

## Pharmacy Refusals

In many communities, filling a prescription for birth control or obtaining emergency contraception over the counter in a pharmacy is no longer a simple task. Too many women of all ages, races, and socioeconomic classes are being denied access to legal prescription drugs by pharmacists who choose to impose their personal religious beliefs on others. Denying or delaying dispensation of a medication prescribed by a health care provider is discrimination. While diverse religious practices should be accommodated in the workplace, there must be safeguards so that no single religious practice infringes upon the rights of others.

### What questions do I ask?

Effective advocacy starts with asking the right questions. How can you create change if you don't first know exactly what is wrong with the status quo? Asking the right questions arms you with the knowledge you need to make a difference in your community. Use this guide to help you use the Healthy Community Checklist on Pharmacy Refusals to determine if pharmacists are refusing to fill prescriptions for birth control and emergency contraception in your community.

### Who are the players with a stake in this issue?

Before taking action, it is important that you know who in your community is responsible for the content of laws and regulations governing pharmacies and prescriptions, as well as who enforces those laws and policies. You also need to know who the dominant players are in the sale of prescription drugs in your state or area. Finally, you need to know who else might represent consumers of prescription drugs in your area, so that you can better identify potential allies. Below are a few examples of those with an interest in the pharmacy refusal issue.

- ▶ State pharmacy boards
- ▶ Retail pharmacies association
- ▶ State legislators
- ▶ Women's groups
- ▶ State/local health departments
- ▶ Patient or consumer advocacy groups
- ▶ Health professional associations
- ▶ Civil rights and civil liberties groups

### Who are the decision-makers?

Pharmacies are generally regulated by the states, usually by state pharmacy boards. These boards enforce laws made by state legislatures. In addition, the federal government plays a role in determining how funds for federal health programs may be spent. Most pharmacies are part of large chains where policy is set in corporate headquarters. They may be stand-alone stores or be located within grocery stores or big box chains. In most states it is illegal for pharmacists to refuse to fill prescriptions. But four states — Arkansas,

Georgia, Mississippi, and South Dakota — have policies allowing pharmacists and sometimes other health-care providers to refuse to dispense contraception. Between January and May 2007, legislation was introduced in nine states to allow pharmacists and/or pharmacies to refuse.

## With whom can I work?

While it may sometimes feel like you are alone in your belief that no pharmacist should be able to refuse to fill a prescription, the reality is there are many others out there who agree with you. The majority of Americans share your belief that no woman should be denied access to birth control because the pharmacist she goes to doesn't believe in it. The key is organizing the like-minded people in your community to work together so that your collective voice is heard loud and clear by decision-makers on every level.

- ▶ **NCJW members:** As a member of the National Council of Jewish Women (NCJW), you can always look to NCJW for assistance as you tackle these important issues. Think about engaging with:
  - ▶ NCJW sections (yours and others near you)
  - ▶ NCJW State Public Affairs (SPA) chair (if your state has one)
  - ▶ NCJW Washington office
  - ▶ NCJW Action Center
- ▶ If you are not affiliated with NCJW, log on to [www.ncjw.org](http://www.ncjw.org) for more information about NCJW's Plan A campaign and its efforts to secure and protect women's right to have their prescriptions filled by any pharmacy and to learn about how to get involved in NCJW's activities in your state.
- ▶ A number of national and local organizations are working to end pharmacy refusals. Use the *Resources* list to find organizations with which you can partner in your efforts to make contraceptive information and services available to all.

## What are the laws and policies that affect a pharmacist's ability to refuse to dispense birth control, including emergency contraception, in my community?

While there are federal regulations that impact whether or not a pharmacist or pharmacy can refuse to fill a legal prescription, states, too, have the ability to weigh in on this issue. Some states have explicitly asserted that pharmacists cannot refuse to dispense birth control. Unfortunately, however, a few states have allowed pharmacists to refuse to dispense contraceptives. Further, though the FDA approved Plan B emergency contraception for over-the-counter marketing and sale to women age 18 and older, the age restriction requires that Plan B be kept behind the pharmacy counter, enabling some pharmacists to begin refusing to dispense over-the-counter Plan B as well.

To find out if your state protects a woman's ability to fill legal prescriptions for birth control, including emergency contraception:

- ▶ Contact your state's pharmacy board, the state agency responsible for the licensure and discipline of pharmacists and pharmacies.
- ▶ Visit the pharmacy refusal resources on the National Women's Law Center website: [www.nwlc.org](http://www.nwlc.org).
- ▶ Reach out to coalition partners doing work on this issue (see the *Resources* section of this toolkit).

### **What is the political climate?**

As you begin to assess whether pharmacy refusals are a problem in your area, consider the political climate in your state and locality. Watch for newspaper articles, letters to the editor, and other media reports about pharmacy practices and legislative activity. These will help you gauge the general attitude toward this issue in your state.

Don't forget to find out where your community leaders stand on pharmacy refusals. Access to affordable contraception is not a partisan issue. If you don't already know where your state legislators stand, ask. Do the same for your federal legislators, your governor, and any other decision-maker who has an impact on this issue.