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U.S. moves morning-after pill over the counter, lowers age limit to 15

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Associated Press*

The government is moving the morning-after pill over the counter, but only those 15 and older can buy it — an attempt to find middle ground just days before a court-imposed deadline to lift all age restrictions on the emergency contraceptive.

Currently, Plan B One-Step is sold behind pharmacy counters, and buyers must prove they're 17 or older to buy it without a prescription. Today's decision by the Food and Drug Administration lowers the age limit and will allow the pill to sit on drugstore shelves next to spermicides and condoms — but anyone who wants to buy it must prove their age at the cash register.

Teva Women's Health, which makes Plan B, said it would begin over-the-counter sales in a few months.

The question is whether today's action settles a larger court fight. Earlier this month, U.S. District Judge Edward Korman of New York blasted the Obama administration for imposing the age-17 limit, saying it had let election-year politics trump science and was making it hard for women of any age to obtain the emergency contraception in time. He ordered an end to all age restrictions by Monday, for Plan B and its generic versions.

The FDA said today's decision was independent of the court case and wasn't intended to address it. Technically, the FDA approved Teva's application to sell Plan B in this manner.

The Justice Department remained mum on whether it planned to appeal Korman's decision, and the White House had no immediate comment.

The women's group that sued over the age limits said today's action is not enough, and it will continue the court fight if necessary.

Lowering the age limit "may reduce delays for some young women, but it does nothing to address the significant barriers that far too many women of all ages will still find if they arrive at the drugstore without identification," said Nancy Northup, president of the Center for Reproductive Rights.

Some contraception advocates called the move promising.

"This decision is a step in the right direction for increased access to a product that is a safe and effective method of preventing unintended pregnancies," said Sen. Patty Murray, D-Wash. "It's also a decision that moves us closer to these critical availability decisions being based on science, not politics."

Lori Lamerand, president and CEO of Planned Parenthood Mid and South Michigan, said tonight that making Plan B One-Step available to younger women will help further reduce teen pregnancy rates.

She said she would like to see women and girls of any age be able to get the emergency contraceptive pills without a prescription.

"I think this (the FDA's decision) is one step toward that, and so we applaud it," she said.

Social conservatives had opposed any efforts to loosen restrictions on sales of the morning-after pill, arguing that it was important for parents and medical professionals to be involved in such decisions involving young girls.

The group Concerned Women for America charged that health officials were putting politics ahead of the health of children as well as women.

"It makes no sense that kids need parental permission to take aspirin at school, but they're free to buy and administer Plan B," Penny Nance, CEO and president of CWA, said in a statement.

Dave Maluchnik, director of communications for the Michigan Catholic Conference, said the FDA's decision leaves parents out of the loop when it comes to important choices regarding their children's health.

"It's a decision that completely undermines a child's relationship with her parents and is very disconcerting in terms of parental rights and a parent knowing what is going on with their children," he said.

The FDA said Plan B One-Step will be packaged with a product code that prompts the cashier to verify a customer's age. Anyone who can't provide such proof as a driver's license, birth certificate or passport won't be allowed to complete the purchase.

"These are daunting and sometimes insurmountable hoops women are forced to jump through in time-sensitive circumstances, and we will continue our battle in court to remove these arbitrary restrictions on emergency contraception for all women," said Northup of the Center for Reproductive Rights.

Half of all pregnancies in U.S. every year are unintended, and doctor's groups say more access to morning-after pills could cut those numbers. The pills contain higher doses of regular contraceptives, and if taken within 72 hours of unprotected sex, can cut the chances of pregnancy by up to 89%.

The FDA had been poised to lift all age limits and let Plan B sell over the counter in late 2011, when Health and Human Services Secretary Kathleen Sebelius, in an unprecedented move, overruled her own scientists. Sebelius said some girls as young as 11 are physically capable of bearing children but shouldn't be able to buy the pregnancy-preventing pill on their own.

President Barack Obama supported Sebelius' move, and a spokesman said earlier this month that the president's position hadn't changed.
