



NOVEMBER 7, 2023

Dear Pharmacy Professionals and Business Owners and Managers,

The reckless effort to coerce medical professionals into the business of abortion, especially regarding the distribution of Chemical Abortion Pills for profit, is headed to neighborhood pharmacies like yours. Corporate abortion advocates have used the FDA to reduce health and safety standards ([REMS – Risk Evaluation and Mitigation Strategy](#)) for the distribution of the two-pill combination that in the United States is used to end preborn life in the womb. But the risks they are willing to accept to further their business interests could result in injuries to patients that you – as a *pharmacist, pharmacy business owner, or corporate executive* – could be held accountable for, with business ending, license-revoking results, along with felony prosecution.

Pharmacists, Pharmacy Business Owners, and Pharmacy chains are right now under enormous pressure to get into the business of abortion, something they [must Opt-In as part of the REMS](#). We urge you to avoid the many complications of Chemical Abortion Pills and choose not to Opt-In, preserving your business as a life-saving enterprise working to support all those, born and preborn, who receive your care and attention.

Dr. Ingrid Skop, [in a brief overview for the Charlotte Lozier Institute reports](#): “Chemical abortions performed with mifepristone and misoprostol are associated with frequent complications, requiring surgical completion for failed abortion in approximately one in twenty women when used according to the FDA’s protocols. Overall, complications occur four times as frequently after chemical than surgical abortions. The FDA’s recent decision to loosen safeguards, allowing chemical abortion use without any medical supervision, will likely lead to even more complications. When access to mifepristone is limited, abortion advocates will sometimes direct women toward using misoprostol alone, which fails even more frequently, requiring surgical completion in as many as 22% of women.”

No test, Online distribution of Chemical Abortion Pills exposes women to injury, infertility, death, and abusers, who can use the drugs against women without their knowledge and consent, [which has happened already](#).

Infertility in particular is a known risk as [15% of the population](#) is Rh-negative and therefore [vulnerable to aggressive antibodies](#) forming when an infant and mother’s blood mixes in birth, miscarriage, or abortion. A blood test to determine Rh-negative status and follow up treatment with injections of [Rh immunoglobulin](#) would address that reality, except that No Pre-Screening Distribution of Chemical Abortion Pills does not provide that protection for women. In no way, however, will that alleviate a woman’s suffering if, in years to come, she desires to hold accountable those who did not warn her of the risks or provide her the needed care.

With the almost anonymous distribution of Chemical Abortion Pills, a mother’s perception of how far along she is in pregnancy, along with the location of her pregnancy, is information with life and death consequences – information she may not even know to ask. The pills will not end an ectopic pregnancy, which must be diagnosed with an ultrasound. And abortions later in pregnancy carry extreme risk. [Dr. Skop reports](#), “The CDC has documented that the risk of maternal death from abortion increases by 38% for each additional week beyond eight weeks’ gestation, rising to a 76-fold higher risk of mortality in the late second trimester.”

Currently, [a lawsuit filed by Alliance Defending Freedom \(ADF\)](#) is on the way to the Supreme Court, challenging the approval of the first of the two drugs -- Mifeprex (mifepristone) – noting among many problems the lack of testing on minors to assure that a young girl is not harmed by the deadly drugs. [In an amicus brief](#), Students for Life of America (SFLA) notes that the lack of testing extends to environmental concerns, as the active ingredients continue their deadly impact after passing through a woman’s body.

The legal issues with the drugs, indicating possible human and environmental harms, signal a need to step back from such controversial distribution. Added to these extreme health risks that pharmacists engaged in this business might unleash are potential felony charges for a common method of delivering drugs.

The Biden Administration has been aggressive in insisting that certain laws will not apply to those engaged in the business of abortion, but no administration stays in office forever. The risk that an aggressively pro-abortion political operation is willing to extend to your business and license puts you, not them, at great risk.

[As SFLA has reported:](#) First enacted in 1873, the Comstock Act said that the U.S. Postal Service could not be used to send pornography, contraception, and abortion-inducing drugs or devices. Prohibitions against mailing contraception were dropped, some of them after court cases. But the law stands when it comes to stopping the mailing of abortifacients, defined as things with the intent of ending a preborn life ... Mailing the life-ending drugs is crucial to the abortion industry's business model, as seen by Planned Parenthood's telemedicine franchise and in international pill pushers such as Aid Access. As a result of the Biden Administration's efforts to get rid of in-person distribution, they are not only violating Comstock with patients, but they've violated the Comstock Act **FOR YEARS**, assuming Chemical Abortion Pills were shipped to vendors and not hand carried by horse and buggy."

You can read 18 U.S. Code § 1461 – Mailing obscene or crime-inciting matter – at the [Cornell Law School website, here](#), and the words are not hard to understand, explicitly saying that using the mail service to further an abortion is a crime, with penalties of up to [5 years per violation along with a fine](#). It took no act of courage for the [Biden Administration and Attorney General Merrick Garland to insist that abortion-inducing drugs can be mailed](#). But future administrations can just as easily determine that the law means what it says and shut down that type of distribution along with prosecuting the offenders.

To be clear, this letter should serve as notice of possible felony offenses if abortion-causing drugs are being ordered, received, and mailed. This is another reason to decline to sign, to refuse to Opt-In to a business model that has so many dangers associated with it – for women, for the preborn, and for those who facilitate that end of life.

While California's Gov. Newsom [pledges to protect pharmacists who sell and distribute](#) the drugs in places *where it is not allowed by law*, he won't be the one in danger of future lawsuits or loss of license. The promises of politicians like Newsom, Biden, and Garland offer no real, lasting protection, but rather are an effort to score political points.

Their interests do not align with medical professionals, pledged to "Do No Harm" and who have a legal responsibility to mitigate risk. In a post-*Dobbs*/post-*Roe* legal environment where many assumptions and regulations are being challenged, it is not safe to engage in such trafficking of Chemical Abortion Pills.

This pressure comes not from consumers, but from politically connected abortion advocates. A YouGov poll for the Demetree Institute for Pro-Life Advancement earlier this year found that [more than 9 in 10 Gen Z and Gen Y](#) supported keeping high health and safety standards in place for Chemical Abortion Pills. They did not embrace increased risk to their lives and fertility to achieve distribution of pills without liability for the seller.

Consider this additional risk to your practice. Recently, [a lawsuit was filed in Nevada](#) where a woman accidentally was given abortion-inducing drugs. An IVF patient -- who struggled to conceive and was not counseled on the drugs she was sold -- lost twins. You don't need to expose your license or business to that kind of potential accident. By not Opting-In, those risks for the sale of Chemical Abortion Pills do not need to be assumed by medical professionals such as yourselves.

Our organization and others will be drawing the public's attention to the fact that life-affirming care is an option that can be chosen by staying out of the business of abortion. We will be highlighting chains and stores that choose to focus on that which extends life – not ends life.

In light of all the medical and legal risks associated with Chemical Abortion Pills, we urge you to refrain from distributing Chemical Abortion Pills and decline to Opt-In as required by the REMS for legal sales in the U.S.

Regards,

Kristan Hawkins
President, Students for Life of America/Students for Life Action

For a more in-depth legal overview of numerous problems with Chemical Abortion Pills and to view footnotes with the letter.
<https://thisischemicalabortion.com>