

Regular Session, 1999

HOUSE BILL NO. 1064

BY REPRESENTATIVE PERKINS

PHARMACISTS: Protects right of pharmacist to exercise his professional judgment or personal creed

1 AN ACT

2 To enact R.S. 37:1230, relative to the profession of pharmacy; to protect a  
3 pharmacist's right to exercise his professional judgment or personal  
4 creed; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 37:1230 is hereby enacted to read as follows:

7 §1230. Exercise of professional judgment and personal creed

8 A. As used in this Section, the following terms shall have the  
9 following meaning:

10 (1) "Employment discrimination" means the refusal by an  
11 employer to reasonably accommodate an employed pharmacist or a  
12 pharmacist job applicant in the exercise of the right to a personal creed  
13 when the employer is unable to demonstrate that the accommodation  
14 would pose undue hardship on the employer's program, enterprise, or  
15 business.

16 (2) "Participate in" means to perform; to assist in the  
17 performance of; to counsel in favor of; to make referrals for; to

1           prescribe, compound, distribute, dispense, or administer a drug,  
2           medicine, poison, or device; or otherwise to promote, encourage, or  
3           aid.

4           (3) "Personal creed" means a system of religious beliefs and  
5           precepts, including moral and ethical beliefs and precepts about right  
6           and wrong, that a person holds with the strength of traditional religious  
7           views and conviction.

8           B. No pharmacist may be required to participate in any act in  
9           the normal course of the practice of pharmacy or be required to omit  
10           the participation in any act in the normal course of pharmacy if such  
11           pharmacist:

12           (1) Objects to such participation or omission of participation as  
13           a matter of the exercise of his professional judgment.

14           (2) Objects to such participation or omission of participation as  
15           a matter of the exercise of his personal creed.

16           C. No exercise by a pharmacist of the right to his personal creed  
17           may be the basis of any claim for or award of damages against a  
18           pharmacist or a pharmacy by whom a pharmacist is or might be  
19           employed before or by any court of law or other judicial or  
20           administrative tribunal.

21           D. No exercise by a pharmacist of the right to his personal  
22           creed may be the basis of any disciplinary or other recriminatory or  
23           adverse action against such a pharmacist by the board or any other  
24           governmental regulatory body or agency.

1                   E. No person shall engage in employment discrimination  
2                   against a pharmacist based on the exercise by a pharmacist of the right  
3                   to his personal creed.

4                   F. The board shall promulgate rules and regulations for the  
5                   administration and enforcement of the provisions of this Section.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Perkins

HB No. 1064

Proposed law, relative to the profession of pharmacy, provides that no pharmacist may be required to participate in any act or be required to not act if the pharmacist objects to such participation or omission of participation as a matter of the exercise of his professional judgment or the exercise of his personal creed.

Proposed law defines "personal creed" to mean a system of religious beliefs and precepts including moral and ethical beliefs and precepts about right and wrong that a person holds with the strength of traditional religious views and conviction.

Proposed law further provides that the exercise by a pharmacist of the right to his personal creed may not be the basis of any disciplinary action by any governmental regulatory body or agency nor be the basis of any claim for or award of damages against that pharmacist in any court.

Proposed law also prohibits employment discrimination against a pharmacist based on the exercise of the right to his personal creed. Defines "employment discrimination" to mean the refusal by an employer to reasonably accommodate a pharmacist or pharmacist job applicant in the exercise of the right to a personal creed.

(Adds R.S. 37:1230)