

1 AN ACT proposing to create a new section of the Constitution of Kentucky related
2 to reproductive rights.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔Section 1. Are you in favor of amending the Constitution of Kentucky as stated
5 below to add a section that would establish a new individual right to reproductive
6 freedom, including the right to make and carry out all decisions about pregnancy, such as
7 prenatal care, childbirth, postpartum care, contraception, sterilization, abortion,
8 miscarriage management, and infertility, and prohibit state interference with the exercise
9 of that right?

10 ➔SECTION 2. IT IS PROPOSED THAT A NEW SECTION BE ADDED TO
11 THE CONSTITUTION OF KENTUCKY TO READ AS FOLLOWS:

12 (1) (a) Every person has a fundamental right to reproductive freedom, which
13 entails the right to make and effectuate decisions about all matters relating to
14 pregnancy, including but not limited to prenatal care, childbirth, postpartum care,
15 contraception, sterilization, abortion care, miscarriage management, and infertility
16 care.

17 (b) A person's right to reproductive freedom shall not be denied, burdened, or
18 infringed upon unless justified by a compelling state interest achieved by the least
19 restrictive means.

20 (c) Notwithstanding the above, the Commonwealth may regulate the provision
21 of abortion care after fetal viability, provided that in no circumstance shall the
22 Commonwealth prohibit an abortion that, in the professional judgment of an attending
23 health care professional, is medically indicated to protect the life or physical or mental
24 health of the pregnant person.

25 (2) The Commonwealth shall not discriminate in the protection or enforcement
26 of this fundamental right.

27 (3) The Commonwealth shall not penalize, prosecute, or otherwise take adverse

1 action against a person based on the person's actual, potential, perceived, or alleged
2 pregnancy outcomes, including but not limited to miscarriage, stillbirth, or abortion;
3 nor shall the Commonwealth penalize, prosecute, or otherwise take adverse action
4 against a person for aiding or assisting a pregnant person in exercising the pregnant
5 person's right to reproductive freedom with the pregnant person's voluntary consent.

6 (4) For purposes of this section:

7 (a) The Commonwealth's interest is "compelling" only if it is for the limited
8 purpose of protecting the health of a person seeking care, consistent with accepted
9 clinical standards of practice and evidence-based medicine, and does not infringe on
10 the person's autonomous decision-making; and

11 (b) "Fetal viability" means the point in pregnancy when, in the professional
12 judgment of an attending health care professional and based on the particular facts of
13 the case, there is a significant likelihood of the fetus's sustained survival outside the
14 uterus without the application of extraordinary medical measures.

15 ➔Section 3. This amendment shall be submitted to the voters of the
16 Commonwealth for their ratification or rejection at the time and in the manner provided
17 for under Sections 256 and 257 of the Constitution, KRS 118.415, and Sections 4 and 5
18 of this Act.

19 ➔Section 4. Notwithstanding any provision of KRS 118.415 to the contrary, the
20 Secretary of State shall cause the entirety of the question in Section 1 of this Act and the
21 entirety of the proposed amendment to the Constitution of Kentucky contained in Section
22 2 of this Act to be published at least one time in a newspaper of general circulation
23 published in this state, and shall also cause to be published at the same time and in the
24 same manner the fact that the amendment will be submitted to the voters for their
25 acceptance or rejection at the next regular election at which members of the General
26 Assembly are to be voted for. The publication required by this section and KRS 118.415
27 shall be made no later than the first Tuesday in August preceding the election at which

1 the amendment is to be voted on.

2 ➔Section 5. Notwithstanding any provision of KRS 118.415 to the contrary, the
3 Secretary of State, not later than the second Monday after the second Tuesday in August
4 preceding the next regular election at which members of the General Assembly are to be
5 chosen in a year in which there is not an election for President and Vice President of the
6 United States, or not later than the Thursday after the first Tuesday in September
7 preceding a regular election in a year in which there is an election for President and Vice
8 President of the United States, shall certify the entirety of the question in Section 1 of this
9 Act and the entirety of the proposed amendment to the Constitution of Kentucky
10 contained in Section 2 of this Act to the county clerk of each county, and the county clerk
11 shall have the entirety of the question and the amendment, as so certified, indicated on
12 the ballots provided to the voters in paper or electronic form as applicable to the voting
13 machines in use in each county or precinct.