

**THE COUNCIL OF
THE CITY OF NEW YORK**

**Hon. Gifford Miller
Speaker**



A STAFF REPORT TO

**THE COMMITTEE ON
OVERSIGHT AND
INVESTIGATIONS**

**Hon. Eric Gioia
Chair**

**THE COMMITTEE
ON HEALTH**

**Hon. Christine Quinn
Chair**

FEBRUARY 2004

Emergency Contraception:

Available at your pharmacy *yet?*



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HON. GIFFORD MILLER
SPEAKER

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EXECUTIVE SUMMARY

Nearly two years after the New York City Council's first investigation into the availability of emergency contraception (EC) in New York City, a woman's reproductive rights are inappropriately still linked to geography. This New York City Council Investigation Division (CID) investigation finds that at least 25% of pharmacies surveyed citywide are still not stocking EC, and that pharmacies in some boroughs are still significantly less likely to carry EC than in other boroughs. Unfortunately, a woman's ability to easily access EC still relies in part on what borough she is in. Very simply, a woman's ability to exercise her reproductive rights should not depend on what side of the Queensboro Bridge she is on.

Further, CID's investigation shows that 100% of pharmacies that do not stock EC are not complying with Local Law 25 of 2003, which requires pharmacies post a sign notifying customers that they do not carry EC. Local Law 25 amended Title 20 of the New York City Administrative Code, which is enforced by the Department of Consumer Affairs (DCA).ⁱ DCA is now required to enforce the EC signage law in pharmacies. Despite this startling refusal to obey the law, the DCA did not report issuing a single citation for violations of Local Law 25 in the Preliminary Mayor's Management Report for Fiscal Year 2004.ⁱⁱ

Emergency contraception (EC) is a back-up birth control method that can prevent pregnancy after unprotected intercourse or contraceptive failure. It is often used for survivors of sexual assault as a safe and effective method to prevent unwanted pregnancy. EC is provided most

ⁱ The New York City Department of Consumer Affairs does not otherwise license or regulate pharmacies.

often through the use of emergency contraceptive pills (ECPs).ⁱⁱⁱ ECPs are physician-prescribed high-dose birth control pills that were approved by the United States Food and Drug Administration (FDA) in 1997 as a safe and effective method for preventing pregnancy.^{iv} When administered in the first 72 hours after unprotected intercourse, ECPs can reduce the risk of pregnancy by as much as 89 percent.^v

Studies estimate that ECPs could prevent as many as half of the three million unintended pregnancies that occur every year in the United States, and up to 700,000 abortions every year.^{vi,vii} There are currently two brands of dedicated ECPs on the United States market (Preven and Plan B). The FDA is currently considering whether to allow the sale of Plan B over the counter, while pending legislation in the New York State legislature would make it available without a physician's prescription.

REPORT FINDINGS

While 20% more pharmacies citywide are carrying EC now than did in CID's initial investigation in 2002, none of the pharmacies that did not carry EC complied with Local Law 25. Passed over the Mayor's veto in April 2003, Local Law 25 was intended to help women begin an EC regimen in a timely manner and to allow women to preserve their privacy

ⁱⁱ Fiscal Year 2004 Preliminary Mayor's Management Report (PMMR), 145-7; and PMMR Supplementary Indicator Tables, 96-7. Local Law 25 amended Title 20 of the New York City Administrative Code, which is enforced by the Department of Consumer Affairs.

ⁱⁱⁱ National Abortion and Reproductive Rights Action League (NARAL), "Emergency Contraception: An Important and Underutilized Contraceptive Option." (December 18, 2001).

^{iv} United States Food and Drug Administration (FDA), "Prescription Drug Products: Certain Combined Oral Contraceptives for Use as Postcoital Emergency Contraception," *Federal Register*, 62 (37), 8609-8612. (1997).

^v National Family Planning & Reproductive Health Association. (2/12/2001). "Emergency Contraception is Just That, Contraception!"

^{vi} FDA, "Prescription Drug Products: Certain Combined Oral Contraceptives for Use as Postcoital Emergency Contraception", *Federal Register*, 62 (37), 8609-8612. (1997).

^{vii} Henshaw, S.K., Unintended Pregnancy in the United States, *Family Planning Perspectives*, 30 (1) p. 24-29 & 46. (1998).

by not having to ask aloud and in public whether a pharmacy carries ECPs.

To assess the availability of ECPs in New York City pharmacies, CID conducted a telephone survey of 195 pharmacies randomly selected from all five boroughs. For those pharmacies that reported not carrying either brand of ECPs, investigators followed up with a visit to the pharmacy to check whether the sign mandated by Local Law 25 was posted. The investigation was conducted between January 29 and February 4, 2004.

Highlights of the investigation's findings include:

- 147 of the 195 (75%) pharmacies surveyed carried EC.
- 48 of the 195 (25%) pharmacies surveyed did not carry EC.
- Of the 48 pharmacies that reported that they did not stock EC, none (0%) had a sign posted indicating this.

Of the 48 pharmacies that did not carry EC:

- 31% were chain pharmacies.
- 69% were independently owned pharmacies.

Breakdown by borough is as follows:

- 87% pharmacies surveyed in Manhattan carried EC.
- 80% pharmacies surveyed in Brooklyn carried EC.
- 80% pharmacies surveyed in Staten Island carried EC.
- 68% pharmacies surveyed in the Bronx carried EC.
- 58% pharmacies surveyed in Queens carried EC.

Investigators similarly surveyed the 74 pharmacies that reported not carrying EC in CID's 2002 investigation. The following are results from the follow-up:

- Two of the 74 pharmacies no longer existed.
- 51 of the 72 (71%) pharmacies surveyed now carry EC.
- 21 of the 72 (29%) pharmacies still do not carry EC.
- Of the pharmacies that did not carry EC, none (0%) had signs posted indicating so.

Since CID's 2002 investigation, more pharmacies are carrying EC.

- 55% of pharmacies in 2002 carried EC, while 75% of pharmacies carried EC in 2004.
- A comparison of chain pharmacies in 2002 versus 2004 shows an increase (15%) in the number of chain pharmacies that provide EC.
- A comparison of independent pharmacies in 2002 versus 2004 shows an increase (23%) in the number of independent pharmacies that provide EC.

Given these findings, the City Council has developed a series of recommendations to ensure broad access to emergency contraception and to increase compliance with Local Law 25 in pharmacies citywide:

- **DCA must enforce the signage requirement of Local Law 25.**
- **FDA should approve Plan B for over the counter sale.**
- **Pass Resolution 92, introduced by CM Yassky, calling on the FDA to approve Plan B's sale over the counter.**
- **Pass a resolution in support of NYS Assembly Bill 888 to allow sales of EC in New York State without a physician's prescription. The NYS Senate should immediately pass their version of this bill (Bill # 3339).**
- **Large drugstore chains should develop and implement a uniform policy with respect to the sale of ECPs.**
- **The New York City Pharmacists Society should work with the City Council to educate its members about Local Law 25 and the**

importance of carrying EC. There should be a particular emphasis on independently owned pharmacies, in an effort to assist small businesses.

- **The Department of Small Business Services should launch an education campaign to educate pharmacists about Local Law 25, again with a particular emphasis on independently owned pharmacies.**
- **Consider mandating that DCA report to the City Council on its Local Law 25-related enforcement efforts.**

BACKGROUND

Emergency contraception (EC) is a back-up birth control method that can prevent pregnancy after unprotected intercourse or contraceptive failure. It is often used for survivors of sexual assault as a safe and effective method to prevent unwanted pregnancy. EC is provided most often through the use of emergency contraceptive pills (ECPs).¹ ECPs were approved by the Food and Drug Administration (FDA) in 1997 as a safe and effective method for preventing pregnancy.²

ECPs are physician-prescribed high-dose birth control pills that are administered in two doses, the first as soon as possible within 72 hours following unprotected intercourse or contraceptive failure, the second 12 hours later. If taken within the recommended 72 hours, this regimen reduces the risk of pregnancy by as much as 89 percent,³ and is more effective the earlier it is initiated.⁴ ECPs prevent pregnancy by delaying or inhibiting ovulation, interfering with fertilization, or preventing implantation.⁵ ECPs *do not* cause abortion; medical science and legal convention recognize that pregnancy begins only after a fertilized egg is implanted in the uterus.⁶ Furthermore, ECPs have no effect on an established pregnancy, and should not be confused with mifepristone (RU-486).⁷ The FDA reported that “combined oral contraceptives

¹ National Abortion and Reproductive Rights Action League (NARAL), “Emergency Contraception: An Important and Underutilized Contraceptive Option.” (December 18, 2001).

² United States Food and Drug Administration (FDA), “Prescription Drug Products: Certain Combined Oral Contraceptives for Use as Postcoital Emergency Contraception,” *Federal Register*, 62 (37), 8609-8612. (1997).

³ National Family Planning & Reproductive Health Association [hereinafter NFPRHA], “Emergency Contraception is Just That, Contraception!” (February 12, 2001).

