

House Resolution 836

By: Representatives Schofield of the 63rd, Beverly of the 143rd, Hugley of the 141st, Roberts of the 52nd, Davis of the 87th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that every individual has a
2 fundamental right to reproductive freedom and such right shall not be denied, burdened, or
3 infringed upon unless justified by a compelling state interest; to limit the purpose of a
4 compelling state interest; to provide for severability; to provide for related matters; to
5 provide for submission of this amendment for ratification or rejection; and for other
6 purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article I, Section I of the Constitution is amended by adding a new Paragraph to read as
10 follows:

11 "Paragraph XXXI. **Right to reproductive freedom.** (a) Every individual has a
12 fundamental right to reproductive freedom that entails the right to make and effectuate
13 decisions about all matters relating to pregnancy, including, but not limited to, prenatal
14 care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage
15 care, and fertility care.

16 (b) The state shall not directly or indirectly infringe upon, deny, burden, or interfere with
17 an individual's right to reproductive freedom unless justified by a compelling state interest

18 and achieved by the least restrictive means. A state interest is compelling only if its
 19 purpose is to maintain or improve the health of an individual exercising such individual's
 20 right to reproductive freedom, is consistent with accepted clinical standards of practice and
 21 evidence based medicine, and does not infringe on that individual's autonomous decision
 22 making.

23 (c) The state shall not discriminate in the protection or enforcement of an individual's
 24 fundamental right to reproductive freedom.

25 (d) The state shall not penalize, prosecute, or otherwise take adverse action against an
 26 individual based on such individual's actual, potential, perceived, or alleged pregnancy
 27 outcome, including, but not limited to, miscarriage, stillbirth, and abortion, nor shall the
 28 state penalize, prosecute, or otherwise take adverse action against an individual or entity
 29 for aiding or assisting a pregnant individual in exercising such pregnant individual's right
 30 to reproductive freedom with such pregnant individual's voluntary consent.

31 (e) This Paragraph shall be self-executing. Any provision of this Paragraph held invalid
 32 shall be severable from the remaining portions of this Paragraph."

33 SECTION 2.

34 The above proposed amendment to the Constitution shall be published and submitted as
 35 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 36 above proposed amendment shall have written or printed thereon the following:

37 "() YES Shall the Constitution of Georgia be amended so as to provide that every
 38 () NO individual has a fundamental right to reproductive freedom and such right
 39 shall not be denied, burdened, or infringed upon unless justified by a
 40 compelling state interest?"

41 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

42 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If

43 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
44 become a part of the Constitution of this state.