



April 12, 2023

**Via Email**

Hon. Christopher T. Sununu  
Governor of New Hampshire  
107 North Main Street  
Concord, NH 03301

Hon. John M. Formella  
Attorney General of New Hampshire  
33 Capitol Street  
Concord, NH 03301

**RE: Mifepristone Availability**

Dear Governor Sununu and Attorney General Formella:

As you know, a federal judge in Texas entered an injunction staying the Food and Drug Administration's approval of mifepristone—a safe and effective drug used to terminate pregnancies, in *Alliance for Hippocratic Medicine v. FDA*, 2:22-cv-00223-S (N.D. Texas Apr. 7, 2023). That order purports to have nationwide effect. At the same time, a federal judge in Washington enjoined the FDA from “altering the status quo and rights as it relates to the availability of Mifepristone,” *Washington v. FDA*, 1:23-CV-3026-TOR (E.D. Wash. Apr. 7, 2023), but that order only applies to the 17 states (plus the District of Columbia) involved in that litigation. As New Hampshire is not a plaintiff in that suit, it is without the protections afforded by that order.

Given Governor Sununu's statement that “It is extremely concerning that an FDA-approved drug that has been used for decades can be taken off the market unilaterally by one judge ... issues surrounding abortion should be left to the states and not an unelected judge,”<sup>1</sup> New Hampshire must take all steps to protect access to mifepristone. Specifically, we ask that you move to intervene on behalf of New Hampshire in *Washington v. FDA* and seek the same protections afforded the plaintiff states in that matter. This is the best action to ensure that Granite Staters are afforded the same access to safe and effective medication-abortion care as those in other states.

Sincerely,

/s/ Devon Chaffee  
Devon Chaffee  
ACLU-NH Executive Director

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<sup>1</sup> <https://twitter.com/KlandriganUL/status/1645524118220013576>