

# SENATE BILL 798

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CONSTITUTIONAL AMENDMENT

3lr2986

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By: Senators Ferguson, Hettleman, Lam, Hester, Waldstreicher, Carter, James,  
M. Washington, Gile, Kagan, King, Kramer, Feldman, Lewis Young, Watson,  
Beidle, Guzzone, Elfreth, Smith, and Zucker

Introduced and read first time: February 6, 2023

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Declaration of Rights – Right to Reproductive Freedom**

3 FOR the purpose of establishing that every person, as a central component of an  
4 individual's rights to liberty and equality, has the fundamental right to reproductive  
5 freedom; and prohibiting the State from, directly or indirectly, denying, burdening,  
6 or abridging the right unless justified by a compelling State interest achieved by the  
7 least restrictive means.

8 BY proposing an addition to the Maryland Constitution  
9 Declaration of Rights  
10 Article 48

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
12 (Three-fifths of all the members elected to each of the two Houses concurring), That it be  
13 proposed that the Maryland Constitution read as follows:

14 **Declaration of Rights**

15 **ARTICLE 48.**

16 **THAT EVERY PERSON, AS A CENTRAL COMPONENT OF AN INDIVIDUAL'S**  
17 **RIGHTS TO LIBERTY AND EQUALITY, HAS THE FUNDAMENTAL RIGHT TO**  
18 **REPRODUCTIVE FREEDOM, INCLUDING BUT NOT LIMITED TO THE ABILITY TO MAKE**  
19 **AND EFFECTUATE DECISIONS TO PREVENT, CONTINUE, OR END ONE'S OWN**  
20 **PREGNANCY. THE STATE MAY NOT, DIRECTLY OR INDIRECTLY, DENY, BURDEN, OR**  
21 **ABRIDGE THE RIGHT UNLESS JUSTIFIED BY A COMPELLING STATE INTEREST**  
22 **ACHIEVED BY THE LEAST RESTRICTIVE MEANS.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 1 of this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The amendment to the Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2024 for adoption or rejection pursuant to Article XIV of the Maryland Constitution.

(b) (1) At that general election, the vote on the proposed amendment to the Constitution shall be by ballot, and on each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment", as now provided by law.

(2) At that general election, a question substantially similar to the following shall be submitted to the qualified voters of the State:

"Question \_\_\_\_ Constitutional Amendment

The proposed amendment confirms an individual's fundamental right to an individual's own reproductive liberty and provides the State may not, directly or indirectly, deny, burden, or abridge the right unless justified by a compelling State interest achieved by the least restrictive means."

(c) Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.