## GENERAL SKRMETTI FILES BRIEF CHALLENGING THE FDA'S DEFIANCE OF FEDERAL AND STATE LAW IN APPROVING ABORTION DRUGS

**Nashville-** Tennessee Attorney General Jonathan Skrmetti joined 21 state attorneys general in filing an amicus brief in the Northern District of Texas in the case of *Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration* (FDA).

The brief argues that President Biden's Administration and the FDA's attempt to roll back safety mechanisms for the abortion-inducing drug mifepristone and to make it widely available through the mail violates both federal law and state laws. Current federal criminal law plainly prohibits the distribution of abortion-inducing drugs through the mail *(18 U.S.C. §§ 1461, 1462).*

The Attorneys General write, "State laws on chemical abortion… account for the public interests at issue – and they do so with the benefit of democratic legitimacy (and legal authority). The FDA's actions can make no such claim. By obstructing the judgments of elected representatives, the agency has undermined the public interest."

They continue, "Even if the FDA's approval of mifepristone harmonized with the agency's own regulations and federal criminal law, those actions would not simply displace state laws regarding abortion. The amici States are entitled to enforce their duly enacted laws regulating chemical abortion in the interests of life, health, and safety."

"[T]he whole point of the Administration's recent action is to encourage and achieve evasion of those state laws… The FDA – and the broader Administration – is encouraging lawbreaking on a mass scale," the Attorneys General write.

General Skrmetti filed the brief in partnership with attorneys general from Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, and Wyoming.

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