



ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

# PRESS RELEASE

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## **Amicus: Texas Court Decision to Block Medication Abortion Access Should Continue to Be Paused Pending Appeal**

***Attorney General Brown Joins Coalition of Attorneys General Who Argue that  
Revoking FDA Approval of Mifepristone Could Endanger Lives Nationwide***

**BALTIMORE, MD (April 10, 2023)** – Maryland Attorney General Anthony G. Brown today urged the U.S. Court of Appeals for the Fifth Circuit to stay pending appeal a ruling by the U.S. District Court for the Northern District of Texas that would restrict medication abortion access nationwide. If allowed to take effect, the lower court’s ruling would halt the over two-decade old approval from the U.S. Food and Drug Administration (FDA) of the medication abortion drug, mifepristone. In an [amicus brief](#) filed with 18 other Attorneys General, Attorney General Brown warns that revoking federal approval for mifepristone will drastically reduce access to safe abortion care and miscarriage management, endangering lives, and restricting states’ ability to protect and promote access to abortion.

Attorney General Brown stated, “If the lower court decision takes effect, it will drastically curtail abortion access for millions of Americans. Mifepristone has been particularly critical in providing access to safe abortion care in low-income, underserved, and rural communities. Although mifepristone continues to be available in Maryland due to a separate lawsuit, we will not let our guard down in our fight to preserve access to safe and effective abortion care.”

This ruling comes in a challenge brought by anti-abortion groups seeking to revoke the FDA’s approval of mifepristone. On April 7, 2023, Judge Matthew Kacsmaryk of the U.S. District Court for the Northern District of Texas, ordered the FDA to stay its approval of mifepristone. The court’s order does not take effect immediately, as the district court put its ruling on hold for seven days to give the federal government and the drug manufacturer an opportunity to appeal. In the brief, Attorney General Brown urges the appeals court to continue to stay the lower court’s unprecedented and legally erroneous decision pending the appeal, given the decades of clinical research and studies that have confirmed mifepristone’s safety and the critical role medication abortion plays in reproductive health care.

According to current estimates, medication abortion accounts for approximately 54 percent of all abortions performed in the United States. Obstructing access to mifepristone would lead demand for procedural, or in-clinic, abortions to significantly increase, resulting in later and more risky

procedures, and more complicated and costly logistics for many patients, especially those where procedural abortion is unavailable. Moreover, lack of access to safe abortion care leads to worsened health outcomes and higher mortality, especially for Black women.

Joining Attorney General Brown in filing today's amicus brief are the Attorneys General of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Nevada, New York, North Carolina, Oregon, Rhode Island, Vermont, and Washington.

<https://www.marylandattorneygeneral.gov/press/2023/041023.pdf>