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# Fifth Circuit Supports Restrictions on Medication Abortion, But No Immediate Impact on Health Plans (For Now)

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Last week, the U.S. Court of Appeals for the Fifth Circuit affirmed in part and vacated in part a Texas federal district court order revoking the U.S. Food and Drug Administration (FDA) approval of the drug mifepristone, which is used as part of a two-drug regimen to induce abortion. The Fifth Circuit vacated the district court's invalidation of the initial FDA approval of mifepristone but affirmed invalidating the FDA's more recent relaxed dispensing guidelines for the drug, which had eliminated the in-person dispensing requirement and allowed the drug to be sent by mail.

**Takeaways for group health plan sponsors and employers**: Readers of our prior blog will remember that the U.S. Supreme Court issued a stay of enforcement of the Texas district court order pending the disposition of any petition to the Supreme Court for review—meaning that the Fifth Circuit decision does not immediately impact group health plans because mifepristone remains available under the current, less restrictive FDA dispending guidelines. Coverage of abortion medication continues to be subject to the general considerations for group health plan sponsors detailed in our guide, which can be downloaded here. That said, it is important for group health plan sponsors to be aware of the Fifth Circuit decision, as the opinion will likely shape the issues presented on appeal to the U.S. Supreme Court.

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