



## National Committee for a Human Life Amendment

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### **Morning-After Pill**

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#### **Background Information**

One of the possible effects of the morning-after pill is to abort a newly conceived human life by preventing implantation in the womb. These pills are also called "emergency contraceptive" pills (ECPs) because they are taken after intercourse. The regimen approved by the Food and Drug Administration (FDA) for ECPs identifies six brands of ordinary birth control pills containing estrogen and progestin and requires that a high dose be taken within 72 hours of "unprotected intercourse," followed by a second high dose 12 hours later. Preven, marketed by Gynetic and approved by the FDA in September 1998, is a kit containing the pills plus a pregnancy test to rule out existing pregnancy from earlier intercourse. In 2000, both the House and Senate approved an amendment prohibiting the use of federal funds to distribute or prescribe postcoital emergency contraception in any elementary or secondary school, but the amendment was dropped in conference committee at the insistence of the Clinton Administration.

#### **2. Executive Action**

The FDA considered a proposal by Barr Research laboratories to allow morning-after pills to be sold over-the-counter without a prescription. The morning-after pill in question is called Plan B, a levonorgestrel-only pill that has both contraceptive and abortifacient properties. On December 16, 2003, two FDA committees held a hearing and voted that the Plan B pills be made available over-the-counter. The recommendation was not binding. On February 13, 2004, the FDA delayed a decision for 90 days stating it needed more time to review additional data. On May 6, 2004, Dr. Steve Galson, Acting Director of the FDA's Center for Drug Evaluation and Research, informed Barr Research laboratories that its application was not approved. Barr can resubmit its application. The FDA was especially concerned about the safe over-the-counter use of Plan B by women under 16 years of age.

For general information on the morning-after pill, see the Bishops' Secretariat for Pro-Life Activities web page at:  
[www.usccb.org/prolife/issues/contraception/morningafterpill.htm](http://www.usccb.org/prolife/issues/contraception/morningafterpill.htm).

## **Legislative Information**

### **Morning –After Pill: Over the Counter Distribution**

On July 13, 2004, during floor consideration of Fiscal Year 2005 Agriculture Appropriations Bill (H.R. 4766) Rep. Carolyn Maloney (D-NY) offered House Amendment 690 that denied funds “to restrict to prescription use a contraceptive that is determined to be safe and effective for use without the supervision of a practitioner licensed by law to administer prescription drugs...” Rep. Chris Smith (R-NJ) said that this amendment only restated current law. He pointed out that the FDA denied approval to over-the-counter use of Plan B based on science and safety concerns. The Maloney amendment was agreed to without objection.

### **“Emergency Contraception” Education**

Background: In 2003, measures called Emergency Contraception Education Acts (H.R. 1812, S. 896) were introduced in both the House and Senate. These bills authorize \$10 million for each of the Fiscal Years 2004 through 2008 for the Department of Health and Human Services (HHS) to promote education on emergency contraception in the public and private sectors. Entities involved include nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics, the media, and health care providers. "Emergency contraception" is defined as a drug or device (as specified in the Federal Food, Drug, and Cosmetic Act) or a drug regimen that is used after sexual relations and "prevents pregnancy, by preventing ovulation, fertilization of an egg, or *implantation of an egg in a uterus* (emphasis added)." In the statement of findings, this definition is phrased as follows: "Emergency contraception, also known as post-coital contraception, is a responsible means of preventing pregnancy that works like other hormonal contraception to delay ovulation, prevent fertilization or *prevent implantation* (emphasis added)." The language in the main section of the bill and in the preliminary findings concedes in fact that "emergency contraceptives" are sometimes abortifacient. Attempting to obscure this meaning, the findings also state: "Emergency contraception does not cause abortion and will not affect an established pregnancy." In this way, the bill asserts that only an established pregnancy can be aborted. The destruction of human life from conception to the time of implantation is not considered to be abortifacient. The bill bolsters this erroneous notion by referring to the "implantation of an *egg* in a uterus" (emphasis added), avoiding the biological fact that at conception the egg and sperm join and generate a new human life neither egg nor sperm.

House: On April 11, 2003, Rep. Louise Slaughter (D-NY) introduced H.R. 1812; the measure has 96 cosponsors. The bill was referred to the Subcommittee on Health of the Committee on Energy and Commerce.

Senate: On April 11, 2003, Sen. Patty Murray (D-WA) introduced S. 896; the measure has 12 cosponsors. The bill was referred to the Committee on Health, Education, Labor, and Pensions.

### **"Emergency Contraception" Hospital Mandate**

On June 19, 2003, Rep. Jim Greenwood (R-PA) introduced the Compassionate Assistance for Rape Emergencies Act (H.R. 2527). The measure has 100 cosponsors and was referred to the Subcommittee on Health of the Committee on Energy and Commerce and to the Committee on Ways and Means.

H.R. 2527 provides that federal funds may not be made available to a hospital unless the hospital (1) promptly gives sexual assault victims written and oral information about emergency contraception, including information that "emergency contraception does not cause an abortion," (2) promptly offers emergency contraception and promptly provides it on the victim's request, (3) the information is provided in language that is easily understood, and (4) these services are not denied because of inability to pay. "Sexual assault" means coitus in which the woman does not consent or lacks the legal capacity to consent. "Emergency contraception" is defined as "a drug, drug regimen, or device that is (A) used postcoitally; (B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and (C) is approved by the Food and Drug Administration."

As with the Emergency Contraception Education Act, this measure recognizes as fact that emergency contraception can act by preventing implantation, but falsely asserts that this action is not abortifacient. The bill claims it is an egg, and not a newly conceived human being resulting from union of egg and sperm, that is implanted.

All hospitals receiving federal funds would be required to convey erroneous information as fact and to act on this erroneous information.

