

United States Senate

WASHINGTON, DC 20510

March 8, 2023

VIA ELECTRONIC DELIVERY

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

Dear Ms. Brewer:

We write to express our strong opposition to Walgreens' premature decision to publicly state its intent to avoid dispensing Mifepristone—which the U.S. Food and Drug Administration (FDA) approved to be dispensed by or under the supervision of a certified prescriber, or by a certified pharmacy on a prescription issued by a certified prescriber—in certain States.

Ensuring women have access to Mifepristone—medication the FDA approved more than two decades ago for medical termination of pregnancy and treatment of miscarriages—is a critical step in preserving every woman's right and freedom to make reproductive health choices in consultation with her healthcare provider.

We commend Walgreens for seeking pharmacy certification to dispense Mifepristone through FDA's Mifepristone risk evaluation and mitigation strategy (REMS) program. However, given that such pharmacy certification remains pending, it was ill-advised, at best, for Walgreens to publicly engage in signaling hypothetical regional dispensing decisions over a medication it is not yet authorized to dispense in any State.

By prematurely revealing potential Mifepristone dispensing policies for specific States, Walgreens—intentionally or unintentionally—created a perception that the company concurs with controversial interpretations of complex constitutional and legal issues related to Federal and State statutory interpretation; Federal preemption; judicial precedent and standing, among other complicated matters. Such action was particularly misguided since many of the complicated legal questions remain open and subject to active litigation.

The fear that partisan actors may seek to inaccurately portray Walgreens' premature disclosure of hypothetical dispensing decisions as endorsing specific statutory interpretations and specific legal theories concerning the complex interplay of Federal and State law is not itself hypothetical. The Kansas Attorney General touted Walgreens' written response in a February 21, 2023, letter addressed to another retail pharmacy:

“Finally, as you may be aware, Walgreens has recently reviewed the laws at issue and has stated that it does not intend to dispense Mifepristone within the State of Kansas and does not intend to ship Mifepristone into Kansas from any of its pharmacies.”

A major retail pharmacy prematurely wading into complicated and controversial legal matters threatens to undermine public trust and confidence in retail pharmacies and pharmacists. The industry will ultimately be harmed if the public comes to view retail pharmacies as corporate entities that prioritize responding to partisan pressure and threats over patient care.

We urge Walgreens demonstrate its commitment to putting patients first by prioritizing obtaining FDA specialty certification to dispense Mifepristone and publicly clarifying that any hypothetical dispensing decisions remain undecided and premature at best, while the company seeks pharmacy certification.

Sincerely,



Tammy Duckworth
United States Senator



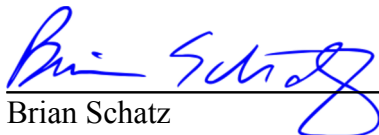
Maria Cantwell
United States Senator



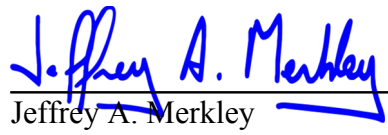
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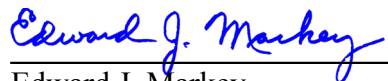
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