



Emergency Contraception

September 1, 2023

Emergency contraception (EC) can prevent pregnancy when taken shortly after unprotected sex. Four EC products have been approved by the U.S. Food and Drug Administration (FDA). Three of these products were approved for preventing pregnancy when taken within 72 hours after unprotected sex. One of these products, Plan B One-Step, was approved for over-the-counter sale by the FDA in 2013.

Since the late 1990s, state legislatures have taken different paths to expand access to emergency contraception. First, some states have mandated that hospitals provide emergency contraception–related services to people who have been sexually assaulted. Second, some states permit a person to obtain the medication without having to obtain a physician’s prescription. Third, one state has limited pharmacists’ ability to refuse to dispense emergency contraception on moral or ethical grounds. Finally, in some states, regulations discourage pharmacists from refusing to fill prescriptions for contraceptives, with one state having gone so far as to require pharmacies that stock contraceptives to dispense all contraceptive methods. At the same time, other states have attempted to restrict access by excluding emergency contraception from state Medicaid family planning eligibility expansions or contraceptive coverage mandates, or by allowing pharmacists and potentially some pharmacies to refuse to provide contraceptive services (see [Refusing to Provide Medical Services](#)).

Highlights

- 21 states and the District of Columbia require hospital emergency rooms to provide emergency contraception–related services to sexual assault victims.
 - 20 states and the District of Columbia require emergency rooms to provide information about emergency contraception to sexual assault victims.
 - 16 states and the District of Columbia require emergency rooms to dispense the drug on request to sexual assault victims.
- 8 states allow pharmacists to dispense emergency contraception without a physician’s prescription under certain conditions.
 - 5 states allow pharmacists to distribute it when acting under a collaborative-practice agreement with a physician.
 - 4 states, including 1 that also gives pharmacists the collaborative-practice option, allow pharmacists to distribute emergency contraception in accordance with a state-approved protocol.
- 3 states direct pharmacies to fill all valid prescriptions.
- 1 state directs pharmacists to fill all valid prescriptions.

Restricting Access

- 9 states have adopted restrictions on emergency contraception.
 - 1 state excludes emergency contraception from the services to be covered in the state’s family planning program.
 - 2 states exclude emergency contraception from their contraceptive coverage mandate.
 - 7 states explicitly allow pharmacists to refuse to dispense contraceptives, including emergency contraception.
 - 3 states allow pharmacies to refuse to dispense emergency contraception.

Current Policy Status Table

EMERGENCY CONTRACEPTION POLICIES									
STATE	EXPANDING ACCESS						RESTRICTING ACCESS		
	EMERGENCY ROOMS REQUIRED TO:		PHARMACIST MAY DISPENSE EC WITHOUT PRESCRIPTION UNDER:		MUST FILL VALID PRESCRIPTIONS		STATE LAW EXCLUDES EC FROM:		STATE LAW ALLOWS RI TO DISPENSE BY:
	Provide Information About EC	Dispense EC upon Request	Collaborative Practice Agreement	State-Approved Protocol	Pharmacy	Pharmacist	State Family Planning Program	Contraceptive Coverage Mandate	Pharmacist
Arizona									X
Arkansas	X					X		X	X
California	X	X	X	X					
Colorado	X								†
Connecticut	X [‡]	X [‡]		X					X
District of Columbia	X	X							
Florida									†
Georgia									X
Hawaii	X	X	X						
Idaho									X
Illinois	X	X							†
Louisiana	X	X [⌘]							†
Maine				X					†
Massachusetts	X	X	X						†
Minnesota	X	X							
Mississippi									X
Nevada	X	X							
New Hampshire			X						
New Jersey	X	X			X				
New Mexico	X	X		X					
New York	X	X							
North Carolina							X		
Ohio	Ω	Ω							
Oklahoma									
Oregon	X	X							
Pennsylvania	X	Ψ							
South Carolina		X							
South Dakota									X
Tennessee									†
Texas	X						X		
Utah	X	X							
Virginia	X								
Washington	X	X	X		X				
Wisconsin	X	X			X				
TOTAL	21+DC	16+DC	5	4	3	1	1	2	7

▼ Permanently enjoined by court order; law not in effect.

† A broadly worded refusal policy may apply to pharmacists or pharmacies, but does not specifically include them.

‡ A hospital may contract with an independent medical professional in order to provide the emergency contraception services.

⌘ The facility will only provide emergency contraception after a negative pregnancy test.

Ω Policy does not include an enforcement mechanism.

Ψ A hospital may refuse, based on religious or moral beliefs, to provide emergency contraception when requested by a person who has been sexually assaulted. However, a refusing hospital is then required to immediately transport the person to the closest medical facility that will provide the service.

Source URL: <https://www.guttmacher.org/state-policy/explore/emergency-contraception>