

May 25, 2023

Jack Resneck Jr., MD
President
American Medical Association
AMA Plaza
330 N. Wabash Ave, Suite 39300
Chicago, IL 60611

Dear Dr. Resneck:

Since the Supreme Court's devastating decision in *Dobbs v. Jackson Women's Health Organization* to overturn *Roe v. Wade*, Republican politicians across the country have enacted draconian laws banning or severely limiting abortion,¹ with Republicans in Congress even introducing a 15-week national abortion ban.² In particular, medication abortion, which accounts for over half of all abortions in the United States,³ is increasingly under attack. As we approach the first anniversary of the *Dobbs* decision, I'm writing to you to request an update to the responses you shared in September and October 2022⁴ to understand how conditions have changed. I am also deeply concerned about the escalating attacks on medication abortion and write to seek the American Medical Association's perspective on the impacts of state laws and court proceedings related to medication abortion on women's health.

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Last year, I asked you to share how state-imposed abortion restrictions⁵ and the proposed 15-week nationwide abortion ban have affected and would affect women's health.⁶ I deeply appreciate your response to those requests, which underscored the dangerous consequences of these policies on women's health. Given the escalating assault on medication abortion, I write today to seek updated information on the impact of these restrictions.

Since the Supreme Court's decision to overturn *Roe v. Wade*, online misinformation about the safety and efficacy of mifepristone, a drug commonly used in conjunction with misoprostol for medication abortion,⁷ has exploded despite extensive evidence demonstrating the drug's safety.⁸ Anti-abortion organizations, including crisis pregnancy centers, have also promoted erroneous claims that medication abortion can be reversed, commonly referred to as "abortion pill reversals,"⁹ resulting in confusion and fear. These claims "that exaggerate the harms of medication abortion, that use very shoddy and in many cases, non-rigorous science...do a lot of fear mongering and stigmatizing."¹⁰ Such tactics can have devastating consequences for women seeking abortion care, including creating unnecessary delays that could jeopardize a woman's ability to access this care entirely.

A federal district court's ruling challenging the U.S. Food and Drug Administration's (FDA) 23-year-old approval of mifepristone¹¹ has further fueled this surge in misinformation, which has left women across the country unsure whether they can legally access the medication – even in states without restrictions.¹² And while the Supreme Court has temporarily blocked the ruling from Judge Matthew Kacsmaryk to stay the FDA's approval of mifepristone from going into effect while the litigation proceeds, the district court decision and ensuing legal fights will only add to the widespread confusion about the medication's legal status and safety.¹³

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Given these alarming events, I am writing to the American Medical Association — and other leading organizations representing physicians, nurses, pharmacists, and other health care providers — to better understand how challenges related to accessing medication abortion, including misinformation, affect patients and providers across the nation, and to better understand the effects of a potential Supreme Court decision staying the FDA’s approval of mifepristone. Accordingly, I request that you answer the following questions by June 8, 2023:

1. How has access to medication abortion changed since the Supreme Court issued its decision in *Dobbs v. Jackson Women’s Health Organization* and since the District Court’s ruling in *Alliance for Hippocratic Medicine v. FDA*?
2. Have your providers seen an increase in confusion from patients and/or providers regarding the safety, efficacy, and legality of medication abortion?
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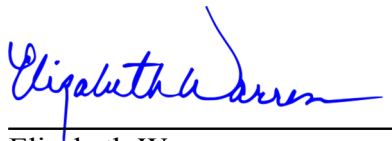
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8. Is there additional information you would like to share regarding women's health care, including access to abortion and medication abortion, the impacts of the Supreme Court decision in *Dobbs v. Jackson Women's Health Organization* and the District Court's ruling in *Alliance for Hippocratic Medicine v. FDA*, and how providers are navigating the criminalization of abortion and increased surveillance in a number of states?

