

SENATE JOINT RESOLUTION NO. 17

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

1234S.01I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri, by adding thereto one new section relating to abortion, with penalty provisions.

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 III of the
7 Constitution of the state of Missouri:

Section A. Article III, Constitution of Missouri, is
2 amended by adding thereto one new section, to be known as
3 section 38(e), to read as follows:

**Section 38(e). 1. As used in this section, the
2 following terms mean:**

3 (1) "Abortion":

4 (a) The act of using or prescribing any instrument,
5 device, medicine, drug, or any other means or substance with
6 the intent to destroy the life of an embryo or fetus in his
7 or her mother's womb; or

8 (b) The intentional termination of the pregnancy of a
9 mother by using or prescribing any instrument, device,
10 medicine, drug, or other means or substance with an
11 intention other than to increase the probability of a live
12 birth or to remove a dead unborn child;

13 (2) "Medical emergency", a condition which, based on
14 reasonable medical judgment, so complicates the medical
15 condition of a pregnant woman as to necessitate the
16 immediate abortion of her pregnancy to avert the death of
17 the pregnant woman or for which a delay will create a
18 serious risk of substantial and irreversible physical
19 impairment of a major bodily function of the pregnant woman;

20 (3) "Reasonable medical judgment", a medical judgment
21 that would be made by a reasonably prudent physician,
22 knowledgeable about the case and the treatment possibilities
23 with respect to the medical conditions involved;

24 (4) "Unborn child", the offspring of human beings from
25 the moment of conception until birth and at every stage of
26 its biological development, including the human conceptus,
27 zygote, morula, blastocyst, embryo, and fetus.

28 2. No abortion shall be performed or induced upon a
29 woman, except in cases of medical emergency. Any person who
30 knowingly performs or induces an abortion of an unborn child
31 in violation of this subsection shall be guilty of a class B
32 felony, as well as subject to suspension or revocation of
33 his or her professional license by his or her professional
34 licensing board. A woman upon whom an abortion is performed
35 or induced in violation of this subsection shall not be
36 prosecuted for a conspiracy to violate the provisions of
37 this subsection.

38 3. It shall be an affirmative defense for any person
39 alleged to have violated the provisions of subsection 2 of
40 this section that the person performed or induced an
41 abortion because of a medical emergency. The defendant
42 shall have the burden of persuasion that the defense is more
43 probably true than not.

44 4. The general assembly shall add no further
45 exceptions to the prohibition stated in subsection 2 of this
46 section unless such exceptions shall be put to a vote of the
47 people in accordance with article XII, section 2(b) of the
48 Constitution of Missouri.

49 5. The general assembly may provide by general law for
50 an income tax credit for contributions made to agencies that
51 provide support to pregnant and new mothers, born and unborn
52 children, and their families, including, but not limited to,
53 nonprofit pregnancy resource centers, provided that such law
54 shall not allow tax credits to be authorized for
55 contributions made to any entity that performs, induces, or
56 refers for abortions, or that holds itself out as
57 performing, inducing, or referring for abortions.

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

7 "Shall the Missouri Constitution be amended to:
8 • Guarantee that abortion laws protect a
9 pregnant mother from serious risk to life or
10 physical health;
11 • Authorize support to pregnant mothers, born
12 and unborn children, and their families through
13 supporting nonprofit pregnancy resource centers;
14 and
15 • Only through a vote of the people can
16 abortion exceptions be added?".

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