



PRESS RELEASE

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Patients' Right to Receive Medications Preserved

Board of Pharmacy reverses course, keeps patient-centered rule

Olympia, WA – In a stunning victory for patients throughout Washington, the state Board of Pharmacy ended a controversial rulemaking process by voting 5-1, with one abstention, to preserve the current rule requiring all pharmacies to dispense medications on site, without delay. If the rules had been changed, they would have paved the way for pharmacists to refuse to fill prescriptions because of their personal beliefs.

“We’re thrilled that the Board of Pharmacy has listened to the thousands of Washingtonians who contacted them to oppose changing existing rules which are balanced, fair and promote patients’ rights,” said Jennifer Allen, Director of Public Policy, Planned Parenthood Votes! Washington.

Since announcing it would consider changing the existing rules - which prohibit pharmacies from refusing to fill a prescription - the Board received more than 5,300 comments from the public, of which more than 80% favored keeping the existing rules in place.

The rules had already gone through an extensive public comment process in 2007. The result was a sensible policy permitting an individual pharmacist to opt-out of dispensing a medication, so long as the patient receives the medication on-site, without discrimination or delay.

The *Stormans et al. v. Selecky et al.* lawsuit – a legal challenge to the 2007 rules brought by two pharmacists and a pharmacy – had been delayed pending the outcome of the new rulemaking process. Now that Board of Pharmacy has decided to keep the current rules, the litigation will likely move forward.

“Legal Voice commends the Board of Pharmacy for retaining the existing rules, said Sara L. Ainsworth, Senior Legal & Legislative Counsel at Legal Voice. “We are confident these rules are constitutional and stand ready to defend them – and patients’ health – in court.”

Background:

- *Stormans v. Selecky* is a challenge brought by two pharmacists and a pharmacy to Washington State Board of Pharmacy rules requiring all licensed pharmacies to fill patients’ prescriptions, regardless of an individual pharmacist’s personal beliefs about a particular medication. Legal Voice and PPGNW, with the help of Seattle law firms Perkins Coie and the Summit Law Group, represent seven Washington patients who intervened to defend the rules.
- In October of 2007, a federal court in Tacoma enjoined enforcement of the rules pending trial – but only as to pharmacies and pharmacists who refuse to dispense Plan B, the emergency contraceptive. The effect of this rule is to single out women’s reproductive healthcare for different – and worse – treatment.
- In July 2009, in a strongly-worded decision, the Ninth Circuit Court of Appeals lifted the injunction, finding that the trial court abused its discretion in enjoining the pharmacy rule. Immediately after the Ninth Circuit’s ruling, the pharmacists asked that court to reconsider its decision.
- In October 2009, in response to that request, the Ninth Circuit strongly reaffirmed its earlier decision, finding “the new rules do not aim to suppress, target, or single out in any way the practice of religion, but, rather, their objective was to increase access to all lawfully prescribed medications.” The court specifically recognized that the trial court “erred in finding that access to Plan B was not a problem, especially given that state officials have already made findings suggesting the opposite.”
- In July 2010, the federal court granted a motion to delay the *Stormans v. Selecky* lawsuit while the State Board of Pharmacy completed a new rulemaking process to make changes to the policies being litigated. Today’s decision ends that process.

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[Planned Parenthood Votes! Washington](#) (PPVW) is an independent, nonprofit, nonpartisan organization educating Washingtonians and policy-makers about reproductive health issues. PPVW lobbies and educates to advance Planned Parenthood's mission and also engages in limited electoral activities.

Legal Voice is a nonprofit women's rights legal organization that pursues justice for all women and girls in the Northwest through ground-breaking litigation, legislative advocacy, and educational tools to help individuals understand their rights.