

Legislative Analysis



BAN OVER-THE-COUNTER SALES OF "MORNING AFTER" PILL

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House Bill 5311

Sponsor: Rep. John Stahl

Committee: Health Policy

Complete to 6-5-06

A SUMMARY OF HOUSE BILL 5311 AS INTRODUCED 10-18-06

The bill would add a new section to the Public Health Code (MCL 333.17760) to prohibit the dispensing of an emergency contraception (known as the "morning after" pill) except by prescription. Under the bill, emergency contraception could only be dispensed as a prescription drug and under the control of a licensed pharmacist or prescriber. The pharmacist or prescriber who dispensed the drug would have to maintain the same records as required for dispensing prescription drugs.

As used in the bill, "emergency contraception" would be defined as a medication or combination of medications approved by the federal Food and Drug Administration (FDA) taken or used after sexual intercourse for the prevention of pregnancy by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus.

FISCAL IMPACT:

House Bill 5311 as introduced restricts access to emergency contraception to persons who have obtained a prescription from a health care provider.

If emergency contraception is approved nationally as an over-the-counter product in the future, there is a fiscal impact to the bill's policy, as an increase in access to emergency contraception through over-the-counter availability would reduce the number of unintended pregnancies, with fiscal savings to the state for Medicaid and Department of Human Services costs for births, and supportive services for children and their families. The rate of unintended pregnancy is significantly higher for uninsured women and women on Medicaid than for women with private insurance. Annually, over one third of Michigan births are funded by the Medicaid program with state and federal funds.

Ten states have increased access to emergency contraception by allowing it to be available through a pharmacist without a prescription.

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