



Chemical Abortion Bans and Regulations

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 Regulations are aimed at mitigating the **dangers and complications for women** associated with chemical abortions.

Family Research Council recommends and supports chemical abortion bans and regulations. While many states have enacted pro-life laws in recent years, the abortion industry has been searching for ways to circumvent such laws by promoting risky, do-it-yourself chemical abortions. At-home abortions 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.

In 2000, 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, despite lacking accurate complication reporting on the drug, the FDA has acquiesced to the abortion industry’s demands and loosened its restrictions, making the drug not only fatal for unborn babies, but unsafe for their mothers as well.

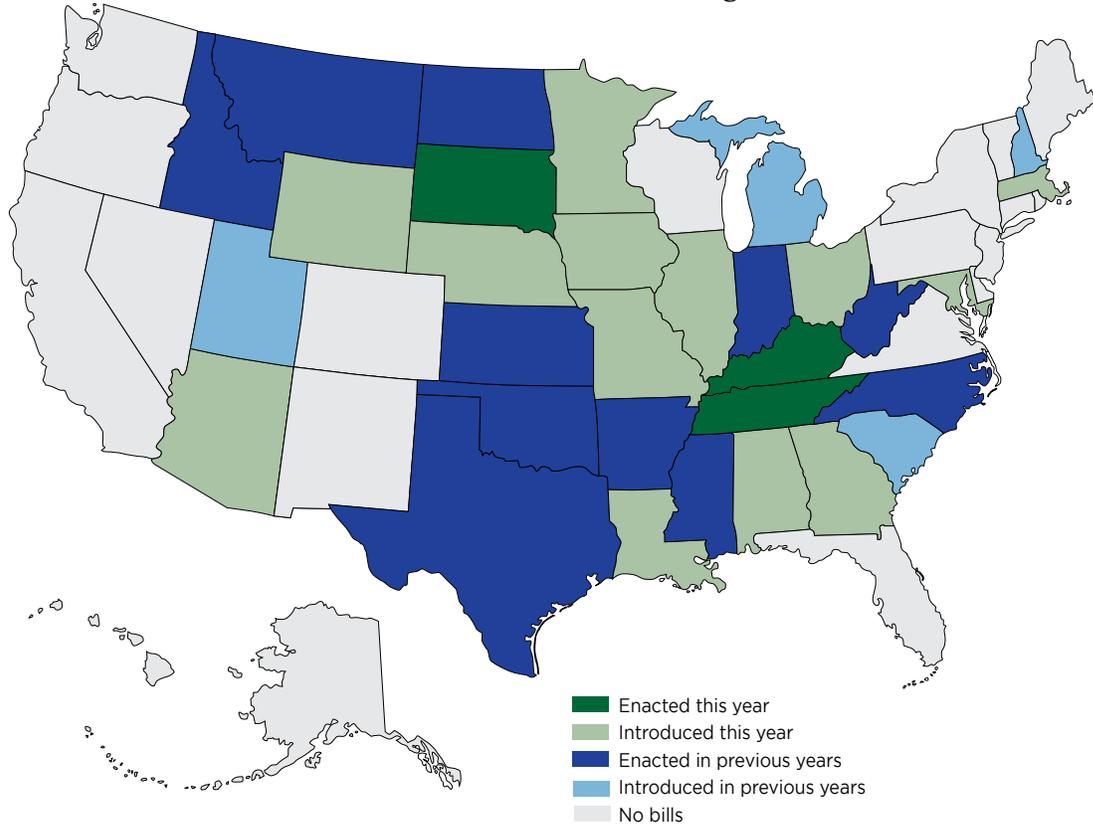
Despite its dangers, the abortion industry has latched on to the abortion pill as a lower-cost alternative to surgical abortions—and one that can be carried out virtually anywhere. As a result, abortion pill usage has surged even as the overall number of abortions in the United States is in decline, according to data from the CDC¹ and the Guttmacher Institute². Pro-abortion activists choose to overlook chemical abortion’s higher rate of risk compared to surgical abortion and continue to push for the complete 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, 88 bills to ban or place regulations on chemical abortion have been introduced in 31 states. Of these bills, 27 have been enacted in 19 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 for women (never mind their unborn children)—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 on December 16, 2021, permanently removed the in-person dispensing requirement for mifepristone. Therefore, state legislation is needed in order to provide the necessary safeguards for women.

Chemical abortion bills typically take one of two approaches: prohibiting all chemical abortions (chemical abortion bans) or establishing requirements to regulate their use

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(chemical abortion regulations). One commonly included regulation requires abortion pills to be dispensed by a licensed physician. Some legislation might require certain certifications and qualifications, 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 regulations is aimed at mitigating the dangers and complications associated with chemical abortions. Chemical abortion regulations may also establish informed consent and reporting requirements.

Lastly, chemical abortion bans and regulations include penalties for noncompliance and private cause of action for women to pursue legal remedies if they are 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).

1 <https://www.cdc.gov/mmwr/volumes/69/ss/ss6907a1.htm>

2 <https://www.guttmacher.org/report/abortion-incidence-service-availability-us-2017>