

Emergency Contraception

What is Emergency Contraception?

- Emergency contraception includes several forms of back-up birth control that women can use after sexual intercourse to prevent pregnancy.¹
- 95% of women who use some form of EC do not become pregnant.² Plan B (progestin-only) birth control may be up to 14% more effective than combination forms of hormonal EC (progestin and estrogen).³
- Plan B is the only brand of FDA-approved emergency contraception available in the U.S.⁴ The FDA has approved one other brand, Previn, which went off the market in 2004.⁵
 - Plan B is sold as two .75mg levonorgestrel pills. If taken properly it can prevent the release of an egg, the fertilization of an egg, or the implantation of a fertilized egg onto the uterine wall. It is most effective if the first tablet is taken within seventy-two hours of intercourse,⁶ but it must be taken within 120 hours (five days) to have any effect.⁷ The second tablet is taken twelve hours later.⁸ Both doses may also be taken together with equal effectiveness.⁹
- Plan B is NOT the same as RU-486, the “abortion pill.” The medications used to induce a first trimester abortion differ from the medication in Plan B (levonorgestral), and have different effects. If a fertilized egg has already implanted onto the uterine wall, Plan B will not affect this existing pregnancy.¹⁰

Non-Plan B Forms of Emergency Contraception

- A copper IUD (intrauterine device) can be used both as regular birth control and as an emergency contraceptive, and are more effective than hormonal EC. Studies show an IUD can reduce the risk of pregnancy by 99% if inserted within five days of intercourse.¹¹
- Higher doses of regular birth control pills have been proven safe for use as emergency contraception. This was the most common form of EC for many years. Nearly two dozen different brands of pills can be used as EC, with no long-term or serious side effects.¹²
- Clinical trials have suggested that the antiprogestins mifepristone and CDB-2914 may be more effective than Plan B as an emergency contraceptive.¹³

¹ Plan B: FAQs, <http://www.go2planb.com/ForConsumers/TakingPlanB/faqs.aspx#AL1> (last visited Aug. 17, 2008).

² Emergency Contraception, Frequently Asked Questions, <http://www.ec-help.org/FAQs.htm#> (mouse over “How Effective is EC?”) (last visited Aug. 17, 2008).

³ The Emergency Contraception Website, Effectiveness, <http://ec.princeton.edu/questions/effect.html> (last visited Aug. 17, 2008).

⁴ The Emergency Contraception Website, Types of Emergency Contraception, <http://ec.princeton.edu/questions/brands-USA.html> (last visited Aug. 17, 2008).

⁵ U.S. Food and Drug Administration, Plan B: Questions and Answers (2006), <http://www.fda.gov/cder/drug/infopage/planB/planBQandA20060824.htm> (last visited Aug. 17, 2008).

⁶ Plan B: FAQs, *supra* note 1.

⁷ Planned Parenthood, Emergency Contraception (Morning After Pill), <http://www.plannedparenthood.org/health-topics/emergency-contraception-morning-after-pill-4363.htm#use> (last visited Aug. 17, 2008).

⁸ Plan B: FAQs, *supra* note 1.

⁹ Report by James Trussel and Elizabeth G. Raymond, Emergency Contraception: A Last Chance to Prevent Unwanted Pregnancy (2008), p. 1, available at <http://ec.princeton.edu/questions/ec-review.pdf> (Aug. 17, 2008).

¹⁰ Plan B: FAQs, *supra* note 1.

¹¹ The Emergency Contraception Website, Copper-T IUD as Emergency Contraception, <http://ec.princeton.edu/info/eciud.html> (last visited Aug. 17, 2008).

¹² The Emergency Contraception Website, *supra* note 4.

¹³ Trussel, *supra* note 9, at 2.

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Availability/Accessibility

- On August 24, 2006 Plan B was approved by the FDA for sale without a prescription to men and women, age eighteen and over. It is available by prescription only to women age seventeen and younger.¹⁴
- There is no medical reason to prevent minors from obtaining EC over the counter. Plan B is safe and effective for use in women under the age of eighteen, and a recent study has shown that the availability of EC does not increase sexual risk-taking.¹⁵
- In order to obtain Plan B, the purchaser must show proof of age using a government issued I.D. This includes I.D.s issued by ANY government (not just the United States), valid passports, employment authorizations, alien identification cards, or school I.D.s with a photo and birth date, among others.¹⁶ The I.D. requirement poses a particular barrier for immigrants who may have difficulty obtaining a valid government I.D.¹⁷
- If the woman requesting EC does not have proper identification, a pharmacy will usually require a prescription. In AK, CA, HI, NH, NM, MA, ME, VT and WA, some pharmacies participate in a “Pharmacy Access” program, allowing pharmacists to determine if Plan B is appropriate for the patient. If medically appropriate, the pharmacist may provide Plan B to the woman without I.D. A consultation fee of up to \$10 may apply.¹⁸
- Hawaii requires parental consent in addition to a prescription before pharmacists can provide Plan B to young women under the age of 13.¹⁹
- Plan B is available only through licensed drug wholesalers, pharmacies, and at many family planning clinics with licensed healthcare providers. It is NOT available at convenience stores or non-pharmacy retail operations that may sell other family planning devices such as condoms.²⁰ All major pharmacy chains carry Plan B.²¹
- Plan B may cost \$30 to \$60 at pharmacies. Clinics like Planned Parenthood often use a sliding scale pricing method to make Plan B accessible to everyone.²²

