

EXTREME ABORTION

DOESN'T BELONG IN OUR CONSTITUTION

BALLOT LANGUAGE

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

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

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

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

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

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.

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.

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.

OHIO LAW

- Current Ohio law generally prohibits abortion after viability. A law that ends most abortions after a heartbeat is being litigated and is not currently in effect.
- Induced abortion is different than treating or managing a miscarriage (see O.R.C. 2919.11).
- Ohio differentiates between inducing abortions and treating ectopic pregnancies (see ORC 2919.191).
- Ohio law gives doctors wide discretion to take action to protect the life and health of a pregnant woman, even when doing so means that her baby may not survive (see O.R.C. 2919.12, 2919.15, 2919.17, etc.)

PRAY

God our loving Father, grant wisdom to those who govern us, compassion and courage to those who work to defend human life, and safety and care to every human being. For you alone who formed us in our mothers' wombs, and who call us home to heaven, are God, for ever and ever.
Amen.



Visit our website for upcoming events, additional resources and more ways to get involved

HELP US STOP IT: [GCRTL.ORG/STOP](https://gcrtl.org/stop)

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BREAKDOWN

ARTICLE I, SECTION 22

Article I of Ohio's Constitution the equivalent of the U.S. Bill of Rights. This will not only declare "reproductive freedoms" to be fundamental rights, it will set them on par with or above other fundamental rights like religious freedom, self-defense, property ownership, due process, and more.

"EVERY INDIVIDUAL"

Proponents have denied that this amendment will negate parental rights and consent laws. However, the language makes no distinctions between adults and minors, only that the provisions apply to "every individual." But in media reports, lawyers from the Ohio ACLU, a sponsoring entity, acknowledged that this will eliminate restrictions on minors seeking services - this means things like parental consent.

"REPRODUCTIVE DECISIONS" AND "INCLUDING, BUT NOT LIMITED TO"

"Including but not limited to," is intentionally confusing legalese. It was written this way to include concepts people are broadly familiar with, while also leaving it completely open for future interpretation and concepts that voters would reject. If expansion were not their intent, they would not have included this specific phrase.

"THE STATE"

This amendment defines "the State" as every level of government, which would include local governments, agencies, public schools and universities, public hospitals, and more (see (C)(2)).

"DIRECTLY OR INDIRECTLY"

This is a much higher standard than many people realize. Almost every government action can be understood as having a direct or indirect impact on an individual, business, or organization, especially when the phrase modifies the equally broad terms: "burden, penalize, prohibit, interfere with, or discriminate against." Ask yourself what real health and safety regulations might look like when no level of government can enact a law or regulation that is determined to "indirectly interfere" with the decision.

"AN INDIVIDUAL'S VOLUNTARY EXERCISE OF THIS RIGHT"

There are two applications of the prohibition of the state "directly or indirectly" acting. The first is toward an individual in his or her voluntary exercise of the (reproductive) right. There is no additional modification or limitation to this phrase. The state prohibition against burdening, penalizing, prohibiting, interfering with, or discriminating against is absolute. This means any laws determined to have any of those effects are invalid. This, notably, would include anything determined to be a burden on a child who wishes to access abortion or any other so-called "reproductive decision."

"A PERSON OR ENTITY THAT ASSISTS AN INDIVIDUAL EXERCISING THIS RIGHT"

This is the second application of what any level of government is prohibited from doing. It protects any person or entity who claims to be assisting someone seeking to make a so-called "reproductive decision." While the "direct or indirect" standard and the prohibition against burdening, penalizing, prohibiting, etc., are still in place, there is an extremely narrow window of regulation permitted. Regulation being limited to the "least restrictive means possible to achieve a health outcome that is commonly accepted" means that only the most basic regulations intended to help someone seek the desired service can be legal. Language like this has been used in other states to attempt to force physicians, hospitals, and even pregnancy centers to provide or to refer for abortions, and given the vague definitions used throughout it could be expanded in ways that are almost unthinkable. While it could be used to protect basic health protections - like a requirement to use sterile equipment, it sets a high hurdle and will create litigation on any meaningful regulation. This destroys commonsense health and safety regulations and laws that protect patients.

"ABORTION MAY BE PROHIBITED AFTER FETAL VIABILITY"

This is the last and biggest loophole of the amendment. At first glance, it may seem like there can be limitations on abortion after the point of fetal viability. But it is rendered utterly meaningless when read in totality and context, which places all standards into the hands of the abortionist. In (C)(1) the amendment declares the abortionist determines viability of a baby on a "case by case basis." This means no viability standard can be set in law. The last line of Section B also declares that "health of the mother" is solely determined by the judgment of the abortionist. This provides a limitless loophole. All an abortionist needs to do is determine that it is better for the patient's mental or physical health if she were not pregnant. This amendment puts far too much power into the hands of abortion profiteers.

"THIS SECTION IS SELF-EXECUTING"

Self-executing means the legislature doesn't need to repeal or amend existing Ohio Law, the amendment as interpreted will make any law determined to be in conflict unenforceable unless the state proves otherwise. It's no wonder Ohio's Attorney General has said that this amendment will result in significant litigation.