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PhRMA Donates Nearly $300,000 To The Republican Attorneys General Association (RAGA) Even As RAGA Funds AGs Actively Challenging PhRMA's Interests In Court And In Policy

Summary: The Supreme Court is set to hear a case from the Alliance For Hippocratic Medicine (AHM), a coalition of anti-abortion and anti-LGBTQ physician groups, challenging the Food And Drug Administration's (FDA's) original approval and mailing of the abortion drug mifepristone, which was approved by the FDA in 2000 and has been safely used to perform more than five million abortions in the U.S. This is the first direct challenge to abortion access to make its way to the Supreme Court following its 2022 reversal of *Roe v. Wade* that had previously protected abortion access nationwide. As a result, the case is drawing significant national attention from pro-choice and pro-life advocates alike, submitting amicus briefs and letters in support of both the FDA and AHM.

The Pharmaceutical Research and Manufacturers of America (PhRMA) filed two amicus briefs supporting the FDA in April and May 2023. Days before filing its April 2023 amicus brief, PhRMA Executive Vice President, General Counsel, and Corporate Secretary Jim Stansel, responded to a lower district court ruling in favor of restrictions to mifepristone access, writing that "PhRMA has serious concerns with any court substituting its opinion for the FDA's expert decision making." Upon filing the brief, Stansel stated, "our brief aims to protect the FDA's long-standing authority to determine whether a medicine is safe and effective for people to use, as Congress has authorized them to." After PhRMA filed a May 2023 amicus brief in the Fifth Circuit Court of Appeals, Stansel stated, "the district court's ruling would upend the successful regulatory framework on which biopharmaceutical research and development depends."

However, throughout FY2022 and the first six months of 2023, PhRMA contributed $255,400 to the Republican Attorney Generals Association (RAGA). As PhRMA was donating to RAGA, RAGA was directing $2.2 million to nine conservative attorneys general across the country continuing to advocate against the distribution of mifepristone, often in direct contradiction to PhRMA and their own amicus briefs:

- In February 2023, Mississippi Attorney General Lynn Fitch filed an amicus brief alongside 21 other Republican attorneys general urging the Northern District of Texas block the FDA's approval of mailing abortion drugs, arguing the Biden administration's FDA violated federal and state laws by allowing the mailing of mifepristone. "The FDA's brazen attempt to not only sidestep, but outright defy federal and state laws threatens both the health of women and democracy," said Fitch.

- In April 2023, Fitch filed an amicus brief alongside 20 other Republican attorneys general urging the Supreme Court stay the district decision, with Fitch arguing that "the Biden Administration's shameless efforts to skirt federal and state laws with a national mail-order abortion regime flouts the Court's ruling and the rights of the people, and puts women's health in jeopardy."

- In February 2023, two coalitions of 20 and 19 Republican state attorneys general sent two batches of letters to a total of seven pharmacies to warn them that "distribution of abortion pills in the mail would violate both state and federal law," to which Walgreens, the country's second-largest chain of pharmacies, announced they no longer intended to distribute mifepristone in those states.

- Also in February 2023, 21 Republican state attorneys general filed an amicus brief defending West Virginia against a challenge from GenBioPro, the country's only manufacturer of generic mifepristone, arguing that states have the right to ban a drug outright if they choose to.

- In January 2023, a coalition of 22 Republican state attorneys general sent a letter to FDA

commissioner Robert Califf, arguing that the FDA's decision to approve mifepristone "abandon[ed] its long standing restrictions on the remote prescription and administration of abortion-inducing drugs." The letter further attacked the FDA's decision as "illegal and dangerous," while "prioritizing a reckless pro-abortion policy over women's health."

This discovery comes on the heels of the recent revelation of PhRMA's giving $530,000 to right-wing fringe groups intimately involved with Project 2025, which recently published a policy roadmap calling for the reversal of mifepristone's FDA approval as part of further restrictions to abortion access. The Heritage Foundation, architects of Project 2025, received $125,000 from PhRMA in 2022 and has criticized President Biden's FDA as "doing the bidding of the abortion industry at the expense of women's health and safety" in a move to "turn local pharmacies into abortion clinics."

The Supreme Court Is Set To Hear A Case From The Alliance For Hippocratic Medicine—A Coalition Of Anti-Abortion And Anti-LGBTQ Physicians Groups—Challenging Food and Drug Administration (FDA) Approval Of The Abortion Drug Mifepristone, Which Was Approved By The FDA In 2000 And Has Been Safely Used To Perform More Than Five Million Abortions In The U.S.

The Alliance for Hippocratic Medicine Is A Coalition Of Anti-Abortion And Anti-LGBTQ Physicians Groups Was Formed In August 2022.

