



MEMORANDUM

TO: The Pennsylvania Senate

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: June 6, 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 also proposes to amend into the state constitution language that copies an existing law prohibiting public insurance coverage of abortion care. If approved by PA voters, SB 956 would preempt 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.

In light of the recent [leaked opinion](#) by Supreme Court Justice Samuel Alito overturning *Roe v. Wade* and *Planned Parenthood v. Casey*, SB 956 is poised to gut any and all state-based abortion protections that would remain if the draft opinion holds. 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.

By enshrining in our founding document that it is the policy of this state to protect life *beginning at conception*—an extreme position that would have devastating consequences for all pregnant people—SB 956 would strip away Pennsylvania's established protection of legal abortion, paving the way for even more extreme abortion restrictions than we already have in the commonwealth.¹

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

In addition to permitting an outright, draconian ban on abortion, SB 956 could also allow restrictions to in vitro fertilization (IVF), contraception, and birthing care. Under SB 956, permissible regulations on abortion or other reproductive health care could prevent doctors from treating ectopic pregnancies or miscarriages, or impede doctors from treating pregnant patients if medical care might endanger an ongoing pregnancy.

Amending our constitution to remove the right to abortion, with no exceptions for life-threatening conditions or for cases of rape or incest, clears a dangerous path to banning abortion—and more—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.

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

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

Any prohibition of abortion will exacerbate existing inequalities and precipitate violations of civil liberties. Abortion is an essential health service that is already out of reach for many people, especially Black, indigenous, and other people of color, LGBTQ&T people, young people, and rural Pennsylvanians. SB 956 compounds its damage by specifically targeting low-income Pennsylvanians who are insured through Medicaid by including a [statutory ban on abortion coverage](#) as part of the proposed amendment.² While PA's current prohibition on Medicaid coverage of abortion makes exceptions for the life of the pregnant person, rape or incest, SB 956 would pave the way for denial of Medicaid coverage even in these extenuating circumstances.

In addition, 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 the U.S. Supreme Court's final decision in [Dobbs v. Jackson Women's Health Organization](#) weeks, if not days, away, Pennsylvania should be strengthening its commitment to reproductive health care, not stripping away fundamental rights from nearly 60% of its residents. Amending the state constitution to make political interference in personal health care decisions even easier lays the groundwork for egregious violations of Pennsylvanians' civil liberties and reproductive freedom.

In summary, if SB 956 is added to our state constitution, it could allow politicians to radically regulate all manner of reproductive health care.

- This amendment would enshrine in our state constitution that it is the policy of this Commonwealth to protect life beginning at conception, an extreme proposal that would pave the way to criminalizing all abortion in Pennsylvania—without exceptions—to make the rights of fertilized eggs, embryos, and fetuses paramount over those of pregnant people.
- This amendment would allow for extreme regulation of—and even a total ban on—abortion, but could also allow politicians to restrict access to IVF, contraception, and birthing care.
- This amendment would allow legislators to enact regulations on abortion or other reproductive health care that prevent doctors from treating ectopic pregnancies or miscarriage.
- This amendment would allow legislators to pass laws that impede doctors from offering medical care to a pregnant woman if that care might endanger an ongoing pregnancy.
- This amendment could open the door to complete criminalization, Texas-style citizen vigilante bans, and restricting activities of pregnant people perceived to potentially harm the zygote, embryo or fetus.

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

² [Act No. 21 of 1967, § 453.](#)

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/publications/Evaluating%20Priorities%20August%202017.pdf>.