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SENATE JOINT MEMORIAL 8032

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State of Washington                      59th Legislature                      2006 Regular Session

By Senators Keiser, Franklin, Kohl-Welles and Thibaudeau

Read first time . Referred to .

1            TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,  
2            AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3            REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4            UNITED STATES, IN CONGRESS ASSEMBLED, AND TO DR. ANDREW C. VON  
5            ESCHENBACH, ACTING DIRECTOR OF THE UNITED STATES FOOD AND DRUG  
6            ADMINISTRATION:

7            We, your Memorialists, the Senate and House of Representatives of  
8            the State of Washington, in legislative session assembled, respectfully  
9            represent and petition as follows:

10           WHEREAS, No primary form of contraceptive is totally effective in  
11           preventing unintended or undesired pregnancies in women; and

12           WHEREAS, Many women would prefer an optional method of preventing  
13           such pregnancies other than abortion; and

14           WHEREAS, A prescription emergency contraceptive for women, commonly  
15           referred to as "Plan B," was approved in 1999 by the United States Food  
16           and Drug Administration (FDA); and

17           WHEREAS, In 2003, the FDA's Nonprescription Drugs and Reproductive  
18           Health Drugs Advisory Committees strongly recommended that "Plan B" be  
19           sold over-the-counter without a prescription; and

1       WHEREAS, In May 2004, the FDA, ignoring the advice of their own  
2 scientific advisory committee, issued a letter of nonapproval for over-  
3 the-counter distribution of "Plan B"; and

4       WHEREAS, In June 2004, the United States Senate requested a  
5 Government Accountability Office (GAO) investigation and committee  
6 hearings into whether the FDA violated procedures and "ignored  
7 scientific evidence to arrive at its decision"; and

8       WHEREAS, In November 2005, the GAO issued its report on the FDA's  
9 "Plan B" decision and found that the FDA did not follow normal  
10 procedures in making its decision not to approve "Plan B" for over-the-  
11 counter status and had done so without proper review of scientific  
12 evidence before rendering the decision; and

13       WHEREAS, Both Susan Wood, director of FDA's Office of Women's  
14 Health and Dr. Frank Davidoff, a consultant to the FDA Nonprescription  
15 Drugs Advisory Committee resigned their positions in protest over the  
16 FDA's decision on "Plan B"; and

17       WHEREAS, Since March 2004 when "Plan B" was approved for over-the-  
18 counter distribution in Washington State, the number of induced  
19 abortions in Washington State have significantly decreased; and

20       WHEREAS, Other states and Canada have also provided for over-the-  
21 counter distribution of "Plan B"; and

22       WHEREAS, As of January 2006, no decision on over-the-counter  
23 distribution of "Plan B" has been issued by the FDA;

24       NOW, THEREFORE, Your Memorialists respectfully pray that the  
25 President, Congress, and the United States Food and Drug Administration  
26 take necessary action to grant over-the-counter access status to "Plan  
27 B," an effective and safe emergency contraceptive option, for all  
28 women.

29       BE IT RESOLVED, That copies of this Memorial be immediately  
30 transmitted to the Honorable George W. Bush, President of the United  
31 States, Dr. Andrew C. Von Eschenbach, the Acting Director of the United  
32 States Food and Drug Administration, the President of the United States  
33 Senate, the Speaker of the House of Representatives, and each member of  
34 Congress from the State of Washington.

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