

**An Act to improve access to emergency contraception, (H.2264, S.1372)**  
**Filed by Representative Marjorie Decker and Senator Joe Boncore**

Decisions about emergency contraception are time-sensitive and sometimes overwhelming. **Faced with what can be a scary situation, it's imperative that patients in Massachusetts can access the emergency contraception that is right for them without having to worry about whether or not it's covered by insurance.** The 2017 Contraceptive ACCESS law requires that insurance covers emergency contraception without a copay as long as it is prescribed either through a conventional prescription or a standing order. However, few pharmacies have standing orders for emergency contraception—in part since Plan B One-Step<sup>®</sup> was approved for over-the-counter sale. *Therefore, it is nearly impossible to utilize insurance coverage for Plan B One-Step<sup>®</sup>, unless you go out of your way to get a prescription from your doctor, which can lead to delays and decrease effectiveness.*

Today, many patients go to the pharmacy and buy Plan B One-Step<sup>®</sup> simply because it is the easiest to get, but Plan B One-Step<sup>®</sup> isn't right for everyone and there are other options available that need to be made more accessible. It's critical that Bay Staters have access to the full range of emergency contraception options so they can get the care that is right for them to prevent an unintended pregnancy. It's called emergency contraception for a reason. It's unreasonable and unrealistic to expect patients to set up an appointment, speak with their doctor, and get the prescription they need in a timely enough manner to ensure the medication is most effective. The way we dispense this care needs to align with the needs of those who access it.

***An Act to Improve Access to Emergency Contraception*** creates a statewide standing order (coordination between a physician and a pharmacist allowing the pharmacists to dispense a particular medication) for both prescription and over-the-counter emergency contraception. A statewide standing order would:

**1. Ensure that everyone can access the emergency contraception that's right for them without delay.**

- There are multiple types of pills that can be taken as emergency contraception.<sup>1</sup> The over-the-counter medication, Plan B One-Step<sup>®</sup>, reduces the risk of unintended pregnancy if taken within 72 hours of unprotected sex.<sup>2</sup> A newer and equally safe drug, ella<sup>®</sup>, is available by prescription only.<sup>3</sup> ella<sup>®</sup> is significantly more effective in preventing unintended pregnancy generally, works up to 5 days

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<sup>1</sup> Emergency contraception pills are distinct from abortifacients. Where abortifacients terminate a pregnancy already established, emergency contraception works by preventing a pregnancy before it begins.

<sup>2</sup> Plan B One-Step<sup>®</sup>: Full Prescribing Information, FDA (updated 2009), available at [https://www.accessdata.fda.gov/drugsatfda\\_docs/label/2009/021998lbl.pdf](https://www.accessdata.fda.gov/drugsatfda_docs/label/2009/021998lbl.pdf).

<sup>3</sup> ella<sup>®</sup> is just as safe as Plan B One-Step<sup>®</sup>, but is currently available by prescription only simply by virtue of being newer. Clinical trials actually indicate less severe side effects, indicating there is no reason why pharmacists should not be able to prescribe and dispense ella<sup>®</sup> pursuant to a standing order, just like Plan B One-Step<sup>®</sup>. See ella<sup>®</sup> Full Prescribing Information, *infra* note 4, compared to Plan B One-Step<sup>®</sup> Full Prescribing Information, *supra* note 2.

after unprotected sex, and is especially more effective for patients who weigh more than 165 pounds.<sup>4</sup>

- Emergency contraception is most effective in preventing unintended pregnancy when taken immediately following unprotected sex. Therefore, people often make the decision to buy emergency contraception over the counter, rather than waiting to get a prescription from a doctor. This limits their options to the older, less effective form of emergency contraception that may not be right for them.

## **2. Make insurance coverage possible for all forms of emergency contraception.**

- A statewide standing order would make it possible for someone to go to the pharmacy, pick up either ella<sup>®</sup> or Plan B One-Step<sup>®</sup>, and utilize their insurance.

Let's face it – reproductive health care emergencies can happen to anyone. Massachusetts' laws governing emergency contraception are outdated and limit patients' access to the best possible care. Bay Staters should be able to go directly to the pharmacy to get the emergency contraception that's best for them, whether it's Plan B One-Step<sup>®</sup> or ella<sup>®</sup>. And it should be covered by their insurance. This is critical to ensuring that all Bay Staters can remain in control of their reproductive lives and determine if, when, and how to start families.

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<sup>4</sup> ella<sup>®</sup>: Full Prescribing Information, FDA (2010), available at [https://www.accessdata.fda.gov/drugsatfda\\_docs/label/2010/022474s000lbl.pdf](https://www.accessdata.fda.gov/drugsatfda_docs/label/2010/022474s000lbl.pdf).