



PRESS RELEASE

July 12, 2010

Contact:

Elaine Rose, CEO
Planned Parenthood VOTES! Washington
w: (206) 328.7735 c: (206) 794.9550

Lisa M. Stone, Executive Director
Legal Voice
(425) 306-4761

Court Issues Order Delaying Pharmacy Refusal Trial Pending Outcome of Board of Pharmacy Rulemaking

Seattle, WA – Today a federal court in Tacoma granted an order delaying the trial of the *Stormans et al. v. Selecky et al.* lawsuit, originally scheduled to begin in late July.

The lawsuit involves a challenge brought by two pharmacists and a pharmacy to a Washington State Board of Pharmacy (BOP) rule requiring all licensed pharmacies to fill patients' prescriptions without discrimination or delay, regardless of an individual pharmacist's personal beliefs about a particular medication.

On July 7th, the pharmacy and pharmacists who sued the state over the rule, and the State (which had been defending the rule), suddenly joined together in a motion to stay the trial. This stay was proposed pending the outcome of a change to the existing pharmacy rules, initiated in recent weeks by the State Board of Pharmacy with no explanation as to why they were changing course. The Board of Pharmacy intends to change current policy so all pharmacies and pharmacists that oppose filling patients' prescriptions for any reason - including personal beliefs - will be allowed to refuse service and instead refer the patient to a different pharmacy. Under the revisions the BOP seeks to make, even when the medication is in stock, available and sitting on a shelf behind the pharmacist, a pharmacy could require a customer to go to a different pharmacy. Women's health advocates including Planned

Parenthood and Legal Voice are surprised and outraged by this decision by the Board of Pharmacy.

“The Board of Pharmacy is wasting taxpayer dollars by blatantly backtracking on a rule that has already been subject to extensive public debate, has been upheld as constitutional and properly puts patients’ rights first,” said Elaine Rose, CEO, Planned Parenthood VOTES! Washington. “We are shocked the Board of Pharmacy is re-opening the rule and capitulating to a few extremist pharmacists who are putting their personal beliefs before their patients’ health care.”

Last year, the Court of Appeals for the 9th Circuit held that the pharmacy rule is a neutral and constitutional law, and serves a legitimate need to help ensure timely access to medications.

“It’s a sad day for Washingtonians when the agency that is supposed to protect patients and uphold high professional standards turns its back on them, ” said Lisa M. Stone, Executive Director of Legal Voice. “We know the people of our state strongly believe they should get their medications on-site, without interference, but the State seems to have forgotten that.”

The case was scheduled for trial on July 26. Planned Parenthood and Legal Voice will continue to defend the rule as a needed requirement to ensure that everyone in Washington has timely access to medications.

Background:

- The *Stormans et al v. Selecky et al.* case involves 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.”

###

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.