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My name is Anna Franzonello and I represent Americans United for Life, a public-interest law and policy organization.

This panel has been encouraged by several speakers to include the “*all FDA approved contraceptives*.” To do so, however, would include drugs that have abortifacient mechanisms of action.

For example, so-called “emergency contraceptives” have post-conception effects, as acknowledged by the FDA:

- When the FDA approved Plan B, a progestin-based drug, it acknowledged that the drug not only prevented fertilization but “may also work by...preventing attachment to the uterus...”
- Five months ago, when approving *ella*, the FDA chose even broader language to describe how it may work: *ella* “may **affect** implantation.” This acknowledges that *ella* does more than “prevent” implantation – *ella* can *disrupt* implantation. *ella*, like the FDA-approved abortion drug Mifeprex (RU-486), is a selective progesterone receptor modulator (SPRM). By blocking progesterone, an SPRM can either prevent a developing human embryo from implanting in the uterus, or it can kill an implanted embryo by starving it to death.

Considering the statement made by Senator Barbara Mikulski (D-MD), who offered the amendment that now mandates preventive care coverage, it would be inappropriate to require group health plans and health insurance issuers to cover abortifacient drugs - that, though labeled as “contraception,” may kill an embryo by *preventing* or *affecting* implantation.

Senator Mikulski stated on the Senate floor,

This amendment is strictly concerned with ensuring that women get the kind of preventive screenings and treatments they may need to prevent diseases particular to women such as breast cancer and cervical cancer. There is neither legislative intent nor legislative language that would cover abortion under this amendment, nor would abortion coverage be mandated in any way by the Secretary of Health and Human Services.

Her comments buttress the plain language and clear purpose of Section 2713 in the Affordable Care Act – to provide screenings and care for Americans to prevent disease, not to end pregnancies.

Thus, including “*all FDA approved contraceptives*” would go against the stated intent of the preventive care provision. In addition, its inclusion would force the violation of conscience for many Americans, who will be required to subsidize these drugs and services through not only their tax dollars, but also their insurance premiums – as the preventive care mandate extends to *all* health insurance plans.