

SENATE BILL 798

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CONSTITUTIONAL AMENDMENT

3lr2986

By: **Senators Ferguson, Hettleman, Lam, Hester, Waldstreicher, Carter, James, M. Washington, Gile, Kagan, King, Kramer, Feldman, Lewis Young, Watson, Beidle, Guzzone, Elfreth, Smith, and Zucker**

Introduced and read first time: February 6, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Declaration of Rights – Right to Reproductive Freedom**

3 FOR the purpose of establishing that every person, as a central component of an
4 individual's rights to liberty and equality, has the fundamental right to reproductive
5 freedom; and prohibiting the State from, directly or indirectly, denying, burdening,
6 or abridging the right unless justified by a compelling State interest achieved by the
7 least restrictive means.

8 BY proposing an addition to the Maryland Constitution
9 Declaration of Rights
10 Article 48

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 (Three-fifths of all the members elected to each of the two Houses concurring), That it be
13 proposed that the Maryland Constitution read as follows:

14 **Declaration of Rights**

15 **ARTICLE 48.**

16 **THAT EVERY PERSON, AS A CENTRAL COMPONENT OF AN INDIVIDUAL'S**
17 **RIGHTS TO LIBERTY AND EQUALITY, HAS THE FUNDAMENTAL RIGHT TO**
18 **REPRODUCTIVE FREEDOM, INCLUDING BUT NOT LIMITED TO THE ABILITY TO MAKE**
19 **AND EFFECTUATE DECISIONS TO PREVENT, CONTINUE, OR END ONE'S OWN**
20 **PREGNANCY. THE STATE MAY NOT, DIRECTLY OR INDIRECTLY, DENY, BURDEN, OR**
21 **ABRIDGE THE RIGHT UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST**
22 **ACHIEVED BY THE LEAST RESTRICTIVE MEANS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
2 determines that the amendment to the Maryland Constitution proposed by Section 1 of this
3 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
4 Constitution concerning local approval of constitutional amendments do not apply.

5 SECTION 3. AND BE IT FURTHER ENACTED, That:

6 (a) The amendment to the Maryland Constitution proposed by Section 1 of this
7 Act shall be submitted to the qualified voters of the State at the next general election to be
8 held in November 2024 for adoption or rejection pursuant to Article XIV of the Maryland
9 Constitution.

10 (b) (1) At that general election, the vote on the proposed amendment to the
11 Constitution shall be by ballot, and on each ballot there shall be printed the words “For the
12 Constitutional Amendment” and “Against the Constitutional Amendment”, as now
13 provided by law.

14 (2) At that general election, a question substantially similar to the
15 following shall be submitted to the qualified voters of the State:

16 “Question ____ Constitutional Amendment

17 The proposed amendment confirms an individual’s fundamental right to an individual’s
18 own reproductive liberty and provides the State may not, directly or indirectly, deny,
19 burden, or abridge the right unless justified by a compelling State interest achieved by the
20 least restrictive means.”.

21 (c) Immediately after the election, all returns shall be made to the Governor of
22 the vote for and against the proposed amendment, as directed by Article XIV of the
23 Maryland Constitution, and further proceedings had in accordance with Article XIV.