



DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA

JOSH GREEN, M.D.
GOVERNOR

ANNE LOPEZ
ATTORNEY GENERAL

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**ATTORNEY GENERAL LOPEZ: FULL PROTECTIONS FOR MIFEPRISTONE
ACCESS REMAIN INTACT IN 18 STATES, INCLUDING HAWAI'I**

Federal judge in Washington bars federal government from taking any action that would reduce access to mifepristone in 18 states

FOR IMMEDIATE RELEASE

April 13, 2023

HONOLULU, HI – Today, Judge Thomas O. Rice of the U.S. District Court for the Eastern District of Washington [issued an order reiterating](#) that his injunction protecting access to mifepristone in Hawai'i and 17 other states remains in full force and effect notwithstanding recent orders by courts in Texas.

Yesterday, in an appeal of a separate Texas lawsuit, a panel of judges in the Fifth Circuit Court of Appeals issued an order imposing restrictions on access to mifepristone.

Judge Rice's order clarifies that the restrictions arising from the Texas case do not apply to the 18 states that filed a lawsuit in the Eastern District of Washington to preserve and expand access to abortion medication.

"Judge Rice's order makes very clear that there can be no change to mifepristone access in the State of Hawai'i under the current legal framework," says Hawaii's lead attorney in the Washington case, Deputy Attorney General Erin Lau. "The injunction Judge Rice issued protects mifepristone access in our state, notwithstanding the Fifth Circuit's recent, separate order."

"Mifepristone is safe and effective," says Deputy Solicitor General Kaliko Fernandes, one of Hawaii's leading experts in the law of reproductive rights. "The Department of the

Attorney General is committed to doing everything we can to protect mifepristone access for our residents.”

Background

Washington Attorney General Bob Ferguson and Oregon Attorney General Ellen Rosenblum are leading the Washington lawsuit. In addition to Hawai'i Attorney General Anne Lopez, attorneys general from Arizona, Colorado, Connecticut, Delaware, Illinois, Michigan, Nevada, New Mexico, Rhode Island, Vermont, Maine, Maryland, Minnesota, Pennsylvania, and Washington, D.C., partnered on the lawsuit.

On April 7, Judge Rice issued an injunction barring the FDA from [“altering the status quo and rights as it relates to the availability of Mifepristone”](#) in the states involved in Washington’s lawsuit. The FDA filed a motion seeking clarification of Judge Rice’s decision in light of a potentially contradictory order from the Northern District of Texas. Judge Rice responded by clarifying that his order applies “irrespective of” the Northern District of Texas or the Fifth Circuit’s rulings in that separate litigation.

The FDA has announced that it will appeal the Fifth Circuit decision to the U.S. Supreme Court.

The Fifth Circuit’s order imposing restrictions on mifepristone does not affect the parties to the Washington case. Judge Rice provided clarity today: “Pursuant to Federal Rule of Civil Procedure 65(a), irrespective of the Northern District of Texas Court ruling or the Fifth Circuit’s anticipated ruling, Defendants and their officers, agents, servants, employees, attorneys, and any person in active concert or participation, are **PRELIMINARILY ENJOINED** from: ‘altering the status quo and rights as it relates to the availability of Mifepristone under the current operative January 2023 Risk Evaluation and Mitigation Strategy under 21 U.S.C. § 355-1 in Plaintiff States and the District of Columbia.’”

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Media Contact:

Dave Day
Special Assistant to the Attorney General
(808) 586-1284
Email: ATG.PIO@hawaii.gov
Web: <http://ag.hawaii.gov>