⁴ *Ibid.*

⁵ *Ibid.*

⁶ The Center for Reproductive Law and Policy, “The Facts: Emergency Contraceptive Pills (ECPs): A Safe and Effective Way to Prevent Unplanned Pregnancy.” (April 2001).

⁷ NFPRHA.

inadvertently taken early in pregnancy have not shown that the drugs have an adverse effect on the fetus.”⁸

There are currently two dedicated ECP products on the U.S. market: Preven and Plan B. Preven contains the hormones estrogen and progestin, where Plan B is a progestin-only regimen with a slightly higher rate of pregnancy prevention.⁹ There are no known serious side effects associated with either method, though a small number of women report some nausea and vomiting;¹⁰ both currently require a prescription. California and Washington State have developed legal mechanisms whereby pharmacists and physicians can enter into agreements under which a physician can grant a pharmacist the authority to write prescriptions for ECPs based on a set of prescribing protocols. Preliminary results from Washington State indicate that the program has been a success.¹¹

Trends at the federal, state and local level seem to reflect a growing consensus that ECPs should be more readily available. Two advisory committees to the FDA recently voted to recommend that Plan B be made available over the counter rather than by prescription only;¹² the FDA is expected to declare its position on the matter on or about February 20, 2004. Some Council Members have expressed their support for this change; Resolution 92 in the New York City Council urges the FDA to allow Plan B to be sold over the counter.¹³ Meanwhile, the New York

⁸ FDA, “Prescription Drug Products: Certain Combined Oral Contraceptives for Use as Postcoital Emergency Contraception,” *Federal Register*, 62 (37), 8609-8612. (1997).

⁹ Henry J. Kaiser Family Foundation (hereinafter Kaiser), “Emergency Contraception.” (November 2000).

¹⁰ *Ibid.*

¹¹ Downing, D., *et al.*, “Using Pharmacies in Washington State to Expand Access to Emergency Contraception,” *Family Planning Perspectives*, 30 (6). (1998).

¹² Kolata, Gina. “A Contraceptive Clears a Hurdle to Wider Access.” *The New York Times*. 17 Dec 2003, A1.

¹³ For the full text of the resolution, see Appendix F.

State Assembly has passed a bill that would allow Plan B to be sold without a physician's prescription in New York State.¹⁴ Companion bill S 3339 is pending in the New York State Senate.

Experts estimate that approximately 3 million unintended pregnancies occur each year in the United States.¹⁵ Of those, more than half end in abortion.¹⁶ ECPs could prevent as many as 1.5 million of those unintended pregnancies and up to 700,000 abortions every year.¹⁷

Despite the potential of ECPs to drastically reduce the rate of unintended pregnancy and abortion, they are not widely used in the United States. Indeed, ECPs remain underutilized in most countries outside Europe.¹⁸ Barriers to the use of ECPs include ignorance of their existence—among women¹⁹ and pharmacists²⁰ alike—as well as a failure by health care providers to discuss ECPs with their female patients.²¹

A recent study by the Henry J. Kaiser Family Foundation reports that one in four calls to a national Emergency Contraception Hotline did not result in a prescription within 72 hours.²² Additionally, *The Nation* has reported that an additional barrier to a woman's access to and use of

¹⁴ Santora, Marc, "Morning-After' Pill May Be Sold Over the Counter, Assembly Says." *The New York Times*. 3 Feb 2004, B5. (A federal rule change would obviate the need for State legislation.)

¹⁵ Henshaw, S.K., Unintended Pregnancy in the United States, *Family Planning Perspectives*, 30 (1) p. 24-29 & 46. (1998).

¹⁶ *Ibid*, p. 24-29, 46.

¹⁷ Trussel, J., *et al.*, "Emergency Contraceptive Pills: A Simple Proposal to Reduce Unintended Pregnancies," *Family Planning Perspectives*, (24) p. 269-273. (1992).

¹⁸ Westley, E., "Emergency Contraception: A Global Overview," *Journal of the American Medical Women's Association*, vol. 53, no. 5. (Fall 1998).

¹⁹ Henry J. Kaiser Family Foundation, "National Surveys of Americans and Health Care Providers on Emergency Contraception." (1997).

²⁰ Planned Parenthood of New York City, Inc, "Emergency Contraception: Do Pharmacists Know About This Important Method to Prevent Pregnancy?" (1999).

²¹ Kaiser 1997.

²² Henry J. Kaiser Family Foundation, "Fact Sheet: Emergency Contraception." (June 2003).

ECPs may be the refusal of some pharmacies to stock ECPs and/or some pharmacists' refusal to dispense the medication.²³

A 2002 investigation conducted by the New York City Council Investigation Division (CID) found that only 55% of pharmacies in New York City regularly stocked ECPs (either Preven or Plan B). The availability of ECPs on pharmacy shelves is crucial to women seeking ways to avoid unintended pregnancy, and ultimately, may help to lower the incidence of abortion in New York City.

2002 Investigative Findings

In July 2002, investigators conducted a telephone survey of 170 pharmacies citywide and found:

- Only 55% of all pharmacies carried at least one brand of ECPs.
- Almost 30% of all pharmacies did not carry any brand of emergency contraceptive pills (ECPs).
- Among the five boroughs, there were wide discrepancies in the proportion of pharmacies carrying ECPs:
 - Manhattan: 68%
 - Bronx: 63%
 - Brooklyn: 60%
 - Staten Island: 47%
 - Queens: 37%
- Sixty-two percent (62%) of chain pharmacies carried at least one brand of ECPs, whereas only 52% of independent pharmacies carried at least one brand.
- Sixteen percent (16%) of all pharmacies offered to order the drug for a later pickup. While this finding evidences some willingness

²³ Pollitt, Katha, "Join the EC E-mail Campaign," *The Nation*. (September 16, 2002).

among these pharmacists to fill prescriptions for ECPs, the time sensitivity of the treatment makes this an inadequate option.

CID sent letters to all the pharmacies that did not carry ECPs urging them to do so.²⁴

²⁴ Sample letters attached as Appendices D and E.

Legislative Remedies

Given the results of CID's investigation, the New York City Council passed a set of three bills in 2003 to expand women's access to emergency contraception and help save them valuable time.

Local Law 25 of 2003 requires that pharmacies that do not carry EC post a sign indicating that EC is not sold there. This law amended Title 20 of the New York City Administrative Code, which is enforced by the Department of Consumer Affairs (DCA).²⁵ DCA is now required to enforce the EC signage law in pharmacies. Passed by the City Council on April 9, 2003 over Mayor Bloomberg's veto, Local Law 25 went into effect June 9, 2003. The Preliminary Mayor's Management Report for Fiscal Year 2004 does not indicate that DCA has issued any citations for violations of this law.²⁶

Given how important it is to begin an EC regimen in a timely manner, this legislation is intended to make it easier and quicker for women to identify where they can have their EC prescription filled. It allows women to do this without compromising their privacy by having to ask aloud and in public whether a pharmacy carries ECPs.

Following up on the results of CID's 2002 investigation and subsequent legislation, this investigation assesses the availability of ECPs in New York City pharmacies and examines compliance with Local Law 25 of 2003.

²⁵ The New York City Department of Consumer Affairs does not otherwise license or regulate pharmacies.

²⁶ Fiscal Year 2004 Preliminary Mayor's Management Report (PMMR), 145-7; and PMMR Supplementary Indicator Tables, 96-7.

METHODOLOGY

Between January 29, 2004 and February 3, 2004, investigators conducted a telephone survey of 195 randomly selected pharmacies throughout NYC, or ten percent of the total number of pharmacies within each borough.²⁷

Each pharmacy was telephoned on a weekday (Monday through Friday), between the hours of 9am and 7pm. Investigators told the pharmacists that they had one prescription for Plan B and one prescription for Preven, and asked whether the pharmacist could fill either prescription. Investigators recorded the responses for each pharmacy. Investigators then visited those pharmacies that reported they did not stock EC to determine whether they posted the sign mandated by Local Law 25.

Investigators also conducted a telephone survey on February 3 and 4, 2004 to recheck the 74 pharmacies found not to carry EC in CID's 2002 investigation. Investigators then visited those pharmacies that reported they still did not stock EC to determine whether they posted the sign mandated by Local Law 25.

²⁷ According to Verizon's Superpages (<http://www.superpages.com>), there are a total of 1,953 pharmacies in New York City.

FINDINGS

The general findings from the investigation are as follows:

- 147 of the 195 (75%) pharmacies surveyed carried EC.
- 48 of the 195 (25%) pharmacies surveyed did not carry EC.
- Of the 48 pharmacies that reported that they did not stock EC, none (0%) had a sign posted indicating this.

