SB13 INTRODUCED

1 SB13
2 XYLQZZZ-1
3 By Senator Figures (Constitutional Amendment)
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 05-Jan-24
SYNOPSIS:

The state constitution affirms that it is the public policy of the state to support the sanctity of unborn life and the rights of unborn children, including the right to life.

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to abortion, to establish the individual right to make one's own reproductive decisions, including contraception, fertility treatment, continuing one's own pregnancy, miscarriage care, and abortion.

This bill would prohibit the state from burdening, penalizing, prohibiting, interfering with, or discriminating against an individual's voluntary exercise of the right to make his or her own reproductive decisions, unless the state does so in the least restrictive means and to advance the individual's health in accordance with evidence-based standards of care.

This bill would authorize the state to prohibit abortion after fetal viability and would define the term "fetal viability."

This bill would also prohibit the state from prohibiting an abortion if the abortion is necessary to protect the pregnant individual's life or health.
A BILL

TO BE ENTITLED

AN ACT

Proposing to repeal and replace Section 36.06 of the Constitution of Alabama of 2022, relating to abortion; to establish the individual right to reproductive decisions, including abortion; to prohibit certain state action that prohibits or interferes with an individual's voluntary exercise of the right to make reproductive decisions; and to limit when the state may burden or prohibit the individual right to make reproductive decisions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

Section 36.06 of the Constitution of Alabama of 2022, is repealed and replaced to read as follows:

Section 36.06

(a) Every individual has the right to make and carry out one's own reproductive decisions, including, but not limited to, decisions on each of the following:

(1) Contraception.

(2) Fertility treatment.

(3) Continuing one's own pregnancy.

(4) Miscarriage care.
(5) Abortion.

(b) The state shall not directly or indirectly burden, penalize, prohibit, interfere with, or discriminate against either of the following, unless the state demonstrates that it is using the least restrictive means to advance the individual's health in accordance with widely accepted and evidence-based standards of care:

(1) An individual's voluntary exercise of the rights provided in this section.

(2) An individual or entity that assists an individual exercising the rights provided in this section.

(c)(1) Abortion may be prohibited after fetal viability. For purposes of this section, the term "fetal viability" means the point in pregnancy when, in the professional judgment of the pregnant patient's treating physician, the fetus has a significant likelihood of survival outside the uterus with reasonable measures. Fetal viability is determined on a case-by-case basis.

(2) Abortion may not be prohibited if, in the professional judgment of the pregnant patient's treating physician, it is necessary to protect the pregnant patient's life or health.

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest
grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; and translate effective dates.

END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to repeal and replace Section 36.06 of the Constitution of Alabama of 2022, to establish the right to make and carry out one's own reproductive decisions, including decisions on contraception, fertility treatment, continuing one's own pregnancy, miscarriage care, and abortion; to prohibit state action that burdens, penalizes, prohibits, interferes with, or discriminates against the right to make and carry out one's own reproductive decisions; and to authorize the state to prohibit abortion after fetal viability.

Proposed by Act ____.

This description shall be followed by the following language:

"Yes( ) No( )."

Section 3. The proposed amendment shall become valid as a part of the Constitution of Alabama of 2022, when approved
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113 by a majority of the qualified electors voting thereon.

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