STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

KRIS W. KOBACH
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

August 19, 2026

Jessica Jensen
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005

RE: Request for Records

Dear Ms. Jensen:

We have completed our review of records responsive to the search criteria in your request. As a reminder, you requested:

> All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) any of the officials listed below, and (b) any of the external entities listed below, and (c) containing any of the key terms listed below, from September 1, 2025, through December 31, 2025.
>
> Office of the Attorney General Officials:
> a. Kris W. Kobach, Attorney General
> b. Joseph Sciarotta, Chief Deputy Attorney General
> c. Anthony Powell, Solicitor General
> d. James Rodriguez, Assistant Attorney General
> e. Michelle Schroeder, Chief of Staff
> f. Charles Dalton, Senior Advisor
> g. Anyone serving in the capacity of Chief of the Special Litigation and Constitutional Issues Division
> h. Anyone serving in the capacity of Chief of the Civil Division
> i. Anyone serving in the capacity of Chief of the Criminal Division
>
> External Entities:
> a. The Food and Drug Administration ("@fda.hhs.gov")
> b. The Department of Health and Human Services ("@hhs.gov")

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c. The White House ("who.eop.gov" or "whitehouse.gov")

Key Terms:
i. "abortion drug"
ii. "abortion medication"
iii. "abortion pill"
iv. "chemical abortion"
v. "in person dispensing"
vi. "in-person dispensing"
vii. "medication abortion"
viii. mifepristone-induced
ix. "Risk Evaluation and Mitigation"
x. "shield law"
xi. FAERS
xii. mifeprex
xiii. mifepristone
xiv. misoprostol
xv. REMS
xvi. "Louisiana v. FDA"
xvii. "LA v. FDA"
xviii. "Florida v. FDA"
xix. "FL v. FDA"
xx. "Missouri v. FDA"
xxi. "MO v. FDA"

Our search identified six records responsive to the criteria set forth in your request. Those six records will be provided to you by electronic mail.

We hope this information is helpful. If you have any questions or require additional assistance, please contact the Office of the Attorney General at (785) 296-8495.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
KRIS W. KOBACH

Matt Bingesser
Administrative Counsel

AMERICAN OVERSIGHT

DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Washington, D.C. 20201

September 19, 2025

Dear Attorneys General:

Thank you for your letter of July 31, 2025, regarding the review of mifepristone by the Food and Drug Administration (FDA), an agency of the U.S. Department of Health and Human Services (HHS). We write to provide an update on this review.

As you noted, the FDA first approved Mifeprex (mifepristone) in September 2000 for medical termination of pregnancy (abortion) through seven weeks gestation. In 2016, the FDA extended this window to ten weeks gestation, and relaxed certain other requirements under the drug's Risk Evaluation and Mitigation Strategy (REMS). Most recently, in 2023, the FDA modified the REMS program again by removing the in-person dispensing requirement.

Since its original approval, the FDA has received reports of serious adverse events in patients who took mifepristone. As with all approved drugs, when the FDA receives new information regarding adverse events, the agency reviews the new information and, as appropriate, takes necessary action. The FDA continuously reviews reports of adverse events to determine, among other things, whether they are known risks or whether they are signals of emerging safety concerns.

Under the Food and Drug Administration Amendments Act, the Secretary is authorized to require a REMS when "necessary to ensure that the benefits of the drug outweigh the risks of the drug." 21 U.S.C. § 355-1(a). For drugs that are "inherent[ly] toxic[] or potential[ly] harmful[]," the Secretary "may require that the [REMS] include such elements as are necessary to assure safe use of the drug." *Id.* § 355-1(f)(1). The Secretary is also authorized to require modifications to an existing REMS when he, among other things, "determines that 1 or more goals or elements should be added, modified, or removed from the [current REMS] to … ensure the benefits of the drug outweigh the risks of the drug." *Id.* § 355-1(g)(4)(B).

HHS is committed to studying the adverse consequences reported in relation to mifepristone to ensure the REMS are sufficient to protect women from unstated risks. Therefore, through the FDA, HHS will conduct a study of the safety of the current REMS, in order to determine whether modifications are necessary. HHS's decision to do so is informed by the lack of adequate consideration underlying the prior REMS approvals, and by recent studies raising concerns about the safety of mifepristone as currently administered.

To that end, HHS—through the FDA—is conducting its own review of the evidence, including real-world outcomes and evidence, relating to the safety and efficacy of the drug. Given the 2016 FDA decision to eliminate the REMS requirement for certified prescribers to report non-fatal serious adverse events to the mifepristone sponsors, this review will contribute to the understanding of the drug's safety profile.

