

# Case involving access to abortion pill moves to appeals court

May 17 2023, by Cara Murez

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A ruling on the abortion pill mifepristone will be one step closer

Wednesday when three federal judges hear arguments in the case.

The three judges at the 5th U.S. Circuit Court of Appeals in New Orleans have a history of supporting abortion restrictions, the *Associated Press* reported. They aren't expected to rule immediately.

In November, [abortion opponents](#) in Texas filed a lawsuit in [federal court](#), challenging the U.S. Food and Drug Administration's approval of the drug in 2000. On April 7, a U.S. District Judge Matthew Kacsmaryk issued a ruling that would have revoked approval of mifepristone. Kacsmaryk was nominated to the court by former President Donald Trump.

An appeal by the Biden administration and drugmaker Danco Laboratories led to a partial block of the ruling.

An appellate panel ruled that the abortion opponents were barred by time limits from challenging the 2000 approval. But it allowed limitations on changes the FDA had made since then, including on mailing the drug, according to the *AP*.

The U.S. Supreme Court put the lower court rulings on hold, pending appeal. That is likely to allow existing access to mifepristone into next year.

Mifepristone is one half of the two-pill medication abortion regimen. The other medication, misoprostol, could be used alone if courts restrict mifepristone, though it is less effective when used that way.

The FDA has revised its initial approval of mifepristone in recent years. It reduced the dosage needed to safely end pregnancy, allowed pills to be shipped by mail and said an in-person doctor visit was not required. It also extended this option to 10 weeks of pregnancy. Previously, use of

mifepristone was allowed only up to seven weeks of pregnancy, the *AP* reported.

**More information:** KFF, formerly known as the Kaiser Family Foundation, has more on [medication abortion](#).

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