



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ECONOMIC JUSTICE
BUREAU OF CONSUMER FRAUDS AND PROTECTION

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

VIA OVERNIGHT MAIL

August 26, 2022

Ms. Rosalind Brewer, Chief Executive Officer
Walgreens Boots Alliance, Inc.
108 Wilmot Road
Deerfield, Illinois 60015

Re: Request For Information Concerning Access To Reproductive Health Care

Dear Ms. Brewer:

The Office of the New York State Attorney General (“NYAG”) has become aware of news reports that pharmacists and clerks employed by Walgreens Boots Alliance, Inc. and Walgreen Co., including subsidiaries and affiliates (“Walgreens”), are refusing customers access to both prescribed and over-the-counter medications or goods related to reproductive health. These products may include U.S. Food and Drug Administration approved contraceptives; medications used manage miscarriage, ectopic pregnancy, or complications from pregnancy loss; medications used for the termination of pregnancies; and over the counter or prescription prophylactics to prevent pregnancy or sexually transmitted infections or disease. To the extent that these refusals extend to New York consumers, such conduct would violate New York State public health laws; public accommodation provisions of both New York State and New York City Human Rights Laws; federal civil rights laws prohibiting discrimination by recipients of federal financial assistance; and the professional obligations of New York State licensed pharmacists.

New Yorkers must have unencumbered access to all reproductive healthcare services available. Pharmacies may not deny or inhibit the availability of such care. The right to reproductive health care is not only inherently valuable and protected in New York, but its denial can negatively impact the health and well-being of New Yorkers, resulting in avoidable illness, injury, or death. Further, the withholding of such care at pharmacies disproportionately impacts women, minorities, and poor communities without the resources to access alternative providers. Access to all available reproductive healthcare services, including all such over the counter and prescription medications or goods sold at pharmacies, is essential to keeping New Yorkers safe.

As of August 31, 2020, Walgreens had more than 560 stores throughout New York State. It is critical that those New Yorkers seeking contraception or other reproductive health care services at Walgreens are not impeded in exercising personal medical decisions.

We understand that Walgreens has publicly stated: “Our policy allows pharmacists to step away from filling a prescription for which they have a moral objection. At the same time, they are also required to refer the prescription to another pharmacist or manager on duty to meet the patient's needs in a timely manner.” We have several concerns about the terms of this policy and how it is applied in practice. First, this policy, as stated, only addresses pharmacists, not other Walgreens employees, including those who assist pharmacists or work elsewhere in stores. Second, public reports indicate that Walgreens employees have mistreated consumers seeking contraception and other services related to reproductive health, including by delaying access to the services sought while publicly harassing, embarrassing, and shaming customers. Third, reports also indicate that these patient services have not, in fact, been rendered in a timely manner.

The NYAG works to protect New Yorkers, including their rights to contraception, medical treatment, and bodily autonomy, and we believe that the rights of New Yorkers may be at risk. The NYAG will hold companies accountable for violations of law.

Accordingly, given the publicly reported risk to New Yorkers seeking contraception or other reproductive health care at Walgreens, the NYAG requests the following information pursuant to our investigative authority under New York Executive Law § 63(12):

- Walgreens’ policies regarding the accommodation of employee refusals to provide services based upon personal, moral, or religious grounds (“employee refusals”), including, but not limited to, pharmacists, pharmacy technicians, pharmacy interns, other pharmacy employees, clerks, customer service associates, cashiers, or any other in-store employees. This request pertains all iterations of such policies applicable to New York locations for the past six years.
- The amount of time that Walgreens considers “timely” in fulfilling a prescription or completing a sales transaction where there has been an employee refusal. Please describe whether Walgreens considers it “timely” if a consumer is required to make an additional visit to a given or alternate pharmacy location to complete their prescription or over the counter transaction due to an employee refusal.
- Walgreens’ training regarding employee refusals and related policies. This request pertains to all iterations of such training applicable to New York locations for the past six years.
- All documents concerning whether Walgreens tracks employee refusals and/or whether such prescriptions and over the counter sales have been “timely” filled and/or completed. If tracked, please provide information concerning the number of times that prescriptions were and were not filled in a timely manner or the delays incurred to

consumers by over-the-counter sales transactions affected by Walgreens' employee refusal policy.

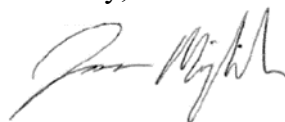
- All complaints concerning Walgreens employee refusals at New York locations for the past six years.

Please be advised that the NYAG is authorized to issue a full investigative subpoena pursuant to New York Executive Law § 63(12), if Walgreens chooses not to cooperate with these requests.

We also request that Walgreens commit to protecting the rights of New Yorkers, including by promptly providing reproductive health care access without harassing, embarrassing, or shaming consumers.

We appreciate your cooperation and attention to this important matter. Please contact the undersigned attorneys via email (Jason.Meizlish@ag.ny.gov and Nancy.Trasande@ag.ny.gov) upon receipt of this letter.

Sincerely,



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