



MEMORANDUM

TO: The Pennsylvania Senate Health and Human Services Committee

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: January 25, 2022

RE: OPPOSITION TO SB 956 P.N. 1286 (J. Ward)

Bill summary: [SB 956](#) is a proposed amendment to Pennsylvania's constitution that would deny the right to abortion care in Pennsylvania—even in cases of rape, incest, or life-threatening conditions—if federal protections are weakened or overturned. SB 956 would also enshrine in the state constitution an existing law prohibiting public insurance coverage of abortion care. If approved by Pennsylvania voters, this amendment would pre-empt any state court from protecting abortion care in the absence of federal protections.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose Senate Bill 956.

SB 956 would lay the foundation for more extreme restrictions on abortion or outright bans, without any exceptions for life-threatening circumstances.

As of today, people have a constitutional right to abortion in Pennsylvania. SB 956 would make it more difficult to challenge abortion restrictions in state court that are not medically necessary and harmful to patients. Pennsylvania has a long history of enacting such restrictions, from a spousal consent provision that was [struck down](#) by the U.S. Supreme Court in 1992, to [targeted regulations of abortion providers](#) that were designed to shut down clinics rather than ensure patient health and safety.

SB 956 would not only strip away the state's established right to legal abortion, but it could pave the way for more extreme abortion restrictions than we already have in the commonwealth.¹ Amending our constitution to remove the right to abortion—with no exceptions for life-threatening conditions or for cases of rape or incest—is a first step to banning abortion in Pennsylvania. Pregnant people would lose their right to make life-changing decisions about pregnancy and childbearing, regardless of their individual circumstances and the expert opinions of their medical providers.

Without the protection of state courts, abortion could be drastically restricted, criminalized, or banned entirely in Pennsylvania.

SB 956 would disproportionately impact people who already face significant barriers to health care.

The discriminatory effect of the prohibition of abortion involves another area of civil liberties interest, that of equality. Abortion is an essential health service that continues to be out of reach for many people, especially Black, indigenous, and other people of color, LGBT&Q people, young people, and people living in rural areas in Pennsylvania. SB 956 specifically targets low-income Pennsylvanians who are insured through Medicaid by enshrining in the constitution a [statutory provision](#) that bans Medicaid coverage of abortion care.² While the current statutory prohibition on Medicaid coverage of abortion makes exceptions for the life of the pregnant person, rape or incest, this constitutional amendment would pave the way for denial of Medicaid coverage even in these extenuating circumstances.

¹ [Pa.C.S. 18 Ch. 32](#)—Pennsylvania Abortion Control Act.

² [Act No. 21 of 1967, § 453](#).

Studies show that being unable to access desired abortion care has serious consequences for parents and children. A person who is denied abortion care is more likely to fall into poverty than a person who receives the care they need.³ After being denied an abortion, a person is three times more likely to be unemployed than a person who was able to get abortion care.⁴ The impact of abortion restrictions are evident at the macro-level as well: states with more abortion restrictions on the whole have poorer health outcomes for women and children, including higher rates of maternal and infant mortality.⁵

With a [direct challenge](#) to the constitutional right to abortion currently before the U.S. Supreme Court, Pennsylvania should be strengthening its commitment to reproductive health care, not stripping away residents' fundamental rights. Decisions about whether to end or continue a pregnancy are deeply personal and should rest with the pregnant person. Amending the state constitution to make political interference in personal healthcare decisions even easier lays the groundwork for egregious violations of Pennsylvanians' civil liberties and reproductive freedom.

For these reasons, we urge you to oppose SB 956.

³ Diana Greene Foster et al., Socioeconomic Outcomes of Women Who Receive and Women Who Are Denied Wanted Abortions in the United States, 108 Am. J. Pub. Health 407 (2018).

⁴ Advancing New Standards in Reprod. Health, Issue Brief: Socioeconomic Outcomes of Women Who Receive and Women Who Are Denied Wanted Abortions (2018), available at https://www.ansirh.org/sites/default/files/publications/files/turnaway_socioeconomic_outcomes_issue_brief_8-20-2018.pdf.

⁵ See Ibis Reprod. Health Ctr. & Ctr. for Reprod. Rights, Evaluating Priorities, Vol. II (2017), available at <https://ibisreproductivehealth.org/sites/default/files/files/publications/Evaluating%20Priorities%20August%202017.pdf>.