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Pharmacy bill OK'd by House

BOISE -- A bill allowing pharmacists to refuse dispensing any medication based on moral or ethical objections won't die in a Senate committee chairman's drawer. Committee chairmen have the power to kill bills in the legislative process by refusing them a public hearing.

That won't happen with the so-called pharmacist's conscience bill, which passed the House 48-21-1 on Monday and is sponsored by Rep. Tom Loertscher, R-Iona. "We will put that one on our calendar and give it a hearing," said Sen. Curt McKenzie, R-Boise, chairman of the Senate State Affairs Committee.

The bill adds a new section to Idaho law that says no pharmacist shall be required to provide pharmaceutical care if it violates his conscience. The Idaho Board of Pharmacy, however, said pharmacists already have that right and exercise it. Yet on the House floor Monday, Rep. Erik Simpson, R-Idaho Falls, questioned the veracity of that statement.

"The pharmacists already have this right, but is it true?" he said. "I guess it depends on who you work for."

Simpson said he talked to a pharmacist that said her employer only allows her to refuse the emergency contraceptive medication Plan B. She must dispense everything else, he said. "Pharmacists could be fired for refusing to dispense medications," Simpson said, adding Loertscher's bill removes that possibility.

Rep. Grant Burgoyne, D-Boise and an employment lawyer, said the bill puts pharmacists' employers in a bind because they'll need to ask their employees to disclose their religious, ethical and moral views and employers could lose business if clients go elsewhere.

"In short, the bill takes away the employer's ability to manage its own business as it sees fit," Burgoyne said. "If the employer wants to fill certain prescriptions, the employee can exercise a veto on the employer's decision with no warning whatsoever. I do not believe that is right."

The bill is largely viewed as a right-to-life issue.

Both anti-abortion activists and abortion-rights groups debated the merits of the bill earlier this session during its public hearing in the House State Affairs Committee.

Proponents argued for religious freedom in the workplace, and opponents said the bill puts patient rights below pharmacist rights.

That debate continued Monday when Rep. Anne Pasley-Stuart, D-Boise, said that if a woman wants to purchase Plan B or birth control, the pharmacist shouldn't have a say in that decision.

"Each Idahoan in this state should have the right to plan his or her family," she said. "This is not the state's prerogative. This is where government ends."

Loertscher, however, said pharmacists shouldn't be forced to contradict their conscience. "The right of exercise of our conscience is one of our most basic and fundamental rights," he said. The bill still has a few more hurdles to clear before becoming law.

But it'll likely make it out of committee and go to the Senate floor for a vote, said Senate Majority Leader Bart Davis, an Idaho Falls Republican who sits on the Senate State Affairs Committee. "If it's perceived as a pro-life issue, it'll probably come out of committee," he said.