

BALLOT LANGUAGE FOR CONSTITUTIONAL INITIATIVE NO. ___ (CI-___)

CONSTITUTIONAL INITIATIVE NO. ___

A CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION

Statement of Purpose and Implication

CI-___ affirms the right to make and carry out decisions about one's own pregnancy, including the right to abortion, in the Montana Constitution. This constitutional amendment prohibits the government from denying or burdening the right to abortion before fetal viability. Additionally, the amendment ensures that the government cannot deny or burden access to an abortion when it is necessary to protect the pregnant patient's life or health. CI-___ prevents the government from punishing patients, healthcare providers, or anyone who assists someone in seeking reproductive care, including abortion care.

YES on Constitutional Initiative CI-___

NO on Constitutional Initiative CI-___

THE COMPLETE TEXT OF CONSTITUTIONAL INITIATIVE NO. ___ (CI-___)

Article II of the Montana Constitution is amended to read:

Section 36. Right to make decisions about pregnancy.

- (1) There is a right to make and carry out decisions about one's own pregnancy, including the right to abortion. This right shall not be denied or burdened unless justified by a compelling government interest achieved by the least restrictive means.

Notwithstanding the above, the government may regulate the provision of abortion care after fetal viability, provided that in no circumstance shall the government deny or burden access to an abortion that, in the good faith judgment of a treating health care professional, is medically indicated to protect the life or health of the pregnant patient.

- (2) The government shall not penalize, prosecute, or otherwise take adverse action against someone based on their actual, potential, perceived, or alleged pregnancy outcomes. Nor shall the government penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting another in exercising their right to make and carry out decisions about their pregnancy with their voluntary consent.

(3) For the purposes of this section:

A government interest is “compelling” only if it clearly and convincingly addresses a medically acknowledged, bona fide health risk to the pregnant patient and does not infringe on that patient’s autonomous decision making. “Fetal viability” means the point in pregnancy when, in the good faith judgment of a treating health care professional and based on the particular facts of the case, there is a significant likelihood of the fetus’s sustained survival outside the uterus without the application of extraordinary medical measures.