



“No Right to Abortion” constitutional amendment (PA SB 106)

The United States is in a public health crisis due to politically imposed barriers and bans on access to abortion and reproductive healthcare in the wake of the U.S. Supreme Court's decision to overturn *Roe v. Wade*, which eliminated our federal right to abortion.

Abortion is still legal in Pennsylvania. Pennsylvania law has not changed since the decision because Pennsylvanians still have reproductive rights protected by our state constitution. Pennsylvanians have long enjoyed state constitutional protections that are broader, and independent of, the U.S. constitution.

This is why Pennsylvania's anti-abortion state lawmakers launched a hostile post-*Roe* effort to advance the No Right to Abortion constitutional amendment: To ban abortion in Pennsylvania, they first need to eliminate our state constitutional rights.

The No Right to Abortion constitutional amendment is now in SB 106

The Pennsylvania No Right to Abortion constitutional amendment was initially introduced as Senate Bill 956. In July 2022, anti-abortion state lawmakers convened in the middle of the night, edited the amendment, slipped it into an unrelated omnibus bill (a term for legislation that contains several provisions) called Senate Bill 106, and pushed it through both chambers in back-to-back late-night sessions with no input from medical experts or the public. During the debate, they refused to answer questions about it on the record.

SB 106 contains other provisions including a voter suppression initiative and another power-grab effort that would essentially give themselves veto power over the Governor's executive orders. SB 106 makes one thing clear: Pennsylvania's anti-abortion lawmakers have launched a full-scale effort to give themselves nearly limitless power to control our personal lives without the checks and balances of the Executive and Judicial branches.

If SB 106 is implemented, this language will be anchored into the Pennsylvania constitution: “This constitution does not grant the right to taxpayer-funded abortion or any other right relating to abortion.”

The No Right to Abortion amendment:

- **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, punishment and/or prosecution. Politically imposed restrictions on healthcare directly and disproportionately harm women of color, immigrant communities, and young people.**

- **Would allow laws that would bring the post-Roe experiences of people living in states that banned or criminalized abortion – forcing children impregnated from rape to travel for medical care, denying chronically ill women lifesaving medication when they’re not even pregnant, endangering the lives of pregnant patients in medical crisis by denying lifesaving treatment – to Pennsylvania.**
- **Is anti-democratic. The Judicial branch is a check on the Legislative and Executive branches of government. It’s the Judicial branch’s job to interpret the constitution, not legislators. Anti-abortion legislators have defended this anti-democratic attempt to nullify the judicial branch by repeatedly accusing Pennsylvania state judges, who are also elected, as “unaccountable.”**

In addition to immediately eliminating our state-based rights, this amendment would make it nearly impossible to challenge future legislative over-reach into our lives by curtailing the power of state courts.

Process, Next Steps, and Timeline

Constitutional amendments cannot be vetoed by the governor. In Pennsylvania, amendments must pass by a simple majority in two consecutive sessions and then be approved by a majority of voters via a ballot question in a primary or general election.

SB 106 passed both the House and Senate in the midnight raid on our rights in July 2022. That means it’s already halfway through the process of going on the ballot. If we do not successfully intervene, SB106 could go on the ballot as early as May 2023 and could be enacted by next year.

Myth v. Reality

Supporters of the No Right to Abortion amendment refused to answer a single question about the amendment on record. Instead, they repeatedly recited two misleading talking points.

Misleading talking point #1: Amendment supporters assert the No Right to Abortion constitutional amendment would merely maintain current law. First, lawmakers do not meet in the middle of the night scheming to rewrite the constitution to maintain the status quo. While it’s true No Right to Abortion would not *automatically* ban abortion in Pennsylvania, its purpose is to *enable* the Legislature to pass more severe abortion restrictions, including a total ban, by eliminating our relevant state-based rights. Supporters of the amendment are simultaneously sponsoring and supporting extreme abortion restrictions including a six-week ban, have expressed support for citizen vigilante bans, and publicly stated their goal is to ban abortion in Pennsylvania.

Misleading talking point #2: Amendment supporters repeatedly claim they chose this radical step because they want to leave this issue to the voters. First, fundamental rights protected by constitutions should not be put to a vote. Second, we already know the vast majority of Pennsylvanians support legal abortion and believe a person’s income should not determine their access to abortion. Pennsylvania voters have expressed no desire to be forced to vote to retain rights we already have, thereby risking losing them. Third, many of the same lawmakers using this talking point also support voter suppression efforts. In fact, the No Right to Abortion amendment is bundled into SB106 alongside a voting restriction.