

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 107

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

6141S.011

KRISTINA MARTIN, Secretary

## JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 36 of article I of the Constitution of Missouri, relating to reproductive health care.

*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the  
2 state of Missouri, on Tuesday next following the first Monday  
3 in November, 2026, or at a special election to be called by  
4 the governor for that purpose, there is hereby submitted to  
5 the qualified voters of this state, for adoption or  
6 rejection, the following amendment to article I of the  
7 Constitution of the state of Missouri:

Section A. Section 36, article I, Constitution of  
2 Missouri, is repealed, to read as follows:

[Section 36. 1. This Section shall be  
2 known as "The Right to Reproductive Freedom  
3 Initiative".  
4 2. The Government shall not deny or  
5 infringe upon a person's fundamental right to  
6 reproductive freedom, which is the right to make  
7 and carry out decisions about all matters  
8 relating to reproductive health care, including  
9 but not limited to prenatal care, childbirth,  
10 postpartum care, birth control, abortion care,  
11 miscarriage care, and respectful birthing  
12 conditions.  
13 3. The right to reproductive freedom shall  
14 not be denied, interfered with, delayed, or  
15 otherwise restricted unless the Government  
16 demonstrates that such action is justified by a

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 compelling governmental interest achieved by the  
18 least restrictive means. Any denial,  
19 interference, delay, or restriction of the right  
20 to reproductive freedom shall be presumed  
21 invalid. For purposes of this Section, a  
22 governmental interest is compelling only if it  
23 is for the limited purpose and has the limited  
24 effect of improving or maintaining the health of  
25 a person seeking care, is consistent with widely  
26 accepted clinical standards of practice and  
27 evidence-based medicine, and does not infringe  
28 on that person's autonomous decision-making.

29 4. Notwithstanding subsection 3 of this  
30 Section, the general assembly may enact laws  
31 that regulate the provision of abortion after  
32 Fetal Viability provided that under no  
33 circumstance shall the Government deny,  
34 interfere with, delay, or otherwise restrict an  
35 abortion that in the good faith judgment of a  
36 treating health care professional is needed to  
37 protect the life or physical or mental health of  
38 the pregnant person.

39 5. No person shall be penalized,  
40 prosecuted, or otherwise subjected to adverse  
41 action based on their actual, potential,  
42 perceived, or alleged pregnancy outcomes,  
43 including but not limited to miscarriage,  
44 stillbirth, or abortion. Nor shall any person  
45 assisting a person in exercising their right to  
46 reproductive freedom with that person's consent  
47 be penalized, prosecuted, or otherwise subjected  
48 to adverse action for doing so.

49 6. The Government shall not discriminate  
50 against persons providing or obtaining  
51 reproductive health care or assisting another  
52 person in doing so.

53 7. If any provision of this Section or the  
54 application thereof to anyone or to any  
55 circumstance is held invalid, the remainder of  
56 those provisions and the application of such  
57 provisions to others or other circumstances  
58 shall not be affected thereby.

59 8. For purposes of this Section, the  
60 following terms mean:

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

68           (2) "Government",  
69           a. the state of Missouri; or  
70           b. any municipality, city, town, village,  
71 township, district, authority, public  
72 subdivision or public corporation having the  
73 power to tax or regulate, or any portion of two  
74 or more such entities within the state of  
75 Missouri.]

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