

IN THE
United States Court of Appeals
FOR THE FIFTH CIRCUIT

Case No. 26-30203

STATE OF LOUISIANA, BY AND THROUGH ITS ATTORNEY GENERAL, LIZ MURRILL;
ROSALIE MARKEZICH,
Plaintiffs-Appellants,

v.

U.S. FOOD & DRUG ADMINISTRATION, *ET AL.*,
Defendants-Appellees.

v.

DANCO LABORATORIES, L.L.C.; GENBIOPRO, INCORPORATED,
Intervenors-Appellees

On Appeal from the United States District Court
for the Western District of Louisiana
Case No. 6:25-cv-01491-DCJ-DJA, Hon. David C. Joseph

**BRIEF OF REPRODUCTIVE HEALTH INITIATIVE FOR TELEHEALTH
EQUITY & SOLUTIONS (RHITES), HEY JANE, AND IGH PLLC d/b/a
ABORTION ON DEMAND, AS *AMICI CURIAE* IN OPPOSITION TO
PLAINTIFFS' MOTION FOR § 705 STAY OR INJUNCTION PENDING
APPEAL.**

(Counsel listed on inside cover)

Meghan Matt (Bar No. 39975)

MURELL LAW FIRM
4005 St. Claude Ave.
New Orleans, LA 70117
(504) 300-9292
meghan@murell.law

Sapna Khatri

BOSTON UNIVERSITY
SCHOOL OF LAW
Program on
Reproductive Justice
765 Commonwealth
Ave. 9th Floor
Boston, MA 02215
(617) 353-3310
sapnak@bu.edu

CERTIFICATE OF INTERESTED PARTIES

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

Plaintiff

State of Louisiana, by and through its Attorney General, Liz Murrill,
represented by Caitlin Ann Huettemann
LA Atty General's Office (BR)
1885 N Third St
Baton Rouge, LA 70802
225-888-7903
Email: HuettemannC@ag.louisiana.gov

Dalton A. Nichols
Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4789
Email: dnichols@adflegal.org

Erik C. Baptist
Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4655
Fax: 571-707-4656
Email: ebaptist@adflegal.org

Erin Morrow Hawley
Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4655

Email: ehawley@adflegal.org

Frank W. Basgall
Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4655
Fax: 571-707-4790
Email: fbasgall@adflegal.org

Gabriella M. McIntyre
Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4655
Fax: 571-707-4790
Email: gmcintyre@adflegal.org

J Benjamin Aguinaga
LA Dept of Justice (N 3rd St)
1885 N 3rd St
Baton Rouge, LA 70802
225-506-3746
Email: aguinagaj@ag.louisiana.gov

Julie Marie Blake
Alliance Defending Freedom (VA)
44180 Riverside Pkwy
Lansdowne, VA 20176
571-707-4655
Fax: 571-707-4790
Email: jblake@adflegal.org

Plaintiff

Rosalie Markezich, represented by Erik C. Baptist
(See above for address)

Dalton A. Nichols
(See above for address)

Erin Morrow Hawley
(See above for address)

Frank W. Basgall
(See above for address)

Gabriella M. McIntyre
(See above for address)

J Benjamin Aguinaga
(See above for address)

Julie Marie Blake
(See above for address)

Michael T. Johnson
Johnson Siebeneicher & Ingram
2757 Hwy 28 E
Pineville, LA 71360
318-484-3911
Fax: 318-484-3585
Email: mikejohnson@jlawfirm.com

V.

Defendant

US Food & Drug Administration, represented by Noah T. Katzen
Civil Division Federal Programs Branch
1100 L St N W Rm 12002
Washington, DC 20005
202-305-2428
Email: noah.t.katzen@usdoj.gov

Defendant

Martin Makary, in his official capacity as Commissioner of Food & Drugs, U S
Food & Drug Administration, represented by Noah T. Katzen
(See above for address)

Defendant

George Francis Tidmarsh, in his official capacity as Director, Center for Drug Evaluation & Research, US Food & Drug Administration, represented by Noah T. Katzen

Defendant

US Department of Health & Human Services, represented by Noah T. Katzen
(See above for address)

Defendant

Robert F. Kennedy, Jr. in his official capacity as Secretary, US Department of Health & Human Services, represented by Noah T. Katzen
(See above for address)

V.

Intervenor Defendant

Danco Laboratories LLC, represented by Alexander Vladimir Sverdlov
Hogan Lovells (DC)
555 13th St NW
Washington, DC 20004
202-637-5600
Fax: 202-637-5910
Email: aleks.sverdlov@hoganlovells.com

Dana A. Raphael
Hogan Lovells (DC)
555 13th St NW
Washington, DC 20004
202-531-0427
Email: dana.raaphael@hoganlovells.com

Danielle Desaulniers Stempel
Hogan & Hartson (DC)
555 13th St N W
Washington, DC 20004-1109
202-637-5600
Fax: 202-637-5910
Email: danielle.stempel@hoganlovells.com

Jessica L. Ellsworth

Hogan Lovells (DC)
555 13th St NW
Washington, DC 20004
202-637-5886
Email: jessica.ellsworth@hoganlovells.com

William Brock Most
Most & Assoc
201 St Charles Ave Ste 2500 #9685
New Orleans, LA 70170
650-465-5023
Email: williammost@gmail.com

Intervenor Defendant

GenBioPro Inc., represented by John N. Adcock
Adcock Law
8131 Oak St Unit 100
New Orleans, LA 70118
225-284-6327
Fax: 504-308-1266
Email: jnadcock@gmail.com

Carrie Y. Flaxman
Democracy Forward Foundation
P O Box 34553
Washington, DC 20043
202-448-9090
Email: cflaxman@democracyforward.org

Daphne O'Connor
Arnold & Porter (DC)
601 Massachusetts Ave NW
Washington, DC 20001
202-942-5000
Fax: 202-942-5999
Email: daphne.oconnor@arnoldporter.com

Lisa Nicole Newman
Democracy Forward Foundation
P O Box 34553

Washington, DC 20043
202-448-9090
Fax: 202-796-4426
Email: lnewman@democracyforward.org

Robert J. Katerberg
Arnold & Porter Kaye Scholer L L P
601 Massachusetts Ave NW
Washington, DC 20001-3743
202-942-6289
Email: robert.katerberg@arnoldporter.com

Skye Lynn Perryman
Democracy Forward Foundation
P O Box 34553
Washington, DC 20043
202-448-9090
Fax: 202-796-4426
Email: sperryman@democracyforward.org

Amicus

State of Nebraska, represented by Cody S. Barnett
Attorney General of NE (K St)
1445 K St Rm 2115
Lincoln, NE 68508
402-471-6933
Email: cody.barnett@nebraska.gov

Rachel Thyre Vogeltanz
Law Office of Rachel Vogeltanz
428 W 21st Ave
Covington, LA 70433
985-377-9271
Email: rachel@rachel.law