Pharmacist Refusals and Other Barriers

- Doctors rarely give EC information, so many women may not know of its availability.²³
 - Princeton University and the Association of Reproductive Health Professionals have created the confidential, toll-free Emergency Contraception Hotline (1-888-NOT-2-

¹⁴ Pharmacy Access Partnership, What Customers Need to Know About Obtaining Plan B Over-the-Counter in Pharmacies, p. 1, available at <http://www.pharmacyaccess.org/pdfs/ConsumerFAQsOTC.pdf> (last visited Aug. 17, 2008).

¹⁵ Id.

¹⁶ The Emergency Contraception Website, How to Get Emergency Contraception, <http://ec.princeton.edu/questions/ID.html> (last visited Aug. 17, 2008).

¹⁷ Angela Hooton, FDA Allows Emergency Contraception to Be Sold Without a Prescription, CENTER FOR AMERICAN PROGRESS, Aug. 28, 2006, available at http://www.americanprogress.org/issues/2006/08/planB_column.html (last visited Aug. 17, 2008).

¹⁸ Pharmacy Access Partnership, *supra* note 14.

¹⁹ Emergency Contraception, *supra* note 2.

²⁰ Emergency Contraception, Getting EC, <http://www.ec-help.org/GettingEC.htm> (mouse over “Where Can I Get EC?”) (last visited Aug. 17, 2008).

²¹ The Emergency Contraception Website, Search for an Emergency Contraceptive Provider in the United States, <http://www.ec-help.org/GettingEC.htm> (last visited Aug. 17, 2008).

²² The Emergency Contraception Website, How to Get Emergency Contraception, <http://ec.princeton.edu/questions/eccost.html> (last visited Aug. 17, 2008).

²³ Trussel, *supra* note 9, at 8.

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- LATE) and Emergency Contraception Website (www.not-2-late.com) to make information about emergency contraception more readily available.²⁴
- The Department of Justice's 2004 National Protocol for Sexual Assault Medical Forensic Examinations does not mention emergency contraception.²⁵
 - Complaints from conservative members of Congress led the Department of Defense Pharmacy and Therapeutics Committee to remove Plan B from the list of medications that its Medical Treatment Facilities must stock. This makes access uncertain and dependent on pharmacists' discretion for thousands of women serving overseas.²⁶
 - The committee on ethics for the American College of Obstetricians and Gynecologists stated in 2007 that providers do have a right to refuse administration of reproductive health services. However, physicians must balance moral concerns with other interests such as the health and well-being of their patient, which the ACOG calls "paramount."²⁷
 - California, Illinois, Nevada, Maine, Massachusetts and Washington have laws limiting pharmacists' "conscientious refusal" to dispense valid prescriptions.²⁸
 - In an ongoing legal challenge to Washington's state regulation, a federal appellate court has upheld an injunction permitting refusers to refer patients elsewhere.²⁹
 - Because emergency contraception works better when taken sooner after intercourse, pharmacist refusals place a significant burden on effective access to EC.³⁰
 - Pharmacist refusals may affect adult women as well as minors, since the FDA requires "behind the counter" sale of emergency contraception.³¹
 - Arkansas, Georgia, Mississippi, and South Dakota have passed laws explicitly protecting pharmacist refusals to dispense prescriptions based on moral or religious beliefs.³²
 - The American Pharmacists' Association (APhA) "recognizes the individual pharmacist's right to conscientious refusal" but requires referral of prescriptions in such cases.³³
 - The American Public Health Association's policy requires that pharmacies provide non-prescription and prescription contraceptives "in a timely manner."³⁴

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ Adam Sonfield, Provider Refusal and Access to Reproductive Health Services: Approaching a New Balance, 11 GUTTMACHER POLICY REVIEW 2, Spring 2008, available at <http://www.guttmacher.org/pubs/gpr/11/2/gpr110202.pdf> (last visited Aug. 17, 2008).

²⁸ Id. at 4; National Women's Law Center, Don't Take "No" for an Answer: A Guide to Pharmacy Refusal Laws, Policies, and Practices (2007), p.6, available at <http://www.nwlc.org/pdf/DontTakeNo2007.pdf> (last visited Aug. 17, 2008).

²⁹ Planned Parenthood, Update on Pharmacy Refusal Case (2008), available at <http://www.plannedparenthood.org/westernwashington/update-on-pharmacy-refusal-case.htm> (last visited Aug. 17, 2008).

³⁰ National Women's Law Center, *supra* note 28 at 4.

³¹ Id.

³² Id. at 7.

³³ Id. at 11.

³⁴ Id. at 12.