

Combating Pharmacist Refusal Bills: Messaging

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Initial polls have shown that the public believes that consumers have a right to have their prescriptions filled. For example, a recent CBS News/New York Times poll found that eight out of ten Americans believe that pharmacists should not be able to refuse to dispense drugs because of their religious or moral beliefs.¹ This opinion was strong despite party affiliation, with 85% of Democrat respondents and 70% of Republican respondents squarely opposed to pharmacist refusals.

Below are some messages that can be used to capitalize on this favorable public opinion and refute pharmacist refusal legislation. These messages can help to fight bills that apply to all birth control, including emergency contraception (also known as the “morning-after pill”), as well as bills targeting solely emergency contraception.

- **Refusal Laws Allow for Discrimination Against Women**
 - Legalizing pharmacist refusals for drugs only used by women to prevent and treat conditions endured only by women discriminates against women.
 - Some refusal bills do not require that pharmacist refusals come from sincere religious or moral beliefs. This leaves pharmacists free to discriminate against women based on any number of factors, such as whether a woman is unmarried.

- **Refusal Laws are Bad Medicine for Women**
 - Pharmacist refusals to dispense legally prescribed birth control can delay or prevent women from meeting their most basic health needs, including pregnancy prevention and treatment of various medical conditions.
 - Refusals to dispense emergency contraception obstruct access to a time-sensitive medication used as a last resort to prevent pregnancy.
 - All existing refusal bills allow pharmacists to refuse to dispense a prescription even if it is to treat a medical condition and not for contraceptive purposes, or if a woman’s life or health is in danger or would be endangered by pregnancy.

- **Refusal Laws Obstruct Women’s Access to Basic Health Care**
 - Refusals almost always require travel to another pharmacy. All women—and particularly rural women and low-income women—may be unable to endure the considerable hardship of travel to another pharmacy to have their prescriptions filled.

 - **Refusal Laws Generally Do Not Even Require Referrals or Transfer**
Most refusal bills do not contain any language requiring an objecting pharmacist to refer a birth control prescription to another pharmacist who is willing to fill it or to transfer it to another pharmacy.

- Failure to transfer a prescription for emergency contraception delays a patient's access to this time-sensitive medication, thereby placing patients at increased risk of unplanned pregnancy.
- **Refusal Laws Often Apply to Basic Birth Control in Addition to Emergency Contraception**
 - Some refusal bills allow pharmacists to refuse to dispense all forms of contraception, ranging from basic birth control pills to emergency contraception.
 - Other refusal bills are limited to emergency contraception, but do not adequately define "emergency contraceptive" in a way that distinguishes it from basic prescription contraception; this could leave pharmacists free to refuse to provide even birth control pills.
- **Refusal Laws Doubly Harm Rape Survivors**
 - Most refusal bills do not contain any exceptions for rape survivors seeking emergency contraception, thereby causing further trauma by increasing their risk of becoming pregnant due to the rape and subjecting them to being refused care at a vulnerable and difficult time.
- **Refusal Laws Usually Do Not Require Advanced Warning**
 - Most refusal bills do not require pharmacists or pharmacies to notify employers or patients about whether they will fill birth control prescriptions.
 - Lack of notice can prevent women from effectively accessing contraception in a timely manner when the need arises.
 - Lack of notice to an employer prevents a pharmacy from ensuring that their customers' prescriptions are filled in a timely fashion and potentially damages the pharmacy's relationship with its customers.

¹ *Religion at the Drugstore*, CBSNEWS.COM (Nov. 23, 2004), at <http://www.cbsnews.com/stories/2004/11/23/opinion/polls/printable657413.shtml>; Byron Pitts, *The Drugstore War*, CBSNEWS.COM (Nov. 23, 2004), at <http://www.cbsnews.com/stories/2004/11/23/eveningnews/printable657435.shtml>, and <http://www.cbsnews.com/stories/2004/11/23/opinion/polls/printable657413.shtml>. See also Victoria Gray, *Pill Debate Rolls On: Readers Lash Out Against 'Conscience Clause'*, FOSTER'S SUNDAY CITIZEN (Oct. 10, 2004) (on file with the National Women's Law Center) (finding that New Hampshire residents agree six to one that pharmacists should not be able to refuse to dispense based on moral or religious beliefs).