

American Pharmacists Association
House of Delegates – March 24-27, 2023

NEW BUSINESS

(To be submitted and introduced by Delegates only)

Introduced by: LCDR Briana Rider

(Name)

January 23, 2023
(Date)

United States Public Health Service
(Organization)

Subject: Enforcing antidiscrimination in the dispensing of medications

Motion: To adopt the following proposed policy statements:

Section: Prescriptions and Prescription Orders

1. APhA affirms its support of patients obtaining prescription medication from pharmacies, free from discrimination.
2. APhA opposes discrimination on the basis of disability, pregnancy or related conditions.

Background:

Since the Supreme Court's ruling on *Dobbs v. Jackson*, the U.S. Department of Health and Human Services (HHS) has received complaints about pharmacies not complying with their federal obligations to fill prescriptions. As recipients of federal financial assistance (e.g., Medicare and Medicaid payments), pharmacies are prohibited from discriminating against pharmacy customers on the bases of disability or sex, among other bases, including with regard to supplying medications.

In July 2022, HHS issued guidance to retail pharmacies clarifying their obligations under federal civil rights law. The guidance reaffirms that:

- A pharmacy may be discriminating on the basis of disability if the pharmacy refuses to fill an individual's prescription or does not stock the medication (e.g., misoprostol, methotrexate) because of its alternate uses (e.g., termination of pregnancy) if the individual has a condition (e.g., rheumatoid

arthritis, severe and chronic stomach ulcers) that meets the definition of a disability under civil rights laws.

- Discrimination against people on the basis of pregnancy or related conditions (e.g., miscarriage, ectopic pregnancy) is a form of sex discrimination prohibited by federal law. Further, a pharmacy may be discriminating on the basis of sex if they refuse to fill a certain type of contraceptive (e.g., emergency contraception) because it may prevent pregnancy but provides other contraceptives (e.g., condoms).

References:

- <https://www.hhs.gov/sites/default/files/pharmacies-guidance.pdf>

Current APhA Policy & Bylaws: suggesting new subject under Prescriptions and Prescription Orders

2017, 2012, 1989 Equal Rights and Opportunities for Pharmacy Personnel

- I. APhA reaffirms its unequivocal support of equal opportunities for employment and advancement, compensation, and organizational leadership positions. APhA opposes discrimination based on sex, gender identity or expression, race, color, religion, national origin, age, disability, genetic information, sexual orientation, or any other category protected by federal or state law.

(Am Pharm. NS 29(7):464; July 1989) (Reviewed 2001) (Reviewed 2007) (JPhA. NS52(4):459; July/August 2012) (JPhA. 57(4):441; July/August 2017) (Reviewed 2022)

1979 Consideration of the Equal Rights Amendment

1. APhA supports efforts to ensure equal rights of all persons.

(Am Pharm. NS19(7):60; June 1979) (Reviewed 2009) (Reviewed 2014) (Reviewed 2018)

****Phone numbers will only be used by the New Business Review Committee in case there are questions for the delegate who submitted the New Business Item Content.**

New Business Items are due to the Speaker of the House by **January 23, 2023** (60 days prior to the start of the first House session). Consideration of urgent items can be presented with a suspension of the House Rules at the session where New Business will be acted upon. Please submit New Business Items to the Speaker of the House via email at hod@aphanet.org.