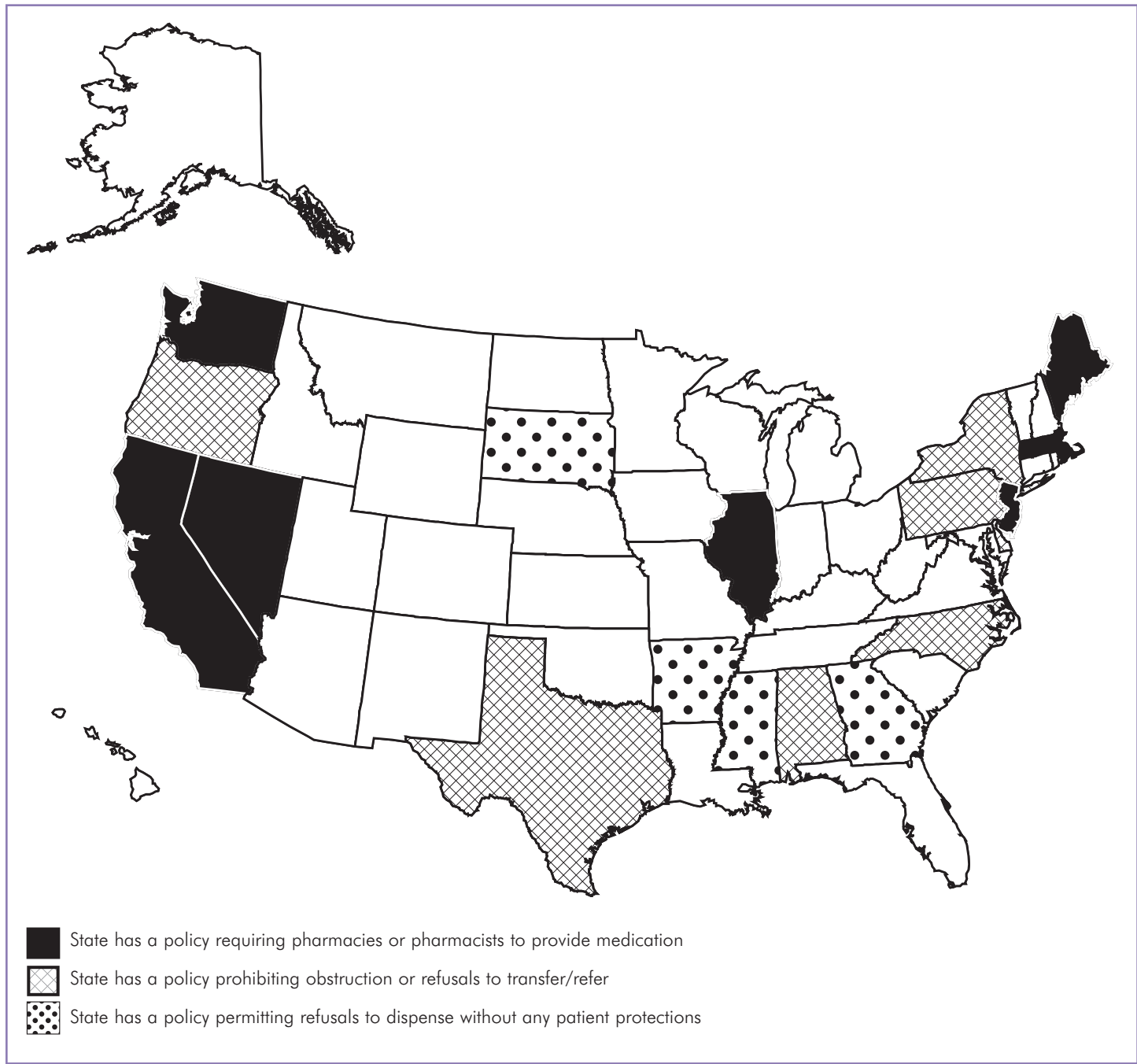




PHARMACY REFUSALS: STATE LAWS, REGULATIONS, AND POLICIES

Most states in the US have regulations that implicitly impose a duty on the pharmacist to dispense all legally valid and medically appropriate prescriptions regardless of their personal beliefs. Seven states also explicitly require pharmacists or pharmacies to ensure that valid prescriptions are filled. Seven states have policies that prohibit a pharmacist from obstructing patient access to medication or from refusing to transfer or refer prescriptions to another pharmacy. Only four states permit refusals without any patient protections.



Below is a description of 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.

States with a Policy Requiring Pharmacies or Pharmacists to Provide Medication

State	Duty on Pharmacist or Pharmacy?	What is duty?	What Must Be Dispensed?	Authority
California	Both	<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) (2008))
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 (2008)

States with a Policy Prohibiting Obstruction or Refusals to Transfer/Refer

State	Duty on Pharmacist or Pharmacy?	What is duty?	What Must Be Dispensed?	Authority
Alabama	Pharmacist	Must provide meaningful referral/transfer	All drugs	Pharmacy board interpretation of professional obligations (2007)
Delaware	Both	<i>Pharmacist</i> : no interference or abandoning patient <i>Pharmacy</i> : must ensure timely access	All drugs	Pharmacy board interpretation of professional obligations (2006); DEL. CODE REGS. 24 2500 § 3.1.2.4 (Weil 2008)
New York	Both	<i>Pharmacist</i> : no interference or abandoning patient <i>Pharmacy</i> : must ensure timely access	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	Both	<i>Pharmacist</i> : notify employer; no obstruction; must provide meaningful referral/transfer <i>Pharmacy</i> : must ensure timely access	All drugs	Pharmacy board interpretation of professional obligations (2005)
Pennsylvania	Both	<i>Pharmacist</i> : no interference or abandoning patient <i>Pharmacy</i> : must ensure timely access	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

State	What Can Be Refused?	Who Can Refuse?	Requirement to Refer?	Authority
Arkansas	Contraception	Pharmacists, physicians, employees, agents, and institutions	No	ARK. CODE ANN. § 20-16-304(4) (2009)
Georgia	Any drug	Pharmacists	No	GA. COMP. R. & REGS. r. 480-5-.03(n) (2008)
Mississippi	Any drug	All health care providers (including pharmacists) and institutions (including pharmacies)	No	MISS. CODE ANN. § 41-107-1 to -13 (2008)
South Dakota	Any drug "believed" to cause abortion or death	Pharmacists	No	S.D. CODIFIED LAWS § 36-11-70 (2008)