



Chemical Abortion Bans

KEY POINTS

The abortion industry has latched on to the abortion pill as a lower-cost alternative to surgical abortions—and one that can be carried out virtually anywhere.

Abortion pill usage has surged even as the overall number of abortions in the United States is in decline.

Chemical Abortion Bans are aimed at mitigating the dangers and complications associated with chemical abortions.

Family Research Council recommends and supports chemical abortion bans. While many states have enacted pro-life laws in recent years, the abortion industry has been searching for ways to circumvent such laws. The best way to do this, it has determined, is through risky, do-it-yourself chemical abortions, which leave mothers to endure the trauma of abortion alone in their bathrooms, with no support or medical follow-up. Thankfully, state legislators throughout the country are introducing legislation that seeks to regulate or ban the dangerous practice of “self-managed” abortions altogether.

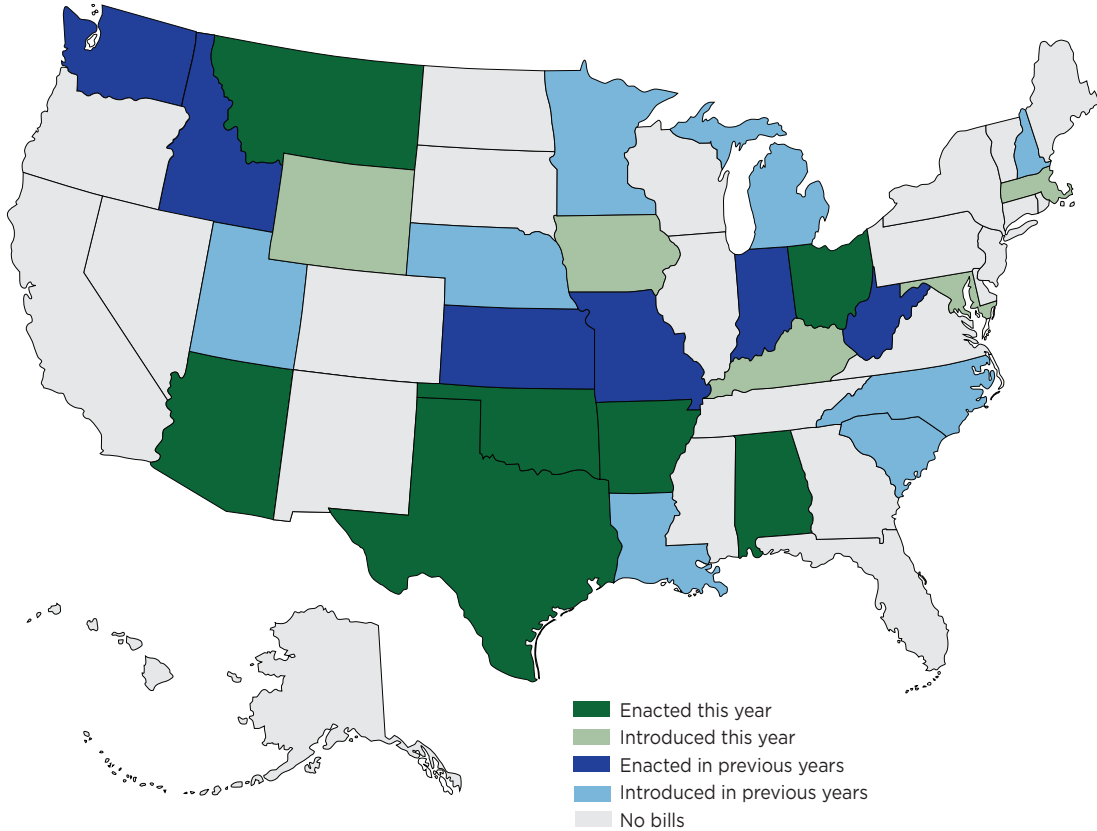
Twenty years ago, the U.S. Food and Drug Administration (FDA) approved mifepristone (Mifeprex®; also known as RU-486 or simply “the abortion pill”) to chemically induce abortions. Since then, the abortion industry has latched on to the abortion pill as a lower-cost alternative to surgical abortions—and one that can be carried out virtually anywhere. As a result, abortion pill usage has surged even as the overall number of abortions in the United States is in decline. According to the Centers for Disease Control (CDC), the use of early “medical abortions” (a euphemistic term for chemical abortions) increased 114 percent from 2006 to 2015. And according to statistics provided by the Guttmacher Institute, 39 percent of abortions in 2017 were chemical, a 25 percent increase since 2014. Chemical abortion is praised by pro-abortion activists for expanding abortion availability, particularly for women who do not live near an abortion business since they push mothers to self-administer the drugs at home. These activists choose to overlook chemical abortion’s higher rate of risk compared to surgical abortion and push for the removal of the FDA’s safety standards (Risk Evaluation and Mitigation Strategies, or REMS), arguing they are unnecessary and unduly limit “abortion access.” The abortion industry seems willing to gamble with women’s lives and health.

The good news is that many states are not. Since 2011, 74 bills to ban or place regulations on chemical abortion have been introduced in 29 states. Of these bills, 21 have been enacted in 14 states. These bills vary in approach. Some seek to ban chemical abortion outright, while others seek to regulate chemical abortions in an effort to mitigate its health-damaging and life-threatening risks to mothers.

Legislative Intent: The abortion industry’s stubborn promotion of chemical abortion—despite its many documented dangers—makes it painfully apparent that the abortion industry cares more about its political, ideological, and financial goals than it does about women’s health. The abortion pill regimen was previously subject to the FDA’s REMS. However, the Biden administration has voiced support for removing these federal safety guidelines. Therefore, state legislation is needed in order to provide the necessary safeguards.

Chemical abortion bans typically take one of two approaches: prohibiting all chemical abortions or establishing requirements to regulate their use. One commonly included provision requires abortion pills to be dispensed by a licensed physician. Some legislation

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might require certain certification and qualification requirements, such as being certified by an Abortion-Inducing Drug Certification Program. These are often accompanied by a requirement that the physician administers one or both of the two-pill regimen in person, perform an in-person exam on the woman prior to administering the drugs, and/or perform a follow-up examination after the drug regimen has been completed. These bills also commonly prohibit abortion-inducing drugs from being distributed by mail. Each of these provisions is aimed at mitigating the dangers and complications associated with chemical abortions.

Chemical abortion bans may also establish informed consent and reporting requirements. Requiring reporting on adverse events related to taking chemical abortion pills is critical as the FDA has a very relaxed reporting requirement and it is difficult to obtain accurate data on how many and which kind of complications are related to taking chemical abortion pills. Lastly, chemical abortion bans include penalties for noncompliance and private cause of action for women to pursue legal remedies if harmed by an abortion provider failing to follow the law.

Key Provisions:

Prohibits chemical abortion OR establishes a combination of the following regulations.

Requires that the abortion pills be administered in person by a licensed physician.

Requires that physicians meet certain certification and qualification standards (such as being certified by an “Abortion Inducing Drug Certification Program”).

Requires follow-up appointments.

Requires informed consent for mothers and reporting of Adverse Event Complications.

Provides a penalty for noncompliance.

Creates a civil cause of action (i.e., abortion providers who violate the law can be sued).