



To: Members of the Pennsylvania General Assembly

From: Women's Law Project

Date: January 24, 2022

Re: Opposition to SB 956 (Proposed Anti-Abortion Constitutional Amendment)

The Women's Law Project strongly opposes Senate Bill 956, a blatant attempt to deny Pennsylvanians the right to access vital reproductive health care. This legislative attack on our fundamental right to abortion comes almost a half-century after *Roe v. Wade* guaranteed federal constitutional protection for abortion, a right that is before the U.S. Supreme Court yet again in *Dobbs v. Jackson Women's Health Organization*.

The precariousness of *Roe* makes state-level protections more important than ever, but SB 956 would limit our rights under the state constitution to only what is protected by the federal constitution. Pennsylvanians have a state constitution right now that is flexible enough to meet the Commonwealth's needs, which often requires more than the federal minimum. The U.S. Constitution should be a floor, not a ceiling.

To be clear, the proposed legislation threatens much more than abortion procedures. It could reach common forms of miscarriage management as well as pregnancy termination required by the pregnant person's medical condition and/or due to severe fetal anomaly incompatible with life. It may also threaten IVF procedures. While the memo describing this legislation states it seeks to merely "maintain" existing restrictions on access to abortion, it would likely enable radical restrictions to many forms of evidence-based reproductive healthcare. This proposed constitutional amendment seeks to anchor a permanent, broad restriction on an undefined range of reproductive healthcare in our state constitution, a document that exists to protect our rights—not restrict them.

Though this proposed amendment would likely impact a broad range of reproductive health care, its impact on abortion alone is dangerous and would significantly harm public health. Abortion care is vital health care that gives people the ability to decide whether and when to have children, a decision that is essential for women's health, equality, and liberty. SB 956 is political interference in personal medical decisions that is designed to limit reproductive freedom and equality. The fundamental right to abortion should not be up for a vote.

At the Women's Law Project, a non-profit legal advocacy organization that seeks to advance the rights of women and girls in Pennsylvania and beyond, we have seen up close the challenges pregnant people face in Pennsylvania. Abortion access is already an obstacle course for pregnant people as a result of medically unnecessary barriers to care in the Abortion Control Act and other laws. These barriers have pushed abortion care out of reach for many people, especially people of color, rural Pennsylvanians, immigrants, and people living in poverty.

Unsurprisingly, states that have more abortion restrictions also have higher rates of maternal mortality,<sup>1</sup> and indeed, Pennsylvania's maternal mortality rate is at a crisis level. In 2020, Pennsylvania published a report showing that maternal mortality increased more than 21% percent over five years, with Black women accounting for 23% of pregnancy-associated deaths and only 14% of births.<sup>2</sup>

This crisis is the result of political choices. We call on lawmakers to improve conditions for pregnant Pennsylvanians by advancing legislation such as the Pregnant Workers Fairness Act (HB 990/SB 716) and bills to address maternal mortality (such as HB 1174/SB 358; HB 1175/SB 360; HB 1173/ SB 359; HB 1176). Senate Bill 956 is yet more evidence of a callous disregard for pregnant people, who will suffer if this bill ultimately amends our state constitution.

The Women's Law Project urges the members of the General Assembly to oppose SB 956.

Contact:

Amal Bass ([abass@womenslawproject.org](mailto:abass@womenslawproject.org)) & Tara Murtha ([tmurtha@womenslawproject.org](mailto:tmurtha@womenslawproject.org)),  
Women's Law Project

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<sup>1</sup> Tulane University School of Public Health and Tropical Medicine, *Study Finds Higher Maternal Mortality Rates in States with more Abortion Restrictions*, <https://sph.tulane.edu/news/study-finds-higher-maternal-mortality-rates-states-more-abortion-restrictions>

<sup>2</sup> Pennsylvania Dept. of Health, *Pregnancy Associated Deaths in Pennsylvania, 2013-2018*, <https://www.health.pa.gov/topics/Documents/Diseases%20and%20Conditions/Pregnancy%20Associated%20Deaths%202013-2018%20FINAL.pdf>