

Attorney General Raoul Urges U.S. Supreme Court To Reverse Mifepristone Restrictions

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CHICAGO - Attorney General Kwame Raoul today, with 23 attorneys general, filed a brief in the U.S. Supreme Court to protect access to medication abortion nationwide.

Raoul and the coalition [filed the amicus brief](#) supporting efforts undertaken by the U.S. Food and Drug Administration (FDA) and Danco Laboratories LLC to reverse a ruling by the U.S. Court of Appeals for the 5th Circuit that reinstated certain restrictions on the medication known as mifepristone, after the FDA had determined those restrictions were medically unnecessary. Raoul and the coalition argue that the 5th Circuit's ruling reinstating medically-unnecessary restrictions on the medication has dangerous consequences for reproductive health care outcomes, particularly for low-income and underserved communities.

“For nearly 25 years, mifepristone has been safely utilized by millions of American patients, and restricting mifepristone only serves to block access to the most commonly used methods of abortion,” Raoul said. “As my office works to protect reproductive rights in Illinois, I am proud to join with fellow attorneys general to preserve continued access to safe, legal abortion in Illinois and across the nation.”

Raoul and the coalition previously urged the U.S. Supreme Court to stay the lower court's decision pending the court's review, and then to review the case on the evidence. The Supreme Court agreed with the coalition at both stages, granting a stay and then accepting the case for review.

The coalition is now urging the U.S. Supreme Court to reverse the 5th Circuit's decision to restrict how mifepristone can be prescribed and dispensed. Their amicus brief highlights that the 5th Circuit's decision ignores decades of high-quality evidence and clinical research that shows mifepristone is safe and effective. Raoul and the coalition point out that the FDA's decisions in 2016 to approve a modified label and reform the conditions for prescribing mifepristone were supported by robust safety data and decades of clinical experience.

Raoul and the coalition note that if the 5th Circuit's decision is permitted to take effect, it could disrupt access to the most common method of abortion, harming countless Americans in need of medical care or pregnancy loss management, with widespread disruptions for the health care system. Among other things, the lower court decision could lead many individuals to undergo procedural abortion, drive up risks, costs and delays, and deprive many Americans of access to reproductive health care altogether. Raoul and the coalition further argue that the ruling would create widespread confusion among providers, distributors and pharmacies, and radically destabilize the regulatory process for drug approvals, stifling scientific innovation and imperiling the development and availability of thousands of drugs nationwide.

Prior to the Supreme Court issuing a stay freezing restrictions on mifepristone access, Raoul, as part of a coalition of 18 states, proactively filed [a lawsuit](#) to preserve access to

mifepristone for patients in Illinois. On April 7, 2023, a federal judge in Washington issued an injunction preventing the FDA from reducing the availability of medication abortion in Illinois and other participating states.

Joining Raoul in submitting today's amicus brief are the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and Wisconsin.