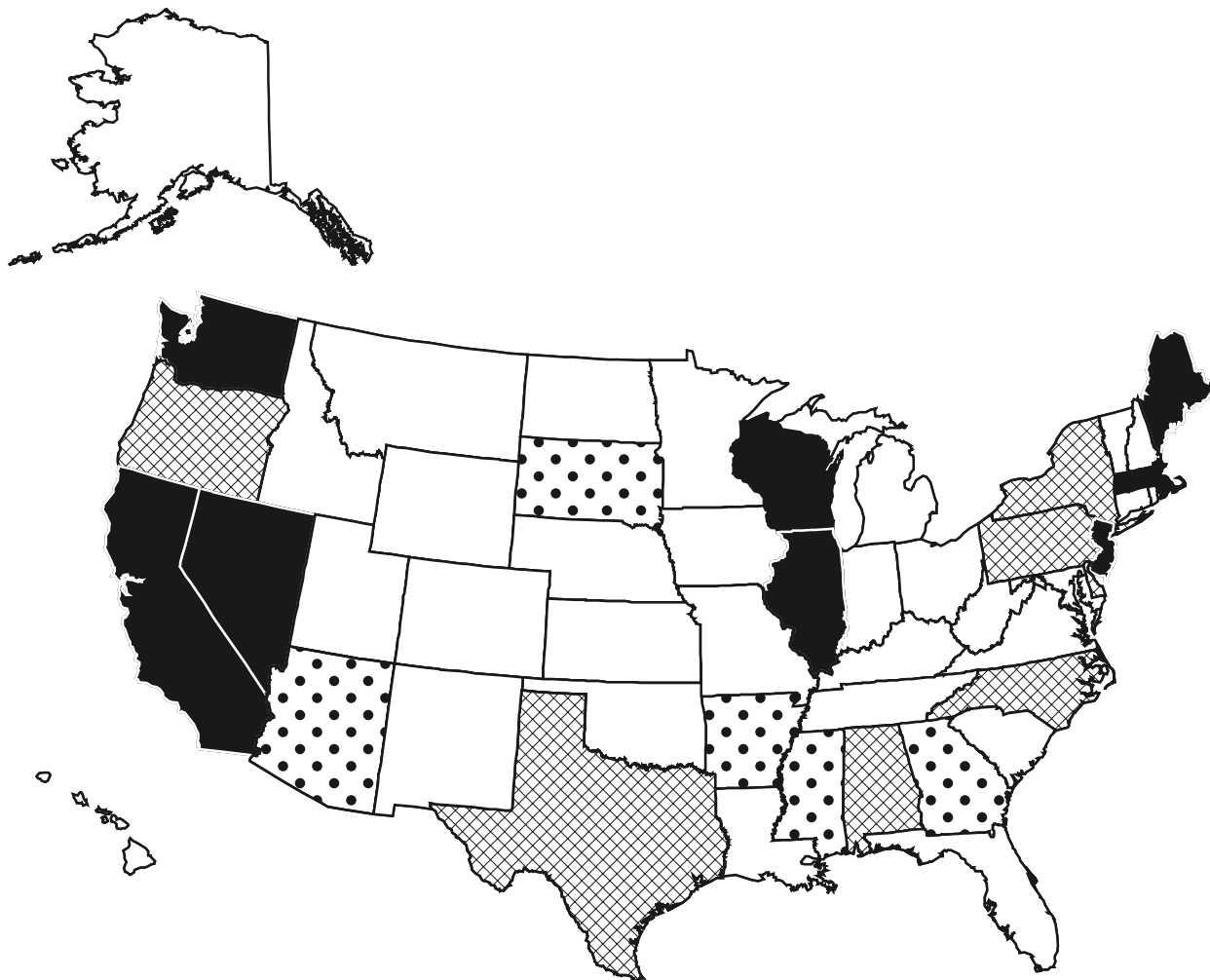











PHARMACY REFUSALS: STATE LAWS, REGULATIONS, AND POLICIES

Fewer than half of the states in the country explicitly address the issue of refusals to provide medication to patients in the pharmacy. Eight states require pharmacists or pharmacies to ensure that that patients receive their medication. Seven states allow refusals but prohibit pharmacists from obstructing patient access to medication. Only five states permit refusals without critical protections for patients, such as requirements to refer or transfer prescriptions.



