

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to provide for the submission to the voters of a proposed amendment to the Constitution of Virginia by*
 3 *adding in Article I a section numbered 11-A, relating to fundamental right to reproductive freedom.*

4 [S 449]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1.** § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday
 8 after the first Monday in November 2026, at the places appointed for holding the same, to open a poll and
 9 take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the
 10 Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

11 Amend the Constitution of Virginia by adding in Article I a section numbered 11-A as follows:

12 ARTICLE I
 13 BILL OF RIGHTS

14 *Section 11-A. Fundamental right to reproductive freedom.*

15 *That every individual has the fundamental right to reproductive freedom, including the ability to make*
 16 *and carry out decisions relating to one's own prenatal care, childbirth, postpartum care, contraception,*
 17 *abortion care, miscarriage management, and fertility care.*

18 *An individual's right to reproductive freedom shall not be, directly or indirectly, denied, burdened, or*
 19 *infringed upon unless justified by a compelling state interest achieved by the least restrictive means.*

20 *Notwithstanding the above, the Commonwealth may regulate the provision of abortion care in the third*
 21 *trimester, provided that in no circumstance shall the Commonwealth prohibit an abortion (i) that in the*
 22 *professional judgment of a physician is medically indicated to protect the life or physical or mental health of*
 23 *the pregnant individual or (ii) when in the professional judgment of a physician the fetus is not viable.*

24 *The Commonwealth shall not discriminate in the protection or enforcement of this fundamental right.*

25 *The Commonwealth shall not penalize, prosecute, or otherwise take adverse action against an individual*
 26 *based on such individual's own exercise of this fundamental right or such individual's own actual, potential,*
 27 *perceived, or alleged pregnancy outcomes, including miscarriage, stillbirth, or abortion. The Commonwealth*
 28 *shall not penalize, prosecute, or otherwise take adverse action against any individual for aiding or assisting*
 29 *another individual in exercising such other individual's right to reproductive freedom with such other*
 30 *individual's voluntary consent.*

31 *For the purposes of this section, a state interest is compelling only if it is for the limited purpose of*
 32 *maintaining or improving the health of an individual seeking care, consistent with accepted clinical*
 33 *standards of care and evidence-based medicine, and does not infringe on that individual's autonomous*
 34 *decision making.*

35 *This section shall be self-executing. Any provision of this section held invalid shall be severable from the*
 36 *remaining portions of the section.*

37 § 2. The ballot shall contain the following question:

38 "Question: Should the Constitution of Virginia be amended to (i) protect the freedom to make personal
 39 decisions about prenatal care, childbirth, postpartum care, birth control, abortion, miscarriage management,
 40 and fertility care; (ii) protect doctors, nurses, and patients from being punished for these decisions; and (iii)
 41 allow for restrictions on access to abortion during the third trimester of pregnancy except when the patient's
 42 health is at risk or the pregnancy cannot survive?"

43 The ballots shall be prepared, distributed, and voted, and the results of the election shall be ascertained
 44 and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections
 45 shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and
 46 city sufficient copies of the full text of the amendment and question contained herein for the officers of
 47 election to post in each polling place on election day.

48 The electoral board of each county and city shall make out, certify, and forward an abstract of the votes
 49 cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast
 50 in general elections.

51 The State Board of Elections shall open and canvass such abstracts and examine and report the whole
 52 number of votes cast at the election for and against such amendment in the manner now prescribed by law in
 53 relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such
 54 report in its office and without delay make out and transmit to the Governor an official copy of such report,
 55 certified by it. The Governor shall without delay make proclamation of the result, stating therein the
 56 aggregate vote for and against the amendment.

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57 If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2027.
58 The expenses incurred in conducting this election shall be defrayed as in the case of election of members
59 of the General Assembly.