To Sell Plan B or Not to Sell Plan B at Wal-Mart

By ACSH Staff — March 9, 2006

Beginning March 20, 2006, the emergency contraceptive known as Plan B, the "morning after pill," will be available at Wal-Mart pharmacies nationwide [1]. The retailer reversed its policy this week, making the drug more accessible to women across the country, especially in rural areas where Wal-Mart pharmacies may be their only option. Illinois and Massachusetts already require Wal-Mart to stock Plan B at pharmacies where other contraceptives are available. Wal-Mart explained its shift from previously refusing to offer the medication by saying that it can no longer deny an FDA-approved product to customers in states where these laws do not apply.

Plan B is an emergency oral contraceptive that, if taken within seventy-two hours after unprotected sex, can decrease the risk of unwanted pregnancy by 89%. Like other oral contraceptives, it does not protect against STDs. It is available by prescription, but eight states currently allow specially trained pharmacists to dispense the drug without a prescription. Wal-Mart maintains that pharmacists may refuse to sell Plan B and other drugs on the grounds of moral or religious objection, when refusing is not prohibited by law. The pharmacist is then required to refer customers to an associate or to another pharmacy where they may be able to obtain the medication. This policy calls into question whether pharmacists should be professionally obligated to fill a doctor's prescription in spite of any moral opposition they might harbor. Wal-Mart's decision puts pharmacy customers on a slippery slope: if their pharmacists can refuse to sell Plan B on moral grounds, can the pharmacists also refuse to sell condoms, birth control pills, or even statins? Should a pharmacist's personal convictions prevent (or at least impede) customers from obtaining drugs prescribed by their physicians?

The FDA is currently considering whether to approve Plan B for over-the-counter (OTC) sales. [2] In a controversial move last year, the FDA delayed its ruling on a new proposal that would, while allowing OTC availability of Plan B, impose certain restrictions on younger women and girls who seek the pill. Many argue that Plan B is treated as an abortion drug and is therefore criticized more harshly than other contraceptives, making its OTC approval a politically heated issue.

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