

119TH CONGRESS  
2D SESSION

# H. R. 7902

To provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug mifepristone for the purpose of the termination of intrauterine pregnancy is deemed to have been withdrawn, to establish a Federal tort for harm to women caused by chemical abortion drugs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2026

Mrs. HARSHBARGER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug mifepristone for the purpose of the termination of intrauterine pregnancy is deemed to have been withdrawn, to establish a Federal tort for harm to women caused by chemical abortion drugs, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safeguarding Women  
3 from Chemical Abortion Act”.

4 **SEC. 2. WITHDRAWAL OF APPROVAL OF THE DRUG**  
5 **MIFEPRISTONE FOR TERMINATION OF PREG-**  
6 **NANCY.**

7 Effective upon the expiration of 14 days after the  
8 date of the enactment of this Act:

9 (1) Approval of an application submitted under  
10 subsection (b) of section 505 of the Federal Food,  
11 Drug, and Cosmetic Act (21 U.S.C. 355) for the  
12 drug mifepristone (marketed as Mifeprex, and also  
13 known as RU-486) with an indication for the termi-  
14 nation of intrauterine pregnancy, and of any applica-  
15 tion submitted under subsection (j) of such section  
16 for a drug with the same indication and for which  
17 mifepristone is the reference drug, is deemed to have  
18 been withdrawn under subsection (e) of such section.

19 (2) For purposes of sections 301(d) and 304 of  
20 the Federal Food, Drug, and Cosmetic Act (21  
21 U.S.C. 331(d); 334), the introduction or delivery for  
22 introduction of a drug, the approval of which has  
23 been withdrawn as described in paragraph (1), into  
24 interstate commerce shall be considered a violation  
25 of section 505 of such Act (21 U.S.C. 355).

1           (3) The drug mifepristone shall be considered  
2           misbranded for purposes of sections 301 and 304 of  
3           the Federal Food, Drug, and Cosmetic Act (21  
4           U.S.C. 331; 334) if the drug bears labeling pro-  
5           viding that the drug may be used for the termi-  
6           nation of intrauterine pregnancy or that the drug  
7           may be used in conjunction with another drug for  
8           the termination of intrauterine pregnancy.

9   **SEC. 3. FEDERAL TORT FOR HARM TO WOMEN CAUSED BY**  
10                           **CHEMICAL ABORTION DRUGS.**

11           (a) DEFINITIONS.—In this section:

12                   (1) COVERED ENTITY.—The term “covered en-  
13                   tity” means a person that manufactures a covered  
14                   medication for introduction into interstate com-  
15                   merce.

16                   (2) COVERED MEDICATION.—The term “cov-  
17                   ered medication” means the drug mifepristone (mar-  
18                   keted as Mifeprex, and also known as RU-486),  
19                   with an indication for the termination of intra-  
20                   uterine pregnancy, approved pursuant to an applica-  
21                   tion submitted under subsection (b) or (j) of section  
22                   505 of the Federal Food, Drug, and Cosmetic Act  
23                   (21 U.S.C. 355).

24           (b) LIABILITY.—A covered entity shall be liable in ac-  
25           cordance with this section to any individual who suffers

1 bodily injury or harm to mental health (including any  
2 physical, psychological, emotional, or physiological harm)  
3 that is attributable, in whole or in part, to the individual's  
4 use of a covered medication manufactured by a covered  
5 entity.

6 (c) PRIVATE RIGHT OF ACTION.—An individual who  
7 suffers bodily injury or harm to mental health that is at-  
8 tributable, in whole or in part, to the individual's use of  
9 a covered medication as described in subsection (b) may  
10 bring a civil action against the covered entity in an appro-  
11 priate district court of the United States or a State court  
12 of competent jurisdiction for—

13 (1) compensatory damages;

14 (2) punitive damages; and

15 (3) attorney's fees and costs.

16 (d) RULES OF CONSTRUCTION.—Nothing in this sec-  
17 tion shall be construed to preempt any State law that  
18 makes available any other remedy to an individual de-  
19 scribed in subsection (b).

20 (e) EFFECTIVE DATE.—This section shall take effect  
21 on the date that is 90 days after the date of enactment  
22 of this Act.

1 **SEC. 4. RULE OF CONSTRUCTION.**

2       Nothing in this Act shall be construed to affect any  
3 provision of section 1461 of title 18, United States Code.

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