

A MEMORIAL

REQUESTING THAT THE NEW MEXICO HEALTH POLICY COMMISSION, IN COORDINATION WITH THE DEPARTMENT OF HEALTH, THE BOARD OF PHARMACY AND OTHER ORGANIZATIONS, STUDY THE AVAILABILITY OF EMERGENCY CONTRACEPTION THROUGHOUT NEW MEXICO AND PROVIDE THE PUBLIC WITH INFORMATION ABOUT WHERE EMERGENCY CONTRACEPTION IS AVAILABLE IN THE STATE.

WHEREAS, Subsection C of Section 24-10D-2 NMSA 1978 defines "emergency contraception" as "a drug approved by the federal food and drug administration that prevents pregnancy after sexual intercourse"; and

WHEREAS, according to the national women's health information center at the United States department of health and human services office on women's health, emergency contraceptives are not the same as an abortion pill and keep a woman from becoming pregnant; and

WHEREAS, according to the national women's health information center, the sooner a woman takes emergency contraception after sex, the better it will prevent pregnancy; and

WHEREAS, according to the New Mexico health policy commission, "Unintended pregnancies in New Mexico compound the state's current socio-economic status of having higher than national poverty and uninsured rates", and "unintended

pregnancy is associated with an increased risk of morbidity for women and with health behaviors during pregnancy that are associated with adverse effects"; and

WHEREAS, according to the New Mexico health policy commission, in fiscal year 2002, forty-four percent of New Mexico's mothers did not intend their pregnancies, about one-half of New Mexican women with unplanned pregnancies had not been using contraception and nearly eighty percent of pregnancies among young women of ages fifteen to seventeen are unintended; and

WHEREAS, "plan B" is a certain form of emergency contraception pill that consists solely of progestin; and

WHEREAS, in August 2006, the federal drug administration approved plan B for over-the-counter status for adult women eighteen years of age or older, which means that those women do not need a prescription to obtain plan B; and

WHEREAS, the federal food and drug administration does not permit plan B to be offered at grocery or convenience stores, and most women still must go to a pharmacy or to certain medical providers to obtain plan B; and

WHEREAS, plan B is only available behind-the-counter at pharmacies, and minors are still required to have a prescription to obtain plan B and the state medicaid program still requires a prescription for plan B as a condition of reimbursement for both minors and adults; and

WHEREAS, there has been a great deal of confusion created among patients, medical providers and pharmacists regarding the new dual status of plan B as an over-the-counter medication for adults and prescription-only for minors; and

WHEREAS, a recent study of New Mexico pharmacists indicates that some pharmacists in the state have personal objections to dispensing emergency contraception to patients; and

WHEREAS, the board of pharmacy provides training to enable pharmacists to prescribe emergency contraceptives to patients; and

WHEREAS, it is critical for patients to obtain plan B and other emergency contraceptives as soon as possible to prevent pregnancy; and

WHEREAS, patients, pharmacists, medical providers and public health officials do not know which pharmacies in the state stock and dispense emergency contraceptives, including plan B, or which pharmacies have pharmacists on staff available to prescribe plan B;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico health policy commission be requested to conduct a survey to determine the availability and accessibility of plan B, including a survey of each pharmacy within the state to determine the following:

A. whether the pharmacy and, if applicable, the retail chain it is a part of, has any policy regarding the stocking or dispensing of emergency contraception, including over-the-counter dispensing of plan B;

B. whether the pharmacy stocks emergency contraception, including plan B;

C. whether the pharmacy has staff on duty available to dispense emergency contraception, including plan B;

D. if the pharmacy does not stock emergency contraception, including plan B, what procedure does it follow for obtaining it promptly, including identifying what distribution centers the pharmacy uses;

E. whether the pharmacy has staff who have authority to prescribe emergency contraception; and

F. whether the pharmacy has a policy of not stocking or allowing individual pharmacists to refuse to dispense emergency contraception, including plan B, solely for religious or moral reasons and if so, what the pharmacy's procedure is for ensuring a woman can obtain emergency contraception, including plan B, in a timely manner; and

BE IT FURTHER RESOLVED that the New Mexico health policy commission compile and evaluate the results of this survey and prepare a report on the availability of emergency contraception in New Mexico, including plan B, to the

appropriate legislative committee no later than November 2007;  
and

BE IT FURTHER RESOLVED that the New Mexico health policy commission create and coordinate a working group that includes representatives of the department of health and the New Mexico pharmacists association, the board of pharmacy and one or more community representatives with expertise and knowledge about the availability and access to emergency contraception, including plan B, in New Mexico; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico health policy commission, the department of health, the board of pharmacy and the New Mexico pharmacists association.