

# Emergency Contraception (EC): Understanding the Law

OVER-THE-COUNTER EMERGENCY CONTRACEPTION PRODUCTS		
PRODUCT	POINT OF SALE REQUIREMENTS & INSURANCE COVERAGE	DIRECTIONS FOR USE
<p><b>Plan B One-Step®</b></p>  <p>≈\$50 out-of-pocket</p> <p><b>My Way™, Take Action™, Next Choice One Dose™, and other generic one-pill levonorgestrel EC products*</b></p>  <p>≈\$40 out-of-pocket</p>	<p><u>NO point of sale restrictions:</u></p> <ul style="list-style-type: none"> <li>- NO age restrictions</li> <li>- NO prescription required</li> <li>- NO sex/gender restrictions</li> </ul> <p>Stock on over-the-counter shelves.</p> <p>Covered by OHP. May be covered by private insurance if prescribed.</p> <p>*Until May 2016, labels for generic products were required to indicate that the product is intended for use by women ≥ 17. These generics are no longer required to reference age on the box, although some packages with older labeling may remain in stock.</p>	<p>Take as soon as possible; may work up to 5 days.</p> <p>May have reduced efficacy if weight &gt;154 pounds.</p>

## PRESCRIPTION EMERGENCY CONTRACEPTION PRODUCTS

<p><b>ella®</b></p>  <p>≈\$50 out-of-pocket</p>	<p>Prescription required for all ages.</p> <p>Covered by OHP. May be covered by private insurance.</p>	<p>Take as soon as possible; effective for 5 days.</p> <p>May have reduced efficacy if weight &gt;193 pounds.</p>
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## CURRENT EC LAW

In 2013, the Food and Drug Administration (FDA) approved Teva's Plan B One-Step®, and its equivalent Take Action, for over-the-counter status. On April 30, 2016, Teva's exclusivity rights expired. Now all generic one-pill levonorgestrel EC products are available for purchase over-the-counter, without any age-specific requirements. This means: NO prescription is required, NO age restrictions, and NO sex/gender restrictions. As of April 2016, two-pill levonorgestrel EC products will no longer be marketed in the U.S. This was the last EC product to have an age restriction. As a result, ALL levonorgestrel EC products may be sold to any person of any age without an ID check.

## USE OF INSURANCE

The Oregon Health Plan (OHP) will cover the cost of prescription EC products and over-the-counter EC products. When dispensing over-the-counter EC products to female customers with OHP, use the dispensing pharmacy's NPI. If prescribed, use the prescriber's NPI. Private health insurance can be used to fill a prescription for EC with no cost-sharing (e.g. copay, deductible) depending on the plan. Be sure to understand your company's policy regarding billing and record-keeping processes.

## BEST PRACTICE RECOMMENDATIONS

- EC may be taken within 5 days of unprotected intercourse, but is most effective when taken within 72 hours.
- Stock over-the-counter EC on store shelves with other OTC items. Placing it directly on the shelf without locked security boxes protects people's privacy and confidentiality.
- Pharmacists should be available to provide consultation on EC whenever possible, but customers have the right to purchase over-the-counter EC products without the presence of a pharmacist.
- If your pharmacy does not stock any over-the-counter EC products, keep a list of local pharmacies and health centers in close proximity when a client requests the medication.
- Review the Oregon Board of Pharmacy's Position Statement on [Considering Moral and Ethical Objections](#) for guidance on developing written policies and procedures that address pharmacists' moral, ethical, and professional responsibilities.
- Pharmacists-in-Charge should review EC dispensing information with all pharmacy staff.

## ADDITIONAL RESOURCES

- [www.Not-2-late.org](http://www.Not-2-late.org): Easy to understand information about EC for providers and patients from the Office of Population Research at Princeton University and by the Association of Reproductive Health Professionals.
- [www.oregon.gov/pharmacy](http://www.oregon.gov/pharmacy): The Oregon Board of Pharmacy's website, with general information for pharmacists.
- [www.211info.org](http://www.211info.org): A non-profit resource center that provides information and referrals to clinics that provide free or low-cost contraception, including EC, statewide.
- <http://bit.ly/oregonecbrochure>: An easy-to-read fact sheet on EC that you can download and print for your customers.

Developed in collaboration by the Oregon Board of Pharmacy, the Oregon Reproductive Health Program, and the Oregon Foundation for Reproductive Health. For more information, please contact 971-673-0355.

