

AG Fitch Joins 21-AG Coalition, Challenging Biden-Era Abortion Rule



When we took the *Dobbs* case to the Supreme Court, the Court affirmed that states may enact laws that protect unborn life, women's health, and the integrity of the medical profession, but here the FDA has circumvented that important Constitutional principle. Critical safeguards that, for example, determine if the baby's gestational age is within prescription guidelines, evaluate the health of the mother, and even confirm the completion of the drug's intended effects have been stripped away until we are left with a rule that sacrifices a woman's health and safety for a political cause. And for women who are being coerced into taking the pills by an abusive partner or even a human trafficker, an in-patient visit may be their only opportunity to have a cry for help heard. I am proud to stand with my colleagues from Louisiana and around the nation to defend women and children.

Lynn Fitch

(Jackson, Mississippi) Today, Attorney General Lynn Fitch joined 20 States in filing a brief in support of Louisiana's lawsuit challenging a Biden-era rule that expanded access to abortion drugs through mail and telehealth, without any safeguards to protect the health and life of the woman.

"When we took the *Dobbs* case to the Supreme Court, the Court affirmed that states may enact laws that protect unborn life, women's health, and the integrity of the medical profession, but here the FDA has circumvented that important Constitutional principle," **said Attorney General Lynn Fitch**. "Critical safeguards that, for example, determine if the baby's gestational age is within prescription guidelines, evaluate the health of the mother, and even confirm the completion of the drug's intended effects have been stripped away until we are left with a rule that sacrifices a woman's health and safety for a political cause. And for women who are being coerced into taking the pills by an abusive partner or even a human trafficker, an in-patient visit may be their only opportunity to have a cry for help heard. I am proud to stand with my colleagues from Louisiana and around the nation to defend women and children."

The case challenges a 2023 Food and Drug Administration action that removed the last remaining safeguards on the chemical abortion drug mifepristone and allowed doctors in one State to prescribe abortion pills to patients in another without any in-patient doctor visits. The filing argues that the rule unlawfully overrides state laws protecting unborn life and intrudes on states' sovereign authority following the Supreme Court's decision in the Mississippi *Dobbs* case.

The brief explains that the Biden-era rule effectively permits states like California and New York to set abortion policy for pro-life states by enabling telehealth prescriptions that state law prohibits. It also details the real-world consequences of the rule, including increased strain on state health systems and Medicaid programs. The case is

pending in federal court in Louisiana, where the plaintiffs are seeking an injunction to block the FDA rule.

Joining Mississippi on the brief were Attorneys General from Alabama, Alaska, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia, and Wyoming.

In 2024, Attorney General Fitch led an [amicus brief](#) supporting pro-life physicians in a challenge to this rule. As she and 21 other Attorneys General said then, “This case challenges the U.S. Food and Drug Administration’s actions adopting an elective abortion policy that Congress could never pass, that States have rejected, and in which the American people had no say.”

You can read the brief [HERE](#).

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