

FIRST REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 73

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS.

2454H.011

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Section A. Section 36, Article I, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as Section 36(a), to read as follows:

Section 36(a). 1. No abortion shall be performed or induced upon a woman, except in cases of medical emergency, rape, or incest. In the case of abortions performed or induced in cases of rape or incest, the abortion may be performed or induced no later than twelve weeks gestational age of the unborn child and only if documentation is presented to the attending physician that the rape or incest has been reported to a law enforcement agency that has jurisdiction to investigate the complaint at least forty-eight hours prior to the abortion.

2. No public funds shall be expended for the purpose of performing or inducing, or otherwise assisting, any abortion.

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 **3. No gender transition surgeries shall be knowingly performed on children**
11 **under eighteen years of age, and no cross-sex hormones or puberty-blocking drugs shall**
12 **be knowingly prescribed or administered for the purpose of gender transition to**
13 **children under eighteen years of age. The provisions of this section shall not apply to**
14 **the use of such surgeries, drugs, or hormones to treat children born with a medically**
15 **verifiable disorder of sex development or to treat any infection, injury, disease, or**
16 **disorder unrelated to the purpose of a gender transition.**

17 **4. Any person who intentionally or negligently causes damage to another person**
18 **relating to the provision of prenatal care, childbirth, postpartum care, miscarriage care,**
19 **or for the performance or inducement of an abortion shall be liable for damages and**
20 **shall be subject to the suspension or revocation of his or her medical license.**

21 **5. A woman's right to reproductive freedom shall include the right to health care**
22 **in cases of miscarriages, ectopic pregnancies, and other medical emergencies, and the**
23 **provisions of this section shall not be construed to limit a woman's access to such health**
24 **care.**

25 **6. The general assembly shall have the authority to enact laws to carry out the**
26 **provisions of this section.**

27 **7. As used in this section, the following terms mean:**

28 **(1) "Cross-sex hormones", testosterone, estrogen, or other androgens given to an**
29 **individual in amounts that are greater or more potent than would normally occur**
30 **naturally in a healthy individual of the same age and sex;**

31 **(2) "Gender transition surgery", a surgical procedure performed for the**
32 **purpose of assisting an individual with identifying with and living as a gender different**
33 **from his or her biological sex;**

34 **(3) "Medical emergency", a condition that, based on reasonable medical**
35 **judgment, so complicates the medical condition of a pregnant woman as to necessitate**
36 **the immediate termination of her pregnancy to avert the death of the pregnant woman**
37 **or for which a delay will create a serious risk of substantial and irreversible physical**
38 **impairment of a major bodily function of the pregnant woman. A "medical emergency"**
39 **shall include, but not be limited to, an ectopic pregnancy at any point following the**
40 **diagnosis of such;**

41 **(4) "Puberty-blocking drugs", gonadotropin-releasing hormone analogues or**
42 **other synthetic drugs used to stop luteinizing hormone secretion and follicle-stimulating**
43 **hormone secretion, synthetic antiandrogen drugs to block the androgen receptor, or any**
44 **other drug used to delay or suppress pubertal development in children for the purpose**
45 **of assisting an individual with a gender transition.**

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

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

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

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

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

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

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

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

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

43 ~~(2) "Government",~~

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

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

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

"Shall the Missouri Constitution be amended to:

- Guarantee the right to reproductive freedom, which shall include a woman's right to health care for miscarriages, ectopic pregnancies, and medical emergencies;
- Prohibit surgeries, hormones, and drugs used on children for gender transitions;
- Prohibit taxpayer-funded abortions; and
- Prohibit abortions except for medical emergencies, rape, or incest?".

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