

RU-486 Abortion Pill Case May Get Day in Supreme Court

The Supreme Court on Thursday asked an Oklahoma court to clarify a decision striking down a state law that regulates the abortion-inducing drug RU-486.

The Oklahoma Supreme Court voided the law in December 2012 on the basis that it violated a 1992 U.S. Supreme Court ruling that set the standard for how courts should weigh abortion restrictions.

In a brief order on Thursday, the justices agreed to review the case. But before doing so, they want the Oklahoma court to answer two questions on what exactly the state law prohibits and whether it conflicts with Food and Drug Administration guidance.

The 2011 law prevents doctors from “off-label” use of the drug mifepristone, also known as the “abortion pill.” It is sold by Danco Laboratories as Mifeprex, which is used with other medications to induce abortion up to seven weeks into pregnancy. The drug was approved by the FDA in 2000 subject to the instructions contained on the label.

The “off-label” use prohibited by the law developed later and allowed less physician oversight when the drug is used.

Opponents of the law, who support abortion rights, say the banning of off-label uses effectively prevented all medication-based abortions.

Once the Oklahoma court answers the question, the high court is then likely to decide what action to take, including whether to hear oral arguments. The court is in recess until October.

The case is Cline v. Oklahoma Coalition for Reproductive Justice.

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