

April 22, 2013

The Honorable Kathleen Sebelius  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201

Dear Secretary Sebelius:

On behalf of the millions of Americans represented by the organizations listed below, we want to thank you for your decision not to allow over-the-counter access to Plan B One-Step (levonorgestrel) and its generic to girls under 17 years of age. We also want to encourage you to defend your decision by appealing District Judge Edward Korman's judgment reversing your decision.

Judge Korman's claim that your decision of December 7, 2011 was political is insulting as a matter of policy and an affront to the principle of separation of powers. As HHS Secretary, you have the responsibility to ensure the safety of citizens by analyzing all the data provided and making a well-reasoned decision consistent with your statutory authority. In his ruling, Judge Korman referenced his previous decision (*Tummino v. Torti*), mandating OTC status for Plan B to persons 17 years of age. He noted that "the decision whether to make Plan B available without a prescription regardless of age was one that should be made by the FDA, to which Congress had entrusted the responsibility, and not by a federal district judge." Yet he violates that very important principle in the current judgment - overstepping the authority of HHS and trivializing your legitimate concerns in the process.

In light of the fact that there have been no studies on the health effects of levonorgestrel on adolescents and the fact that the FDA label comprehension study did not include data from minors, your decision to deny OTC status to girls less than 17 years of age was responsible and reasonable. As you noted in your assessment of the safety of Plan B for young girls, there are "significant cognitive and behavioral differences between older adolescent girls and the youngest girls of reproductive age." This fact is significant. It indicates that the safety and health of young girls are placed at risk when they receive drugs like Plan B without the opportunity for guidance from doctors and parents. Judge Korman's ruling violates the fundamental rights of parents to raise their children and belittles the important role doctors play in the decision-making process.

We thank you for your previous stance, as it protects the health of young girls and the rights of parents, and we ask that you defend your common-sense decision by appealing Judge Korman's ruling.

Sincerely,

Family Research Council  
Tom McClusky, Sr. V.P. Government  
Affairs

Able Americans  
Melissa Ortiz, Founder

American Association of Christian Schools  
Keith Wiebe, President

Americans United for Life  
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American Values  
Gary Bauer, President

Bioethics Defense Fund  
Nikolas T. Nikas, President  
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Catholic Advocate  
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Center for Arizona Policy  
Cathi Herrod, President

Christian Civic League of Maine  
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Christian Coalition of America  
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Concerned Women for America  
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Family Institute of Connecticut Action  
Peter Wolfgang, President

Focus on the Family  
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Gerard Health Foundation  
Raymond Ruddy, President

Human Life Alliance  
Jo Tolck, Executive Director

Illinois Family Institute  
David E. Smith, Executive Director

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Jill Stanek  
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Let Freedom Ring  
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Liberty Center for Law and Policy  
Mark Trammell, Legal Director

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Life Issues Institute  
Bradley Mattes, Executive Director

Louisiana Family Forum  
Gene Mills, President

Massachusetts Family Institute  
Kris Mineau, President

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National Association of Evangelicals  
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60 Plus Association  
Jim Martin, Chairman

Southern Baptist Ethics & Religious  
Liberty Commission  
Dr. Richard Land, President

The Association of Mature American  
Citizens  
Dan Weber, President

The FAMiLY LEADER  
Bob Vander Plaats, President

The FAMiLY LEADER Foundation  
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