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FOR IMMEDIATE RELEASE

FIFTH CIRCUIT UPHOLDS RESTRICTION ON ABORTION MEDICATION ACCESS IN POLITICALLY MOTIVATED RULING

New Orleans, LA (August 17, 2023) - Yesterday's Fifth Circuit Court of Appeals ruling on the abortion medication mifepristone is a political move to roll back reproductive rights - another maneuver orchestrated by anti-abortion activists. While the conservative panel of three Fifth Circuit judges upheld the Food and Drug Administration (FDA) approval of mifepristone that has allowed the drug to be accessible for the last 23 years, the panel heavily restricted use of the drug and limited how and by whom the drug is accessed. The judges ruled that mifepristone can only be used up to seven weeks of pregnancy, and rolled back accessibility to the drug by requiring in person consultation for prescriptions, ending telehealth prescriptions. This case will more than likely head to the Supreme Court following an appeal by the FDA; yesterday's Fifth Circuit ruling will not take effect until that time and access to mifepristone will remain unchanged, for now. This fight is not over.

The FDA-approved drug mifepristone at the heart of this case is used in over 50% of abortions in the United States with a complication rate of under 1 percent - it is one of the safest drugs on the market today. In order to approve mifepristone, the FDA undertook rigorous testing and studies, and for 16 years after its approval continued to monitor for any unexpected side effects - of which they found none. Widespread accessibility for mifepristone has been a lifeline for millions of pregnant people in the United States who are in need of both miscarriage and abortion care. Gaining access to mifepristone via telehealth and mail, and being able to self-manage an abortion without fearing criminalization is especially important to people in remote and rural areas, people of color and low-income people, disabled people, LGBTQ+ people, and other people who fear stigma and discrimination when seeking medical care.

This case is the first time a court has ever bypassed the FDA's ruling on a drug's market approval and the precedent this decision could set is dangerous not only for people seeking abortions, but puts at risk the legitimacy of the FDA's approval process. This political attack on the FDA's drug approval process for mifepristone opens the door to attacks on other drugs that are essential to the healthcare and bodily sovereignty of marginalized groups, such as drugs used in gender-affirming care.



It is clear that the plaintiff's motivations are unfounded and rooted in this country's legacy of reproductive oppression; they are purely ideological. These attacks on bodily sovereignty are led by groups who want to control peoples' bodies, especially people who are poor and low-income, people of color, disabled people, women, and LGBTQ+ people - those who do not conform to a white supremacist, heteropatriarchal "norm."

Reproductive Justice is bodily sovereignty - we have the human right to make decisions about our own bodies and lives - including the right to access safe healthcare like medication abortion. It is a safe and private option that makes abortion accessible for those who often face barriers in accessing reproductive healthcare, and for many people it's the abortion care that is most comfortable for them. We believe in the right to access abortion care from home and abortion medication through any means necessary. As the case against mifepristone and the FDA moves to the Supreme Court, we will continue advocating for Reproductive Justice and our collective right to access the abortion care we want and need.

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California Latinas for Reproductive Justice is a statewide organization committed to honoring the experiences of Latinas/xs to uphold our dignity, our bodies, sexuality and families. We build Latinas'/xs' power and cultivate leadership through community education, policy advocacy, and community informed research to achieve Reproductive Justice. Learn more about California Latinas for Reproductive Justice at www.californialatinas.org.

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