

NEWS

No more chemical abortions in North Dakota: court upholds restrictions on abortion drugs

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By Kirsten Andersen

North Dakota's only abortion clinic has announced it will no longer prescribe any abortion drugs after the state Supreme Court upheld a 2011 law requiring the drugs be used only in adherence to FDA guidelines.

"I've directed staff to not offer [chemical abortions] effective today," Red River Women's Clinic director Tammi Kromenaker told the Associated Press on Wednesday. "I didn't want to put any staff in jeopardy."

Previously, chemical abortions had represented about 20 percent of the 1,300 abortions her clinic sells each year. She said the eight women who had been scheduled for drug-induced abortions at her facility this week have been told to make other arrangements.

The FDA has only approved one drug for induced abortion – mifepristone, commonly known as RU-486 – and recommends its use only during the first 49 days of pregnancy. However, abortionists routinely pair the costly drug with a cheaper ulcer medication called misoprostol, which has not been approved for use as an abortion drug, but causes uterine contractions. This cost-cutting measure allows abortionists to use half the recommended dosage of expensive RU-486, while counting on misoprostol to finish the job. Abortionists also routinely prescribe the drugs well beyond the recommended time limit – Red River offered chemical abortions through the 63rd day of pregnancy, two weeks beyond the FDA’s cutoff.

Pro-abortion activists have argued that the FDA guidelines are outdated, and should be updated to reflect common abortion industry practice. But the manufacturer of misoprostol, G.D. Searle Corp., has condemned the use of its product for induced abortion, citing safety concerns.

“Cytotec is not approved for the induction of labor or abortion,” the company wrote in a warning letter to health professionals. “Serious adverse events reported following off-label use of Cytotec in pregnant women include maternal or fetal death; uterine hyperstimulation, rupture or perforation requiring uterine surgical repair, hysterectomy or salpingo-oophorectomy; amniotic fluid embolism; severe vaginal bleeding, retained placenta, shock, fetal bradycardia and pelvic pain.”

“Searle promotes the use of Cytotec only for its approved indication,” added the company.

Lawmakers in North Dakota say they passed the law in order to protect women from the potentially lethal consequences of using drugs off-label to induce abortion. But pro-abortion activists insist they are merely trying to limit women’s access to abortion by any means possible.

“The politicians pushing for these unconstitutional and downright dangerous restrictions have had only one goal in mind: prevent North Dakota women — whom already face incredible obstacles to the severely limited reproductive health care services in their state — from exercising their legal right to abortion,” Nancy Northup, the president of the Center for Reproductive Rights, said in a statement.

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But Operation Rescue spokeswoman Cheryl Sullenger disagrees. “It is ludicrous to say that requiring steps to ensure patient safety creates an ‘undue burden’ on them. I’d rather be inconvenienced than dead,” Sullenger told LifeSiteNews when the law was first challenged in 2012. “This is really about keeping that abortion clinic open no matter who suffers.”

While the state Supreme Court, at least for now, has upheld the constitutionality of the restrictions, pro-life activists noted that the victory was uncomfortably narrow. In North Dakota, four out of five justices must agree in order to find a law unconstitutional. In this case, two justices weighed in on the side of upholding the law, so the majority was overruled.

"We dodged a bullet today," said Janne Myrdal, Concerned Women for America's state director for North Dakota. But she said the slim margin of victory means that it's more important than ever for pro-life voters to go to the polls next Tuesday to vote for Measure 1, a personhood law that would grant human rights to unborn children.

"Measure 1 is the only way to ensure that we don't get a future ruling imposing virtually unlimited abortion as happened in neighboring Montana in a lawsuit brought by some of the same people opposing Measure 1," Myrdal said.

"Right now it appears that two justices of the Supreme Court would rule to invent a right to abortion, two would rule against it, and the fifth justice would not address the issue," she continued. "That should put every North Dakotan on notice - we need Measure 1 to protect ourselves against judges imposing a right to abortion in our state that is far broader than what is required by federal court decisions."
