

Senate Joint Resolution No. 7—Senators Cannizzaro, Lange, Scheible, Spearman, Nguyen; Daly, Donate, Dondero Loop, Flores, D. Harris, Ohrenschall and Pazina

Joint Sponsors: Assemblymen Jauregui, Cohen, Backus, Marzola, Gorelow; Anderson, Bilbray-Axelrod, Brown-May, Carter, Considine, D’Silva, Duran, González, La Rue Hatch, Brittney Miller, C.H. Miller, Monroe-Moreno, Mosca, Newby, Nguyen, Orentlicher, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Watts and Yeager

FILE NUMBER.....

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to establish certain rights relating to reproductive health.

Legislative Counsel’s Digest:

Article 1 of the Nevada Constitution sets forth certain inalienable rights of an individual. (Nev. Const. Art. 1) This joint resolution proposes to amend the Nevada Constitution by adding a new section to Article 1 which: (1) guarantees each individual in this State a fundamental right to reproductive freedom; (2) authorizes the State to regulate abortion care after fetal viability with certain exceptions; and (3) prevents the State from penalizing, prosecuting or taking any other adverse action against an individual or entity for exercising the right to reproductive freedom or for aiding or assisting another individual in exercising his or her right to reproductive freedom.

If this resolution is passed by the 2023 Legislature, it must also be passed by the next Legislature and then approved by the voters in an election before the proposed amendment to the Nevada Constitution becomes effective.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 25, be added to Article 1 of the Nevada Constitution to read as follows:

Sec. 25. 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, including, without limitation, prenatal care, childbirth, postpartum care, birth control, vasectomy, tubal ligation, abortion, abortion care, management of a miscarriage and infertility care. The right of an individual to reproductive freedom shall not be denied, burdened or infringed upon unless justified by a compelling State interest that is achieved by the least restrictive means available.



2. *Notwithstanding the provisions of subsection 1, the State may regulate the provision of abortion care after fetal viability, provided that in no circumstance may the State prohibit an abortion that, in the professional judgment of an attending provider of health care, is medically indicated to protect the life or physical or mental health of the pregnant individual.*

3. *The State shall not penalize, prosecute or otherwise take adverse action against an individual based on the actual, potential, perceived or alleged outcome of the pregnancy of the individual, including, without limitation, a miscarriage, stillbirth or abortion.*

4. *The State shall not penalize, prosecute or otherwise take adverse action against a provider of health care, who is licensed by the State, for acting consistent with the applicable scope of practice and standard of care for performing an abortion upon, providing abortion care to or providing reproductive care services to an individual who has granted the individual's voluntary consent.*

5. *The State shall not penalize, prosecute or otherwise take adverse action against any individual or entity for aiding or assisting another individual in exercising the right of the individual to reproductive freedom with the voluntary consent of the individual.*

6. *Nothing provided in this section narrows or limits the right to equality or equal protection.*

7. *As used in this section:*

(a) *“Compelling state interest” means an interest which is limited exclusively to the State’s interest in protecting the health of an individual who is seeking reproductive health care that is consistent with accepted clinical standards of practice.*

(b) *“Fetal viability” means the point in a pregnancy when, in the professional judgment of an attending provider of health care and based on the particular facts of the case, there is a significant likelihood of the sustained survival of the fetus outside the uterus without the application of extraordinary medical measures.*

(c) *“Least restrictive means” means in a manner that restricts or infringes upon the autonomous decision-making of an individual to the slightest degree possible while furthering a compelling state interest.*



And be it further

RESOLVED, That this resolution becomes effective upon passage.

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