

## **The Thomas More Society**

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April 24, 2008  
For Immediate Release

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### **Violation of K-Mart Pharmacist's Rights of Conscience Goes to Wisconsin Supreme Court**

#### *Thomas More Society Files an Appeal for Noesen v. State of Wisconsin Department of Regulation & Licensing, Pharmacy Examining Board*

**(Madison, WI)** Today the Thomas More Society filed an appeal with the Wisconsin Supreme Court on behalf of Neil T. Noesen. Noesen is a registered pharmacist, who refused to fill a prescription for oral contraceptives at a K-Mart in Menominee, Wisconsin, because of conscientious objections. In 2005, he was disciplined by the Wisconsin Pharmacy Examining Board for refusing to transfer the prescription.

Both a Wisconsin Circuit Court and the Wisconsin Court of Appeals upheld the order of the Pharmacy Examining Board imposing discipline on Mr. Noesen (a reprimand and limitations on his license).

Prior to refusing to fill or transfer the prescription, Mr. Noesen notified his employer of his conscientious objection to contraceptives. The employer had adopted a procedure for accommodating Mr. Noesen's beliefs without losing customers but it was not followed in this particular case. As Mr. Noesen explained to the Court: "...with good conscience, I can't aid, abet, encourage, refer, transfer, or participate in any way with something that I feel would be impairing the fertility of a human being." The customer's prescription was ultimately filled and she did not become pregnant from missing a single dose of her prescription.

According to Paul Linton, Thomas More Society Special Counsel, "Mr. Noesen is being punished for refusing to compromise his beliefs. The Pharmacy Examining Board's action violates his rights of conscience, clearly protected by the Wisconsin Constitution (art. I, s. 18). We hope the Wisconsin Supreme Court will restore Mr. Noesen's right to express his deeply held beliefs. Being tolerant of what others believe is the definition of a free society."

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The Thomas More Society is a public interest law firm which provides legal counsel and defense for those who work to protect innocent human life.

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*"Injustice anywhere is a threat to justice everywhere."* Martin Luther King