

Endnotes

- 1 See Appendix A for more details.
- 2 Associated Press, *Public Comment Overwhelmingly Against Proposed Pharmacy Rule*, BILLINGS GAZETTE, Oct. 4, 2005.
- 3 See Appendix A for more details.
- 4 See Appendix A for more details.
- 5 Maryland Board of Pharmacy, Public Minutes—October 20, 1999, available at <http://www.dhmv.state.md.us/pharmacyboard/msword/19991020.doc>.
- 6 See Appendix A for more details.
- 7 *Refusal to Dispense Prescriptions*, ARIZONA STATE BOARD OF PHARMACY NEWS (Ariz. State Bd. of Pharmacy, Glendale, Ariz.), Apr. 2006, at 1, available at <http://www.azpharmacy.gov/pdfs/0406AZNWSLTR.pdf>.
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- 10 Rebecca Meiser, *Bitter Pill: Ohio Doctors and Pharmacists are Looking Out for You. Unless You Need the Morning-After Pill*, CLEVELAND SCENE, July 13, 2005 (quoting Bill Winsley, executive director of Ohio's Board of Pharmacy).
- 11 Tony Leys, *Pharmacy Panel Drops Morality Proposal*, DES MOINES REG., Mar. 29, 2007.
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- 16 See, e.g., VA. CODE ANN. § 54.1-3305 (2007) (requiring board membership to consist of 2 citizen members and 8 licensed pharmacists).
- 17 ARK. CODE ANN. § 17-92-201 (2006).
- 18 ILL. ADMIN. CODE tit. 68, § 1330.91 (2005).
- 19 See Austin City Council, Minutes, Regular Meeting, Thursday, Aug. 18, 2005, available at <http://www.ci.austin.tx.us/minutes/2005/mn050818.htm>.
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- 21 18 VA. ADMIN. CODE § 110-10-20 (2007) ("Person," as defined broadly in the administrative code, means "an individual, a corporation, a partnership, an association, a governmental body, a municipal corporation, or any other legal entity").
- 22 18 VA. ADMIN. CODE § 110-10-50 (2007), under authority of VA. CODE ANN. § 2.2-4007(A) (2007).
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- 27 IDAHO CODE ANN. § 67-5221 (2007).
- 28 UTAH CODE ANN. 63-46a-5 (2007).
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- 45 In the Matter of Disciplinary Proceedings Against Neil T. Noesen, RHP, No. LS0310091PHM (Wisc. Feb. 28, 2005), available at <http://www.naralwi.org/assets/files/noesendecision&finalorder.pdf>.
- 46 *Nine Women Complain Plan B Not at Pharmacies*, ASSOCIATED PRESS, Aug. 1, 2006.
- 47 WASH. ADMIN. CODE § 246-869-150 (2007).
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- 49 Letter from George A. Cayer, R.Ph., President, Board of Registration in Pharmacy, Commonwealth of Massachusetts, to John F. Batter, III, Esq., Wilmer Hale (Feb. 14, 2006) (on file with the National Women's Law Center).
- 50 Minnesota Pharmacists Association, Issue Brief: Conscience Clause and Refusal to Fill Prescriptions, *available at* <http://www.mpha.org/mpha/publicaffairs/IssueBrief06/conscience%20clause.pdf> (last visited Jan. 18, 2008).
- 51 See Caryn Tamber, *Conscience Clauses for Pharmacists is Controversial Topic in MD*, BALT. DAILY REC., June 10, 2005, *available at* http://findarticles.com/p/articles/mi_qn4183/is_20050610/ai_n14664669/print.
- 52 See Letter from Marc Brenman, Executive Director, Washington State Human Rights Commission, to Steve Saxe, Executive Director, Board of Pharmacy (April 17, 2006), *available at* <http://www.hum.wa.gov/Women's%20Issues/pharmltrfn.html>.
- 53 See Letter from Marc Brenman, Executive Director, Washington State Human Rights Commission, to Steve Saxe, Executive Director, Board of Pharmacy (July 5, 2006) (on file with the National Women's Law Center).
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- 55 Barbara Polichetti, *Pharmacist Refuses to Fill Prescription*, PROVIDENCE J., Aug. 11, 2005 (quoting Catherine Cordy, executive director of the Rhode Island Board of Pharmacy).
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- 59 33-24-4 WYO. CODE R. § 2 (2007).
- 60 N.H. CODE ADMIN. R. ANN. PH. 501.01(b)(13) (2007).
- 61 New Hampshire Board of Pharmacy, Pharmacy Patient's Bill of Rights, *available at* <http://www.nh.gov/pharmacy/rights.html> (last visited Jan. 18, 2008).
- 62 NARAL PRO-CHOICE NORTH CAROLINA FOUNDATION, ACCESS TO EMERGENCY CONTRACEPTION IN NORTH CAROLINA PHARMACIES (June 6, 2007), *available at* <http://www.prochoicenorthcarolina.org/assets/files/ecaccessfinal.pdf>.
