

Senate Resolution 84

By: Senators Harrell of the 40th, Jones II of the 22nd, Jackson of the 41st, Parent of the 44th, Esteves of the 35th 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 that the state may regulate the provision of abortion care
 5 after fetal viability; to provide for a definition; to provide for severability; to provide for
 6 related matters; to provide for submission of this amendment for ratification or rejection; and
 7 for other purposes.

8 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

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

11 "SECTION V.

12 REPRODUCTIVE FREEDOM

13 Paragraph I. *Right to reproductive freedom.* (a) As used in this Section, the term 'fetal
 14 viability' means the point in pregnancy at which, in the professional judgment of an
 15 attending healthcare professional and based on the particular facts of the case, there is a

16 significant likelihood of the fetus's sustained survival outside the uterus without the
17 application of extraordinary medical measures.

18 (b) Every individual has a fundamental right to reproductive freedom that entails the
19 right to make and effectuate decisions about all matters relating to pregnancy, including,
20 but not limited to, prenatal care, childbirth, postpartum care, contraception, sterilization,
21 abortion care, miscarriage management, and infertility care. An individual's right to
22 reproductive freedom shall not be denied, burdened, or infringed upon unless justified by
23 a compelling state interest and achieved by the least restrictive means. A state interest is
24 compelling only if it is for the limited purpose of protecting the health of an individual
25 seeking care, is consistent with accepted clinical standards of practice and evidence based
26 medicine, and does not infringe on such individual's autonomous decision making.

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

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

35 (e) Notwithstanding the provisions of this Section, the state may regulate the provision
36 of abortion care after fetal viability, provided that in no circumstance shall the state prohibit
37 an abortion that, in the professional judgment of an attending healthcare professional, is
38 medically indicated to protect the life or physical or mental health of the pregnant
39 individual.

40 (f) This Section shall be self-executing. Any provision of this Section held invalid shall
41 be severable from the remaining portions of this Section."

42 **SECTION 2.**

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

46 "() YES Shall the Constitution of Georgia be amended so as to recognize and protect
47 () NO the right of an individual to make family planning and childbirth decisions
48 without government interference?"

49 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
50 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
51 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
52 become a part of the Constitution of this state.