The Alliance For Hippocratic Medicine Is An Alliance Of Anti-Abortion And Anti-LGBTQ Physicians Groups, Including The American Association Of Pro-Life Obstetricians And Gynecologists, The American College Of Pediatricians, Christian Medical & Dental Associations, And Catholic Medical Association:

[Alliance for Hippocratic Medicine, accessed 09/29/23]

- **The American College Of Pediatricians Is Considered An Anti-LGBTQ Hate Group By The Southern Poverty Law Center, "Masquerad[ing] As The Premier U.S. Association Of Pediatricians."** "The American College of Pediatricians (ACPeds) is a fringe anti-LGBTQ hate group that masquerades as the premier U.S. association of pediatricians to push anti-LGBTQ junk science, primarily via far-right conservative media and filing amicus briefs in cases related to gay adoption and marriage equality." [Southern Poverty Law Center, accessed 09/29/23]

The Alliance For Hippocratic Medicine Was Incorporated In Texas In August 2022:

ALLIANCE FOR HIPPOCRATIC MEDICINE	
Texas Taxpayer Number	32085759861
Mailing Address	2604 HIGHWAY 421 BRISTOL, TN 37620-9486
Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	08/05/2022
Texas SOS File Number	0804675645
Registered Agent Name	LEAH DAVIS
Registered Office Street Address	500 S. TAYLOR, SUITE 900 AMARILLO, TX 79101

[Texas Office of the Comptroller, as of 02/23/23]

The Internal Revenue Service Granted The Alliance For Hippocratic Medicine 501(c)(3) Status In February 2023, With Tax Exemption Effective August 5, 2022:

Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
P.O. Box 2508
Cincinnati, OH 45201

ALLIANCE FOR HIPPOCRATIC MEDICINE
2604 US HWY 421
BRISTOL, TN 37620

Date:
02/01/2023
Employer ID number:
92-1316926
Person to contact:
Name: Customer Service
ID number: 31954
Telephone: 877-829-5500
Accounting period ending:
December 31
Public charity status:
170(b)(1)(A)(vi)
Form 990 / 990-EZ / 990-N required:
Yes
Effective date of exemption:
August 05, 2022
Contribution deductibility:
Yes
Addendum applies:
No
DLN:
26053430013783

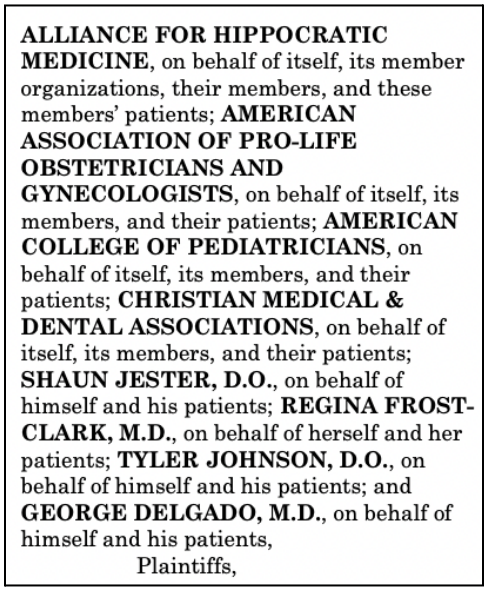
Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

[Internal Revenue Service, accessed 9/29/23]

In November 2022, Shortly After Its Incorporation, The Alliance For Hippocratic Medicine Became The Lead Plaintiff In A Federal Court Case Challenging The FDA's Approval Of The Abortion Pill Mifepristone, Which Was Approved By The FDA In 2000 And Has Been Safely Used To Perform More Than Five Million Abortions In The U.S.

November 2022: The Alliance For Hippocratic Medicine (AHM) Became The Lead Plaintiff In A Lawsuit Against The Food And Drug Administration Filed In Federal District Court:



ALLIANCE FOR HIPPOCRATIC MEDICINE, on behalf of itself, its member organizations, their members, and these members' patients; **AMERICAN ASSOCIATION OF PRO-LIFE OBSTETRICIANS AND GYNECOLOGISTS**, on behalf of itself, its members, and their patients; **AMERICAN COLLEGE OF PEDIATRICIANS**, on behalf of itself, its members, and their patients; **CHRISTIAN MEDICAL & DENTAL ASSOCIATIONS**, on behalf of itself, its members, and their patients; **SHAUN JESTER, D.O.**, on behalf of himself and his patients; **REGINA FROST-CLARK, M.D.**, on behalf of herself and her patients; **TYLER JOHNSON, D.O.**, on behalf of himself and his patients; and **GEORGE DELGADO, M.D.**, on behalf of himself and his patients,

Plaintiffs,

[Complaint, Alliance for Hippocratic Medicine et al. v. U.S. Food and Drug Administration, Case 2:22-cv-00223-Z, 11/18/22]

The Lawsuit Challenged The Food And Drug Administration's Approval Of The Widely Used Abortion Pill Mifepristone, Which The Agency Approved For Use In 2000. "Medication abortion is the most commonly used method of abortion in the United States, accounting for more than half of all abortions. Mifepristone is part of a two-drug regimen for medication abortion and was first approved by the U.S. Food and Drug Administration in 2000. [...] This lawsuit—filed by anti-abortion advocates against the FDA and the U.S. Health and Human Services (HHS) in November 2022—challenges the FDA's initial approval of mifepristone as well as its more recent actions to increase access to the drug. If the lawsuit succeeds, access to the most common medication abortion regimen used in the U.S. would end across the country—even in those states where abortion rights are protected." [Center for Reproductive Rights, accessed 10/2/23]

The U.S. Food And Drug Administration Approved Mifepristone In 2000. "Since mifepristone was first approved by the FDA in 2000, the drug has been used for abortions by more than 5 million women in the U.S." [NPR, 04/21/23]

Since Its Approval In 2000, Mifepristone Has Been Used To Perform More Than Five Million Abortions In The U.S. "Since mifepristone was first approved by the FDA in 2000, the drug has been used for abortions by more than 5 million women in the U.S." [NPR, 4/21/23]

In December 2023, The Supreme Court Announced It Would Hear The Alliance For Hippocratic Medicine's Legal Challenge Against The FDA's Approval Of Mifepristone.

