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April 19, 2013

The Honorable Eric H. Holder
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Attorney General Holder,

We are writing to you regarding a recent disturbing April 4, 2013, decision by Judge Edward Korman of the U.S. District Court for the Eastern District of New York. The decision orders the FDA to make the morning-after pill, commonly called "Plan B," available over-the-counter to young minor girls without physician or parental involvement.

Currently, the morning after pill is available without a prescription for women ages 17 and older, but a prescription is required for girls age 16 and younger. This policy is based on a 2011 decision by Secretary Sebelius that concluded there is not enough data to ensure it is safe for young girls to have access to this potent cocktail of hormones on pharmacy shelves alongside candy bars and hairspray. We urge you to defend the Administration's reasonable policy in that regard by appealing this egregious example of judicial overreach.

In 2011 President Obama defended Secretary Sebelius' decision saying, "I think it is important for us to make sure that we apply some common sense to various rules when it comes to over-the-counter medicine. And as I understand it, the reason Kathleen made this decision was she could not be confident that a 10-year-old or an 11-year-old go[ing] into a drugstore, should be able -- alongside bubble gum or batteries -- be able to buy a medication that potentially, if not used properly, could end up having an adverse effect. And I think most parents would probably feel the same way."

A cashier in a pharmacy should not replace the role of a doctor and parents. Without the current safeguards, young teenage girls seeking this powerful drug could use it without the knowledge of their parents and physician, the very people who are most familiar with the minor's health needs and history. Because of the important safety concerns and potential lasting health effects this drug can have on little girls, we believe it is essential that the current policy is

retained and young girls continue to have the benefit of the involvement of their parents and doctor.

Therefore we ask that your administration act swiftly to appeal this decision to ensure the health and safety of our children, and that you respond to this letter by April 23, 2013, indicating whether or not the Administration will appeal Judge Edward Korman's decision.

Sincerely,

Bob Goodlatte
Chairman

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Member of Congress

J. Randy Forbes
Member of Congress

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Member of Congress

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