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CONTACT: Elizabeth Lane
elizabeth.lane@ag.tn.gov

TENNESSEE ATTORNEY GENERAL JONATHAN SKRMETTI JOINS COALITION URGING COURT TO PROTECT DEMOCRACY & WOMEN’S HEALTH

Nashville- Tennessee Attorney General Jonathan Skrmetti joined 18 state attorneys general in filing an amicus brief in the U.S. Court of Appeals for the Fifth Circuit in the case of Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration (FDA).

In the brief, the coalition argues that the Biden 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)

“Abortion is a matter of state law and Tennesseans, acting through their elected representatives, have chosen to prohibit elective abortions and to strictly regulate the use of abortion-inducing drugs such as mifepristone,” General Skrmetti said. “Rather than respecting that different states will make different choices, the administration has explicitly sought to expand the availability of mifepristone for the purpose of undermining state laws. With this bureaucratic end run around the limits on federal power, the administration attacks the separation of powers at the core of our constitutional system.”

Texas District Court Judge Matthew Kacsmaryk stated last week, “The Court does not second-guess FDA’s decision-making lightly. But here, FDA acquiesced on its legitimate safety concerns — in violation of its statutory duty — based on plainly unsound reasoning and studies that did not support its conclusions.”

The coalition writes, “Rather than respect the Constitution, the Supreme Court, and the democratic process, the Biden Administration and its FDA has attacked and worked to undermine the considered judgments of the elected representatives of States. The Biden Administration has, following Dobbs, doubled down on its efforts to impose on the country an elective-abortion policy that it could never achieve through the democratic process....”

The brief concludes, “The serious nature of the FDA’s unlawful actions, and the agency’s decision to invite lawbreaking by private parties and government actors across the country, favors the relief the district court ordered...The district court’s decisive action was warranted. And this Court’s is too. This Court should deny any stay relief.”

General Skrmetti was joined in this effort by attorneys general from Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Ohio, South Carolina, South Dakota, Texas, Utah, and Wyoming.

Read the brief in its entirety [here](#).

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