



March 09, 2023

Ms. Rosalind Brewer
Chief Executive Officer, Walgreens Boots Alliance, Inc.
108 Wilmot Road
Deerfield, IL 60015

Ms. Elizabeth Burr
Interim Chief Executive Officer, Rite Aid
1200 Intrepid Avenue, 2nd Floor
Philadelphia, PA 19112

Ms. Karen S. Lynch
President and Chief Executive Officer, CVS Health
One CVS Drive
Woonsocket, Rhode Island 02895

Dear Ms. Brewer, Ms. Burr and Ms. Lynch:

Recent national events have spotlighted the critical role that pharmacies play in providing access to essential health care, including reproductive health care. That is why we write to you today to ask that you commit to making medication abortion available in your retail and mail-order pharmacies across New York State.

When the United States Supreme Court issued the *Dobbs* decision last year, constitutional protections for abortion care were stripped away from millions of women in this country. Immediately thereafter, anti-abortion extremists, both in State Legislatures and in the U.S. Congress moved to severely restrict or ban abortion entirely. The consequences could be deadly: a 2022 University of Colorado study estimated that a national abortion ban could increase maternal mortality rates by as much as 24%. Access to abortion care has already shrunk dramatically in the months since the decision was announced, and it has become entirely unavailable in wide swaths of the country.

That is exactly why we prioritized protecting reproductive rights in New York after the *Dobbs* decision. New York created the nation-leading Abortion Provider Support Fund and passed new laws protecting the rights of health care providers and patients. And the Attorney General formed the Pro Bono Task Force for Reproductive Health to provide free legal resources and advice

to providers and those seeking abortion in New York. Abortion continues to be legal in the State of New York, and we have protections in place for New Yorkers and anyone who comes here to seek abortion care. At a time when reproductive rights are under attack elsewhere, we cannot let them be chipped away here in New York.

For those reasons, we welcomed the FDA's announcement in December 2022, that it would permanently lift the medically unnecessary requirement on in-person dispensing of mifepristone, an FDA-approved medication used for abortion care and to treat miscarriages. We were equally heartened by initial announcements that the major national pharmacy chains, including yours, would seek certification from the FDA to dispense the medication. Increasing the availability of medication abortion—which now accounts for more than half of all abortions performed nationwide—is essential to the goal of expanding abortion access to meet increased demand in the wake of *Dobbs*.

Unfortunately, building on a national pressure campaign by anti-choice forces, 20 Attorneys General have called on the pharmacies not to distribute this essential medication within their states, based on a restrictive interpretation of the law and misrepresentation of the facts. We urge you not to allow these tactics to intimidate you, and to commit to making this critical medication available as widely as possible, based on a fair and unbiased interpretation of state and federal law.

Even as access to this medication is under threat elsewhere for political reasons, we remind you that New York's law is simple. Abortion is legal and protected as a fundamental right under state law, and there are no legal barriers to dispensing mifepristone in New York pharmacies. New Yorkers urgently need their health care providers to clearly stand up for access to reproductive health care. As CEOs of corporations that operate multiple pharmacies in New York, you are entrusted with making decisions that could greatly impact the availability of this essential medication statewide. We therefore write to ask you the following questions:

Will you commit to dispense mifepristone to patients with a doctor's prescription at all FDA-certified pharmacy locations in the State of New York? If not, what is the legal basis for this decision?

Will you commit to dispense mifepristone via mail with a doctor's prescription to patients in the State of New York? If not, what is the legal basis for this decision?

New Yorkers urgently need clarity on these questions, as reproductive rights are curtailed and undermined across the nation.

Please respond in writing within 10 business days to osg@exec.ny.gov.

Sincerely,



KATHY HOCHUL
Governor



LETITIA JAMES
Attorney General