December 13, 2023: The Supreme Court Granted Certiorari In The Cases *FDA, Et Al. V. Alliance Hippocratic Medicine, Et Al.* And *Danco Laboratories, L.L.C. V. Alliance Hippocratic Medicine, Et Al*.

(ORDER LIST: 601 U.S.)

WEDNESDAY, DECEMBER 13, 2023

CERTIORARI GRANTED

22-982 THORNELL, DIR., AZ DOC V. JONES, DANNY L.

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted.

23-50 CHIAVERINI, JASCHA, ET AL. V. NAPOLEON, OH, ET AL.

23-108 SNYDER, JAMES V. UNITED STATES

23-146 CONNELLY, THOMAS A. V. UNITED STATES

The petitions for writs of certiorari are granted.

23-235) FDA, ET AL. V. ALLIANCE HIPPOCRATIC MEDICINE, ET AL.
)
23-236) DANCO LABORATORIES, L.L.C. V. ALLIANCE HIPPOCRATIC MEDICINE, ET AL.

The petitions for writs of certiorari are granted. The cases are consolidated, and a total of one hour is allotted for oral argument.

[Supreme Court of the United States of America, Orders of The Court, filed 12/13/23]

2023: Kaiser Family Foundation Study Found That Mifepristone Successfully Terminates Pregnancy In 99.6 Percent Of Cases And That Medicinal Abortions That Use It Have A Mortality Rate Of Less Than 0.001 Percent

2023: A Study Conducted By The Kaiser Family Foundation Found That Mifepristone Successfully Terminates 99.6 Percent Of The Time And Has A Mortality Rate Of Less Than 0.001 Percent. "Since mifepristone was first approved by the FDA in 2000, the drug has been used for abortions by more than 5 million women in the U.S. A study from KFF, an independent health policy organization, determined that medication abortion successfully terminates pregnancy 99.6% of the time. The foundation found a .4% risk of major complications and a mortality rate of less than .001%." [NPR, 04/21/23]

- **The Kaiser Family Foundation (KFF) Is An Independent, Nonpartisan Nonprofit Organization That Runs Analysis, Journalism, And Communications Programs Focusing On Health Issues.** "The Henry J. Kaiser Family Foundation is a non-profit organization focusing on national health issues, as well as the U.S. role in global health policy. Kaiser develops and runs its own policy analysis, journalism and communications programs. They are a nonpartisan source of facts, analysis and journalism for policymakers, the media, the health policy community and the public." [Harvard.edu, accessed 12/14/23]

In Two Amicus Briefs Filed In April and May 2023, PhRMA Argued In Favor Of The FDA, Saying "It Is Wrong For Any Court To Replace The FDA's Expert Scientific Decision Embodied In A Drug Approval With Its Own Judgment" And That "The District Court's Ruling Would Upend The Successful Regulatory Framework On Which Biopharmaceutical Research And Development Depends."

In April 2023, The Pharmaceutical Research And Manufacturers Of America (PhRMA) Responded To A District Court's Ruling Upholding Restrictions To Mifepristone Access By Mail And Filed An Amicus Brief In Support Of The Food And Drug Administration (FDA).

April 12, 2023: PhRMA Executive Vice President, General Counsel, And Corporate Secretary Jim Stansel, Responded To A Lower District Court Ruling In Favor Of Restrictions To Mifepristone Access, Writing "PhRMA Has Serious Concerns With Any Court Substituting Its Opinion For The FDA's Expert Decision Making." "The FDA is the gold standard for determining whether a medicine is safe and effective. The FDA evaluates volumes of scientific data prior to approval and continues to assess the risks and benefits long after a medicine is approved. These rigorous evaluations give American patients the confidence that what they're picking up at the pharmacy is safe and effective. PhRMA Has Serious Concerns With Any Court Substituting Its Opinion For The FDA's Expert Decision Making" [Pharmaceutical Research and Manufacturers of America, 04/12/23]

- **Jim Stansel Is Executive Vice President, General Counsel And Corporate Secretary Of PhRMA.** [PhRMA, accessed 01/31/24]

April 14, 2023: PhRMA Filed An Amicus Brief In The Case *Alliance For Hippocratic Medicine V. U.S. Food And Drug Administration* In Support Of The FDA. "The Pharmaceutical Research and Manufacturers of America (PhRMA) filed an amicus brief with the U.S. Supreme Court in the U.S. Food and Drug Administration (FDA) v. Alliance for Hippocratic Medicine case. Arguing in support of the FDA, the PhRMA brief supports the U.S. Fifth Circuit Court of Appeals' (Fifth Circuit) decision to leave in place the 2000 FDA approval at issue in the district court. Importantly, the amicus brief also argues the Fifth Circuit should also have left in place the 2016 FDA-approved changes to the relevant risk evaluation and mitigation strategy (REMS)." [Pharmaceutical Research and Manufacturers of America, 04/14/23]

In May 2023, PhRMA Filed An Amicus Brief In Support Of The FDA, Saying "It Is Wrong For Any Court To Replace The FDA's Expert Scientific Decision Embodied In A Drug Approval With Its Own Judgment" And That "'The District Court's Ruling Would Upend The Successful Regulatory Framework On Which Biopharmaceutical Research And Development Depends.'"

