



BRIGITTE AMIRI
SENIOR STAFF ATTORNEY
Reproductive Freedom Project
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March 12, 2012

By Certified Mail and Electronic Mail

Dwayne A. Piñon, R. Ph., Senior Attorney
Litigation and Regulatory Law
Lorinda Tisdell, R. Ph.
Executive Director, Pharmacy Operations
Walgreen Co.
104 Wilmot Road
Deerfield, IL 60015

Re: Denial of Emergency Contraception

**AMERICAN CIVIL LIBERTIES
UNION FOUNDATION**
NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500
WWW.ACLU.ORG

Dear Mr. Piñon and Ms. Tisdell:

OFFICERS AND DIRECTORS
SUSAN N. HERMAN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

We are writing once again to ask you to investigate and take action to ensure that men are able to purchase emergency contraception ("EC") in your stores. The most recent denial took place in Huntsville, Alabama. We are deeply concerned that prior measures you have taken did not sufficiently inform Walgreens' staff of their obligation to sell emergency contraception to men.

On December 27, 2011, around 8 a.m., a man who we will refer to as John Doe, attempted to purchase emergency contraception from Store Number 6979 located at 2784 Carl T. Jones Dr., Huntsville, Alabama 35802. John Doe approached the pharmacy counter and asked to purchase Plan B One Step. The woman working behind the pharmacy counter left to speak to someone else. When she returned, she told Mr. Doe that the store would not sell Plan B to a man. Mr. Doe then contacted his girlfriend, for whom he was purchasing Plan B, and explained that Walgreens refused to sell him Plan B because he was a man. Mr. Doe's girlfriend, who we will refer to as Jane Doe, was forced to leave her job to buy the product herself.

As you know, time is of the essence for a woman who wishes to prevent pregnancy. The effectiveness of EC diminishes with delay: Experts stress that EC is most effective the sooner it is taken, with effectiveness decreasing every 12 hours. Given that EC's effectiveness decreases over time, the sooner a woman can take it, the more effective it will be in preventing pregnancy. It is therefore crucial that a customer can access to EC in a timely manner. As you are also aware, the FDA has explicitly said that men may purchase EC.¹

¹<http://www.fda.gov/Drugs/DrugSafety/PostmarketDrugSafetyInformationforPatientsandProviders/ucm109783.htm>



Furthermore, men and women who take shared responsibility for making healthy and responsible decisions about their birth control methods should be supported.

When we last spoke about one year ago, you had taken measures to prevent denials of emergency contraception at stores in Texas. It now seems that the problem occurs in other stores in other states. We ask that you investigate the discrimination discussed above, and ensure that this does not happen again at store number 6979 or at any store across the country. We also ask that you issue a formal apology to Mr. Doe and Ms. Doe.

We look forward to hearing from you. Thank you for your attention to these matters.

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Sincerely,

Brigitte Amiri
Senior Staff Attorney
ACLU Reproductive Freedom Project
212-519-7897

Allison Neal
Staff Attorney
ACLU of Alabama
334-265-2754, ext. 203

Cc: Richard Swalley, Store Manager
Walgreens
2784 Carl T. Jones Drive
Huntsville, Alabama 35802



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EXECUTIVE DIRECTOR

We are writing once again to ask you to investigate and take action to ensure that men are able to purchase emergency contraception ("EC") in your stores. The most recent denial took place in Marietta, Georgia. We are deeply concerned that prior measures you have taken did not sufficiently inform Walgreens' staff of their obligation to sell emergency contraception to men.

On November 22, 2011, Willie Green attempted to purchase emergency contraception from store number 5901 at 2390 S. Cobb Drive, SE, Smyrna, Georgia 30080. The pharmacy manager on duty at the time refused to sell him the product because he was a man. She told him he was free to go to Rite Aid if he wanted to purchase the product there, but she would not sell it to him because he was a man. Mr. Green was able to purchase the product from another store but he was very upset about his treatment at Walgreens. The next day he called the store to speak with the store manager. The store manager assured Mr. Green that he would take care of the situation and a refusal would not occur again.

Mr. Green was dubious and returned to the store on November 25, 2011, to purchase the product again. The pharmacy manager again refused to sell him the product. Mr. Green explained that he had spoken with the store manager, who said that Mr. Green would not face this obstacle again. The pharmacy manager told Mr. Green that her religious beliefs prevented her from selling the product to a man and that she believed that EC is an abortion. The dispute escalated and the pharmacy manager called two Walgreens employees to intervene. Mr. Green attempted to explain to them why he should be sold the drug. In the meantime, the pharmacy manager contacted the store manager. Eventually after this debate, the pharmacy manager agreed that Mr. Green could purchase the drug as long as another man processed the transaction. Mr. Green called the store manager the next day and explained the situation. The store



manager acknowledged that Mr. Green was inconvenienced but said that he was ultimately able to buy the product.

As you know, time is of the essence for a woman who wishes to prevent pregnancy. The effectiveness of EC diminishes with delay. Experts stress that EC is most effective the sooner it is taken with effectiveness decreasing every 12 hours. Given that EC's effectiveness decreases over time, the sooner a woman can take it, the more effective it will be in preventing pregnancy. It is therefore crucial that a customer can access to EC in a timely manner. Furthermore, men and women who take shared responsibility for making healthy and responsible decisions about their birth control methods should be supported.

When we last spoke about one year ago, you had taken measures to prevent denials of emergency contraception at stores in Texas. It now seems that the problem occurs in other stores in other states. We ask that you investigate the discrimination discussed above and ensure that this does not happen again at store number 5901 or at any store across the country. We also ask that you issue a formal apology to Mr. Green.

We look forward to hearing from you. Thank you for your attention to these matters.

Sincerely,

Brigitte Amiri
Senior Staff Attorney
ACLU Reproductive Freedom Project
212-519-7897

Chara Fisher Jackson
Legal Director
ACLU of Georgia
770-303-8111

Cc: Mr. Lackey, Store Manager
2390 S. Cobb Drive, SE
Smyrna, GA 30080

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