

The Access to Birth Control Act: Ensuring People Get their Birth Control at the Pharmacy

Although the last few decades have seen great strides in expanding access to contraception, particularly through the Affordable Care Act's requirement that insurance plans cover birth control without any out-of-pocket costs,¹ one harmful access barrier people continue to face is pharmacy refusals.

Pharmacy refusals refers to pharmacists or pharmacies refusing to fill birth control prescriptions, or refusing to dispense over the counter birth control, based on personal beliefs.² This has happened to individuals across the country and can result in people not getting the birth control they need.

Although some state legislatures, pharmacy boards, and professional associations recognize the harm of pharmacy refusals and have passed measures or issued policies to ensure individuals' access to contraception at the pharmacy,³ other states are allowing these kinds of refusals. As of July 2025, at least seven states have laws explicitly allowing pharmacies or pharmacists to refuse to fill prescriptions for contraception.⁴ And in July, 2025, Tennessee passed a broad refusal rights law that the author said would allow pharmacists to refuse to dispense birth control.⁵

The consequences of pharmacy refusals can be devastating and are particularly stark in pharmacy deserts, areas where residents have inadequate access to pharmacies.⁶ Pharmacy deserts span all 50 states and the District of Columbia, impacting 15.8 million people across the United States.⁷ In these communities, pharmacy refusals can mean that communities are completely unable to access necessary contraceptive care. To make sure people can access birth control without facing a refusal in the pharmacy, Senators Booker and Murray and Representative Robin Kelly introduced the Access to Birth Control Act of 2025 (ABC Act). The ABC Act ensures that any person who goes to a pharmacy for birth control gets the medication they need.

The ABC Act will help protect people's access to birth control.

The ABC Act ensures people have access to their birth control by putting an end to pharmacy refusals. This bill would make sure that when patients go the pharmacy, they will either get their medication then and there, or know how to get it quickly another way. Specifically, the ABC Act requires that:

- Pharmacies must dispense in-stock birth control without delay;
- If a pharmacy is out of stock of a requested item, the pharmacy must either make a referral to a pharmacy that has the item in stock, transfer the prescription, or order the product, whichever the customer prefers;
- Pharmacies must not otherwise create barriers to contraception, and are prohibited from, for example, harassing, intimidating, or threatening customers seeking birth control, or interfering with or obstructing the delivery of contraception;
- Pharmacy employees may only refuse to provide birth control for reasons related to professional clinical judgment, if a customer fails to present a legally required prescription, or if a customer is unable to pay for a product;
- Pharmacies that fail to meet the requirements of the law can be subject to a fine, and customers who are refused birth control in violation of the law may bring a lawsuit.

People across the country have reported being refused birth control at a pharmacy.

Refusals to provide birth control have happened in at least twenty-six states across the country.⁸ These refusal encounters range from refusals to fill prescriptions and refusals to dispense over the counter products, like emergency contraception (EC), to refusals to transfer prescriptions or help someone locate a pharmacy that has medication in stock.⁹ For instance, in July 2022, a Walgreens pharmacist in Lincoln, Nebraska refused to refill a woman's birth control prescription.¹⁰ The woman faced a four-day ordeal before she was finally able to get her prescription filled.¹¹ The ABC Act will put an end to pharmacy refusals, nationwide.

Pharmacy refusals can have devastating consequences.

When a person faces a pharmacy refusal, it can have devastating effects. If someone is refused the birth control they need at the pharmacy, they may not be able to access it somewhere else, especially if they live in a pharmacy desert, a rural area, or otherwise face systemic barriers like lack of transportation or inability to get time off.¹² A refusal could also put a person's health in jeopardy or create the risk of unintended pregnancy.¹³ When someone is refused access to birth control at a pharmacy, it also can be a demoralizing and humiliating experience.¹⁴ In some instances, pharmacy employees have berated or shamed individuals seeking birth control.¹⁵ The ABC Act makes certain that pharmacies are not an impediment to patients accessing necessary healthcare.

The ABC Act builds on Congress's long-standing support for access to birth control.

