

Manufacturer of Abortion Pill Fails to Halt Implementation of West Virginia's Abortion Ban



GenBioPro Inc, the manufacturer of a generic version of the abortion pill mifepristone, has suffered a legal setback in its attempt to challenge West Virginia's near-total abortion ban. U.S. District Judge Robert Chambers, appointed by former President Bill Clinton, rejected the company's argument that the state's ban should be invalidated due to a conflict with the federal government's regulation of mifepristone for medication abortion. The judge dismissed most of the company's claims in the lawsuit.

Judge Chambers emphasized that the U.S. Supreme Court has clarified that the regulation of abortion falls within the purview of health and safety, allowing states to exercise their police power in this regard. He noted that the ban primarily regulates healthcare providers rather than GenBioPro itself, although it does create obstacles for the company's product sales.

However, the court did permit GenBioPro's challenges against West Virginia's prohibition of telemedicine for medication abortion to proceed. The judge found that this particular ban contradicted federal law. Yet, the impact of this ruling could be limited as West Virginia's abortion ban includes narrow exceptions for nonviable pregnancies, medical emergencies, or reported rape cases.

See also: [South Carolina's 'Heartbeat' Abortion Ban Upheld by State's Supreme Court](#)

West Virginia Attorney General Patrick Morrisey, a Republican, underscored the state's authority over abortion regulation, asserting that the U.S. Supreme Court has established abortion as a state issue concerning health and safety. He reaffirmed his commitment to protecting the rights of the unborn.

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GenBioPro's CEO, Evan Masingill, expressed confidence in the company's legal claims and indicated that they are evaluating their next steps to ensure access to the medication for patients in need.

GenBioPro initiated the lawsuit against West Virginia in January, concurrent with a similar case brought by a North Carolina doctor challenging that state's restrictive stance on telemedicine abortion. This procedure involves prescribing abortion medication through remote consultations and dispensing it via mail. The doctor argued that the state's policy clashed with federal law and hindered her medical practice. The outcome of this case remains pending.

In a separate legal action, anti-abortion activists aimed to remove mifepristone from the market entirely. The 5th U.S. Circuit Court of Appeals in New Orleans granted them a partial victory, imposing constraints on mifepristone, including a prohibition on telemedicine prescriptions and limiting its approved usage to the first seven weeks of pregnancy instead of ten. However, this order is on hold as President Joe Biden's administration appeals the decision to the U.S. Supreme Court.

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Medication abortion constitutes over half of all abortions in the United States and has garnered heightened attention following the Supreme Court's reversal of the landmark Roe v. Wade decision, which previously legalized abortion nationwide.

Subsequently, 15 out of the 50 states have implemented outright abortion bans, as reported by the Guttmacher Institute, an organization advocating for abortion rights. Several other states, including South Carolina, have enacted bans around six weeks into pregnancy, a point at which many individuals may not yet be aware of their pregnancy.

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