



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 AND EMAIL

August 29, 2022

Thomas M. Moriarty
Executive VP, Chief Policy and External Affairs Officer, and General Counsel
CVS Health Corporation
One CVS Drive
Woonsocket, RI 02895

Re: Request For Information Concerning Access To Reproductive Health Care

Dear Mr. Moriarty:

The Office of the New York State Attorney General (“NYAG”) has become aware of reporting that employees of CVS Health Corporation, including subsidiaries and affiliates (“CVS”), have refused customer access to prescriptions related to reproductive health. To the extent that such 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, including U.S. Food and Drug Administration approved contraceptives; medications used to 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. 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.

CVS has more than 560 stores throughout New York State. It is critical that those New Yorkers seeking reproductive healthcare services at CVS are not impeded in exercising personal medical decisions or receiving care as directed by their health care providers.

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 reproductive health care at CVS, the NYAG requests the following information pursuant to our investigative authority under New York Executive Law § 63(12):

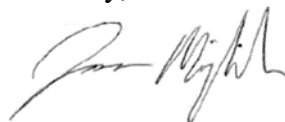
- CVS's policies regarding any refusals to provide services related to reproductive health care, including any accommodation of employee refusals based upon personal, moral, or religious grounds ("refusals"), including, but not limited to, pharmacists, pharmacy technicians, pharmacy interns, other pharmacy 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.
- Any CVS policy regarding the provision of reproductive healthcare services which had been subject to a refusal, including the amount of time that CVS considers timely in providing a service that had been subject to a refusal. For example, please describe whether CVS 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 a refusal.
- CVS's training regarding 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 CVS tracks 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 CVS's refusal policy.
- All complaints concerning CVS 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 CVS chooses not to cooperate with these requests.

We also request that CVS 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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