

Introduced by: Council Member Springer  
Date: April 25, 2023  
Action: Passed  
Vote: 5-1

# CITY OF BETHEL, ALASKA

## Resolution 23-06

### **A RESOLUTION BY THE BETHEL CITY COUNCIL DIRECTING THE CITY TO JOIN AS AMICUS IN FEDERAL LITIGATION SUPPORTING THE AVAILABILITY OF MIFEPRISTOSONE IN THE CITY OF BETHEL AND THE YUKON-KUSKOKWIM DELTA REGION**

- WHEREAS,** the Yukon Kuskokwim Health Corporation (YKHC) provides comprehensive healthcare to the approximately 25,000 residents of Bethel and the Yukon-Kuskokwim Delta Region;
- WHEREAS,** healthcare providers at YKHC in Bethel frequently administer a progesterone-blocking drug called mifepristone for miscarriage management. This drug allows patients to experience less discomfort and get home faster after miscarriage;
- WHEREAS,** without access to mifepristone, those who travel from the YK Delta Region to Bethel for miscarriage management and chose medication management would have to wait for their pregnancies to "pass" before returning home, which could take days, or have misoprostol-only management, which increases bleeding and pain;
- WHEREAS,** other drugs that can be used for miscarriage management are not as effective (meaning more drugs might need to be administered, and with more discomfort);
- WHEREAS,** mifepristone is also used to treat unwanted pregnancies. It is a safe and effective drug that more than 5 million people have used to safely terminate their pregnancies;
- WHEREAS,** restrictions on mifepristone will overburden health systems, and pregnant people who are unable to access it will have worse outcomes;
- WHEREAS,** those who lose access to mifepristone may have to undergo more expensive and invasive procedural abortion that requires more days off work for the procedure and recovery, potentially hundreds of miles from home;
- WHEREAS,** in April 2023, a federal district court judge in the Northern District of Texas declared that the Food and Drug Administration's approval of mifepristone in 2000 was invalid, in essence saying that the drug should be pulled from the market nationwide;

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**WHEREAS,** a three-judge panel for the United States Court of Appeals for the Fifth Circuit partly overruled the district court, stating that the F.D.A.'s approval of mifepristone could stand, but allowed the plaintiffs to challenge various steps the F.D.A. took beginning in 2016 that lifted restrictions and made it easier for more people to access mifepristone;

**WHEREAS,** the mifepristone litigation has sown chaos and confusion around country, and it has the potential to disrupt access to this critical drug for reproductive health nationwide;

**WHEREAS,** the issue of access to mifepristone is likely to be heard by the United States Supreme Court;

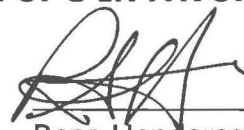
**WHEREAS,** interested stakeholders may file amicus, or "friend of the court" briefs in both state and federal court, in which the stakeholder takes a position in the litigation without being a party or requiring standing or monetary investment in the litigation;


**WHEREAS,** although the City of Bethel does not have health powers, the City has an interest in protecting the region's access to essential healthcare; and

**WHEREAS,** Local governments from across the country have signed on as amici in this litigation, at no financial cost to the governments, in order to highlight the responsibility of local governments in protecting the health and safety of their residents, including access to essential healthcare such as reproductive healthcare.

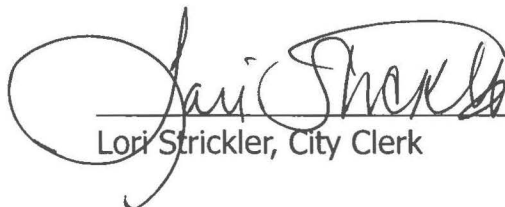
**NOW, THEREFORE BE IT RESOLVED** that the Bethel City Council determines that the City should join as amicus in federal litigation to protect access to mifepristone.

**ENACTED THIS 25<sup>th</sup> DAY OF APRIL, BY A VOTE OF 5 IN FAVOR AND 1 OPPOSED.**

  
Rose Henderson, Mayor

  
MAYOR ROSE HENDERSON  
BETHEL, ALASKA

ATTEST:

  
Lori Strickler, City Clerk