

United States Senate

WASHINGTON, DC 20510

February 2, 2023

Rosalind Brewer
Chief Executive Officer
Walgreens Boots Alliance, Inc.
200 Wilmont Road
Deerfield, Illinois 60015

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

Elizabeth “Busy” Burr
Interim Chief Executive Officer
Rite Aid Corporation
30 Hunter Lane
Camp Hill, Pennsylvania 17011

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

In light of a recent regulatory change by the Food and Drug Administration (FDA) allowing retail pharmacies to dispense medication abortion pills to individuals with a prescription from their health care provider, we write to commend Walgreens, CVS, and Rite Aid for publicly committing to seek certification to fill mifepristone prescriptions at your pharmacies.

Ensuring that women have access to this medication—which was approved by the FDA more than two decades ago, and is used both for early pregnancy termination and in the treatment of some miscarriages—is a vital step in protecting a woman’s right to make her own reproductive health choices, in consultation with her health care provider.

There are, no doubt, a number of important considerations CVS, Walgreens, and Rite Aid—and any other pharmacies who choose to participate in this program—will have to navigate as you work to become certified pharmacies dispensing mifepristone. Given today’s political climate—and the unstable landscape after the U.S. Supreme Court’s ruling in *Dobbs v. Jackson Women’s Health Organization* and dangerous actions of some anti-choice state legislators and protestors—we are concerned about ensuring the safety and security of the doctors, pharmacists, and patients involved in obtaining mifepristone. In particular, we are troubled by last week’s incident involving anti-choice demonstrators who allegedly broke into a room where Walgreens held its annual shareholders meeting to protest the company’s decision to seek certification to dispense mifepristone.

To that end, we request a response to the following questions about how your pharmacies plan to safely offer mifepristone. We are interested in how you believe Congress and the Biden Administration could be helpful in supporting your efforts to ensure women have access to this critical medication.

- 1) Do you anticipate incurring any additional security-related costs as a result of opting to dispense mifepristone at your pharmacies—either related to in-person security guards or additional privacy-protection software that may be necessary for your computer systems to protect patient and provider data?
- 2) How do you plan to alert health care providers that certain pharmacies have been certified to dispense mifepristone to patients?
- 3) To receive FDA certification to dispense mifepristone, pharmacies will be required to keep confidential the names of the certified health providers who prescribe mifepristone, to protect their privacy and safety. Therefore, these names should not appear in a company’s nationwide database—but instead must be restricted to the store that fills that doctor’s prescriptions. Do you anticipate having any trouble complying with this requirement?
- 4) How will your pharmacies protect the names of patients who obtain mifepristone at your stores?
- 5) President Biden’s Executive Order 14076, issued on July 8, 2022, specifically noted that the Attorney General and the Secretary of Homeland Security (DHS) shall “consider actions to ensure the safety of patients, providers, and third parties, and to protect the security of clinics (including mobile clinics), pharmacies, and other entities providing, dispensing, or delivering reproductive and related health care services.” From a pharmacy’s perspective, what actions do you think would be most helpful for the Attorney General and DHS Secretary to take to support your efforts to provide mifepristone to patients?
- 6) The Executive Order further states that the Secretary of Health and Human Services (HHS) shall “consider actions to strengthen the protection of sensitive information related to reproductive health care services and bolster patient-provider confidentiality.” From a pharmacy’s perspective, do you have any suggestions for how the HHS Secretary might be helpful in your efforts to provide confidential reproductive health care for your patients?
- 7) Understanding that you must respect the religious beliefs of both employees and customers, do you commit to ensuring that a pharmacist always is available at each certified pharmacy to dispense mifepristone in a timely manner to a customer with a valid prescription?
- 8) What steps could Congress, or the Administration, take to help your pharmacies—as well as other pharmacies nationwide—as you work to make reproductive health care available to your customers in a safe, confidential, and efficient way?

We appreciate your timely response to these questions and, once again, commend your organizations for taking the preliminary steps needed to become certified pharmacies dispensing mifepristone to women in need.

Sincerely,



Richard J. Durbin
United States Senator



Tammy Duckworth
United States Senator