

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. J. R. No. 5

Representatives Lepore-Hagan, Miranda

**Cosponsors: Representatives Miller, A., Kelly, Leland, Galonski, Sweeney, Davis,
Smith, K., Denson, Lightbody, Brent, Smith, M., Robinson, Weinstein, Blackshear,
Liston, Russo, Sobecki, Crossman, Sheehy, Ingram, Jarrells, Skindell, Boggs,
Humphrey, O'Brien, Hicks-Hudson, West, Upchurch, Miller, J., Brown, Addison**

A JOINT RESOLUTION

Proposing to enact Section 22 of Article I of the Constitution 1
of the State of Ohio to guarantee every individual a 2
fundamental right to reproductive freedom. 3

Be it resolved by the General Assembly of the State of 4
Ohio, three-fifths of the members elected to each house 5
concurring herein, that there shall be submitted to the electors 6
of the state, in the manner prescribed by law at the general 7
election to be held on November 8, 2022, a proposal to enact 8
Section 22 of Article I of the Constitution of the State of Ohio 9
to read as follows: 10

ARTICLE I 11

Section. 22. (A) Every individual has a fundamental right 12
to reproductive freedom, which entails the right to make and 13
effectuate decisions about all matters relating to pregnancy, 14
including, but not limited to, prenatal care, childbirth, 15
postpartum care, contraception, sterilization, abortion care, 16

miscarriage management, and infertility care. An individual's 17
right to reproductive freedom shall not be denied, burdened, nor 18
infringed upon unless justified by a compelling state interest 19
achieved by the least restrictive means. Notwithstanding the 20
above, the state may regulate the provision of abortion care 21
after fetal viability, provided that in no circumstance shall 22
the state prohibit an abortion that, in the professional 23
judgment of an attending health care professional, is medically 24
indicated to protect the life or physical or mental health of 25
the pregnant individual. 26

(B) The state shall not discriminate in the protection or 27
enforcement of this fundamental right. 28

(C) The state shall not penalize, prosecute, or otherwise 29
take adverse action against an individual based on the 30
individual's actual, potential, perceived, or alleged pregnancy 31
outcomes, including, but not limited to, miscarriage, 32
stillbirth, or abortion, nor shall the state penalize, 33
prosecute, or otherwise take adverse action against someone for 34
aiding or assisting a pregnant individual in exercising the 35
individual's right to reproductive freedom with the individual's 36
voluntary consent. 37

(D) For the purposes of this section: 38

(1) A state interest is compelling only if it is for the 39
limited purpose of protecting the health of an individual 40
seeking care, consistent with accepted clinical standards of 41
practice and evidence-based medicine, and does not infringe on 42
that individual's autonomous decision-making. 43

(2) "Fetal viability" means the point in pregnancy when, 44
in the professional judgment of an attending health care 45
professional and based on the particular facts of the case, 46

there is a significant likelihood of the fetus's sustained 47
survival outside the uterus without the application of 48
extraordinary medical measures. 49

(E) This section is self-executing. Any provision of this 50
section held invalid shall be severable from the remaining 51
portions of this section. 52

EFFECTIVE DATE 53

If adopted by a majority of the electors voting on this 54
proposal, Section 22 of Article I of the Constitution of the 55
State of Ohio enacted by this proposal shall take effect 56
immediately. 57