



NEWS RELEASE

Attorney General Mike Hilgers

FOR IMMEDIATE RELEASE

May 7, 2025

Nebraska Leads 23-State Coalition Asking Supreme Court to Uphold Mifepristone Stay

Today, Nebraska Attorney General Michael Hilgers filed an amicus brief on behalf of 23 states asking the Supreme Court to leave in place a lower court's stay of a federal regulation that removed the longstanding in-person dispensing requirement for the chemical abortion drug mifepristone. The stayed rule, issued in 2023 by the Biden-era FDA, has the practical effect of allowing non-Nebraska doctors to prescribe mifepristone to patients and ship that drug across state lines to women in Nebraska, in direct contravention of Nebraska law.

"The *Dobbs* decision returned the issue of abortion to the States," said Attorney General Hilgers. "The people of Nebraska have enacted regulations on chemical abortion drugs like Mifepristone. This Rule allowed doctors in other jurisdictions to openly flout Nebraska law. We think the lower court correctly stayed the rule, and we are hopeful the Supreme Court will leave the stay in place."

Nebraska's brief was filed in support of Louisiana, which is suing the federal Food and Drug Administration, arguing that the rule removing the in-person dispensing requirement was not based on sound science and thus procedurally flawed. The FDA has admitted the 2023 rule was procedurally flawed and is currently conducting a review. If the Supreme Court upholds the stay, Mifepristone will remain available to Nebraska patients who comply with the regulatory requirements of Nebraska law, which include in-person prescription and administration.

States joining Nebraska on the brief include Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Montana, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming.

###

Suzanne Gage
Director of Communications
Nebraska Attorney General's Office
Office: 402-471-2656
Mobile: 402-560-3518
Suzanne.gage@nebraska.gov