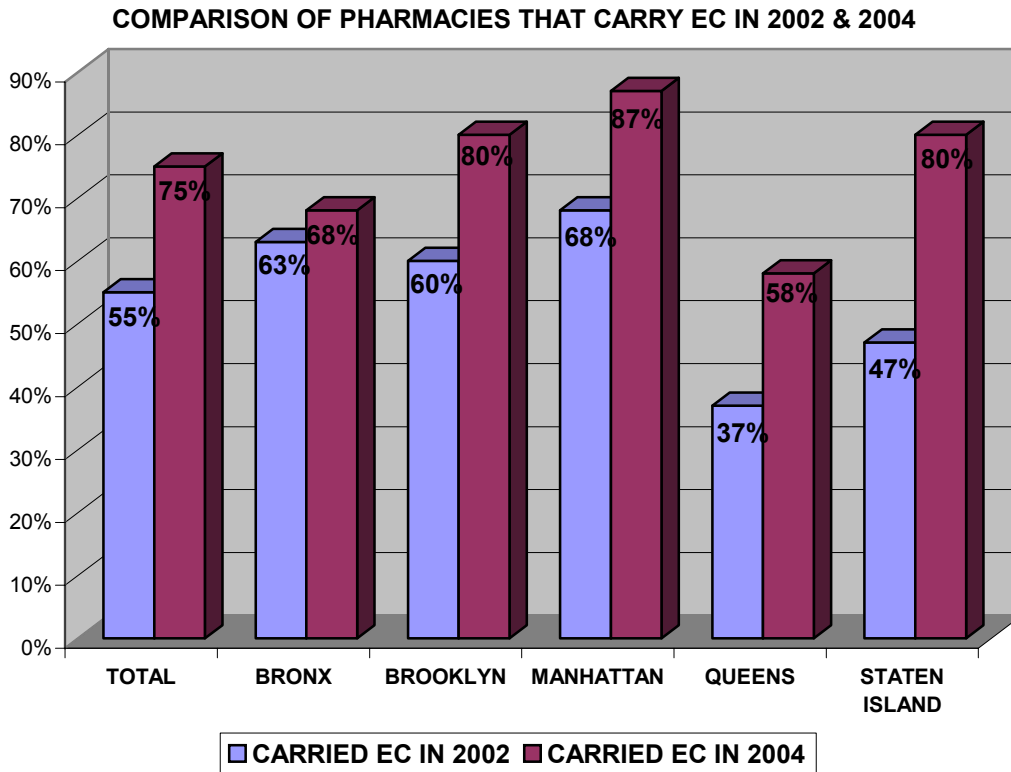
Of the 48 pharmacies that did not carry EC:

- 31% were chain pharmacies.
- 69% were independently owned pharmacies.

Since CID's 2002 investigation, more pharmacies are carrying EC.

- 55% of pharmacies in 2002 carried EC, while 75% of pharmacies carried EC in 2004.

The following chart compares the findings of CID's 2002 investigation with the current one by borough.



The following are results from the 2004 investigation, broken down by borough:

The Bronx

- 17 of the 25 (68%) pharmacies surveyed in the Bronx carried EC.
- 8 of the 25 (32%) pharmacies surveyed in the Bronx did not carry EC.

Brooklyn

- 49 of the 61 (80%) pharmacies surveyed in Brooklyn carried EC.
- 12 of the 61 (20%) pharmacies surveyed in Brooklyn did not carry EC.

Manhattan

- 47 of the 54 (87%) pharmacies surveyed in Manhattan carried EC.
- 7 of the 54 (13%) pharmacies surveyed in Manhattan did not carry EC.

Queens

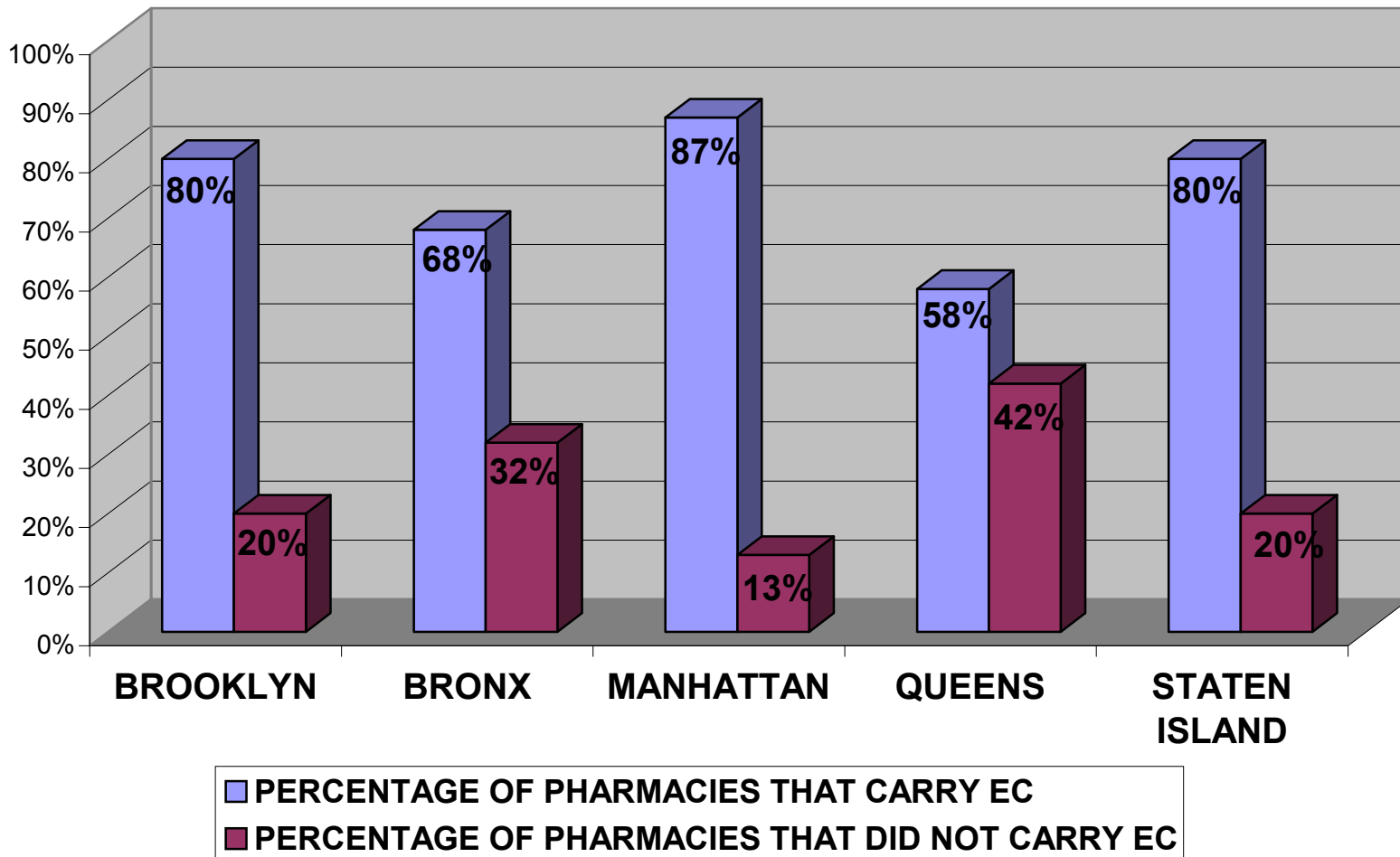
- 26 of the 45 (58%) pharmacies surveyed in Queens carried EC.
- 19 of the 45 (42%) pharmacies surveyed in Queens did not carry EC.

Staten Island

- 8 of the 10 (80%) pharmacies surveyed in Staten Island carried EC.
- 2 of the 10 (20%) pharmacies surveyed in Staten Island did not carry EC.

The chart below illustrates these findings.

PHARMACY FINDINGS BY BOROUGH



CHAIN PHARMACIES VS. INDEPENDENT PHARMACIES

Chain pharmacies were slightly (2%) more likely to carry EC than independent pharmacies.

- Of the chain pharmacies, 77% carried EC and 23% did not carry EC.
- Of the independent pharmacies, 75% carried EC and 25% did not carry EC.

A comparison of chain pharmacies in 2002 versus 2004 shows an increase (15%) in the number of chain pharmacies that provide EC:

- In 2002, 62% of chain pharmacies carried EC and 38% did not.
- In 2004, 77% of chain pharmacies carried EC and 23% did not.

A comparison of independent pharmacies in 2002 versus 2004 shows an increase (23%) in the number of independent pharmacies that provide EC:

- In 2002, 52% of independent pharmacies carried EC and 48% did not.
- In 2004, 75% of the independent pharmacies carried EC and 25% did not.

Follow-Up From 2002 Survey

The following are results from the follow-up visits to the 74 pharmacies that did not carry EC in the 2002 investigation:

- Two of the 74 pharmacies no longer exist.
- 51 of the 72 (71%) pharmacies surveyed now carry EC.
- 21 of the 72 (29%) pharmacies still do not carry EC.
- Of the pharmacies that did not carry EC, none (0%) had signs posted indicating so.

The following are results broken down by borough:

Brooklyn

- 64% (7) of the pharmacies now carry EC.
- 36% (4) of the pharmacies still do not carry EC.

The Bronx

- 82% (9) of the pharmacies now carry EC.
- 18% (2) of the pharmacies still do not carry EC.

Manhattan

- 94% (15) of the pharmacies now carry EC.
- 6% (1) of the pharmacies still do not carry EC.

