SUSAN B. ANTHONY
PRO-LIFE
AMERICA

November 6, 2026

The Honorable Robert F. Kennedy, Jr.
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

RE: Request for Immediate Suspension of Mail-Order Mifepristone Distribution Under 21 U.S.C. § 355(e)

Dear Secretary Kennedy:

During the Biden administration, the Food and Drug Administration removed a longstanding safeguard in the distribution of mifepristone: the in-person dispensing requirement. By permitting mail-order distribution without any in-person interaction between the prescriber and the recipient, FDA has created opportunities for coercion, fraud, and third-party misuse that pose a serious threat to women's health and safety.

The seriousness of this problem has drawn national attention, including coverage in the *New York Times*.[1] In an October 31, 2026, article, the *Times* reported that a West Point cadet impersonated his pregnant girlfriend in order to obtain abortion drugs online, spiked her drink with Xanax, and "[w]hen she became incapacitated, he shoved medical abortion pills into her vagina and mouth." She started "violently bleeding" hours later, causing her to call 911 and to go to a hospital. She suffered a miscarriage and lost her baby.

Rosalie Markezich of Louisiana became pregnant around October 2023.[2] She was overjoyed with the thought of being a mother. But her then-boyfriend had other plans. According to Rosalie's sworn testimony, he used her personal email address and mailing address to complete an online form and order FDA-approved abortion drugs. He pressured her to take the drugs, even after she pleaded with him, "Don't make me do this." After he became angry, and fearing for her life, Rosalie took the drugs to pacify him with the intention of throwing them up as soon as she could. Her plan failed. She ended up on the bathroom floor, bleeding and crying over the loss of her child. And she spent the night on a garage floor, lying on a blood-soaked towel.

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[1] Santul Nerkar and Hurubie Meko, "Ex-West Point Cadet Sued for Forcing Abortion on Girlfriend at Academy," October 31, 2026, at https://www.nytimes.com/2026/10/31/nyregion/caleb-suh-west-point-abortion-columbia.html.

[2] Declaration of Rosalie Markezich, *Louisiana v. FDA*, Case 6:25-cv-01491-DCJ-DJA, Doc. 1-92, pp. 3–6 (W.D. La. Oct. 6, 2026).

The West Point victim and Rosalie are not isolated cases.[3] Their experiences reflect a broader and increasingly documented pattern: abortion drugs obtained through online and mail-order channels can be exploited by third parties to facilitate coercion, fraud, and abortions performed against a woman's wishes. This abuse warrants immediate action.

Secretary Kennedy, you possess clear statutory authority to protect women from this growing form of abuse. Federal law authorizes the HHS Secretary to suspend the approval of a drug application (including a supplemental application) "immediately" if the Secretary "finds that there is an imminent hazard to the public health."[4] In a legal brief filed earlier this year on behalf of HHS and FDA, the Department of Justice confirmed with the federal district court your legal authority to immediately suspend supplemental drug approvals—which would include the Biden FDA's 2023 changes to the Risk Evaluation and Mitigation Strategy (REMS) for mifepristone.[5] We respectfully urge you to exercise your authority under 21 U.S.C. § 355(e) to immediately suspend the Biden FDA's REMS modifications that eliminated the in-person dispensing requirement and to reinstate that safeguard while the agency conducts its full mifepristone safety review.

The Secretary can exercise this legal authority if he finds that "clinical or *other experience*, tests, or other scientific data show that such drug is unsafe for use under the conditions of use upon the basis of which the application was approved."[6] The phrase "other experience" includes a wide range of real-world evidence and safety data that FDA can use to suspend a supplemental drug approval. The growing body of documented coercion and third-party misuse resulting from mail-order distribution constitutes precisely the type of post-approval experience that Congress authorized the Secretary to consider under § 355(e).

More than three years of experience under the current REMS have revealed a serious and foreseeable danger: abortion drugs distributed through mail-order channels can be obtained and misused by abusive partners and other bad actors to end pregnancies against a woman's wishes. Congress has given the Secretary authority to act when post-approval experience demonstrates that a drug is unsafe under its approved conditions of use. The evidence now warrants immediate action under § 355(e).

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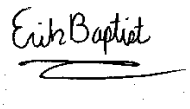
[3] https://sbaprolife.org/latest-news/abortion-drugs-fuel-abuse-the-women-poisoned-against-their-will; https://www.heritage.org/life/commentary/abortion-pills-coercion-and-abuse.
[4] 21 U.S.C. § 355(e).
[5] Federal Defendants' Supplemental Brief, *Louisiana v. FDA*, Case 6:25-cv-01491-DCJ-DJA, Doc. 250, p 1 (W.D. La. March 6, 2026).
[6] 21 U.S.C. § 355(e) (emphasis added).

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We respectfully urge you to suspend the REMS modifications that eliminated the in-person dispensing requirement and to reinstate that safeguard pending a full safety review. An in-person dispensing requirement provides an important opportunity to verify the woman's identity, assess whether she is acting voluntarily, and identify signs of coercion or abuse that may be impossible to detect through an anonymous online transaction.

Please contact me if I can provide any additional information or discuss this matter further.

Sincerely,



Erik C. Baptist
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Susan B. Anthony Pro-Life America