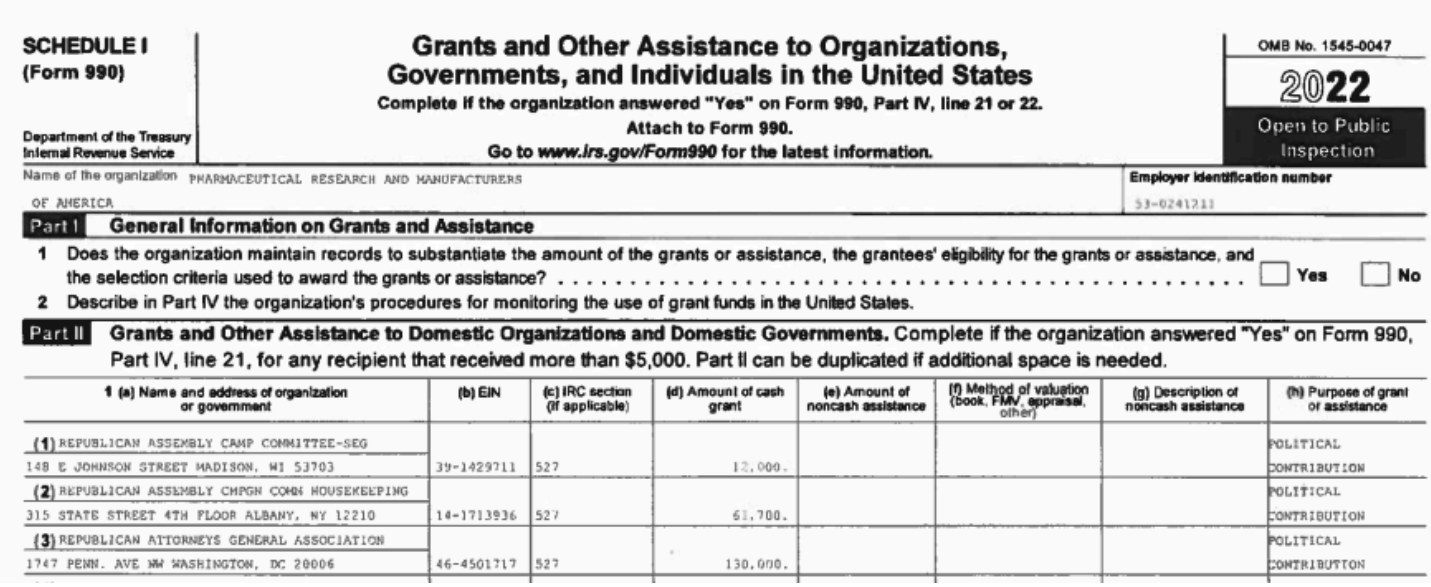
May 2023: PhRMA Filed An Amicus Brief In In Support Of The FDA, With PhRMA Executive Vice President, General Counsel, And Corporate Secretary Jim Stansel, Stating, "'It Is Wrong For Any Court To Replace The FDA's Expert Scientific Decision Embodied In A Drug Approval With Its Own Judgment" And That "'The District Court's Ruling Would Upend The Successful Regulatory Framework On Which Biopharmaceutical Research And Development Depends.'" "Today, the Pharmaceutical Research and Manufacturers of America (PhRMA) filed an amicus brief alongside other leading industry stakeholders in the U.S. Court of Appeals for the Fifth Circuit in Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration (FDA). 'It is wrong for any court to replace the FDA's expert scientific decision embodied in a drug approval with its own judgment. The FDA is authorized by Congress to evaluate the safety

and efficacy of medicines – and the Agency is the gold standard for regulatory review. The district court's ruling would upend the successful regulatory framework on which biopharmaceutical research and development depends,' said PhRMA Executive Vice President, General Counsel and Corporate Secretary Jim Stansel.'" [Pharmaceutical Research and Manufacturers of America, 05/01/23]

Throughout 2022 And The First Half Of 2023, PhRMA Gave $255,400 To RAGA As RAGA Gave $2.2 Million To Attorneys General Across The Country Actively Advocating Against The Distribution Of Mifepristone.

According To Several Tax Filings, PhRMA Gave $130,000 In 2022 And $125,400 To RAGA In The First Six Months Of 2023.

PhRMA Donated $130,000 To The Republican Attorneys General Association During the FY 2022 Fiscal Year:



SCHEDULE I (Form 990)

Department of the Treasury Internal Revenue Service

Grants and Other Assistance to Organizations, Governments, and Individuals in the United States

Complete if the organization answered "Yes" on Form 990, Part IV, line 21 or 22.

Attach to Form 990.

Go to *www.irs.gov/Form990* for the latest information.

