

## **Agile Therapeutics Compliance Program**

Our mission to advance women's health by bringing products to market that keep pace with the changing needs of today's women cannot be met without total commitment to compliance in all areas of our business. Agile Therapeutics ("Agile") proactively implements an effective compliance program designed to meet external requirements applying high ethical, moral and legal principles in every aspect of its business conduct.

Agile's compliance program is a central component of how business is conducted and is based on the "Commercial Compliance Program Guidance for Pharmaceutical Manufacturers," published by the Office of Inspector General (OIG), U.S. Department of Health and Human Services (DHHS), and the "Code on Interactions with Health Care Professionals" published by the Pharmaceutical Research and Manufacturers of America (PhRMA). The fundamental elements of our compliance program are outlined below.

### **Compliance Leadership**

Agile has identified an individual who is responsible for developing, operating and monitoring the compliance program. This person reports to the Chief Executive Officer of Agile and has direct access to the Board of Directors regarding all compliance concerns.

### **Compliance Committee**

Agile has established a Compliance Committee consisting of the top leaders from all company business areas and support functions. The committee is responsible for advising and supporting the Chief Compliance Officer in the implementation and oversight of the compliance program. The Chief Compliance Officer periodically provides reports on the state of Agile's compliance program to the Audit Committee of the Board of Directors.

### **Code of Business Conduct and Ethics and Documented Policies and Procedures**

Agile has implemented a Code of Business Conduct and Ethics (the "Code") that serves as a guide for each of the Company's directors, officers and employees to follow. This Code describes certain ethical principles that the Company has established for the conduct of its business, and outlines certain key legal requirements of which the Company's directors, officers and employees must be generally aware and with which they must comply. This Code is available on its website at [www.agiletherapeutics.com](http://www.agiletherapeutics.com).

In addition to this Code, Agile has documented policies and procedures that address the Company's expectations regarding adherence to all applicable laws and regulations. These policies and procedures address the risk areas identified in the OIG guidance as well as other areas specific to Agile's activities.

### **Training**

Agile is dedicated to an ongoing training and education program for its associates with regard to their legal and ethical obligations. Agile trains its associates on its Code of Business Conduct and Ethics and specific risk areas related to each associate's responsibilities. The training program is subject to review and modification as deemed appropriate by the company.

## **Communication**

Agile Therapeutics encourages free flow of concerns from Associates with regard to its business activities. All Associates have access to report potential instances of fraud and abuse or other instances of potential violation of law, regulations or company policy and procedures. These reports may be submitted through their Management, Human Resources, Compliance, or Legal. Potential violation of fraud and abuse or other instances of potential violation of law, regulations or Company policy and procedures involving directors or executive officers must be submitted to the Audit Committee of the Board of Directors. In addition, Agile has established a communication channel to report potential violations of laws, policies and procedures. If desired, the individual may submit reports anonymously.

Reports can be submitted anonymously by a toll free call to **877-215-9263**.

Agile Therapeutics does not tolerate any form of retaliation against individuals who report in good faith potentially improper, unethical or illegal conduct.

## **Auditing and Monitoring**

Agile's compliance program includes ongoing internal efforts to assess, evaluate, monitor, and audit compliance with the Company's policies and procedures. The results of these activities are reported to management.

## **Corrective Action**

Agile has an established disciplinary process for those employees who violate the law, regulations or Company policy and procedures. The company will investigate the matter based on the nature of the violation and consider discipline to address the violation and prevent or correct where necessary. In addition to imposing appropriate disciplinary action, the Company also assesses whether a violation may be due in part to gaps in Agile's policies, procedures, training, business practices and other controls. If so, the Company is committed to implementing corrective and preventative measures to enhance its controls to prevent further violations.

## **Annual Declaration of Compliance for Purposes of California Health & Safety Code Sections 119400-119402**

Agile has developed a Comprehensive Compliance Program (CCP) in accordance with the requirements of California Health & Safety Code sections 119400-119402. As of December 17, 2020, Agile hereby declares in good faith that it is, in all material respects, in compliance with its CCP and the requirements of California Health & Safety Code §§ 119400-119402. Agile has developed and implemented elements of its CCP to address certain issues uniquely raised by the California law. In addition, compliance is a dynamic concept and, therefore, Agile periodically assesses the effectiveness of its CCP and may modify aspects of the CCP to enhance it. For a copy of this declaration and a description of Agile's CCP, email [info@agiletherapeutics.com](mailto:info@agiletherapeutics.com).

In accordance with California Health and Safety Code section 119402(d)(1), Agile has established an annual limit of \$2,500 for spending on promotional items and activities provided to a health care professional licensed in California. Such items generally are provided to physicians and certain other

health care professionals in order to facilitate an educational or scientific discussion about the Company's products, the Company's research and development efforts, and other health care-related issues. Agile's limit also includes educational items provided to a physician (such as a medical textbook) that are intended to benefit patient care. Additionally, pursuant to California Health & Safety Code § 119402(d)(2) and (3), drug samples given to healthcare professionals intended for free distribution to patients, Agile financial support for continuing medical education forums, financial support for health educational scholarships, and fair market value payments made for legitimate services provided by a health care medical professional to Agile, including but not limited to consulting, have also been excluded from the spending limit. This stated limit is not a goal, but a maximum that the Company sets for itself as a limitation. In most cases, the amounts actually spent are significantly less than the maximum amount set by this limitation. Agile may change this spending limit upon review at the discretion of the Company.