

## Life Amendment: Keep Forced Taxpayer-Funded Abortion out of PA's Constitution

In 1973, the U.S. Supreme Court invented a right to an abortion in the U.S. Constitution in the *Roe v. Wade* decision. Tens of millions of innocent human beings have died as a result. Now, a similar threat faces the Pennsylvania Constitution, as a case brought by the abortion industry is now before the PA Supreme Court. A life amendment is needed to prevent courts from forcing taxpayers to pay for abortion & to keep abortion out of the Pennsylvania Constitution.

### The Threat

The Pennsylvania Constitution contains no right to an abortion or to taxpayer funded abortions, but the abortion industry is asking the Pennsylvania Supreme Court to find (invent) one in a case they filed, *Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services*. The case, brought by a consortium of abortion clinics (including Planned Parenthood) argues that the court should declare a right to abortion and taxpayer-funded abortions in the Pennsylvania Constitution.

A win for the abortion industry in this case would not only force taxpayers to fund abortion, but a court-imposed state-constitutional “right to abortion” could lead to all of Pennsylvania’s current pro-life laws being struck down,<sup>1</sup> and could result in legalizing abortion right up until birth, paid for with taxpayer dollars. Any future pro-life laws enacted to protect women’s health and preborn babies lives would likely be struck down under such a ruling.

### The Remedy: A Constitutional Amendment

A constitutional amendment is needed to protect against the threat posed by pro-abortion judicial activism. It would:

- Prevent courts from *forcing taxpayers to pay* for abortion;

### KEY POINTS

A consortium of abortion clinics have sued Pennsylvania, arguing that the Pennsylvania Supreme Court should force taxpayers to fund abortion and to find (invent) a right to abortion in the Pennsylvania Constitution.

A win for the abortion industry in this case would *force* taxpayer funding of abortion, and would likely establish a *right to an abortion* in Pennsylvania’s Constitution.

If abortion is declared a constitutional right in Pennsylvania, all current and future pro-life regulations would be in jeopardy of being struck down.

A constitutional amendment is needed to *prevent* courts from *forcing taxpayers* to pay for abortion & to keep abortion out of our PA Constitution.

<sup>1</sup> Without a constitutional amendment, current pro-life regulations in the Abortion Control Act, such as the 24-hour waiting period requirements, informed consent, and 24 week abortion limit would be in jeopardy of being repealed and ruled unconstitutional. The same is true with abortion clinic regulations put into place to protect women, passed into our law after the Kermit Gosnell “House of Horrors” scandal.

- Protect our existing pro-life regulations by keeping abortion out of the PA Constitution; and
- Allow our duly-elected legislature to enact future laws to protect women and preborn babies.

### The Amendment Process:

The amendment has been introduced as PA Senate Bill 956 and House Bill 2252. The exact same amendment language must pass both the PA House and Senate by simple majorities in two successive terms of the legislature. The first vote will happen in 2022. If it passes, the second vote would take place in the 2023-2024 session. Amendments do not need a governor's signature and cannot be vetoed. Upon passage in the second session, the amendment then goes to a vote of the people on the ballot, most likely in the general election in the Fall of 2023.

### Lawsuit Status:

The Commonwealth Court ruled against the abortion industry in the *Allegheny Reproductive v. Pennsylvania* case on March 26, 2021. But the abortion industry appealed to the PA Supreme Court, and court watchers believe it's likely that our state's high court will not only strike down the statutory law regarding Medicaid abortion funding, but also "find" a right to an abortion in our state constitution. This right—a right to abortion during all nine months of pregnancy—would make *Roe v. Wade* pale in comparison. Even if *Roe v. Wade* gets overturned at the national level, women's health and preborn life would be less protected in Pennsylvania, and abortion would be paid for with your taxpayer money.

### Conclusion:

**Without the amendment**, the likelihood is that PA Supreme Court rulings would force state taxpayer funding of abortions, strike down parental consent and 24 hour waiting period requirements, end health and safety regulations to protect women at abortion clinics, and worse. And any future legislation to protect women and babies would be found unconstitutional. Pennsylvania would join a list of states where lawsuits have already resulted in those state supreme courts "finding" a right to abortion in their constitutions, thereby striking down pro-life laws just like ours.

**An Amendment**, would mean **YES to prevent** the PA Supreme Court from **forcing taxpayers to pay for abortion**, and **YES to keep abortion out of the Pennsylvania Constitution** by preventing activists on courts from declaring a "right to an abortion" in the Pennsylvania Constitution. It would maintain current pro-life laws in Pennsylvania (like the 1989 Abortion Control Act and the abortion clinic regulations put into place after the Gosnell scandal to protect women), and it would allow our duly-elected legislature to enact legislation to protect preborn babies and their mothers in Pennsylvania.



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