

HOUSE BILL 1383
By Casada

AN ACT to amend Tennessee Code Annotated, Title 63,
Chapter 10, to enact the "Pharmacist Freedom of
Conscience Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, is amended by adding Sections 2 through 7 of this act as a new part 5.

SECTION 2. The title of this act is and may be cited as the "Pharmacist Freedom of Conscience Act".

SECTION 3. A pharmacist who objects to filling a particular type of prescription on the grounds that it violates his or her ethical or religious principles, and who has stated such a conscientious objection in writing to his or her supervisor, shall not be required to fill such a prescription and may not be disciplined by any administrative authority for refusing to fill such a prescription.

SECTION 4.

(a) When an owner or operator of a pharmacy objects to filling a particular type of prescription on the grounds that it violates his, her or its ethical or religious principles, and promptly posts notice of such objection in writing in a place clearly visible to pharmacy customers, such owner or operator shall not be required to fill such a prescription and may not be disciplined by any administrative authority for refusing to fill such a prescription.

(b) An owner or operator of a pharmacy may post a sign in a place clearly visible to pharmacy customers stating the type of prescription which will not be filled at such pharmacy.

SECTION 5. No employer may discharge, discipline, discriminate or retaliate against, or deny employment or promotion to, a pharmacist because the pharmacist refuses, or states to the employer an intention to refuse, to fill a particular type of prescription; provided, the refusal is based on the grounds that it violates the pharmacist's ethical or religious principles and the pharmacist has stated the conscientious objection in writing to his or her supervisor.

SECTION 6. A pharmacist who refuses to fill a particular type of prescription under Section 3 and the owner or operator of the pharmacy at which that pharmacist practices shall be immune from liability for any damage caused by the refusal.

SECTION 7. No pharmacist or owner or operator of a pharmacy shall be denied public funds based upon the refusal of a pharmacist to fill a particular type of prescription under Section 3.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.