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Legislative Update

SUMMER 2006

FDA APPROVES PLAN B FOR BEHIND-THE-COUNTER SALES

On August 24, the Food and Drug Administration (FDA) finally approved Barr Pharmaceutical's emergency contraception, Plan B, for behind-the-counter sales to women 18 years of age and older. This victory could help millions more American women prevent unintended pregnancies!

In September 2005, the FDA had postponed making a decision indefinitely, claiming Barr's application posed "many difficult and novel policy and regulatory issues." Many recognized this as a stall tactic and continued to urge the agency to approve the contraception. **Thank you to everyone who mailed a postcard to the FDA, contacted your legislators, or wrote to a local paper. You helped the FDA realize it must stop putting ideology before science!**

However, young women below the age of 18 will still need a prescription to obtain Plan B. It is unfortunate that the FDA did not follow the lead of its own scientific advisors, who voted overwhelmingly in favor of nonprescription sales to women of *all ages*. Comprehensive sex education and better access to proven prevention methods, including emergency birth control, are the best ways to reduce the alarming numbers of teen pregnancies in this country.

Plan B will remain behind the pharmacy counter, and women purchasing it will be required to show a government-issued ID. Barr Pharmaceuticals agreed to monitor the age restrictions on sales and report pharmacies that violate the restrictions to state pharmacy licensing boards.

Barr Pharmaceuticals first submitted an application for over-the-counter (OTC) approval back *in 2003*.

Until now, the FDA had continuously delayed making a decision to approve or reject Plan B for OTC sales, using one stall tactic after another. This past March, Senators Clinton (D-NY) and Murray (D-WA) placed a hold on the nomination of Andrew von Eschenbach to permanently head the FDA, citing their concerns over the agency's delay. Following the FDA's announcement, the Senators lifted their hold and approved his appointment.

EMERGENCY CONTRACEPTION EDUCATION CAMPAIGN IS ONGOING - AND YOU CAN HELP!

PPNT is asking for supporters to hand out our emergency contraception (EC) wallet cards. Help spread the word about the use and availability of EC. Give these cards to anyone and everyone you see! If you would like to help, contact Jessica Leinwand at (817) 882-1155 x2230 or e-mail info.public@ppnt.org.

MINORS SEEKING AN ABORTION WILL REQUIRE ADDITIONAL CONSENT

The Texas Medical Board (TMB) recently adopted new regulations requiring a parent of a minor to sign a six-page consent form and have the form notarized by a third party before a young woman can undergo an abortion. Parental consent has been required in Texas since Sept. 1, 2005, but it has taken the TMB almost a year to finalize the form that parents must sign.

Notarizing parental consent forms raises alarming concerns about privacy and the priorities of the TMB. **This group normally strives to protect the privacy of patients, but it now demands the intrusion of a third party into this very private medical decision.** Even worse, requiring the notarized consent of a minor's parent will do nothing to decrease teen pregnancies in the state of Texas or dissuade a young woman in an abusive home from her choice to have an abortion.

FDA APPROVES NEW HPV VACCINE AGAINST CANCER

On June 8, the Food and Drug Administration (FDA) approved pharmaceutical provider Merck's new vaccine Gardasil, the first ever vaccine against the human papilloma virus (HPV). The FDA approved the vaccine for girls/women ages 9-26, but final recommendations for its use have not yet been determined. It is unclear when the vaccine will be available to the public, but the retail price has been set at \$120 per dose, with a series of three doses required over a six-month period. For more information, check out www.cdc.gov/std/hpv/STDFact-HPV-vaccine.htm.

According to the Centers for Disease Control and Prevention, HPV is the most common sexually transmitted disease in the U.S., affecting more than 50% of sexually active adults. Though most

strains of HPV are harmless, some strains cause cervical cancer, *the 2nd most common cancer in the world*. The HPV vaccine, if administered widely to young people before they become sexually active, has been shown in clinical trials to be 100% effective in combating the most common cancer-causing strains.

SOUTH DAKOTA AND LOUISIANA BAN ABORTION!

On March 6, South Dakota Governor Mike Rounds (R) signed into law a sweeping abortion ban that would make it a felony for any doctor to perform an abortion except to save the life of a pregnant woman. The bill is designed to challenge the 1973 U.S. Supreme Court case *Roe v. Wade*. Now, with two new justices appointed by President Bush presiding in the Court, the law's anti-choice supporters hope to force the Court to revisit that ruling.

The status of the law will be decided next, not by the Supreme Court, but by the voters of South Dakota. In June, the South Dakota Secretary of State certified a petition of nearly 38,000 signatures filed by the South Dakota Campaign for Healthy Families (www.sdhealthyfamilies.org), thus placing the ban on the South Dakota ballot in November.

Other states' legislators have followed on the heels of South Dakota by proposing their own abortion bans. Louisiana recently passed a "trigger law" designed to take effect if the Court were to overturn *Roe v. Wade*. The ban would only allow an abortion to save a woman's life or to prevent her serious physical harm.

CHILD CUSTODY PROTECTION ACT PASSED BY CONGRESS

The Senate approved in July the Child Custody Protection Act (CCPA), a bill that would make it a federal crime for anyone other than a young woman's parent—including a grandparent, aunt, or religious counselor—to assist a minor across state lines to obtain an abortion unless the minor first complies with her home-state's parental involvement laws. The House of Representatives has already passed a similar bill. Differences between the bills need to be reconciled before the measure can go to President Bush, who supports the legislation.

CCPA would discourage a teen in a crisis situation from seeking the counsel of a trusted, responsible adult and contains no exceptions for a young woman's health. CCPA also unconstitutionally restricts a minor's right to travel across state lines for abortion care. The final vote was 65-34, with one amendment approved granting some exceptions to victims of incest. **Texas Senators Kay Bailey Hutchison and John Cornyn both voted in favor of CCPA.**