Amicus

Advancing American Freedom Inc., represented by Ben E. Clayton
Clayton Law Firm (Slidell)
893 Brownswitch Rd Ste 101
Slidell, LA 70458

985-863-3065

Fax: 985-863-7707

Email: ben@claytonlawfirmllc.com

J Marc Wheat

Advancing American Freedom

801 Pennsylvania Ave N W

Washington, DC 20004

202-780-4848

Email: mwheat@advancingamericanfreedom.com

Amicus

Carol Everett, represented by Brian Wade Arabie

Sigler Arabie & Cannon

P O Box 1550

Lake Charles, LA 70602

337-439-2033

Email: brian@siglerlaw.com

Amicus

Monty Patterson, represented by Brian Wade Arabie

(See above for address)

Amicus

Leslie Wolbert, represented by Brian Wade Arabie

(See above for address)

Amicus

Trinity Legal Center, represented by Brian Wade Arabie

(See above for address)

Linda Boston Schlueter

Trinity Legal Center

1150 N Loop 1604 W Ste 108-208

San Antonio, TX 78248

210-274-5274

Email: TLC4Linda@aol.com

Amicus

Tammi Morris, represented by Brian Wade Arabie

(See above for address)

Amicus

Members of Congress, represented by Joseph Scott St John
St. John LLC
1701 Jefferson Ave 7th Fl
New Orleans, LA 70115
410-212-3475
Email: scott@stjohnlaw.com

Heather Gebelin Hacker
Hacker Stephens
108 Wild Basin Rd S Ste 250
Austin, TX 78746
512-399-3022
Email: heather@hackerstephens.com

Amicus

Students For Life of America, represented by L. Katie Buckner
Students for Life of America
1000 Winchester St Ste 301
Fredericksburg, VA 22401
463-229-0240
Email: kbuckner@studentsforlife.org

R. Bradley Lewis
Law Office of R. Bradley Lewis
248 Richmond St
Bogalusa, LA 70427
985-735-9003
Fax: 985-735-9008
Email: rbl@bradlewislaw.com

Amicus

Heartbeat International Inc., represented by Charles Kenneth Cicero , III
Cicero Law
205 Holiday Blvd Ste 100
Covington, LA 70433
216-409-5442
Email: chaz@cicero-law.com

Brennan Tyler Brooks
Thomas More Society
309 W Washington St Ste 1250
Chicago, IL 60606
336-707-8855
Fax: 336-900-6535
Email: tbrooks@thomasmoresociety.org

Danielle Merry White
Heartbeat International Inc.
8405 Pulsar Pl Ste 100
Columbus, OH 43240
614-885-7577
Fax: 614-885-8746
Email: dwhite@heartbeatinternational.org

Amicus

Concerned Women for America, represented by Ben E. Clayton
(See above for address)

Mario Alberto Diaz
Concerned Women for America
100 N Payne St
Alexandria, VA 22314
202-488-7000
Fax: 202-488-0806
Email: mdiaz@cwfa.org

Amicus

Calum Miller, represented by Ben E. Clayton
(See above for address)

Amicus

Alabama Policy Institute, represented by Ben E. Clayton
(See above for address)

Amicus

Alaska Family Council, represented by Ben E. Clayton
(See above for address)

Amicus

American Association of Senior Citizens, represented by Ben E. Clayton
(See above for address)

Amicus

American Values, represented by Ben E. Clayton
Clayton Law Firm (Slidell)
893 Brownsitch Rd Ste 101

Slidell, LA 70458

985-863-3065

Fax: 985-863-7707

Email: ben@claytonlawfirmllc.com

Amicus

Americans United for Life, represented by Ben E. Clayton
(See above for address)

Amicus

Americas Women, represented by Ben E. Clayton
(See above for address)

Amicus

Association of Mature American Citizens Action, represented by Ben E. Clayton
(See above for address)

Amicus

Fran Bevan, represented by Ben E. Clayton
(See above for address)

Amicus

Phyllis Schlaflys Pennsylvania Eagle Forum, represented by Ben E. Clayton
(See above for address)

Amicus

Centennial Institute at Colorado Christian University, represented by Ben E. Clayton
(See above for address)

Amicus

Center for Urban Renewal & Education, represented by Ben E. Clayton
(See above for address)

Amicus

Christian Law Association, represented by Ben E. Clayton
(See above for address)

Amicus

Christian Medical & Dental Associations, represented by Ben E. Clayton
(See above for address)

Amicus

Democrats for Life, represented by Ben E. Clayton
(See above for address)

Amicus

Eagle Forum, represented by Ben E. Clayton
(See above for address)

Amicus

Family Council in Arkansas, represented by Ben E. Clayton
(See above for address)

Amicus

Family Institute of Connecticut Action, represented by Ben E. Clayton
(See above for address)

Amicus

Frontline Policy Council, represented by Ben E. Clayton
(See above for address)

Amicus

Human Coalition, represented by Ben E. Clayton
(See above for address)

Amicus

International Conference of Evangelical Chaplain Endorsers, represented by Ben E. Clayton
(See above for address)

Amicus

Tim Jones

Former Speaker, Missouri House, Founder, Leadership for America Institute,
represented by Ben E. Clayton

(See above for address)

Amicus

Alveda King, represented by Ben E. Clayton

(See above for address)

Amicus

Louisiana Family Forum, represented by Ben E. Clayton

(See above for address)

Amicus

Lutheran Center for Religious Liberty, represented by Ben E. Clayton

(See above for address)

Amicus

Maryland Family Institute, represented by Ben E. Clayton

(See above for address)

Amicus

Men & Women for a Representative Democracy in America Inc., represented by
Ben E. Clayton

(See above for address)

Amicus

Men for Life, represented by Ben E. Clayton

(See above for address)

Amicus

National Religious Broadcasters, represented by Ben E. Clayton

(See above for address)

Amicus

National Right to Life, represented by Ben E. Clayton

(See above for address)

Amicus

New York State Conservative Party, represented by Ben E. Clayton
(See above for address)

Amicus

North Carolina Values Coalition, represented by Ben E. Clayton
(See above for address)

Amicus

Melissa Ortiz
Principal & Founder, Capability Consulting, represented by Ben E. Clayton
(See above for address)

Amicus

Priests for Life, represented by Ben E. Clayton
(See above for address)

Amicus

Rick Santorum
Former Senator 1995-2007, represented by Ben E. Clayton
(See above for address)

Amicus

Gregory P Seltz
Executive Director, L C R L, Speaker Emeritus, The Lutheran Hour, represented
by Ben E. Clayton (See above for address)

Amicus

60 Plus Association, represented by Ben E. Clayton
(See above for address)

Amicus

Paul Stam
Former Speaker Pro Tem, N C House of Representatives, represented by Ben E.
Clayton
(See above for address)

Amicus

Kathy Szeliga

Delegate District 7 A, Vice Chair of the Maryland Freedom Caucus, represented by Ben E. Clayton(See above for address)

Amicus

Family Foundation of Virginia, represented by Ben E. Clayton
(See above for address)

