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SEPTEMBER 2024 | FACT SHEET

Pharmacy Refusals 101

Contraception is Basic Health Care.

- Family planning is central to good health care. Access to contraception is critical to preventing unintended pregnancies and to enabling individuals to control the timing and spacing of their pregnancies. Contraceptive use in the United States is virtually universal among women of reproductive age.¹ Also, individuals rely on prescription contraceptives for a range of medical purposes in addition to birth control, such as regulation of cycles and endometriosis.
- Emergency contraception (EC), also known as the morning after pill, is an FDA-approved form of contraception that prevents pregnancy after sexual intercourse. EC is a time-sensitive medication that has great potential to prevent unintended pregnancies. Emergency contraception is available as a prescription drug, an over-the-counter drug, and a copper intrauterine device (IUD) inserted by a health care provider.
- As of March 2024, pharmacies began to stock the first ever daily over-the-counter birth control pill, Opill®.

Refusals to Dispense Contraception in the Pharmacy Remain an Issue Across the Country.

- Reports of pharmacies refusing to fill prescriptions for birth control—or provide EC—have surfaced in at least twenty-six states across the nation, including: AZ, CA, DC, GA, IL, LA, MA, MI, MN, MO, MT, NH, NJ, NM, NY, NC, OH, OK, OR, RI, TN, TX, VA, WA, WV, WI.
- These refusals to dispense prescription contraceptives or provide EC are based on personal beliefs, not on legitimate medical or professional concerns. The same pharmacies that refuse to dispense contraceptives because of personal beliefs often refuse to transfer a patient's prescription or refer them to another pharmacy.
- Pharmacy refusals can have devastating consequences. An individual refused contraception at the pharmacy may not be able to access it elsewhere, especially if they lack transportation, are not able to take additional time off, or live in a rural area. If they are confused or embarrassed by what the pharmacist says to them, an individual might give up on accessing the birth control they need. This puts people at risk of unintended pregnancy and can demoralize or humiliate them.

- Despite the fact one type of EC, a daily hormonal birth control pill, and condoms are available without a prescription, refusals based on personal beliefs are still a problem. Some stores prefer to keep non-prescription contraception behind the counter or in locked cases, so individuals seeking it must interact with pharmacists or other pharmacy staff who may have personal beliefs against providing the drug.
- Pharmacy refusals have been occurring for decades and have received increased attention in the wake of the Supreme Court's decision to unjustly overturn *Roe v. Wade*. Some examples of refusals in the pharmacy that have occurred over the past 20 years:
 - **JULY 2022:** A Walgreens pharmacist in Lincoln, Nebraska told a woman requesting refills for her birth control that she couldn't refill her prescription. Instead, the pharmacist told the individual to call her provider. After getting confirmation with her provider, and enduring a four-day-delay, the woman was finally able to get her prescription filled through another pharmacist at Walgreens.ⁱⁱ
 - **JULY 2022:** A cashier at a Wisconsin Walgreens refused to sell someone condoms, stating, "I won't because of my faith."ⁱⁱⁱ
 - **JANUARY 2019:** Andrea Anderson, a mother of five living in rural Minnesota, attempted to obtain ella, a type of EC available only by prescription. The prescription was sent to the only pharmacy in Anderson's town. The pharmacist scheduled to work that day refused to dispense any EC, and the pharmacy owner refused to help Anderson get her medication. Anderson then tried CVS, but the CVS did not stock ella. The pharmacist called Walgreens in another town but lied about ella not being in stock there. After Anderson verified herself that Walgreens had ella in stock, she was forced to transfer her prescription and drive more than 100 miles in a white-out blizzard to get the time sensitive medication she needed.^{iv}
 - **AUGUST 2016:** In Albuquerque, New Mexico, a 13-year-old girl was prescribed an IUD to treat menstrual complications when no other form of birth control worked for her body. Before the insertion, she was prescribed the hormone misoprostol to make the IUD insertion easier. But when her mom went to fill her prescription at Walgreens, the pharmacist refused to fill the misoprostol because of his "personal beliefs," telling her to try another Walgreens.^v
- **NOVEMBER 2010:** Adam Drake attempted to purchase non-prescription EC at a Walgreens in Houston, Texas and was turned away, despite the fact he should have been allowed to purchase the medication.^{vi}
- **MAY 2007:** In Great Falls, Montana, a 49-year-old woman who used birth control to treat a medical condition went to her local pharmacy to fill her latest prescription. She was given a slip of paper informing her that the pharmacy would no longer fill any prescriptions for birth control. When she called back to inquire about the policy change, the owner of the pharmacy told her that birth control was "dangerous" for women.^{vii}
- **JANUARY 2006:** In Northern California, a married mother of a newborn baby experienced a birth control failure with her husband. Her physician called in a prescription for EC to her regular pharmacy, but when she went to pick it up, the pharmacist on duty not only refused to dispense the drug, which was in stock, but also refused to enter the prescription into the pharmacy's computer so that it could be transferred elsewhere.^{viii}
- **JANUARY 2005:** In Milwaukee, Wisconsin, a mother of six went to her local Walgreens with a prescription for emergency contraception. The pharmacist refused to fill the prescription and berated the mother in the pharmacy's crowded waiting area, shouting "You're a murderer! I will not help you kill this baby. I will not have the blood on my hands." The mother left the pharmacy mortified and never had her prescription filled. The refusal led to an unintended pregnancy.^{ix}
- **APRIL 2004:** In North Richland Hills, Texas, a 32-year-old mother of two went to her local CVS for her regular birth control prescription refill. The pharmacist refused to refill her prescription because of his personal beliefs. The pharmacist said he would not fill the prescription because oral contraceptives are "not right" and "cause cancer."^x

The Legal Landscape Governing Pharmacy Refusals.

