



The Truth about “The Right to Reproductive Freedom with Protections for Health and Safety” Ballot Initiative to Amend Ohio’s Constitution on November 7, 2023:

The *actual text* of the proposed amendment is **in black**. The truth behind the wording is **in red**.

FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article 1 of the Ohio Constitution is amended to add the following Section:

Article 1 of the Ohio Constitution is the “Bill of Rights.” Abortion will become a right equal in weight to free speech or freedom of religion.

Article 1, Section 22. The Right to Reproductive Freedom with Protections for Health and Safety

The title of this amendment is misleading because this amendment would invalidate current abortion laws designed to regulate safety, and it will prevent the state from creating new laws to guarantee the health and safety of women having abortions.

- A. Every individual has a right to make and carry out one’s own reproductive decisions, including but not limited to decisions on:

The use of the word ‘individual’ instead of ‘woman’ is concerning.

- Using ‘Every individual,’ without descriptors or restrictions, applies to all ages, to include minors.
- Using ‘Every individual,’ means this amendment applies to males or females.

The use of the words “reproductive decisions” could be interpreted to include decisions about gender transitioning because they involve “reproduction.”

The use of the words “has a right” and “one’s own” reproductive decisions means this would remove parental consent in cases of abortion for minors and most likely will be used to remove notification and consent in cases of gender transition treatments for minors.

1. contraception;
2. fertility treatment;
3. continuing one’s own pregnancy;
4. miscarriage care; and
5. abortion

Numbers 1–4 are currently available and there is no threat they’ll be taken away.

Gender transition treatments are not specifically listed here but the above text says “including but not limited to.” Not limiting treatment to only this list opens the doors for a variety of other treatments in which Ohioans will have no voice in deciding.

- B. The State shall not, directly or indirectly, burden, penalize, prohibit, interfere with, or discriminate against either:

'Burden' is a legal term. Laws restricting abortion or regulating standards of care in abortion clinics are considered "burdens" by activist judges. This could include medical training requirements.

To avoid penalizing or discriminating against low-income citizens, the State of Ohio would likely be forced to cover all abortions as a form of "healthcare" through Medicaid at a minimum.

1. An individual's voluntary exercise of this right or
2. A person or entity that assists an individual exercising this right, 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.
3. However, abortion may be prohibited after fetal viability. But in no case may such an abortion 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.

The *Doe v Bolton* Supreme Court case established that the definition of "health" included all factors including physical, emotional, psychological, familial, and age.

The abortionist could be considered the patient's treating physician.

Therefore, an abortionist could determine that because of anxiety, hormone imbalance, or any other symptom -- that an abortion was necessary even after fetal viability.

- C. As used in this Section:

1. "Fetal viability" means "the point in a 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. This is determined on a case-by-case basis."
2. "State" includes any governmental entity and any political subdivision.

- D. This Section is self-executing.

Link to Ohio Attorney General's website publishing this ballot initiative:

<https://www.ohioattorneygeneral.gov/getattachment/cf27c10f-b153-4731-ae9e-e3555a326ed9/The-Right-to-Reproductive-Freedom-with-Protections-for-Health-andSafety.aspx#:~:text=The%20Amendment%20provides%20that%3A,%2C%20miscarriage%20care%2C%20and%20abortion>

