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Fired Tenn. pharmacist sues Walgreens alleging religious bias

Bob Smietana Religion News Service | Feb. 14, 2014
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A Tennessee pharmacist and a Baptist church deacon who lost his job after an ongoing dispute over selling Plan B contraception has sued his former bosses, claiming he was fired because of his religious beliefs.

Lawyers for Philip M. Hall of Jamestown, Tenn., filed suit against the Walgreens drugstore chain in the U.S. District Court for the Middle District of Tennessee on Tuesday, claiming it discriminated against Hall's religious beliefs.

Hall was fired in August after working six years for Walgreens. He believes Plan B contraceptives cause abortions and refused to dispense them. Plan B is a form of birth control that can prevent pregnancy if taken within 72 hours of unprotected sex. Many medical experts say it does not cause a miscarriage or abortion and won't work if the fertilized egg is already implanted.

For several years, Walgreens worked out a compromise with Hall. If a customer came into the store with a prescription for Plan B, Hall would refer them to another staff member.

Things changed in the summer of 2013, when the FDA approved Plan B as an over-the-counter medication.

Hall said in the complaint that his boss informed the staff that pharmacists were expected to stock and sell Plan B. Hall told his bosses he still did not want to sell the drug. He also contacted the main headquarters of Walgreens in suburban Chicago, to express his concerns about selling the drug.

Things came to a head in mid-July, according to the complaint. Hall claims six boxes of Plan B were delivered to the store but were mislabeled as behind-the-counter drugs. He bought all six boxes for $328.43 and threw them away.

When his boss learned what happened, Hall was initially accused of stealing the drugs. After he showed the receipt, he was then asked if he would sell Plan B.

Hall said he would not and was fired, according to the complaint.

"He doesn't object to Walgreens selling Plan B," said Jocelyn Floyd, a lawyer at the Thomas More Society, a Christian legal group representing Hall. "He's just asking that they accommodate his religious beliefs."

Floyd said Hall got rid of the Plan B medication because it was mislabeled. She said it didn't matter what he did with the medication.

"Walgreens is not out anything as a result of these actions," said Floyd. "It's an improper reason for firing him."

Jim Graham, a spokesman for Walgreens, would not comment on the specifics of Hall's suit. He did say in an

email that the company respects the religious beliefs of employees.

"While we cannot comment on pending litigation, we can tell you that Walgreens company policy allows pharmacists and other employees to step away from completing a transaction to which they have a moral objection," he said in an email.

"Our policy also requires the employee to refer the transaction to another employee or manager on duty who will complete the customer's request."

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