



1       (a) A violation of this section constitutes unprofessional  
2 conduct by the pharmacist and subjects the pharmacist to  
3 disciplinary or administrative action by the Board of Pharmacy.

4       (b) Notwithstanding any other provision of law, a pharmacist  
5 shall dispense drugs and devices, pursuant to a lawful order or  
6 prescription unless one of the following circumstances exists:

7       (1) Based solely on the pharmacist's professional training and  
8 judgment, dispensing pursuant to the order or the prescription is  
9 contrary to law, or the pharmacist determines that the prescribed  
10 drug or device would cause a harmful drug interaction or would  
11 otherwise adversely affect the patient's medical condition.

12       (2) The prescription drug or device is not in stock. If an  
13 order or prescription cannot be dispensed because the drug or  
14 device is not in stock, the pharmacist shall take one of the  
15 following actions:

16       (A) Immediately notify the patient and arrange for the drug or  
17 device to be delivered to the site or directly to the patient in a  
18 timely manner.

19       (B) Promptly transfer the prescription to another pharmacy  
20 known to stock the prescription drug or device that is near enough  
21 to the site from which the prescription or order is transferred, to  
22 ensure the patient has timely access to the drug or device.

23       (C) Return the prescription to the patient and refer the  
24 patient. The pharmacist shall make a reasonable effort to refer

1 the patient to a pharmacy that stocks the prescription drug or  
2 device that is near enough to the referring site to ensure that the  
3 patient has timely access to the drug or device.

4 (3) The pharmacist refuses on ethical, moral or religious  
5 grounds to dispense a drug or device pursuant to an order or  
6 prescription. A pharmacist may decline to dispense a prescription  
7 drug or device on this basis only if the pharmacist has previously  
8 notified his or her employer, in writing, of the drug or class of  
9 drugs to which he or she objects, and the pharmacist's employer  
10 can, without creating undue hardship, provide a reasonable  
11 accommodation of the pharmacist's objection. The pharmacist's  
12 employer shall establish protocols that ensure that the patient has  
13 timely access to the prescribed drug or device despite the  
14 pharmacist's refusal to dispense the prescription or order.

15 (c) For the purposes of this section, "prescription drug or  
16 device" has the same meaning as the definition in section one-b of  
17 this article.

18 (d) The provisions of this section apply to the drug therapy  
19 described in section one-b of this article.

20 (e) This section imposes no duty on a pharmacist to dispense  
21 a drug or device pursuant to a prescription or order without  
22 payment for the drug or device, including payment directly by the  
23 patient or through a third-party payer accepted by the pharmacist  
24 or payment of any required copayment by the patient.

1        (f) The notice to consumers required by section twelve-b of  
2 this article shall include a statement that describes patients'  
3 rights relative to the requirements of this section.

NOTE: The purpose of this bill is to provide that pharmacists may not obstruct a patient in obtaining a prescription drug or device that has been legally prescribed or ordered for that patient.

This section is new so it is entirely underscored.