

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 106

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MERIDETH.

4042H.011

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to Article I of the Constitution of Missouri, by adopting one new section relating to the right to medical freedom.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2024, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article I of the Constitution of the state of Missouri:

Section A. Article I, Constitution of Missouri, is amended by adopting one new section, to be known as Section 36, to read as follows:

Section 36. 1. Every individual has the right to make and carry out his or her own medical decisions without government interference as long as any such decision:

(1) Is made freely by the individual;

(2) Is supported by a licensed physician;

(3) Is consistent with widely accepted and evidence-based standards of care; and

(4) If the individual is a minor or is incapacitated, is supported by the consent of the individual's guardian or representative unless, in the professional judgment of a licensed physician, obtaining such consent would risk the life or health of the individual due to delay or abuse.

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 **2. The state shall not, directly or indirectly, burden, penalize, prohibit, interfere**
11 **with, or discriminate against:**

12 **(1) An individual's voluntary exercise of the right established in this section; or**

13 **(2) A person or entity that assists an individual exercising the right established in**
14 **this section**

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16 **unless the state demonstrates that the state is using the least restrictive means to**
17 **advance the individual's health in accordance with widely accepted and evidence-based**
18 **standards of care.**

19 **3. Except as provided in subsection 4 of this section, the right established in this**
20 **section includes the right to make and carry out one's own reproductive decisions**
21 **including, but not limited to, decisions on:**

22 **(1) Contraception;**

23 **(2) Fertility treatment;**

24 **(3) Continuing one's own pregnancy;**

25 **(4) Miscarriage care; and**

26 **(5) Abortion.**

27 **4. Abortion may be prohibited after fetal viability, but in no case shall such an**
28 **abortion be prohibited if, in the professional judgment of the pregnant patient's treating**
29 **physician, it is necessary to protect the pregnant patient's life or health.**

30 **5. (1) As used in this section, the term "fetal viability" means the point in a**
31 **pregnancy when, in the professional judgment of the pregnant patient's treating**
32 **physician as determined on a case-by-case basis, the fetus has a significant likelihood of**
33 **survival outside the uterus with reasonable measures.**

34 **(2) As used in this section, the term "state" includes any governmental entity**
35 **and any political subdivision.**

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