

The *Mayo Pharmacy* Case

Case Name: *State of Texas and Mayo Pharmacy v. HHS*

Case Status: Oral argument on government's Motion to Dismiss scheduled for June 29, 2023

Significance: Whether the federal government may force pharmacies to dispense abortion-inducing drugs in violation of State law or religious beliefs.



Background: The Biden administration has attempted to nullify the *Dobbs* decision through various orders and rule changes. Just a few weeks after *Dobbs*, the U.S. Department of Health and Human Service (HHS) issued the Pharmacy Mandate, ordering pharmacies to stock and dispense drugs prescribed to induce abortions. This mandate is a new legislative rule issued in response to the President's Executive order countering *Dobbs*. The mandate alters pharmacies' legal obligations beyond any authority possessed by HHS, by requiring pharmacies that receive federal funding to stock and dispense drugs for abortions. This mandate is a clear violation of many laws, including the Administrative Procedure Act, the Affordable Care Act (which specifically prohibits HHS from using it to require providing abortions), and religious freedom laws that protect pharmacies from such mandates. This mandate orders Mayo Pharmacy, a North Dakota pharmacy owned and led by Kevin Martian, to stock and dispense abortion drugs against his religious convictions or risk losing many of its customers, who are insured through federal programs such as Medicaid. The Biden administration not only lacks authority to issue this mandate, but it also failed to give the public notice or let them comment on it in advance as required by federal law. Mayo Pharmacy practices consistent with the Catholic faith and operates a Catholic bookstore in its lobby. The mandate places a substantial burden on Mayo Pharmacy's exercise of religion under the constitution and federal law. These actions also violate the sovereign authority of the State of Texas and the rights of pharmacies across the state of Texas. Alliance Defending Freedom, representing Mayo Pharmacy, has partnered with the State of Texas to file a lawsuit against the Biden administration for this disregard of the law, the ethical duty of medical professionals to protect all their patients, and the right of medical professionals to follow their conscience in their practice.

Key Points

- The Pharmacy Mandate initiated by the Biden administration has exceeded its statutory authority and violates federal law.
- HHS has no authority to impose a legal duty on pharmacies nationwide to dispense drugs for abortion purposes, or to force pro-life states like Texas to violate state law.
- In an aggressive campaign to oppose pro-life measures, the Biden administration has violated the statutory rights and First Amendment freedoms of thousands of pharmacies, including Mayo Pharmacy in North Dakota.

Key Facts

- The Biden administration is ordering pharmacies to violate their religious beliefs and pro-life state laws.
- No federal law says that pharmacies must stock or dispense abortion drugs.
- Mayo Pharmacy is an independent pharmacy operated consistent with the Catholic faith, is dedicated to the bioethical directives from the United States Conference of Catholic Bishops, and operates a Catholic bookstore in its lobby.

The Bottom Line: The Biden administration has no legal authority to force pharmacies to dispense abortion drugs, especially against the sincerely held religious beliefs of medical professionals.