

Put Prevention First

SUPPORT Birth Control Protection Act HB1071

The Problem: The Code of Virginia does not distinguish between FDA-approved methods of contraception and abortion. In the absence of a statutory definition, there have been attempts to blur the lines between contraception and abortion, as well as limit access to family planning services under the code section relating to abortion.

- In 2002, the Virginia House of Delegates passed HB 563, which would limit access to “any birth-control pill or other medicine for the purpose of performing an abortion.”
- In 2003, the Board of Visitors of James Madison University voted to stop dispensing emergency contraception on campus at the insistence of currently sitting members of the House and State Senate by characterizing the FDA-approved contraceptive method as “abortion” (*Associated Press*, 4/19/03).
- In 2003, the Virginia House of Delegates passed HB 1741, a measure that presumably enabled any Virginia “pharmacist” to refuse “dispensing any medication prescribed for the purpose of performing an abortion.” This measure targeted contraceptives since abortion medications are not dispensed at pharmacies and can only be administered by a licensed medical clinician.
- In 2007, HB 2797 was introduced to define human life as beginning at “the moment of fertilization,” which threatens access to many FDA-approved methods of contraception.

The Solution: Amend § 54.1-2900 of the Code of Virginia to include definition of birth control: *"Birth control" means contraceptive methods that are approved by the U.S. Food and Drug Administration. Birth control shall not be considered abortion for the purposes of Title 18.2.*

Contraception is basic health care for women and reduces the need for abortion.

- Ninety-eight percent of sexually active women between the ages of 15-44 have used at least one contraceptive method.¹
- In Virginia, there are over 846,000 sexually active women of reproductive age who do not want to become pregnant but could if access to family planning services are restricted.²
- The best way to prevent unintended pregnancies among sexually active men and women is to ensure access to contraceptive services.

Federal law and accepted medical definition distinguish between abortion and contraception.

- Federal law differentiates between abortion and contraception, defined as “drugs or devices to prevent implantation of the fertilized ovum.”
- The American College of Obstetricians and Gynecologists states that, “the primary contraceptive effect of all the non-barrier methods, including emergency use of contraceptive pills, is to prevent ovulation and/or fertilization. Additional contraceptive actions for all of these also may affect the process beyond fertilization but prior to pregnancy.”
- The American Medical Association states that hormonal contraception that may affect implantation “cannot terminate an established pregnancy.”

¹ Mosher WD et al., Use of contraception and use of family planning services in the United States: 1982-2002, *Advance Data from Vital and Health Statistics*, No. 350. 2004.

² Guttmacher Institute, *Contraceptive Needs and Services, 2001-2004*. (<http://www.guttmacher.org/pubs/win/index.html>)