

NO in NOvember

LEGAL ANALYSIS of Issue 1 (Abortion & Sex-Change Amendment)

Official Ballot Language
What you'll see on your Ohio Ballot
 (with underlining & boldface added)

**TITLE: A Self-Executing Amendment
 Relating to Abortion
 and Other Reproductive Decisions**

The proposed amendment would:

- Establish in the Constitution of the State of Ohio an **individual right to one's own** reproductive medical treatment, **including but not limited to** abortion;
- Create legal protections for any **person or entity that assists** a person with receiving reproductive medical treatment, including but not limited to abortion;
- **Prohibit the State from directly or indirectly burdening, penalizing, or prohibiting abortion** before an unborn child is determined to be viable, unless the State demonstrates that it is using the least restrictive means;
- Grant a **pregnant woman's treating physician** the authority to determine, on a case-by-case basis, whether an unborn child is viable;
- Only allow the State to prohibit an abortion after an unborn child is determined **by a pregnant woman's treating physician** to be viable and only if the physician does not consider the abortion necessary to protect the pregnant woman's life or **health**; and
- **Always allow an unborn child to be aborted at any stage of pregnancy**, regardless of viability if, in the treating physician's determination, the abortion is necessary to protect the pregnant woman's life or **health**.

LEGAL CONSEQUENCES if this amendment were to pass.

Includes minors & endangers them by removing parental consent.

No limits! Could include sex-change procedures and more, even on children.

Removes parental consent regulations; protects sex traffickers & other miscreants.

Abortionists, with their own commercial interests, and no outside medical consultation, would determine whether the baby lives or is aborted.

No limits! By precedent, "health" isn't just physical, but also emotional, financial, & more, thus, making **even gruesome 3rd trimester abortions legal for arbitrary reasons, on demand.**

Text Of Proposed Amendment to Constitution (Underlining & boldface emphasis added)

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; and
- 5. 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.