

Put Prevention First

SUPPORT HB 2373

Pharmacist Refusal Notification Act

Description: A bill to require pharmacies with pharmacists who refuse to fill valid, legal prescriptions for oral contraception, or that refuse to stock and dispense over-the-counter emergency contraception, to post a sign notifying customers that contraception is not available.

Protecting Patients' Rights

Legislation requiring notice if a pharmacy is not stocking contraception or emergency contraception protects patient access to medication while accommodating the personal or religious beliefs of pharmacists. The American Pharmaceutical Association states that if a pharmacist refuses to fill a prescription, there should be established “systems to ensure patient access to legally prescribed therapy.”¹

This legislation may be effective in increasing the number of pharmacies that stock contraceptives, especially emergency contraception.

In 2003, the city of New York adopted a notice requirement for pharmacies in the city. The percentage of pharmacies stocking emergency contraception increased from 55 to 94%.² A similar measure in Madison, Wisconsin increased the percentage of stocking pharmacies from 70 to 100%.³

Prescription contraception is basic, essential healthcare for women.

For the 98 percent of women who will use contraception during their lifetimes, birth control is basic, essential health care. More than 40 million women of reproductive age are sexually active and do not want to become pregnant.⁴ In the United States, the average woman wants only two children and will spend five years of her life pregnant or trying to get pregnant and nearly three decades trying to avoid pregnancy.⁵ Timely access to birth control is essential to preventing unintended pregnancies—a commonsense, common ground approach to reducing the *need* for abortion.

Women who choose to use birth control are acting responsibly and taking control of their reproductive health. They should be treated with dignity and respect and should not be subjected to lectures or intimidation.

¹ Policy adopted by the APhA House of Delegates in 1998. A spokesman for the APhA said: A pharmacist is like any doctor, nurse or other health-care professional who has a right to have a conscience. . . . But we also support the establishment of systems by the pharmacy so that [the] patient can access their legally prescribed medication. *Pharmacists' Right to Refuse Challenged*, THE DALLAS MORNING NEWS, Apr. 1, 2004

² Press Release, The Council of the City of New York, Council Investigation Finds Emergency Contraception Available in 94% of NYC Pharmacies Surveyed (May 20, 2007).

³ City of Madison, Legislative File No. 04663 (Dec 8, 2006).

⁴ The Alan Guttmacher Institute, *Facts in Brief: Contraceptive Use* (Feb. 2005).

⁵ The Alan Guttmacher Institute, *Facts in Brief: Contraceptive Use* (Feb. 2005); Rachel Benson Gold, The Need for and Cost of Mandating Private Insurance Coverage of Contraception, ALAN GUTTMACHER REP. ON PUB. POL'Y, Aug. 1998, at 5