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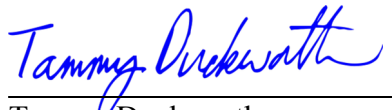
Sincerely,



Elizabeth Warren
United States Senator



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United States Senator



Tammy Duckworth
United States Senator



Tina Smith
United States Senator

May 25, 2023

Richard J. Pollack
President and CEO
American Hospital Association
800 10th St. NW Two CityCenter, Suite 400
Washington, DC 20001

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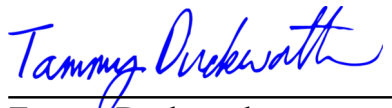
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Tina Smith
United States Senator

May 25, 2023

Jamila Perritt, MD, MPH
President and CEO
Physicians for Reproductive Health
PO Box 35
Hartsdale, NY 10530

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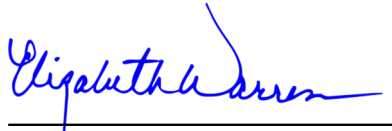
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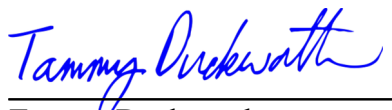
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Bonnie Castillo, RN
Executive Director
National Nurses United
155 Grand Ave, Suite 100
Oakland, CA 94612

Dear Ms. Castillo:

Since the Supreme Court's devastating decision in *Dobbs v. Jackson Women's Health Organization* to overturn *Roe v. Wade*, Republican politicians across the country have enacted draconian laws banning or severely limiting abortion,¹ with Republicans in Congress even introducing a 15-week national abortion ban.² In particular, medication abortion, which accounts for over half of all abortions in the United States,³ is increasingly under attack. As we approach the first anniversary of the *Dobbs* decision, I'm writing to you to request an update to the responses you shared in September and October 2022⁴ to understand how conditions have changed. I am also deeply concerned about the escalating attacks on medication abortion and write to seek National Nurses United's perspective on the impacts of state laws and court proceedings related to medication abortion on women's health.

Last year, I asked you to share how state-imposed abortion restrictions⁵ and the proposed 15-week nationwide abortion ban have impacted and would impact women's health.⁶ I deeply appreciate your response to those requests, which underscored the dangerous consequences of

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³ Guttmacher Institute, "Medication Abortion Now Accounts for More Than Half of All US Abortions," Rachel Jones, Elizabeth Nash, Lauren Cross, Jesse Philbin, Marielle Kirstein, February 24, 2022, <https://www.guttmacher.org/article/2022/02/medication-abortion-now-accounts-more-half-all-us-abortions>.

⁴ Letter from National Nurses United to Senator Warren, September 9, 2022, [On File with the Office of Senator Elizabeth Warren]; Letter from National Nurses United to Senator Warren, October 14, 2022, [On File with the Office of Senator Elizabeth Warren].

⁵ Office of Senator Elizabeth Warren, "Warren Opens Investigation into State-Imposed Abortion Restrictions and Their Impacts on Women's Access to Health Care," August 10, 2022, <https://www.warren.senate.gov/newsroom/press-releases/warren-opens-investigation-into-state-imposed-abortion-restrictions-and-theirimpacts-on-womens-access-to-health-care>.

these policies on women's health. Given the escalating assault on medication abortion, I write today to seek updated information on the impact of these restrictions.

Since the Supreme Court's decision to overturn *Roe v. Wade*, online misinformation about the safety and efficacy of mifepristone, a drug commonly used in conjunction with misoprostol for medication abortion,⁷ has exploded despite extensive evidence demonstrating the drug's safety.⁸ Anti-abortion organizations, including crisis pregnancy centers, have also promoted erroneous claims that medication abortion can be reversed, commonly referred to as "abortion pill reversals,"⁹ resulting in confusion and fear. These claims "that exaggerate the harms of medication abortion, that use very shoddy and in many cases, non-rigorous science...do a lot of fear mongering and stigmatizing."¹⁰ Such tactics can have devastating consequences for women seeking abortion care, including creating unnecessary delays that could jeopardize a woman's ability to access this care entirely.

