



The Pennsylvania Anti-Abortion Constitutional Amendment

As of fall 2022, abortion is still legal in Pennsylvania.

Anti-abortion state lawmakers have clearly stated their goal is to ban abortion in Pennsylvania. The reason abortion is still legal in Pennsylvania after losing *Roe* is because we currently have a Governor who has vetoed abortion restrictions and because Pennsylvanians have state constitutional protections that are broader than, and independent of, the U.S. Constitution. These protections are broad enough to encompass abortion and other reproductive rights.

To ban abortion in Pennsylvania, Pennsylvania lawmakers must first strip our reproductive rights out of our state constitution. The sole purpose of the Pennsylvania anti-abortion constitutional amendment is to eliminate our reproductive rights to pave the way for more abortion restrictions, up to and including a complete ban.

Typically, constitutional amendments affirm rights, such as the Bill of Rights, the first 10 amendments to the U.S. Constitution. But in this case, anti-abortion state lawmakers are trying to amend the constitution to *eliminate* our rights.

The anti-abortion constitutional amendment would permanently anchor this statement into our state constitution: “This Constitution does not grant the right to taxpayer-funded abortion or any other right relating to abortion.”

The scope of “any right relating to abortion” is undefined; however, the anti-abortion movement falsely asserts some forms of contraception are abortifacients, so if that view prevailed, the amendment could eliminate contraceptive rights also.

To be clear, the anti-abortion constitutional amendment is not an abortion ban—it is far worse. By permanently eliminating our rights, it would open the door to complete criminalization, Texas-style citizen vigilante bans, and criminalizing alleged behavior by pregnant people perceived to potentially harm the zygote, embryo, or fetus. Such laws also interfere with miscarriage management, treatment for ectopic pregnancy, and reproductive technologies such as IVF. People experiencing a miscarriage or other adverse pregnancy outcomes could be forced to face investigation, prosecution, and punishment.

The anti-abortion constitutional amendment would allow laws that would subject Pennsylvanians to outrageous injustices already seen in states with abortion bans: children impregnated from rape forced to travel for medical care, chronically ill women denied lifesaving medication when they're not even pregnant, and pregnant people in medical crisis such as sepsis forced to get sicker until they're close enough to death to be legally allowed treatment.

In addition to immediately eliminating our state-based rights and handing control of our medical decisions to politicians, this amendment would make it nearly impossible to challenge future legislative overreach by nullifying state courts as a venue to challenge future government mandates.

Timeline and Process

The rules for passing a constitutional amendment are different than rules for advancing a regular bill into law. A constitutional amendment cannot be vetoed by the governor. It must pass both chambers (the Pennsylvania House and Senate) in two consecutive legislation sessions. After that, it becomes a ballot initiative, meaning it will take the form of a question at the ballot box to which voters can vote yes or no while casting candidate votes during a primary or general election.

The anti-abortion amendment was first introduced as SB 956 in December 2021. Supporters of the anti-abortion amendment refused input from medical experts and the public and refused to answer questions about the scope and purpose of the amendment on the record.

In July 2022, anti-abortion state lawmakers convened in the middle of the night, edited the language of the amendment, wrapped it into an unrelated bill known as Senate Bill 106 along with a batch of other unrelated constitutional amendments, and voted it through both chambers in back-to-back late-night sessions.

This notorious midnight raid on our rights made one thing clear: Pennsylvania's anti-abortion lawmakers have launched a full-scale effort to give themselves nearly limitless power to intrude on our medical freedom and control our personal lives.

Since the anti-abortion constitutional amendment already passed both chambers during the 2021-2022 legislation session, it only has to pass once more next session to go on the ballot. The 2022-2023 legislative session starts in January 2023. The anti-abortion constitutional amendment will likely be re-introduced in the new year and could appear as a ballot initiative as early as the primary election in May 2023.

That means unless we stop the anti-abortion constitutional amendment, our reproductive rights could be eliminated by spring, 2023.

What Can You Do

Stopping the anti-abortion constitutional amendment is the most important thing we can do to stop government intrusion into our medical decisions and save reproductive freedom in Pennsylvania.

Work to educate friends and family about this amendment and what it would do. Contact your state lawmakers and share your opposition to the anti-abortion constitutional amendment.