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HOUSE RESOLUTION NO. 5

Offered January 14, 2026

Prefiled January 13, 2026

Directing the Speaker of the House of Delegates to order a study of the legal effects and consequences of a constitutional amendment enshrining a fundamental right to reproductive freedom. Report.

Patron—Zehr

Committee Referral Pending

WHEREAS, House Joint Resolution 1, first approved at the 2025 Session of the General Assembly and subsequently referred to the 2026 Session of the General Assembly as required by the Constitution of Virginia, would amend the Constitution of Virginia to provide that every individual has the fundamental right to reproductive freedom, including the ability to make and carry out decisions relating to such individual's own prenatal care, childbirth, postpartum care, contraception, abortion care, miscarriage management, and fertility care; now, therefore, be it

RESOLVED by the House of Delegates, That the Speaker of the House of Delegates be directed to order a study of the legal effects and consequences of a constitutional amendment enshrining a right to reproductive freedom. Such study shall consider whether the phrase "An individual's right to reproductive freedom shall not be, directly or indirectly, denied, burdened, or infringed upon unless justified by a compelling state interest achieved by the least restrictive means" would apply to the umbilical cord and placenta, and if so, whether this language would (i) constitutionally protect abortion throughout all of pregnancy; (ii) legally permit partial birth infanticide or any other crime, including born-alive murder, child pornography, sexual assault, and injury, after complete extraction or expulsion from the mother so long as the umbilical cord is attached; and (iii) create a constitutional right for the parents of any born-alive or unborn child who is killed to subsequently sell the dead child's body parts.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested for this study may be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance for this study, upon request.

INTRODUCED

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