

Congress of the United States

Washington, DC 20515

July 2, 2024

Doug McMillon
President & CEO
Walmart
702 S.W. 8th Street
Bentonville, AK 72716

Matthew Gutermuth
CEO
Safeway
5918 Stoneridge Mall Road
Pleasanton, CA 94588

Rodney McMullen
Chairman & CEO
Kroger
1014 Vine Street
Cincinnati, OH 45202

Craig Jelinek
CEO
Costco
999 Lake Drive Issaquah,
WA 98027

Bryan Tyler
CEO
McKesson Corp. on behalf of
Health Mart
1 Post Street
San Francisco, CA 94104

Dear Mr. McMillon, Mr. Gutermuth, Mr. McMullen, Mr. Jelinek, Mr. Farah, and Mr. Tyler:

We once again write to express our view that your companies should take the steps necessary to begin dispensing mifepristone as soon as possible. As you know, on June 13, 2024, in *Alliance for Hippocratic Medicine (AHM) v. Food and Drug Administration (FDA)*, the Supreme Court unanimously ruled that a group of anti-abortion physicians does not have standing to challenge the FDA's actions related to the approval of mifepristone.

We write to follow up on our letter dated June 2023 in which we similarly asked your companies to provide us with your plan to receive certification to dispense mifepristone and support access to medication abortion. We are disappointed that you have not publicly pursued certification for the past year. While we understand the status of pharmacy mifepristone prescribing has been up in the air over the last year, now that the Supreme Court has ruled on AHM's claims and the status of mifepristone availability is unchanged, we urge you to promptly outline the steps you must take to begin the certification process so that your customers can have mifepristone readily available in states where it remains legal.

Over the past two decades, an abundance of evidence has unequivocally established that medication abortion is safe and effective. On September 28, 2000, the FDA approved mifepristone as one of the medications that can be used in medication abortion care.¹ Since then, more than five million patients have safely used it as the first of two pills in their medication abortion care. To that end, medication abortion now accounts for 63% of all abortions in the health care system. This is an increase from 2020, when medication abortions accounted for 53% of all abortions.² Further still, with a safety record of over 99%, mifepristone is safer

¹ Planned Parenthood. *The Facts on Mifepristone*. 2019.

https://www.plannedparenthood.org/uploads/filer_public/42/8a/428ab2ad-3798-4e3d-8a9f-213203f0af65/191011-the-facts-on-mifepristone-d01.pdf

² Jones Rachel, Freidrich-Karnik Amy. *Medication abortions accounted for 63% of all U.S. abortions in 2023, an increase of 53% since 2020*. March 2024. Guttmacher Institute. <https://www.guttmacher.org/news-release/2024/medication-abortions-accounted-63-all-us-abortions-2023-increase-53-2020>

than Tylenol.³ Despite ongoing, baseless attacks from anti-abortion extremists, the latest of which the Supreme Court just rejected due to lack of standing, the scientific and medical facts remain clear: mifepristone, in combination with misoprostol, remains an essential option for medication abortion and miscarriage management care.

Following the significant body of scientific and medical evidence-based research and science, in January 2023, the FDA permanently lifted some of the medically unnecessary and burdensome restrictions on medication abortion, allowing mail-order pharmacies and pharmacies with physical locations to be certified to dispense mifepristone. Specifically, they established a process for retail pharmacies, including your companies, to become certified.⁴ Your pharmacies do not appear to not have taken steps to begin this process, despite letters from numerous governors, senators, and advocates inquiring about your lack of movement to do so.⁵ Many other large retail pharmacies, including your competitors, have already received certification and are beginning to dispense mifepristone under this new FDA option.⁶ We applaud their leadership and encourage you to consider swiftly following suit.

We are disappointed that your respective companies have not yet indicated plans to seek certification as this could help meet demand for this time-sensitive and essential medication for your workers, consumers and communities where you operate. In fact, data shows that employees want to work for companies that offer reproductive care benefits: 52 percent of workers age 18-34 believe their companies are not doing enough to help workers get the reproductive health access they need.⁷ Seventy percent of women ages 18-44 would be discouraged from taking a job in a state that restricts access to abortion, as would 59% of men in the same age cohort.⁸

Additionally, this lack of action to certify is misaligned with your publicly stated values in support of equal access to health care and in support of gender equality. In light of escalating attacks on bodily autonomy and on people's freedom to make their own health care decisions, we believe that your companies have a social responsibility to consumers and communities to address this issue as soon as possible. Families and communities rely on your pharmacies to provide them with life-saving, timely medications. Mifepristone is currently used in most abortions in this country and it is an increasingly desired option. We firmly believe that your

³ Christine Fernando. *Mifepristone 'Safer than Tylenol,' Experts Say Amid Court Battle Over Major Abortion Pill*. USA Today. April 18, 2023. <https://www.usatoday.com/story/news/nation/2023/04/18/mifepristone-case-abortion-pill-drug-tylenol-fda/11687403002/>

⁴ Food and Drug Administration Risk Evaluation and Mitigation Strategy (REMS) Single Shared System for Mifepristone 200 MG. January 2023. https://www.accessdata.fda.gov/drugsatfda_docs/remis/Mifepristone_2023_01_03_REMS_Full.pdf

⁵ Ivana Saric. *15 Dem Governors Ask Pharmacies to Clarify Plans for Abortion Pill*. Axios. March 14, 2023. <https://www.axios.com/2023/03/14/democrat-governors-pharmacies-abortion-pill> ; Rebecca Pifer. *Democrat Senators Press Major US Pharmacies on Mifepristone Access*. Health Care Dive. March 14, 2023. <https://www.healthcaredive.com/news/democrat-senators-us-pharmacies-mifepristone-access/644929/>

