

■ Medication Abortion

BACKGROUND: The U.S. Food and Drug Administration (FDA) approved the use of mifepristone for early nonsurgical abortion in 2000. Since then, states have enacted several types of restrictions targeting medication abortion. Many states limit provision of medication abortion to physicians, despite recommendations from the World Health Organization and the National Abortion Federation that midlevel providers, such as physician assistants and advanced practice nurses, can safely provide medication abortion. Other states have adopted laws that require mifepristone to be provided in accordance with the FDA-approved label for mifepristone. In 2016, the FDA updated the label protocol to follow a newer regimen that offers numerous advantages to women, including making medication abortion available for an additional three weeks of gestational age. Moreover, in an effort to reach rural women, some providers began offering medication abortion services via telemedicine. However, some states require clinicians to be in the physical presence of the patient when prescribing abortion-inducing drugs. These laws therefore restrict the use of telemedicine in the case of abortion and reduce access to abortion services in rural areas.

HIGHLIGHTS:

- 34 states require clinicians who perform medication abortion procedures to be licensed physicians.
- 3 states require mifepristone to be provided in accordance with the FDA protocol.
- 18 states require that the clinician providing a medication abortion be physically present during the procedure, thereby prohibiting the use of telemedicine to prescribe medication for abortion remotely.



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125 Maiden Lane
New York, NY 10038
212.248.1111
www.guttmacher.org
info@guttmacher.org

1301 Connecticut Avenue, N.W.
Washington, DC 20036
202.296.4012
www.guttmacher.org
policy@guttmacher.org

MEDICATION ABORTION

STATE	MUST BE PROVIDED BY A LICENSED PHYSICIAN	BANS ALL MEDICATION ABORTION	MUST BE PROVIDED USING FDA PROTOCOL	PRESCRIBING CLINICIAN MUST BE IN THE PHYSICAL PRESENCE OF PATIENT
Alabama	X			X
Alaska	X			
Arizona	X			X
Arkansas	X		§	X
Delaware	X			
Florida	X			
Georgia	X			
Idaho	X			
Indiana	X			X
Iowa	X			▼
Kansas	X			
Kentucky	X			X
Louisiana	X			X
Maine	X			
Maryland	X			
Michigan	X			
Minnesota	X			
Mississippi	X			X
Missouri	X			X
Nebraska	X			X
Nevada	X			
North Carolina	X			X
North Dakota	X		X	X
Ohio	X		X	
Oklahoma	X	▼	▼	X
Pennsylvania	X			
South Carolina	X			X
South Dakota	X			X
Tennessee	X			X
Texas†	X		X	X
Utah	X			
Virginia	X			
West Virginia				X
Wisconsin	X			X
Wyoming	X			
TOTAL	34	0	3	18

▼ Enforcement permanently enjoined by court order; policy not in effect.

§ Enforcement temporarily enjoined by court order; policy not in effect.

† Texas law allows a provider to use medication levels recommended by the American Congress of Obstetricians and Gynecologists, as of January 1, 2013.

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