

SB13 INTRODUCED



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



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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.



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Section 36.06 of the Constitution of Alabama of 2022, is repealed and replaced to read as follows: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



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57 (5) Abortion.

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

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

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

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

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

79 Upon ratification of this constitutional amendment, the
80 Code Commissioner shall number and place this amendment as
81 appropriate in the constitution omitting this instructional
82 paragraph and may make the following nonsubstantive revisions:
83 change capitalization, hierarchy, spelling, and punctuation
84 for purposes of style and uniformity; correct manifest



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85 grammatical, clerical, and typographical errors; revise
86 internal or external citations and cross-references; and
87 translate effective dates.

88 END OF PROPOSED AMENDMENT

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

97 "Proposing an amendment to repeal and replace Section
98 36.06 of the Constitution of Alabama of 2022, to establish the
99 right to make and carry out one's own reproductive decisions,
100 including decisions on contraception, fertility treatment,
101 continuing one's own pregnancy, miscarriage care, and
102 abortion; to prohibit state action that burdens, penalizes,
103 prohibits, interferes with, or discriminates against the right
104 to make and carry out one's own reproductive decisions; and to
105 authorize the state to prohibit abortion after fetal
106 viability.

107 Proposed by Act ____."

108 This description shall be followed by the following
109 language:

110 "Yes() No()."

111 Section 3. The proposed amendment shall become valid as
112 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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