

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 131

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPARKS.

5532H.01I

DANA RADEMAN MILLER, Chief Clerk

## JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to Article III of the Constitution of Missouri, by adopting one new section relating to abortion, with penalty provisions.

*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 III of the Constitution of the state of Missouri:

Section A. Article III, Constitution of Missouri, is amended by adopting one new section, to be known as Section 38(e), to read as follows:

**Section 38(e). As used in this section, the following terms mean:**

**(1) "Abortion":**

**(a) The act of using or prescribing any instrument, device, medicine, drug, or any other means or substance with the intent to destroy the life of an embryo or fetus in his or her mother's womb; or**

**(b) The intentional termination of the pregnancy of a mother by using or prescribing any instrument, device, medicine, drug, or other means or substance with an intention other than to increase the probability of a live birth or to remove a dead unborn child;**

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) "Medical emergency", a condition which, based on reasonable medical  
11 judgment, so complicates the medical condition of a pregnant woman as to necessitate  
12 the immediate abortion of her pregnancy to avert the death of the pregnant woman or  
13 for which a delay will create a serious risk of substantial and irreversible physical  
14 impairment of a major bodily function of the pregnant woman;

15           (3) "Reasonable medical judgment", a medical judgment that would be made by  
16 a reasonably prudent physician, knowledgeable about the case and the treatment  
17 possibilities with respect to the medical conditions involved;

18           (4) "Unborn child", the offspring of human beings from the moment of  
19 conception until birth and at every stage of its biological development, including the  
20 human conceptus, zygote, morula, blastocyst, embryo, and fetus.

21           2. No abortion shall be performed or induced upon a woman, except in cases of  
22 medical emergency. Any person who knowingly performs or induces an abortion of an  
23 unborn child in violation of this subsection shall be guilty of a class B felony, as well as  
24 subject to suspension or revocation of his or her professional license by his or her  
25 professional licensing board. A woman upon whom an abortion is performed or  
26 induced in violation of this subsection shall not be prosecuted for a conspiracy to violate  
27 the provisions of this subsection.

28           3. It shall be an affirmative defense for any person alleged to have violated the  
29 provisions of subsection 2 of this section that the person performed or induced an  
30 abortion because of a medical emergency. The defendant shall have the burden of  
31 persuasion that the defense is more probably true than not.

32           4. The general assembly shall add no further exceptions to the prohibition stated  
33 in subsection 2 of this section unless such exceptions shall be put to a vote of the people  
34 in accordance with Article XII, Section 2(b) of the Constitution of Missouri.

35           5. The general assembly may provide by general law for an income tax credit for  
36 contributions made to agencies that provide support to pregnant and new mothers, born  
37 and unborn children, and their families, including, but not limited to, nonprofit  
38 pregnancy resource centers, provided that such law shall not allow tax credits to be  
39 authorized for contributions made to any entity that performs, induces, or refers for  
40 abortions, or that holds itself out as performing, inducing, or referring for abortions.

Section B. Pursuant to chapter 116, and other applicable constitutional provisions and  
2 laws of this state allowing the general assembly to adopt ballot language for the submission of  
3 this joint resolution to the voters of this state, the official summary statement of this  
4 resolution shall be as follows:

5           "Shall the Missouri Constitution be amended to:

- 6           • Guarantee that abortion laws protect a pregnant mother from serious risk to life or  
7 physical health;
- 8           • Authorize support to pregnant mothers, born and unborn children, and their families  
9 through supporting nonprofit pregnancy resource centers; and
- 10          • Only through a vote of the people can abortion exceptions be added?".

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