



Reproductive Autonomy Declared a Fundamental Right in Pennsylvania, State Ban on Medicaid Funding of Abortion Overturned

Court rules decisively in favor of abortion provider plaintiffs in Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services

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April 20, 2026 // PENNSYLVANIA: Today, Commonwealth Court of Pennsylvania ruled in favor of the state's abortion providers and their patients, delivering a decisive victory for reproductive freedom in Pennsylvania.

The Court ruled that reproductive autonomy is a fundamental right in Pennsylvania under the Pennsylvania Constitution.

In the majority opinion, Judge Wolf wrote, "We agree with Providers that recognizing this fundamental right . . . is necessary to restrict state government to its proper sphere, thus protecting our liberty. This will mean that the state will face judicial scrutiny of its attempts to coerce reproductive choice. Those choices are the People's, not the government's."

"Today's ruling stops a discriminatory law that has harmed generations of Pennsylvanians," **said Susan J. Frietsche**, executive director of WLP and lead litigator on the case. "The Commonwealth Court today recognizes that the guarantees of equality in our state Constitution would be a hollow promise if women and birthing people did not possess the ability to control their destiny. Today, the Court recognizes that the right to reproductive autonomy is the right to self-determination."

"In the face of the U.S. Supreme Court overturning *Roe v. Wade* four years ago, it is of vital importance that state constitutions protect the right to abortion. The Court affirming that the Pennsylvania Constitution explicitly does is a huge victory for reproductive rights and justice," **said law professor David S. Cohen**, one of the attorneys on the case.

The Court also ruled that Pennsylvania's statutory ban on Medicaid coverage of abortion is unconstitutional sex discrimination under the Pennsylvania Equal Rights Amendment.

"By eliminating the state ban on Medicaid coverage of abortion, we just removed the biggest, and frankly cruelest, discriminatory barrier to equitable access to abortion in Pennsylvania," **said Senior Staff**

Attorney Christine Castro, an attorney on the case. “The Medicaid ban targeted low-income people by design for deprivation of rights. Constitutional rights should not be reserved for the relatively rich.”

“As a state-based legal organization, we’ve long shouted that the fight is in the states,” **said Staff Attorney Elizabeth Lester-Abdalla**, who presented arguments in the case before Commonwealth Court. “And we are glad to be in the fight. We could not have achieved this landmark victory without our courageous clients, who simultaneously represented patients in the courtroom while serving patients in the exam room, our tremendous advocate and legal partners, and the thousands of Pennsylvanians who directly support our fight for reproductive freedom. This is a community win.”

“This decision is a victory for patients across Pennsylvania who have been denied coverage for essential health care for far too long,” **said Alexis McGill Johnson, president and CEO, Planned Parenthood Federation of America**. “Today’s decision is a critical step toward ensuring that everyone can access their constitutionally protected health care, no matter their income or insurance. Planned Parenthood is proud to join our partners in this fight to make abortion accessible to all Pennsylvanians.”

Representing a group of Pennsylvania abortion providers, attorneys from the Women’s Law Project, law professor David S. Cohen, Planned Parenthood Federation of America, and the law firm Troutman Pepper Locke filed *Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services* in January 2019.

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