



Alliance for Hippocratic Medicine v. FDA (N.D. Tex.; 5th Cir.; S. Ct.)

Topics Covered: Reproductive Health & Abortion

Issue

The issue in this case was whether the U.S. Food and Drug Administration (“FDA”) exceeded its authority by approving the drug mifepristone, used in medication abortion.

AMA Interest

The AMA: (1) recognizes that health care, including reproductive health services like contraception and abortion, is a human right; (2) opposes limitations on access to evidence-based reproductive health services, including fertility treatments, contraception, and abortion; (3) will work with interested state medical societies and medical specialty societies to vigorously advocate for broad, equitable access to reproductive health services, including fertility treatments, contraception, and abortion; and (4) supports shared decision-making between patients and their physicians regarding reproductive healthcare. Further, the AMA supports mifepristone availability for reproductive health indications.

Case Summary

On November 18, 2022, four medical associations and several individual physicians, all of whom oppose access to abortion, sued the FDA, seeking to overturn the agency’s decades-old authorization of mifepristone. The complaint was filed in the Northern District of Texas.

Plaintiffs had six claims for relief, all of which involve the Administrative Procedure Act. In short, the plaintiffs claim that the initial approval of medication abortion and all subsequent regulatory actions around medication abortion exceeded the FDA’s jurisdiction, as well as being arbitrary and capricious. Plaintiffs requested that the court order the FDA to withdraw mifepristone as FDA-approved medications.

On April 7, 2023, the district court in Texas ruled in favor of the plaintiffs, ordering a stay of the FDA’s authorization of mifepristone. This ruling set off a flurry of court filings, including an emergency request for a stay to the Fifth Circuit, and after that request was not granted in full, an emergency request to the United States Supreme Court.

On April 21, the Supreme Court granted the request for a stay of the district court’s decision, and it remanded the case to the Fifth Circuit for further consideration. The Supreme Court’s grant of the stay is a favorable result, consistent with the AMA’s *amicus* brief.

The case was then heard by the Fifth Circuit Court of Appeals, which reversed the district court in part, refusing to order mifepristone removed from the market, but allowing claims to proceed against subsequent FDA actions.

On December 12, 2023, the U.S. Supreme Court agreed to hear this case on the merits. On June 13, 2024, the United States Supreme Court ruled that the plaintiffs did not have standing to bring the suit and remanded the case. This is a favorable result, consistent with the AMA's brief in the case.

AMA Involvement

The AMA joined six *amicus* briefs in support of the federal government and opposing the plaintiffs' claims, including in the district court, twice at the Fifth Circuit, and three times in the United States Supreme Court.

U.S. District Court for the Northern District of Texas Brief

U.S. Fifth Circuit Court of Appeals Stay Brief

U.S. Fifth Circuit Court of Appeals Merits Brief

United States Supreme Court Stay Brief

United States Supreme Court Brief in Support of Petition for *Certiorari*

United States Supreme Court Brief on the Merits