- 63 These states are AZ, CO, ID, IL, IN, IA, ME, MA, NV, NY, OH, PA, RI, SD, TN, VA, WA, WI.
- 64 247 MASS. CODE REGS. 6.02(4) (2007).
- 65 49 PA. CODE § 27.14 (a) (2007).
- 66 S.B. 60, 66th Gen. Assem., 1st Reg. Sess. (Colo. 2007).
- 67 Local Law of the City of New York, No. 25 (2003).
- 68 The Madison ordinance states:
NOTICE: This pharmacy does not stock / is out of Emergency Contraception (EC). EC, sometimes called the 'morning after pill,' is a safe and legal high dose of oral contraception that must be taken as soon as possible within 120 hours of unprotected intercourse to prevent pregnancy. You do not need a prescription to obtain EC if you are 18 or older; if you are under 18, you must get a doctor's prescription. The nearest location where EC is known to be available is [name of pharmacy], [address of pharmacy], or the pharmacist here will refer you to another pharmacy that is known to have the medication in stock.
City of Madison, Legislative File No. 04663 (Dec. 8, 2006).
- 69 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), *available at* http://www.nycouncil.info/pdf_files/newswire/047_052007_emergency_contraception_2.pdf.
- 70 The text of the IL regulation is as follows:
IF YOU USE CONTRACEPTIVES KNOW YOUR RIGHTS. If this pharmacy dispenses prescription contraceptives, then you have the following rights under Illinois law:
The pharmacy must dispense your prescribed contraceptives without delay, consistent with the normal timeframe for filling any other prescription.
When your contraceptive is out of stock, you have the following options: the pharmacy must cooperate with your doctor to determine a suitable alternative, order the contraceptive, or transfer the prescription to another pharmacy of your choice.
You can instruct the pharmacy to return the prescription slip to you at any time prior to dispensing.
You may file a complaint with the Department of Financial and Professional Regulation-Division of Professional Regulation through the Department's website <http://www.idfpr.com>.
- ILL. ADMIN. CODE tit. 68 § 1330.91(k).
- 71 For a description of the conditions for sale, see Memorandum from Steven Galson, MD, MPH, Director, Center for Drug Evaluation and Research, to NDA 21-045, S-011, Subject: Plan B® (Aug. 24, 2006), *available at* <http://www.fda.gov/cder/drug/infopage/planB/memo.pdf>.
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- 75 ILL. ADMIN. CODE tit. 68, § 1330.91(j) (2007).
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- 77 02-392-19 Code Me. R. § 11 (2007), citing ME. REV. STAT. ANN. tit. 32, § 3795(2) (2007).
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- 79 See MASS. GEN. LAWS ch. 94c, § 19(a) (2007).
- 80 A pharmacist may decline to fill a prescription **only** if he/she reasonably believes that to fill a prescription would be unlawful, potentially harmful to the medical health of a patient, that the prescription was fraudulent, or if the prescription was not for a legitimate medical purpose. NEV. ADMIN. CODE § 639.753 (2007).
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- 82 S.B. 1195, 212th Leg., Reg. Sess. (N.J. 2007), *available at* http://www.njleg.state.nj.us/2006/Bills/S1500/1195_R1.PDF.
- 83 WASH. ADMIN. CODE § 246-869-010 (2007). In November 2007, a federal district court issued a preliminary injunction against the rules, stopping the rules from applying to pharmacies and pharmacists who object to providing EC while the case moves forward. Stormans, Inc. v. Selecky, No. C07-5374RBL (W.D. Wash. Nov. 8, 2007).
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- 86 *Considering Moral and Ethical Objections*, DELAWARE STATE BOARD OF PHARMACY NEWS (Del. State Bd. of Pharmacy, Dover, Del.), Mar. 2006, at 4.
- 87 CODE DEL. REGS. 24-2500 § 3.1.2.4 (2007).

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- 92 Texas State Board of Pharmacy, Plan B, <http://www.tsbp.state.tx.us/planb.htm> (last visited Jan. 18, 2008).
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- 94 See GA. COMP. R. & REGS. 480-5-.03 (2007).
- 95 MISS. CODE ANN. § 41-107-1 (2007).
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- 98 ILL. ADMIN. CODE tit. 68, § 1330.91 (2007).



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