



**WLP Statement on Pennsylvania Attorney General's Decision to Appeal in  
*Allegheny Reproductive Health Center v. Pennsylvania Department of Human  
Services***

*Pennsylvania Attorney General Dave Sunday filed notice of appeal*

**May 20, 2026 // PENNSYLVANIA:** On May 19, Pennsylvania Attorney General Dave Sunday filed a notice of appeal in *Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services*.

At issue is an April 20 Commonwealth Court ruling that overturned the state's ban on Medicaid coverage of abortion and recognized reproductive autonomy as a fundamental right protected by the Pennsylvania Constitution. The appeal will bring the case back before the Supreme Court of Pennsylvania.

In 2024, the Supreme Court of Pennsylvania ruled in this case to restore the full breadth of the Pennsylvania Equal Rights Amendment, declared the state's Medicaid ban on abortion coverage "presumptively unconstitutional" under that precedent, and remanded the case to Commonwealth Court to apply the new legal framework.

The [majority opinion](#) in the Commonwealth Court's *Allegheny Reproductive Health Center* decision stated 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."

"The Attorney General has chosen to waste taxpayer dollars on trying to take reproductive rights away from Pennsylvanians," said **Susan J. Frietsche, executive director of Women's Law Project and lead litigator on the case.** "In the 2024 state supreme court majority opinion in this case, the Justices described whether or not to give birth as 'the most personal and consequential decision imaginable in the human experience.' We are confident in our case and look forward to once again arguing that reproductive choice belongs to the people, not the government."

"The Supreme Court of Pennsylvania has already called the Medicaid ban 'presumptively unconstitutional,'" said **Tara Murtha, director of impact and engagement.** "This appeal is an expensive delay tactic that adds insult to injury. Pennsylvanians have suffered under this discriminatory law for decades and are now being forced to finance the delay of their own justice."

"It's sadly ironic the appeal was filed on Election Day," said **Elizabeth Lester-Abdalla, staff attorney and member of the litigation team.** "Commonwealth Court found the ban violated the Pennsylvania Equal Rights Amendment, which Pennsylvanians overwhelmingly voted for 55 years ago almost to the day. We

are more than ready to continue fighting for the equality rights Pennsylvanians explicitly voted to enact.”

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