Congress has been working to protect access to birth control for decades. Ever since the Supreme Court first recognized the right to birth control in *Griswold v. Connecticut*,¹⁶ Congress has repeatedly acted to remove barriers to birth control and improve pathways to accessing this critical health service. In 1970, Congress established Title X grants to fund family planning services across the country, and in 1972, Congress required Medicaid programs to provide access to family planning services without cost sharing.¹⁷ In 2010, Congress passed the ACA, which included the requirement for coverage of women's preventive services without out-of-pocket costs, and which, as of 2021, ensured that 62.1 million women ages 18-64 have no-cost insurance coverage of all FDA-approved methods of birth control.¹⁸ The ABC Act continues a long tradition of protecting access to contraceptives.

Birth control is a public health success that is popular.

Birth control is basic health care, essential to people's ability to time and space pregnancies. The Centers for Disease Control and Prevention (CDC) included "family planning" on the list of ten greatest public health achievements of the twentieth century.¹⁹ Birth control allows people to decide if and when to get pregnant, giving them greater autonomy and ability to plan their lives. Access to birth control is also popular.

A recent National Women's Law Center poll found that 84% of voters agree that everyone should have access to the birth control they want or need, when they want or need it, without any barriers standing in their way.²⁰ The ABC Act promotes public health and aligns with the wishes of the vast majority of people in the country.

Removing barriers to birth control is especially important at this time.

Eliminating barriers to birth control at pharmacies is especially timely and important right now given a range of attacks on people's access to reproductive health care. These include the Supreme Court's erroneous decision to overturn the constitutional right to abortion, the Trump Administration's withholding of millions of dollars to family planning clinics, the Supreme Court decision that South Carolina can block Medicaid patients from using their Medicaid coverage at Planned Parenthood to get the care they need,²¹ and Congress's draconian cuts to Medicaid coverage and defunding Planned Parenthood, which are expected to result in the closure of about 200 clinics nationwide.²³ With this huge reduction in people's ability to obtain birth control from trusted providers, it is even more important that people are not turned away at pharmacies.

The ABC Act is a necessary action Congress must take to stop refusals in the pharmacy and ensure people can access birth control immediately and with dignity.

¹⁴²U.S.C. § 300gg-13 (2010). See also, Nat'l Women's Law Ctr., *The Affordable Care Act's Contraceptive Coverage Requirement: Importance and Impact* (Nov. 2024), <https://nwlc.org/resource/the-affordable-care-acts-contraceptive-coverage-requirement-importance-and-impact/>.

¹⁴³*Pharmacy Refusals 101*, Nat'l Women's L. Ctr. (Jul. 14, 2025) <https://nwlc.org/resource/pharmacy-refusals-101/>.

¹⁴⁴Eight 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. 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. See, Nat'l Women's Law Ctr., *Pharmacy Refusals 101* (Jul. 14, 2025), <https://nwlc.org/resource/pharmacy-refusals-101/>.

¹⁴⁵See *id.*

¹⁴⁶Chris Salvemini, Republican TN bill allowing healthcare providers to deny patients some treatments based on personal beliefs signed into law, *10NEWS* (Apr. 25, 2025) <https://www.wbir.com/article/news/local/governor-bill-lee-signs-bill-into-law-allowing-treatments-to-be-denied-based-on-personal-belief/51-22a1d0a7-dd7e-4123-b727-a60398ec0477>.

¹⁴⁷See Rachel Wittenauer, Parth D Shah, Jennifer L Bacci & Andy Stergachis, *Locations and Characteristics of Pharmacy Deserts in the United States: A Geospatial Study*, 2 *Health Affs. Scholar* 4 (2024) <https://pmc.ncbi.nlm.nih.gov/articles/PMC11034534/#:~:text=Conclusion, and%20improvements%20to%20medication%20access>.

¹⁴⁸See *id.*

¹⁴⁹*Pharmacy Refusals 101*, Nat'l Women's L. Ctr. (Jul. 14, 2025) <https://nwlc.org/resource/pharmacy-refusals-101/>.