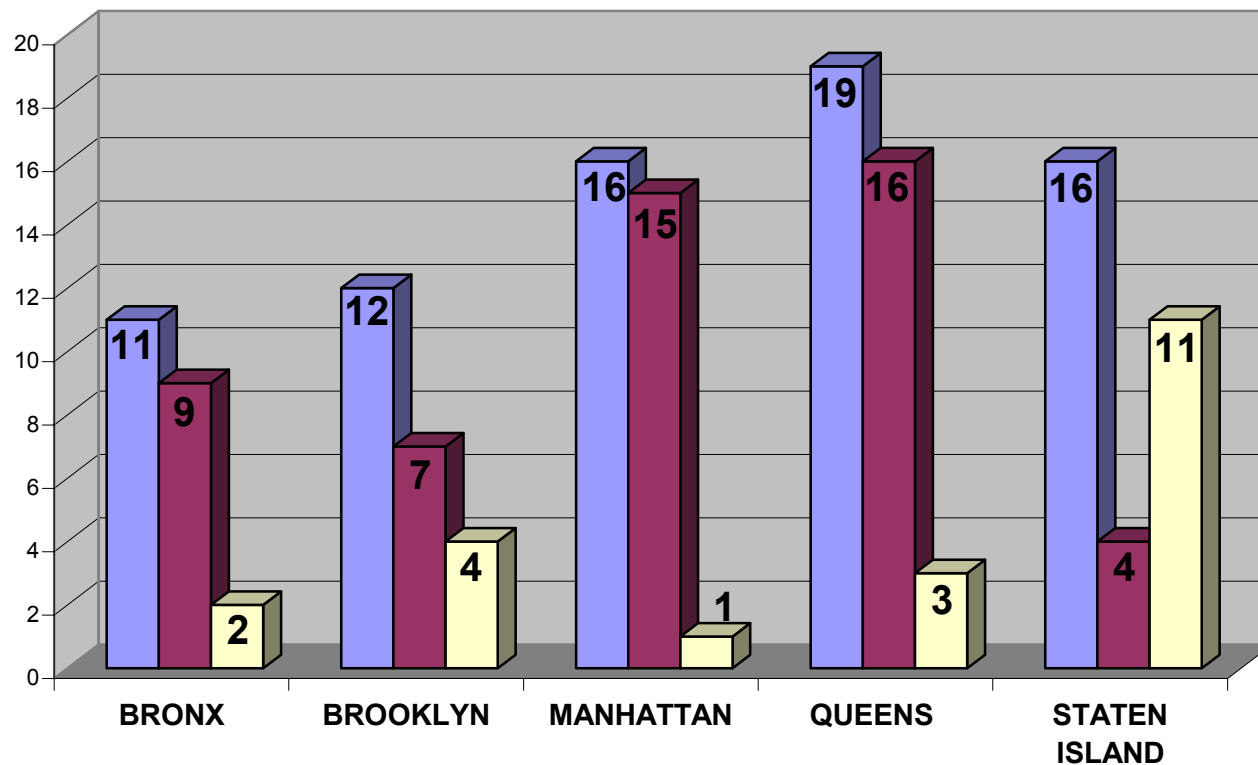
Queens

- 84% (16) of the pharmacies now carry EC.
- 16% (3) of the pharmacies still do not carry EC.

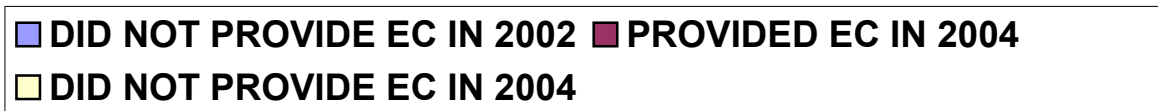
Staten Island

- 29% (4) of the pharmacies now carry EC.
- 71% (11) of the pharmacies still do not carry EC.

2002 vs. 2004 INVESTIGATION



*CID could not contact 1 pharmacy in Brooklyn and 1 pharmacy in Staten Island



CONCLUSION

Nearly two years after our first investigation into EC availability in New York City, a woman's ability to easily access emergency contraception still relies in part on what borough she is in. While 20% more pharmacies citywide are carrying EC now than did in CID's initial investigation, pharmacies in some boroughs are still significantly less likely to carry EC than in others. Queens, especially, continues to lag behind, with barely more than half (58%) of pharmacies carrying EC. A woman's ability to exercise her reproductive rights should not depend on what side of the Queensboro Bridge she is on.

Moreover, compliance with Local Law 25 is effectively nonexistent. Of the 69 pharmacies that reported that they did not have any form of ECP in stock,²⁸ not a single one posted a sign to let consumers know.

A law cannot be effective where there is no will to enforce it. The Mayor's opposition to this legislation, made manifest in his veto, does not release DCA from its Council-imposed legal obligation to enforce it. Nearly eight months since Local Law 25 went into effect, our results suggest that there has been no enforcement—not a single pharmacy that did not carry EC posted a sign to that effect, and according to the Preliminary Mayor's Management Report, DCA has not reported the issuance of a single citation for violations. This is a troubling state of affairs that needs to be addressed immediately. A woman with an EC prescription needs to be able to fill that prescription quickly and conveniently, without compromising her privacy.

²⁸ This reflects the total number of pharmacies surveyed that did not carry EC: 48 of the 195 randomly selected pharmacies, and 21 of the 74 pharmacies that did not carry ECPs in 2002.

Increased outreach to pharmacies is also clearly in order. The pharmacies found not to stock EC in 2002 were sent a letter urging them to carry EC and informing them about the importance of EC availability. When surveyed in this investigation, most of these pharmacies (71%) were found now to carry at least one form of EC. This is encouraging. Broader outreach efforts to educate pharmacists about EC and about Local Law 25 could be expected to garner similarly positive results.

The FDA may soon make it possible for all women in America to be able to access EC over the counter. Without doubt, the potential decrease in abortions and unwanted pregnancies is positive, and the City Council should support this change. The need for Local Law 25, however, is not diminished, and both independently-owned and chain drugstores that do not stock emergency contraception should still make that known to their customers.

RECOMMENDATIONS

In order to ensure broad access to emergency contraception in pharmacies citywide, CID recommends the following:

- **DCA must enforce the signage requirement of Local Law 25.**

Not a single pharmacy that did not carry ECPs actually posted a sign to that effect, as Local Law 25 mandates. A woman in need of ECPs cannot spare the time to find this out for herself. As the agency charged with the law's enforcement, DCA must enforce this law vigorously and proactively.

- **FDA should approve Plan B for over the counter sale.**

The FDA should approve Plan B for over the counter sale on or about February 20, 2004 as the two advisory committees have recommended. It should be possible for all women in America to be able to access EC over the counter.

- **Pass Resolution 92, introduced by CM Yasskey, calling on the FDA to approve Plan B's sale over the counter.**

The deadline is approaching for the FDA to render its decision on whether Plan B can be sold over the counter. As the lawmaking body of the largest city in the nation, the New York City Council should make its support known by passing Resolution 92.

- **Pass a resolution in support of NYS Assembly Bill 888 to allow sales of EC in New York State without a physician’s prescription. The NYS Senate should immediately pass their version of this bill (Bill # 3339).**

The New York City Council should support efforts in the Assembly to allow over-the-counter sales of EC in New York—particularly if the FDA does not decide to make this change nationwide.

- **Large drugstore chains should develop and implement a uniform policy with respect to the sale of ECPs.**

This investigation found that chain pharmacies did not consistently stock (or not stock) ECPs. As large corporations with the power to set policies for their retail outlets nationwide, the large drugstore chains—CVS, Duane Reade, Rite Aid, Eckerd and others—should adopt uniform policies to stock and sell ECPs.

- **The New York City Pharmacists Society should work with the City Council to educate its members about Local Law 25 and the importance of carrying EC. There should be a particular emphasis on independently owned pharmacies, in an effort to assist small businesses.**

The City Council will be writing to this trade association to urge it to educate its members about Local Law 25 and the importance of stocking EC.

- **The Department of Small Business Services should launch an education campaign to educate pharmacists about Local Law 25, again with a particular emphasis on independently owned pharmacies.**

As part of its mission to provide support and other services to small businesses throughout New York City, the Department of Small Business Services should conduct outreach to pharmacies to increase awareness of Local Law 25.

- **Consider mandating that DCA report to the City Council on its Local Law 25-related enforcement efforts.**

As Local Law 25 has been in effect for less than one year, the City Council should assess compliance among pharmacies and DCA's current enforcement efforts, and consider whether legislatively mandated reports to the City Council would be appropriate.