OMB No. 1545-0047

2022

Open to Public Inspection

Name of the organization PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA

Employer identification number 53-0241211

Part I General Information on Grants and Assistance

1 Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the selection criteria used to award the grants or assistance? . . . . . ☐ Yes ☐ No

2 Describe in Part IV the organization's procedures for monitoring the use of grant funds in the United States.

Part II Grants and Other Assistance to Domestic Organizations and Domestic Governments. Complete if the organization answered "Yes" on Form 990, Part IV, line 21, for any recipient that received more than $5,000. Part II can be duplicated if additional space is needed.

1 (a) Name and address of organization or government	(b) EIN	(c) IRC section (if applicable)	(d) Amount of cash grant	(e) Amount of noncash assistance	(f) Method of valuation (book, FMV, appraisal, other)	(g) Description of noncash assistance	(h) Purpose of grant or assistance
(1) REPUBLICAN ASSEMBLY CAMP COMMITTEE-SEG 148 E JOHNSON STREET MADISON, WI 53703	39-1429711	527	12,000.				POLITICAL CONTRIBUTION
(2) REPUBLICAN ASSEMBLY CMPGN COMM HOUSEKEEPING 315 STATE STREET 4TH FLOOR ALBANY, NY 12210	14-1713936	527	61,700.				POLITICAL CONTRIBUTION
(3) REPUBLICAN ATTORNEYS GENERAL ASSOCIATION 1747 PENN. AVE NW WASHINGTON, DC 20006	46-4501717	527	130,000.				POLITICAL CONTRIBUTION

[PhRMA 990 pg. 251, accessed 01/29/24]

PhRMA Continued To Donate To RAGA After The Filing Of These Amicus Briefs And The Sending Of These Letters, Donating $400 In March 2023 And $125,000 In May 2023:

Contributor's name, mailing address and ZIP code
PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AM
950 F STREET, NW SUITE 300
WASHINGTON, DC 20004

Name of contributor's employer
N/A

Contributor's occupation
N/A

Aggregate contributions year-to-date
$ 125400

Amount of contribution
$ 400

Date of contribution
03/09/2023

Contributor's name, mailing address and ZIP code
PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AM
950 F STREET, NW SUITE 300
WASHINGTON, DC 20004

Name of contributor's employer
N/A

Contributor's occupation
N/A

Aggregate contributions year-to-date
$ 125400

Amount of contribution
$ 125000

Date of contribution
05/15/2023

[IRS, 07/31/23]

In 2022 And The First Six Months Of 2023, RAGA Donated Over $2.2 Million To Nine Attorneys General Who Signed Multiple Amicus Briefs And Letters To Officials Advocating For The Restriction Of Mifepristone.

Attorney General and State	Signed 2/23 Amicus Brief	Signed 4/23 SCOTUS Brief	Signed GenBioPro Brief	Signed Letter to FDA Commissioner	Signed Letters to Pharmacies (1, 2, 3, 4, 5, 6, 7)	Contributions From RAGA
Brenna Bird, Iowa	Yes	Yes	Yes	Yes	Yes	$2,000,000 (1, 2, 3)
Ashley Moody, Florida	Yes	Yes	Yes	Yes	Yes	$200,000
Ken Paxton, Texas	Yes	Yes	Yes	Yes	Yes	$20,000[1]
Christopher M. Carr, Georgia	Yes	Yes	Yes	Yes	Yes	$15,200
Sean D. Reyes, Utah	Yes	Yes	No	Yes	Yes	$12,500
Raúl Labrador, Idaho	Yes	No	Yes	Yes	No	$5,000
Gentner F. Drummond, Oklahoma	Yes	Yes	Yes	No	Yes	$5,000
Alan Wilson, South Carolina	Yes	Yes	Yes	Yes	Yes	$3,500
Tim Griffin, Arkansas	Yes	Yes	Yes	Yes	Yes	$2,700
					TOTAL:	$2,263,900

1.) **Our Values PAC Is A Political Action Committee In New Mexico And Texas Associated With Ken Paxton And Three Other Local Officials.** [Our Values PAC, accessed 01/31/24]

In February 2023 And April 2023, Two Coalitions Of Republican State Attorneys General Filed Two Amicus Briefs Arguing The Biden Administration's FDA Was Violating Federal And State Law By Allowing The Mailing Of The Abortion Drug Mifepristone.

In February 2023, 22 Republican Attorneys General Filed An Amicus Brief In The Case *Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration* In Support Of Alliance, Arguing The Biden Administration's FDA Was Violating Federal And State Law By Allowing The Mailing Of The Abortion Drug, Mifepristone.

