SCOTUS Order Keeps Mifepristone Access via Telehealth Intact

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On May 14th, the Supreme Court issued a one-paragraph order allowing mifepristone to continue to be prescribed via telehealth and dispensed by mail, blocking a Fifth Circuit decision that would have reimposed an in-person dispensing requirement formally lifted by the FDA in 2023.

The order came in response to emergency requests from Danco Laboratories LLC and GenBioPro Inc., both manufacturers of the brand-name and generic versions of mifepristone, who sought Supreme Court intervention after the Fifth Circuit ruled against remote prescribing at the beginning of May. *Louisiana v. Food and Drug Administration*, No. 26-30203 (5th Cir. May 1, 2026). Justice Alito had initially issued a week-long administrative stay of the Fifth Circuit decision while the Court considered the manufacturers' full applications. The May 14th order keeps mifepristone fully available while the underlying litigation proceeds.

The ruling's stakes are substantial. Medication abortion now accounts for the majority of pregnancy terminations in the United States, and mifepristone has been available via telehealth since 2021; first through the FDA's decision to stop enforcing the in-person dispensing requirement during the COVID-19 pandemic, then formally through a 2023 rule change. The current reprieve may prove temporary, however: the FDA is conducting an ongoing safety review of mifepristone, the outcome of which could provide the basis for reimposing pre-2021 in-person requirements.