



## ***FDA v. Alliance for Hippocratic Medicine:*** **The Facts of the Case**

### **What is Mife?**

- Mifepristone (commonly referred to as “Mife”) is one of two medications commonly used in a medication abortion.
- Mifepristone was first approved for use by the FDA in 2000, and reliance on it has increased over time.
- Medication abortion, both self-managed and at a health center, has a safety record of over 99%.

### **Facts of the Case:**

- In November 2022, the Alliance for Hippocratic Medicine sued the Food and Drug Administration (FDA), claiming that approving Mifepristone was a mistake and it should be removed from the market.
- In April 2023, Judge Matthew Kacsmaryk of the District Court of Northern Texas ruled that the FDA should rescind their approval of Mifepristone.
- In May 2023, the FDA appealed to the Fifth Circuit Court of Appeals who said that while Mife did not need to be taken off the market entirely, states and pharmacies can make it less accessible by implementing old restrictions.
- In December 2023, the Supreme Court decided to hear another appeal to the case. In their decision, SCOTUS could reaffirm the Circuit Court’s decision, return to the Texas District Court’s decision, fully protect Mifepristone, or anything in between.
- On Tuesday March 26<sup>th</sup>, 2024, The Supreme Court will hear oral arguments in *FDA v. Alliance for Hippocratic Medicine*.

### **What’s at Stake:**

- Medication abortion accounted for 63% of all abortions within the formal US healthcare system in 2023. This number does not include self-managed medication abortions that take place outside the formal healthcare system, including medication abortion mailed to people in states with total abortion bans, so the actual number is likely higher.
- The Supreme Court could restrict the ability to mail mifepristone directly to patients or reinstate the requirement that the drug be provided in person, both of which are extreme boundaries to accessing the medication not grounded in scientific reasoning.
- For many people, medical abortion is more accessible than a procedural abortion.



## Jewish Perspective

- Judaism believes that life is sacred, and the life of the pregnant person is placed above the *potential life* of a fetus: We are told, "If a woman's labor becomes life threatening, the one to be born is dismembered in her abdomen... for her life comes before the life of the fetus." (Mishnah Ohalot 7:6)
- Patients have an obligation to obtain health care. Our bodies and souls belong to God, and we must ensure that they are cared for. The verse in Deuteronomy (4:15) "You shall indeed guard your souls," has traditionally been interpreted as commanding us to protect our health. The Reform Movement believes that this commandment extends to reproductive health.
- Our Jewish tradition instills in us the importance of *kavod ha'briyot*, respect for individual dignity. Any restriction on access to abortion is a violation of this core value.

## Sources

- <https://www.ansirh.org/sites/default/files/publications/files/medication-abortion-safety.pdf>
- [https://www.guttmacher.org/2024/03/medication-abortion-accounted-63-all-us-abortion-2023-increase-53-2020?utm\\_source=Guttmacher+Email+Alerts&utm\\_campaign=06d767bd2a-march\\_provision\\_study\\_gupdate&utm\\_medium=email&utm\\_term=0\\_9ac83dc920-afd25dbc2c-%5BLIST\\_EMAIL\\_ID%5D](https://www.guttmacher.org/2024/03/medication-abortion-accounted-63-all-us-abortion-2023-increase-53-2020?utm_source=Guttmacher+Email+Alerts&utm_campaign=06d767bd2a-march_provision_study_gupdate&utm_medium=email&utm_term=0_9ac83dc920-afd25dbc2c-%5BLIST_EMAIL_ID%5D)
- <https://indivisible.org/resource/abortion-pill-lawsuit-supreme-court>