

FIRST REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 30

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLEY.

1643H.011

DANA RADEMAN MILLER, Chief Clerk

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## JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing Section 36 of Article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to abortion.

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*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  
2 following the first Monday in November, 2026, or at a special election to be called by the  
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for  
4 adoption or rejection, the following amendment to Article I of the Constitution of the state of  
5 Missouri:

Section A. Section 36, Article I, Constitution of Missouri, is repealed and one new  
2 section adopted in lieu thereof, to be known as Section 36(a), to read as follows:

**Section 36(a). 1. Except in the case of a medical emergency, no abortion of a  
2 viable unborn child shall be performed or induced unless the abortion is necessary to  
3 preserve the life of the pregnant woman whose life is endangered.**

**2. For purposes of this section, the following terms mean:**

**(1) "Medical emergency", a condition that, based on reasonable medical  
6 judgment, so complicates the medical condition of a pregnant woman as to necessitate  
7 the immediate abortion of her pregnancy to avert the death of the pregnant woman or  
8 for which a delay will create a serious risk of substantial and irreversible physical  
9 impairment of a major bodily function of the pregnant woman; and**

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) "Viable", that stage of fetal development when the life of the unborn child  
11 may be continued indefinitely outside the womb by natural or artificial life-supportive  
12 systems.

2           ~~[Section 36. — 1. This Section shall be known as "The Right to  
Reproductive Freedom Initiative".~~

3           ~~2. The Government shall not deny or infringe upon a person's  
4 fundamental right to reproductive freedom, which is the right to make and  
5 carry out decisions about all matters relating to reproductive health care,  
6 including but not limited to prenatal care, childbirth, postpartum care, birth  
7 control, abortion care, miscarriage care, and respectful birthing conditions.~~

8           ~~3. The right to reproductive freedom shall not be denied, interfered  
9 with, delayed, or otherwise restricted unless the Government demonstrates that  
10 such action is justified by a compelling governmental interest achieved by the  
11 least restrictive means. Any denial, interference, delay, or restriction of the  
12 right to reproductive freedom shall be presumed invalid. For purposes of this  
13 Section, a governmental interest is compelling only if it is for the limited  
14 purpose and has the limited effect of improving or maintaining the health of a  
15 person seeking care, is consistent with widely accepted clinical standards of  
16 practice and evidence-based medicine, and does not infringe on that person's  
17 autonomous decision making.~~

18           ~~4. Notwithstanding subsection 3 of this Section, the general assembly  
19 may enact laws that regulate the provision of abortion after Fetal Viability  
20 provided that under no circumstance shall the Government deny, interfere  
21 with, delay, or otherwise restrict an abortion that in the good faith judgment of  
22 a treating health care professional is needed to protect the life or physical or  
23 mental health of the pregnant person.~~

24           ~~5. No person shall be penalized, prosecuted, or otherwise subjected to  
25 adverse action based on their actual, potential, perceived, or alleged pregnancy  
26 outcomes, including but not limited to miscarriage, stillbirth, or abortion. Nor  
27 shall any person assisting a person in exercising their right to reproductive  
28 freedom with that person's consent be penalized, prosecuted, or otherwise  
29 subjected to adverse action for doing so.~~

30           ~~6. The Government shall not discriminate against persons providing or  
31 obtaining reproductive health care or assisting another person in doing so.~~

32           ~~7. If any provision of this Section or the application thereof to anyone  
33 or to any circumstance is held invalid, the remainder of those provisions and  
34 the application of such provisions to others or other circumstances shall not be  
35 affected thereby.~~

36           ~~8. For purposes of this Section, the following terms mean:~~

37           ~~(1) "Fetal Viability", the point in pregnancy when, in the good faith  
38 judgment of a treating health care professional and based on the particular  
39 facts of the case, there is a significant likelihood of the fetus's sustained  
40 survival outside the uterus without the application of extraordinary medical  
41 measures.~~

42           ~~(2) "Government",~~

43           ~~a. the state of Missouri; or~~

44                    ~~b. any municipality, city, town, village, township, district, authority,~~  
45                    ~~public subdivision or public corporation having the power to tax or regulate, or~~  
46                    ~~any portion of two or more such entities within the state of Missouri.]~~

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