



PRESS RELEASE

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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

State Seeks Delay in Trial to Defend Patients' Access to Emergency Contraception

Seattle, WA – Today the State of Washington filed a motion to delay the *Stormans et al. v. Selecky et al.* lawsuit involving a challenge brought by two pharmacists and a pharmacy to a Washington State Board of Pharmacy rule requiring all licensed pharmacies to fill patients' prescriptions, regardless of an individual pharmacist's personal beliefs about a particular medication. The State and the parties who brought the lawsuit seek a delay while the State Board of Pharmacy (BOP) completes a new rulemaking process to make changes to the policies being litigated. Women's health advocates including Planned Parenthood and Legal Voice are surprised and outraged by this decision by the Board of Pharmacy, a decision made in a hastily-called special meeting of the board with just over 24 hours notice.

"This issue was vigorously debated for 15 months starting more than three years ago and the State has spent considerable time and resources successfully defending the rule in Court," said Elaine Rose, CEO, Planned Parenthood VOTES! Washington. "We are shocked the Board of Pharmacy is re-opening the rule and jeopardizing hard-fought rights for women seeking essential 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 nonsensical for the Board of Pharmacy to abandon an effective and legally sound rule that protects all patients and their right to get their medication without discrimination or delay," said Lisa M. Stone, Executive Director of Legal Voice.

The case is currently 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."

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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.