APPENDIX A:
Pharmacies Surveyed in 2004
Investigation

PHARMACY	ADDRESS	CITY	ZIP	PHONE NUMBER	CARRIES EC
1 A&O Chemist Limited	255 East Gun Hill Road	Bx	10467	(718) 654-1685	Y
2 Castle Hill Community Pharmacy	700 Castle Hill Ave	Bx	10473	319-8200	Y
3 CVS/Pharmacy	224 E 161st Street	Bx	10451	588-5964	N
4 Drug Depot Corporation	619 East 169th Street	Bx	10456	620-9000	Y
5 East Tremont pharmacy Inc	2026 Boston Road	Bx	10460	861-0382	Y
6 Genovese/Eckerd Drug Stores Inc	1710 Crosby Ave	Bx	10461	918-2459	N
7 J&N Pharmacy	1220 Morris Ave	Bx	10456	293-2233	Y
8 Leff Prescription CNTR	70 East 161st Street	Bx	10451	665-1163	Y
9 M H N RX Melrose Inc	730 Courtlandt Ave	Bx	10451	292-5572	N
10 Nisar Pharmacy Inc	229 East 149th Street	Bx	10451	402-9104	N
11 Recetas Pharmacy	113 East 183rd Street	Bx	10453	833-9330	Y
12 Rite Aid	3480 Jerome Ave	Bx	10467	231-2609	N
13 Rite Aid	950-960 Southern Blvd	Bx	10459	725-9543	Y
14 Rite Aid Express 1 Hour Photo	49 West Fordham Rd	Bx	10468	733-3808	Y
15 Sedwick Pharmacy Inc	3887 Sedgwick Ave	Bx	10463	543-3116	Y
16 Story Pharmacy Inc	915 Castle Hill Ave	Bx	10473	892-9642	N
17 TU Farmacia	553 Southern Blvd	Bx	10455	292-8513	Y
18 Village Pharmacy	4158 White Plains Rd	Bx	10466	231-4922	Y
19 Westchester Pharmacy	1780 Westchester Av	Bx	10472	829-2348	Y
20 2702 3 av Pharmacy Inc	2702 3 Ave	Bx	10454	665-1410	N
21 B&P Pharmacy	811 southern Blvd	Bx	10459	542-3328	N
22 Bru-Len Drugs Inc	774 Allerton Ave	Bx	10467	652-1363	Y
23 D J Drugs Inc	3741 Riverdale Ave	Bx	10463	549-6709	Y
24 J & K Pharmacy	440 East 138th Street	Bx	10451	401-7375	Y
25 Duane Reade Drugs	190 West 231st Street	Bx	10463	884-7891	Y
				Sub Total	17
				Percentages	68%
					8
					32%
					100%

	PHARMACY	ADDRESS	CITY	ZIP	PHONE NUMBER	CARRIES EC	
1	Greenfield Pharmacy	1526 Crliyu Rd	Bklyn	11226	282-7660	Y	
2	Aaushadh Pharmacy	4615 5th Avenue	Bklyn	11220	972-2780	Y	
3	Adelphi Drug Store	3550 Fulton St	Bklyn	11208	827-9034	Y	N
4	All AMER Druggist	1101 Brighton Beach Ave	Bklyn	11235	891-2801	Y	
5	American Pharmacy Inc.	5524 8th Ave	Bklyn	11220	686-1688	Y	
6	Anwar Rashid Corporation	529 Marcy Ave	Bklyn	11206	384-5917	Y	N
7	Antelis Pharmacy Inc	1313 East 15th Street	Bklyn	11230	339-4483	Y	N
8	Apple Drugs	376 Kingston Avenue	Bklyn	11213	467-6700	Y	
9	Ashland Pharmacy	123 DeKalb Ave	Bklyn	11217	834-9884	Y	
10	Avex Chemists	319 Avenue X	Bklyn	11223	375-3700	Y	
11	Ballard Pharmacy Prescriptions	226 Prospect Park West	Bklyn	11215	768-1325	Y	
12	Bay Parkway Pharmacy	7124 Bay Parkway	Bklyn	11204	236-3274	Y	
13	Behrens Pharmacy	231 Dekalb Ave	Bklyn	11205	638-4350	Y	
14	Best Care Pharmacy & Surgical Supplies	8510 3rd Ave	Bklyn	11209	680-9855	Y	
15	Pharmacy x-press	274 Brighton Beach Ave	Bklyn	11235	648-0002	Y	
16	Canarsie Plaza Pharmacy	8707 Flatlands Ave	Bklyn	11236	257-2344	Y	
17	Center Pharmacy	5423 2nd Ave	Bklyn	11220	439-4879	Y	
18	City Drugs Inc	422 Church Ave	Bklyn	11218	686-2727	Y	
19	County Pharmacy	580 Nostrand Ave	Bklyn	11216	783-1143	Y	
20	CVS Pharmacy	6702 Fort Hamilton Prkwy	Bklyn	11219	238-8546	Y	
21	CVS Pharmacy	10204 Flatlands Ave	Bklyn	11236	257-1099	Y	
22	CVS Pharmacy	2120 Rockaway Prkwy	Bklyn	11236	251-1400	Y	
23	CVS Pharmacy	4901 Kings Hwy	Bklyn	11234	252-3790	Y	
24	Ditmas Pharmacy Corporation	509 Ditmas Ave	Bklyn	11218	675-0055	Y	
25	Drug City Pharmacy	6705 18th Ave	Bklyn	11204	331-7070	Y	
26	Duane Reade	6717 4th av	Bklyn	11220	921-9302	Y	
27	Duane Reade	1401 Kings Highway	Bklyn	11229	627-9199	Y	
28	Echo Drugs	260 Broadway	Bklyn	11211	782-3030	Y	N
29	Eve Pharmacy	2836 Coney Island Ave	Bklyn	11235	743-8585	Y	N
30	Farmacia Tonais Inc	182 Graham Ave	Bklyn	11206	963-0004	Y	
31	Gardner's Pharmacy Inc	371 Broadway	Bklyn	11211	384-7509	Y	N
32	Gristedes Pharmacy Inc	101 Clark	Bklyn	11201	624-1871	Y	
33	Health Max Pharmacy	5313 5th Ave	Bklyn	11220	567-8000	Y	
34	Images Pharmacy	1383 Bushwick Ave	Bklyn	11207	455-5065	Y	

2004 INVESTIGATION

PHARMACIES SURVEYED

BROOKLYN

35	Kings Pharmacy	241 Bedford Ave	Bklyn	11211 782-1000	Y			
36	Ludwig's Drug Store	805 Washington Ave	Bklyn	11238 636-5655	Y			
37	Maiman's Pharmacy	821 Franklin Ave	Bklyn	11225 467-5600		N		N
38	Marino Pharmacy	167 Wyckoff Avenue	Bklyn	11237 497-3104	Y			
39	Mbg Pharmacy Inc	119 church Ave	Bklyn	11218 686-7343	Y			
40	Millennium Chemist Inc	598 Clinton Street	Bklyn	11231 923-1600	Y			N
41	Myrtle AV Pharmacy	329 Myrtle Ave	Bklyn	11205 596-0202	Y		N	N
42	Northside Pharmacy Inc	182 Bedford Ave	Bklyn	11211 387-6566	Y			
43	Ocean Pharmacy	1929 Kings Highway	Bklyn	11229 998-9595		N		N
44	Parker & Megna Pharmacy	5124 5 Ave	Bklyn	11220 439-6662	Y			
45	Prospect Drugs	94 Green Ave	Bklyn	11238 783-0890	Y			
46	Ralph pharmacy Prscptn Department	86 Ralph Ave	Bklyn	11221 574-7372		N		N
47	Rite Aid	1631-43 Pitkin Ave	Bklyn	11212 498-9530	Y			
48	Rite Aid	5224 5th Ave	Bklyn	11220 765-1833	Y			
49	Rite Aid	1154 Clarkson Ave	Bklyn	11212 345-6355		N		N
50	Rite Aid	4102 18th Ave	Bklyn	11218 437-2703	Y			
51	Rite Aid	2819 Church Ave	Bklyn	11226 940-3461		N		N
52	Rockway Pharmacy	1214 flatbush Ave	Bklyn	11226 462-6527	Y			
53	Rosenblum Pharmacy Inc.	255 South 2nd Street	Bklyn	11211 338-0745	Y			
54	Rx Choice Pharmacy Inc	1910 Avenue U	Bklyn	11229 368-1190	Y			
55	S & K Pharmacy	373 Neptune Avenue	Bklyn	11235 743-1600	Y			
56	Saldo Drugs	384 Graham Ave	Bklyn	11211 389-8015	Y			
57	Silver Rod	5001 Church Ave	Bklyn	11203 922-3400	Y			
58	Thriftway Pharmacy	720 Classon Ave	Bklyn	11238 399-1800	Y			
59	This Way Pharmacy	3601 Quentin Road	Bklyn	11234 339-3110	Y			
60	Warbasse Pharmacy	499 Neptune Ave	Bklyn	11224 449-5177	Y			
61	16th Ave. Pharmacy	4408 16th Ave	Bklyn	11204 871-6700	Y			
				Sub Total	49		12	12
				Percentages	80%		20%	100%

