

United States Senate

WASHINGTON, DC 20510

March 13, 2023

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

Dear Ms. Lynch,

We write with grave concerns about the misunderstanding and confusion that exists regarding potential patients' access to mifepristone from retail pharmacies. We are well aware of threatening letters a number of companies received with regard to the distribution of mifepristone in certain states, and we are writing to ensure that the response to these threats does not cause further confusion or undue alarm. As you work through the Food and Drug Administration (FDA) certification process, we urge you to fully assess the laws in each state and ensure your policies provide the strongest possible legal access to this essential health care.

The FDA approved mifepristone more than 20 years ago after finding the product met its safety and effectiveness standards. Today, mifepristone is used in more than half of all abortions nationwide and is a critical part of comprehensive reproductive health care for patients across the country. We appreciate that immediately following the FDA's January 3, 2023 update to the risk evaluation and mitigation strategy (REMS) for mifepristone, CVS Health announced that it would be pursuing authorization to become a certified pharmacy distributor. Under this new guidance, retail pharmacies can apply to dispense this medication directly to patients, either through the mail or at a pharmacy counter. This change in policy removes a burdensome barrier for patients, improving access to medication abortion for women around the country.

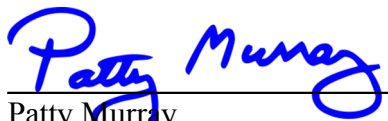
At a time of great confusion about abortion access, it is imperative that no company adds to it. Medication abortion is under threat at the federal level and in many states. We understand that your company must comply with all applicable federal and state laws and regulations, including requirements on where and by whom the product can be dispensed. Many of the state attorneys general that wrote last month have outright bans on access to abortion in effect in their states; others have restrictions in their state that limit dispensing to a physician or require an in person visit. As you continue with the FDA certification process and fully comply with state and federal law, it is critical that your company also provides the strongest possible access to this vital medication and communicates clearly about this. To that end, we ask for your response to the following questions:

- If certified, how do you plan to notify current customers about access to mifepristone in any given state, where restrictions do and do not exist?
- If a new state law to restrict access to medication abortion is proposed, at what stage will you clarify to your customers whether they still have access to mifepristone?

- Will your company conduct any community outreach to ensure customers are aware of the full range of legal health services available to them?

Pharmacists are one of the most trusted health care providers, and we know they already face daily intimidation tactics just in the prospect of dispensing this prescription drug. We also know that your customers rely on CVS Health to help them understand the products they are taking. To that end, we look forward to hearing back from you by March 21, 2023 about your efforts to ensure access to this critical FDA-approved product.

Sincerely,



Patty Murray
United States Senator



Debbie Stabenow
United States Senator



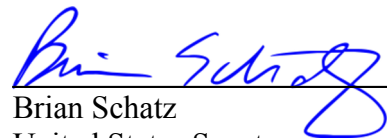
Tammy Baldwin
United States Senator



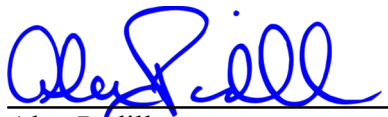
Maria Cantwell
United States Senator



Jeffrey A. Merkley
United States Senator



Brian Schatz
United States Senator



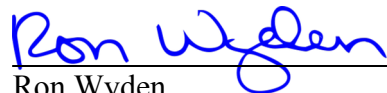
Alex Padilla
United States Senator



Richard Blumenthal
United States Senator



Bernard Sanders
United States Senator



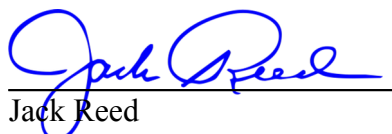
Ron Wyden
United States Senator



Catherine Cortez Masto
United States Senator



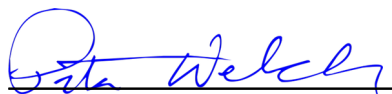
Cory A. Booker
United States Senator



Jack Reed
United States Senator



Sheldon Whitehouse
United States Senator



Peter Welch
United States Senator



Tina Smith
United States Senator



Amy Klobuchar
United States Senator