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Justices could hear pharmacists' case on refusing to fill Rx over religious beliefs

By [Lisa Schencker](#) | June 4, 2016

The [U.S. Supreme Court](#)^[1] could announce as early as Monday whether it will take a case dealing with a Washington state regulation that says pharmacies can't refuse to fill prescriptions because of their owners' religious beliefs.

National and state pharmacy associations say the rule undermines their ability to choose which medications to stock. They say it could also force pharmacists to violate their consciences, such as by providing emergency contraception.

The Washington Board of Pharmacy has argued that the rule still allows pharmacists to refuse to fill prescriptions for religious reasons so long as pharmacies ensure patients promptly receive prescribed medications. That argument, however, is problematic because, typically, only one pharmacist is on duty at a pharmacy at any given time, said Luke Goodrich, an attorney for the Becket Fund for Religious Liberty, which is representing those who brought the case. It's not so simple for a pharmacy to

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find another pharmacist to supply a medication if the first one refuses, he said.

“If this decision is allowed to stand, I think you’ll see abortion rights groups pushing for similar regulations in other states,” Goodrich said. He said Washington is now the only state with such a rule.

A federal appeals court upheld the regulation in July, reversing a lower court’s decision.

The two pharmacists and family-owned pharmacy who brought the case say the regulation puts their jobs and their business in jeopardy, respectively.

Thirteen states and groups such as the American Pharmacists Association, the Academy of Managed Care Pharmacy and 33 state pharmacy organizations have filed briefs in the case supporting the pharmacists.

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