

RELIGIOUS HEALTH RESTRICTIONS

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Pharmacists Who Refuse to Dispense Contraceptives

Why are some women having trouble filling contraceptive prescriptions?

Women trying to fill prescriptions for emergency contraception (EC) and ordinary birth control pills report they have been turned away by some pharmacists who refuse to dispense contraceptives based on their own individual religious or moral beliefs.

While the vast majority of pharmacists have no problem dispensing contraceptives, those pharmacists who do refuse to fill birth control prescriptions are creating a significant threat to women's reproductive health care. Groups such as Pharmacists for Life are seeking legislated protection for their "right" to substitute their own moral judgments for those of their customers in refusing to fill prescriptions for EC and ordinary birth control.

Why are these pharmacists refusing to dispense contraceptives?

Some pharmacists refuse to dispense birth control because of a belief (scientifically unproven) that contraception interferes with the implantation of a fertilized egg in the uterus. Ultraconservative religious groups contend that mechanism of action is equivalent to "early abortion." However, major medical organizations clearly state that contraception is not abortion and EC is not the same as RU-486, the abortion pill. EC has no effect on an established pregnancy.

What about the FDA decision?

Won't women be able to buy EC over the counter, without seeing a pharmacist? The August 2006 FDA decision to make Plan B emergency contraception available without a prescription



will make it easier for many women to obtain EC because they no longer will need to first get a prescription from the doctor and then have a pharmacist fill it. However, Plan B can only be sold in pharmacies and clinics (not in gas stations or convenience stores). It will be held behind the pharmacy counter, not stocked out on the shelves with cold medicines and other over-the-counter products. Further, only customers 18 and older will be able to buy EC without a prescription. They will have to show proof of age to make the purchase. This requirement may make it difficult for immigrant women 18 and older to buy Plan B without a prescription, because they may not have government-issued photo identification cards.

Will some women still need to have a pharmacist fill a prescription for EC?

Yes. Women 17 and under will still need to get a prescription and have it filled by a pharmacist in most states. In nine states, (Alaska, California,

Hawaii, Maine, Massachusetts, New Hampshire, New Mexico, Vermont, Washington) these younger women will be able to go directly to a specially-trained pharmacist, who can dispense EC under an arrangement with a cooperating physician or a state protocol. It is also possible that public programs, such as Medicaid, may not cover EC in some states or that women with Medicaid will still need a prescription to obtain EC.

So, will women still encounter refusals in the pharmacy?

Yes. The nation's Catholic Bishops have called on pharmacy owners to refuse to stock Plan B emergency contraception, and some may agree. Even in those pharmacies that do carry Plan B, some pharmacists may refuse to dispense it, and other store employees (such as pharmacy technicians or cashiers) may refuse to sell it over-the-counter.

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What is the impact of these pharmacist or pharmacy refusals on women?

When women are delayed in obtaining contraceptives, they are at risk of an unintended pregnancy. This is particularly true with EC, which must be taken within 120 hours of unprotected intercourse and is most effective in the first 24 hours. Women living in rural areas may not have access to another pharmacy to fill their prescriptions.

Can pharmacists legally refuse to fill prescriptions?

Laws and policies governing pharmacists vary from state to state. For example, pharmacists licensed in Massachusetts are required to fill any prescription that has been determined to be a properly written and valid prescription.¹ But in South Dakota, Arkansas and Mississippi, pharmacists have been given a legislated right to refuse to fill prescriptions to which they have moral or religious objections. A Georgia regulation allows pharmacists to refuse to fill prescriptions based on personal objections. Bills allowing pharmacist refusals have been introduced in 28 states.² The American Pharmacists Association states that “a pharmacist with personal objections to certain activity should not be mandated to participate, but should establish

alternative systems to assure patient access to legally prescribed, clinically safe therapy.” Suggested “alternative systems” include referring a patient to another pharmacist or pharmacy.³

Aren't pharmacies required to fill all prescriptions?

Individual pharmacies and pharmacy chains have their own policies about pharmacist refusals. Some pharmacy store executives do say that they try to ensure that all prescriptions are filled in each individual store, but they allow for individual pharmacists to refuse. Moreover, no pharmacy has every drug in stock, and nothing requires a pharmacy to stock any contraceptives.

What is being done to fight pharmacist refusals?

Women's health advocates are working with pharmacists, pharmacy chains, physicians and policymakers to ensure that women are able to fill their contraceptive prescriptions. Among the strategies being used are: filing complaints with state pharmacy boards about pharmacist refusals, proposing new public policies, surveying drug stores and creating suggested protocols for pharmacies to use when a pharmacist refuses to fill a prescription. Pharmacy Boards in Massachusetts, New York, North Carolina and Oregon have issued or interpreted policies that prohibit or limit pharmacists' ability to refuse to fill a prescription for personal moral reasons. Illinois Gov. Rod Blagojevich has issued a regulation requiring that if a pharmacy sells any FDA-approved contraceptives, then it must accept and fill all prescriptions for contraception, including EC, in a timely manner. Bills requiring pharmacists to fill contraceptive prescriptions have been introduced in five states and California has enacted a law creating a duty for pharmacists to fill valid prescriptions, unless the medication is medically contraindicated. A special

procedure is set forth to ensure that a patient's needs are met if a pharmacist has a religious or moral objection to filling a prescription.

What can you do?

No pharmacist should be able to obstruct a woman's access to contraception. Steps you can take include:

1. Make sure your pharmacy fills contraceptive prescriptions and will stock and dispense EC. Ask your local pharmacy to make sure that if one pharmacist objects, another will step in to meet the customer's needs on site in a timely manner. If not, complain to store managers and let them know you will switch pharmacies.
2. Support policies to increase over-the-counter EC access for young and low income women.
3. Help national groups working to insist that the age requirement for over-the-counter EC be dropped. Work in your state to make sure Medicaid covers over-the-counter EC.
4. If you are refused EC or other birth control at a local pharmacy, you can find out where to obtain EC near you by calling 1-888-668-2528 or visiting www.not-2-late.com. Then, contact us at 212-261-4314 or info@mergerwatch.org to let us know which pharmacy or pharmacists refused to fill your prescription.

Resources

The MergerWatch Project

www.mergerwatch.org

Reproductive Health Technologies Project

www.rhtp.org

Planned Parenthood Federation of America

www.ppfa.org

National Health Law Program

www.healthlaw.org

1. Massachusetts General Laws Ch. 94C, § 19(a).

2. National Women's Law Center.

3. American Pharmacists Association Responds to Legal Times article, “Dispensing Morality.” Letter dated August 22, 2005, posted at www.aphanet.org.



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