

# **Access to Legal Pharmaceuticals Act**

## **Bill Summary**

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### **Section 1. Title.**

### **Section 2. Findings.**

### **Section 3. Duties of Pharmacies with Respect to Refusal of Pharmacists to fill Valid Prescriptions**

a. indicates that the Public Health Service Act is amended to add the following section:

#### **Section 249. Duties of Pharmacies with Respect to Refusal of Pharmacists to fill Valid Prescriptions**

**a. In General.** Pharmacies receiving prescription drugs must comply with the following:

1. If a drug is in stock and a pharmacist refuses to fill it because of a personal belief, the pharmacy must ensure another pharmacist employed by the pharmacy fills it without delay.
2. If a drug is not in stock and a pharmacist refuses to order or offer to order it because of a personal belief or pharmacy policy, the pharmacy must ensure that
  - A. The individual requesting the drug will be informed immediately that the product is not in stock but can be ordered and
  - B. The drug will be ordered without delay.
3. Pharmacists employed by the pharmacy can't prevent or deter an individual from ordering or filling a valid prescription, and this includes
  - A. Refusing to return the prescription if the individual requests it be returned
  - B. Refusing to transfer the prescription if the individual requests it be transferred
  - C. Harassing or humiliating the individual.
  - D. Breaching the confidentiality of the individual

**b. Products not ordinarily stocked.** Subsection (a)(2) only applies with respect to ordering a specific product not in stock, and does not require the pharmacy to keep the product in stock; it just has to order it for the individual with a valid prescription if the pharmacy keeps in stock that type of product for such a health condition.

**c. Enforcement.**

1. A pharmacy is subject to civil penalties not to exceed \$5,000 per day of violation, not exceeding \$500,000 for all violations adjudicated in a single proceeding for violating this act.
2. A pharmacy is also subject to a private cause of action for any violation of this act.
3. There is a five-year statute of limitations for civil penalties and private causes of action, and it begins on the date the alleged violation first occurred.

**d. Definitions**