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
Charmaine Yoest, Ph. D., President and CEO

American Values
Gary Bauer, President

Bioethics Defense Fund
Nikolas T. Nikas, President
Dorinda C. Bordlee, Senior Counsel

Catholic Advocate
Matt Smith, President

CatholicVote.org
Brian Burch, President

Center for Arizona Policy
Cathi Herrod, President

Christian Civic League of Maine
Carroll Conley, Executive Director

Christian Coalition of America
Jim Backlin

Concerned Women for America
Penny Nance, President and CEO

Conservative HQ.com
Richard Viguerie, Chairman

Cornerstone Policy Research & Cornerstone Action
Ashley Pratte, Executive Director

U.S. Conference of Catholic Bishops
Anthony R. Picarello, Jr.
Associate General Secretary & General Counsel

Eagle Forum
Phyllis Schlafly, Founder and President

Faith and Freedom Coalition
Gary Marx, Executive Director

Family Action of Tennessee
David Fowler, Esq., President

Family Institute of Connecticut Action
Peter Wolfgang, President

Focus on the Family
Tom Minnery, Sr. Vice President

Gerard Health Foundation
Raymond Ruddy, President

Human Life Alliance
Jo Tolck, Executive Director

Illinois Family Institute
David E. Smith, Executive Director

Indiana Family Institute
Curt Smith, President

Jill Stanek
www.jillstanek.com

Let Freedom Ring
Colin A. Hanna, President

Liberty Center for Law and Policy
Mark Trammell, Legal Director

Liberty Counsel
Mathew Staver, Founder and Chairman
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<th>Organization</th>
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<td>Liberty Counsel Action</td>
<td>Deryl Edwards, President</td>
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<td>Louisiana Family Forum</td>
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<td>Joe Ortwerth</td>
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<td>National Abstinence Education Association</td>
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<td>National Association of Evangelicals</td>
<td>Leith Anderson, President</td>
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<td>National Black Pro-Life Union</td>
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<td>National Institute of Family and Life Advocates</td>
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<td>New Jersey Family First</td>
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<td>New Jersey Family Policy Council</td>
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<td>The Association of Mature American Citizens</td>
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<td>Jeremiah G. Dys, Esq., President and General Counsel</td>
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<td>Tradition, Family, Property, Inc.</td>
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<td>Traditional Values Coalition</td>
<td>Rev. Louis P. Sheldon, Founder and Chairman</td>
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Traditional Values Coalition
Andrea Lafferty, President

Wisconsin Family Action
Julaine K. Appling, President