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Recent studies—such as the study by the Ethics and Public Policy Center (EPPC), which you highlighted in your letter—indicate potential dangers that may attend offering mifepristone without sufficient medical support or supervision. FDA's own data collected between 2000 to 2012 indicated 2,740 adverse events, including 416 events involving blood loss requiring transfusions. Since then, safeguards for women regarding the administration of mifepristone have been significantly reduced.

The concerns you have raised in your letter merit close examination. This Administration will ensure that women's health is properly protected by thoroughly investigating the circumstances under which mifepristone can be safely dispensed.

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HHS and FDA remain committed to protecting the health and safety of pregnant women. This review will help ensure that the FDA's decisions are grounded in Gold Standard Science and rigorous, transparent, and objective evidence.

Thank you again for your continued engagement in this matter. We will keep you informed as the FDA's review of mifepristone progresses.

Sincerely,

/s/

Robert F. Kennedy, Jr.
Secretary

/s/

Martin A. Makary, MD, MPH
Commissioner of Food and Drugs

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From: Alexander, Nicholas
To: Dalton, Charles
Cc: Burrows, Daniel
Subject: FDA Response to Attorney General Kobach and 21 Additional State AGs
Date: Wednesday, September 24, 2025 8:13:52 PM
Attachments: image001.png
FDA Response to AG Kobach_Mifepristone_9-24-25.pdf

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If there are any questions on this, or if you need assistance on any other FDA-related matter, please reach out to me directly. The IGA team and I would be happy to assist.

Thanks so much.

-- Nick

Nicholas D. Alexander, J.D.
Director of Intergovernmental Affairs
Office of Policy, Legislation, and International Affairs
Office of the Commissioner
U.S. Food and Drug Administration
Direct: 301-796-8893 Mobile: 240-595-4175
nicholas.alexander@fda.hhs.gov

FDA U.S. FOOD & DRUG ADMINISTRATION

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FDA U.S. FOOD & DRUG ADMINISTRATION

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From: Sciarrotta, Joe
To: Powell, Anthony J.
Subject: FW: FDA Response to Attorney General Kobach and 21 Additional State AGs
Date: Thursday, September 25, 2025 9:50:03 AM
Attachments: image001.png
FDA Response to AG Kobach_Mifepristone_9-24-25.pdf

Tony: I believe this is the letter you were asking about. It appears we just received it,

Thanks,
Joe

Joseph Sciarrotta, Jr.
Office of Kansas Attorney General Kris W. Kobach
120 SW 10th Avenue, 2nd Floor | Topeka, KS 66612
Office: 785.296.2215
www.ag.ks.gov

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From: Dalton, Charles <Charles.Dalton@ag.ks.gov>
Sent: Thursday, September 25, 2025 8:27 AM
To: Sciarrotta, Joe <Joe.Sciarrotta@ag.ks.gov>; Schroeder, Michelle <Michelle.Schroeder@ag.ks.gov>; Herbert, Danedri <Danedri.Herbert@ag.ks.gov>; Jorgensen, Susan <Susan.Jorgensen@ag.ks.gov>; Rodriguez, Jay <Jay.Rodriguez@ag.ks.gov>
Subject: FW: FDA Response to Attorney General Kobach and 21 Additional State AGs

This just came through last night.

Charles Dalton
Chief of Staff
Office of Kansas Attorney General Kris Kobach
120 SW 10th Avenue, 3rd Floor
Topeka, Kansas 66612-1597
785-296-2215 phone
Charles.Dalton@ag.ks.gov
www.ag.ks.gov

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To: Sciarrotta, Joe; Schroeder, Michelle; Herbert, Danedri; Jorgensen, Susan; Rodriguez, Jay
Subject: FW: FDA Response to Attorney General Kobach and 21 Additional State AGs
Date: Thursday, September 25, 2025 8:26:50 AM
Attachments: image001.png
FDA Response to AG Kobach_Mifepristone_9-24-25.pdf

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From: Kotwicki, Christopher (OS/IEA)
To: Kotwicki, Christopher (OS/IEA)
Subject: HHS and FDA Response to Attorneys General Letter from 7.31.2025
Date: Friday, September 19, 2025 1:37:58 PM
Attachments: 9.19.25 Response Letter to State AGs re Mifepristone final.pdf

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Hello,

Please find attached the response letter from HHS and FDA to your letter from July 31, 2025.

Best,

Chris

Chris Kotwicki
Chief of Staff
Office of the Secretary | Office of Intergovernmental and External Affairs (IEA)
U.S. Department of Health and Human Services

-
-

Pre-Decisional, Deliberative, Draft

Disclaimer: This message may contain information that is PRE-DECISIONAL, PROTECTED, PRIVILEGED, and/or CONFIDENTIAL and should not be disseminated to unauthorized persons.

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Sincerely,

/s/

Robert F. Kennedy, Jr.
Secretary

/s/

Martin A. Makary, MD, MPH
Commissioner of Food and Drugs

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