

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1875 Session of
1989

INTRODUCED BY HUGHES, RITTER, DeWEESE, ITKIN, PIEVSKY, LINTON,
RICHARDSON, EVANS, JOSEPHS, HECKLER, MAINE, OLIVER, HARPER,
JACKSON, BISHOP, PRESTON, CARN, PRESSMANN, JAMES, ROBINSON,
ROEBUCK, WILLIAMS, ACOSTA AND THOMAS, OCTOBER 4, 1989

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, OCTOBER 4, 1989

AN ACT

1 Providing for the public funding of necessary medical
2 procedures; prohibiting discrimination based on a choice to
3 obtain or to advocate for contraceptives or abortion;
4 protecting the liberty of conscience in abortion matters; and
5 making repeals.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Woman's
10 Health Equity Act.

11 Section 2. Legislative intent.

12 It is the intent of the General Assembly to protect the
13 constitutional right of reproductive privacy by treating
14 decisions to prevent, commence, terminate or continue a
15 pregnancy equally in the provision of public funds and other
16 benefits, and by prohibiting discrimination against any person
17 who exercises or provides or who lawfully advocates for a
18 reproductive choice.

1 Section 3. Definitions.

2 The following words and phrases when used in this act shall
3 have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Commonwealth." The Commonwealth, or any agency,
6 instrumentality, court or political subdivision of the
7 Commonwealth.

8 "Discriminate." Engage in any activity, either intentional
9 or unintentional, that creates a disparate treatment or adverse
10 impact.

11 "Medically necessary." Generally recognized as medically
12 safe and effective or recommended by a physician in the good
13 faith exercise of his best professional judgment, as regulated
14 by generally accepted medical standards, the licensing of
15 medical facilities, or the prescription of drugs or medical
16 devices.

17 Section 4. Medical assistance.

18 A medically necessary abortion shall be funded in the same
19 manner and to the same extent as any other medically necessary
20 procedure funded under the act of June 13, 1967 (P.L.31, No.21),
21 known as the Public Welfare Code, and regulations promulgated
22 thereunder.

23 Section 5. Nondiscrimination.

24 The Commonwealth shall not discriminate against any person by
25 denying or conditioning the receipt of any form of aid,
26 assistance, benefits, programs, facilities, contracts or
27 services based on:

28 (1) a woman's decision to obtain birth control or an
29 abortion;

30 (2) a person's lawful advocacy for the availability of

1 abortion or contraception; or

2 (3) a person's decision to provide or refuse to provide
3 abortion or contraceptive services.

4 Section 6. Repeals.

5 The following acts and parts of acts are repealed:

6 (1) 18 Pa.C.S. § 3215 (relating to publicly owned
7 facilities; public officials and public funds).

8 (2) Section 453 of the act of June 13, 1967 (P.L.31,
9 No.21), known as the Public Welfare Code.

10 (3) Section 7(d) of the act of April 29, 1988 (P.L.373,
11 No.59), known as the Interest on Lawyers' Trust Accounts Act.

12 (4) All other acts and parts of acts are hereby repealed
13 insofar as they are inconsistent with this act.

14 Section 7. Effective date.

15 This act shall take effect immediately.