

Dept. of Justice: AG Kaul joins multistate coalition to fight back against decision to block medication abortion access

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MADISON, Wis. – Attorney General Josh Kaul today announces he has joined a multistate coalition to challenge the decision issued by a district court judge in the U.S. District Court for the Northern District of Texas that could restrict medication abortion access nationwide. [The amicus brief](#), filed in the U.S. Court of Appeals for the Fifth Circuit, urges the court to stay pending appeal the district court’s ruling, which if allowed to take effect would halt the over two-decade old approval from the U.S. Food and Drug Administration (FDA) of the medication abortion drug, mifepristone. Attorney General Kaul and the coalition of 24 attorneys general warn that revoking federal approval for mifepristone will drastically reduce access to safe abortion care and miscarriage management for millions of people across the country, endangering lives and trampling states’ authority to protect and promote access to abortion.

“The months following the Supreme Court’s decision to overturn *Roe v. Wade* have made it clearer than ever how vital it is for women to have access to the full array of life-saving reproductive health care services—without interference from politicians,” said Attorney General Kaul. “Mifepristone has been used safely for years, and the misguided district court order that would prevent the use of mifepristone must be blocked.”

This ruling comes in a challenge brought by anti-abortion groups seeking to revoke the FDA’s approval of mifepristone. On April 7, Judge Matthew Kacsmaryk of the U.S. District Court for the Northern District of Texas, ordered the U.S. Food and Drug

Administration (FDA) to stay its approval of mifepristone, which happened in 2000. The court's order does not take effect immediately, as the district court put its ruling on hold for seven days to give the federal government and the drug manufacturer an opportunity to appeal. Attorney General Kaul and the coalition are urging the appeals court to continue to stay the lower court's unprecedented and legally erroneous decision pending the appeal, given the decades of clinical research and studies that have confirmed mifepristone's safety and the critical role medication abortion plays in reproductive health care, particularly in low-income, underserved, and rural communities.

The coalition notes that if the lower court decision takes effect, it could drastically curtail abortion access for millions of Americans. Mifepristone has been particularly critical in providing access to safe abortion care in low-income, underserved, and rural communities. According to current estimates, medication abortion accounts for over half, approximately 54 percent, of all abortions performed in the United States. Obstructing access to mifepristone would lead demand for procedural abortions to significantly increase, resulting in later and more risky procedures, and more complicated and costly logistics for many patients, especially those where procedural abortion is unavailable. Moreover, lack of access to safe abortion care leads to worsened health outcomes and higher mortality, especially for Black women.

Joining Attorney General Kaul in filing today's [amicus brief](#) are the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, Hawai'i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and the District of Columbia.

Find this press release and the amicus brief [here](#).