PHARMACY	ADDRESS	CITY	ZIP	PHONE NUMBER	CARRIES EC
1 2000 Ninos Pharmacy Inc	601 West 150th Street	Man	10031	491-2910	Y
2 Bac Al Pharmacy Inc	216 Canal Street	Man	10013	513-1344	Y
3 Clayton-Edward Pharmacy	1327 York Av	Man	10021	737-6240	Y
4 Corby Chemists	988 1st Ave	Man	10022	755-6632	Y
5 CVS pharmacy Mckay Drugs	275 3rd Ave	Man	10010	677-4677	Y
6 CVS/Pharmacy	342 E 23rd Street	Man	10010	505-8919	Y
7 Downtown Pharmacy	165 William Street	Man	10038	233-0333	Y
8 Duane Reade	401 Park Av	Man	10022	213-9730	Y
9 Duane Reade	50 Bowery Canal Street	Man	10001	608-0301	Y
10 Duane Reade Drugs	300 Park Av, South Fr	Man	10010	533-7580	Y
11 Duane Reade Drugs	617 West 181st Street	Man	10033	923-6912	Y
12 Eagle Pharmacy	3869 10th Av	Man	10034	544-0100	Y
13 Elliott Pharmacy Prescription Depa	250 3rd Ave	Man	10010	475-1144	N
14 Fair Price Pharmacy	148 Bleeker Street	Man	10012	826-6900	Y
15 Freeda Pharmacy Inc	36 East 41st Street	Man	10017	685-4980	Y
16 Gristede's Pharmacy RX Departme	1356 Lexington Av	Man	10128	722-00014	N
17 Isham Broadway Pharmacy Inc	4996 Broadway	Man	10034	567-3137	Y
18 Jorge Pharmacy	101 Sherman Ave	Man	10034	567-2753	Y
19 LaFaell Pharmacy	1257 Broadway	Man	10001	684-0090	Y
20 Lascoff Apothecary	Lex Av & 82	Man	10001	288-9500	Y
21 Long Life Pharmacy	72 Mott Street	Man	10013	925-8532	N
22 Mayfair Chemists	21& 7th Ave	Man	10011	242-1444	Y
23 Metro North Pharmacy	1972 1st Ave	Man	10029	427-1718	Y
24 Newman Lyman Drug Co	3901 Broadway	Man	10032	923-7617	Y
25 Pollock-Bailey Pharmacy	405 East 57th Street	Man	10022	355-6094	Y
26 Ray Drug Store	4061 Broadway	Man	10032	795-1240	Y
27 Rite Aid	146th E 86th Street	Man	10028	876-0600	Y
28 Rite Aid	501 Av of the America	Man	10011	727-3720	Y
29 Rite Aid	956 2nd Ave	Man	10022	759-4474	Y
30 S&Y Drug Inc	1714 Amsterdam Ave	Man	10031	926-2801	Y
31 Second AV Chemist	101 2nd Ave	Man	10003	473-1587	Y
32 The Corner Drug Store	45 3rd Ave	Man	10016	685-6735	Y

2004 INVESTIGATION

PHARMACIES SURVEYED

MANHATTAN

33	Tower Chemist Inc	1257 2nd Ave	Man	10021	628-1900	Y				
34	United Health Pharmacy	4 Elizabeth Street	Man	10013	766-3773				N	N
35	VIM Chemist Inc	766 West 181st	Man	10033	795-4383	Y				
36	West side Pharmacy	255 Columbus Ave	Man	10023	362-9170	Y				
37	Independence Pharmacy	352 Greenwich St.	Man	10013	406-3700	Y				
38	3340 Broadway Pharmacy Inc	3340 Broadway	Man	10031	281-1270	Y				
39	Anatole Pharmacy	650 1st Avenue Frnt	Man	10016	481-0909	Y				
40	Best Care Pharmacy	28 East Broadway	Man	10002	334-0086	Y				
41	Buy-Rite Pharmacy	185 Canal Street	Man	10013	925-7698	Y				
42	Century Pharmacy	E 159 Broadway	Man	10002	227-7262	Y				
43	Columbia Pharmacy	3927 Broadway	Man	10032	928-6342	Y				
44	Cross County Pharmacy Inc.	1514 Madison Avenue	Man	10029	360-6969				N	N
45	CVS Pharmacy	130 Malcom X Blvd	Man	10026	348-0611				N	N
46	Dichter's Rexall Drugs	4943 Broadway	Man	10034	569-1230				N	N
47	Duane Reade	666 Lexington Ave	Man	10022	750-5050	Y				
48	Duane Reade	380 Amsterdam Ave	Man	10024	579-7246	Y				
49	Duane Reade Drugs	2683 Broadway	Man	10025	865-5360	Y				
50	Duane Reade Drugs	155 East 34th Street	Man	10016	683-3042	Y				
51	Duane Reade Drugs	460 8th Ave	Man	10001	244-4026	Y				
52	East Village Prescription Center	72 Avenue A	Man	10009	260-4878	Y				
54	Esquire Pharmacy Inc	277 1st Avenue Apt 2	Man	10003	228-2260	Y				
					Sub Total	47			7	13%
					Percentages	87%			7	100%

PHARMACY	ADDRESS	CITY	ZIP	PHONE NUMBER	CARRIES EC
1 Africk Drugs	6927 164th Street	Qe	11365	591-0500	N
2 Astoria Pharmacy	3014 30th Ave	Qe	11102	278-3772	N
3 Rocky Hill Pharmacy	23601 Braddock Ave	Qe	11426	343-8995	N
4 B & E Pharmacy	6352 Woodhaven Blvd	Qe	11374	651-1000	N
5 Balaji News Stand Inc.	4002 Queens Boulevard	Qe	11104	729-3211	Y
6 Bobans Pharmacy	7548 Metropolitan Ave	Qe	11379	894-6979	Y
7 Briarwood Pharmacy	14303 Hillside Ave	Qe	11435	536-0310	Y
8 Community Pharmacy Service	152-11 89 Ave	Qe	11432	739-6500	N
9 New Crystal Pharmacy	13689 Roosevelt Ave	Qe	11354	358-5151	N
10 CVS Pharmacy	13222 14th Ave	Qe	11105	747-1825	Y
11 CVS Pharmacy	97-10 63rd Ave	Qe	11374	896-2442	Y
12 Duane Reade	11502 Liberty Ave	Qe	11419	835-9500	Y
13 Duane Reade	156 44 Northern Blvd	Qe	11354	939-3777	Y
14 Duane Reade	19815 Horace Harding	Qe	11365	224-3838	Y
15 Elbec Chemists	22414 93rd Ave	Qe	11428	347-0670	N
16 EXXPX Pharmacy	83-28 Broadway	Qe	11373	672-7332	Y
17 Franconia Pharmacy	4502 162nd St	Qe	11358	359-7780	N
18 Frank's Pharmacy	7421 37th Ave	Qe	11372	899-2600	Y
19 Fresh Pond Pharmacy	6852 Fresh Pond Road	Qe	11385	497-5477	Y
20 Eckerd	6036 Myrtle Ave	Qe	11385	497-5190	Y
21 Eckerd	3601 Broadway	Qe	11106	721-3486	N
22 Eckerd	11088 Queens Blvd	Qe	11375	275-5291	N
23 Greenpoint Pharmacy	40-26 Greenpoint Ave	Qe	11104	937-1750	N
24 Hilltop Pharmacy	16717 Union Turnpike	Qe	11366	969-1880	N
25 Jamaica Pharmacy	168-43 Hillside Ave	Qe	11432	206-9335	Y
26 Elmhurst Pharmacy	7523 Broadway	Qe	11373	565-8667	N
27 Madison Drugs	5512 Myrtle Ave	Qe	11385	821-5225	N
28 Medex Pharmacy	96-02 Jamaica Ave	Qe	11421	805-7000	Y
29 Mott Pharmacy	2119 Mott Ave	Qe	11691	327-2511	Y
30 Nu Louk Pharmacy	188-06 Jamaica Ave	Qe	11423	776-8505	N
31 Duane Reade	6656 Grand Ave	Qe	11372	672-9465	Y
32 Park Pharmacy	13107 Rockaway Blvd	Qe	11420	322-5000	Y
33 Sunnyside Pharmacy	4002 Queens Boulevard	Qe	11375	361-2084	Y
34 Rite Aid	4707 Broadway	Qe	11375	726-0801	Y

2004 INVESTIGATION

PHARMACIES SURVEYED

QUEENS

35	Rite Aid	6337 108th St	Qe	11375 459-7777		N	N
36	Rite Aid	9001 Sutphin Blvd	Qe	11435 526-3824	Y		
37	Rite Aid	4002 Broadway	Qe	11103 278-2100	Y		
38	Rite Aid	7118 Kissena Blvd	Qe	11367 793-3400		N	N
39	Roosevelt Drugs & Surgical Supplies Inc.	74-19 Roosevelt Ave	Qe	11372 424-1291	Y		
40	Rogers Pharmacy	2913 21st Street	Qe	11102 626-0160	Y		
41	Shermon's Drug Mart	6358 108th Street	Qe	11375 275-6555		N	N
42	Shopwise Pharmacy	10523 Liberty Ave	Qe	11417 529-8312	Y		
43	Three J's Pharmacy	9014 Elmhurst Ave	Qe	11372 899-0499	Y		
44	Union Pharmacy	3632 Union Street	Qe	11354 961-6010	Y		
45	Waldbaum's Pharmacy	13311 20th St	Qe	11356 460-8259		N	N
		Sub-Total			26	19	19
		Percentages			58%	42%	100%

