

65 East Wacker Place • Suite 1620
Chicago, Illinois 60601
(312) 368-1066
FAX (312) 368-1090



108 East Cook Street
Springfield, Illinois 62704
(217) 528-9200
FAX (217) 528-7214

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CATHOLIC CONFERENCE OF ILLINOIS BACKS CONSCIENCE RIGHTS OF PHARMACISTS IN EMERGENCY CONTRACEPTION BATTLE

CHICAGO – The Catholic Conference of Illinois (CCI) is supporting two Illinois pharmacists in their long battle for conscience rights against dispensing emergency contraception that acts as a chemical abortion.

CCI has joined an amicus brief in support of a six-year-old lawsuit filed against the state by pharmacy owners Luke Vander Bleek of Morrison and Glenn Kosirog of Wheaton. Vander Bleek and Kosirog sued the state in 2005 after former Gov. Rod Blagojevich filed a rule that requires Illinois pharmacies to dispense emergency contraception.

Commonly known as the “morning after pill” and marketed in the United States as Plan B, emergency contraception can prevent the implantation of a fertilized egg in the uterus akin to a chemical abortion.

Sangamon County Circuit Court Judge John Belz ruled in April 2011 the two pharmacists and their pharmacies are protected by the Illinois Healthcare Right of Conscience Act and the First Amendment of the U.S. Constitution. The ruling has not been broadened to cover all Illinois pharmacists. The Illinois attorney general’s office is appealing the decision.

CCI Executive Director Robert Gilligan noted the case reflects the current struggle for religious freedom, as Catholic organizations fight the federal mandate requiring insurance coverage for morally objectionable contraceptives, sterilization and abortion-inducing drugs.

“Conscience rights are a founding principle of this country,” Gilligan said. “We applaud and support the plaintiffs in their quest for religious freedom.”

Other organizations joining this friend-of-the-court brief include the Christian Legal Society, Christian Medical and Dental Associations, Catholic Medical Association, the National Catholic Bioethics Center and Christian Pharmacists Fellowship International.

A timeline of the case is as follows.

- Gov. Rod Blagojevich in April 2005 filed an "emergency rule," which later became permanent, that requires Illinois pharmacies to dispense emergency contraception without delay upon receipt of a valid prescription.

- The two pharmacists in September 2005 sued the state so they would not have to dispense Plan B. The circuit court – one judge -- denied a preliminary injunction and ruled against them. The plaintiffs appealed.
- The appellate court in March 2007 – three judges -- denied their appeal. The case was appealed to the state Supreme Court.
- The Illinois Supreme Court in December 2008 sent the case back to circuit court.
- The circuit court in April 2011 ruled in the plaintiffs' favor, but the ruling applies only to them and their pharmacies.
- The Illinois attorney general's office is appealing, and the case is pending in the Illinois Appellate Court's Springfield-based 4th District and might not receive a ruling until fall 2012.