

118TH CONGRESS  
1ST SESSION

# H. R. 767

To preserve access to abortion medications.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Ms. BUSH (for herself, Ms. OMAR, Mr. SOTO, Ms. JACKSON LEE, Ms. MCCOLLUM, Ms. NORTON, Mr. BEYER, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To preserve access to abortion medications.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Access to  
5 Medication Abortion Act of 2023”.

6 **SEC. 2. MODIFICATION OF REMS.**

7 (a) IN GENERAL.—The Secretary of Health and  
8 Human Services (referred to in this section as the “Sec-  
9 retary”) shall ensure that the risk evaluation and mitiga-  
10 tion strategy under section 505–1 of the Federal Food,

1 Drug, and Cosmetic Act (21 U.S.C. 355–1) that applies  
2 to mifepristone—

3 (1) does not have an in-person dispensing re-  
4 quirement for such drug;

5 (2) allows for patient access to prescriptions for  
6 such drug via telehealth; and

7 (3) allows all pharmacies that are certified to  
8 dispense such drug to, at minimum, dispense and  
9 mail such drug to patients.

10 (b) MODIFICATIONS.—Nothing in subsection (a) shall  
11 be construed to prevent the Secretary from approving a  
12 modification to the risk evaluation and mitigation strategy  
13 for mifepristone based on sound scientific evidence and in  
14 accordance with section 505–1(h) of the Federal Food,  
15 Drug, and Cosmetic Act (21 U.S.C. 355–1(h)), except  
16 that any modifications to such risk evaluation and mitiga-  
17 tion strategy made after January 3, 2023, shall be in ac-  
18 cordance with the requirements under paragraphs (1), (2),  
19 and (3) of subsection (a), unless the Secretary, based on  
20 sound scientific evidence and in accordance with section  
21 505–1 of such Act (21 U.S.C. 355–1), determines that  
22 a risk evaluation and mitigation strategy for mifepristone  
23 is no longer necessary.

24 (c) CLARIFICATION.—Nothing in subsection (a) shall  
25 be construed to limit the authority of the Secretary to im-

1 pose the requirements described in paragraphs (1), (2),  
2 and (3) of such subsection to a risk evaluation and mitiga-  
3 tion strategy under section 505–1 of the Federal Food,  
4 Drug, and Cosmetic Act (21 U.S.C. 355–1) for any drug  
5 other than mifepristone.

6 (d) DEFINITION.—In this section, the term  
7 “mifepristone” means mifepristone that is—

8 (1) approved under subsection (c) or (j) of sec-  
9 tion 505 of the Federal Food, Drug, and Cosmetic  
10 Act (21 U.S.C. 355);

11 (2) indicated for medical abortion; and

12 (3) subject to a risk evaluation and mitigation  
13 strategy under section 505–1 of the Federal Food,  
14 Drug, and Cosmetic Act (21 U.S.C. 355–1).

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