

# HOUSE JOINT RESOLUTION C

May 25, 2023, Introduced by Reps. Friske, Carra, Rigas, DeSana, Fox, Alexander, Cavitt and Maddock and referred to the Committee on Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by repealing section 28 of article I, to remove the right to reproductive freedom.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to remove the right to reproductive freedom, is proposed, agreed to, and submitted to the people of the state:

## ARTICLE I

~~Sec. 28. (1) Every individual has a fundamental right to reproductive freedom, which entails the right to make and effectuate decisions about all matters relating to pregnancy,~~

1 ~~including but not limited to prenatal care, childbirth, postpartum~~  
2 ~~care, contraception, sterilization, abortion care, miscarriage~~  
3 ~~management, and infertility care.~~

4 ~~An individual's right to reproductive freedom shall not be~~  
5 ~~denied, burdened, nor infringed upon unless justified by a~~  
6 ~~compelling state interest achieved by the least restrictive means.~~

7 ~~Notwithstanding the above, the state may regulate the~~  
8 ~~provision of abortion care after fetal viability, provided that in~~  
9 ~~no circumstance shall the state prohibit an abortion that, in the~~  
10 ~~professional judgment of an attending health care professional, is~~  
11 ~~medically indicated to protect the life or physical or mental~~  
12 ~~health of the pregnant individual.~~

13 ~~(2) The state shall not discriminate in the protection or~~  
14 ~~enforcement of this fundamental right.~~

15 ~~(3) The state shall not penalize, prosecute, or otherwise take~~  
16 ~~adverse action against an individual based on their actual,~~  
17 ~~potential, perceived, or alleged pregnancy outcomes, including but~~  
18 ~~not limited to miscarriage, stillbirth, or abortion. Nor shall the~~  
19 ~~state penalize, prosecute, or otherwise take adverse action against~~  
20 ~~someone for aiding or assisting a pregnant individual in exercising~~  
21 ~~their right to reproductive freedom with their voluntary consent.~~

22 ~~(4) For the purposes of this section:~~

23 ~~A state interest is "compelling" only if it is for the limited~~  
24 ~~purpose of protecting the health of an individual seeking care,~~  
25 ~~consistent with accepted clinical standards of practice and~~  
26 ~~evidence-based medicine, and does not infringe on that individual's~~  
27 ~~autonomous decision-making.~~

28 ~~"Fetal viability" means: the point in pregnancy when, in the~~  
29 ~~professional judgment of an attending health care professional and~~

1 ~~based on the particular facts of the case, there is a significant~~  
2 ~~likelihood of the fetus's sustained survival outside the uterus~~  
3 ~~without the application of extraordinary medical measures.~~

4 ~~(5) This section shall be self-executing. Any provision of~~  
5 ~~this section held invalid shall be severable from the remaining~~  
6 ~~portions of this section.~~

7 Resolved further, That the foregoing amendment shall be  
8 submitted to the people of the state at the next general election  
9 in the manner provided by law.