Amicus

Wagner Center, represented by Ben E. Clayton
(See above for address)

Amicus

Suzi Voyles
President, Eagle Forum of Georgia, represented by Ben E. Clayton
(See above for address)

Amicus

Wisconsin Family Action Inc., represented by Ben E. Clayton
(See above for address)

Amicus

Women for Democracy in America Inc., represented by Ben E. Clayton
(See above for address)

Amicus

Young Americas Foundation, represented by Ben E. Clayton
(See above for address)

Amicus

Disability Rights Education & Defense Fund, represented by Chloe Marie Chetta
Barrasso Usdin et al (NO)
909 Poydras St Ste 2350
New Orleans, LA 70112
504-589-9700
Fax: 504-589-9701
Email: cchetta@barrassousdin.com

Elizabeth Renee June
Allen Overy et al (DC)
1101 New York Ave N W

Washington, DC 20005
202-683-3844
Email: elizabeth.june@aoshearman.com

Katherine Mallory Tosch Hoggatt
Allen Overy et al
800 Capitol St Ste 2200
Houston, TX 77002
713-354-4847
Email: Mallory.ToschHoggatt@aoshearman.com

Kristen Diane Amond
Amond Law
3640 Magazine St
New Orleans, LA 70115
504-556-5523
Email: kristen@amondlaw.com

Maria Michelle Uzeta
Disability Rights Education & Defense Fund
3075 Adeline St Ste 210
Berkeley, CA 94703
510-644-2555
Email: muzeta@dredf.org

Amicus

Legal Voice, represented by Rebekka C. Veith
Miller Thibodeaux et al
643 Magazine St Ste 405
New Orleans, LA 70130
504-977-9150
Fax: 504-977-9151
Email: rveith@mtdvp.com

Robin Michelle Turner
Legal Voice
P O Box 582
Missoula, MT 59806
206-682-9552
Email: rturner@legalvoice.org

Amicus

National Domestic Violence Hotline, represented by Rebekka C Veith
(See above for address)

Robin Michelle Turner
(See above for address)

Amicus

Medical Students for Choice, represented by Alexandra DiBiase Moody
Lift Louisiana
2831 St Claude Ave #203
New Orleans, LA 70117
781-690-3733
Email: alex@liftlouisiana.org

Charlotte Vida Baigent
Holwell Shuster & Goldberg
425 Lexington Ave
New York, NY 10017
646-837-8552
Email: cbaigent@hsgllp.com

Jayne Alyse Jonat
Holwell Shuster & Goldberg
425 Lexington Ave
New York, NY 10017
646-837-8455
Fax: 646-837-5150
Email: jjonat@hsgllp.com

Katharine Gene Zeigler
Holwell Shuster & Goldberg
425 Lexington Ave
New York, NY 10017
646-837-7917
Email: kzeigler@hsgllp.com

Kathryn Coniglio Arnett
Holwell Shuster & Goldberg

425 Lexington Ave
New York, NY 10017
646-837-7079
Email: karnett@hsgllp.com

Amicus

Reproductive Health Initiative for Telehealth Equity & Solutions, represented by
Meghan K. Matt Murrell Law Firm
4005 St Claude Ave
New Orleans, LA 70117
225-413-0463
Email: meghan@murell.law

Sapna Khatri
Boston University School of Law
765 Commonwealth Ave 9th Fl.
Boston, MA 02215
617-353-3310
Email: sapnak@bu.edu

Amicus

IGH PLLC d/b/a Abortion on Demand, represented by Meghan K. Matt
Murrell Law Firm
4005 St Claude Ave
New Orleans, LA 70117
225-413-0463
Email: meghan@murell.law

Sapna Khatri
Boston University School of Law
765 Commonwealth Ave 9th Fl.
Boston, MA 02215
617-353-3310
Email: sapnak@bu.edu

Amicus

Hey Jane, represented by Meghan K. Matt Murrell Law Firm
4005 St Claude Ave
New Orleans, LA 70117
225-413-0463

Email: meghan@murell.law

Sapna Khatri
Boston University School of Law
765 Commonwealth Ave 9th Fl.
Boston, MA 02215
617-353-3310
Email: sapnak@bu.edu

Amicus

100 Reproductive Health Rights & Justice Organizations, represented by Jamila
Asha Johnson
Lawyering Project
900 Camp St 3rd Fl Ste 1197
New Orleans, LA 70130
504-312-2304
Email: jjohnson@lawyeringproject.org

Jessica Ring Amunson
Jenner & Block (DC)
1099 New York Ave NW Ste 900
Washington, DC 20001
202-639-6000
Email: jamunson@jenner.com

Amicus

State of Hawaii, represented by Jacob Kennedy Weixler
Weixler Law
3640 Magazine St
New Orleans, LA 70115
504-408-2180
Fax: 504-814-1728
Email: jkw@weixlerlaw.com

Ester Murdukhayeva
Attorney General of NY (NYC)
28 Liberty St
New York, NY 10005
212-416-6279
Email: ester.murdukhayeva@ag.ny.gov

Amicus

State of Arizona, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of California, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Colorado, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Connecticut, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Delaware, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Illinois, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Maine , represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Maryland, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Minnesota, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Nevada, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of New York, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

Commonwealth of Massachusetts, represented by Jacob Kennedy Weixler

(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of New Jersey, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Vermont, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of New Mexico, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Washington, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Oregon, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

State of Rhode Island, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

District of Columbia, represented by Jacob Kennedy Weixler
(See above for address)

Ester Murdukhayeva
(See above for address)

Amicus

Alan Schoenfeld
TERMINATED: 02/24/2026, represented by Alan Evan Schoenfeld
Wilmer Cutler et al (10007)
250 Greenwich St
New York, NY 10007
212-937-7294
Fax: 212-937-8888
Email: alan.schoenfeld@wilmerhale.com

Arielle Kay Herzberg
Wilmer Cutler et al (CO)
1225 17th St Ste 2600
Denver, CO 80202
720-274-3158
Fax: 720-274-3133
Email: arielle.herzberg@wilmerhale.com

Kimberly Ari Parker
Wilmer Cutler et al
2100 Pennsylvania Ave N W
Washington, DC 20037
202-663-6987
Email: kimberly.parker@wilmerhale.com

Kyle Edwards Haugh

CA Dept of Justice
455 Golden Gate Ave Ste 11000
San Francisco, CA 94102
415-510-3917
Email: kyle.haugh@doj.ca.gov
TERMINATED: 03/02/2026

Maitland Lilja Io Jones
Wilmer Cutler et al (10007)
250 Greenwich St
New York, NY 10007
917-797-2115
Email: io.jones@wilmerhale.com

Richard Gerard Perque
Law Office of Richard G Perque
700 Camp St
New Orleans, LA 70130
504-681-2003
Email: richard@perquelaw.com

Amicus

Kimberly A Parker
TERMINATED: 02/24/2026, represented by Alan Evan Schoenfeld
(See above for address)