A federal district court's ruling challenging the U.S. Food and Drug Administration's (FDA) 23-year-old approval of mifepristone¹¹ has further fueled this surge in misinformation, which has left women across the country unsure whether they can legally access the medication – even in states without restrictions.¹² And while the Supreme Court has temporarily blocked the ruling from Judge Matthew Kacsmaryk to stay the FDA's approval of mifepristone from going into effect while the litigation proceeds, the district court decision and ensuing legal fights will only add to the widespread confusion about the medication's legal status and safety.¹³

⁶ Office of Senator Elizabeth Warren, "Warren Opens Investigation to Examine How Republicans' Radical National Abortion Ban Proposal Would Affect Women's Access to Health Care," September 22, 2022, <https://www.warren.senate.gov/newsroom/press-releases/warren-opens-investigation-to-examine-how-republicansradical-national-abortion-ban-proposal-would-affect-womens-access-to-health-care>.

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⁸ The New York Times, "Are Abortion Pills Safe? Here's the Evidence," Amy Schoenfeld Walker, Jonathan Corum, Malika Khurana, and Ashley Wu, April 7, 2023, <https://www.nytimes.com/interactive/2023/04/01/health/abortion-pill-safety.html>.

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Medication abortion accounts for more than half of abortions nationwide.¹⁴ In states that restrict access to mifepristone, women are more likely to seek surgical abortions later in their pregnancies, resulting in higher costs and elevated health risks.¹⁵ But even beyond abortion care, mifepristone is used to treat miscarriages and stillbirths, allowing mothers to safely and effectively manage a painful loss in private.¹⁶ As such, a reckless decision to stay the approval of mifepristone, a drug that has been safely administered for over two decades, would only endanger the health and safety of women across the country.

Given these alarming events, I am writing to National Nurses United — and other leading organizations representing physicians, nurses, pharmacists, and other health care providers — to better understand how challenges related to accessing medication abortion, including misinformation, affect patients and providers across the nation, and to better understand the effects of a potential Supreme Court decision staying the FDA’s approval of mifepristone. Accordingly, I request that you answer the following questions by June 8, 2023:

1. How has access to medication abortion changed since the Supreme Court issued its decision in *Dobbs v. Jackson Women’s Health Organization* and since the District Court’s ruling in *Alliance for Hippocratic Medicine v. FDA*?
2. Have your providers seen an increase in confusion from patients and/or providers regarding the safety, efficacy, and legality of medication abortion?
 - a. Please describe how this relates to both mifepristone and misoprostol.
3. How have state-imposed restrictions on medication abortion affected patients?
4. Are your members experiencing challenges related to pharmacist refusals of prescriptions for misoprostol? Please describe.
5. What guidance have you provided to your members, if any, about how to administer medication abortion in light of increased misinformation and the ongoing litigation in *Alliance for Hippocratic Medicine v. FDA* and *Washington v. FDA*?
6. What effect would a stay of the FDA’s approval of mifepristone have on patients and providers?
7. How would a stay of the FDA’s approval of mifepristone affect providers’ ability to treat miscarriages?
8. Is there additional information you would like to share regarding women’s health care, including access to abortion and medication abortion, the impacts of the Supreme Court decision in *Dobbs v. Jackson Women’s Health Organization* and the District Court’s

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Thank you for your attention to this matter.

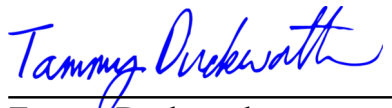
Sincerely,



Elizabeth Warren
United States Senator



Mazie K. Hirono
United States Senator



Tammy Duckworth
United States Senator



Tina Smith
United States Senator

May 25, 2023

Valerie Prince, PharmD, FAPhA, BCPS
President
American Pharmacists Association
2215 Constitution Avenue NW
Washington, DC 20037

Dear Dr. Prince:

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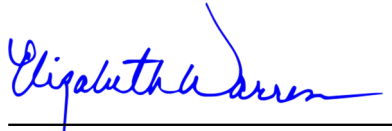
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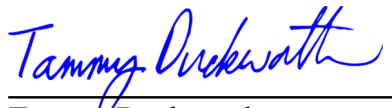
Sincerely,



Elizabeth Warren
United States Senator



Mazie K. Hirono
United States Senator



Tammy Duckworth
United States Senator



Tina Smith
United States Senator