

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
**HOUSE JOINT
RESOLUTION NO. 54**
103RD GENERAL ASSEMBLY

1890H.03C

JOSEPH ENGLER, 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 reproductive health care.

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. Article I, Constitution of Missouri, is amended by adopting one new section, to be known as Section 37, to read as follows:

Section 37. 1. This Section shall be known as "The Amendment to Protect Women Receiving Reproductive Health Care".

2. Notwithstanding any provision of this Constitution or any other law to the contrary, it shall be illegal in this state to provide reproductive health care, or any other health care relating thereto, to a minor child without the prior notification and informed consent of the child's parent or guardian, except in the case of medical emergency.

3. For the purposes of this Constitution and the laws of the state of Missouri, "reproductive health care" and "matters relating to reproductive health care" shall mean health care relating to a woman's potential or actual pregnancy, which shall consist of prenatal care, childbirth, perinatal and postpartum care, contraception,

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.

12 **abortion, care for miscarriages and ectopic pregnancies, and respectful birthing**
13 **conditions.**

14 **4. Notwithstanding any provision of this Constitution or any other law to the**
15 **contrary:**

16 **(1) The health, safety, and welfare of women undergoing prenatal care,**
17 **childbirth, perinatal and postpartum care, contraception, abortion, and care for**
18 **miscarriages and ectopic pregnancies, and the health, safety, and welfare of women in**
19 **the condition of giving birth, are legitimate and compelling governmental interests;**

20 **(2) Any law regulating, safeguarding, or securing the health, safety, or welfare of**
21 **women seeking or receiving reproductive health care at any time before, during, or after**
22 **an actual or potential pregnancy, including laws regulating the provision of**
23 **reproductive health care, shall be valid and enforceable in all cases and shall be**
24 **unenforceable only if an aggrieved plaintiff proves that the law is not rationally related**
25 **to a legitimate governmental interest. In enacting or enforcing such laws, the**
26 **government shall not be required to equally address all potential subjects or**
27 **classifications of individuals or conduct so long as the government's decision has a**
28 **rational basis; and**

29 **(3) Women receiving reproductive health care who suffer injury or incur**
30 **damages arising from negligence, breach of contractual or other duties, malpractice,**
31 **violation of standards of care, professional or other misconduct, or intentional or**
32 **criminal conduct by reproductive health care providers or by any person acting in**
33 **concert with such providers shall receive no less protection under Missouri law than**
34 **those receiving other types of health care; the courts of this state shall be no less open to**
35 **claims by women against reproductive health care providers for such misconduct than**
36 **to those receiving other types of health care; and reproductive health care providers**
37 **who commit such misconduct shall be subject to the same investigation, prosecution,**
38 **adverse action, and penalties as any other provider of health care.**

39 **5. Nothing in this Constitution shall be interpreted to require public or private**
40 **funding of any matter relating to reproductive health care.**

41 **6. Any action challenging the validity of any state law relating to reproductive**
42 **health care shall be brought in the Circuit Court of Cole County, Missouri. If such**
43 **action drawing into question the constitutionality of a state statute does not include the**
44 **state, one of its agencies, or one of its officers or employees in an official capacity, the**
45 **party bringing the action shall file a notice of constitutional question and serve it on the**
46 **attorney general and the attorney general shall have the right to intervene in the**
47 **litigation. The Missouri Supreme Court shall have exclusive appellate jurisdiction.**

48 **7. For purposes of this Section:**

49 **(1) "Government" is:**

50 **(a) The state of Missouri; or**

51 **(b) Any municipality, city, town, village, township, district, authority, public**
52 **subdivision or public corporation having the power to tax or regulate, or any portion of**
53 **two or more such entities within the state of Missouri;**

54 **(2) "Law", includes any ordinance, act, law, rule, regulation, order, or provision**
55 **that a body of the government has the authority to enact.**

56 **8. If any provision of this Section or its application to any person or**
57 **circumstance is held invalid, such determination shall not affect the provisions or**
58 **applications of this Section, which may be given effect without the invalid provision or**
59 **application, and to that end the provisions of this Section are severable.**

 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 Missouri's constitution be amended to:

- 6 • Guarantee parents' rights to consent to their children's reproductive health care;
- 7 • Define "reproductive health care" as care relating to a woman's pregnancy, including
8 prenatal care, ectopic pregnancy, miscarriage, and birth;
- 9 • Protect laws safeguarding the health and safety of women receiving reproductive
10 health care, including malpractice laws?".

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