Arielle Kay Herzberg
(See above for address)

Kimberly Ari Parker
(See above for address)

Kyle Edwards Haugh
(See above for address)
TERMINATED: 03/02/2026

Maitland Lilja Io Jones
(See above for address)

Richard Gerard Perque

(See above for address)

Amicus

Maitland Lilja Io Jones

TERMINATED: 02/24/2026, represented by Alan Evan Schoenfeld

(See above for address)

Arielle Kay Herzberg

(See above for address)

Kimberly Ari Parker

(See above for address)

Kyle Edwards Haugh

(See above for address)

TERMINATED: 03/02/2026

Maitland Lilja Io Jones

(See above for address)

Richard Gerard Perque

(See above for address)

Amicus

Arielle K Herzberg

TERMINATED: 02/24/2026, represented by Alan Evan Schoenfeld

(See above for address)

Arielle Kay Herzberg

(See above for address)

Kimberly Ari Parker

(See above for address)

Kyle Edwards Haugh

(See above for address)

TERMINATED: 03/02/2026

Maitland Lilja Io Jones

(See above for address)

Richard Gerard Perque
(See above for address)

Amicus

Kyle Edwards Haugh
TERMINATED: 02/24/2026, represented by Alan Evan Schoenfeld
(See above for address)

Arielle Kay Herzberg
(See above for address)

Kimberly Ari Parker
(See above for address)

Kyle Edwards Haugh
(See above for address)
TERMINATED: 03/02/2026

Maitland Lilja Io Jones
(See above for address)

Richard Gerard Perque
(See above for address)

Amicus

American College of Obstetricians & Gynecologists, represented by Kathryn
Campbell Saba
Debevoise & Plimpton (NY)
66 Hudson Blvd
New York, NY 10001
212-909-6000
Email: ksaba@debevoise.com

Malcolm Clark Lloyd
A C L U of Louisiana
1340 Poydras St Ste 2160
New Orleans, LA 70112
504-522-0628
Email: mlloyd@laaclu.org

Meaghan Hannan Davant
American College of Obstetricians & Gynecologists
409 12th St S W
Washington, DC 20024
202-638-5577
Email: mhdavant@acog.org

Molly A. Meegan
American College of Obstetricians & Gynecologists
409 12th St S W
Washington, DC 20024
202-638-5577
Email: mmeegan@acog.org

Nicole Amanda Marton
Debevoise & Plimpton (DC)
801 Pennsylvania Ave N W Ste 500
Washington, DC 20004
202-383-8000
Email: namarton@debevoise.com

Shannon Rose Selden
Debevoise & Plimpton (NY)
66 Hudson Blvd
New York, NY 10001
212-909-6000
Email: srselden@debevoise.com

Amicus

David A Kessler, represented by Mandie E. Landry
Bivalacqua Gele Ellis
650 Poydras St Ste 2200
New Orleans, LA 70130
202-361-1679
Email: mandie@bivlaw.com

Alyssa Howard
Zuckerman Spaeder (DC)
2100 L St N W Ste 400

Washington, DC 20037
202-778-1800
Fax: 202-822-8106
Email: ahoward@zuckerman.com

Margaret M. Dotzel
Zuckerman Spaeder (DC)
2100 L St N W Ste 400
Washington, DC 20037
202-778-1800
Email: mdotzel@zuckerman.com

Salvador I. Bivalacqua
Bivalacqua Gele Ellis
650 Poydras St Ste 2200
New Orleans, LA 70130
504-648-1858
Fax: 504-561-0559
Email: sal@bivlaw.com

William B. Schultz
Zuckerman Spaeder (DC)
2100 L St N W Ste 400
Washington, DC 20037
202-778-1800
Fax: 202-822-8106
Email: w Schultz@zuckerman.com

Amicus

Jane E Henney, represented by Mandie E. Landry
(See above for address)

Alyssa Howard
(See above for address)

Margaret M. Dotzel
(See above for address)

Salvador I. Bivalacqua
(See above for address)

William B. Schultz
(See above for address)

Amicus

Margaret Hamburg, represented by Mandie E. Landry
(See above for address)

Alyssa Howard
(See above for address)

Margaret M. Dotzel
(See above for address)

Salvador I. Bivalacqua
(See above for address)

William B. Schultz
(See above for address)

Amicus

Robert M. Califf, represented by Mandie E. Landry
(See above for address)

Alyssa Howard
(See above for address)

Margaret M. Dotzel
(See above for address)

Salvador I. Bivalacqua
(See above for address)

William B. Schultz
(See above for address)

Amicus

Michael A. Friedman, represented by Mandie E. Landry
(See above for address)

Alyssa Howard
(See above for address)

Margaret M. Dotzel
(See above for address)

Salvador I. Bivalacqua
(See above for address)

William B. Schultz
(See above for address)

Amicus

Joshua M. Sharfstein, represented by Mandie E. Landry
(See above for address)

Alyssa Howard
(See above for address)

Margaret M. Dotzel
(See above for address)

Salvador I. Bivalacqua
(See above for address)

William B. Schultz
(See above for address)

Amicus

Stephen Ostroff, represented by Mandie E. Landry
(See above for address)

Alyssa Howard
(See above for address)

Margaret M. Dotzel
(See above for address)

Salvador I. Bivalacqua
(See above for address)

William B. Schultz
(See above for address)

Amicus

Norman E. Sharpless, represented by Mandie E. Landry
(See above for address)

Alyssa Howard
(See above for address)

Margaret M. Dotzel
(See above for address)

Salvador I. Bivalacqua
(See above for address)

William B. Schultz
(See above for address)

Amicus

Janet A Woodcock, represented by Mandie E. Landry
(See above for address)

Alyssa Howard
(See above for address)

Margaret M. Dotzel
(See above for address)

Salvador I. Bivalacqua
(See above for address)

William B. Schultz
(See above for address)

Amicus

Former U S Dept of Justice Officials, represented by Alan Evan Schoenfeld
(See above for address)

Arielle Kay Herzberg
(See above for address)

Kimberly Ari Parker
(See above for address)

Kyle Edwards Haugh
(See above for address)
TERMINATED: 03/02/2026

Maitland Lilja Io Jones
(See above for address)

Richard Gerard Perque
(See above for address)

Movant

Family Research Council, represented by Brian Wade Arabie
(See above for address)

Christopher E. Mills
Spero Law
557 E Bay St Ste 22251
Charleston, SC 29413
843-606-0640
Email: cmills@spero.law

Amicus

Martha Shuping, represented by Brian Wade Arabie
(See above for address)
Christopher E. Mills
(See above for address)

Amicus

Women Injured by Abortion, represented by Troy Houston Middleton, IV
Lundy Law (LC)
501 Broad St
Lake Charles, LA 70601
337-439-0707
Fax: 337-439-1029

Email: hmiddleton@lundylawllp.com

Allan E. Parker, Jr
Justice Foundation
8023 Vantage Dr Ste 1275
San Antonio, TX 78230
210-614-7157
Fax: 210-614-6656
Email: aparker@thejusticefoundation.org

