

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE JOINT
4 RESOLUTION 1044

By: Munson

5
6
7 AS INTRODUCED

8 A Joint Resolution directing the Secretary of State
9 to refer to the people for their approval or
10 rejection a proposed amendment to the Constitution of
11 the State of Oklahoma by adding a new Article to be
12 designated as Article XXXI; defining terms; providing
13 for right to reproductive freedom; providing for
14 severability; providing ballot title; and directing
15 filing.

16 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
17 1ST SESSION OF THE 59TH OKLAHOMA LEGISLATURE:

18 SECTION 1. The Secretary of State shall refer to the people for
19 their approval or rejection, as and in the manner provided by law,
20 the following proposed amendment to the Oklahoma Constitution which
21 would add a new article to be designated as Article XXXI:

22 Section 1. As used in this article:

23 1. A state interest is "compelling" only if it is for the
24 limited purpose of protecting the health of an individual seeking
care, consistent with accepted clinical standards of practice and

1 evidence-based medicine, and does not infringe on that individual's
2 autonomous decision making;

3 2. "Fetal viability" means the point in pregnancy where, in the
4 professional judgment of an attending health care professional and
5 based on the particular facts of the case, there is a significant
6 likelihood of the fetus's sustained survival outside the uterus
7 without the application of extraordinary medical measures;

8 3. "Health care professional" means any medical staff and
9 physicians who provide reproductive health care and are licensed to
10 perform reproductive health care services; and

11 4. "Individual" means anyone sixteen (16) years of age and
12 above, the age of consent in Oklahoma, or if under the age of
13 consent, the consent of his or her parent or legal guardian.

14 Section 2. Right to Reproductive Freedom.

15 A. Every individual has a fundamental right to reproductive
16 freedom, which entails the right to make and effectuate decisions
17 about all matters relating to pregnancy, including, but not limited
18 to, prenatal care, childbirth, postpartum care, contraception,
19 sterilization, abortion care, miscarriage management, and
20 infertility care. An individual's right to reproductive freedom
21 shall not be denied, burdened, nor infringed upon unless justified
22 by a "compelling" state interest achieved by the least restrictive
23 means. Notwithstanding the above, in no circumstance shall the
24 state prohibit an abortion that, in the professional judgment of an

1 attending health care professional, is medically indicated to
2 protect the life or physical or mental health of the pregnant
3 individual.

4 B. The state shall not discriminate in the protection or
5 enforcement of this fundamental right.

6 C. The state shall not penalize, prosecute, or otherwise take
7 adverse action against an individual based upon his or her actual,
8 potential, perceived, or alleged pregnancy outcomes, including, but
9 not limited to, miscarriage, stillbirth, or abortion, nor shall the
10 state penalize, prosecute, or otherwise take adverse action against
11 someone aiding or assisting a pregnant individual in exercising his
12 or her right to reproductive freedom with their voluntary consent.
13 The state shall not penalize, prosecute, or otherwise take adverse
14 action against any health care professional providing reproductive
15 health services.

16 Section 3. Severability.

17 This article shall be self-executing. The provisions of this
18 article are severable, and if any part or provision hereof shall be
19 void, invalid, or unconstitutional, the decision of the court so
20 holding shall not affect or impair any of the remaining parts or
21 provisions hereof, and the remaining provisions hereof shall
22 continue in full force and effect.

23

24

1 SECTION 2. The Ballot Title for the proposed Constitutional
2 amendment as set forth in SECTION 1 of this resolution shall be in
3 the following form:

4 BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This proposed constitutional amendment would add Article 31 and
8 establish a new individual right to reproductive freedom,
9 including the right to make and carry out all decisions about
10 pregnancy, such as prenatal care, childbirth, postpartum care,
11 contraception, sterilization, abortion, miscarriage management,
12 and infertility; allow the state to regulate abortion after
13 viability, but not prohibit it if medically needed to protect a
14 patient's life or physical or mental health; forbid state
15 discrimination in enforcement of this right; prohibit
16 prosecution of an individual, or person helping a pregnant
17 individual, for exercising rights established by this amendment;
18 and invalidate state laws conflicting with this amendment.

19 SHALL THE PROPOSAL BE APPROVED?

20 FOR THE PROPOSAL - YES _____

21 AGAINST THE PROPOSAL - NO _____

22 SECTION 3. The Chief Clerk of the House of Representatives,
23 immediately after the passage of this resolution, shall prepare and
24 file one copy thereof, including the Ballot Title set forth in

1 SECTION 2 hereof, with the Secretary of State and one copy with the
2 Attorney General.

3

4 59-1-7111 TJ 01/18/23

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24