February 2023: Mississippi Attorney General Lynn Fitch Filed An Amicus Brief In Support Of Alliance for Hippocratic Medicine Alongside 21 Other Republican Attorneys General, Which Argued The Biden Administration's FDA Violated Federal And State Law By Allowing The Mailing Of The Abortion Drug, Mifepristone. "Attorney General Lynn Fitch today filed an amicus brief, along with 21 other Attorneys General, in the Northern District of Texas in the case of Alliance for Hippocratic Medicine v. U.S. Food and Drug

Administration (FDA). 'The FDA's brazen attempt to not only sidestep, but outright defy federal and state laws threatens both the health of women and democracy,' said Attorney General Lynn Fitch. 'In the Dobbs case, the Supreme Court affirmed that states may enact laws that protect unborn life, women's health, and the integrity of the medical profession, and we will not allow the Biden administration to trample on this fundamental Constitutional building block.' The brief argues that the Biden FDA's attempt to roll back safety mechanisms for the abortion-inducing drug mifepristone and to make it widely available through the mail violates both federal law and state laws. Current federal criminal law plainly prohibits the distribution of abortion-inducing drugs through the mail." [Office of Mississippi Attorney General Lynn Fitch, 02/10/23]

- **"Attorneys General From Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, And Wyoming Joined Mississippi Attorney General Lynn Fitch On This Brief."** [Office of Mississippi Attorney General Lynn Fitch, 02/10/23]

In April 2023, 21 Republican Attorneys General Filed An Amicus Brief In Support Of The Alliance for Hippocratic Medicine Arguing The Biden Administration's FDA Was "Attempt[ing] To Push A National Mail-Order Regime In Violation Of Federal Law, Of State Laws, And Of The Court's Dobbs Opinion."

April 2023: Mississippi Attorney General Lynn Fitch Filed An Amicus Brief Alongside 20 Other Republican Attorneys General Arguing The Biden Administration's FDA Was Violating Federal And State Law By Allowing The Mailing Of The Abortion Drug, Mifepristone. "Attorney General Lynn Fitch today filed an amicus brief along with 20 other Attorneys General urging the Supreme Court of the United States to reject the FDA's attempt to push a national mail-order abortion regime in violation of federal law, of state laws, and of the Court's Dobbs opinion. 'In Dobbs, the Supreme Court established that the right to regulate abortion belongs to the people. The Biden Administration's shameless efforts to skirt federal and state laws with a national mail-order abortion regime flouts the Court's ruling and the rights of the people, and puts women's health in jeopardy,' said Attorney General Lynn Fitch. 'We encourage the Court to uphold its precedent that protects both the health of women and democracy and deny this request for emergency relief.'" [Office of Mississippi Attorney General Lynn Fitch, 04/18/23]

- **"Attorneys General From Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Tennessee, Utah, West Virginia, And Wyoming Joined Attorney General Lynn Fitch On This Brief."** [Office of Mississippi Attorney General Lynn Fitch, 04/18/23]

In February 2023, Two Coalitions Of 20 And 19 Republican State Attorneys General Sent Two Batches Of Letters To A Total Of Seven Pharmacies To Warn Them That "Distribution Of Abortion Pills In The Mail Would Violate Both State And Federal Law" – In Response, Walgreens Announced They No Longer Intended To Distribute Mifepristone In Those States.

In February 2023, Two Coalitions Of 20 And 19 Republican Attorneys General Led By Missouri Attorney General Andrew Bailey Sent Two Batches Of Letters To Seven Pharmacies Warning Them That "Distribution Of Abortion Pills In The Mail Would Violate Both State And Federal Law."

February 2023: Missouri Attorney General Andrew Bailey Led A Coalition Of 20 State Attorneys General In Sending Letters To CVS And Walgreens Informing Them That Their Announced Plan To Distribute

Abortion Pills By Mail Is "Both Unsafe And Illegal." "In an effort to uphold the laws as written and defend the welfare of women and unborn children, Missouri Attorney General Andrew Bailey led a coalition of 20 state attorneys general to CVS and Walgreens informing them that their announced plan to use the mail to distribute abortion pills is both unsafe and illegal. [...] Federal law expressly prohibits using the mail to send or receive any drug that will 'be used or applied for producing abortion'… the text could not be clearer: 'every article or thing designed, adapted, or intended for producing abortion … shall not be conveyed in the mails.' And anyone who 'knowingly takes any such thing from the mails for the purpose of circulating' is guilty of a federal crime." [Missouri Office of the Attorney General, 02/01/23]

- **"Missouri Authored The Letter, And Was Joined By The Attorneys General Of Alabama, Alaska, Arkansas, Florida, Georgia, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Montana, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, And West Virginia."** [Missouri Office of the Attorney General, 02/01/23]

February 2023: Missouri Attorney General Andrew Bailey Led A Coalition Of 19 Attorneys General In Sending Letters To Five Pharmacies To Warn Them That "Distribution Of Abortion Pills In The Mail Would Violate Both Federal And State Law. "In an effort to protect women and children and enforce the laws as written, Missouri Attorney General Andrew Bailey led a coalition of 19 attorneys general in directing more letters to five major pharmacies warning them that distribution of abortion pills in the mail would violate both federal and state law. These letters follow coalition letters that Attorney General Bailey sent to CVS and Walgreens earlier in February after those companies announced that they are seeking FDA certification to use the mail to sell abortion pills." [Missouri Office of the Attorney General, 02/27/23]

