



Written by [Dave Bohon](#) on December 14, 2011

Federal Judge to Rule on Giving Teens Access to Abortion Pill

A week after Health and Human Services Secretary Kathleen Sebelius (left) overruled the FDA's approval of giving minors access to the Plan B abortion pill, a federal judge is preparing to hear arguments in a suit, filed over a year ago, that may trump the decision of Sebelius.

As reported by [LifeNews.com](#), "Judge Edward Korman, a federal judge based in New York City, says he will hear arguments in a case filed by the pro-abortion [Center for Reproductive Rights](#) over whether the FDA should have ultimately allowed teens to buy the Plan B drug without a doctor's order. The pro-abortion group says such drugs are being held to a different standard than other drugs and that decisions are not based on science, but on politics."



As reported by [The New American](#), FDA head Margaret Hamburg was poised to approve sales of Plan B, which is currently available over the counter without a prescription only to women over 17, and by prescription to minors under 17. But in an unprecedented move, Sebelius overruled the FDA, explaining her reasoning to Hamburg in a published memo: "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 non-prescription availability of this product for all ages."

Concluded Sebelius: "Because I do not believe enough data were presented to support the application to make Plan B One-Step available over the counter for all girls of reproductive age, I have directed FDA to issue a complete response letter denying the supplemental new drug application by Teva Women's Health, Inc."

Plan B was originally approved by the FDA in 1999, and in 2006 it was approved for over-the-counter sale to women 18 and older. "Previously, a federal court ordered the Food and Drug Administration to reconsider its decision preventing minors from purchasing the morning after pill without a prescription," reported LifeNews.com.

Korman could ultimately issue a verdict on the drug's availability to minors that overrules Sebelius' hold on the drug. The [Associated Press](#) reported that the judge "was highly critical of the government's handling of the issue when he ordered the FDA two years ago to let 17-year-olds obtain the medication. At the time, he accused the government of letting 'political considerations, delays and implausible justifications for decision-making' cloud the approval process."

While conceding that the decision of Sebelius to bar minors from purchasing the drug over the counter



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may have been based on White House politics, pro-life leaders said it was the right move nonetheless.

[Jeanne Monahan](#) of the Family Research Council's Center for Human Dignity, told LifeNews that Sebelius "was right to reject the FDA recommendation to make this potent drug available over the counter to young girls. In her own words, the research submitted to the FDA did not include data for all ages for which the drug would be used."

Monahan noted that young people account for half the sexually-transmitted diseases nationwide. "The availability of Plan B over-the-counter for all ages would have bypassed necessary routine medical care for sexually active girls," she told LifeNews. She also noted a study from last year showing that use by minors of Plan B was tied to an increase in pregnancies and STDs for that age group.

As for increasing the risk of sexual abuse and exploitation of young girls, Monahan pointed out that the "average age of a girl who is sexually trafficked in the U.S. is 13 to 14. There is a real danger that Plan B could be given to young women, especially sexually abused minors, under coercion or without their consent. Interaction with medical professionals is a major screening and defense mechanism for victims of sexual abuse."

Finally, there is the potential of Plan B to act as an abortifacient. Wendy Wright of [Catholic Family and Human Rights Institute](#) explained that the reason Plan B is referred to as an abortion pill is because it stops the implantation of a fertilized egg. "It changes the lining of the uterus so that an embryo can't implant — or if an embryo is implanted, it can't survive," she said. "So it really should be labeled an abortion drug."

While abortion advocates argue that drugs such as Plan B help to lower the number of surgical abortions, research from the Guttmacher Institute shows that 54 percent of women who had abortions said they used a contraceptive such as a condom or the pill during the month they became pregnant.



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