

## Federal Court Backs West Virginia's Abortion Pill Ban

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A federal appeals court has ruled in favor of West Virginia's right to enforce its near-total abortion ban, including its restrictions on medication-induced abortions, rejecting claims that the law conflicts with federal drug regulations.

The United States Court of Appeals for the Fourth Circuit issued a decisive opinion this week in *GenBioPro Inc. v. Kristina Raynes*, upholding the state's Unborn Child Protection Act. The court found that the state law does not violate the Food and Drug Administration Amendments Act (FDAAA), a federal law governing the regulation and safe use of

medications like mifepristone, a drug used in medication abortions. GenBioPro Inc., the manufacturer of mifepristone, had filed suit claiming the FDA's oversight should preempt West Virginia's authority to regulate abortion access.

In a 2-1 decision, the panel rejected that argument. Judge J. Harvie Wilkinson III, writing for the majority, emphasized that Congress did not explicitly intend for the FDAAA to override state laws governing abortion, a matter traditionally handled by individual states. "The Act falls well short of expressing a clear intention to displace the states' historic and sovereign right to protect the health and safety of their citizens," Wilkinson wrote.

This decision reaffirms the authority returned to the states following the 2022 *Dobbs v. Jackson Women's Health Organization* ruling by the United States Supreme Court, which overturned *Roe v. Wade* and *Planned Parenthood of Southeastern Pennsylvania v. Casey*. In response to that shift, West Virginia lawmakers passed House Bill 302 during a 2022 special session, implementing strict limits on abortion procedures, including medication abortions, except in cases involving non-viable pregnancies, ectopic pregnancies, or when necessary to protect a woman's life.

Governor Patrick Morrisey, who defended the law during his tenure as attorney general, welcomed the court's decision. "Big win out of the Fourth Circuit today," he said in a statement. "West Virginia can continue to enforce our pro-life laws and lead the nation in our efforts to protect life. We will always be a pro-life state."

The court's ruling contrasts with the opinion of Judge DeAndrea Gist Benjamin, who dissented in part. She argued that West Virginia's abortion restrictions create barriers to essential medical care that Congress did not intend when establishing federal drug policy. Nonetheless, the majority ruling reinforces the principle that state governments maintain primary control over abortion laws in the post-*Dobbs* era.

This decision marks a significant legal victory for states aiming to uphold life-protecting legislation and ensures that local governments remain empowered to set their standards on one of the most divisive issues in American politics.