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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

TOURISM & RECREATIONAL
DEVELOPMENT, CHAIRMAN
LOCAL GOVERNMENT COMMISSION

October 2, 2007

Dear Pro-Life Colleague:

Recently, we were again asked to support H.B. 288, which would mandate that emergency contraceptives be administered to any woman who presents herself in an emergency health facility as an assault victim. We believe that this is a worthy goal for the General Assembly in assisting women who find themselves in this horrific situation. However, H.B. 288 would also establish a "no exception" mandate that would, in some cases, place religiously based and other health-care facilities in an ethical and moral dilemma that is untenable.

Notwithstanding Rep. Leach's attempt to educate us on Catholic beliefs and teachings, and how the FDA does not really understand what it means on its warning labels about emergency contraceptives, I can assure you that in some cases, albeit a very small percentage, Plan B or other similar drugs or devices are an abortifacient. Consequently, there are some health-care facilities in this Commonwealth that would find it impossible to administer these drugs and still be consistent with their beliefs and convictions.

Therefore, the only possible solution is to include a "religious or conscience" clause in the legislation that would give those who feel strongly about participating in a possible abortion the right to refuse such treatment.

The sponsor has suggested that, under his interpretation, the position of the Catholic Conference of Bishops, the Plan B manufacturer and the FDA's standard requirements for labeling of Plan B prescriptions somehow obviate and refute the need for such an exception. But we would argue strenuously with that contention.

Attached is a response to Rep. Leach's claims, which, for the most part, is self-explanatory. Since the sponsor went to great lengths to point out his interpretation of Canon Law, which he uses to support his position, we thought it important to give the PCC the opportunity to respond.

While this document was prepared by the Pennsylvania Catholic Conference, you may be assured it represents the feelings of all those in the Commonwealth who have strongly held anti-abortion beliefs -- institutions and individuals, Catholics and non-Catholics.

It seems to me that the issue really comes down to this: Are Plan B or other drugs and devices approved by the FDA an abortifacient? I believe that Plan B certainly may be and would be suspect of any law that mandates the use of any future drug without knowing its properties and effects. As you can see, the tests of the Catholic Health System protocols, implemented since 1982, call for a test for pregnancy and a test for the possibility of pregnancy through the use of the ovulation test. The second test can determine where the victim is in her menstrual cycle and whether that would indicate the best chance for an egg to be fertilized. If it is determined by virtue of that test that fertilization might possibly have taken place, then Plan B cannot be used because it will interfere with that fertilized egg being implanted on the uterine wall. The FDA warns that this is a possibility and requires Plan B to be labeled as such.

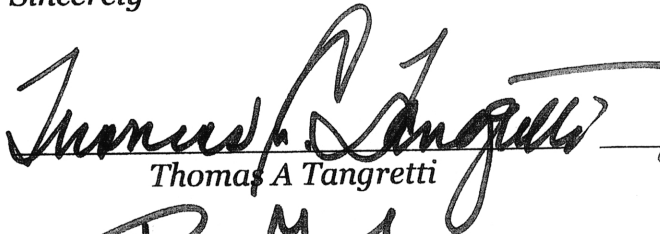
*Many people feel that the very small possibility that Plan B might cause an abortion should not be enough to exempt the other health-care providers from the mandate to provide this drug in sexual assault cases, **but that is not the point**. The important point is that these health-care facilities believe it is enough. Why would we mandate them to do something that is a violation of the basic tenets of their beliefs and teachings? Would it not be analogous to mandating the Amish to modernize their farming methods because we have suffered a great drought and have need for increased farm production? Would it not be analogous to suspending the bris ceremony of the Jewish faith because it has been determined to be performed in an unhealthy and infectious environment? In either case, there may be a legitimate reason for challenging a religious belief or practice, but I don't believe in these cases the legislature would ever take that step.*

We attempted to negotiate compromise language for this legislation in the spring but were unsuccessful. Amendment A01781 represents that compromise and we believe is worthy of our consideration. Please review all the materials provided to you before this vote. I would ask you to reject mandating Plan B and future emergency contraceptives approved by the FDA without ensuring that the mandate includes a conscience clause protecting those

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health-care providers that oppose abortion.

Sincerely



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Jerry Stern

Enclosure:

cc: