

Restricting Abortion: Pennsylvania¹

In far too many places throughout this country, it has become extremely difficult for women to safely and legally end a pregnancy. In too many states, politicians have enacted laws that single out the provision of abortion services for restrictions that are more burdensome than those imposed on medically comparable procedures, do not significantly advance women's health or the safety of abortion services, and make abortion services more difficult to access. It's time for politicians to stop interfering with women's personal decision-making. We need a federal law that puts women's health, safety, and rights first. The Women's Health Protection Act does just that.

In Pennsylvania, the following restrictions are among those that would be unlawful under the Women's Health Protection Act once enacted:

) **REQUIREMENT** that providers who perform medication abortion procedures be licensed physicians,² despite recommendations from the World Health Organization that other highly qualified health care providers can safely provide medication abortion.³

) **REQUIREMENT** that clinics meet the same structural standards as ambulatory surgical facilities, essentially becoming "small hospitals," despite those standards being completely unrelated to ensuring patient safety.⁴

) **REQUIREMENT** that every clinic have a written transfer agreement with a local hospital, placing another burden on providers that is not necessary to ensure patient safety.⁵

) **BAN** on abortions after viability without constitutionally adequate exceptions for the woman's life or health.⁶

"This didn't enhance patient safety at all. It was onerous and burdensome and costly."

- Dayle Steinberg, President of Planned Parenthood of Southeastern Pennsylvania, discussing the \$500,000 renovations required to make his two clinics meet Pennsylvania's new, unnecessary structural standards

) **BAN** on abortions based on sex selection, allowing the state to police women's reasons for ending a pregnancy and perpetuating negative stereotypes about Asian American communities that may result in the denial of health care.⁷

(Endnotes)

- ¹ The restrictions highlighted herein are examples of the types of restrictions that the **Women's Health Protection Act** seeks to invalidate. This fact sheet is not intended as a comprehensive guide to abortion restrictions in Pennsylvania.
- ² 18 Pa. Cons. Stat. § 3204(a).
- ³ See World Health Org., *Safe Abortion: Technical and Policy Guidance for Health Systems* 65 (2nd ed. 2012), available at http://apps.who.int/iris/bitstream/10665/70914/1/9789241548434_eng.pdf?ua=1.
- ⁴ 35 Pa. Cons. Stat. §§ 448.806(f); 448.806(h) (requiring Department to apply certain ambulatory surgical facilities standards to abortion providers), *presumptively unconstitutional under Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292, 2314-18 (2016).
- ⁵ 28 Pa. Code 29.33(10).
- ⁶ 18 Pa. Cons. Stat. § 3211.
- ⁷ 18 Pa. Cons. Stat. § 3204(c); *Replacing Myths with Facts: Sex-Selective Abortion Laws in the United States*, National Asian Pacific American Women's Forum (June 2014), available at <http://napawf.org/wp-content/uploads/2014/06/Replacing-Myths-with-Facts-final.pdf>; *Race and Sex Selective Abortion Bans: Wolves in Sheep's Clothing*, National Asian Pacific American Women's Forum (July 2013), available at http://napawf.org/wp-content/uploads/2013/11/PRENDAIssueBrief_11.26-FINAL.pdf.