

Supreme Court Lets Stand Ruling Throwing Out 'Abortion Pill' Limits

The U.S. **Supreme Court** on Monday left intact a state court decision invalidating an Oklahoma law that effectively banned the so-called **abortion pill** RU-486, with the justices deciding to sidestep a potentially contentious case.

The high court had been waiting for the Oklahoma Supreme Court to clarify a December 2012 ruling that had voided the law before deciding on whether to rule on the case. Last week, the state court issued a new opinion explaining its reasoning in more detail.

The U.S. high court's latest action means the Oklahoma Supreme Court ruling is final. That ruling invalidated a state law it said had the effect of banning **abortion-inducing drugs** altogether.

The group Center for Reproductive Rights, which had challenged the law, said the Supreme Court's action means that women in Oklahoma will now have access to drug-induced abortions in addition to non-surgical treatment of ectopic pregnancies in which an embryo implants outside the uterus.

By declining now to hear the case, the high court signaled that while it will not shy away from reviewing **abortion** regulations in some instances, it has no appetite to revisit earlier contentious decisions on the right to abortion in general terms.

The Oklahoma court said in its first ruling on the law that the measure violated a 1992 U.S. Supreme Court ruling that set the standard for how courts should weigh abortion restrictions.

In June, the U.S. Supreme Court said it would review the case but first asked the state court to clarify what exactly the state law prohibited and whether it conflicted with U.S. Food and Drug Administration guidance.

Jennifer Dalven, a lawyer at the American Civil Liberties Union, which opposes tough **abortion restrictions**, noted that no U.S. Supreme Court has ever upheld a law as strict as the Oklahoma statute.

“This was the most extreme ban in the nation,” she said.

The 2011 Oklahoma law prevented 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 a 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.

The last time the **Supreme Court took** up a related issue was in 2007 when it ruled 5-4 to uphold a federal law that banned a late-term abortion procedure.

The RU-486 “**abortion pill**” differs from the “morning-after pill” emergency contraception used by some women to prevent pregnancy after unprotected sex.

Under the Supreme Court’s 1992 precedent set in a case called **Planned Parenthood v. Casey**, an abortion regulation can be legal as long as it does not impose an “undue burden” on women seeking the procedure.

In that case the justices reaffirmed the landmark 1973 Roe v. Wade decision in which the court first held that women had the right to seek an abortion.

In a one-line order on Monday, the Supreme Court said the Oklahoma case was dismissed as “improvidently granted.”

Republican Oklahoma Attorney General Scott Pruitt, who defended the law, did not immediately respond to a request seeking comment.

The case is Cline v. Oklahoma Coalition for Reproductive Justice, U.S. Supreme Court, No. 12-1094.

In a related action on Monday, opponents of a new Texas law that imposes abortion restrictions asked the high court to reimpose a federal court stay on a part of the measure that prevents doctors from performing abortions unless they have admitting privileges at a nearby hospital.

Last week, a federal district court ruling that imposed a stay was lifted by the New Orleans-based 5th U.S. Circuit Court of Appeals. Texas is required to file its response with the Supreme Court by Nov 12.

The Texas law also contains restrictions on drug-induced abortions but that issue is not before the Supreme Court.

The appeals court let stand the district judge’s decision to block the state from enforcing the Food and Drug Administration’s abortion pill protocol for women who are 50 to 63 days pregnant if a doctor determines a surgical abortion is unsafe.

The U.S. **Supreme Court** will soon be considering whether to hear another abortion-related case, this time concerning a law enacted in Arizona in 2012 that bans abortions after 20 weeks except for medical emergencies. An appeals court blocked the law, prompting the state to ask for Supreme Court review.