⁶ Diaz, J., & Selyukh, A. *CVS and Walgreens to Start Dispensing Abortion Pill in States Where it's Legal*. NPR. <https://www.npr.org/2024/03/01/1235265078/abortion-pill-cvs-walgreens-mifepristone>

⁷ Leonhardt Megan. *Workers don't think their employers are doing enough in response to 'Roe'—and it could lead to more quits*. Fortune. October 2022. <https://fortune.com/2022/10/25/roe-versus-wade-could-fuel-great-resignation/>

⁸ PerryUndem Research/Communication. *Tara Health Report*. PerryUndem October 2021. <https://perryundem.com/wp-content/uploads/2022/03/PerryUndem-Tara-Health-Report.pdf>

customers should be able to decide which method of care is best for them, but they can only do so if they are able to access it.

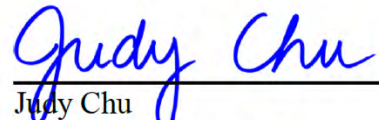
Therefore, we once again request that you provide us with a clear answer about whether and when you will seek authorization to become a certified pharmacy dispenser of mifepristone. We strongly urge you to consider policies that facilitate access to essential and time-sensitive reproductive health care services, including medication abortion, which are clear to your consumers and to your pharmacy employees.

Please ensure that your company responds to us in writing to confirm whether and when you plan to support access to mifepristone through the certification process. We look forward to hearing from you by July 12, 2024.

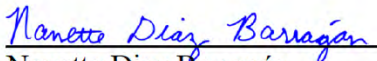
Sincerely,



Dan Goldman
Member of Congress




Judy Chu
Member of Congress



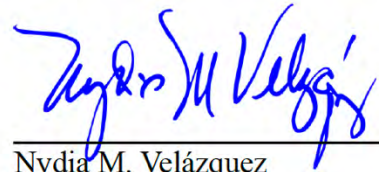
Nanette Diaz Barragán
Member of Congress



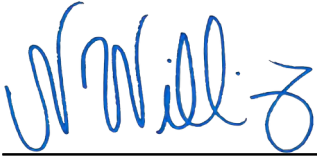
Sean Casten
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Yvette D. Clarke
Member of Congress



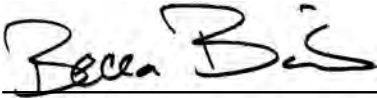
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Member of Congress



Nikema Williams
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Josh Gottheimer
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Becca Balint
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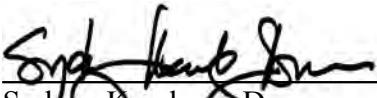
Al Green
Member of Congress
Scion of the Enslaved
Africans -
Sacrificed to Make America
Great



Jasmine Crockett
Member of Congress



Delia C. Ramirez
Member of Congress



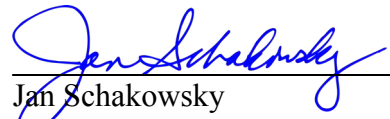
Sydney Kamlager-Dove
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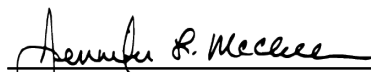
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Jan Schakowsky
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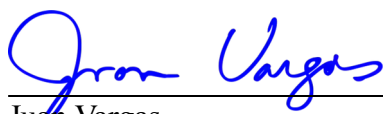
Barbara Lee
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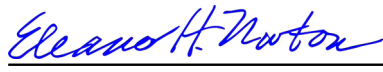
Sheila Jackson Lee
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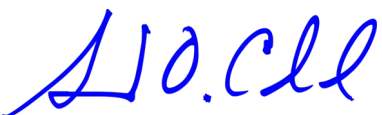
Marilyn Strickland
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Suzan K. DelBene
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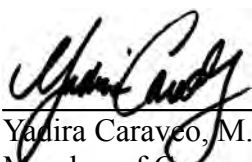
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Yadira Caravco, M.D.
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Gabe Amo
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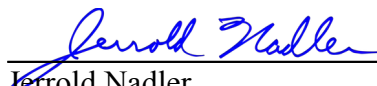
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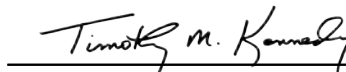
Susie Lee
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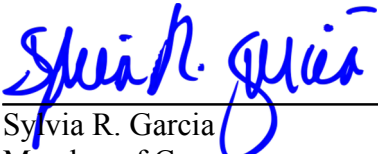
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Sylvia R. Garcia
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Mark DeSaulnier
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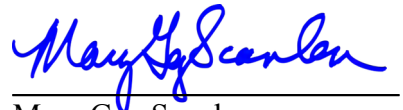
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Joyce Beatty
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Ro Khanna
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Mary Gay Scanlon
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Steve Cohen
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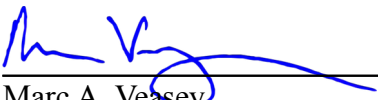
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Ami Bera, M.D.
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Rashida Tlaib
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Marc A. Veasey
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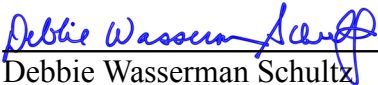
Kathy Castor
Member of Congress



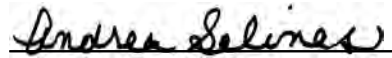
Chris Deluzio
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Rick Larsen
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Debbie Wasserman Schultz
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Andrea Salinas
Member of Congress



Donald S. Beyer Jr.
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