Hunter W. Lundy
Lundy Law
P O Box 3010
Lake Charles, LA 70602-3010
337-439-0707
Fax: 337-439-1029
Email: hlundy@lundylawllp.com

Mary Jane Browning
Justice Foundation
8023 Vantage Dr Ste 1275
San Antonio, TX 78230
210-614-7157
Fax: 210-614-6656
Email: m.jbrowning@outlook.com

R Clayton Trotter
Justice Foundation
8023 Vantage Dr Ste 1275
San Antonio, TX 78230
210-614-7157
Fax: 210-614-6656
Email: info@thejusticefoundation.org

Amicus

Justice Foundation, represented by Troy Houston Middleton, IV
(See above for address)

Allan E Parker , Jr
(See above for address)

Hunter W Lundy
(See above for address)

Mary Jane Browning
(See above for address)

R Clayton Trotter
(See above for address)

Amicus

Center Against Forced Abortions, represented by Troy Houston Middleton, IV
(See above for address)

Allan E Parker , Jr
(See above for address)

Hunter W Lundy
(See above for address)

Mary Jane Browning
(See above for address)

R Clayton Trotter
(See above for address)

Amicus

National Association of Christian Lawmakers, represented by Troy Houston
Middleton, IV
(See above for address)

Allan E. Parker , Jr
(See above for address)

Hunter W Lundy
(See above for address)

Mary Jane Browning
(See above for address)

R Clayton Trotter
(See above for address)

Amicus

Samaritans Purse, represented by Brian Wade Arabie
(See above for address)

Christopher E. Mills
(See above for address)

Amicus

American Association of Pro-Life Obstetricians & Gynecologists, represented by
Brian Wade Arabie
(See above for address)

Christopher E. Mills
(See above for address)

Amicus

American Center for Law & Justice, represented by Kevin S Vogeltanz
Law Office of Kevin S Vogeltanz
428 W 21st Ave
Covington, LA 70433
504-275-5149
Fax: 504-910-1704
Email: vogeltanz@gmail.com

Olivia F Summers
American Center for Law & Justice
201 Maryland Ave N E
Washington, DC 20002
757-955-8176
Email: osummers@aclj.org

Amicus

Ethics & Public Policy Center, represented by Michelle Ward Ghetti
Ghetti Law
139-B James Comeaux Rd Ste 802
Lafayette, LA 70508
225-933-9029

Email: mghetti@yahoo.com

Martin Edward Whelan, III
Ethics & Public Policy Center
1730 M St N W Ste 910
Washington, DC 20036
202-682-1200
Fax: 202-408-0632
Email: ewhelan@eppc.org

Amicus

Vet Voice Foundation, represented by Clara S. Spera
Hecker Fink LLP
350 Fifth Ave., 63rd Floor
New York, NY 10118
(212) 763-0883
Email: cspera@heckerfink.com

Madeline Verniero
(see above for address)

Kate Epstein
Hecker Fink LLP
1050 K St. NW, Ste. 1040
Washington, DC 20001

Dated: April 22, 2026

/s/ Sapna Khatri
Sapna Khatri

Counsel for Amici Curiae

/s/ Meghan Matt
Meghan Matt

Local Counsel for Amici Curiae

TABLE OF CONTENTS

	Page(s)
Table of Authorities	<i>ii.</i>
Interest of Amici Curiae	1
Summary of Argument	1
Argument	2
I. Telehealth is an Essential Mode of Providing High-Quality, Patient-Centered Abortion Care	2
II. Telehealth Makes Care Timely and Accessible, Especially for Rural, Low-Income, and Caregiving Patients	3
III. Telehealth Enables Private, Safe Access to Care Without Stigma, While Reducing Financial Burden	5
IV. Louisiana’s Proposed Nationwide Restrictions Would Obstruct Access to Safe and Widely Used Medication, Causing Foreseeable Patient Harm	8
Conclusion	9

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>June Medical Services L.L.C v. Russo</i> , 591 U.S. 299 (2020)	7
<i>Whole Woman’s Health v. Hellerstedt</i> , 579 U.S. 582 (2016)	7
STATUTES	
21 U.S.C. § 355-1(f)(2)(C)(ii)	8
OTHER AUTHORITIES	
American College of Obstetricians & Gynecologists, <i>Racial Bias: Statement of Policy</i> (2020)	5
American Medical Association, <i>Code of Medical Ethics: Patient Privacy & Confidentiality</i>	5
Anna Bernstein & Kelly M. Jones, <i>The Economic Effects of Abortion Access: A Review of the Evidence</i> (2019)	6
David C. Radley et al., <i>Advancing Racial Equity in U.S. Health Care: The Commonwealth Fund 2024 State Health Disparities Report</i> (2024)	5
Dhaval M. Dave et al., <i>Abortion Restrictions and Intimate Partner Violence in the Dobbs Era</i> (2025)	6
Diana Greene Foster et al., <i>Socioeconomic Outcomes of Women Who Receive and Women Who Are Denied Wanted Abortions in the United States</i> (2022)	7
Emily Harris, <i>Telehealth Abortions as Safe and Effective as In-Person Ones</i> (2024)	2
Fiona de Londras et al., <i>The Impact of Mandatory Waiting Periods on Abortion-Related Outcomes: A Synthesis of Legal and Health Evidence</i> (2022)	3
Frank C. Worrell, <i>Denying Abortions Endangers Women’s Mental and Physical Health</i> (2023)	8

G. Edwards et al., *The Influence of Rurality on Women’s Decision Making and Pregnancy Choices Following an Unintended Pregnancy: A Systematic Review* (2025) 3

Guttmacher Institute, *Monthly Abortion Provision Study* (2025) 2

Heidi Stöckl et al., *Human trafficking and violence: Findings from the largest global dataset of trafficking survivors* 6

Jenna Jerman & Rachel K. Jones, *Secondary Measures of Access to Abortion Services in the United States, 2011 and 2012: Gestational Age Limits, Cost, and Harassment* (2014) 6

KFF, *Women’s Health Insurance Coverage* (2024) 7

Kurt Hager et al., *Employer-Sponsored Health Insurance Premium Cost Growth and Its Association with Earnings Inequality Among US Families* (2023) 10

Latoya Hill et al., *Health Coverage by Race and Ethnicity, 2010-2023* (2025) 6

Lauren J. Ralph et al., *Self-reported Physical Health of Women Who Did and Did Not Terminate Pregnancy After Seeking Abortion Services: A Cohort Study* (2019) 3

Liza Fuentes, *Inequity in U.S. Abortion Rights and Access: The End of Roe Is Deepening Existing Divides* (2023) 3

Mahip Acharya et al., *Trends in Telehealth Visits During Pregnancy, 2018 to 2021* (2023) 7

M. Antonia Biggs et al., *Unwanted Abortion Disclosure and Social Support in the Abortion Decision and Mental Health Symptoms: A Cross-Sectional Survey* (2022) 7

O. Wasser, L.J. Ralph, S. Kaller & M.A. Biggs, *Experiences of Delay-Causing Obstacles and Mental Health at the Time of Abortion Seeking* (2024) 3

Pooja Chandrashekar, *The Health Care System Is Shortchanging Non-English Speakers* (2021) 5

Rachel K. Jones & Jenna Jerman, *Time to Appointment and Delays in Accessing Care Among U.S. Abortion Patients* (2016) 3

Sarah C.M. Roberts et al., *Out-of-Pocket Costs and Insurance Coverage for Abortion in the United States* (2014) 6

iii.