¹⁵⁰See *id.*

¹⁵¹Sara 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/>.

¹⁵²See *id.*

¹⁵³See Brief for National Women's Law Center as Amicus Curiae Supporting Appellant, *Anderson v. Thrifty White Pharmacy*, Minn. Ct. App., July 6, 2023 (documenting harms when pharmacy policies obstruct access to emergency contraception), available at <https://nwlc.org/wp-content/uploads/2023/07/Anderson-v.-Thrifty-White-Amicus-Brief.pdf>.

¹⁵⁴See Marcia D. Greenberger & Rachel Vogelstein, *Pharmacist Refusals: A Threat to Women's Health*, 308 *Science* 1557 (2005).

¹⁵⁵See Gretchen Borchelt, *Pharmacists Can't Be Allowed to Deny Women Emergency Contraception*, *U.S. NEWS* (Oct. 12, 2012), <https://www.usnews.com/opinion/articles/2012/10/15/pharmacists-cant-be-allowed-to-deny-women-emergency-contraception>.

¹⁵⁶See *id.*

¹⁵⁷*Griswold v. Connecticut*, 381 US 479 (1965).

¹⁵⁸See Office of Population Affairs, Dept. of Health and Human Services, *50 Years of Title X: A Timeline of Key Events*, last accessed May 9, 2024, <https://opa.hhs.gov/sites/default/files/2020-11/opa-title-x-2020-timeline.pdf>; Centers for Medicaid & Medicare Services, *Medicaid Covers Family Planning Services*, last accessed May 9, 2024, <https://www.medicaid.gov/about-us/program-history/medicaid-50th-anniversary/entry/47702>.

¹⁵⁹New Data Estimates 62.1 Million Women Have Coverage of Birth Control and Other Preventive Services Without Out-of-Pocket Costs, Nat'l Women's L. Center (Dec. 1, 2021), <https://nwlc.org/resource/new-data-estimates-62-1-million-women-have-coverage-of-birth-control-and-other-preventive-services-without-out-of-pocket-costs/>.

¹⁶⁰Ctrs. For Disease Control and Prevention, *Ten Great Public Health Achievements—United States, 1900-1999* (Apr. 2, 1999).

¹⁶¹Polling on file with National Women's Law Center.

¹⁶²*Medina v. Planned Parenthood South Atlantic*, 606 U.S. __ (No. 23 1275), decided June 26, 2025.

¹⁶³See *Dobbs v. Jackson Women's Health Organization*: The Court Takes Away a Guaranteed Nationwide Right to Abortion, Nat'l Women's L. Center (July 12, 2022), <https://nwlc.org/resource/dobbs-v-jackson-womens-health-organization-the-court-takes-away-a-guaranteed-nationwide-right-to-abortion/>; Planned Parenthood, *Breaking: Trump Administration Attempts to Gut Planned Parenthood By Withholding Title X Funding* (Mar. 31, 2025), <https://www.plannedparenthoodaction.org/pressroom/breaking-trump-administration-attempts-to-gut-planned-parenthood-by-withholding-title-x-funding>; Chantelle Lee, *Trump's 'Big Beautiful Bill' and the Supreme Court Put Planned Parenthood Funding in Jeopardy*, *Times* (July 1, 2025), <https://time.com/7299281/big-beautiful-bill-planned-parenthood-funding-trump-supreme-court/>.

¹⁶⁴See Planned Parenthood, *Breaking: Trump Administration Attempts to Gut Planned Parenthood By Withholding Title X Funding* (Mar. 31, 2025), <https://www.plannedparenthoodaction.org/pressroom/breaking-trump-administration-attempts-to-gut-planned-parenthood-by-withholding-title-x-funding>; Chantelle Lee, *Trump's 'Big Beautiful Bill' and the Supreme Court Put Planned Parenthood Funding in Jeopardy*, *Times* (July 1, 2025), <https://time.com/7299281/big-beautiful-bill-planned-parenthood-funding-trump-supreme-court/>.