

SENATE BILL NO. 197

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY SENATOR DYSON

Introduced: 1/19/10

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act allowing pharmacists the right to refuse to refer, recommend, or dispense**
2 **emergency contraceptives; providing immunity to a pharmacy for civil liability for a**
3 **pharmacist's refusal to refer, recommend, or dispense emergency contraceptives; and**
4 **prohibiting discrimination in employment against a pharmacist who refuses to refer,**
5 **recommend, or dispense emergency contraceptives."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 08.80 is amended by adding a new section to read:

8 **Sec. 08.80.311. Pharmacist's right to refuse to refer, recommend, or**
9 **dispense an emergency contraceptive.** (a) A pharmacist may refuse to refer,
10 recommend, or dispense an emergency contraceptive to which the pharmacist has a
11 personal moral or religious objection.

12 (b) A pharmacist is not liable in a civil action for the pharmacist's refusal to
13 refer, recommend, or dispense an emergency contraceptive under (a) of this section.

1 (c) In this section, "emergency contraceptive" means a contraceptive measure
2 that, if taken after sexual intercourse, may prevent pregnancy.

3 * **Sec. 2.** AS 08.80.470 is amended by adding a new subsection to read:

4 (b) Nothing in this chapter, in the regulations adopted under this chapter, or in
5 AS 17.20 or AS 17.30 may be construed to create a duty or impose on a pharmacist an
6 obligation to refer, recommend, or dispense an emergency contraceptive to which the
7 pharmacist has a personal moral or religious objection and the pharmacist has refused
8 to refer, recommend, or dispense under AS 08.80.311(a).

9 * **Sec. 3.** AS 08.80 is amended by adding a new section to read:

10 **Sec. 08.80.472. Civil liability of a pharmacy for a pharmacist's refusal to**
11 **refer, recommend, or dispense an emergency contraceptive.** A pharmacy is not
12 liable in a civil action for the refusal of a pharmacist employed by the pharmacy to
13 refer, recommend, or dispense under AS 08.80.311(a).

14 * **Sec. 4.** AS 18.80.220(a) is amended to read:

15 (a) Except as provided in (c) of this section, it is unlawful for

16 (1) an employer to refuse employment to a person, or to bar a person
17 from employment, or to discriminate against a person in compensation or in a term,
18 condition, or privilege of employment because of the person's race, religion, color, or
19 national origin, or because of the person's age, physical or mental disability, sex,
20 marital status, changes in marital status, pregnancy, or parenthood when the
21 reasonable demands of the position do not require distinction on the basis of age,
22 physical or mental disability, sex, marital status, changes in marital status, pregnancy,
23 or parenthood;

24 (2) a labor organization, because of a person's sex, marital status,
25 changes in marital status, pregnancy, parenthood, age, race, religion, physical or
26 mental disability, color, or national origin, to exclude or to expel a person from its
27 membership, or to discriminate in any way against one of its members or an employer
28 or an employee;

29 (3) an employer or employment agency to print or circulate or cause to
30 be printed or circulated a statement, advertisement, or publication, or to use a form of
31 application for employment or to make an inquiry in connection with prospective

1 employment, that expresses, directly or indirectly, a limitation, specification, or
 2 discrimination as to sex, physical or mental disability, marital status, changes in
 3 marital status, pregnancy, parenthood, age, race, creed, color, or national origin, or an
 4 intent to make the limitation, unless based upon a bona fide occupational qualification;

5 (4) an employer, labor organization, or employment agency to
 6 discharge, expel, or otherwise discriminate against a person because the person has
 7 opposed any practices forbidden under AS 18.80.200 - 18.80.280 or because the
 8 person has filed a complaint, testified, or assisted in a proceeding under this chapter;

9 (5) an employer to discriminate in the payment of wages as between
 10 the sexes, or to employ a female in an occupation in this state at a salary or wage rate
 11 less than that paid to a male employee for work of comparable character or work in the
 12 same operation, business, or type of work in the same locality; [OR]

13 (6) a person to print, publish, broadcast, or otherwise circulate a
 14 statement, inquiry, or advertisement in connection with prospective employment that
 15 expresses directly a limitation, specification, or discrimination as to sex, physical or
 16 mental disability, marital status, changes in marital status, pregnancy, parenthood, age,
 17 race, religion, color, or national origin, unless based upon a bona fide occupational
 18 qualification; **or**

19 **(7) an employer to refuse employment to a pharmacist, or to bar a**
 20 **pharmacist from employment, or to discriminate against a pharmacist in**
 21 **compensation or in a term, condition, or privilege of employment because of the**
 22 **pharmacist's refusal under AS 08.80.311(a) to refer, recommend, or dispense an**
 23 **emergency contraceptive to which the pharmacist has a personal moral or**
 24 **religious objection.**