



WORK SESSION

Senate Committee on Legislative Operations and Elections

March 30, 2023

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada Legislature

Bills Under Consideration

The following measures may be considered for action during today's work session. In some cases, possible amendments are noted. These amendments were either suggested during testimony or submitted after the hearing and do not necessarily have the approval of the Committee.

- SJR 7** _____
Floor Assignment _____

TOC ID: 55



Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Senate Committee on Legislative Operations and Elections

This measure may be considered for action during today's work session.

SENATE JOINT RESOLUTION 7

Proposes to amend the *Nevada Constitution* to establish certain rights relating to reproductive health. (BDR C-864)

Sponsored By: Senators Cannizzaro, Lange, Scheible, Spearman, Nguyen, and Assembly Members Jauregui, Cohen, Backus, Marzola, and Gorelow et al.

Date Heard: March 23, 2023, in Joint Meeting

Fiscal Notes: Effect on Local Government: No.
Effect on the State: No.

Senate Joint Resolution 7 proposes to amend the *Nevada Constitution* to: (1) guarantee a fundamental right to reproductive freedom; (2) authorize the State to regulate abortion care after fetal viability with certain exceptions; and (3) prevent the State from penalizing, prosecuting, or taking any other adverse action against an individual for exercising the right to reproductive freedom, or for aiding or assisting another individual in exercising his or her right to reproductive freedom.

Amendments: There is a conceptual amendment proposed by Senator Cannizzaro (see attached). The amendment seeks to:

- Amend Subsection 4 to prohibit penalizing acts "consistent with" the applicable scope of practice.
- Amend Subsection 4 to include "providing abortion care or providing reproductive care services" to an individual who has granted their "voluntary" consent.
- Amend Subsection 5 to add individual "or entity."
- Add a new Subsection 6 stating "Nothing herein narrows or limits the rights to equality and equal protection."

Special Note: If this Resolution is approved in identical form during the 2025 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval.

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 litigation, 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, ~~while for acting within~~ 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 ~~upon~~ an individual who has granted ~~informed~~ their voluntary consent to the abortion.

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 herein narrows or limits the rights to equality and 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.