

## Competing Opinions on Mifepristone Abortion Pill Issued by US District Courts



The US District Court for the Northern District of Texas suspended the Food and Drug Administration's (FDA) approval of the abortion pill mifepristone on Friday. At the same time, the US District Court for the Eastern District of Washington issued a competing opinion that mifepristone is safe and effective.

Mifepristone is a medication that the FDA approved in September 2000 for medication abortions. When used with the FDA-approved drug misoprostol, it is considered a safe and effective method of terminating a pregnancy through 49 days' gestation.

However, Texas District Judge Matthew Kacsmaryk wrote that the "FDA acquiesced on its legitimate safety concerns - in violation of its statutory duty - based on plainly unsound reasoning and studies that did not support its conclusions." Judge Kacsmaryk also noted evidence indicating the FDA faced significant political pressure to forgo its proposed safety precautions to advance better the political objective of increased "access" to chemical abortion - which was the "whole idea of mifepristone."

On the other hand, in the Washington state ruling, District Judge Thomas Rice preliminarily enjoined the defendants - the FDA, commissioner of FDA, Department of Health and Human Services (HHS), and HHS secretary - "from altering the status or rights of the parties under the operative Mifepristone [Risk Evaluation and Mitigation Strategy (REMS)] Program until a determination on the merits."

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In a statement, President Joe Biden expressed his disagreement with the Texas court and asserted that the chemical abortion method "accounts for over half the abortions in America" and that if the Texas ruling stands, the decision "would prevent women in every state from accessing the medication, regardless of whether abortion is legal in a state."

The Texas ruling will not go into effect for seven days to give the federal government time to appeal it. The Department of Justice (DoJ) filed an appeal within hours of the decision, with Attorney General Merrick Garland releasing a statement saying that the DoJ "strongly disagrees with the decision" of the Texas court and "will be appealing the court's decisions and seeking a stay pending appeal."

The competing opinions of the two district courts raise the possibility that the US Supreme Court will take up the mifepristone issue and rule on the pill's use. The decisions come as abortion rights throughout the US are in flux and jeopardy after the US Supreme Court's 2022 decision overturning *Roe v. Wade*.

The future of reproductive rights and access to healthcare in the US remains uncertain as conflicting opinions and legal challenges continue to arise. The decision of the US Supreme Court regarding the mifepristone issue will undoubtedly have significant consequences for women's health and reproductive rights.