



Liberty Counsel Action Supports the Protecting Life from Chemical Abortions Act and Nullifying President Biden FDA's Abortion Pill final Rule.

It is a tragedy that the FDA is making it even more convenient to kill unborn babies by simply taking pills. This federal agency should not be using taxpayer dollars to encourage women to commit human genocide.

Mifepristone, formerly known as RU-486, blocks a necessary hormone for the pregnancy to advance and cuts off blood and nutrients to the unborn baby, slowly starving it to death over one to two days while the second induces contractions necessary to expel materials from the uterus. This drug is taken with misoprostol, which induces labor and causes severe cramping, contractions and bleeding to expel the baby from the womb.

Until now, mifepristone could be dispensed only by some mail-order pharmacies or by specially certified doctors or clinics. The second drug, misoprostol, is already available through a traditional prescription and is used to treat other conditions.

Under the new FDA rule, pharmacies can apply for a certification to distribute mifepristone with one of the two companies that make it. If granted the certification, the pharmacy will be able to dispense the pill directly to patients upon receiving a prescription from a certified prescriber. The FDA states that "to become certified to dispense mifepristone, pharmacies must complete a Pharmacy Agreement Form and certified pharmacies must be able to ship mifepristone using a shipping service that provides tracking information.

The FDA announced in December 2021 that it would relax some risk evaluation and mitigation strategies, or REMS, on the abortion pill, that had been in place since the agency approved it in 2000 and were lifted temporarily in 2021 due to the COVID-19 pandemic. Now the FDA states that after conducting a review of the Mifepristone REMS Program," it "determined that the available data and information support modification of the REMS to reduce burden on the health care delivery system and to ensure the benefits of the product outweigh the risks."

In addition, the U.S. Postal Service (USPS) continues to deliver prescription abortion pills despite the U.S. Supreme Court overruling *Roe v. Wade* and *Planned Parenthood v. Casey* abortion decisions in June 2022. The Office of Legal Counsel said in an opinion sought by USPS that the mailing of mifepristone and misoprostol did not violate the Comstock Act, a federal law passed by the U.S. Congress in 1873 as an "Act of the Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use."

"We conclude that section 1461 does not prohibit the mailing, or the delivery or receipt by mail, of mifepristone or misoprostol where the sender lacks the intent that the recipient of the drugs will use them unlawfully." This is a deliberate confusion as this office is now saying they cannot know if the person receiving the pills is going to use them illegally. This has never been a legal justification to increase the availability of illicit and illegal drugs and cannot be a lawful excuse for allowing the dissemination of these abortion pills.

The pro-abortion Guttmacher Institute released data in February 2022 revealing that chemical abortions accounted for the majority of all abortions for the first time in U.S. history in 2020.

Every three years, Guttmacher surveys all known abortions providers in America. In 2020, abortion pills accounted for 54 percent of all U.S. abortions, an increase from 44 percent in 2019. Chemical abortions accounted for 39 percent of all abortions in 2017, an increase from 29 percent in 2014.

There has been a steady increase in the use of abortion pills since September 2000 when the FDA approved mifepristone. In April 2020, as COVID shut down health care facilities across the country, the FDA temporarily allowed telemedicine prescribing and mailing of mifepristone. The decision was then made permanent in December.

Currently, the chemical abortion process can be paired with a telemedicine platform in two ways: a physician can examine a patient via telemedicine, then issue a prescription for mifepristone and misoprostol to the patient to terminate the pregnancy; or a remote physician can examine a patient at a clinic, then issue instructions to clinic personnel to dispense the drugs from a locked cabinet that is remotely opened by the doctor.

Passage of these bills will certify that Congress recognizes the implications of the 2022 Dobbs ruling which returned the decision of securing rights for the unborn to the individual states. And will also effectively curtail the increased impulse of pro-abortion movement to ignore, and in this instance, force the revision on longstanding Risk Evaluation and Mitigation Strategies to sustain the unconscionable practice of abortion.