-  State has a policy requiring pharmacies or pharmacists to provide medication
-  State has a policy prohibiting obstruction or refusals to transfer/refer
-  State has a policy permitting refusals to dispense without critical patient protections
-  State does not have a policy explicitly addressing pharmacy refusals

Below is a description of the state policies governing pharmacy refusals. Some states have enacted statutes or regulations governing the matter that have the force of law. In other states, pharmacy boards have issued interpretations of their laws and regulations, which do not have the force of law but provide guidance about the standard of practice, and can inform disciplinary proceedings.

State	Policy Applies to...	Obligation	Affected Medications	Authority
 States with a Policy Requiring Pharmacies or Pharmacists to Provide Medication				
California	Pharmacist and Pharmacy	<i>Pharmacist</i> : may refuse only with employer's consent <i>Pharmacy</i> : must ensure timely access	All drugs	CAL. BUS. & PROF. CODE § 733 (2009)
Illinois	Pharmacy	Must dispense	Contraception	ILL. ADMIN. CODE tit. 68, § 1330.91 (2009)
Maine	Pharmacist	Must dispense	All drugs	02-392 ME. CODE R. ch. 19 § 11 (Weil 2009) (citing ME. REV. STAT. ANN. tit. 32 § 13795(2) (2009))
Massachusetts	Pharmacist	Must dispense	All drugs	Pharmacy board interpretation (2004) of MASS. GEN. LAWS ch. 94C, § 19(a) (2009)
Nevada	Pharmacist	Must dispense	All drugs	NEV. ADMIN. CODE § 639.753 (2008)
New Jersey	Pharmacy	Must dispense	All drugs	N.J. STAT. ANN. § 45:14-67.1 (West 2009)
Washington	Pharmacy	Must dispense	All drugs	WASH. ADMIN. CODE § 246-869-010 (2009)
Wisconsin	Pharmacy	Must dispense	Contraception	WIS. STAT. ANN. § 450.095 (2009)
 States with a Policy Prohibiting Obstruction or Refusals to Transfer/Refer				
Alabama	Pharmacist	Must provide meaningful referral/transfer	All drugs	Pharmacy board interpretation of professional obligations (2007)
Delaware	Pharmacist and Pharmacy	<i>Pharmacist</i> : no interference or abandoning patient <i>Pharmacy</i> : must accommodate pharmacist's refusal while assuring delivery of services to patient	All drugs	Pharmacy board interpretation of professional obligations (2006); DEL. CODE REGS. 24 2500 § 3.1.2.4 (Weil 2009)
New York	Pharmacist and Pharmacy	<i>Pharmacist</i> : no interference or abandoning patient <i>Pharmacy</i> : must accommodate pharmacist's refusal while assuring delivery of services to patient	All drugs	Pharmacy board interpretation of professional obligations (2005)
North Carolina	Pharmacist	No obstruction; must provide meaningful referral/transfer	All drugs	Pharmacy board interpretation of professional obligations (2005)
Oregon	Pharmacist and Pharmacy	<i>Pharmacist</i> : notify employer; no obstruction; must provide meaningful referral/transfer <i>Pharmacy</i> : must accommodate pharmacist's refusal while assuring delivery of services to patient	All drugs	Pharmacy board interpretation of professional obligations (2005)
Pennsylvania	Pharmacist and Pharmacy	<i>Pharmacist</i> : no interference or abandoning patient <i>Pharmacy</i> : must accommodate pharmacist's refusal while assuring delivery of services to patient	All drugs	49 PA. CODE § 27.103 (2009) (statement of policy)
Texas	Pharmacist	Must provide meaningful referral/transfer	All drugs	Pharmacy board interpretation of professional obligations (2006)
 States with a Policy Permitting Refusals to Dispense without Patient Protections				
Arizona	Pharmacy, hospital, or health professional, or any employee of a pharmacy, hospital or health professional	Must return prescription to patient	Emergency contraception or any drug or device intended to inhibit or prevent implantation of a fertilized ovum	ARIZ. REV. STAT. ANN. § 36-2154(B) (2009) (enjoined, not currently enforceable)
Arkansas	Pharmacists, physicians, employees, agents, and institutions	None	Contraception	ARK. CODE ANN. § 20-16-304(4) (2009)
Georgia	Pharmacists	None	Any drug	GA. COMP. R. & REGS. r. 480-5-.03(n) (2009)
Mississippi	All health care providers (including pharmacists) and institutions (including pharmacies)	None	Any drug	MISS. CODE ANN. § 41-107-1 to -13 (2009)
South Dakota	Pharmacists	None	Any drug "believed" to cause abortion or death	S.D. CODIFIED LAWS § 36-11-70 (2009)