APPENDIX B:
Re-surveyed Pharmacies from 2002
Investigation

PHARMACY BRONX		ADDRESS	CITY	ZIP	PHONE NUMBER	CARRIES EC IN 2004	
1	CVS	224 East 161st St.	Bronx	10451	718.588.5700	Y	
2	J + K Pharmacy	440 East 138th St.	Bronx	10454	718.401.7375	Y	
3	Rite Aid	650 East Tremont Ave.	Bronx	10457	718.466.0266	Y	
4	Genovese	1710 Crosby Ave.	Bronx	10461	718.918.2462	Y	
5	Rite Aid	911 Morris Park Ave.	Bronx	10462	718.409.3005	Y	
6	Eckerd	21 Knolls Crescent	Bronx	10463	718.432.3030	N	
7	CVS	3775 East Tremont Ave.	Bronx	10465	718.597.3757	N	
8	CVS	310 East Gun Hill Rd.	Bronx	10467	718.944.2220	Y	
9	Bronxdale Pharmacy	1706 Watson Ave.	Bronx	10472	718.542.0440	Y	
10	Duane Reade	1888 Westchester Ave.	Bronx	10472	718.409.5146	Y	
11	Rahimu Pharmacy Inc.	607 Soundview Ave.	Bronx	10473	718.991.7550	Y	
BOROUGH TOTALS						9	2
PERCENTAGES						82%	18%

PHARMACY		ADDRESS	CITY	ZIP	PHONE NUMBER	CARRIES EC IN	
BROOKLYN						2004	
1	CVS	150 Court St.	Brooklyn	11201	718.237.5881	Y	
2	Neighbor Care Pharmacy Inc	2410 65th St.	Brooklyn	11204	718.336.4772		N
3	Qasim Pharmacy Inc	928 Myrtle Ave.	Brooklyn	11206	718.919.5075		
4	Globe Drug Store	405 86th St.**	Brooklyn	11209	718.745.2233	Y	
5	Kays Pharmacy	2201 Bath Ave.	Brooklyn	11214	718.372.0797		N
6	Perry Pharmacy	504 5th Ave.	Brooklyn	11215	718.768.1450		N
7	Scarpa Pharmacy	6216 11th Ave.	Brooklyn	11219	718.745.5499	Y	
8	Duane Reade	520 Kings Highway	Brooklyn	11223	718.375.8911	Y	
9	Yafit Pharmacy	418 Avenue U	Brooklyn	11223	718.998.8651		N
10	Rite Aid	1532-34 86th St.	Brooklyn	11228	718.234.8444	Y	
11	Elm Pharmacy	1651 Coney Island Ave.	Brooklyn	11230	718.336-8300	Y	
12	Rite Aid	355 Knickerbocker Ave.	Brooklyn	11237	718.821.2678	Y	
BOROUGH TOTALS						7	4
PERCENTAGES						64%	36%

PHARMACY		ADDRESS	CITY	ZIP	PHONE NUMBER	CARRIES EC IN 2004	
						YES	NO
1	CVS	253 1st Ave.	New York	10003	212.254.1650	Y	
2	APKG Pharmacy Inc.	33 Avenue D	New York	10009	212.677.7335	Y	
3	Rite Aid	87-89 Avenue D	New York	10009	212.475.5315	Y	
4	Rite Aid	501 6th Ave.	New York	10011	212.727.3720	Y	
5	Boyd's of Madison Avenue	655 Madison Ave	New York	10021	212.838.6558	Y	
6	Cambridge Chemists Inc.	21 East 65th Street	New York	10021	212.734.5678		N
7	Clayton Edward Chemists	1004 Lexington Avenue	New York	10021	212.737.1147	Y	
8	Rainbow Pharmacy	1449 Firsrt Avenue	New York	10021	212.517.7500	Y	
9	Cherry's Pharmacy	170 East 84th Street	New York	10028	212.535.6300	Y	
10	121 Pharmacy Inc.	1938 2nd Avenue	New York	10029	212.426.6484	Y	
11	Blake Pharmacy	1868 3rd Avenue	New York	10029	212.369.1350	Y	
12	Drug Rich Pharmacy	1756 3rd Avenue	New York	10029	212.410.5029	Y	
13	Metropolitan Pharmacy	1980 2nd Avenue	New York	10029	212.831.1000	Y	
14	Rite Aid	1892 3rd Avenue	New York	10029	212.534.2192	Y	
15	2000 Nino's Pharmacy Inc.	601 West 150th St.	New York	10031	212.491.2910	Y	
16	Marine Pharmacy	1576 Saint Nicholas Ave.	New York	10040	212.795.1795	Y	
BOROUGH TOTALS						15	1
PERCENTAGES						94%	6%
						1	100%

PHARMACY QUEENS		ADDRESS	CITY	ZIP	PHONE NUMBER	CARRIES EC IN 2004	
1	Vernon Blvd Pharmacy Inc	4815 Vernon Blvd.	Long Island City	11101	718.361.7390	N	
2	Athenas Pharmacy	3224 Steinway St.	Astoria	11103	718.204.7867	Y	
3	CVS	22-08 31st St.	Astoria	11105	718.204.5511	N	
4	Genovese	2125 Broadway	Astoria	11106	718.932.8955	Y	
5	Village Pharmacy Inc.	9037 Springfield Blvd.	Queens				
6	Rite Aid	186-16 Union Tpke.	Village	11361	718.464.4844	Y	
7	Sherwood Drugs	9721 57th Ave.	Flushing	11366	718.264.0319	Y	
8	CVS	9710 63rd Rd.	Corona	11368	718.699.7700	Y	
	Woodhaven Blvd Pharmacy		Rego Park	11374	718.896.2484	Y	
9	Inc	6222 Woodhaven Blvd.	Rego Park	11374	718.478.4600	Y	
10	Junction Blvd Pharmacy	9553 Roosevelt Ave.	Jackson Heights	11372	718.396.4030	Y	
11	CVS	100-02 Queens Blvd.	Forest Hills	11375	718.520.2334	Y	
12	Hopkins Drug CO	6319 Roosevelt Ave.	Woodside	11377	718.429.2140	Y	
13	ZEBa Drugs	6302 Flushing Ave.	Maspeth	11378	718.894.0428	Y	
14	Fresh Pond Pharmacy	6852 Fresh Pond R.	Ridgewood	11385	718.497.5477	Y	
15	Rezina Drugs Inc.	389 Onderdonk Ave.	Ridgewood	11385	718.381.0120	Y	
16	CVS	157-05 Cross Bay Blvd.	Howard Beach	11414	718.848.4507	Y	
17	Chotu Pharmacy	7417 101st Ave.	Ozone Park	11416	718.296.1023	Y	
18	CVS	170-25 Hillside Ave.	Jamaica	11432	718.291.7374	N	
19	Rite Aid	115-10 Merrick Blvd.	Jamaica	11434	718.297.8350	Y	
					BOROUGH TOTALS	16	84%
					PERCENTAGES	3	16%
						3	16%

PHARMACY STATEN ISLAND		ADDRESS	CITY	ZIP	PHONE NUMBER	CARRIES EC IN 2004
1	Saint George Pharmacy	100 Stuyvesant Pl.	Staten Island	10301	718.447.0333	N
2	CVS	1545 Firest Ave.	Staten Island	10302	718.448.8744	N
3	Tripharm Inc.	200 Port Richmond Ave.	Staten Island	10302	718.816.1116	Y
4	Papazia Pharmacy*	494 Bay St.	Staten Island	10304	718.727.2010	COULDN'T CONTACT
5	The Medicine Cabinet	1674 Richmond Rd.	Staten Island	10304	718.351.0083	Y
6	Arrochar Pharmacy	121 McClean Ave.	Staten Island	10305	718.447.3117	N
7	Genovese	1360 Hylan Blvd.	Staten Island	10305	718.987.7303	N
8	Rosebank Pharmacy	500 Tompkins Ave.	Staten Island	10305	718.727.0426	N
9	Genovese	2530 Hylan Blvd.	Staten Island	10306	718.980.5482	N
10	CVS	640 Arthur Kill Rd.	Staten Island	10312	718.948.5200	N
11	Delco Drugs	3833 Richmond Ave.	Staten Island	10312	718.984.6600	N
12	Eitingville Pharmacy	3948 Richmond Ave.	Staten Island	10312	718.356.1777	N
13	Huguenot Pharmacy	877 Huguenot Ave.	Staten Island	10312	718.984.0477	N
14	CVS	33 Richmond Hill Rd.	Staten Island	10314	718.370.0364	N
15	Duane Reade	2795 Richmond Ave.	Staten Island	10314	718.761.7922	Y
16	Rite Aid	2271 Richmond Ave.	Staten Island	10314	718.698.0500	Y
BOROUGH TOTALS						11
PERCENTAGES						73%
TOTALS						51
						71%
						21
						29%

APPENDIX C:
Local Law No. 25 of 2003

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2003**

No. 25

Introduced by Council Members Gioia, Quinn, Moskowitz, The Speaker (Council Member Miller), Boyland, Clarke, Reyna, Baez, Davis, Gerson, Jackson, Koppell, Lopez, Nelson, Recchia Jr., Sanders Jr., Stewart, Weprin, DeBlasio, Brewer, Yassky, Katz, Sears and The Public Advocate (Ms. Gotbaum).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring pharmacies to post signs regarding the sale of emergency contraception, and penalties regarding posting of notices in pharmacies.

