



MEMORANDUM

Eastern Region Office
PO Box 60173
Philadelphia, PA 19102
215-592-1513 T
215-592-1343 F

TO: The Pennsylvania Senate

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

Central Region Office
PO Box 11761
Harrisburg, PA 17108
717-238-2258 T
717-236-6895 F

DATE: February 7, 2017

RE: OPPOSITION TO SENATE BILL 3 (BROOKS)

Western Region Office
247 Fort Pitt Blvd
Pittsburgh, PA 15222
412-681-7736 T
412-681-8707 F

This week the Senate may consider Senate Bill 3. The American Civil Liberties Union of Pennsylvania opposes SB 3 because it interferes in a woman's most personal, private medical decisions and threatens to block access to critical care. On behalf of the 32,000 members of the ACLU of Pennsylvania, I urge you to please vote no on this bill.

This legislation bans abortion after 20 weeks and bans a medically proven method of abortion. It does so with only very narrow exceptions that do not take into account the range of complex circumstances a woman may be facing when she seeks later-term abortion care.

The 20-week ban provision violates more than four decades of binding US Supreme Court precedent holding that a state cannot ban abortion prior to viability under any circumstances, regardless of whether the ban has any exceptions.¹ In addition, the provision banning one of the most common procedures for second trimester abortion is inconsistent with past Supreme Court decisions which make crystal clear that a state legislature cannot prohibit one of the most common second trimester abortion methods.²

Our rights and freedoms are rendered meaningless if our government makes it extremely difficult or impossible to exercise them. Yet by banning one of the safest and most common methods of second trimester abortion and abortion after 20 weeks, that is precisely what SB 3 would do.

¹ See e.g., *Roe v. Wade*, 410 U.S. 113 (1973); *Planned Parenthood of Se. Pa v. Casey*, 505 U.S. 833 (1992); see also *Stenberg v. Carhart*, 530 U.S. 914, 920-21 (2000); *Gonzales v. Carhart*, 550 U.S. 124, 146 (2007)

² *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52 (1976) (striking a ban on the use of saline amniocentesis as a method of abortion after 12 weeks); *Stenberg v. Carhart*, 530 U.S. 914 (2000) (striking down a statute which was so broadly written that it would ban D&E abortions, the most commonly used method for second trimester abortions); *Gonzales v. Carhart*, 550 U.S. 124 (2007) (upholding a ban on one method, but resting its decision on the continued availability of D&E abortions).

ACLU-PA opposition to Senate Bill 3 (Brooks)
February 7, 2017

Many things can go wrong during a pregnancy. A woman's health and well-being could be at risk in ways that we cannot even imagine. When complications develop, a woman should be able to get the care she needs. Every pregnancy is different and we cannot presume to know all the circumstances surrounding a personal, medical decision to have an abortion. Medical professionals like the American Congress of Obstetricians and Gynecologists agree these restrictions are without medical or scientific basis and will likely cause substantial harm to patient care.³

A woman's health, not politics, should drive important medical decisions. It's time to stop criminalizing women's health care, interfering with the personal decisions of women, and substituting political agendas for the expertise of health care professionals. Please vote no on SB 3.

³ From ACOG's statement: "Efforts to ban specific types of procedures will limit the ability of physicians to provide women with the medically appropriate care they need, and will likely result in worsened outcomes and increased complications."

<http://www.acog.org/About-ACOG/News-Room/Statements/2015/ACOG-Statement-Regarding-Abortion-Procedure-Bans>