- **In Letters Sent To Albertsons, Costco, Kroger, And Walmart, The Attorneys General Said They Were "Grateful" The Companies Had "Not Accepted The FDA's Unlawful And Risky Invitation For Pharmacies To Use The Mail To Obtain And Sell Abortion Pills."** "We are grateful that your company so far has not accepted the FDA's unlawful and risky invitation for pharmacies to use the mail to obtain and sell abortion pills. We write to advise you of why the FDA's invitation is unlawful and risky and to urge you to continue rejecting it. We know your company intends to comply with the law, and we know that duty requires a heavy lift for a nationwide company like yours that must keep apprised not only of federal law, but also of the laws of the various states." [Letter to Albertsons Companies, 02/27/23]

- **In A Letter Sent To Rite Aid In Reaction To Its Announced Plans To "Obtain And Sell Abortion Pills Using The Mail," The Attorneys General Offered Their "Thoughts On The Current Legal Landscape," While Suggesting The Company Was Running Afoul Of State Laws.** "Following your company's recent announcement that it plans to obtain and sell abortion pills using the mail, we write to advise you of the current law in this changing legal landscape. We know your company intends to comply with the law, and we know that duty requires a heavy lift for a nationwide company like yours that must keep apprised not only of federal law, but also of the laws of the various states. As the principal legal and law enforcement officers of our 20 states, we offer you these thoughts on the current legal landscape." [Letter to Rite Aid, 02/27/23]

In Response To The Attorneys General Letter, Walgreens Announced They "Do Not Intend To Dispense Mifepristone In Their States."

March 2023: Walgreens Announced They Would Not Start Distributing Mifepristone In 20 States In A Response To The Letter From The Republican Attorneys General. "Walgreens confirmed in a statement to CBS News that while it was 'not dispensing Mifepristone at this time,' it did tell the attorneys general of 20 states that they 'do not intend to dispense Mifepristone in their states' [...] Walgreens said in its statement to CBS News that it intended to 'become a certified pharmacy under the program, however we will only dispense in those jurisdictions where it is legal to do if we are certified.'" [CBS News, accessed 01/30/24].

In February 2023, 21 Republican State Attorneys General Filed An Amicus Brief Defending West Virginia Against A Legal Challenge From GenBioPro—The Sole Producer Of Mifepristone's Generic Drug—That Argued The Company's Legal Arguments Were "Fundamentally Flawed" And That States Have The Right To Ban A Drug Outright If They Choose To.

GenBioPro, The Sole Producer Of Mifepristone's Generic Drug, Sought To Overturn West Virginia's Ban On Virtually All Abortions Following The June 2022 Reversal Of Roe V. Wade.

Following The Supreme Court's Reversal Of Roe v. Wade In June 2022, West Virginia Banned Virtually All Abortions, Including The Use Of Abortion Drugs Such A Mifepristone Produced By GenBioPro, Which Led To The Company Unsuccessfully Challenging The Ban In Federal Court. "Shortly after the Supreme Court reversed Roe v. Wade in June 2022, West Virginia banned abortion in almost all circumstances, in effect banning the sale of mifepristone in the state. In August, federal judge Robert C. Chambers in Huntington, W.V., dismissed GenBioPro's challenge to West Virginia's ban on abortion in GenBioPro v. Sorsaia." [Ms. Magazine, 11/17/23]

- **GenBioPro is The Sole Manufacturer Of The Mifepristone's Generic Drug.** "GenBioPro, Inc., the country's only manufacturer of a generic version of the abortion pill mifepristone, had argued that the state cannot block access to a U.S. Food and Drug Administration-approved drug." [Associated Press, 08/25/23]

In November 2023, GenBioPro Appealed The Previous Decision Arguing That The Ban Was In Violation Of Both The Supremacy And Commerce Clauses Of The Constitution. "GenBioPro—the nation's only generic manufacturer of the abortion pill mifepristone—appealed last week the dismissal of a federal lawsuit challenging a West Virginia abortion ban that restricts access to the FDA-approved abortion medication mifepristone. In the lawsuit filed Nov. 9, GenBioPro argued that the West Virginia law conflicts with federal law and therefore violates the Supremacy Clause of the U.S. Constitution, which says federal laws take precedence over conflicting state laws. GenBioPro also argued the ban violates the Constitution's Commerce Clause, which gives Congress broad powers to regulate interstate commerce and restricts states from impairing interstate commerce." [Ms. Magazine, 11/17/23]

In February 2023, 21 State Attorneys General Filed A Joint Amicus Brief In Support Of West Virginia's Abortion Ban, With Signatories Arguing "GenBioPro's Lawsuit Is Predicated On Fundamentally Flawed Legal Reasoning," Further Arguing West Virginia Never Fully Banned Mifepristone And States Do Have The Right To Outright Ban A Drug If They Choose To Do So.

February 2023: 21 State Attorneys General Filed An Amicus Brief Supporting West Virginia's Abortion Ban Against A Challenge From GenBioPro, Inc.:

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

GENBIOPRO, INC., PLAINTIFF,

v. Case No. 3:23-cv-00058

MARK A. SORSAIA, *et al.*, DEFENDANTS.

MOTION OF ARKANSAS, ALABAMA, FLORIDA, GEORGIA, IDAHO, INDIANA, IOWA, KANSAS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, OHIO, OKLAHOMA, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, AND TEXAS AS AMICI CURIAE IN SUPPORT OF DEFENDANTS

Proposed Amici are the States of Arkansas, Alabama, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, and Texas. Proposed Amici respectfully move for leave to file an amicus brief in support of the Defendants in this matter.

