



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

Topics Covered: Reproductive Health & Abortion

## Issue

The issue in this case is 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 have 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 request that the court order the FDA to withdraw mifepristone as FDA-approved medications.

## AMA Involvement

The AMA joined ACOG and others in *amicus* briefs in the district court and the Fifth Circuit Court of Appeals supporting the FDA and its decisions authorizing mifepristone.

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

U.S. Fifth Circuit Court of Appeals Brief