

Texas judge seeks halt to prescribing chemical abortion pill

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AMARILLO (BP)—A Texas judge sought to halt the prescribing of Mifepristone, the FDA-approved drug commonly referred to as the abortion pill.

The preliminary ruling by U.S. District Judge Matthew Kacsmaryk—announced late Friday afternoon, Apr. 7—potentially has nationwide implications.

“The court does not second-guess FDA’s decision-making lightly but here, 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,” Kacsmaryk stated.

However, a ruling by a federal judge in Washington state complicated the matter.

Then on April 10, the U.S. Justice Department appealed the Texas court ruling, asserting the decision was “extraordinary and unprecedented.” The Justice Department submitted the request to the 5th Circuit Court of Appeals.

Alliance Defending Freedom argued the case urging the federal district judge to issue an injunction suspending or revoking Mifepristone.

“This is a significant victory for the doctors and medical associations we represent and more importantly, the health and safety of women and girls,”

ADF tweeted following the announcement.

ADF Senior Counsel Erik Baptist argued against the case in the Northern District Court of Texas on March 15.

“By illegally approving dangerous chemical abortion drugs, the FDA put women and girls in harm’s way, and it’s high time the agency is held accountable for its reckless actions,” Baptist said.

Around the same time as Kacsmayk’s decision was handed down, Thomas Rice, a Washington state federal judge, ordered against “altering the status quo and rights as it relates to the availability of Mifepristone under the current operative January 2023 Risk Evaluation and Mitigation Strategy under 21 U.S.C. § 355-1 in Plaintiff States.”

Rice’s order applies to Washington, Oregon, Arizona, Colorado, Connecticut, Delaware, Illinois, Michigan, Nevada, New Mexico, Rhode Island, Vermont, District of Columbia, Hawaii, Maine, Maryland, Minnesota, and Pennsylvania, according to D.C.-based ethicist Edward Whelan.

The Ethics & Religious Liberty Commission included a focus on efforts to end the proliferation of chemical abortions in their 2023 State Policy Review.

“This much-anticipated decision recognizes the incredible danger to women and children posed by the abortion pill. The [Texas] judge was right to halt the FDA’s reckless approval of this drug,” said Brent Leatherwood, Ethics & Religious Liberty Commission president.

“Unfortunately, a ruling by a separate court in Washington appears to directly conflict with this case. That means more appeals and, in all likelihood, a date at the U.S. Supreme Court for an ultimate resolution. As Christians, our advocacy must continue until every preborn life is safe from

annihilation and every mother is protected from a predatory abortion industry,” Leatherwood said.

Whelan believes the rulings do not carry equal weight.

“My initial read is that the rulings don’t conflict and that the Texas ruling would instead render the Washington ruling irrelevant,” said Whelan, distinguished senior fellow and Antonin Scalia Chair in Constitutional studies at the Ethics and Public Policy Center.

Vice President Kamala Harris took to Twitter to denounce the ruling by the Texas judge.

“Simply put: this decision undermines the FDA’s ability to approve safe and effective medications—from chemotherapy drugs, to asthma medicine, to blood pressure pills, to insulin—based on science, not politics,” Harris said.

“In the face of attacks on a woman’s right to access an abortion, our Administration will continue to fight to protect reproductive freedom and the ability of all Americans to make health care decisions with their doctors free from political interference,” she added.

The FDA said the approval followed four years of deliberation and included extra safety restrictions, the Associated Press reported.

The American College of Obstetricians and Gynecologists, as well as the World Health Organization, recommend Mifepristone.

The FDA encourages women to seek medical care in the case of prolonged heavy bleeding and other complications.

Diana Chandler, Tom Strode and Ken Camp contributed to this report.