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SENATE JOINT RESOLUTION NO. 255

Offered January 11, 2023

Prefiled January 10, 2023

Proposing an amendment to the Constitution of Virginia by adding in Article I a section numbered 11-A, relating to the fundamental right to reproductive freedom.

Patrons—McClellan, Boysko, Barker, Bell, Deeds, Ebbin, Edwards, Favola, Hashmi, Howell, Lewis, Locke, Lucas, Marsden, Mason, McPike, Rouse, Saslaw, Spruill and Surovell; Delegates: Carr, Gooditis, Plum, Seibold, Shin, Simon, Simonds and Sullivan

Referred to Committee on Privileges and Elections

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend the Constitution of Virginia by adding in Article I a section numbered 11-A as follows:

ARTICLE I

BILL OF RIGHTS

Section 11-A. Fundamental right to reproductive freedom.

That every individual has the fundamental right to reproductive freedom. This right to make and effectuate one's own decisions about all matters related to one's pregnancy shall not be denied, burdened, or infringed upon, unless justified by a compelling state interest and achieved by the least restrictive means that do not infringe an individual's autonomous decision-making. A state interest is compelling only when it is to ensure the protection of the health of an individual seeking care, consistent with accepted clinical standards of practice and evidence-based medicine. The Commonwealth shall not discriminate in the protection or enforcement of this fundamental right.

That, except when justified by a compelling state interest, the Commonwealth shall not penalize, prosecute, or otherwise take adverse action against an individual on the basis of an actual, potential, perceived, or alleged outcome of such individual's pregnancy, nor shall the Commonwealth penalize, prosecute, or otherwise take adverse action against an individual who aids or assists another individual, with such individual's voluntary consent, in the exercise of such individual's right to reproductive freedom.

That this section shall be self-executing and that if any provision of this section is held invalid, it shall be severable from the remaining portions of the section.

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