SENATE JOINT RESOLUTION NO. 7–SENATORS CANNIZZARO, LANGE, SCHEIBLE, SPEARMAN, NGUYEN; DALY, DONATE, DONEDRO 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 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 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.

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, while acting within the applicable
scope of practice and standard of care for performing an
abortion upon an individual who has granted informed
consent to the abortion.

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

   6. 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.