

Emergency Contraception: Contraceptive, not Abortifacient

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In 1999, the Food and Drug Administration first approved the emergency contraception medication "Plan B" as a means to prevent pregnancy, but made it available by prescription only. On August 24, 2006, the FDA approved selling Plan B without a prescription, but only to women 18 and older. Known as the "morning after pill," this medication has stirred up controversy because it is the only contraceptive intended to be used post-intercourse. Adding to the confusion and controversy over this medication is another pharmaceutical known as "RU-486," which does induce abortion.

As policymakers debate such questions as whether emergency contraception must be offered at hospitals to rape victims, or if it should be made available without a prescription to women under 18 years old, Third Way has issued this paper to answer the most common question about this medication- is Plan B an abortion pill?

Question: Do emergency contraception pills (ECPs) function as a contraceptive or as an abortifacient?

Answer: Because ECPs function pre-implantation (by either suppressing ovulation, inhibiting fertilization, or preventing implantation), everyone from the Bush Administration's Food and Drug Administration to the National Right to Life Committee agrees that emergency contraception operates as contraception.

Since the 1970s, the Code of Federal Regulations has described pregnancy as beginning at implantation:

- §46.202 Definitions.
(f) Pregnancy encompasses the period of time from implantation until delivery. A woman shall be assumed to be pregnant if she exhibits any of the pertinent presumptive signs of pregnancy, such as missed menses, until the results of a pregnancy test are negative or until delivery.

(Code of Federal Regulations Title 45 (Public Welfare) Part 46 (Protection of Human Subjects), revised June 23, 2005, available online at <http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm#46.201>)

Respected medical groups have determined that ECPs work pre-implantation, and thus, pre-pregnancy:

- "The Plan B pill is a post-coital contraception method which transiently provides a high dose of (1) combined estrogen and progestin or (2) progestin-only to inhibit or delay ovulation, or induce minor changes to the endometrium to inhibit ovum implantation; therefore, it cannot terminate an established pregnancy."

(American Medical Association House of Delegates, "Resolution 443: Subject: FDA Rejection of Over-The-Counter Status for Emergency Contraception Pills, June 12, 2004)

- "Emergency contraceptive pills, which are specific combinations of birth control pills in

higher doses, act to prevent pregnancy. Unlike early medical abortion, if a woman is already pregnant, EC will not terminate her pregnancy. Emergency contraception can prevent pregnancy in several ways. It may prevent ovulation, fertilization, or implantation of the egg in the uterus. All are necessary stages for pregnancy to occur."

(American College of Obstetricians and Gynecologists, "Medical Groups Set the Record Straight on Emergency Contraception," May 4, 2004, available online at http://www.acog.org/from_home/publications/press_releases/nr05-04-04-3.cfm)

- "Diana Dell, M.D., past president of the American Medical Women's Association and assistant professor of obstetrics/gynecology and psychiatry at Duke University Medical Center, describes emergency contraception as 'a pregnancy-prevention technique.' The regimen works by providing a brief, intense burst of hormone exposure that can perform any of the following functions: delay or inhibit ovulation, inhibit fertilization, or inhibit implantation. The pills won't harm an existing pregnancy. 'Pregnancy occurs with implantation; this is a method for ensuring that implantation doesn't take place,' says Dr. Dell. Once the fertilized egg is implanted in the uterine wall, ECPs are ineffective."

(Kyre Osborn, "Emergency Contraceptive Pills: Not Just for the Morning After," February 9, 2001, available online at http://rx.magazine.tripod.com/wh_20010209.htm)

The Bush Administration's FDA has stated that ECPs work like other contraceptives:

- "Plan B works like other birth control pills to prevent pregnancy. Plan B acts primarily by stopping the release of an egg from the ovary (ovulation). It may prevent the union of sperm and egg (fertilization). If fertilization does occur, Plan B may prevent a fertilized egg from attaching to the womb (implantation). If a fertilized egg is implanted prior to taking Plan B, Plan B will not work."

(Food and Drug Administration Center for Drug Evaluation and Research, "FDA's Decision Regarding Plan B: Questions and Answers," May 7, 2004, available online at <http://www.fda.gov/cder/drug/infopage/planB/planBQandA.htm>)

Notably, the anti-abortion National Right to Life Committee, which has no explicit position on contraception or ECPs, draws a distinction between ECPs and abortion:

- "Q: Is this [RU 486] the 'morning after' pill I've heard so much about?"

"A: No. Those pills operate in a different way and during a different time frame than RU486. Morning after pills, or 'emergency contraception,' are essentially very high, multiple dosages of birth control pills taken within 72 hours of unprotected intercourse."

"While there have been some limited tests of RU486 as a morning after pill, with mixed results, the only purpose for which the U.S. sponsor has sought government approval is for use to abort a confirmed pregnancy weeks after the baby has already attached himself or herself to the uterine wall."

(National Right to Life Committee, "RU 486: The Pill, The Process, The Problems," accessed November 28, 2005, available online at [http://www.nrlc.org/RU486/ru486info.html#Is%20this%20the%20"morning%20after"%20pill%20I've%20heard%20so%20much%20about](http://www.nrlc.org/RU486/ru486info.html#Is%20this%20the%20))