



H.B. 71

124th General Assembly
(As Introduced)

Reps. Faber, Brinkman, DeWine, Driehaus, Callender, Collier, Flowers, Grendell, Hagan, Husted, Jerse, Krupinski, Reidelbach, Schaffer, Seaver, Seitz, Setzer, Willamowski, Wolpert, Womer Benjamin

BILL SUMMARY

- Permits a pharmacist to refuse to dispense a drug based on ethical or religious principles.
- Prohibits a pharmacist's employer from taking action against a pharmacist who refuses to dispense a drug based on ethical or religious principles.
- Establishes civil immunity for a pharmacist, and the pharmacist's employer, who refuses to dispense a drug based on ethical or religious principles.

CONTENT AND OPERATION

Refusal to dispense a drug for ethical or religious reasons

(secs. 4729.16 and 4729.162)

Right to refuse and prohibition on retaliation

The bill permits a pharmacist to refuse to dispense any drug if doing so would violate the pharmacist's ethical or religious principles. It requires a pharmacist to terminate a consult agreement if the pharmacist refuses to dispense a drug prescribed for the individual who consented to treatment under the agreement.¹ Unless self-employed, a pharmacist who intends to refuse to dispense a drug for ethical or religious reasons must give the pharmacist's employer a

¹ A consult agreement is an agreement between a physician and a pharmacist under which the pharmacist is authorized to manage an individual's drug therapy to the extent specified by the physician.

written statement of the reason for the refusal before receiving a request to fill a prescription for the drug. An employer who has been given that notice cannot fire, discipline, discriminate or retaliate against, or deny employment or promotion to the pharmacist solely on the basis of refusal to dispense the drug.

Immunity

The bill provides that a pharmacist who refuses to dispense a drug for ethical or religious reasons is immune from civil liability for harm resulting from the refusal.

Denial of public funds

Under the bill, public funds may not be denied a pharmacist or the pharmacist's employer based on a pharmacist's refusal to dispense a drug for ethical or religious reasons.

Disciplinary action

The bill prohibits the Board of Pharmacy from disciplining a pharmacist for refusing to dispense a drug for ethical or religious reasons or terminating a consult agreement for those reasons.

COMMENT

Under current law, a person cannot be required to perform or participate in medical procedures that result in abortion, and refusal to participate in those procedures is not grounds for civil liability or a basis for disciplinary or other retaliatory action.²

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-06-01	p. 138

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² Revised Code § 4731.91.