

Court: Druggists May Deny Emergency Pill

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The Associated Press
Thursday, November 8, 2007

SEATTLE -- A federal judge has suspended Washington state's requirement that pharmacists sell "morning-after" birth control pills, a victory for druggists who claim their moral objections to the drug are being bulldozed by the government.

In an injunction signed Thursday, U.S. District Judge Ronald Leighton said pharmacists can refuse to sell the morning-after pill if they refer the customer to another nearby source. Pharmacists' employers also are protected by the order.

The emergency contraception sold as Plan B is a high dose of a drug found in many regular birth-control pills. It can dramatically lower the risk of pregnancy if taken within 72 hours of unprotected sex.

Critics consider the pill tantamount to abortion, although it is different from the abortion pill RU-486 and has no effect on women who already are pregnant.

Under pressure from Democratic Gov. Chris Gregoire, state regulators this year ruled that druggists couldn't withhold any prescription because of their personal objections.

Two pharmacists and a drugstore owner sued the state in July over the new rule, saying it violates their civil rights. They asked the judge to halt forced Plan B sales while the lawsuit is in play.

"On the issue of free exercise of religion alone, the evidence before the court convinces it that plaintiffs ... have demonstrated both a likelihood of success on the merits and the possibility of irreparable injury," Leighton wrote.

The injunction effectively sets up a so-called "refuse and refer" system, allowing pharmacists who personally oppose Plan B to send customers to another pharmacy.

Women's groups, abortion-rights advocates and Gregoire have opposed that approach, saying women who seek emergency contraception must get the pills as quickly as possible for them to work.

Kristen Waggoner, an attorney for the pharmacists and drug store owner, said, "We believe strongly that forcing someone to choose between their religious beliefs and actually losing their business or their career is unconstitutional."

Plan B's manufacturer, Barr Pharmaceuticals Inc., last year got approval to sell the drug without a prescription to women 18 and older.

Several states have enacted laws to improve rape survivors' access to the medication in hospital emergency rooms. Some states also have laws that protect pharmacy employees who refuse to sell the contraceptive for reasons of conscience.