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Joshua A. Yost
General Counsel
Office of the President Pro Tempore

Sam M. Hayes
General Counsel
Office of the Speaker of the House of Representatives

Messrs. Yost and Hayes:

The case of *Bryant v. Stein*, No. 1:23-CV-77 (M.D.N.C.) raises a preemption challenge to N.C. Gen. Stat. §§ 14-44, 14-45, 14-45.1, 90-21.82, 90-21.90, and 10A N.C. Admin. Code Subchapter 14E. Plaintiff Amy Bryant—a North Carolina board-certified and licensed physician—alleges that these North Carolina statutes and regulations together restrict the use of the FDA-approved medication mifepristone in ways that differ significantly from applicable provisions of federal law.

As I explained on our call earlier today, after review and analysis, we have concluded that Plaintiff's preemption arguments are legally correct. Consistent with its statutory authority, the FDA has determined that restrictions like the ones imposed under North Carolina state law would unduly burden patients' access to a safe and effective drug. The Supremacy Clause of the U.S. Constitution does not permit States to pass laws that undermine that determination.

The Department's filings in the *Bryant* case on behalf of Attorney General Stein will reflect this legal analysis on the merits.

Should the President Pro Tempore of the Senate and the Speaker of the House of Representatives decide that they wish to intervene in the case, the Department will cooperate.

Please feel free to give me a call if you have questions.

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Sincerely,

/s/ Sarah G. Boyce
Sarah G. Boyce

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