Be it enacted by the Council as follows:

Section 1. The title of subchapter 3 of chapter 5 of title 20 of the administrative code of the city of New York is amended to read as follows:

POSTING OF PRESCRIPTION DRUG PRICES AND NOTICES.

§2. Section 20-712 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

(d) "Emergency contraception" means one or more prescription drugs, used separately or in combination, to be administered to or self-administered by the patient in a dosage and manner for preventing pregnancy when used after intercourse, found safe and effective for that use by the United States food and drug administration, and dispensed for that purpose in accordance with professional standards of practice.

§3. Subchapter 3 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-713.1 to read as follows:

§20-713.1 *Display of information relating to emergency contraception. Any pharmacy that does not sell emergency contraception must conspicuously post, at or adjacent to each counter over which prescription drugs are sold, indicating in large type that emergency contraception is not sold at such pharmacy.*

§4. Section 20-715 of the administrative code of the city of New York is amended to read as follows:

§20-715 Penalties. Any person who shall violate the provisions of section 20-713, *section 20-713.1*, or regulations promulgated pursuant to this subchapter shall pay a civil penalty of [twenty-five] *not less than two hundred fifty dollars nor more than five hundred* dollars for the first offense and for each succeeding offense a penalty of not less than [twenty-five] *five hundred* dollars nor more than [two] *seven* hundred fifty dollars for each such violation and shall, upon conviction thereof, be punished by a fine of [twenty-five] *not less than two hundred fifty dollars nor more than five hundred* dollars for the first offense and for each succeeding offense a fine of not less than [twenty-five] *five hundred* dollars nor more than [two] *seven* hundred fifty dollars for each such violation. For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with section 20.713 or regulations promulgated pursuant to this subchapter, *or the required signage is not displayed in accordance with section 20.713.1 or regulations promulgated pursuant to this subchapter*, it shall be considered a single violation.

§5. Severability. If any subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this section, which remaining portions shall remain in full force and effect.

§6. Effective date. This local law shall take effect 60 days after its enactment.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on February 26, 2003, disapproved by the Mayor on March 21, 2003 and repassed by the Council Members on April 9, 2003 and said law is adopted notwithstanding the objection of the Mayor.

VICTOR L. ROBLES, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 25 of 2003, Council Int. No. 278-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on February 26, 2003: 36 for, 8 against, 0 not voting.

Was disapproved by the Mayor on March 21, 2003.

Was returned to the City Clerk on March 21, 2003.

Was reconsidered by the Council on April 9, 2003 and received the following vote of the Council Members at a meeting of the Council on April 9, 2003: 43 for, 8 against, 0 not voting. The validity of this local law is currently a subject of disagreement between the Mayor and the City Council. This certification is not intended as to the validity of the local law, other than certifying the truth of the facts presented herein.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

APPENDIX D:

**Letter Sent from NYC Council to
Chain Pharmacies that did not
provide EC in 2002**



THE COUNCIL
OF
THE CITY OF NEW YORK
CITY HALL
NEW YORK, N.Y. 10007

October 8, 2002

[REDACTED]

Dear [REDACTED]:

We are writing to inform you that the results of a telephone survey conducted by the New York City Council Investigation Division show that 30 percent of pharmacies throughout New York City are choosing not to carry Emergency Contraception Pills (ECPs).

Emergency Contraception (EC) is a basic form of contraception that should be available to all New York City women. Given the importance of EC to women's health, we are disappointed to find that EC is unavailable in some of your stores. We strongly urge you to reconsider this decision and to immediately begin stocking this drug in all [REDACTED] stores.

Sometimes called the "morning-after pill," EC is a back-up birth control method that can prevent pregnancy after unprotected intercourse or contraceptive failure by as much as 89 percent. Experts estimate that EC could prevent as many as 1.5 million unintended pregnancies and up to 700,000 abortions a year. The aforementioned survey indicates that a lack of availability among New York City pharmacies may indeed be a barrier to women who are seeking to avoid an unintended pregnancy.

We hope that you will take these important issues into consideration and strongly urge you to immediately begin stocking ECPs in an effort to better serve the women of New York City. Please feel free to contact Wayne Kawadler at (212) 788-6897 should you have any questions or concerns.

Sincerely,

GIFFORD MILLER
Speaker

CHRISTINE QUINN
Health Chair

ERIC GIOIA
Oversight Chair

APPENDIX E:

**Letter Sent from NYC Council to
Independently-Owned Pharmacies
that did not provide EC in 2002**



THE COUNCIL
OF
THE CITY OF NEW YORK
CITY HALL
NEW YORK, N.Y. 10007

October 8, 2002

[REDACTED]

Dear [REDACTED]

We are writing to inform you that the results of a telephone survey conducted by the New York City Council Investigation Division show that your pharmacy has chosen not to keep Emergency Contraception Pills (ECPs) in stock.

Emergency Contraception (EC) is a basic form of contraception that should be available to all New York City women. Given the importance of EC to women's health, we are disappointed to find that EC is unavailable in your store. We strongly urge you to reconsider this decision and to immediately begin stocking this drug.

Sometimes called the "morning-after pill," EC is a back-up birth control method that can prevent pregnancy after unprotected intercourse or contraceptive failure by as much as 89 percent. Experts estimate that EC could prevent as many as 1.5 million unintended pregnancies and up to 700,000 abortions a year. The aforementioned survey indicates that a lack of availability among New York City pharmacies may indeed be a barrier to women who are seeking to avoid an unintended pregnancy.

We hope that you will take these important issues into consideration and strongly urge you to immediately begin stocking ECPs in an effort to better serve the women of New York City. Please feel free to contact Wayne Kawadler, Director of the Council Investigation Division, at (212) 788-6897 should you have any questions or concerns.

Sincerely,

GIFFORD MILLER
Speaker

CHRISTINE QUINN
Health Chair

ERIC GIOIA
Oversight Chair

APPENDIX F:
Resolution No. 92 of 2004

Res. No. 92

Resolution calling upon the Food and Drug Administration to approve emergency contraception (Plan B) for over-the-counter sale.

By Council Members Yassky and Quinn

Whereas, In 1999, the United States Food and Drug Administration (FDA) approved Plan B, the first progestin-only emergency contraception (EC) product made available in the United States, as a safe and effective method of EC; and

Whereas, The Reproductive Health Technologies Project estimates that since the FDA's approval of Plan B, an estimated 2.4 million women have used Plan B; and

Whereas, EC prevents a woman from ovulating, or, if she has already ovulated, prevents an egg from subsequently being fertilized or implanted on to the uterine wall, thereby preventing pregnancy when other contraceptive methods have failed or unprotected intercourse has occurred; and

Whereas, EC reduces a woman's risk of pregnancy by up to 89 percent if taken within 72 hours of unprotected intercourse, and is substantially more effective the sooner it is taken; and

Whereas, Currently, EC is only available with a prescription; and

Whereas, The Center for Reproductive Rights reports that 7,400 unintended pregnancies occur every day, and up to half of these could be prevented if women had ready access to EC; and

Whereas, Additionally, a study entitled "*The Effects of Self-Administering Emergency Contraception*" in the New England Journal of Medicine argues that the use of EC could prevent as many as 1.7 million unintended pregnancies that occur each year

in the United States, including as many as 800,000 pregnancies that result in abortion;
and

Whereas, Since 1998, Washington, California and Alaska have adopted measures allowing women to obtain EC from a pharmacist without a visit to her doctor; and

Whereas, In 1999, Washington State completed a 2-year pilot project that enabled women to receive EC without a doctor's prescription, which resulted in the largest decline in adolescent pregnancy and abortion rates in that state in 20 years; and

Whereas, Many obstacles prevent access to EC within the 72 hour time limit, including a physician's limited office hours, inconvenient locations of doctor's offices, providers not dispensing such medication due to religious objections and misinformation about its function; and

Whereas, Women in a number of countries, including the United Kingdom and France, can obtain EC without a prescription; and

Whereas, The American Medical Association (AMA) and the American College of Obstetricians and Gynecologists (ACOG), along with more than 70 medical and public health groups, have endorsed the proposal to make EC available over-the-counter; and

Whereas, The FDA will be voting on February 20, 2004, to decide whether to approve EC Plan B for over-the-counter sale; and

Whereas, Making EC easily accessible to women in a timely fashion will improve women's reproductive health; now, therefore, be it

Resolved, That the Council of New York City calls upon the Food and Drug Administration to approve emergency contraception (Plan B) for over-the-counter sale.

DP
LS #178