

Access to Birth Control Under Threat? 'The Pill' Is Now Caught Up in Abortion Battle

By ROGENE FISHER

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Forty years after the Supreme Court struck down a Connecticut law that outlawed the use of contraception by married couples, one of the state's senior congressmen is introducing legislation to make sure women aren't prevented from having their birth control prescriptions filled.

In the June 1965 decision in *Griswold vs. Connecticut*, the Supreme Court held that the U.S. Constitution provides a right to privacy in marital relations and that couples could not be denied birth control counseling or access to birth control.

Estelle Griswold brought the case with her husband in an act of civil disobedience. As executive director of Planned Parenthood of Connecticut in the early 1960s, she and her volunteers were unable to offer contraceptives to clients. Instead, they gave women rides to Rhode Island and New York, where it was easier to get birth control products and information.

Abortion Battle Hits the Pharmacy Counter

Griswold prevailed, but 40 years later women's access to birth control is still being restricted, say some reproductive rights advocates, prompting Rep. Christopher Shays, R-Conn. to co-sponsor the Access to Legal Pharmaceuticals Act (ALPhA).

The legislation was spurred by a number of reports from around the country of pharmacists who have refused to dispense emergency contraception or denied refills on monthly birth control prescriptions. Shays joined Sen. Frank Lautenberg, D-N.J., and Reps. Carolyn Maloney, D-N.Y., and Debbie Wasserman-Schwartz, D-Fla., in drafting ALPhA, which would bar pharmacies from denying the sale of physician-prescribed prescription medications because of their employees' religious beliefs.

Four states — Arkansas, Georgia, Missouri, and South Dakota — have laws or regulations that allow pharmacists to refuse to fill prescriptions, under so-called "conscience clauses." And 13 other states have introduced similar bills. On Tuesday, Illinois drew closer to

making permanent a temporary rule requiring pharmacies there to fill prescriptions for emergency contraception.

ALPhA would protect the right of individual pharmacists to refuse to fill prescriptions, but it would also require pharmacies to ensure that patients' prescription requests are accommodated without significant delay.

Reproductive rights advocates say traditional contraception is getting caught up in the debate over emergency contraceptives, the "morning after" or "Plan B" pill, which can prevent a fertilized egg from leading to a pregnancy if taken within 120 hours of intercourse.

"Anti-choice activists are conflating the issue of abortion, and they're moving the battlefield to birth control," said Jackie Payne, Planned Parenthood's assistant director of government relations.

Some anti-abortion rights groups see the issue as central to their fight.

Karen Brauer, president of Pharmacists for Life International, said pharmacists should not be forced to prescribe medication they find morally objectionable nor should they be required to refer patients to pharmacists who would willingly dispense those medications.

Brauer says she lost her job at a Cincinnati-area pharmacy after refusing to dispense an emergency contraception prescription.

For their part, national drugstore chains have been scrambling to adopt policies that serve their customers while still supporting their employees' rights to exercise religious and moral beliefs.

Conscience clauses — sometimes called "refusal laws" by their opponents -- stemmed not from abortion or contraception battles, but from Oregon's passage of the Death With Dignity Act, a law that allows physicians to prescribe a lethal dose of medications for their terminally ill patients under certain conditions.

The American Pharmacists Association supports pharmacists' right to deny specific prescriptions on moral or religious grounds, as long as patients' ability to obtain their medicine is protected. "Keep this in perspective. There are approximately 9 million prescriptions filled every day in this country. We would argue that the majority are being filled without problems," said the association's Kristina Lunner.

Slippery Slope

While the overwhelming majority of women have unimpeded access to their prescription birth control, there is concern that conscience clauses can be written so broadly as to affect a whole host of medications. Could conservative Christian pharmacists refuse to prescribe Viagra to single men, or gay men? Would a Scientologist pharmacist deny Paxil to a woman with post-partum depression?

"That's not even on the radar right now," said Lunner. "Viagra could be morally objectionable, for example, if the person had a history as a sexual predator, but beyond that I haven't heard any reports of pharmacists refusing to prescribe it."

Too often, Lunner said, we read examples of pharmacists refusing to dispense prescriptions in a way that the Pharmacists Association finds objectionable. "We support conscience clauses, but the clause must also support the establishment of a system that provides seamless care to the patient," she said.

Pharmacists' groups have also been active in ensuring access to emergency contraception, she noted. "There are efforts by pharmacists across the country working to enact laws that would allow pharmacists themselves to prescribe EC [emergency contraception] so patients could go to a participating pharmacy where a pharmacist can prescribe and dispense EC without a physician's prescription," she said.

While acknowledging that far-right activists have had some success in bringing contraception into the abortion debate, Planned Parenthood's Payne said the negative reaction to pharmacists' conscience clauses is a great opportunity to inform women and clear up confusion about emergency contraception and traditional birth control.

"We are making progress," she said.

Planned Parenthood is working with national pharmacies to develop policies that will accommodate both pharmacist and patient. "We focus on pharmacy as employer. Whatever they do behind the counter is their business. How they treat their customers is our business."