



Written by [Dave Bohon](#) on April 7, 2013

Federal Judge Orders “Abortion Pill” Available to Under-age Girls

A federal judge in New York has ordered the federal Food and Drug Administration (FDA) to make the oral emergency contraceptive Plan B available to girls of all ages without a prescription. The “emergency” contraceptive, designed to be taken within 72 hours after a woman has sex, is known by pro-life activists as the “abortion pill” because of evidence that it can cause spontaneous abortion in women who take it by preventing a newly conceived embryo from implanting in the uterine wall.



The April 5 order by U.S. District Judge Edward Korman overturns a [decision made by Secretary of Health and Human Services Kathleen Sebelius in 2011](#) to continue the restriction of the drug to women ages 17 and older. Sebelius’ decision countered an FDA ruling that would have lifted all restrictions on the abortifacient contraceptive.

In his ruling Korman said the decision to keep the drug away from under-age girls was “arbitrary, capricious and unreasonable.” A spokesman for the Obama administration, under which Sebelius made her ruling, said that government attorneys “are reviewing the decision and evaluating the government’s options.”

[LifeSite News](#) recalled that “Korman is the same judge who in 2009 had ordered the FDA to make Plan B available over-the-counter to girls 17 and older, in a case brought forward by the Center for Reproductive Rights. Before that, it had only been available over-the-counter to girls 18 and older.”

Pro-abortion groups were shocked and angered when in 2011 Sebelius and the Obama administration, normally two reliable allies with the pro-abortion/contraception lobby, announced the Plan B restrictions. In a memorandum explaining her decision to overrule the FDA, Sebelius said she was concerned that “use studies submitted to FDA do not include data on all ages for which the drug would be approved and available over-the-counter.”

She said “it is commonly understood that there are significant cognitive and behavioral differences between older adolescent girls and the youngest girls of reproductive age, which I believe are relevant to making this determination as to the non-prescription availability of this product for all ages.”

President Obama fully supported Sebelius’ decision, saying that it was common sense to keep girls under the age of 17 from being able to buy a morning-after contraceptive pill off a drugstore shelf. “As I understand it, the reason Kathleen made this decision was she could not be confident that a ten-year-old or an eleven-year-old going into a drugstore should be able — alongside bubble gum or batteries — be able to buy a medication that potentially, if not used properly, could end up having an adverse effect. And I think most parents would probably feel the same way.”

Obama added that “as the father of two daughters, I think it is important for us to make sure that we apply some common sense to various rules when it comes to over-the-counter medicine.”



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Pro-abortion groups went ballistic over the decision. “When President Obama took office, he pledged the administration’s commitment to scientific integrity,” said Cynthia Pearson of the National Women’s Health Network. “This decision is a betrayal of that promise.” And Nancy Northrup of the pro-abortion Center for Reproductive Rights complained: “When it comes to FDA drug approvals, contraceptives are being held to a different and non-scientific standard — in a word, politics.”

LifeSite noted that over the past several months leading up to Korman’s ruling, groups such as the American Academy of Pediatricians (AAP), the American College of Obstetricians and Gynecologists, and Planned Parenthood had been lobbying aggressively to make the morning after pill available to sexually active teens. Planned Parenthood head Cecile Richards applauded Korman’s ruling, saying that “lifting the age restrictions on over-the-counter emergency contraception is a significant and long-overdue step forward for women’s health that will benefit women of all ages.” Similarly, Ilyse Hogue of NARAL Pro-Choice America said that the ruling “brings us one step closer to putting women in control of our destinies.”

By contrast, pro-life leaders expressed their deep concern over how the reversal would impact under-age girls. Anna Higgins, director of the Center for Human Dignity at the [Family Research Council](#), waned that Korman’s ruling would place young girls at serious risk. “Making Plan B available for girls under the age of 17 without a prescription flies in the face of medical information and sound judgment,” she said. She added that that she was troubled that the judge appeared to ignore the counsel of Sebelius and many public health advocates “that there is not enough data on the health effects of Plan B on young girls.”

Higgins noted that according to the federal Centers for Disease Control, in 2008 (the last year for which numbers are available) there were 19,700,000 new reports of sexually transmitted infections (STIs) — bringing the estimated number of STIs in the United States to over 110 million.

“Most of the new cases crop up in young men and women aged 15-25,” she said. “Making Plan B available over-the-counter for any age will put many of these young girls at further risk because it circumvents necessary medical screening for sexually active girls.”

Higgins added that with the easing of restrictions, some under-aged girls would be pressured to use the emergency contraceptive without the safety net of parental control. “The involvement of parents and medical professionals act[s] as a safeguard for these young girls,” Higgins noted. “However, this ruling removes these commonsense protections.”

Carrie Gordon Earll, an issues analyst for Focus on the Family’s [CitizenLink](#), agreed, saying that Korman’s ruling “gives young girls unsupervised access to a powerful drug without medical oversight or parental knowledge. It puts teenage girls at greater risk to be pressured into sex and provides no way for parents to know if their daughters are using the drug as a routine contraceptive — which the drug manufacturer warns against.”

Deirdre McQuade, a spokeswoman for the U.S. Conference of Catholic Bishops, warned that dropping restrictions on Plan B would also make adolescent girls an easy prey for sexual predators. “The court’s action undermines parents’ ability to protect their daughters from such exploitation and from the adverse effects of the drug itself,” she said.

Photo of pharmacist holding up dose of “Plan B”: AP Images



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