Sarah C.M. Roberts et al., *Risk of Violence from the Man Involved in the Pregnancy After Receiving or Being Denied an Abortion* (2014) 6

Society of Family Planning, *#WeCount Abortion Data Report* (2023) 2

Usha Ranji et al., *Key Facts on Abortion in the United States* (2025) 4

Ushma D. Upadhyay et al., *Outcomes and Safety of History-Based Screening for Medication Abortion: A Retrospective Multicenter Cohort Study* (2023) 2

Ushma D. Upadhyay et al., *Effectiveness and safety of telehealth medication abortion in the USA* (2024) 2

V.C. Ezeamii et al., *Revolutionizing Healthcare: How Telemedicine Is Improving Patient Outcomes and Expanding Access to Care* 2

INTEREST OF *AMICI CURIAE*¹

Amici Curiae, an organization² supporting evidence-based access to telehealth reproductive healthcare, and two reproductive healthcare providers,³ are committed to ensuring access to safe, timely healthcare. This brief offers a perspective grounded in the lived experiences of Amici's telehealth abortion patients. The testimonials are taken from written statements submitted by Amici's patients.⁴ Amici submit this brief to broaden the Court's understanding of the real-world impact of access to mifepristone via telehealth, and to underscore the significant consequences of disrupting access.⁵

SUMMARY OF ARGUMENT

Telehealth is a critical and increasingly essential component of modern healthcare. For many, it is the only feasible path to timely, safe, and effective abortion care. Amici's patients' testimonials demonstrate how telehealth removes barriers delaying or preventing abortion access, especially for historically

¹ No counsel for a party authored this brief in whole or part or made a monetary contribution to the preparation or submission of this brief.

² Amicus The Reproductive Health Initiative for Telehealth Equity & Solutions (RHITES) is a fiscally sponsored project of the Hopewell Fund.

³ Amici healthcare providers are IGH PLLC *d/b/a* Abortion on Demand and Hey Jane. "Hey Jane" is a registered trademark owned by Possible Health, Inc., an entity operating a telehealth platform at www.heyjane.com, through which various professional corporations provide medical services to patients in different states using the Hey Jane brand.

⁴ Telehealth provider Amici provide abortion services for patients in 25 states supporting access. The testimonials throughout this brief are formally verified patient stories from Amici's websites and online reviews. They have not been altered except to anonymize provider identities and minimal necessary clarifications. Modifications are denoted with brackets.

⁵ Amici are grateful to Boston University School of Law student, Georgia Aguilar, for her contributions to this brief through the BU Program on Reproductive Justice.

marginalized communities. Louisiana’s proposed nationwide restrictions on mifepristone would obstruct access to a safe and widely used medication, directly conflicting with FDA’s statutory obligation not to impose undue burdens on patient access. Maintaining access to telehealth abortion care is critical to health equity, patient safety, and evidence-based medical practice.

ARGUMENT

I. Telehealth Offers an Essential Mode of Providing High-Quality, Patient-Centered Abortion Care.

Telehealth is as an effective mechanism for connecting patients with care, producing health outcomes comparable to in-person services.⁶ Approximately 76% of U.S. hospitals use telehealth, up from 35% a decade ago.⁷ Telehealth plays a particularly critical role in expanding abortion access, allowing patients to consult providers via video, phone, or secure messaging, and receive medications through pharmacies or mail delivery.

⁶ See V.C. Ezeamii et al., *Revolutionizing Healthcare: How Telemedicine Is Improving Patient Outcomes and Expanding Access to Care*, 16 *Cureus* e63881 (2024); Ushma D. Upadhyay et al., *Outcomes and Safety of History-Based Screening for Medication Abortion: A Retrospective Multicenter Cohort Study*, 6 *JAMA Network Open* e2334087 (2023).

⁷ *Telehealth: The Advantages and Disadvantages*, Harvard Health Publ., <https://www.health.harvard.edu/staying-healthy/telehealth-the-advantages-and-disadvantages>.

Today, medication abortion – primarily the mifepristone regimen⁸ – accounts for approximately 63% of abortions in the U.S.⁹ More than one-in-four are obtained via telehealth.¹⁰ Research confirms that safety and effectiveness of telehealth abortion is equivalent to in-person care in safety and effectiveness.¹¹

Across hundreds of narratives, patients praised the professionalism, clear communication, and attentiveness of telehealth care:

“During a very personal and challenging time, [Telehealth Provider] provided not only expert care but genuine compassion and support. From the first patient intake to the final follow-up, everyone made me feel seen, heard, and safe.”

Abortion access is unevenly distributed across dimensions of race, class, citizenship status, geography, and other axes.¹² For many patients, telehealth means the difference between obtaining care or not. For others, it fits their needs better than in-person care. Preserving both models is essential.

II. Telehealth Fosters Timely and Accessible Care, Especially for Rural, Low-Income, and Caregiving Patients.

⁸ Ushma D. Upadhyay et al., *Effectiveness and safety of telehealth medication abortion in the USA*, 30 NATURE MED. 1191, 1191 (FEB. 15, 2024).

⁹ GUTTMACHER INST., *Monthly Abortion Provision Study*, <https://www.guttmacher.org/monthly-abortion-provision-study> (updated Sept. 30, 2025).

¹⁰ SOCIETY OF FAMILY PLANNING, #WECOUNT REPORT, APRIL 2022 TO DECEMBER 2024 (June 23, 2025).

¹¹ Emily Harris, *Telehealth Abortions as Safe and Effective as In-Person Ones*, 331 JAMA 908 (2024).

¹² Liza Fuentes, *Inequity in U.S. Abortion Rights and Access: The End of Roe Is Deepening Existing Divides*, GUTTMACHER INST. (Jan. 2023).

Abortion is inherently time sensitive.¹³ Abortion is many times safer than continuing a pregnancy. Pregnancy itself comes with significant health risks, and these risks increase with gestation.¹⁴ The average in-clinic appointment wait time is approximately 7.6 days, while telehealth enables patients to receive medication within days.¹⁵ Patients in rural or medically underserved communities face geographic isolation, provider shortages, and limited public transportation often requiring substantial time off work, long-distance travel, and significant financial outlay.¹⁶

“I originally was looking at going to a clinic near me but appointments were only available 2-3 weeks out, where as [Telehealth Provider] had all the stuff I needed delivered to my door within 3 days!”

