

DECODING

MISSOURI CONSTITUTION ARTICLE I, § 36 (2024 AMENDMENT 3)

Analysis by Mary Catherine Martin, Senior Counsel, Thomas More Society

Section 36.1. This section shall be known as “*The Right to Reproductive Freedom Initiative*.”

“all matters relating to” expands protection beyond health care to *anything* involving reproductive organs: reproductive cloning, IVF for research, female genital mutilation, *gender transition treatments* and surgery, and *all future reproductive technologies*

“mental health of the pregnant person” meaning that abortion is protected in *all pregnancies that burden the mother’s wellbeing*—in other words, *all pregnancies*

Employers/organizations cannot react to employee/leader’s abortion, surrogacy, pregnancy decisions

Ends single-sex public bathrooms and sports teams

Anyone in “health care” can judge “fetal viability”



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

“person” includes children and adults

“reproductive health care” includes *all* current and future treatments and procedures

“including but not limited to” means the examples that follow are just the *tip of the iceberg*

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

“shall not be ... restricted, unless ... does not infringe on that person’s autonomous decision-making” = *no parental consent laws*

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

Anyone in “health care” can judge maternal “mental health”

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

Gives providers a defense to prosecution, malpractice, and wrongful death

6. The **Government shall not discriminate against persons,** providing or obtaining reproductive healthcare or assisting another person in doing so.

Requires *government insurance and benefits* to pay for all reproductive health care alongside pregnancy, including *abortion and sex change surgery*

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

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

(1) “Fetal Viability”, the point in pregnancy when, in the good faith judgment of **a treating health care professional,** and based on the particular facts of the case, there is a **significant likelihood of the fetus’s sustained survival outside the uterus without the application of extraordinary medical measures.**

Moves “viability” to very late in pregnancy

(2) “Government”,

a. the state of Missouri; or

Includes public school districts

b. any municipality, city, town, village, Township, **district,** authority, 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.