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S.J.R. 7

SENATE JOINT RESOLUTION NO. 7—SENATORS CANNIZZARO, LANGE, SCHEIBLE, SPEARMAN, NGUYEN; DALY, DONATE, DONDERO LOOP, FLORES, D. HARRIS, OHRENSCHALL AND PAZINA

MARCH 16, 2023

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

Referred to Committee on Legislative Operations and Elections

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

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

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

Legislative Counsel’s Digest:

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



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

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

4 *Sec. 25. 1. Every individual has a fundamental right*
5 *to reproductive freedom, which entails the right to make and*
6 *effectuate decisions about all matters relating to pregnancy,*
7 *including, without limitation, prenatal care, childbirth,*
8 *postpartum care, birth control, vasectomy, tubal ligation,*
9 *abortion, abortion care, management of a miscarriage and*
10 *infertility care. The right of an individual to reproductive*
11 *freedom shall not be denied, burdened or infringed upon*
12 *unless justified by a compelling State interest that is*
13 *achieved by the least restrictive means available.*

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

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

26 *4. The State shall not penalize, prosecute or otherwise*
27 *take adverse action against a provider of health care, who is*
28 *licensed by the State, while acting within the applicable*
29 *scope of practice and standard of care for performing an*
30 *abortion upon an individual who has granted informed*
31 *consent to the abortion.*

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

37 *6. As used in this section:*

38 *(a) "Compelling state interest" means an interest which*
39 *is limited exclusively to the State's interest in protecting the*
40 *health of an individual who is seeking reproductive health*



1 *care that is consistent with accepted clinical standards of*
2 *practice.*

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

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

13 And be it further

14 RESOLVED, That this resolution becomes effective upon
15 passage.

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