“Unfortunately the nearest in person clinic was more than 200 miles away. I’m not sure what I would have done without [Telehealth Provider].”

¹³ See O. Wasser et al, *Experiences of Delay-Causing Obstacles and Mental Health at the Time of Abortion Seeking*, 6 *Contraception*: X 100105 (2024).

¹⁴ See Lauren J. Ralph et al., *Self-reported Physical Health of Women Who Did and Did Not Terminate Pregnancy After Seeking Abortion Services: A Cohort Study*, 171 *ANNALS OF INTERNAL MED.* 238 (June 11, 2019) (medication abortion is 14 times safer than carrying pregnancy to term); Fiona de Londras et al., *The Impact of Mandatory Waiting Periods on Abortion-Related Outcomes: A Synthesis of Legal and Health Evidence*, 22 *BMC Pub. Health* 1232 (2022).

¹⁵ Rachel K. Jones & Jenna Jerman, *Time to Appointment and Delays in Accessing Care Among U.S. Abortion Patients*, *GUTTMACHER INST.* (Aug. 2016).

¹⁶ G. Edwards et al., *The Influence of Rurality on Women’s Decision Making and Pregnancy Choices Following an Unintended Pregnancy: A Systematic Review*, 21 *Women’s Health* 17455057251348986 (2025).

Telehealth also allows the 59% of abortion patients who are parents¹⁷ to access care without sacrificing employment or existing caregiving responsibilities.¹⁸

“I am a full time working mom of two small children who are still in daycare. Despite our best efforts, our birth control unfortunately failed. After a quick google search, I was able to find [Telehealth Provider] and access very fast and very discrete medical abortion care.”

“This experience helped me so much. I am a single working mother in a small town, [so] to have to get time off from work and child care to go to an appointment let alone finding help close by would have been extremely different.”

For these patients, abortion care is largely about preserving their ability to remain present, healthy, and dependable for the children who rely on them.

“This was the hardest decision of my life, and as much as I want more kids I had a really rough first pregnancy almost resulting in my death and the death of my daughter. I couldn’t go through that again, and possibly leave my daughter without her mother. [Telehealth Provider] made everything incredibly easy, and helped ease the stress I was facing. Every step was outlined perfectly and made everything easy to follow. And allowing me to be able to do this at home [versus] going out somewhere was even better. Thank you so much for giving me this option so I can be here for my baby girl.”

¹⁷ Usha Ranji et al., *Key Facts on Abortion in the United States*, KFF (Jul. 15, 2025), www.kff.org/womens-health-policy/key-facts-on-abortion-in-the-united-states/?entry=table-of-contents-who-gets-abortions.

¹⁸ See Kathleen Morrison et al., *Understanding the Use of Telehealth in the Context of the Family Nurse Partnership and Other Early Years Home Visiting Programmes: A Rapid Review*, 8 DIGITAL HEALTH 1 (2022).

“[Telehealth Provider] gave me the opportunity to make my own decision. How I chose to govern my own body was my choice, and [Telehealth Provider] gave me the opportunity to do so. I have two daughters to take care of, I am not as young as I used to be, and I am currently unemployed. I made the conscious decision to end my pregnancy, and not spread myself any thinner than I needed to be. And I am forever grateful to [Telehealth Provider] for the opportunity to do so.”

Timeliness is especially important for historically marginalized communities, who disproportionately lack economic resources, paid leave, and comprehensive health coverage¹⁹ and faced other barriers when accessing reproductive healthcare, including racial bias, stereotyping, and language differences.²⁰ These disparities directly shape timely access.

III. Telehealth Enables Private, Safe Access to Care Without Stigma, While Reducing Financial Burden.

Privacy is fundamental to healthcare, particularly abortion.²¹ Many patients describe accessing care from home as a precondition for accessing care at all.

¹⁹ Kurt Hager, et al., *Employer-Sponsored Health Insurance Premium Cost Growth and Its Association with Earnings Inequality Among US Families*, 7 JAMA NETWORK OPEN, 9 (JAN. 16, 2023) (structural inequities amplify abortion restrictions’ burdens); David C. Radley et al., *Advancing Racial Equity in U.S. Health Care: The Commonwealth Fund 2024 State Health Disparities Report* (Apr. 18, 2024), <https://www.commonwealthfund.org/publications/fund-reports/2024/apr/advancing-racial-equity-us-health-care>

²⁰ See ACOG, *Racial Bias: Statement of Policy* (Oct. 15, 2020); Pooja Chandrashekar, *The Health Care System Is Shortchanging non-english Speakers*, SCIENTIFIC AMERICAN (July 2, 2021) <https://www.scientificamerican.com/article/the-health-care-system-is-shortchanging-non-english-speakers/>.

²¹ See AM. MED. ASS’N, *Code of Medical Ethics: Patient Privacy & Confidentiality*, <https://code-medical-ethics.ama-assn.org/chapters/patient-privacy-and-confidentiality>.

“[Telehealth Provider] provided the secure, private, accessible medical and emotional care I needed, when I needed it most. They protected my physical and emotional health as well as my privacy.”

Survivors of gender-based violence, sexual violence, and human trafficking face greater risks of reproductive coercion and surveillance and may be unable to seek in-person care.²² Abortion restrictions are associated with a 7–10% increase in intimate partner violence (IPV) among women of reproductive age, resulting in at least 9,000 additional IPV incidents.²³ Evidence further demonstrates that individuals who obtain abortion care are significantly less likely to experience IPV.²⁴ Human trafficking survivors face particularly acute vulnerabilities, with nearly 70% experiencing pregnancy.²⁵ By enabling survivors to access care without detection, telehealth abortion can be not just important, but lifesaving.

Timely access also lessens financial burdens from lost wages, childcare, transportation, and lodging.²⁶ Research links abortion access to financial stability,

²² See Elizabeth Miller et al., *Recent reproductive coercion and unintended pregnancy among female family planning clients*, 89 *CONTRACEPTION* 122, 126-27 (Feb. 2014); Cathy Vaughan et al., *Measuring technology-facilitated gender-based violence*, U. of Melbourne, Discussion Paper (Feb. 2023).

²³ Dhaval M. Dave et al., *Abortion Restrictions and Intimate Partner Violence in the Dobbs Era*, Nat'l Bureau of Econ. Rsch., Working Paper No. 33916 (Oct. 2025).

²⁴ Sarah C.M. Roberts et al., *Risk of Violence from the Man Involved in the Pregnancy After Receiving or Being Denied an Abortion*, 12 *BMC Med.* 1 (2014).

²⁵ See Heidi Stöckl et al., *Human trafficking and violence: Findings from the largest global dataset of trafficking survivors*, 4 *J. MIGRATION AND HEALTH* 1 (Nov. 16, 2021); Laura J. Lederer & Christopher A. Wetzel, *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities*, 23 *ANNALS HEALTH L.* 61 (2014).

