



Statement re: Shapiro Administration's Notice Supporting Abortion Provider Challenge to Pennsylvania's Statutory Ban on Medicaid Abortion Coverage

Shapiro Administration notes "Pennsylvania's Constitution prohibits discrimination on the basis of sex" and "reaffirms [their] commitment to equitable access to reproductive health care"

Tara Murtha

media@womenslawproject.org

PENNSYLVANIA // July 16, 2024: Today, the Shapiro Administration filed Notice of Position with the Commonwealth Court of Pennsylvania expressing agreement with abortion-provider petitioners' argument in *Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services* that Pennsylvania's statutory ban on Medicaid coverage of abortion is unconstitutional. The notice also reaffirmed the Administration's position that the Pennsylvania Constitution protects the fundamental right to reproductive autonomy.

Read the Shapiro Administration's statement [here](#).

On January 16, 2019, represented by attorneys from the Women's Law Project; attorney David S. Cohen; Planned Parenthood Federation of America; and a private law firm, a group of Pennsylvania abortion providers filed a lawsuit challenging the state statute that bans abortion coverage through the Pennsylvania Medicaid program.

The central claims of *Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services* are that the state's Medicaid abortion coverage ban violates the Equal Rights Amendment and equal protection provisions of the Pennsylvania Constitution.

In January 2024, the Supreme Court of Pennsylvania ruled in favor of the state's abortion providers. This landmark [ruling](#) restored the full potential and promise of our state Equal Rights Amendment to protect Pennsylvanians from sex-based discrimination by overturning a 1985 precedent known as *Fischer*, which inappropriately restricted the Pennsylvania ERA from applying to situations where it should have been applicable, such as the Medicaid ban.

The Court declared the Pennsylvania Medicaid ban “presumptively unconstitutional” under the new *Allegheny Repro* precedent and sent the case back to Commonwealth Court to continue litigation under this new legal framework.

Learn more about the *Allegheny Repro* ruling [here](#).

"The Administration's notice to the court is a welcome acknowledgment of what we've long known to be true, which is that the Pennsylvania Constitution protects reproductive autonomy rights," **said Susan J. Frietsche, WLP Co-Executive Director and lead attorney on the case.** "We look forward to returning to Commonwealth Court and eliminating Pennsylvania's ban on Medicaid coverage of abortion once and for all."

###

Trailblazing since 1974, Women's Law Project is a public interest legal organization advancing and defending the rights of women, girls, and LGBTQ+ people in Pennsylvania through impact litigation, policy advocacy, public education, and pro bono direct representation.