

FIRST REGULAR SESSION

SENATE JOINT RESOLUTION NO. 5

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

1261S.01I

KRISTINA MARTIN, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section 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. Article I, Constitution of Missouri, is amended
2 by adding thereto one new section, to be known as section 36(a),
3 to read as follows:

**Section 36(a). 1. Notwithstanding any provision of
2 section 36 of article I of this Constitution to the
3 contrary, the right to reproductive freedom shall not be
4 construed to include:**

5 (1) **The performance of gender transition surgeries or
6 the prescription or administration of cross-sex hormones or
7 puberty-blocking drugs to children for the purpose of gender
8 transition;**

9 (2) **The performance and inducement of abortions,
10 except in cases of medical emergencies, fetal anomalies,
11 rape, or incest. In the case of abortions performed or**

12 induced in cases of rape or incest, the abortion may be
13 performed or induced no later than twenty weeks gestational
14 age of the unborn child and only if a police report has been
15 filed alleging the offense of rape or incest; and

16 (3) The expenditure of public funds for the purpose of
17 performing or inducing, or otherwise assisting, any
18 abortion, except in cases of medical emergencies, rape, or
19 incest.

20 2. Notwithstanding any provision of section 36 of
21 article I of this Constitution to the contrary, the right to
22 reproductive freedom shall not be construed to exempt any
23 person, firm, or corporation from civil liability for
24 medical malpractice, negligence, or wrongful death.

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

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

28 (1) "Cross-sex hormones", testosterone, estrogen, or
29 other androgens given to an individual in amounts that are
30 greater or more potent than would normally occur naturally
31 in a healthy individual of the same age and sex, but shall
32 not include hormones used to treat individuals born with a
33 medically-verifiable disorder of sex development or the
34 treatment of any infection, injury, disease, or disorder
35 unrelated to the purpose of gender transition;

36 (2) "Fetal anomaly", a structural or functional
37 abnormality in the unborn child's gestational development
38 that would make life outside the womb impossible and that
39 would present a serious physical risk to the mother to carry
40 the child to term;

41 (3) "Gender transition surgery", a surgical procedure
42 performed for the purpose of assisting an individual with
43 identifying with and living as a gender different from his

44 or her biological sex, but shall not include surgical
45 procedures for individuals born with a medically-verifiable
46 disorder of sex development or the treatment of any
47 infection, injury, disease, or disorder unrelated to the
48 purpose of gender transition;

49 (4) "Medical emergency", a condition which, based on
50 reasonable medical judgment, so complicates the medical
51 condition of a pregnant woman as to necessitate the
52 immediate abortion of her pregnancy to avert the death of
53 the pregnant woman or for which a delay will create a
54 serious risk of substantial and irreversible physical
55 impairment of a major bodily function of the pregnant woman;

56 (5) "Puberty-blocking drugs", gonadotropin-releasing
57 hormone analogues or other synthetic drugs used to stop
58 luteinizing hormone secretion and follicle stimulating
59 hormone secretion, synthetic antiandrogen drugs to block the
60 androgen receptor, or any other drug used to delay or
61 suppress pubertal development in children for the purpose of
62 assisting an individual with a gender transition, but shall
63 not include drugs used to treat individuals born with a
64 medically-verifiable disorder of sex development or the
65 treatment of any infection, injury, disease, or disorder
66 unrelated to the purpose of gender transition.

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 • Protect children from gender transition
9 surgeries, hormones, and drugs;

- 10 • Guarantee that reproductive freedom includes
11 abortions only for medical emergencies, fetal
12 anomalies, rape, or incest;
- 13 • Guarantee that reproductive freedom does not
14 limit liability for malpractice, negligence, or
15 wrongful death; and
- 16 • Prohibit taxpayer funded abortions."

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