill – oppose the right to birth control and access to birth control. Governor Youngkin was trying to take a politically safe stance with his amendment while also leaving the door open for the Supreme Court to rescind these rights. But he is playing a dangerous game with people's lives and futures.

Access to contraception is essential to sexual and reproductive healthcare and gender equity. Contraception is not merely a matter of personal choice; it is healthcare, and access to this healthcare has a large and positive impact on maternal and infant health outcomes, economic stability, and prosperous, safe communities. Nonetheless, the advances we have made in a "purple" state like Virginia are clearly precarious. And—if a state like Virginia can't rely on their own government to protect and advance its right to contraception, then surely other state

governments, ones that are more openly attacking reproductive rights, cannot be expected to do the same.

This is why it is critical of our elected lawmakers in Congress to take decisive action to enshrine this important right, and to expand access to birth control. This is why we need laws that codify the right to birth control, prevent pharmacists from refusing to dispense birth control, and requiring health insurance companies to pay for birth control.

REPRO Rising Virginia along with our advocacy and legislative partners are not giving up. We will reintroduce both the Contraceptive Equity Act and the Right to Contraception Act in the 2026 legislative session.

Furthermore, we are working to pass the Virginia Constitutional Amendment for Reproductive Freedom (HJ1/SJ247). The amendment would protect birth control, abortion, and the full range of reproductive healthcare. Our research shows that well over 60% of Virginians support the idea of enshrining these rights in the state constitution. We just passed our first hurdle with the legislature passing the amendment for the first time in a two-year process. We hope to be back after this year's House and statewide elections to pass it again in 2026 and put it to the voters of Virginia in November 2026. Virginia reproductive freedom advocates know we have the support of our fellow Virginians to get it done. But we also are keenly aware that our rights can be taken away at the federal level and make our hard fought and won liberties null and void. Our democratic values are being challenged at every level of our government and at every opportunity, and we are counting on you to also keep fighting for justice.

I want to thank you again, Senators and Representatives, for sponsoring and supporting the bills like the Right to Contraception Act, the Access to Birth Control Act, and the Affordability is Access Act. Please continue to fight for this most sacred and fundamental human right to be able to decide if or when to become pregnant. With more than 90% of Americans supporting birth control, they are counting on you.