

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 59

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

1741H.03I

JOSEPH ENGLER, Chief Clerk

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 reproductive 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, 2026, 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Section A. Section 36, Article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as Section 36, to read as follows:

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

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

3. **When the Person seeking service is eighteen years of age or older**, the right to reproductive freedom shall not be denied, interfered with, delayed, or otherwise restricted

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 unless the Government demonstrates that such action is justified by a compelling
11 governmental interest achieved by the least restrictive means. Any denial, interference,
12 delay, or restriction of the right to reproductive freedom shall be presumed invalid. For
13 purposes of this 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 Person seeking
15 care, is consistent with widely accepted clinical standards of practice and evidence-based
16 medicine, and does not infringe on that Person's autonomous decision-making.

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

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

27 ~~6.]~~ **When providers, or assistants to providers, are medically qualified,** the
28 Government shall not discriminate against Persons providing or **Persons** obtaining
29 reproductive health care or assisting another Person in doing so.

30 ~~[7.]~~ **6.** If any provision of this Section or the application thereof to anyone or to any
31 circumstance is held invalid, the remainder of those provisions and the application of such
32 provisions to others or other circumstances shall not be affected thereby.

33 ~~[8.]~~ **7.** For purposes of this Section, the following terms mean:

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

38 (2) "Government",

39 a. the state of Missouri; or

40 b. any municipality, city, town, village, township, district, authority, public
41 subdivision or public corporation having the power to tax or regulate, or any portion of
42 two or more such entities within the state of Missouri.

43 **(3) "Person", an individual who is eighteen years of age or older.**

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 • Prevent denying parental involvement or authority in the reproductive freedom
7 decisions of their minor children;
- 8 • Restore the right to seek justice for medical malpractice or other matters involving
9 reproductive freedom;
- 10 • Ensure practitioners are medically qualified; and
- 11 • Otherwise retain the right to abortion?".

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