



*Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services*

### **Overview, Central Claims, Case History**

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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.

Currently, the Pennsylvania Abortion Control Act prohibits the use of Commonwealth funds to cover abortion including in the Medical Assistance program, except for abortions necessary to avert the death of the pregnant woman or to end a pregnancy caused by rape or incest. See 18 Pa. C.S. § 3215.

The central claims of *Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services* are that the state's statutory Medicaid coverage exclusion violates the Pennsylvania Equal Rights Amendment and the Non-Discrimination Clause of Art. I, Section 26 in the Pennsylvania Constitution.

Specifically, the abortion providers seek:

- a court order requiring the Pennsylvania Department of Human Services to comply with the state Constitution by covering abortion through Medicaid; and
- an affirmation that reproductive autonomy is a fundamental right under the Pennsylvania Constitution.

### **Case History**

- 1982: Pennsylvania enacted the Abortion Control Act, banning Medicaid from covering abortion care except in very narrow circumstances (“the Medicaid ban” or “the Medicaid coverage exclusion”)
- 1982: Litigation is filed to challenge the Medicaid ban
- 1985: The Supreme Court of Pennsylvania upholds the Medicaid ban in *Fischer v. Department of Public Welfare* – a faulty decision that inappropriately restricted the Pennsylvania Equal Rights Amendment from applying to situations to which it was intended to apply
- January 16, 2019: *ARHC v. PA DHS* was filed in Commonwealth Court
- October 14, 2020: Oral arguments took place in Commonwealth Court
- March 26, 2021: Commonwealth Court issued a ruling upholding the Medicaid ban, clearing the path to the Supreme Court of Pennsylvania

- October 13, 2021: Provider-appellants filed opening briefs with the Supreme Court of Pennsylvania
- October 26, 2022: Oral arguments took place in the Supreme Court of Pennsylvania
- January 29, 2024: The Supreme Court of Pennsylvania issued [landmark](#) ruling that restored the Pennsylvania Equal Rights Amendment by overturning *Fischer*, declared the Medicaid exclusion of abortion “presumptively unconstitutional,” and sent the case back to Commonwealth Court
- February 5, 2025: Oral arguments before Commonwealth Court