

June 28, 2005

Board of Supervisors
County of Marin
San Rafael, CA 94903

Subject: Request for Support of S. 809 (Lautenberg) Regarding Dispensation of Prescription Drugs and Devices by Pharmacists

Dear Board Members:

Recommendation: On behalf of Supervisor Murray, your assistance is requested to support S. 809 (Lautenberg) regarding the dispensation of prescription drugs and devices. Authorize President to issue a letter indicating the Board's support.

Summary: There have been a number of reports recently that retail pharmacies are refusing to fill lawful prescriptions, particularly prescriptions for contraception, including emergency contraception, based on individual pharmacists' religious beliefs.

S. 809 would establish certain duties for pharmacies when pharmacists employed by the pharmacies refuse to fill valid prescriptions for drugs or devices on the basis of personal beliefs. Specifically, S. 809 would amend the Public Health Service Act to require any pharmacy receiving prescription drugs or prescription devices in interstate commerce to: (1) ensure that any in stock prescription that one pharmacist refuses to fill on the basis of a personal belief is filled by another pharmacist employed by the pharmacy without delay; (2) ensure that any individual who presents a prescription for an item that is not in stock which one pharmacist refuses to order on the basis of a personal belief is immediately informed that the product can be ordered by the pharmacy and to order such product without delay; and (3) not employ any pharmacist who engages in any conduct with the intent to prevent or deter an individual from filling a valid prescription, including refusing to return a prescription form, refusing to transfer a prescription, or subjecting the individual to humiliation or harassment.

Your board is requested to consider a letter of support for Senator Lautenberg's bill. A summary of the author's draft bill is attached.

Respectfully submitted,

Mark J. Riesenfeld,
County Administrator