



# Pennsylvania | RANKING 23

Pennsylvania is one of a small number of states that prohibits destructive embryo research. Pennsylvania was an early adopter of informed and parental consent laws but has faced significant challenges in recent years.

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## ABORTION

- Pennsylvania prohibits abortions based on the sex of the unborn child.
- Pennsylvania law requires a mandatory 24-hour reflection period prior to all abortions.
- Pennsylvania requires abortion providers to state in their printed materials that it is illegal for anyone to coerce a woman into having an abortion.
- The state's parental consent law requires one-parent consent unless there is a medical emergency or a minor obtains a court order. The law permits substitute consent by any adult standing in loco parentis if neither parent is available.
- Pennsylvania requires that abortion facilities meet the same patient care standards as facilities performing other outpatient surgeries.
- Only physicians or doctors of osteopathy licensed to practice medicine in Pennsylvania may perform abortions. Abortion providers must also maintain transfer agreements with local hospitals to facilitate the treatment of abortion-related complications.
- Pennsylvania has an enforceable abortion reporting law but does not require the reporting of information to the Centers for Disease Control (CDC). The measure applies to both surgical and nonsurgical abortions and requires abortion providers to report short-term complications.
- Pennsylvania follows the federal standard for Medicaid funding for abortions, permitting the use of federal or state matching Medicaid funds for abortions necessary to preserve the life of the woman or when the pregnancy is the result of rape or incest.
- Pennsylvania does not provide public funding or public facilities for an abortion unless the abortion is necessary to preserve the woman's life, or the pregnancy is the result of rape or incest.
- No public funds for legal services or IOLTA (Interest on Lawyer Trust Account) funds may be used to advocate for or oppose abortion.
- Programs receiving funds through the state Department of Public Welfare Women's Services programs may not use such funds to promote, refer for, or perform abortions, or engage in any counseling to encourage abortion. Physical and financial separation of recipients of these funding programs from entities providing abortion services is required.
- Pennsylvania prohibits the use of family planning funds for abortion-related activities and requires family planning services providers and subcontractors to keep a state-funded family planning project physically and financially separate from abortion-related activities, with exceptions for abortions in cases of life endangerment, rape, or incest.

- Pennsylvania prohibits abortion coverage in its state health insurance Exchanges required under the federal healthcare law.
- Health plans funded by the state may not include coverage for abortion unless the abortion is necessary to preserve a woman’s life, or the pregnancy is the result of rape or incest.
- Pennsylvania also requires any insurance providers offering healthcare or disability insurance within the state to offer policies that do not cover abortion except when necessary to preserve a woman’s life or when the pregnancy is the result of rape or incest.
- Pennsylvania has allocated money to pregnancy resource centers and other abortion alternative programs. Entities receiving the funds cannot perform abortions or provide abortion counseling.
- Pennsylvania offers “Choose Life” license plates, the proceeds of which benefit organizations providing abortion alternatives.

### **LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS**

- Pennsylvania has created a specific affirmative duty for physicians to provide medical care and treatment to infants born alive at any stage of development.
- The killing of an unborn child at any stage of gestation is defined as homicide.
- Pennsylvania defines a nonfatal assault on an unborn child as a criminal offense.
- It allows a wrongful death (civil) action when a viable unborn child is killed through a negligent or criminal act.
- Pennsylvania funds drug treatment programs for pregnant women and newborns. It also ensures adequate care for babies determined to have been prenatally exposed to alcohol or illegal substances.
- Pennsylvania law provides for “fetal death registrations.”

### **BIOETHICS LAWS**

- Pennsylvania does not prohibit human cloning, but it does prohibit destructive embryo research.
- Pennsylvania prohibits experimentation on a live human fetus, but allows experimentation on a dead fetus with the consent of the mother.
- A healthcare professional providing services to a pregnant woman must advise her of the option to donate umbilical cord blood following delivery, and all healthcare facilities and providers must permit the woman to arrange for an umbilical cord donation.
- Pennsylvania requires quarterly reports of assisted reproductive technologies data, including the number of women implanted and the number of eggs fertilized, destroyed, or discarded.

### **PATIENT PROTECTION LAWS**

- In Pennsylvania, assisting a suicide is a felony.

## **HEALTHCARE FREEDOM OF CONSCIENCE**

### **PARTICIPATION IN ABORTION**

- If an objection is made in writing and is based on religious, moral, or professional grounds, a physician, nurse, staff member, or other employee of a hospital or healthcare facility is not required to participate in abortions and cannot be held liable for refusing to participate. Medical and nursing students are also protected.
- Except for facilities that perform abortions exclusively, each facility that performs abortions must prominently post a notice of the right not to participate in abortions.
- A private hospital or other healthcare facility is not required to perform abortions and may not be held liable for this refusal.
- Pennsylvania also specifically protects healthcare providers who object to providing abortion-inducing drugs.

### **PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE**

- Pennsylvania currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other forms of medical research that violate a provider's moral or religious beliefs.

### **WHAT HAPPENS AFTER *ROE* IS OVERTURNED?**

- Abortion will be legal up to at least 24 weeks of pregnancy.

# RECOMMENDATIONS FOR PENNSYLVANIA

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## WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
  - Drug-Induced Abortion Information and Reporting Act
  - Women's Health Protection Act (emergency transfer and admission provisions)
  - Parental Involvement Enhancement Act
  - Child Protection Act
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## INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
  - Prenatal Nondiscrimination Act
  - Perinatal Hospice Information Act
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## PATIENT PROTECTION ACT PRIORITIES

- Joint Resolution Opposing Suicide by Physician
  - Charlie Gard Act (formerly the Life Sustaining Care Act)
  - Pain Management Education Act
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## ADDITIONAL PRIORITIES

### ABORTION

- Defunding the Abortion Industry and Advancing Women's Health Act

### BIOETHICS

- Human Cloning Prohibition Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

### HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act