

Presidenza del Consiglio dei Ministri



**Note on the pharmacist's conscientious objection to the
sale of emergency contraceptive products**

25th of February 2011

Abstract

The document responds to a question raised by the Hon. Luisa Capitanio Santolini on the conscience clause invoked by those pharmacists not to sell pharmaceuticals of emergency contraception also referred to as "morning-after pill," for which the leaflet does not exclude the possibility of a mechanism of action which leads to the removal of a human embryo.

The Committee noted that conscientious objection, which has a constitutional basis in the general right to religious freedom and freedom of conscience, must still be made in respect of other fundamental rights, among them the inalienable right of citizens to protect health and to receive the health care recognized by law.

Different bioethical standpoints emerged within the National Bioethics Committee.

Some members recognize the pharmacist's role as being akin to that of other "healthcare workers" and therefore, analogous to what happens with other healthcare professionals, the right to conscientious objection must necessarily be granted. The fact that the pharmacist has a "less direct" role compared with whomsoever clinically practices an abortion was not considered sufficient grounds to invalidate the argument in favour of the moral clause, since the distribution of the product contributes to the possible outcome of abortion in a chain of cause and effect without interruption.

Other members believe that the figure of the pharmacist and that of the physician cannot be assimilated, given the generic relationship with the user: it is the prescription that legitimizes the handing over of the drug and not the identity of the person collecting it. Therefore, it is entirely the physician's responsibility, whereas there is no legal involvement of the pharmacist who can neither censure the work of the physician nor interfere in the private sphere of the individual (a woman, in the event of emergency contraception), thereby preventing self-determination.

Hypothesizing that the legislature acknowledges the right to conscientious objection on the part of pharmacists and pharmacy personnel, the members of the NBC agreed that, in accordance with constitutional principles, the interests of all the parties involved must be considered and guaranteed, as is generally the case in analogous situations. An essential and indispensable premise for the possible legal extension of conscientious objection to pharmacists is, therefore, that the woman in question must in any case be able to access the requested drug elsewhere or through different means and that it is for the institutions and competent authorities, in consultation with the professional bodies involved, to provide the most appropriate systems to make explicit the necessary tools and figures responsible for the implementation of this right.