



FACT SHEET

Stormans v. Selecky

ABOUT Stormans v. Selecky

For four generations, Kevin Stormans' family has owned Ralph's Thriftway, a store located in Washington state. Regulations passed by the Washington State Pharmacy Board in mid-2007 mandated that pharmacies like Ralph's Thriftway must stock and dispense the "morning-after" pill if requested by a patient. Stormans chose not to stock the product in his pharmacy after reading research demonstrating that the pill can prevent the implantation of a fertilized egg, an early-stage abortion procedure which Stormans opposes on religious, moral, and ethical grounds. As a result, activists began picketing the store and filing complaints with the Washington Board of Pharmacy, which referred the matter to its legal counsel for further review. In March 2006, ADF attorneys sent a letter to the Washington State Pharmacy Board urging them to adopt a "conscience clause" to protect the right of conscience for pharmacists. ADF-allied attorneys with Ellis, Li & McKinstry along with ADF attorneys represent Stormans, Inc., and two pharmacists, Margo Thelen and Rhonda Mesler, in a civil rights lawsuit in federal court that was filed on July 25, 2007. Both women stand to lose their jobs if their employers are forced to stock the abortifacients, since the two object to dispensing the drugs on religious and moral grounds. The lawsuit challenges the government's attempt to force health care providers to violate their conscience. In November 2007, ADF attorneys won a preliminary injunction, ensuring that state regulations forcing pharmacists to stock and dispense abortion-inducing drugs against their will would be suspended until a decision is reached in the case. Washington state officials filed an appeal of that decision with the U.S. Court of Appeals for the 9th Circuit, which set the district court decision aside even though the State Board of Pharmacy itself had determined that no evidence existed to show that anyone in the state had been denied access to the "Plan B" drug (or any other time-sensitive medication) due to religious conscience concerns. ADF-allied attorneys then secured a [stay order](#) from the district court that halted legal proceedings after the state pharmacy board agreed to propose revisions to its rules that would allow what the pharmacists have sought from the beginning: to be allowed to refer patients who seek drugs which risk the taking of human life to other pharmacies.

CURRENT STATUS OF Stormans v. Selecky as of 1/30/2012

The court held a 10-day bench trial in December 2011 and January 2012 and will soon issue a decision on the case. The court was provided with compelling evidence that Washington's Pharmacy Board exempts numerous pharmacies from having to stock certain medications for various non-religious reasons and that the board's refusal to consider religious reasons is thus clearly discriminatory.

WHAT IS AT STAKE?

The First Amendment protection of both freedom of religion and the right of conscience is at stake. The right of conscience is the right to practice your faith without undue government interference. The new regulations deny health care providers an exemption based on religious, moral, or ethical grounds that virtually all other health care providers enjoy.

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ABOUT ADF

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of [strategy, training, funding, and litigation](#) to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

ABOUT Steven H. Aden

Steven H. Aden (AY'-din) serves as senior counsel with the Alliance Defense Fund in its Washington, D.C., office, where he heads ADF efforts to defend the sanctity of human life. Aden joined ADF in 2008 and is admitted to the bars of the District of Columbia, Virginia, and Hawaii (inactive). He is also a member of the bars of the U.S. Supreme Court and numerous federal circuit and district courts. He has practiced law since 1990 and earned his J.D. from Georgetown University Law Center.

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