RESOLUTION

NO. R-25-552

CITY HALL: October 23, 2025

BY: COUNCILMEMBER MORENO

SECONDED BY:

WHEREAS, in September 2024, the New Orleans City Council passed Motion M-499 that directed the New Orleans Health Department ("Health Department") to investigate and study any delay of care issues related to the classification of mifepristone and misoprostol as dangerous Schedule IV controlled substances by the state; and

WHEREAS, the motion further outlined study elements including but not limited to: surveying and consulting physicians, pharmacists, and patients regarding their ability to access mifepristone and misoprostol when needed for medically necessary and legal uses as well as working with hospitals, physicians, public health entities, and data scientists to review medical and electronic health records to determine whether quality and timeliness of care is impacted by the classification of mifepristone and misoprostol as Schedule IV Controlled Substances; and

WHEREAS, Motion M-499 also required the Health Department to provide - within one year after the effective date of Act 246 - an aggregate report of findings of the study of delay in care issues; an aggregate summary of information received through the complaint-based reporting system established by the Health Department; a summary of steps taken to address issues identified and complaints received through the delay in care study and complaint-based reporting system; and recommendations to local, state, and federal policymakers to address any issues identified in patient access to Mifepristone and Misoprostol for medically necessary and legal uses; and

WHEREAS, the Health Department transmitted the required report entitled *"Evaluating the Impact of Act 246 of the 2024 Louisiana Legislative Session: The Classification of Misoprostol and Mifepristone as Schedule IV Controlled Dangerous Substances"* to the Clerk of Council and the report appeared as a communication on the October 9, 2025 Council agenda; and

WHEREAS, as the full report outlines, the new requirements and restrictions for mifepristone and misoprostol have resulted in documented delays in access to care for women:

- Patients experienced delays or were denied access to misoprostol in both inpatient and outpatient settings, related to an array of medically necessary, legal uses of the drug, including assistance with the insertion of an intrauterine device (IUD), facilitation of fertility treatment, and management of miscarriage.
- Patients and providers also reported instances of delayed access to misoprostol for patients on the labor and delivery floor for treatment of postpartum hemorrhage.
- A phone survey of all pharmacies in Orleans Parish and Jefferson Parish found that pharmacists and pharmacies reacted to the passage of Act 246 in a variety of ways, many of which included limiting, restricting, or completely eliminating misoprostol from their inventory. 61% of pharmacies in Orleans and 42% of pharmacies in Jefferson Parish reported stocking misoprostol after Act 246 took effect – this represents a decrease in both parishes with respect to pre-Act 246 levels, based on several reports from pharmacies that they had stopped stocking. Several reported that their pharmacy had stopped stocking the drug or had placed additional restrictions on dispending as a result of Act 246.
- A common theme across patient, provider, and pharmacy experiences is confusion about Act 246 and the verification required to dispense misoprostol. Despite outreach and education efforts by NOHD, misoprostol's classification as a controlled substance has led to stigma and fear among pharmacists, frustration for physicians, and unnecessary barriers and delays for patients.

WHEREAS, *"Evaluating the Impact of Act 246 of the 2024 Louisiana Legislative Session: The Classification of Misoprostol and Mifepristone as Schedule IV Controlled Dangerous Substances"* contains the below recommendations:

- The Louisiana Legislature should repeal the provisions of Act 246 that classified misoprostol and mifepristone and allow the drugs to be prescribed and dispensed in the same manner as before October 1, 2024.
- Until the law is repealed, the Louisiana Department of Health and Louisiana Board of Pharmacy should jointly increase outreach and continuing education to pharmacists to ensure they understand Act 246 and are aware of the wide array of medical conditions that misoprostol and mifepristone are legally prescribed for in Louisiana.
- The Louisiana Department of Health should monitor and ensure availability of misoprostol across pharmacies in Louisiana.
- The Louisiana Department of Health should continue to monitor and evaluate the impact of Act 246 in the inpatient setting, including delays in administration of misoprostol in response to postpartum hemorrhage.
- The U.S. Congress should take action to prohibit state's classification of misoprostol and mifepristone as controlled dangerous substances.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council of the City of New Orleans will work with the Orleans Parish delegation of the Louisiana Legislature concerning patient access to essential medications.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE RESOLUTION WAS ADOPTED.