[State Attorneys General amicus brief, 02/28/23]

According To Texas Attorney General Ken Paxton, "GenBioPro's Lawsuit Is Predicated On Fundamentally Flawed Legal Reasoning," With Paxton Further Arguing That Mifepristone Can Still Be Prescribed In The State And There's Nothing Blocking A State's Right To Ban A Drug Outright. "GenBioPro's lawsuit is predicated on fundamentally flawed legal reasoning. First, West Virginia has a general ban on abortion, not mifepristone specifically, and there are several circumstances in which mifepristone can still be prescribed within the state. Second, even if West Virginia had banned mifepristone outright, there is nothing in federal law that could preempt a hypothetical state prohibition of a specific drug. In similar cases, the U.S. Supreme Court has long held that state laws may only be preempted if they prevent a manufacturer from complying with the Food, Drug and Cosmetic Act. That has not occurred in this case." [Texas Office of the Attorney General, 03/27/23]

- **Attorneys General Signatories Included Tim Griffin Of Arkansas, Steve Marshall Of Alabama, Ashley Moody Of Florida, Chris Carr Of Georgia, Raul Labrador Of Idaho, Theodore E. Rokita Of Indiana, Brenna Bird Of Iowa, Kris W. Kobach Of Kansas, Daniel Cameron Of Kentucky, Jeff Landy Of Louisiana, Lynn Fitch Of Mississippi, Andrew Bailey Of Missouri, Austin Knudsen Of Montana, Michael T. Hilgers Of Nebraska, Drew Wrigley Of North Dakota, Dave Yost Of Ohio, Gentner Drummond Of Oklahoma, Alan Wilson Of South Carolina, Marty Jackley Of South Dakota, Jonathan Skrmetti Of Tennessee, And Ken Paxton Of Texas.** [State Attorneys General amicus brief, 02/28/23]

In January 2023, A Coalition Of 22 Republican State Attorneys General Sent A Letter To FDA Commissioner Robert Calif, Arguing The FDA's Decision To Approve Mifepristone "Abandon[ed] Its Longstanding Restrictions On The Remote Prescription" And Its Obligations To Protect Women's Health By Signaling It Was "Prioritizing Pro-Abortion Policy."

In January 2023, 22 State Attorneys General Signed A Letter Delivered To The Food And Drug Administration (FDA) Claiming The Agency's Approval Of Mifepristone "Abandon[ed] Its Longstanding Restrictions On The Remote Prescription" And Its Obligations To Protect Women's Health By Sending A Signal It Was "Prioritizing Pro-Abortion Policy."

January 2023: Alabama Attorney General Steve Marshall Led A Coalition Of 22 State Attorneys General In A Letter Sent To Food And Drug Administration (FDA) Commissioner Robert Califf Claiming The FDA "Abandon[ed] Its Longstanding Restrictions On The Remote Prescription And Administration Of Abortion-Inducing Drugs." "Attorney General Steve Marshall today led a coalition of 22 state attorneys general in sending a letter to the commissioner of the Food and Drug Administration, Robert Califf, condemning the FDA's recent decision to abandon its longstanding restrictions on the remote prescription and administration of abortion-inducing drugs." [Alabama Office of the Attorney General, 01/13/23]

The Letter Further Argued The FDA's Decision Was "Illegal And Dangerous," Claiming The FDA Rolled Back Safety Restrictions That "Ignores Both Women's Health And Straightforward Federal Statutes." "The Food and Drug Administration's decision to abandon commonsense restrictions on remotely prescribing and administering abortion-inducing drugs is both illegal and dangerous. In direct contravention of longstanding FDA practice and congressional mandate, the FDA's rollback of important safety restrictions ignores both women's health and straightforward federal statutes. We urge you to reverse your decision." [State Attorneys General Letter to Food and Drug Administration Commissioner Robert Califf, 01/13/23]

The Letter Also Claimed The FDA's Decision "Prioritiz[es] A Reckless Pro-Abortion Policy Over Women's Health." "The problems with this change in policy are legion. Most importantly, the FDA has ignored its responsibility to protect health and safety by prioritizing a reckless pro-abortion policy over women's health." [State Attorneys General Letter to Food and Drug Administration Commissioner Robert Califf, 01/13/23]

- **Signatories Included Steve Marshall Of Alabama, Treg Taylor Of Alaska, Tim Griffin Of Arkansas, Ashley Moody Of Florida, Chris Carr Of Georgia, Raúl Labrador Of Idaho, Theodore Rokita Of Indiana, Brenna Bird Of Iowa, Daniel Cameron Of Kentucky, Jeff Landry Of Louisiana, Lynn Fitch Of Mississippi, Andrew Bailey Of Missouri, Austin Knudsen Of Montana, Michael Hilgers Of Nebraska, Dave Yost Of Ohio, Alan Wilson Of South Carolina, Marty Jackley Of South Dakota, Jonathan Skrmetti Of Tennessee, Ken Paxton Of Texas, Sean Reyes Of Utah, Patrick Morrisey Of West Virginia, And Bridget Hill Of Wyoming.** [State Attorneys General Letter to Food and Drug Administration Commissioner Robert Califf, 01/13/23]