

# United States Senate

WASHINGTON, DC 20510

March 13, 2023

Rodney McMullen  
Chairman and Chief Executive Officer  
The Kroger Company  
1014 Vine St.  
Cincinnati, OH 45202

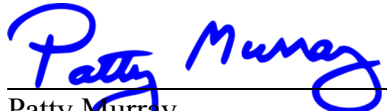
Dear Mr. McMullen,

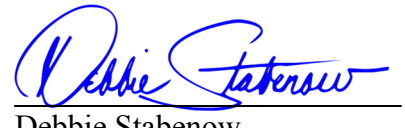
We write with great frustration that Kroger has not indicated whether it plans to allow your customers to access mifepristone through your pharmacies. We are well aware of threatening letters a number of companies received with regard to the distribution of mifepristone in certain states, and are concerned by this intimidation and the potential for it to lead companies like yours to continue to sit on the sidelines and undermine critical care for your customers. We urge you to pursue policies that provide the strongest possible access to the full range of essential health care they need, including mifepristone, and to communicate clearly to your customers about how they can access this care.


The Food and Drug Administration (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. Immediately following the FDA's January 3, 2023 update to the risk evaluation and mitigation strategy (REMS) for mifepristone, several large retail pharmacies announced that they 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.


We are writing to understand your company's plan to support access to this vital medication through the REMS certification process. Pharmacists are one of the most trusted health care providers, and your customers rely on Kroger to help them access their prescribed medications. We look forward to hearing back from you by March 21, 2023 about your intentions to ensure access to this critical FDA-approved product.

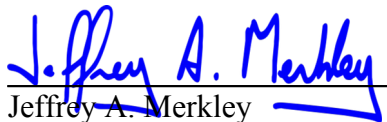
Sincerely,

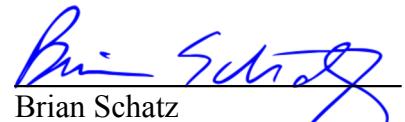
  
Patty Murray  
United States Senator

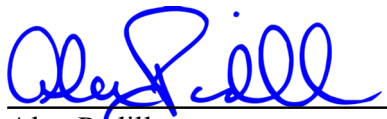
  
Debbie Stabenow  
United States Senator

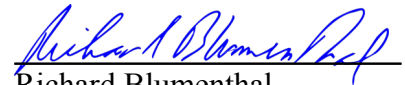
  
Tammy Baldwin  
United States Senator

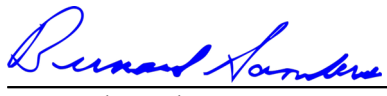
  
Maria Cantwell  
United States Senator

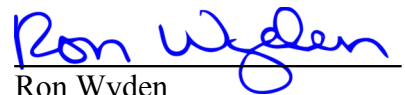
  
Jeffrey A. Merkley  
United States Senator

  
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



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



Tammy Duckworth  
United States Senator



Amy Klobuchar  
United States Senator