



NEWS RELEASE

Attorney General Mike Hilgers

FOR IMMEDIATE RELEASE

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Nebraska Files Brief Supporting Louisiana's Challenge to Biden-Era Abortion Drug Rule

LINCOLN—Nebraska Attorney General Mike Hilgers today led 21 States in filing a brief in support of Louisiana's lawsuit challenging a Biden-era rule that expanded access to abortion drugs through mail and telehealth, despite contrary state laws.

The case challenges a 2023 Food and Drug Administration action that removed long-standing safeguards on the chemical abortion drug mifepristone and allowed doctors in one State to prescribe abortion pills to patients in another. Nebraska's filing argues that the rule unlawfully overrides state laws protecting unborn life and intrudes on states' sovereign authority following the Supreme Court's decision in *Dobbs*.

“After *Dobbs*, the Constitution is clear: abortion policy belongs with the States and the people,” said Attorney General Hilgers. “The federal government does not get to impose a nationwide abortion standard by regulation—especially when that rule allows out-of-state doctors to ignore Nebraska law.”

Nebraska's brief explains that the Biden-era rule effectively permits states like California and New York to set abortion policy for pro-life states by enabling telehealth prescriptions that state law prohibits. It also details the real-world consequences of the rule, including increased strain on state health systems and Medicaid programs. The case is pending in federal court in Louisiana, where the plaintiffs are seeking an injunction to block the FDA rule.

Joining Nebraska on the brief were Attorneys General from Alabama, Alaska, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Mississippi, Missouri, Montana, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia, and Wyoming.

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