



NEWS RELEASE

Attorney General Mike Hilgers

FOR IMMEDIATE RELEASE

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U.S. Fifth Circuit Court of Appeals Panel of Judges Blocks Access Through the Mail to Mifepristone Abortion Pill

Today, the U.S. Court of Appeals for the Fifth Circuit issued a nationwide APA stay of the Biden Administration's 2023 Rule removing the in-person prescribing and dispensing requirements for the chemical abortion drug Mifepristone. The practical effect of the 2023 Rule was that it allowed Mifepristone to be prescribed via telehealth appointments and then shipped to patients anywhere in the country. Today's ruling makes it unlawful for non-Nebraska doctors to prescribe and then ship Mifepristone into Nebraska for as long as the stay remains in effect.

In February of 2026, Nebraska Attorney General Mike Hilgers led 21 States in filing an amicus brief in support of Louisiana's lawsuit that produced today's stay. That lawsuit, which remains pending, challenges the Biden-era rule that allows out-of-state doctors to flout Nebraska's laws regulating abortion. Nebraska's filing argued that the 2023 Rule unlawfully overrides state laws protecting unborn life and intrudes on the sovereign authority to set abortion policy at the individual state level following the Supreme Court's decision in *Dobbs*.

States 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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