



To be completed by the Office of the
Secretary of the House of Delegates

Item No.: 4
Date received: 1/23/2023
Time received: 8:00PM

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

**NEW BUSINESS
(To be submitted and introduced by Delegates only)**

Introduced by: Veronica Vernon
(Name)

1/23/20 American Pharmacists Association Task Force on Reproductive Health Care Access
(Date) (Organization)

Subject: Pharmacist Protection Related to Reproductive Health Care Access

Motion:

1. APhA opposes legal actions against pharmacies, pharmacists, and pharmacy personnel that provide patient access to reproductive health care services that are within pharmacist scope of practice.

Background:

On June 24, 2022, the U.S. Supreme Court's ruling on *Dobbs v Jackson Women's Health Organization* overturned *Roe v Wade*. This decision has implications on the complete span of reproductive health care services, as it leaves abortion regulation to individual states, creating a new landscape for health care professionals to navigate. Pharmacists, and other health care professionals, are specifically concerned by new legal implications and threats to their standard patient care services.

In states with laws restricting abortion access for example, health care professionals are concerned they may be subject to criminal penalties for helping to provide abortion care, both knowingly and unknowingly. Likewise, there is also concern about preserving rights to exercise professional judgment and conscientious refusal when providing patient care. Mifepristone and misoprostol are FDA-approved for medication abortion and the preferred regimen, but these medications also have other indications, such as the treatment of pregnancy loss (miscarriage), or stomach ulcers (in the case of misoprostol). Concerns have been raised about access to other medications, such as methotrexate, given its former use for medication abortions. In states where abortion is strictly regulated, pharmacists may be hesitant to dispense these medications out of fear of legal ramifications, imposing delays and burdens to patient care. Additional uncertainty surrounds medications that are known to cause fetal abnormalities, such as isotretinoin, a medication under REMS management.

This proposed policy addresses a need for protections of pharmacists practicing within the scope of their practice, and guidance to help them navigate varying regulations with due diligence and responsibility for patients. The proposed policy is intended to be inclusive of protection for all pharmacy personnel (pharmacists, pharmacy technicians, pharmacy interns, clerks, and others), as well as pharmacies as a business. Although specific to reproductive health care services in these statements, these same principles are encouraged to be applied to other contexts (i.e. assisted suicide).

Current APhA Policy & Bylaws:

2004, 1998 Pharmacist Conscience Clause

1. APhA recognizes the individual pharmacist's right to exercise conscientious refusal and supports the establishment of systems to ensure patient's access to legally prescribed therapy without compromising the pharmacist's right of conscientious refusal
2. APhA shall appoint a council on an as needed basis to serve as a resource for the profession in addressing and understanding ethical issues.

(JAPhA. 38(4):417; July/August 1998) (JAPhA. NS44(5):551; September/October 2004) (Reviewed 2010) (Reviewed 2015)

2022 Pharmacists Application of Professional Judgement

1. APhA supports pharmacists, as licensed health care professionals, in their use of professional judgment throughout the course of their practice to act in the best interest of patients.
2. APhA asserts that a pharmacist's independent medication review and use of professional judgment in the medication distribution process is essential to patient safety.
3. APhA opposes state and federal laws that limit a pharmacist's responsibility to exercise professional judgement in the best interest of patients.
4. APhA calls for civil, criminal, and professional liability protections for pharmacists and pharmacies if the pharmacist's responsibility to use professional judgement is limited by state or federal laws.

(JAPhA. 62(4):942; July 2022)

References:

1. United States Department of Health and Human Services. HHS issues guidance to the nation's retail pharmacies clarifying their obligations to ensure access to comprehensive reproductive health care services. <https://www.hhs.gov/about/news/2022/07/13/hhs-issues-guidance-nations-retail-pharmacies-clarifying-their-obligations-ensure-access-comprehensive-reproductive-health-care-services.html> July 2022
2. Dreher A. Axios. Post-Roe drug delays weigh on patients, providers. <https://www.axios.com/2022/07/26/post-roe-drug-delays-weigh-on-patients-providers> July 2022
3. JAPhA 2021. Pharmacists' knowledge, perspectives, and experiences with mifepristone dispensing for medication abortion. <https://pubmed.ncbi.nlm.nih.gov/34281806/>
4. 2022 Minnesota pharmacist sued for discrimination after refusing the morning-after pill: <https://www.mtsu.edu/first-amendment/article/2152/religious-rights-of-pharmacists-and-morning-after-pills>
5. Illinois General Assembly <https://ilga.gov/legislation/billstatus.asp?DocNum=4664&GAID=16&GA=102&DocTypeID=HB&LegID=138825&SessionID=110> January 2023

****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.