



# PENNSYLVANIA

## PENNSYLVANIA AT A GLANCE

EXISTENCE AND STATUS OF ABORTION BAN	STATE CONSTITUTIONAL PROTECTION OF ABORTION RIGHTS	STATUTORY PROTECTION OF ABORTION RIGHTS	OTHER FACTORS
No ban	Constitutional protection specifically rejected by court	None	Statutory public policy language protects life of unborn



**Existence and Status of Abortion Ban:** No abortion ban. The legislature repealed its pre-*Roe* ban.

**State Constitutional Protection of Abortion Rights:** The Pennsylvania Supreme Court has specifically rejected the argument that the state Constitution provides broader protection for abortion rights than the U.S. Constitution.<sup>137</sup>

**Statutory Protection of Abortion Rights:** None.

**Other Factors:** The Pennsylvania Legislature has enacted anti-choice public policy language protecting the rights of the “unborn” and favoring childbirth over abortion,<sup>138</sup> as well as numerous laws regulating abortion.<sup>139</sup> In addition, although there currently is a pro-choice governor, the Pennsylvania Legislature is extremely anti-choice.

**Conclusion:** Although there is no abortion ban currently on the books, the legislature is likely to attempt to enact an abortion ban if *Roe* is overturned. The current pro-choice governor may be able to prevent enactment but the state will remain at risk for the future.

### Legislative Session in Pennsylvania: Jan. 4 – end of year, 2005

Source: National Conference of State Legislators (NCSL) website  
<http://www.ncsl.org/programs/legman/about/sess2005.htm>

<sup>137</sup> *Fischer v. Dept of Pub. Welfare*, 482 A.2d 1148 (Pa. Commw. Ct. 1984), *aff’d* 502 A.2d 114 (Pa. 1985) (challenge to restrictions on public funding of abortion under state equal protection clause and equal rights amendment denied; rape reporting requirement found to violate state constitutional privacy clause).

<sup>138</sup> 18 PA. CONS. STAT. § 3202(c) (“... the common and statutory law in Pennsylvania shall be construed so as to extend to the unborn the equal protection of the laws and to further the public policy of this Commonwealth encouraging childbirth over abortion.”).

<sup>139</sup> These laws include a parental consent law, 18 PA. CONS. STAT. § 3206 (upheld in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992)); a mandatory delay/biased counseling law, §§ 3205, 3208 (upheld in *Casey*, 505 U.S. 833); a physician-only law, § 3204; regulations concerning payment and referral for abortions, § 3213; restrictions on use of public hospitals for abortions, § 3215; and a spousal notice requirement, § 3209 (struck down in *Casey*, 505 U.S. 833).