- The laws governing pharmacies vary from state to state. Pharmacies must abide by state laws and regulations, which are written by the state legislature and the state Pharmacy Board.
- The laws and regulations in most states do not specifically speak to the issue of pharmacy refusals based on personal beliefs. States that provide general guidance about when pharmacies or pharmacists may refuse to dispense tend to limit the reasons for such a refusal to professional or medical considerations—such as potentially harmful contraindication, interactions with other drugs, improper dosage, and suspected drug abuse or misuse—as opposed to personal judgments.
- Many pharmacist associations that have considered this issue, including the American Pharmacists Association, have issued policies requiring that patient access to legally prescribed medications is not compromised—for example by either filling valid prescriptions or transferring them to another pharmacist who can. Although such policies are not legally binding, they encourage pharmacies to meet consumers’ needs.

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—CA, IL, ME, MA, NV, NJ, WA, WI—explicitly require pharmacists or pharmacies to provide medication to patients.
- In seven states—AL, DE, NY, NC, OR, PA, TX—pharmacy boards have issued policy statements that allow refusals but prohibit pharmacists from obstructing patient access to medication.
- Seven states—AZ, AR, GA, ID, IN, MS, and SD —have laws or regulations that explicitly allow pharmacies or pharmacists to refuse to provide contraception for religious or moral reasons without critical protections for patients, such as requirements to refer or transfer prescriptions.

At the federal level, the Access to Birth Control Act – introduced most recently in the U.S. Senate and U.S. House of Representatives in spring 2024 – would address the problem of pharmacy refusals for birth control at the national level.^{xi} It would ensure that people nationwide can access birth control at the pharmacy without discrimination, harassment, or delay.

Pharmacy Refusals in the Wake of Losing the Constitutional Right to Abortion.

The Supreme Court’s decision to overturn the constitutional right to contraception has escalated attacks on birth control. Refusals in the pharmacy have increased in the two years since that decision and have expanded beyond contraception to include medication for miscarriage management and other critical reproductive health care.^{xii}

How to Respond to a Refusal in the Pharmacy.

- Share your story with NWLC. If you, or anyone you know, has experienced a pharmacy refusal to fill a prescription or obtain a prescription for birth control or over-the-counter contraceptives, and would like to share your story with the National Women’s Law Center, you can do so by submitting information here: [Pharmacy Refusals of Reproductive Care: Share Your Story.](#)
- File a complaint with your state’s pharmacy board to get sanctions against the pharmacist or pharmacy.
- Communicate your story to the press.
- Ask the pharmacy board or legislature in your state to put in place policies that will ensure every consumer’s right to access the medicine they need.
- Alert the pharmacy’s corporate headquarters; many of the major pharmacy chains have policies that protect an individual’s right to receive contraception in store, without discrimination or delay.

- i More than 99% of reproductive age women have used contraception at some point in their lives. Nat'l Ctr. Health Statistics, Ctrs. for Disease Control, Key Statistics from the National Survey of Family Growth – C Listing, https://www.cdc.gov/nchs/nsfg/key_statistics/c-keystat.htm#contraception (last visited Sept. 20, 2024).
- ii Sara Edwards, “‘Because of My Faith’: Walgreens Employees Allegedly Denying Birth Control, Condom Sales,” USA Today (July 22, 2022), <https://www.usatoday.com/story/money/retail/2022/07/21/walgreens-pharmacy-birth-control-condoms/10110827002/>.
- iii *Id.*
- iv See *Anderson v. Thrifty White: Pharmacies Sued for Discrimination*, Gender Justice (last visited Sept. 23, 2024), <https://www.genderjustice.us/work/anderson-v-thrifty-white/>.
- v Joey Peters, “Walgreens Faces Sex Discrimination Complaint After Refusal to Fill Prescription,” NM Political Report (June 5, 2017), <https://nmpoliticalreport.com/quick-reads/walgreens-faces-sex-discrimination-complaint-after-refusal-to-fill-prescription/>.
- vi Meredith Melnick, “ACLU Cites Walgreens for Refusing Emergency Contraception to Men,” TIME (Nov. 23, 2010), <https://healthland.time.com/2010/11/23/aclu-sites-walgreens-for-refusing-emergency-contraception-to-men/>.
- vii Beacon Staff, “Pharmacy Board Takes No Action on Birth Control Issue,” Flathead Beacon (Apr. 23, 2008), <https://flatheadbeacon.com/2008/04/23/pharmacy-board-takes-no-action-on-birth-control-issue/>.
- viii Rep. Carolyn Maroney, “Access to Birth Control Under Attack,” Rewire News Group (Jun. 6, 2007), <https://rewirenewsgroup.com/2007/06/06/access-to-birth-control-under-attack/>.
- iv Story on file with the National Women’s Law Center.
- x *Id.*
- xi The Access to Birth Control Act: Ensuring People Get the Birth Control They Need at the Pharmacy, Nat’l Women’s L. Center (July 2024), <https://nwlc.org/resource/the-access-to-birth-control-act-ensuring-people-get-the-birth-control-they-need-at-the-pharmacy/#>.
- xii See, e.g., NWLC Demands CVS Address Its Discrimination and Refusal to Dispense Miscarriage Management Medication, Nat’l Women’s L. Center (June 6, 2024), <https://nwlc.org/resource/nwlc-demands-cvs-address-its-discrimination-and-refusal-to-dispense-miscarriage-management-medication/>.