²⁶ Jenna Jerman & Rachel K. Jones, *Secondary Measures of Access to Abortion Services in the United States, 2011 and 2012: Gestational Age Limits, Cost, and Harassment*, 24 *Women's Health Issues* 19–24 (2014).

employment, insurance coverage, and educational attainment.²⁷ This correlation means low-income and uninsured individuals are left without reproductive healthcare at disproportionate rate, as well as women of color who systematically face barriers to care.²⁸

For most abortion recipients, out-of-pocket costs exceed one-third of their monthly income.²⁹ Additional barriers fall hardest on those least able to absorb further logistical and emotional strain.³⁰ Approximately one in ten U.S. women lack health insurance, and many policies exclude abortion.³¹ Any restriction will exacerbate the disproportionate burdens on low-income, uninsured, and underinsured populations.³²

Telehealth is a meaningful structural intervention, advancing public health, mitigating disparities, and promoting equitable access to high-quality care.³³

“I was so worried when I found out I was pregnant. I didn’t want more kids, and I am not financially stable or

²⁷ Anna Bernstein & Kelly M. Jones, CTR. ON THE ECON. OF REPROD. HEALTH, *The Economic Effects of Abortion Access: A Review of the Evidence* 2–5 (2019).

²⁸ Latoya Hill et al., *Health Coverage by Race and Ethnicity, 2010–2023*, KFF (Feb. 13, 2025), <https://www.kff.org/racial-equity-and-health-policy/health-coverage-by-race-and-ethnicity/>

²⁹ Sarah C.M. Roberts et al., *Out-of-Pocket Costs and Insurance Coverage for Abortion in the United States*, 24 WOMEN’S HEALTH ISSUES e211(Apr. 2014).

³⁰ See Rachel K. Jones et al., *At What Cost? Payment for Abortion Care by U.S. Women*, 23 WOMEN’S HEALTH ISSUES 238 (2013).

³¹ KFF, *Women’s Health Insurance Coverage* (Dec. 12, 2024), <https://www.kff.org/womens-health-policy/womens-health-insurance-coverage/>.

³² See *Whole Woman’s Health v. Hellerstedt*, [579 U.S. 582, 594, 614–615](#) (2016) (abortion restrictions impose substantial obstacles disproportionately burdening low-income populations); *June Medical Services L.L.C v. Russo*, [591 U.S. 299, 324–26](#) (2020) (increased travel, clinic closures, and delays burden poor women disproportionately).

³³ Mahip Acharya et al., *Trends in Telehealth Visits During Pregnancy, 2018 to 2021*, 6 JAMA NETWORK OPEN (APR. 4, 2023).

insured. I have [a] very low income, but because of this service I was able to pay for my abortion, and I love the support I got throughout the process.”

“I love that they also had resources for financial assistance on their website, and by using those I was able to afford my abortion[.].”

Even though 25% of women have an abortion in their lifetime, abortion stigma remains a pervasive barrier.³⁴ That stigma has measurable consequences, delaying pregnancy recognition, suppressing information-seeking, and preventing individuals from asking for support.³⁵ It also increases economic instability, reflected in elevated rates of financial distress, declining credit scores, more frequent bankruptcies and evictions, and higher likelihood of poverty.³⁶ Telehealth increases patient agency and counters stigmatizing dynamics.

“Thank you for helping me go through a process I was terrified of. I felt cared for [and] supported at all times.”

“I was able to get IMMEDIATE care with zero judgment. I was able to do what was right for myself and my partner in the comfort of our home.”

³⁴ See Janet Turan and Henna Budhwani, *Restrictive Abortion Laws Exacerbate Stigma*, 111 AM. J. PUB. HEALTH 37 (Jan. 2021) <https://pmc.ncbi.nlm.nih.gov/articles/PMC7750605/>.

³⁵ See M. Antonia Biggs et al., *Unwanted Abortion Disclosure and Social Support in the Abortion Decision and Mental Health Symptoms: A Cross-Sectional Survey*, CONTRACEPTION (Oct. 2022), <https://doi.org/10.1016/j.contraception.2022.10.007>.

³⁶ Diana Greene Foster et al., *Socioeconomic Outcomes of Women Who Receive and Women Who Are Denied Wanted Abortions in the United States*, 112 AM. J. PUB. HEALTH 1290 (Sept. 2022).

Decreased access to abortion can lead to serious health consequences, emotional distress, and stigma.³⁷ Amici’s patients described telehealth services as “lifesaving” during moments of fear and vulnerability:

“I would have died if this pregnancy went through. My 3 other kids would be without a mother. Thank you for being there and not judging me.”

“You saved my life. I was scared and alone and I didn’t know what to do and I’m grateful to have these services. Without care I’m not sure what would have happened.”

IV. Louisiana’s Proposed Nationwide Restrictions Would Obstruct Access to Safe and Widely Used Medication, Causing Foreseeable Patient Harm.

Congress requires that FDA restrictions not be unduly burdensome on patient access, particularly for patients in rural and medically underserved areas.³⁸ Yet the nationwide restrictions Louisiana seeks would impose foreseeable harms, including delayed care, more complex and costly procedures, emotional distress and psychological harm, and for some, denial of care altogether – with burdens falling hardest on patients already facing systemic barriers.

³⁷ See Frank C. Worrell, *Denying Abortions Endangers Women’s Mental and Physical Health*, 113 AM. J. PUB. HEALTH 382 (2023).

³⁸ [21 U.S.C. § 355-1\(f\)\(2\)\(C\)\(ii\)](#).

CONCLUSION

Amici respectfully urge the Court to deny Louisiana's motion.

Respectfully Submitted,

/s/ Meghan Kinney Matt

Meghan Matt (Bar No. 39975)

MURELL LAW FIRM

4005 St. Claude Ave.

New Orleans, LA 70117

(504) 300-9292

meghan@murell.law

/s/ Sapna Khatri

Sapna Khatri*

BOSTON UNIVERSITY

SCHOOL OF LAW

Program on Reproductive Justice

765 Commonwealth

Ave. 9th Floor

Boston, MA 02215

(617) 353-3310

sapnak@bu.edu

April 22, 2026

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 32 of the Federal Rules of Appellate Procedure, Meghan Matt, an attorney with Murell Law Firm, hereby certifies that according to the word count feature of the word processing program used to prepare this document, the document contains 2600 words and complies with the typeface requirements and length limits of Rule 32(a)(5)-(6) and applicable local rules.

/s/ Meghan Kinney Matt

Meghan Matt (Bar No. 39975)

MURELL LAW FIRM

4005 St. Claude Ave.

New Orleans, LA 70117

(504) 300-9292

meghan@murell.law

April 22, 2026

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2026, I presented the foregoing to the Clerk of Court by filing and uploading to the CM/ECF system, which will send notification of such filing to all parties.

/s/ Meghan Kinney Matt

Meghan Matt (Bar No. 39975)

MURELL LAW FIRM

4005 St. Claude Ave.

New Orleans, LA 70117

(504) 300-9292

meghan@murell.law