

HJR 106 -- INDIVIDUAL MEDICAL FREEDOM

SPONSOR: Merideth

Upon voter approval, this Constitutional amendment guarantees every individual the right to make and carry out medical decisions without government interference as long as any medical 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.

The Constitutional amendment prohibits the state from burdening, penalizing, prohibiting, discriminating, or otherwise interfering with an individual's voluntary exercise of the right established by this constitutional amendment or a person or entity assisting in the exercise of the right, unless the state demonstrates that the least restrictive means to advance the individual's health are being followed.

The Constitutional amendment provides examples of health-related decisions that are protected by the rights established in this Constitutional amendment. The Constitutional amendment further stipulates that abortion may be prohibited after fetal viability, but in no case shall such an abortion be prohibited if, in the professional judgment of the pregnant patient's treating physician, it is necessary to protect the life or health of the patient.