

March 16, 2004

Secretary Tommy G. Thompson
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Re: Support for over-the-counter availability for emergency contraception

Dear Secretary Thompson:

The National Health Law Program (NHeLP) is a private, non-profit organization that has worked for the past 30 years to gain access to health care for low-income people. We are writing to add our support to the overwhelming evidence in favor of over-the-counter availability of the emergency contraceptive drug, Plan B.

Well-documented scientific research has shown emergency contraception (EC) to be safe and effective for reducing unintended pregnancies. Access to emergency contraception also has been shown to help reduce abortions – up to 50,000 abortions in 2000-2001 in the United States according to one recent analysis.¹ Increased access to emergency contraception can have yet a greater effect. Prominent professional medical organizations, such as the American College of Obstetricians and Gynecologists, the American Academy of Family Physicians, the American Academy of Pediatrics, and the Society for Adolescent Medicine, support this change. In addition, two expert advisory committees to the Food and Drug Administration almost unanimously recommended (with a 23-4 vote) providing Plan B over-the-counter.

EC is most effective if taken within a 72-hour period. Thus, it is imperative that EC be made available in a timely fashion. Forcing women and adolescents to contact a physician, obtain a prescription, and find a pharmacy where the prescription can be filled hinders timely use and increases the chances for unintended pregnancies. Moreover, there is no evidence that availability of EC will lead to more sexual activity or greater rates of sexually transmitted infections or pregnancy among teens. Rather, this provides another opportunity to provide important health information in packet inserts to women and teens.

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¹ Jones, RK, Darroch JE, Henshaw SK. *Contraceptive Use Among U.S. Women Having Abortions in 2000-2001*, 24(6) *Perspec. Sex Reprod Health*, at 294-303 (Nov.-Dec 2002).

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NHeLP believes that over-the-counter access to Plan B can be more affordable for uninsured individuals, because it would avoid the costs of a physician or a hospital emergency room visit. Availability of over-the-counter emergency contraception also will help public programs save funds that otherwise would have to be paid for unintended pregnancies.

We urge you and your colleagues to make a timely decision in favor of this change in status, based on the more than ample scientific evidence and the strong public policy reasons to make Plan B immediately available over-the-counter.

Thank you for your attention.

Sincerely,



Lourdes A. Rivera
Managing Attorney